

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 22 SEPTEMBER 1922

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FRIDAY, 22 SEPTEMBER, 1923.

The SPEAKER (Hon. W. Bertram, *Mace*) took the chair at 11 a.m.

BRISBANE TRAMWAY TRUST BILL.
COMMITTEE.

(*Mr. Kirwan, Brisbane, in the chair.*)

Clause 1—"Short title"—put and passed.

Clause 2—"Division of Act"—put and passed.

HON. W. H. BARNES (*Bulimba*): I move the insertion of the following new clause to follow clause 2:—

"This Act shall not come into force unless or until a poll of the electors of every area within any part of which any tramlines of the company are constructed has been taken upon the question whether or not this Act shall come into force, nor unless a majority of the electors who vote at such poll vote in favour of bringing this Act into force.

"Such poll shall be taken in the manner provided by the Local Authorities Acts for the ascertainment of the wishes of electors by taking a poll."

Mr. HARTLEY: You are still standing up for Badger.

HON. W. H. BARNES: The new clause explains itself. In connection with every matter with which local authorities have to deal a poll is demanded. If, for instance, any local authority wishes to approach the Treasurer in regard to the carrying out of any work, before a loan can be granted the opportunity has to be given to the ratepayers of voting on the proposal. Much more, then, when an expenditure of, approximately, £2,000,000 to £3,000,000 is involved, the democratic rule of appealing to the people should be followed. I cannot understand how any hon. member opposite can bring himself to vote against this new clause.

Mr. HARTLEY: I cannot understand how you can advocate the initiative and referendum in view of your past actions.

HON. W. H. BARNES: The hon. member for Fitzroy will have an opportunity of explaining himself when he rises to speak. I am responsible for my own actions. If this was merely a question of a few pounds, it would not matter at all. The hon. member for Oxley quite recently pointed out that the Government in another direction had refused a city authority power to take certain action unless they appealed to the

people. I am asking the Government to be consistent. I have no doubt that the Premier will accept this amendment, because it is along democratic lines. The value of the undertaking has been variously estimated. The Premier stated that the value submitted to him by his Commission was £1,200,000. I do not know what the company's idea is, but I think I am safe in saying that the company will want £2,000,000. We know that there are certain legal matters that will have to be dealt with before the business can be adjusted. I believe the people are entitled to have this matter placed before them so that they can express an opinion with regard to it. If we do not do that, we are not trusting the people at all. The amendment is a sane and sensible one, and should appeal to all hon. members.

The PREMIER (Hon. E. G. Theodore, *Chillogool*): I think I sufficiently indicated during the second reading debate that I could not accept a proposal such as is now moved by the hon. member to delay the operations of the Bill until a poll is taken. I have no objection to this proposal or other like proposals being submitted to the electors if there is a definite reason for it and some good can be accomplished by taking that course of action. In this case the hon. member has moved the amendment principally on the ground that the details of the proposal should be submitted to the electors.

Hon. W. H. BARNES: I did not say that. The people should have an opportunity of expressing their opinion.

The PREMIER: The hon. member suggests that some more concrete proposal than has been placed before them shall now be put forward. He overlooks the fact that the question of the acquisition of the trams has been before the people, and has been endorsed by the people. It was the policy of both the Labour party and the Nationalist party at the last municipal elections. The general question of the municipalisation of the trams was then endorsed by the people. The hon. member says that something more specific now should be put before them. We cannot put anything before the electors that would give them any definite information as to what their obligations will be.

Hon. W. H. BARNES: Surely, when the matter is so indefinite, the people have a right to express their opinion as to what they desire! This matter has never been before them.

The PREMIER: The matter has been before them. It was before them at the last municipal elections.

Hon. W. H. BARNES: That is stretching the point.

The PREMIER: No. The question loomed very largely at the last municipal elections. Mr. Diddams, who stood as mayor of the city of Brisbane in the interests of the Nationalist party in the municipal elections, subscribed his name to a platform which contained a specific reference to this question.

Hon. W. H. BARNES: Do you say this party issued a platform?

The PREMIER: Not the party over there—I said the municipal Nationalist party in the municipal elections. Mr. Diddams signed his name to that programme, which was circulated, and it was not questioned by anyone that I know of. He received a very large majority too. The Labour candidate also

signed his name to a somewhat similar proposition, and there was no opposition on the part of the electors. We cannot now submit any more definite proposition to the electors in regard to the obligation this Bill will impose upon the people of Brisbane, for we cannot let the people know how much compensation they will have to pay for the trams. A poll will only delay the acquisition of the trams, and even then the people will not know how much they will have to pay, as the amount of compensation can only be determined after the trams have been acquired and the sum arrived at by the tribunal, which may take a very long time. It is known that the Tramways Company, unless it gets the whole of its claim, is going to carry the claim, so far as the legal points are involved, to the Privy Council, which may delay the matter for more than twelve months. But, no matter how long the taking over of the trams is delayed, these questions will have to be decided, and the longer the delay the greater will be the expense. If the hon. gentleman can suggest to me some way by which, by failing to take the action which is provided in this Bill, that expense, that delay, and that trouble can be avoided, I should like to hear it. I know of no way except by coming to a voluntary agreement with Mr. Badger, and that has been admitted to be impossible.

Mr. VOWLES: Let the local authorities attempt to make an agreement.

The PREMIER: The local authorities have already communicated with Mr. Badger through Mr. Denham, and subsequently through other Government channels, and the gentlemen in those days who spoke on behalf of the local authorities admitted candidly that there was no chance of coming to a proper arrangement with the company; and it ought to be clear to hon. members on the other side that there is no possibility of coming to an equitable arrangement. We would be recreant to our trust to the people if we gave to the Tramways Company what it is asking, because the people will have to carry the obligation.

Hon. W. H. BARNES: You are afraid of the people.

The PREMIER: I am not afraid of the people. The hon. member sets himself up as a democrat, and what does he want to do? Give Mr. Badger what he is asking. (Interruption.) What the hon. member wants is to bring about delay by any means he can in the hope that the company will get an extended franchise, the consequence of that being that the people will eventually have to pay hundreds of thousands of pounds more than they will have to pay if this Bill goes through.

Mr. MAXWELL (*Tonwoong*): I support the amendment, and I do so because I believe in trusting the people. (Government laughter.) The Premier does not believe in trusting the people. The excuse the hon. gentleman has given in this House is somewhat pitiful. I would not vote for the amendment if I thought for one moment it meant giving the Tramways Company the amount of money it is asking. I am voting for the amendment purely on democratic lines, because I believe the people are the proper parties to say whether the tramways shall be taken over or not, and because the whole of the local authorities have asked for this.

The PREMIER: Do you say that the whole of the local authorities have asked for a poll?

Mr. Maxwell.]

Mr. MAXWELL: I do say so.

The PREMIER: I deny that.

Mr. MAXWELL: The hon. gentleman may deny what he likes, but I read in this House a resolution that was passed at a conference of the whole of the local authorities asking that before this matter is finalised it shall be referred to the people, and, failing this approval of the taking over of the trams, that arrangements be made with Mr. Badger to run the trams on a profit-sharing system. That resolution is in "Hansard" irrespective of what the Premier may say, and I had an assurance from the local authorities' representatives only a few weeks ago in that connection. What is the good of the Government being so despotic? They called the local authorities' representatives together and conferred with them for the purpose of considering the desirability of taking over the trams, and, when suggestions were made to the Government in connection with the matter they turned them down. They said, "We are not going to have this amendment inserted in the Bill; we have made up our minds that the tramways are going to be taken over." There is no necessity for me to emphasise my views so far as tramways are concerned. There are certain public utilities that should be municipalised. I believe in the municipalisation of the tramways, but I believe in the people having a voice in the matter. The Government are assuming an autocratic position in saying, "Here are the trams; you have to take them over." Under the Local Authorities Act, when a loan is to be raised, plans have to be prepared and laid upon the table for a certain period, and the people in the area have a right to say whether they will agree to the loan or not. The amendment is a reasonable proposition; more particularly as the Government pose as a Government who believe in trusting the people. The Government themselves do not know what this liability is going to mean to the people in the metropolitan area. Judging by the tone of the debate on the second reading, this Bill is brought in simply because a section of the Government supporters desire to bludgeon Mr. Badger. I am not holding a brief for Mr. Badger; I am holding a brief for the people. Irrespective of any "down" or enmity which hon. members opposite may have against the late General Manager of the Brisbane Tramways Company, they have no right to commit the people to this expenditure without giving them a voice in the matter. I do not feel disposed to allow the people of the community to be taxed to the extent which hon. members opposite want to do. They said they would make the pastoralists squeal, and they are determined to make the business community squeal too. I do not understand any body of men with ordinary intelligence attempting to do what hon. members opposite are doing. They are bringing about a ruinous condition of affairs in this community by their legislation. They are carrying out their instructions.

Mr. PEASE: So are you.

Mr. MAXWELL: There is no man in this House who can say that I am a dirty tool for any section of the community. I represent the people.

Mr. PEASE: What sort of people?

Mr. MAXWELL: If the people are not satisfied with me, they can have my resignation at any moment. (Government laughter.) The people will show at the next election

[*Mr. Maxwell.*]

what they think of hon. members opposite. Hon. members opposite admit that they are not game to go to the people on this question. It is only with regard to some few things that they say, "Trust the people." When the Premier was speaking on the second reading I stated, by interjection, that local authorities must refer all loan proposals to the rate-payers, and the Premier said, "Do you know that the Brisbane City Council approached me with a view to getting certain money and avoiding an appeal to the people."

The PREMIER: I do not think the Brisbane City Council ever approached me on any question. It was the Home Secretary they approached.

Mr. MAXWELL: It was a Cabinet matter, at any rate. The people were not considered in connection with that matter, and rightly so, because there is no provision in the Local Authorities Act requiring that they should be consulted. The Government turn the people down now in connection with a probable expenditure of £3,000,000 or £4,000,000.

The PREMIER: You want to get as much as you can for the Tramways Company.

Mr. MAXWELL: I think the hon. gentleman is more interested in that than I am.

The PREMIER: When you talk about the company getting £3,000,000 or £4,000,000 you are prejudicing the case in favour of the company.

Mr. MAXWELL: When I was a member of the Brisbane City Council we had opinions from leading counsel with regard to the question of goodwill.

Mr. BRENNAN: Who should get the benefit?

Mr. MAXWELL: The people. I am asking that an opportunity be given to the people to say whether they are prepared to take the tramways over. In the meantime, if the Government are desirous of handing the tramways over to the people, let them take them over and hold them in trust until the people have had an opportunity of deciding the question. No; they do not want to do it. They know what is behind it. They know that, if they take over the tramways themselves, they are up against the toughest proposition that it is possible for them to be up against. They know that they will have a number of their supporters after them for extensions, and they will have to give the extensions that are asked for.

Mr. WILSON: You know that it was the company's refusal to make extensions that caused the local authorities to move in the matter.

Mr. MAXWELL: I know that the local authorities wanted to take over the trams under a different Act to that which the Government are now trying to foist on them. Is it any wonder that the local authorities ask for the right—not as a compliment but as a right—to say whether the people they represent shall foot this Bill or not.

Mr. WILSON: How long is it since they arrived at that conclusion? About three weeks ago.

Mr. MAXWELL: No, more than three weeks ago. Ex-alderman Wilson knows the attitude taken up by the Brisbane City Council in connection with the appointment of a Commission. The hon. member knows the opinions that were expressed at the various conferences that were held by the

local authorities, but all those opinions are now put on one side. The man with property and the people who represent the man with property have a right to say whether they are going to commit themselves to this or not.

The position to-day in Queensland is deplorable. Hon. members opposite do not understand what this means. They do not know what business men are suffering to-day. The Government have sown the wind and they will reap the whirlwind. They will have to do what I have to do, and that is go to their masters; when they go to their masters they will have to answer for these things.

Mr. GLEDSON (*Ipswich*): I listened this morning with surprise to the amendment moved by the hon. member for Bulimba. It is wonderful what sort of members we have on the Opposition side of the House. After listening to their speeches on the second reading of the Bill we found that there were two divisions in the Opposition. The Country party took up the attitude that the people ought to be consulted by referendum. But what was said by the Nationalist party? On taking up the "Daily Mail" of Saturday, 16th September, I find the following headings:—

"A HOLY MUDDLE.

"THE TRAMWAYS BILL.

"Demand for a Poll."

Then it goes on—

"The leader of the Opposition, Mr. Vowles, and other members of the Country party impressed the desirableness of conducting a referendum of city people to determine whether the local authorities should take over the trams."

Mr. VOWLES: The "holy muddle" referred to a remark made by the leader of the Nationalist party.

Mr. GLEDSON: I am coming to that.

Mr. KERR: You are misconstruing things. That is a habit of yours.

Mr. GLEDSON: I do not know what the hon. member for Enoggera is talking about.

Mr. KERR: Exactly what I said. You know you are misconstruing it altogether.

Mr. GLEDSON: The hon. member does not know what he is talking about. He is too simple-minded. The "Daily Mail" goes on—

"However, the leader of the Nationalists, Mr. Taylor, and other members of his party could see no use in a poll of the people. Mr. Taylor suggesting that they would be in the same 'holy muddle' as before if an adverse vote was recorded. Both Opposition parties indicated various amendments which they proposed to move in Committee."

Members of this House come here for the purpose of doing business and we can only do business according to the information we get from members on the Government side and members on the Opposition side. After listening to the speeches on Friday last we were fully satisfied that the members of the Country party were whole-heartedly in favour of a referendum, but the leader of the Nationalist party and other members of the party who spoke thought there was no reason to take a poll and that it would only get the whole thing into "a holy muddle."

This morning we find that they are endeavouring to bring about "a holy muddle," to use their own terms.

Mr. KERR: Who are?

Mr. GLEDSON: The Nationalist party, by the amendment they have moved.

Mr. SIZER: You let them speak for themselves.

Mr. GLEDSON: I am speaking for myself, but I am going to let the Committee and the people of Queensland know just what sort of members we have on the Opposition side, and what they say on Friday in one week and what they say on Friday in the following week. What is the amendment moved for, if not for the purpose that the Premier told the Committee—that is, to delay the taking over the trams by the people who should rightly control them? If that is not the purpose, it must be for the purpose of extending the franchise of the company.

Now let us take what other hon. members of the Opposition said on the second reading. The hon. member for Port Curtis told us that he favoured a referendum, but he said that there were only two alternatives to the proposal in the Bill, one being an extension of the franchise of the present company and the second the taking over of the trams by the Government. He said it was impossible to consider the latter alternative, and that an extension of the franchise under the present conditions was unthinkable. Then this amendment is moved. What for? Not for the purpose of assisting the passage of this Bill, or to help the people of Brisbane and suburbs to get the control of their trams into their own hands on favourable terms, not to assist them to get the extensions they want, but for the purpose of taking a poll of those people to decide whether they shall take over something they know nothing about. We do not know what liabilities we shall have to take over. It has been stated that there will be a liability of £1,200,000, and that figure has been stretched to £3,000,000 by another hon. member. How could a poll be taken intelligently on a question such as that? I say that no poll can be taken unless we are able to put the facts clearly before the people. I hope the hon. member for Bulimba will reconsider this matter before he presses the amendment—not, I suppose, with any hope of carrying it.

Hon. W. H. BARNES: You can depend upon it that he will put it to a division.

Mr. GLEDSON: I know, as a member of a local authority, what work we have to do, and I know it would not be fair to take a poll of the people when we cannot put the question fairly and squarely before them.

The hon. member for Toowong suggested that, while the poll was being taken, the Government should take the trams over in trust for the people. What would be the use of a poll in that case? If the poll decided that the trams were not to be taken over, we would the next week have to change our minds, as the Nationalist party have done in the course of the past week.

At 11.30 a.m.,

Mr. POLLOCK (*Gregory*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

Mr. GLEDSON: We would have to say, "The poll has gone against us," and we would have to hand the trams back again.

Mr. Gledson.]

I hope that the Nationalist party will induce the hon. member for Bulimba to withdraw such a useless amendment.

Mr. CORSER (*Burnett*): No doubt the hon. member for Bulimba moved the amendment in an endeavour to do justice, though I do not know that it will accomplish the justice that he is out to accomplish. If the Bill were a fair Bill it would be all right to call for a poll of the people in every area in which a tramway has been constructed to say whether or not the tramways should be taken over by the local authorities. The amendment is not as democratic under this Bill as it would be under a fair Bill.

Mr. COLLINS: I like to hear that word "democratic" coming from you.

Mr. CORSER: It is far better than "socialistic." If hon. members look at sub-clause (2) of clause 26, they will find that the people for whom the purchase is to be made, and who will be responsible for any loss, are the ratepayers; yet they are denied the right of having a poll to say whether or not they are prepared to accept those responsibilities. We shall be buying "a pig in a poke." To be truly democratic and to do the fair thing under the Bill as we find it, the ratepayers should be given the opportunity of saying whether the trams should be taken over. They only will have to foot the bill if there is any loss, and they only should be consulted. It does not matter to the Tramways Company who takes over the trams or who pays for them. At the present time the company is well satisfied with the Bill; it is practically its Bill. I know that practically all the suggestions of the Tramways Company which are of any value are to be accepted, so there is no necessity to consider the company in this matter.

Mr. HARTLEY: How do you know that? You must have inside information.

Mr. CORSER: Never mind where I got my information from. We have to satisfy the ratepayers, who will have to pay. I would like to see the hon. member for Bulimba alter his amendment to give the ratepayers the opportunity of voting. The man who advocates low fares at local authority elections will get the votes. It will be possible for us to have low fares, but the ratepayers all the time will have to make good the loss.

Mr. SIZER (*Nundah*): I very much regret the smallness of mind of the hon. member for Ipswich; he is developing into one of the most arrogant misrepresentationists that I know in this House. He attempts to deny to hon. members on this side the right to deal honestly with any subject—that right which is denied to him, because if he thinks in one direction and his party instruct in another he has to vote with the machine.

The TEMPORARY CHAIRMAN: Order!

Mr. SIZER: I resent very much the attitude which the hon. member has taken up.

The TEMPORARY CHAIRMAN: Order! I hope that the hon. member will deal with the amendment.

Mr. SIZER: I intend to deal with the amendment, and also with the misrepresentation of the hon. member for Ipswich. Surely I am entitled to do that! He has spoken in an unfair manner. Only this session the hon. member for Fitzroy spoke against an amendment and then voted for it. On the

second reading of this Bill I spoke against such an amendment as this, and I intend to vote against it. We are free to speak and vote as we like. In that direction lies the strength of the anti-Labour party. In that respect we are situated differently to hon. members opposite.

Mr. GLEDSON: Go on now and deal with the Bill.

Mr. SIZER: We have to recognise that this is a non-party measure; it is not a vital principle of party politics.

The TEMPORARY CHAIRMAN: Order! If the hon. member does not deal with the amendment, I shall ask him to resume his seat.

Mr. SIZER: Surely I can make my speech in my own way!

The TEMPORARY CHAIRMAN: The hon. member will make his speech in accordance with the amendment.

Mr. SIZER: I am speaking to the amendment. Surely I can give arguments why I intend to oppose the amendment! You have no right. Mr. Pollock—

The TEMPORARY CHAIRMAN: Order!

Mr. SIZER: You have no right to direct me in the manner in which I have to deliver a speech.

The TEMPORARY CHAIRMAN: Order! The hon. member must know that the Chairman has the right to keep speakers to an amendment. I intend to do that.

Mr. SIZER: I am speaking to the amendment; I am coming to the argument why I oppose the amendment.

The TEMPORARY CHAIRMAN: I advise the hon. member to get to that argument.

Mr. SIZER: I cannot see why any poll should be taken in this matter. Probably now I shall be in order in giving my reasons. I said on the second reading that the alternative to giving an extension to the Tramways Company on the terms laid down by the company was Government or municipal control. As I am opposed to Government control entirely and I cannot stand up for the proposals submitted by the Tramways Company, there is no other course than to agree to a system of municipalisation. Seeing that this matter has been hanging fire for two years, we should come to some decision. I do not think that anything is to be gained by taking a poll on this question. The argument that, because the ratepayers will be called upon to carry more responsibilities, they should be given the right to vote cannot hold, because the Government have altered the franchise of local government, and have placed non-ratepayers on the same footing as ratepayers with regard to the right to vote. No poll would be effective so far as getting a direct voice from those who have to shoulder the responsibilities is concerned. I cannot see any reason for a poll. If a poll resulted in the negative, the result would strengthen the hands of the company and place it in the position to act towards the people of Brisbane as it thinks fit. The terms proposed by the company are not in any way reasonable. I am satisfied that if a poll resulted in the negative the meagre concessions which the company now offers would be withdrawn, and we would be in a worse position by being forced to grant

[*Mr. Gledson.*

the company a franchise on its own terms or be in the haphazard position that we are in to-day. The Tramways Company has the right to carry out extensions when it thinks fit. The people of Brisbane and the outlying suburbs are entitled to tramway extensions, and they are waiting for them. If a poll would have the effect of causing them to wait for any length of time, then I am not in favour of a poll. I do not think that any responsible body of men can agree that the company should have a further extension of the franchise on the terms that the company suggest. It has been suggested that a poll should be taken on the question of valuation, but I cannot see how a valuation can be arrived at before the trams are taken over and the matter is settled by the court. No more definite information on that point could be submitted to the people, and they would still be voting in the dark on the question of cost, and they would not be able to give an opinion in an effective way on the financial side of the project. It is rather a pity that hon. members opposite should suggest that hon. members on this side represent the company. I regret that there is no one here to advocate the case for the company, so that we would be able to know exactly what the company is prepared to do. I am basing my arguments on the statement by the Premier as to the last word by the Tramways Company. If the company was to be more reasonable, it might induce one to change one's mind. I regret that there is no one in this Chamber who can speak as the mouthpiece of the company, and let us know definitely what the company is prepared to do if it gets an extension of the franchise. That would help very materially. In the absence of that information, and taking the Premier's statement as to the company's terms, there is no reason why we should have a poll. Under the Local Authorities Act it is provided that a poll shall be taken on the question of a loan. There is a distinct difference in this matter. Here is an asset that has cost a large sum of money and has either to be carried on in the ordinary manner by the company or it has to be acquired. Ever since the franchise was given it has been understood that, at a given date, the trams would be acquired by the municipal authorities. The people on that occasion gave the company a limited franchise, knowing full well that at the end of the time they would have to meet financial obligations in connection with the taking over of the trams. We have now arrived at that stage when the trams should be acquired. The time is most advantageous. If the matter is left for another ten or twenty years, it will become far more costly than it would be to-day to acquire the concern. It can be acquired to-day at the cheapest possible rate without doing any injustice to the company. The poll is unnecessary also because the company is anxious to discontinue its operations. It has been so harassed by the Government for the last few years that it is heartily sick and tired of the whole business.

Mr. HARTLEY: That is a nice tale. Offer it an extended franchise to-morrow and see what would happen.

Mr. SIZER: I am saying what I know to be correct. The company would carry on on the terms that it suggests, but they are altogether unreasonable. It will not carry on on reasonable terms, because it is sick and

tired of the business and is very anxious to hand the trams over to the local authorities. The only tribunal that can protect the people is an impartial tribunal, and I am sure that the company also will get justice at the hands of that tribunal. Realising that the company is anxious to get rid of the concern, we cannot expect that it will make any reasonable concessions to the people.

The TEMPORARY CHAIRMAN: Order! I ask the hon. member to connect his remarks with the amendment. He is now making a second-reading speech.

Mr. SIZER: Realising that I am going to vote against the amendment, I think I should have a full opportunity for giving my reasons for voting against it.

The TEMPORARY CHAIRMAN: That does not give the hon. member latitude to make a second-reading speech.

Mr. SIZER: I have advanced the major portion of my arguments. I do not see any advantage in taking a poll. We shall have to stand up to our responsibility as public men. I do not agree that the company should have an extension of the franchise on the terms that it lays down. I am opposed to governmental control. I agree with municipal control.

The TEMPORARY CHAIRMAN: Order!

Mr. SIZER: For those reasons I intend to oppose the amendment.

Mr. VOWLES (*Dalby*): I would like to reply to some of the remarks made by the hon. member for Ipswich when he read a quotation from the "Daily Mail" referring to the views of various hon. members on this side, and showing that there is a difference of opinion amongst us. I am very glad that he drew attention to that. He demonstrates that there is liberty of thought and action on this side of the Chamber and that we are not tied down like hon. members opposite. I do not see why there should be any delay in taking a poll. Take the case recently where a poll was taken under the Wheat Pool Act. That Act could not come into operation until after a poll had been taken. The pool was a matter of urgency because the Act had to deal with the coming crop. The poll was taken in a very short space of time.

The PREMIER: It is impossible to tell the electors what financial obligations will be involved.

Mr. VOWLES: The local authorities are being asked to take over the trams. They are not satisfied at present, because everything is indefinite. The Government should obtain a further mandate from the people in connection with the matter. We do not know what the amount is going to be, and the Premier said that, if we could offer a solution for deciding what the amount is going to be, he would agree to it.

The PREMIER: I said a satisfactory solution.

Mr. VOWLES: I would suggest that the hon. gentleman should adopt a spirit of conciliation and allow the local authorities to deal directly with the Tramways Company and see if they can come to terms. If they did that, it would obviate the necessity of a poll. Notwithstanding that both sides at the last municipal election declared in favour of the municipalisation of the tramways, I would not consider that I had a mandate until I knew what the cost was going to be.

Mr. Vowles.]

I would point out that the Government have had the power during the last two years to do what they are now doing, and if the question of urgency is the essence of the contract, they should have dealt with the matter long ago. The underlying principle in the Local Authorities Act in all matters affecting loans is that the ratepayers should be the persons to decide whether a loan shall be obtained or not; and in connection with a gigantic scheme like this—probably the biggest scheme that the local authorities will ever have to deal with—the same principle should apply. In the past, when that principle was applied, only the property-owners had a vote, while now every elector has a vote. There are certain property-owners whose properties may eventually be subject to special taxation as the result of the local authorities taking over the trams, who will not and cannot ever expect to make any use of the trams. They live in remote localities and use the railways, and surely they should have a voice in saying whether their properties shall be taxed in the future to make up any loss. I understand that the representatives of the Tramways Company have been in touch with the Premier and the department. At all events, they have interviewed him, and I understand that he has agreed to make some alterations in the Bill, and I do not think that the hon. gentleman is justified in accusing members on this side of representing the company. I do not even know a shareholder of the company, and have never seen one to my knowledge.

The PREMIER: You must know some shareholders of the company, although you may not know that they are shareholders.

Mr. VOWLES: I certainly have had no consultation with them. I understand representatives of the company have been in consultation with the Premier, and I do not see why he should stand up and say we are working in the interests of the company.

The PREMIER: The hon. member is wrong in accusing me of saying it.

Mr. VOWLES: We have been accused of being here in the interests of the company. We are here to protect the interests of the public.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): The hon. members who have been advocating the amendment—the hon. member for Bulimba and the hon. member for Toowong—are opposing the Bill on the ground that it is a departure from the usual custom in dealing with matters of this kind. Under the Local Authorities Act the electors in a local authority area have the right to say by a poll whether they desire to incur an obligation or not. That is only partly stating the case. Under a previous Administration, when the hon. member for Bulimba was a responsible Minister, an Act was passed constituting the Metropolitan Water Supply and Sewerage Board. That Board is allowed to incur a liability exceeding a couple of million pounds without consulting the ratepayers by way of a referendum.

Mr. J. H. C. ROBERTS: Is that a fair parallel?

The PREMIER: Of course, it is a fair parallel. The same Administration of which the hon. member for Bulimba was a member on more than one occasion created harbour boards in various parts of Queensland, and allowed them to borrow up to the limits prescribed in their Acts without consulting the ratepayers or the electors in their particular

areas. That is another analogous case. Now the hon. member sets himself up as a champion of what he calls democracy, and insists that this Bill is a blow at democracy because it contains no provision for a referendum; yet his own Government passed Acts through this Chamber in which there was no such provision, and which absolutely ignored the rights of individuals in those cases. It seems to me that the amendment is only moved for the purpose of trying to secure a little cheap political notoriety. The hon. member for Toowong tried to create the impression that the whole of the local authorities in the metropolitan area had demanded a referendum. That is a false impression. It is true that there has been a meeting of certain representatives of local authorities—but not all the local authorities were represented—which carried by a majority a resolution in favour of a poll: so that the hon. member was not justified in saying that the whole of the local authorities in the metropolitan area were in favour of a poll. When the local authority representatives met me in connection with this Bill towards the end of last year, and subsequently when they met the Home Secretary in conference, they did not suggest a poll or ask for a poll. Subsequently, when a meeting of the representatives of the local authorities concerned was called by the Home Secretary—the meeting was held in South Brisbane on 10th February last—the whole of the scheme was considered. The details of the scheme were placed before the meeting by the Home Secretary, and there was no suggestion at that meeting that a poll should be taken. It was only after the "Courier" and certain other papers had worked up an opposition to the Bill that the local authorities started to talk about a referendum. I am going to quote from a report of the discussion which followed the Home Secretary's address at the conference of local authority representatives in South Brisbane, and some of the views which were expressed by some of the representatives present at that conference. Alderman Faulkner, Mayor of South Brisbane, said—

"I do not think there is one man in Australia who will object to the financial arrangements. I have never objected to a trust, and I never will object."

He did subsequently object. Alderman Jolly, Mayor of Windsor, said—

"No exception can be taken to the creation of a trust for the purpose of taking over the trams. That is essential. In the Melbourne Act the Commission there was appointed by the Governor in Council, and not by the local authorities concerned. The weakness in that Act is that these people represent the State, and not the city from whence they are extracting their income. I quite agree with the argument that we, as representatives of the people, should be able to elect the six best men to fill the six positions on the trust."

Alderman Gelston, Brisbane City Council, said—

"We are pledged to a policy of municipalisation of the trams. I am pledged to it, I admit, and quite believe in it."

Alderman Burnett, Toowong Town Council, said—

"I think the proposal is fair and reasonable and one that should appeal to us all. I can personally give my hearty support to the proposals."

[*Mr. Vowles.*]

Alderman Rees, Hamilton Town Council, said—

“ I agree with the proposal in the main particulars, and I think aldermen will have sufficient common sense to agree to the Bill.”

Councillor Peterson, Toombul Shire Council and President of the Country Party Organisation, said—

“ Personally I am highly gratified with the proposal.”

Alderman Russell, Hamilton Town Council, said—

“ I do not care what method is adopted. Commission or Trust, as long as we get the tramways.”

Alderman Diddams, Mayor of Brisbane, said—

“ It puts the local authority on a better footing than what it is on to-day.”

Alderman McLachlan, Brisbane City Council, said—

“ Judging by the unanimity displayed by the conference speakers, I do not think there will be much trouble in the passage of the Bill.”

Mr. BRAND: You should not be afraid of taking a referendum.

The PREMIER: Judging by the interjection, it is evident that the hon. member has just blown into the Chamber, and, as he has not heard the debate this morning, he cannot make an intelligent interjection. He disclosed by that a lamentable lack of knowledge of what has been said this morning, so that I will not take any further notice of that interjection. Subsequent to the conference I have been speaking about there was a meeting of local authority representatives, at which a resolution was carried which the hon. member for Toowong takes as the expression of opinion of the whole of the local authorities in the metropolitan area. That is a wrong deduction, and on that account the hon. member is labouring under a wrong impression.

Mr. MAXWELL: It is not a wrong deduction.

The PREMIER: To prove that it is a wrong deduction, I want to point out that a resolution was submitted to the conference. I have not denied that the resolution which the hon. member read was carried at that conference by a majority—but not representing everyone there, because some spoke against it—and after the conference, which was officially called by the Home Secretary, had placed on record the opinions I have read out; but at the meeting which the hon. member mentions a resolution was submitted to that effect. The report I have contains no record of that resolution. It does not contain all the resolutions discussed at the conference. For instance, it does not contain any reference to the resolution that the time was inopportune to take over the trams, which was turned down by a very large majority, and it can be taken that even that meeting endorsed the taking over of the trams under the Bill which is now before the Committee. If there is any suggestion that the Government refuse to face a poll on this question, I want to dissipate that feeling. It does not matter to me personally or to the Government whether such a poll is carried or not. The only thing the Government are concerned about is to assist the public authorities in Brisbane to get what they ought to have—that is, possession of this indispensable public utility. What does it matter to the Government as a party,

or what does it matter to the outlying districts of the State? It only concerns the metropolitan area, and the Government would not suffer if the matter was submitted to a poll and turned down; but the people of the metropolitan area would suffer, and that is what we have to avoid. That is what I stressed on the second reading, and that is the main ground on which I object to the amendment. If a poll were taken and the people were ill-advised enough to turn down the Bill, what is going to follow? Inevitably a more or less indefinite extension of the franchise of the Brisbane Tramways Company, and the certainty of greater difficulties than we are facing to-day when the trams have to be taken over in the future. That is the objection to the poll—not that the people should not be trusted.

But there is another consideration. If a poll is taken, it cannot be expected that the Government will make it a party issue and fight against the carrying of the poll. We are only indirectly concerned as a Government because we are administering the affairs of the State, and for the time being leading affairs in this Chamber. We are called upon to do what we are doing because we are the Government. It would not be our function to fight against the carrying of the poll for the Bill. Whose function would it be? The Tramways Company is the interested party—I am not saying that in a nasty sense—and it is justified in spending in its own interests a lot of money to have the Bill defeated.

Mr. ELPHINSTONE: Why should it? It only wants to get reasonable terms for the acquisition of the trams.

The PREMIER: It is going to get reasonable terms under this Bill: but, if the Bill is turned down on a poll, the people would not get reasonable terms. If the Tramways Company got a further twenty-one years' franchise, the cost of taking the trams over would eventually represent another £1,000,000. Is that not worth fighting for?

Mr. ELPHINSTONE: The Company is quite satisfied with the Bill.

The PREMIER: I am not disputing that. If the Bill was turned down on a poll, must the company not get an extension?

Mr. ELPHINSTONE: The Government will dictate the position.

The PREMIER: If we dictated the position and we said, “ We will give you an extension on certain restricted conditions,” the company would say that it would not accept those conditions.

Mr. ELPHINSTONE: There are other companies which would take them.

The PREMIER: Only by buying out this company and paying compensation.

Mr. ELPHINSTONE: That has to be done in any case.

The PREMIER: Does the hon. member for Oxley suggest that we should take over the trams and then hand them over to some other company?

Mr. ELPHINSTONE: That would be a reasonable proposition.

The PREMIER: I am putting the practical difficulties the Government are faced with in the matter of a poll. If a poll is taken under this Bill and the people turn down the proposition, then there is no alternative. You cannot allow the present condition of drift to go on, when the people

at the same time want improvements and extensions. There is no other alternative than practically to agree to a restricted extension of the franchise of the company. The Government cannot "stand pat" and allow the present condition of things to continue. Therefore there is only one alternative, and that is to agree to an extension of the franchise. If a poll were taken and the people turned down the proposition, there would be a large and influential body of opinion here which would try to force the Government to agree to the company's terms. They would be in favour of the company's proposal—that is, an extension of its franchise for at least twenty-one years.

HON. W. H. BARNES (*Bulimba*): The hon. gentleman who has just resumed his seat has put up some "Aunt Sallies" just to knock them down. I want to remind him that in 1920 an Act was passed which gave the Government power to purchase the trams. Does the hon. gentleman deny that? They had the power to purchase the trams and, at that time, it was part and parcel of their policy. In connection with my amendment, the Premier has tried to make out that hon. members who are supporting it are out to assist the Tramways Company.

The PREMIER: Consciously or unconsciously?

HON. W. H. BARNES: The Government of which I had the honour of being a member refused to extend the franchise of the Tramways Company beyond a certain period.

The PREMIER: Mr. Denham's stand was very sound.

HON. W. H. BARNES: I say we were sensible people. We recognised that it was a question for the people to decide.

The PREMIER: No. The 1913 Act which your Government passed made no provision for reference to the people.

HON. W. H. BARNES: It did something more than that—it brought all the different lines up to a certain period when the franchise expired, and made it possible to deal with them, and the Premier knows that.

The PREMIER: Why did you give a further franchise to the company?

HON. W. H. BARNES: We are not asking that this matter should be put on one side indefinitely. It has already been indicated that there is probably a division of feeling on his side in connection with the amendment; but whatever the views of hon. members on this side may be, there is not a man here who wants to bolster up the Tramways Company in any way.

OPPOSITION MEMBERS: Hear, hear!

HON. W. H. BARNES: We are out to further the interests of the people. If the amendment is carried, how long is it going to take before the matter is put before the people? A month would compass it easily. The Premier and the hon. member for Nundah have stated that the people are clamouring for the trams. I admit that that is a very strong argument, and I want to follow it up and say that, if that is the position, and the people do not care what the cost is going to be, then we are prepared to carry the proposal. This will give to the people what they have a right to receive, and that is the right to express themselves on this

[Hon. E. G. Theodore.

question. I cannot understand a Government calling itself a democratic Government opposing this amendment. The Premier got angry this morning, but I do not know why he did. If it were only the rate-payers, I could understand why the hon. gentleman got on his tail and lost his temper.

Mr. GLEDSON: He was not angry; you are only saying that.

HON. W. H. BARNES: The position is perfectly clear. We know that the vote would be taken on the electoral rolls with the adult franchise.

The PREMIER: What would be the consequence of an adverse vote?

HON. W. H. BARNES: The Government would still be in a position to take over the trams. There was a time when the Government of which the Premier was a member stood for the policy of referring matters to the people. The Premier does not understand the amendment. I fancy that he cannot have read it, so I will read it again.

"This Act shall not come into force unless or until a poll of the electors of every area, within any part of which any tramlines of the company are constructed, has been taken upon the question whether or not this Act shall come into force, nor unless a majority of the electors who vote at such poll vote in favour of bringing this Act into force.

"Such poll shall be taken in the manner provided by the Local Authorities Acts for the ascertainment of the wishes of electors by taking a poll."

Surely, that is democratic enough. I do not know why the Premier should get angry about an amendment like that. Is he afraid to trust the people?

Mr. FERRICKS: You are not fair in saying that the Premier is angry, because he was quite cool when he was speaking. You are deliberately misrepresenting him so that you can get it into "Hansard."

HON. W. H. BARNES: Evidently the hon. member for South Brisbane also is getting angry. (Laughter.) The fact remains that this is a democratic amendment, as it gives the people the right to express their opinion on the question.

The PREMIER: Do you say that the people have been clamouring for this?

HON. W. H. BARNES: Is the Premier afraid to trust the people under this amendment? Does the Premier think that the amendment is of such a character that the people will not be able to understand the appeal when it is put to them? Is that it? Has the Premier lost faith in the people? At one time when the Premier was put up for sale he used to top the poll at some of the functions in connection with the "spinning jennies" and other things. Now he is apparently afraid to trust the people. The hon. member for Ipswich said that some members of the Opposition had voted two ways. I did not speak on the second reading, so the hon. member cannot accuse me of acting in different ways.

Mr. GLEDSON: I read the Press report.

HON. W. H. BARNES: The hon. member read the Press report, but I was unable to speak on the second reading last week because I was suffering from a cold.

Mr. BRENNAN: You had a "go" at me.

HON. W. H. BARNES: The hon. member deserved all he got, and he will get more next time. This amendment ought to appeal to every democrat in the Chamber. It is a sensible amendment, and it shows that the people can be trusted. It puts the people on a pedestal where evidently the Premier does not want them to be placed. I hope the Committee will carry the amendment because it is a sensible one and is in keeping with the Local Authorities Act, and carries it out to its fullest extent.

Mr. HARTLEY (*Pitroy*): In spite of the utterances of hon. gentlemen opposite in favour of the amendment, there is no need to submit the question of the acquisition of the trams to a referendum. It is all very well for the hon. member to accuse other people of showing heat, but that shows how hypocritical the hon. gentleman's utterances can be. It is evident that he has been whipped up by someone and is prepared by methods, scrupulous or unscrupulous, to delay the acquisition of these trams.

HON. W. H. BARNES: I rise to a point of order. Is the hon. member for Pitroy in order in saying that a member—referring to myself—adopted unscrupulous methods?

Mr. HARTLEY: I did not say that.

The TEMPORARY CHAIRMAN: I did not hear the hon. member use that expression, but if he did it is not in order. I would ask the hon. member if he did make use of the expression complained of?

Mr. HARTLEY: I did not make the remark that the hon. gentleman imputes to me. The words I used were that it was very evident to me that he was whipped up by methods, scrupulous or unscrupulous, to delay the acquisition of the trams. That is the hon. gentleman's attitude, and that is why he spoke as he did in reference to the Premier's remarks. However, the hon. member himself has supplied the very best evidence and the best reason why this proposed referendum should not be assented to. The Government of which the hon. member for Bulimba was a member in 1913 limited the extension of the franchise to the Brisbane Tramways Company to a certain term of years, thereby admitting that the Government of which he was a member acknowledged the inalienable right of the people and the inevitable necessity at some time or other in the future of handing over the tramway system to the people of Brisbane.

HON. W. H. BARNES: I admit that.

Mr. HARTLEY: Then why is there any need for any referendum to ask the people whether they will accept what is already theirs.

HON. W. H. BARNES: We have still got the Government.

Mr. HARTLEY: If the hon. member, as a member of the Government, was so anxious to safeguard the rights of the future residents of this city that he would only agree to a limited franchise, why ask them now whether they want to come into their heritage? Why ask them now if they want to accept it when they have already got it? The Government acknowledged the inalienable right of the people in a city like this to own the public utility at some future date, and now, for some obscure reason and some very urgent reason, the hon. gentleman wishes to delay the acquisition of the trams and actually to call into question the right of the people to

own those trams. I think that everybody will admit that every Act that has been passed, and every amendment, has always had that foundation principle laid down—that only under certain conditions would the Brisbane Tramways Company be allowed to operate the trams, because at some future date they were to become the property of the municipality and the ratepayers. There is no need to contemplate the submission of the acquisition of the trams to the ratepayers or to include the amendment in this Bill.

At 12.18 p.m.,

The CHAIRMAN resumed the chair.

Mr. MAXWELL (*Toowong*): I wish to contradict the statement made by the Premier this morning. The Premier, during his criticism of my remarks, desired to convey to the Committee that I was trying to create a false impression by making a false statement regarding what eventuated at the local authorities conference. The Premier admits that he has the same information that I have myself, but he says that there was another resolution carried. Another resolution was submitted, but it was not carried.

Mr. HARTLEY: Why didn't you quote the other resolution?

Mr. MAXWELL: How can one answer a silly, inane remark like that? The Premier received similar information to that which I received, but my information does not contain that resolution, and rightly so.

Mr. RIORDAN: The Premier says that the whole of the local authorities did not agree.

Mr. MAXWELL: It is a well-known fact that it is not customary to forward resolutions which have been defeated. It is customary to forward only resolutions which have been agreed to by a majority. Anyhow, a majority of the local authorities did agree, and the information I have has been conveyed to me by the local authorities themselves. It is headed—

“Amendments suggested by a conference of local authorities of the district of the Trust as defined by the Bill, viz.:—

The cities of Brisbane and South Brisbane; the towns of Hamilton, Ithaca, Toowong, and Windsor; and the shires of Balmoral, Coorparoo, Enoggera, Kedron, Stephens, and Toombul.”

I believe that this information has been conveyed to other hon. members. I am not in touch with the local authorities, and it has been posted to me.

Mr. RIORDAN: I have not got it.

Mr. MAXWELL: I take it that it was forwarded to the metropolitan members because it is of great interest to them. They go on to specify amendments and at the end they say—

“The conference resolved to request the Minister to make provision—

That prior to the formation of the trust a vote of the electors be taken, under the same provisions as govern ordinary loan proposals of local authorities, upon the advisableness of the trust being established, or, as an alternative, that the Brisbane Tramways Company Limited be granted an extension of tramway franchise, on conditions to be agreed upon in regard to extensions and other matters, on a scheme whereby

Mr. Maxwell.]

the profits accruing from the working of the tramways may be shared by the local authorities through whose areas the tramways may run."

Mr. WILSON: What is the date of that?

Mr. MAXWELL: I cannot give the date, but it was only a few days ago. I would be contemptible if I attempted to mislead the Committee, and it stands to reason that, if I did try to do so, hon. members opposite would have the whip-hand a few minutes afterwards and could deal with me as they thought fit. I am interested in the local authorities which I represent, and I claim that, as a metropolitan member, I have a perfect right to put the views of the local authorities interested before the Committee. I am sorry that the Premier made the statements he did, and I throw his charge back at him. I have made no false statements.

Mr. GLEDSON: Did you not say that all the local authorities asked for it?

Mr. MAXWELL: I will let the hon. member read the document I have and he can see for himself. It is very evident that some hon. members opposite know what has taken place in other quarters, and they say that members on this side are linked up with certain vested interests. That, I think, is unfair. Then they say that we are being dictated to by a section of the Press. I deny it. I have been endowed with ordinary intelligence and I am using it in the best interests of my constituents, and I say—irrespective of the statement of the Premier—that the local authorities have asked for a certain thing. As a representative of one of the metropolitan electorates, I stand for that and support the amendment.

Mr. WEIR (*Maryborough*): I should like to take this opportunity of saying something about the question of goodwill as it is affected by this amendment. I am satisfied, unless there is some very good evidence before us in this Committee of which I am unaware, that the question of goodwill will not be found to be a material factor in determining the price of the trams. If, on the other hand, the Committee is deluded into entertaining the amendment, I venture to say that all the power of money will be used in the campaign on the referendum. The case will be argued by members of the Opposition to try to get the people to turn down this proposal to take over the trams. Why do I say that the power of money will be used? Take the estimate of £1,700,000 as the possible value of the undertaking on the one hand, and £368,000 as the highest capital value which can be put upon it, apart from goodwill. In other words, there is £800,000 at least involved in this question. It stands to reason that a company which stands to win £800,000 on a transaction like this will put up some money to fight the question. I say that just at this juncture the question of goodwill cannot be a factor; but, if a poll were taken, there is not the slightest doubt that that question would be fought and used against the proposal. I know perfectly well that money can do much in swinging the people off the right track. Just imagine a fight by the papers, by the capitalistic influences, by the money influences, by members of the Opposition in the streets, to take from the public the inherent right they have to take over the trams.

A GOVERNMENT MEMBER: They did it before.

[*Mr. Maxwell.*]

Mr. WEIR: They did do it before. I want to draw the attention of this Committee to the disparity in the matter of values which this question, if fought at a referendum, would open up. Taking £1,700,000 as the figure which has been quoted as the possible value of the undertaking, and £368,000 as the maximum value at which the assets can be taken, there is a disparity of £800,000. Then, taking Mr. Blundell's own figures—and he should know—the reasonable profits in one year, after allocating 14 per cent. to various other objects, are £160,000. If the profits are £160,000 in one year and the other figures are based on £368,000, there is 75 per cent. more in Mr. Blundell's figures than there is in these. I venture to say that, if these people can get this question submitted to a referendum, the amount involved will be £1,250,000.

Mr. BRENNAN: They could spend £10,000 on the campaign.

Mr. WEIR: Of course they could. If £1,250,000 is involved, they will see that, with the rate of profit which they can make, it will pay them in time to come to spend the whole of that £1,250,000 to prove goodwill. I propose to show why I say it cannot be got in this case. My contention is that just at this juncture, without a referendum, goodwill is not a factor. I say that it cannot be the test. I want to quote now from Floy on "Valuation of Public Utility Properties," on page 137 of which he says—

"The present day opinion, both of the public and its officials, leans toward a minimising or entire negligence of any value of goodwill accruing to a public utility property."

Public opinion denies absolutely the existence of goodwill in a public utility. Let us go further—

"Judge Tayler, in arbitrating the Cleveland Traction controversy, in which settlement no allowance whatever for goodwill was made, explained his views as follows:—

I allow nothing for goodwill. A street railway company which has a monopoly, and especially if it has franchise value remaining, can have no goodwill value."

That is precisely the position of the Brisbane Tramways Company. On this authority those tramways have no goodwill value.

Mr. VOWLES: We are not dealing with that.

Mr. WEIR: Oh, yes we are—that is the "nigger in the wood pile." The company is after goodwill. The hon. member for Bulimba is wide enough awake [12.30 p.m.] to see what it is after. If it can get this to the people, the issue will be one of goodwill; there is no question in my mind about that. Let us go further—

"The Wisconsin Commission has followed the prevailing opinion of the courts with regard to goodwill, saying—

There may be an element of goodwill in the business of a public service corporation where competition exists and the public may resort to more than one public utility for the desired service; but, where the public is confined to a single public utility for the service the latter undertakes, it

would seem that there is no ground upon which goodwill can be predicated."

Without going further, we are safe in assuming on those two findings that at this juncture at least no goodwill is entailed. Let us go further on the question of goodwill—

"As indicating the variable and indefinite value attaching to goodwill, the following opinions of courts are valuable:—

A monopoly has no goodwill, for its customers are retained by compulsion, not by their voluntary choice.

But the term 'goodwill' may be misleading. Lord Eidon said that 'goodwill' is nothing more than the probability that the old customers will resort to the old place.

Under any possible definition, it involves an element of personal choice. This phrase is inappropriate where there can be no choice."

I say that all that is involved is the question of the old customers resorting to the old place, or the old name being applied to the new firm. That is quite apart from a public utility in which goodwill does not trade itself.

The sinister move on the part of the Opposition is to put this issue to the people and defeat the Government. It would be worth a million of money to the company to obtain that result. I trust that nothing will happen in this Chamber to prevent the Government turning the company down for good and all.

Mr. KERR (*Enoggera*): I take the view that there is no necessity to take a poll of the people in regard to this matter. That is the attitude which I adopted on the second reading, and I am confirming it now. Already the local authority representatives have given full expression to their views, and they are elected by the people who are concerned. As against that, if I could see an alternative scheme whereby the people could have a further say, I would not hesitate a moment in letting them have it. I am not prepared to have any further delays in this matter. The people of the metropolitan area have been hanging on for some time, and the position has been considerably aggravated by the Government's mishandling of the situation. For two years the Premier has played with the Brisbane Tramways Company. Had there been a proposition which would have been acceptable to the people, it would have been made known to this House and to the people. We must take the Premier's word that the only arrangement the company would make would be one detrimental to the people. I think that the hon. member for Nundah was right in saying that we would be well-advised in having the opinion of the Tramways Company on this matter. I am not going to excuse the attitude I take up on this matter. I do it from many points of view, the principal one being the interests of the people. I am very sorry that an agreement has not been arrived at to save litigation between the company and the Government. When the South Australian Act came before Parliament in that State there was in it a schedule containing a complete agreement, setting out what was going to be done. Unfortunately, our Government have not given the people any information on the

matter. An arrangement should have been come to somehow or other. It is not too late now to appoint representatives of the local authorities to confer with the Brisbane Tramways Company and have an agreement arrived at to save the people this expense.

Mr. GILDAY: On what would they confer?

Mr. KERR: The schedule in the South Australian Act gave details of the assets—tangible, intangible, and otherwise—on which an agreement was arrived at. Any reasonable company would come to an agreement.

Mr. GILDAY: To run them conjointly?

Mr. KERR: No, I do not say that; I think that the time has passed for running them conjointly. It has never been contended otherwise than that this public utility should revert to the people. The Denham Administration provided for a limited franchise, the interpretation of which was that it had to come to the people some time. The very first Act contained that provision. It has been recognised by the Tramways Company and by the people. In my electorate we are quite satisfied that the tramways should come to the people. That is not overlooking the fact that the Government have not done the right thing, in not having placed before the people certain information.

I think the Premier referred to the question of the valuation. It appeared that he followed the legal opinion which he obtained in England in not doing what should have been done. I understand that the legal opinion he obtained was against proceeding further with the work of the Valuation Board.

The PREMIER: Why should we not act upon that advice, and bring our inquiries here to an end?

Mr. KERR: Some time ago I mentioned in this Chamber that I was satisfied that the valuation had not been completed. The Premier told me that I was quite wrong—that the valuation had been completed. Now I get an acknowledgment that the valuation was never completed, notwithstanding the fact that we had experts from various parts of Australia and paid them a very large amount of money, which the Trust will have to make good. That is the reason why this trouble is brewing now. We are buying "a pig in a poke," and it is resulting in the raising of this contentious subject. This should not be a party measure; we should decide to do what is in the interests of the people. The people in my electorate require extensions; they have been pressing for them for a considerable time, and are being put to trouble and expense through not having them. If this matter were put to the people and a negative vote were recorded, what would be the result? Can the Government, by legislation, force the Tramways Company, should it get an extension of its franchise, to build extensions? I have always advocated that private enterprise should have a pretty free leg. I am not going to agree that private enterprise should be told to do this and do that. It cannot be done. I am not prepared to grant an extension of the franchise to the company and at the same time impose certain conditions. I hope the people will have what they desire at an early date.

Mr. TAYLOR (*Windsor*): One hon. member stated that hon. members on this side said one thing one time and another thing another time. There was no justification whatever for those remarks. It was also

Mr. Taylor.]

stated that hon. members opposite never know what hon. members on this side are going to say. We always know what hon. members opposite are going to say and we also know how they are going to vote. I am opposed to the referendum, but I am pleased that an hon. member on this side has that freedom of thought and action which enables him to move the amendment, although he might believe that it is contrary to the opinions of other hon. members on his own side. That is more than any hon. member opposite dare do. The present position in which we find ourselves in regard to the tramways is intolerable and cannot be allowed to continue. The Government are responsible for the position, and the sooner we take a hand in restoring the matter to something like a normal basis in the best interests of the whole of the people of the metropolitan area the better it will be. We find, according to the report that was presented to us, that during the last two years only a few cars have been built. That is to the detriment of the best interests of the metropolitan area when the people are asking for an extension of the tram system. According to the amendment, we are asked to submit the matter to a referendum of the people. What will be the position if the people turn the matter down? Are we going to improve matters? I have looked at the question from all angles to ascertain if there will be any gain in the event of the people turning down this proposal. We are now in the position that we have got to acquire the trams on the very best terms that we can. The hon. member for Maryborough had a lot to say about goodwill. I have not got to decide that question, nor has Parliament got to decide it. That should not come into our discussions at all. That matter will be decided by the tribunal to be appointed under this Bill to determine the basis on which to assess the value of the concern. To attribute any sinister motive to hon. members on this side because they choose to get up and support what they think is right is unfair. It is absolutely incorrect to state what has been stated. I think hon. members should be able to voice their opinions without having unworthy motives attributed to them, as was done this morning. It was suggested that there was something sinister behind the whole move, and indirectly it was said that hon. members on this side were under the domination or influence of those who are interested in the Brisbane Tramways Company's affairs. I challenge any hon. member to show in any way whatever that any hon. member on this side is under the influence of the company with regard to the acquisition of this concern. It is unfair and unjust to make a statement like that.

Mr. GLEDSON: "By their fruits ye shall know them."

Mr. TAYLOR: Yes. The hon. member's fruit is sour because he is so bitter. I hope the matter will be adjusted as speedily as it is possible to adjust it. There is one matter that is difficult to understand. Nearly half the time that the valuation of the trams was being made by the Government the valuers were acting in conjunction and practically co-ordinating with the company's valuers. For some reason or other, when the work was half completed, that was stopped.

The PREMIER: The hon. gentleman is wrong in saying that the work was half completed. It was brought to a conclusion

sufficient to meet the requirements of counsel who were advising the Government.

Mr. TAYLOR: The matter of acquisition should be carried out as speedily as possible. I am not concerned about any delay in taking a referendum. As a matter of fact, there would not be any delay. The point is where would it lead us, and shall we be any better off if the proposal is turned down? What is the alternative? We cannot grant an extension of the franchise, because the terms suggested by the company are unreasonable. The only alternative, then, is Government control. What does that mean? The whole of the people throughout Queensland would have to contribute their proportion of the cost of providing a utility for the convenience of people in the metropolitan area. I think the people in the country should consider that aspect of the question. We have debated this matter very thoroughly this morning, and we on this side are not afraid to say and do. Since I have been in this Chamber I have seen hon. members on this side sometimes voting with the Government, but I have never seen a Government supporter vote with this side. Yet hon. members opposite talk about freedom of action and freedom of thought. Freedom of action and freedom of thought exist on this side, and on the other side tyranny and bondage reign supreme.

OPPOSITION MEMBERS: Hear, hear!

Mr. GILDAY (*Ithaca*): This is the first time that I have spoken during this session. I am pleased that the leader of the Nationalist party is against the amendment. I regret that the hon. member for Bulimba has taken up this attitude of asking for a poll. There has been no mandate from the people asking for a poll other than from a few of the local authorities' representatives. I fail to see where there has been any agitation whatever for a poll to be taken for the purpose of ascertaining whether we should take over the trams or not. I think the company's franchise expired on the 30th of September, 1920. At that time the Government intended to take the trams over, but immediately after the Bill was passed, in 1920, there were deputations from the various local authorities asking that the trams should be placed under municipal control. The Government decided to allow the local authorities to take over the trams, which I think is a very good thing. There has been a delay of two years, but during those two years a good deal of necessary investigation has taken place. It is pleasing to know that several hon. members opposite agree that the Government should take immediate control of the trams on behalf of the local authorities. It is the people who are suffering at the present time, and I am quite sure that no hon. member on this side of the House will blame the Tramways Company for not going on with extensions. As the company's franchise is exhausted, I for one do not blame the company. It is only natural that the company should desire to get dividends for its shareholders, and it is protecting dividends as much as possible by not building extensions. It is necessary for this House to expedite the passage of the Bill as much as possible so that the local authorities will be able to take control of the trams and give the people the extensions that they require. As the hon. member for Enoggera knows, there has been an agitation for years for an extension of the trams to Ashgrove, and I hope,

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in the interests of the people there, that the trams will be extended to that suburb in a very short time. The Government have done everything possible on behalf of the people in the metropolitan area to have this matter consummated so that they will be able to get to their homes from the city in a reasonable manner. I am very pleased to know that hon. members opposite are not unanimous in regard to the proposal to take a poll, which, if agreed to, would cause a delay in taking over the trams by the local authorities, which would be detrimental to the best interests of the people.

Mr. FRY (*Kurilpa*): I have advocated both outside and inside this House that the local authorities should control all public utilities, such as waterworks, sewerage works, trams, etc., and I have no doubt, if this question were put to the vote of the people, that it would be carried. The Premier has some doubts as to whether it would be carried. I feel sure that it would be carried; but I must bear in mind that it is not very long since the local authorities were elected on an adult franchise, and that the representatives in those local authorities have expressed themselves as against taking over the trams under present conditions.

Mr. GILDAY: They had it on their platform at the last elections.

Mr. FRY: It does not matter whether they had it on their platform or not; they are the last people who got an expression of opinion from the people; and, in any case, that is no reason why the Government should object to a poll. The Labour party's platform has a plank advocating the initiative and referendum; yet these members say that members of the Opposition have something sinister behind the proposal for a poll. They tell us that some hon. members on this side ask for a poll, and want to get it by scrupulous or unscrupulous methods. That sort of thing is utterly denied by every hon. member on this side. I would not for one moment attribute to members of the Government party anything of an unscrupulous or sinister nature in anything they do; but I say members of the Government are frequently spurred on by political spleen to make false charges against members of the Opposition.

Mr. GILDAY: And you are spurred on by the capitalists.

Mr. FRY: If the hon. member for Ithaca says I am spurred on by capitalists, he is saying something worthy of the hon. member and something worthy of those who think like him. I say distinctly that the statement is grossly untrue.

Mr. GILDAY: And I say your statement is grossly untrue.

Mr. FRY: You may say what you like, but it does not remove the fact that members of the Government party are spurred on by political spleen of a low level to make false charges against members of the Opposition; nor does it alter the fact that the local authority representatives went to the people last year, and, if they ask for a poll to be taken, there can be no good reason why we should object. If a poll were taken I would advocate that the people should vote in favour of the local authorities taking over the trams, but that does not justify me voting against the amendment. Hon. members on this side are free to act as they like, and if an hon. member votes against the wish of a majority of members on this side it does not

mean that he will be pushed out of the party. The trouble is that the Government settle all their opinions behind closed doors with the bludgeon hanging over their heads; but, fortunately for the people of Queensland, members on this side are free and unfettered. The South Brisbane City Council has asked that a poll be taken, and I, as representative of a portion of that city, intend to vote for the amendment. The people with whom I am concerned are the people of my electorate, and it is on their behalf that I am speaking. No capitalistic concern or company could influence me one iota, and I hope the day will never come when I shall sink to the level that I shall be influenced against my own conscience in any matter; and I hope the time will never come when this House will be dominated by such influence. We should raise this House to a higher plane.

Mr. G. P. BARNES (*Warwick*): I am very sorry that it has entered into the minds of any hon. members opposite to suggest that sinister motives are actuating hon. members on this side in any action they may take or any utterance they may make in connection with the passing of this Bill or the amendment we are now considering. I [2 p.m.] am prepared to be fairly liberal in my views in regard to the introduction of this Bill. If many matters it contains could be left out, and some considerations that need not enter into our calculations could be ignored, the Committee would unanimously pass this Bill. I do not think anyone here is opposed to the tramways being controlled by the local authorities.

OPPOSITION MEMBERS: Hear, hear!

Mr. G. P. BARNES: There should be no two questions about that. Although we may be charged by hon. members opposite with having some sinister motive, I am satisfied that there is a general consensus of opinion that the time has arrived—and should have arrived long ago—when the tramways should be controlled by the people. I have advocated this in days gone by; but, when there are specific indications from the local authorities themselves, as evidenced by the resolutions they have passed, it is the duty of the Committee fully to respect the views indicated by those resolutions. Whether we are in favour of the tramways being controlled by the people or not, I am against anything being thrust upon the people unless they are parties to it. They have a right to say "Yea" or "Nay" to this business, and, if they happen to say "Nay," they must put up with the consequences; and the consequences, no matter how we may look at the question, are not going to be helpful to the people. There are only two ways of dealing with the tramways. One is by an extension of the franchise. That should not be thought of, because we are not likely to make better terms than we can make to-day, and to delay the matter would not be wise in the interests of the community. The other alternative is to have the tramways controlled by the Government, and I do not think that should be thought of. I quite agree with the remarks of the Premier when introducing the measure the other evening, when he stated clearly that the Government had no right to control the tramways. It is not their business. If they did control the trams they would leave themselves open to demands to be made from every other city in the State for like conditions. In addition to that, I do not think the Government are

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competent to control the tramways. They would not prove themselves competent to control the tramways any more than they have been competent to control the railways—we have evidence enough of that. The desire may be to be careless about making ends meet, and the general taxpayer will have to pay the piper. There is nothing else for it but to refer it to the people. Having said so much to show where my sympathies are, I feel that we are taking a retrograde step when we refuse to allow the people to decide for themselves. I would regret more than words can express if the people turned this matter down, but they should be given the opportunity to have a poll. If they have a poll and it is not carried, that is their business. What strikes me most forcibly is the departure of the Government from their democratic principles. We see that on every hand. I know what is good for the people so far as this measure is concerned, but it is a matter of principle to let the people decide for themselves. The Government have thrown that principle overboard. They have jettisoned a principle which they have advocated for years. I am not going to jettison that principle, and I will go as far as I can to make the Government stick to theirs.

Mr. KERR: It is becoming characteristic of the Government.

Mr. G. P. BARNES: Yes, it is becoming characteristic of the Government to throw their principles overboard. They did it in the case of the Legislative Council. We know that the people expressed themselves against the abolition of the Legislative Council. Perhaps the Government are fearful as to the results of referring this matter to the people. I do not know; but the fact remains that the Government are departing from an important principle. They are not availing themselves of the principle of the initiative and referendum. In matters such as this the initiative and referendum should apply. It seems as though the Government, in departing from their principles, are brought to the conclusion that whatever they say is law, and that there should be no two thoughts about it. They think there should be no discussion. We have the same thing in connection with another Bill which will come before us next week—that is, the Unemployed Workers Insurance Bill. It is being thrust on the people. The people did not ask for it and do not want it. Here also the Government are thrusting something on the people that they do not want. Surely this is a matter that ought to be referred to the people! The local authorities are the representatives of the people, and they have asked for a poll to be taken, simply because they are asked to take over an unknown quantity. They do not know what the liabilities are in connection with the tramways. They do not know the condition of the trams. The right thing would have been to refer the matter to a Select Committee representing both sides of the House and let that Committee bring in a report. Members of local authorities, and perhaps the Commissioner for Railways, should be associated with such a Committee. That, however, has not been done. The Opposition think the local authorities are in the right in demanding a poll. In local authority affairs you cannot spend any money on loan account unless you take a poll.

The PREMIER: What about the Metropolitan Water and Sewerage Board loans?

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Mr. G. P. BARNES: Apart from those, my statement is correct. The proposals have to be submitted to the people, and on a matter such as this, which vitally concerns the citizens of Brisbane, they should have the right to say "Yea" or "Nay." We have no right to make a departure from the usual principle in this case, although I do say that it would be an infinite disappointment to the people of Brisbane and the people of the land if by any adverse circumstance the proposals were turned down.

Mr. BRENNAN (*Toowoomba*): This subject has certainly taken a new lease of life. I thought that we were practically decided on the fact that the Government were going to take over these tramways and that a trust was to be formed to run them. Here we have a company which years ago approached the Government for a franchise extending over a limited time. They got the franchise for a certain period; they got a monopoly. No poll was taken then. They just got the right to run their tramways in Brisbane without any reference to the people. There was no opposition and no competition. They knew when their franchise terminated; but now, when that time has come and they see the great progress and extension of Brisbane and the huge profits to be made in the future, when they realise that they are likely to lose a great enterprise which would return them great dividends, their whole ambition is to hang on to it by any means at all. They have no right, morally or legally, but they try to stir up contention by saying that there is goodwill. I know that the Tramways Company has obtained the opinion of counsel. Some have advised that there is goodwill; others of eminent standing have said that there is no goodwill. But on moral grounds the Opposition should say, "We must fight against any goodwill or any unearned increment," because, after all is said and done, the company has had the benefit of its franchise.

Mr. VOWLES: What has this to do with the question of a poll?

Mr. BRENNAN: The hon. member does not want a poll. If there was a poll, we would see £20,000 circulated by the Tramways Company for the purpose of using the newspapers in a campaign to tell the rate-payers that, if the trams are taken over, the rates will go up to such an extent that they will be driven out of their small homes.

Mr. W. COOPER: They will intimidate them.

Mr. BRENNAN: They will, and, on the other hand, they will say, "We will give you a good service if you will only allow us to continue." In 1920 they knew that they had no chance of getting an extension of franchise, so they have let their plant deteriorate. Every second car has flat wheels—you can hear a tram coming a mile away nowadays. They have done nothing at all to preserve the assets of the company; and, doubtless, they now believe that by making a stir in this Chamber they may get an extension of their franchise.

I say that the question of consulting the people on this important matter does not concern us. We have in our Labour platform planks dealing with local government. Our platform is published every week in "The Worker," which members of the Opposition buy occasionally, so that there is no trouble in finding out what it is. Plank 6 of the

"Local Government" section of the platform says—

"All communal enterprises, such as tramways, omnibuses, ferries, baths, lighting, water supply, and markets, to be conducted and controlled by the local authority."

That plank has been in our platform for many years. Everybody knows what our policy is; yet hon. members opposite come along and say, "Before you put it into execution, you must go to the people." We go to the people every three years on every clause of that platform.

Hon. J. G. APPEL: Is that why you refuse this request?

Mr. BRENNAN: We have no right to grant it. Our platform is known to the people. If the argument of hon. members opposite is correct, before we passed any measure we ought to submit it to the people. We would be having an election every week.

Mr. YOWLES: The initiative and referendum also is in your platform.

Mr. BRENNAN: For matters which are extraneous to our platform. This is not extraneous. Hon. members tell us we are buying a pig in a poke. The Glasgow tramways, which are municipally controlled, made profits aggregating over £1,000,000 in twenty years. Hon. members say the people are not capable of conducting an enterprise like this, which, with the small population that Brisbane contains, made a profit last year of £160,000. What an awful travesty it is to say that the local authorities are not capable of conducting such a business and making ends meet!

Mr. YOWLES: Who says that?

Mr. BRENNAN: That is involved in your argument. The hon. member for Warwick said we are going to take over a liability. There is no liability; it is one of the most flourishing enterprises of its kind in Australia.

Mr. J. H. C. ROBERTS: Why are the State stations not flourishing?

Mr. BRENNAN: That is a different matter. The hon. member for Fortitude Valley made one of the finest speeches that has been made on this Bill. He pointed out that the members of the local authorities up to a certain point were all in favour of the tramways being controlled by the local authorities. He showed the inconsistency of those people in now asking that the tramways be not taken over until the people are consulted by referendum, and asked why they had changed their attitude—how it was that some time ago the mayors of Brisbane and South Brisbane and the chairmen of shire councils were all in favour of municipal control and were not in favour of referring the matter to the people, yet in the last few weeks they were asking that the matter be referred to the people. It shows that something has happened. We know very well that things do happen at the present time. Our opponents are most disloyal to the people of Brisbane and Queensland. According to our laws, this is a foreign company, because most of the shareholders are living in England.

Mr. J. H. C. ROBERTS: Don't you call American money foreign money?

Mr. BRENNAN: It is foreign money.

Mr. J. H. C. ROBERTS: Why did you take American money and refuse British money?

Mr. BRENNAN: Our own country would not give it to us, and we went to another

white race. For whom are hon. members opposite fighting? Why are they trying to put a valuation of £3,000,000 on this concern, which they must know it is not worth? If there is a dispute about goodwill, why do they not say, "We cannot afford just now to give unearned increment, or throw away goodwill when legal opinion is divided on the question of whether goodwill shall be paid." The greatest brains in the world say that no goodwill attaches to it. If this matter goes to the Privy Council, opinion there will be divided. Should not these people come to the Premier and say, "Declare that there is no goodwill; pay for the actual assets, and save the further liability which the public will be asked to bear later on?" The shareholders of the company have been well treated; they have been paid large dividends. The stock has been watered from time to time, and upon a small capital they have built up a huge reserve of millions of pounds. It is unfair for our opponents to move this amendment. Why should they do it? Not because they are sincere, but because the strings outside have been pulled and they have got to do it, in the same way as the leader of the Opposition had to move his want of confidence motion.

The CHAIRMAN: Order!

Mr. BRENNAN: These things should appeal to fair-minded people outside, who recognise that the Government are not out to exploit the people. The Government are out to do the best they can for Queensland as a State and for Australia as a whole. Our opponents are only stonewalling this particular matter.

Mr. J. H. C. ROBERTS: The hon. member is stonewalling.

Mr. BRENNAN: We have to reply to statements that are made. If there were no statements made, there would be no replies. During the last few weeks we have been called upon to speak on different matters. A speaker on this side has followed a speaker on the opposite side to clear up misstatements and prevent misconception in the minds of the people. We have done that effectively, and the people outside appreciate it. We have had to nail those misstatements.

Mr. J. H. C. ROBERTS: The only member you nailed was the hon. member for Fortitude Valley. You nailed him straightaway.

Mr. BRENNAN: I do not mind what remarks our opponents make. The speech delivered by the hon. member for Fortitude Valley should be printed and sent out to the workers in the metropolitan area. By his logical deductions he has absolutely proved that something has happened during the last month. He was the first on this side of the House to hit the nail on the head in asking why there was this change of front by our opponents and by their masters outside. At one period they wanted the trams taken over by the local authorities, and to-day they do not want it. I hope the amendment will not be accepted, and that the Bill will become law in its present form.

Mr. PETRIE (*Toombul*): The hon. member for Toowoomba referred to misstatements having been made by hon. members on this side. He is in the habit of making very wild statements. I do not know whether he is at all times responsible. I have always been in favour of the municipalisation of the trams, and I have always advocated that.

Mr. Petrie.]

While I believe in the principle involved in the amendment, I have been seriously considering if any good would be effected if the amendment was carried.

The policy preached by hon. members opposite shows the bungling by the Government during the last two years. The condition of the trams has not been improving. You cannot expect the company to spend money when it has this cloud hanging over its head. Under the authority which granted the franchise to the company in the first place, the Government had the power at the expiration of such franchise to take over the trams and hand them to the local authorities. The matter should have been referred to the people at the expiration of the franchise. If the matter is referred to the people, that does not say that they will vote in favour of or against the acquisition of the trams. It will be simply putting off the evil day. The people are crying out for extensions in the various metropolitan areas, and they want extra accommodation on the trams. We know how the trams are overcrowded now, and we should use every endeavour to make this public utility more useful.

I cannot see that we shall gain anything by agreeing to this amendment and putting off the evil day till a later stage. The longer it is put off the more will the people have to pay for the tramways. This Bill, if amended in some directions, will be a decent Bill, and I hope when it becomes law that it will not be long before the local authorities take over control of the tramway service. I know that the local authorities have had various conferences, and I know that some of the representatives consider that the matter should be referred to the people; but the time has arrived when the whole matter should be settled without further delay, and for that reason I cannot see my way clear to vote in favour of the amendment.

Mr. FRY (*Kurilpa*): The hon. member for Toowoomba told us that it was part of the municipal Labour platform that they should municipalise this utility; and what was the result of the last vote? The result was that the Labour candidates were wiped out.

Mr. COLLINS: We got four in.

Mr. FRY: The hon. member is boasting because they got four in. Evidently, he is surprised that they did get four. If that was the platform on which they went to the people, then the people said very forcibly that they did not want it. The hon. member for Toowoomba has given us the very strongest reasons for voting for the amendment. I am in favour of the local authorities taking over the trams, and, if the question were referred to the people, I would advocate the people voting in favour of it; but at the same time I do not see how I can conscientiously vote in favour of withholding the question from the people after they have expressed themselves, according to the hon. member for Toowoomba, against the proposal. At any rate, they should be heard again on the subject.

Mr. J. H. C. ROBERTS (*Pittsworth*): I rise to support the amendment, as I consider that there is a very vital issue at stake from a country point of view. If we want to borrow money under the Local Authorities Act in the country districts a poll has to be taken in accordance with that Act; and, if you are going to ride roughshod over that section and say that no poll is to be taken

in Brisbane in connection with the taking over of the tramways, it is quite possible that we may see something of the nature happen that the hon. member for Toowoomba tried to do a short time ago. Not so long ago that hon. member cabled over to America and arranged for a loan of £250,000 for Toowoomba. (Opposition laughter.) Nobody knew anything about it. Even the aldermen knew nothing about the loan. They had not even discussed the matter with the hon. member, yet he cabled over to Mr. Randolph Bedford to borrow £250,000 on behalf of the people of Toowoomba.

Mr. BRENNAN: Quite right.

Mr. COSTELLO: What was the security?

Mr. J. H. C. ROBERTS: On the security of his own bat. (Opposition laughter.) I can quite understand the hon. member for Toowoomba being at one with the Premier in his desire not to have a poll [2.30 p.m.] of ratepayers, seeing that he believes that it is absolutely unnecessary that the ratepayers should be considered. Yet he gets up here and accuses hon. members on this side of being against the interests of the people of Queensland.

Mr. BRENNAN: You have been robbing the farmers all your life. You never worked in your life. If you had to work for your living you would starve. You blackguard.

The CHAIRMAN: Order!

Mr. J. H. C. ROBERTS: The principle laid down under the Local Authorities Act was absolutely "burked" by the hon. member for Toowoomba.

Mr. BRENNAN: You have got more "brats" than I have got, you scamp.

The CHAIRMAN: Order!

Mr. J. H. C. ROBERTS: The hon. member knows that under the Local Authorities Act before any money can be borrowed there has to be a petition of 10 per cent. of the electors in the whole of the area interested presented in favour of it. In the event of this amendment being carried, that will be the principle on which we will act in regard to the acquisition of the trams.

The Premier this morning tried to draw a parallel between his action in regard to the tramways and the action of the hon. member for Bulimba when he was a member of the Cabinet which brought into existence the Metropolitan Water Supply and Sewerage Board without first taking a vote of the electors. But I want to show that the parallel is not a fair one. What does the health of Brisbane mean to the southern part of Queensland? If Brisbane is unhealthy, the export products of the Downs and other districts cannot be sent away, because the port may be declared an infected port. Hon. members opposite know very well that, while the plague restrictions were in force, it was within the power of any sea captain, if any of our exportable products were on the wharves and he believed the wharf was rat-infested, to prevent that particular stuff being put on board. Consequently, as hon. members opposite know, when we were exporting our wheat we had to bring it down here, and it was not allowed to touch the wharf or be unshipped at Brisbane at all. It would not have done to let it go straight from the train into the ship's hold in case the captain of the ship declared that it had touched in a rat-infested port and refused to take delivery of it.

[*Mr. Petrie.*

When the Premier draws a parallel and tries to make political capital out of the fact that a previous Administration brought in the Metropolitan Water Supply and Sewerage Board Act without first allowing it to go to the people, he is not giving us a fair deal, because the two cases cannot be compared. The tramways are purely a matter affecting the local area of Brisbane. They are not of very great importance to the country people, and the prosperity of the country districts is not in any way dependent upon the tramways of Brisbane. Beyond everything else it is necessary that we should have good health in a city like Brisbane, and a port at all times free from disease. Consequently, as one of the principal means of seeing that the health of Brisbane is kept up, the Metropolitan Water Supply and Sewerage Board was brought into operation.

The Premier also said that harbour boards were established by a previous Administration without a vote of the people concerned being taken. Harbours are of vital importance to the State, and it is absolutely necessary to have every facility to enable the people to export their products; consequently, when the Premier draws a parallel between the tramway undertaking and harbour boards or the Metropolitan Water Supply and Sewerage Board, it is not a fair parallel.

I believe it is the right thing to municipalise the tramways. I have no hesitation in saying that if, under the municipalisation principle contained in the Bill, the Brisbane tramways are run under the same satisfactory conditions as the Melbourne or Adelaide trams, our system will be satisfactory, and the people of Brisbane will benefit. I am going to support the amendment.

Mr. FERRICKS (*South Brisbane*): The attitude taken up by some hon. members opposite, especially those representing country constituencies, is somewhat puzzling. The hon. member who has just resumed his seat said that he was going to support the amendment, and just prior to that he stated that the tramway service in Brisbane was purely a local matter. If it is purely a local matter, what right has he, as a country representative, to bring the whole of the State of Queensland into a responsibility which does not concern those outside the metropolitan area? He repudiated any responsibility on the part of the country to provide transport facilities for the metropolitan area. That is the very thing the Bill aims at—to relieve the country of any responsibility which does not belong to it. If the amendment is carried, the question of a renewal of the company's agreement is out of the question. I think we may take that as the unanimous feeling of the Committee. I do not think there is anyone here who would give the Tramways Company a renewal of its franchise under the conditions it has laid down. If any hon. member opposite holds that the renewal of the franchise is justified, we must ask ourselves, "Would there not be in ten years' time a repetition of what has occurred in the last five or six years, with the added difficulty that the purchasing price or the compensation to be paid would be infinitely more than what would have to be paid now?" Hon. members opposite who are supporting the amendment do so with the desire of getting a renewal of the franchise for the company.

Mr. J. H. C. ROBERTS: No.

Mr. FERRICKS: Then, what I first stated is correct—that nobody advocates a renewal of the franchise. If that is so, what do hon. members opposite seek to attain by carrying this amendment? I understand that the amendment provides that the Bill shall not come into operation while the people in any part of the area concerned refuse to fall in with it.

Hon. W. H. BARNES: No.

Mr. FERRICKS: That is to say, that the feeling throughout the whole of the area would have to be unanimous before the trams could be taken over.

Hon. W. H. BARNES: No. The amendment does not imply that.

Mr. FERRICKS: The amendment implies the agreement of the people of the area to be served by the tramway.

Hon. W. H. BARNES: By a majority.

Mr. FERRICKS: Any part of the area.

Hon. W. H. BARNES: No.

Mr. FERRICKS: If this amendment were carried and then the referendum were defeated, what would be the position then? The Government of the State would have to run the trams and take any risk. The members of the Country party, who are supporting this amendment, are in the position of buying into a responsibility, as it were, which does not belong to the country, but which belongs to the city of Brisbane, so there is nothing to be gained by carrying the amendment.

Mr. VOWLES: Are there not country members on your side supporting this Bill?

Mr. FERRICKS: Yes, they are supporting it in the interests of Queensland.

Mr. VOWLES: We are supporting this amendment on principle.

Mr. FERRICKS: The country members on the Government side of the House say that the responsibility for providing transport facilities in the metropolitan area belongs to the people of the metropolitan area. Hon. members opposite take up the attitude of supporting the amendment, and thus they show that they are desirous of sharing that responsibility. The growth of Brisbane will continue, in my opinion, to a far greater extent in the future. Queensland is on the eve of huge development exceeding in progress anything that has occurred during the last thirty or forty years; and any progress that is made in the country must show its reflex in the city. I consider that the tramways will be as big a revenue-producing concern for the local authorities as they have been under the jurisdiction of the company. I do not want the tramways to turn out huge profits like the Tramways Company has made for a number of years. If the returns are so good, then the people who are using the trams should get greater benefits either in a reduction of fares or longer sections. The aim of the local authorities should not be to make huge profits. If there be any risk—which I do not admit—then the rateable land within the area will be called upon, if necessary, to guarantee that risk. Why should we not guarantee that risk? Everywhere the trams go there is a great increase in the value of the land. Therefore we are entitled to return a little of that, if necessary. But it will not be necessary. If there is a loss, the Trust will have power to carry it forward from year to year until such time as the revenue increases, or until an increase in fares becomes necessary. Some reference has

[Mr. Ferricks.]

been made to the need for extensions, but the hon. members who claim that that involves greater expenditure forget that it will be a means of obtaining greater revenue. If the trams are extended into new areas, the revenue will consequently be greater, so their arguments in that direction will not hold water. If this question were submitted to a referendum, we know how public feeling can be worked up against it by those whose interests would be served if the proposal were turned down. The Premier pointed out in his calm, cool, and collected statement—he was not heated, as the hon. member for Bulimba tried to make out—that it would be nobody's business to advocate the carrying of the referendum. There would be little interest in it so far as the apathetic majority are concerned. But there would be an active minority, and they would see that every available vote was recorded in support of their view. The result would perhaps be that not more than 50 per cent. of the people would record their votes. We know that the people living about Hamilton and Toowong do not use the trams to the same extent as the residents of other suburbs. They have their motor-cars and vehicles of various descriptions. There are also train services to Toowong and Ascot, and there are thousands of people who use the railways who do not use the trams at all. It would be a simple matter for the people vitally concerned in opposition to this proposal to put before the users of the railway the argument that it does not concern them who runs the trams—whether they are run by a company, by the Government, or by an Asiatic syndicate. They would be told that it was no concern of theirs, because they either use the railways or their own vehicles. The motor user and vehicle user would not be concerned about overcrowded trams or any inefficient tram service. It would, therefore, not be a proper reflex of the opinion of the people, for the simple reason that the people as a mass would not be sufficiently alive to the danger of allowing a repetition of company control of the service. Therefore, there is nothing to be served by the amendment. I cannot reconcile the attitude of members representing country districts. They say that the tramways are the concern of the Brisbane people, and yet at the same time they are going to support this amendment. I hope that they will be able to reconcile that attitude when they go before the people in the country.

Mr. WARREN (*Murrumba*): I cannot allow the remarks of the hon. member for South Brisbane to pass without correction. It seems to me that the people of Brisbane would certainly care if an Asiatic syndicate were running the tramways. That is an absolute slander on the people of Brisbane. I do not think the hon. gentleman could have meant what he said. At any rate, the people of Brisbane are not that class of people. There is a principle at stake in the amendment, but hon. gentlemen opposite do not understand the difference between principle and a business transaction. They do not understand that we are standing up for a principle on this side. While we may lack vision, according to hon. members opposite, I am going to vote for the amendment, because, if we are going to put a burden upon the people, we should let them say whether they are agreeable to that burden being put upon them or not. I consider the local authorities are the proper people to run the trams. I stand for that every time. The

[*Mr. Ferricks.*

people, however, can be trusted to decide that for themselves. I do not think the people will shirk their responsibility. The people of Brisbane believe in the white race, and they are prepared to take their share of the responsibility. The Government do not trust the people. They do not want to put their principles into operation, and they stand self-condemned. The people in Brisbane are the same as the people in the rest of the State, and, if the matter is put before them properly, they will support this measure. The Government, in violating one of their principles, are going to do harm to Queensland.

At 2.48 p.m.,

Mr. POLLOCK (*Gregory*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

Question—That the proposed new clause (*Mr. W. H. Barnes*) be inserted to follow clause 2—put; and the Committee divided:—

In division,

The PREMIER: I declare that, in addition to voting in my own right, I vote for the "Noes" as proxy for Mr. McCormack.

AYES, 22.

| | |
|-----------------|---------------------|
| Mr. Appel | Mr. Jones, J. |
| " Barnes, G. P. | " Logan |
| " Barnes, W. H. | " Maxwell |
| " Bebbington | " Moore |
| " Brand | " Nott |
| " Cattermull | " Roberts, J. H. C. |
| " Clayton | " Roberts, T. R. |
| " Corser | " Swayne |
| " Costello | " Vowles |
| " Edwards | " Walker |
| " Fry | " Warren |

Tellers: Mr. Logan and Mr. J. H. C. Roberts.

NOES, 35.

| | |
|-----------------|---------------------|
| Mr. Barber | " Kirwan |
| " Brennan | " Land |
| " Bulcock | " Lacombe |
| " Collins | " McCormack (Proxy) |
| " Conroy | " Payne |
| " Cooper, F. A. | " Pease |
| " Cooper, W. | " Petrie |
| " Coyne | " Riordan |
| " Dash | " Sizer |
| " Dunstan | " Smith |
| " Ferricks | " Stopford |
| " Foley | " Taylor |
| " Forde | " Theodore |
| " Gilday | " Weir |
| " Gledson | " Wellington |
| " Hartley | " Wilson |
| " Huxham | " Winstanley |
| " Kerr | |

Tellers: Mr. Brennan and Mr. Foley.

PAIR.

Aye—Mr. Macgregor. No—Mr. Gilday.

Resolved in the negative.

Mr. KING (*Logan*): I had some amendments to move on the definition of "Tramway," but I understand that the Premier is going to propose an amendment which will obviate the necessity of my proceeding with them. Nevertheless, I desire to make a few observations. My object in circulating the amendments was to avoid expensive litigation and protect any rights which the parties may have. I am very pleased indeed to know that the Premier has recognised that that is desirable, and is going to concede those rights, whatever they may be. The Brisbane Tramways Act of 1913, which is referred to in the definition, was passed during the term of the Deaunham-Barnes Government, as it is commonly called, of which the hon. member for Bulimba was

Treasurer and sometimes Acting Premier. I think he was Acting Premier just after that Bill was under consideration. Certain rights were given to the company, and it is with those rights that the amendment of the Premier vitally deals. The circumstances at the time were peculiar. Many suburbs were crying out for tramway extensions, and certain Orders in Council were submitted to the Government by the company in such a form that, if they had been granted, the company would have had an interminable franchise. As there is a certain member of the Opposition who had in the past perhaps incurred a little odium—who, at any rate, is frequently charged with not looking after the interests of the people, I refer to the hon. member for Oxley—I want to point out that those Orders in Council were refused by a Government of which the present member for Bulimba was a leading member. He got into very great disrepute and disfavour because of the stand he took on that occasion, but he was actuated by the one motive of protecting the interests of the people, and, if he had not adopted that attitude, the Tramways Company would perhaps have had an almost interminable franchise. The attitude which he

[3 p.m.] took up was a very unpopular one, and estranged some of his warmest supporters. The Act of 1913 was an Act which validated an agreement by which the Tramways Company gave up certain rights in consideration of the fact that they would be safeguarded in regard to the taking over of the system as a whole.

The TEMPORARY CHAIRMAN: Order! The hon. member will not be in order in making a speech of that kind on what is purely an interpretation clause.

Mr. KING: The Brisbane Tramways Act of 1913 is affected by this interpretation clause. The clause as it stands tends to deprive the company of the rights which were given to it under that Act, and I desire to preserve those rights. The Premier is going to amend the interpretation in a manner which, I think, will be acceptable to the general body of the community.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): The Government have no desire to interfere in any way with the existing rights of the Brisbane Tramways Company. Whatever rights it has under existing statutes the Government are quite willing to preserve to the company. The company, in suggesting alterations to the Bill in consultation with the Solicitor-General, proposed an alteration in this definition and certain other alterations in the Bill, which, it said, were designed to protect its rights. The Solicitor-General thought that some of the amendments originally drafted more than protected its rights and might, to some extent, interfere with the rights of the Government or of the public authority which would take over the tramway; and it has been agreed that this definition should be amended by inserting a few words towards the end of the definition. I, therefore, move the insertion, after the word "those," on line 33, of the words—

"if any, validated by, and those"

The sentence will then read—

"The term 'tramway' also includes all duly authorised extensions and additions, including those, if any, validated by, and those made under, the Brisbane Tramways Act of 1913."

That has been accepted by the Solicitor-General and the legal representative of the company as preserving the rights of everybody concerned in the matter.

Mr. VOWLES (*Dalby*): On every occasion when matters affecting the tramways came before this Chamber we have had trouble with the definition clause. It was proposed to move an amendment to the clause as originally drafted, but, as the company has agreed to what has been moved by the Premier, there is no necessity for us to do anything further.

Amendment agreed to.

Clause 3, as amended, put and passed.

Clause 4—"Repeal; Construction of Act"—put and passed.

Clause 5—"Brisbane Tramway Trust"—

Mr. KERR (*Enoggera*): I beg to move the omission, on line 8, page 3, of the word "eight," with a view to inserting the word "three." This clause deals with the number of members of the Trust. The company has an efficient manager and an efficient staff; yet it is proposed to have an overridding body of control consisting of as many as eight members. I know that in Adelaide the Trust consists of eight members, but that should not be a guiding factor with us. We have had experience of various boards, and believe that three members would exercise more efficient control than eight. Glancing through the Bill, we find that the functions of the Trust are not defined. We know that the Trust will be appointed to act in the interests of the people; yet the Government maintain a policy of control by an Advisory Board. Clause 31 merely defines the general authority of the Trust, and clause 35 sets out its general powers. In no other instance have the functions of the Trust been defined. A Trust consisting of eight members would prove cumbersome and unwieldy. It would also create a spirit of parochialism. There will be more dissatisfaction, and a greater number of contentious matters will arise in connection with districts which are not represented. The representative of a particular district would advocate the claims of his particular area. If we had a Trust consisting of three members, such considerations would not enter into its deliberations; there would be less interference and a greater determination to carry on successfully the work of the Trust. Millions of pounds of public money are handled by the Repatriation Department, yet the Repatriation Board, which deals with the whole of Australia, consists of only three members, and in each State there is a Board, composed of three members. We can imagine what would happen in connection with the Commonwealth Bank if its operations were directed by a Trust consisting of eight members. It would lead to chaos. Having one Governor, it is giving great satisfaction. What sort of undertaking would we have if there were eight Railway Commissioners? In various States there are three Commissioners. It can be imagined what difficulty and chaos would ensue if the Government departments were placed under Trusts of eight members. Another instance of where three members have been appointed is in connection with the Main Roads Board. My constituents would be perfectly satisfied if the number of representatives on this Trust were reduced to three. It would save the spending of extra money in fees, and better results would

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accrue. The Queensland Trustees, which had to the credit of its various funds at 30th June, 1920, £4,770,000, is directed by a chairman, a vice-chairman, and four directors. The Queensland National Bank has a chairman and four directors. The National Bank of Australasia has a chairman, a vice-chairman, and four directors. Many arguments can be advanced in favour of this reduction from eight to three. The representatives of the people on the local authorities desire that this body should consist of three members. I think that most people would be satisfied, the representation would be equal, there would be the same power, greater efficiency, less cost to the department, and greater determination to make the concern pay.

Mr. TAYLOR (*Windsor*): I desire to support the amendment. I certainly think that the arguments that have been put forward justify the amendment, and the Premier would do well to take them into consideration. The present Tramway Company has been efficiently conducted practically by one man. I am a great believer in giving a good man full control.

Mr. WILSON: There were also a number of directors.

Mr. TAYLOR: They had practically nothing to do with the policy that the manager carried out here. What is our experience generally with boards of six and eight? I criticise, not the personnel, but the board itself. I refer to the Metropolitan Water Supply and Sewerage Board. I have always argued that if we had had three engineers on that board we would have had more efficient work than has been the case under the present board. It is clearly and conclusively shown, when we consider the Commonwealth Bank and various banking institutions, that so long as you get one, two, or three efficient men, that is really all that is necessary to carry on a large activity. The initial work, formations, and construction of routes have to a very great extent been clearly defined by the company. It is not as though we were starting from scratch as an absolutely new company which had to construct the whole of the lines throughout the metropolitan area. Now, it is simply a question of the direction in which these existing lines shall be extended. All the other matters will probably not be altered to a very great extent. I do not see any necessity at all for having such an unwieldy board. You will have to take your chance in the selection of the best men possible for the Trust. The Government have the right to appoint two members. I think the Premier should accept the amendment, because it will be in the very best interests of efficient and economical management.

At 3.15 p.m.,

The CHAIRMAN resumed the chair.

The PREMIER (Hon. E. G. Theodore, *Chillogoe*): The hon. member for Windsor evidently assumes that the creation of a Trust necessitates a change in the existing management of the trams. He bases his argument on that. He assumes that by the appointment of a Trust drastic alterations will be made in the actual management of the tramway business. That does not necessarily follow. I do not know that there is any need for any change in the management whatever. If the Trust, when it is constituted, decides that the management is efficient, then there will be no need for any change. All this Bill does is to set up a

[*Mr. Kerr.*

Trust, not to replace the existing management, but to correspond with the position of the board of directors, which will disappear. I can understand the argument of the hon. member for Enoggera if he means that a smaller Trust shall occupy the relative position of this Trust, and that we shall have an expert board occupying that relative position. The amendment does not accomplish that unless it is followed by a series of consequential amendments. All it does is to reduce the number of members from eight to three, still maintaining the character of the Trust. That is the principle underlying this amendment. The Government have committed themselves to this system of supervision of authority and control of the trams.

Mr. KERR: It is really a question of numbers.

The PREMIER: If it is really a question of numbers, and not a question of setting up a commission of experts, the amendment is unwise and cannot be defended, for the reason that it is a representative board, and you cannot have real representation if you are going to confine it to two or three members. You cannot give proper representation with that number. There is a large number of local authorities concerned, and some of them will not have any representation except as a group. That is the disability. I admit that it is a disability to have to group a certain number of local authorities to share representation through one member. You could only overcome that difficulty by having one representative for each local authority, which would make the Trust too cumbersome. It is only a question of striking a happy medium, and the Government have determined upon this number. The board would be too small if there were less than eight, and to have more than that number would be to make it too unwieldy. The Denham Administration in 1914, in drafting their proposal for future control of the trams by the local authorities, made provision for a similar board as we have provided for here, only that Administration provided for seven members, one of whom was to be a Government representative, and six were to be local authority representatives, whereas we propose to have two Government representatives and six local authority representatives. The board proposed by the Act of 1913 gave the same power and the same kind of membership. I think that the existing numbers are preferable to a smaller representation, which would not be satisfactory, because two of the large municipalities would monopolise the representation. If the number was reduced to three, two of the representatives would come from the large municipalities.

Mr. KERR: Compromise and make it four.

The PREMIER: No. To make it any less than the number prescribed would add disabilities to the local authorities. If you had four members, it is certain that the City Council would have two and the South Brisbane City Council would have one; their interests are so outstanding.

Mr. KERR: According to population?

The PREMIER: In accordance with the liabilities they carry. You have to take that into account. You have to take into account their rating power. Most of the representation under those circumstances would come from the city areas. I think the hon. member for Fortitude Valley said that over 40

per cent. of the rateable value is centred in the city. It would be far better to allow the number to remain as it stands in the Bill.

Mr. VOWLES (*Dalby*): When speaking on the second reading I pointed out that I could not see much advantage in having a Trust at all—that I could not see what its real functions were going to be. The Premier now says that the Trust will take the place of the Tramway Company's board of directors.

The PREMIER: They will determine the general policy.

Mr. VOWLES: Will they be able to initiate it?

The PREMIER: They will formulate the "General Scheme."

Mr. VOWLES: And then it goes to an Advisory Board of experts?

The PREMIER: Is there any difference between the Trust and the Metropolitan Water Supply and Sewerage Board as at present constituted?

Mr. VOWLES. No. The Metropolitan Water and Sewerage Board is cumbersome, because it has eight men to do the job when three would be sufficient. The functions of the Trust will be practically nominal. It has merely to initiate a "general scheme" which will be finalised by the Governor in Council. Further on, the Bill provides that the Trust shall have a number of powers, but are eight men wanted to do these things? There will be a general manager to look after the internal matters of the business.

Mr. WILSON: It would not be a success otherwise.

Mr. VOWLES: Of course it would not, and I sincerely trust there will be no change in that respect. To my mind, the functions of the Trust will be merely nominal. It will have power to open, break up, and alter the position of sewers, drains, tunnels, etc., and also power to extend the system. That is the most important function. It appears to me that the difficulty the Premier has in drawing up this scheme is to give proper representation to the various local authorities, and, in order to overcome that difficulty he has made groups of local authorities. After all is said and done, if that portion of the scheme has been accepted by the local authorities and they are responsible to the ratepayers, we, as country members, should not object. Of course, we have been told that this is a city matter and that country members should have nothing to say on it.

HON. W. H. BARNES (*Bulimba*): The hon. member who has just resumed his seat is quite right in making reference to what has been said about this House being divided into sections. It is against the interests of the country that that should be so. We are all here to do the very best we can for the State as a whole, and I would not hesitate at any time to express myself very freely concerning matters a long way outside the city of Brisbane or suburbs, because I realise that my duty is to the State. If a vote is taken on this amendment, I shall certainly have to vote with the Government, as I think a Trust of eight members will be very much more satisfactory than one of three members. Some of us know how the local authorities in the suburban areas feel on this matter. They say that the cities of Brisbane and South Brisbane have too much control, and I suppose, if you

get down to what the local authorities would like, you will find that they would like each division included in the tramway area to have some representation. I am not arguing in favour of that, as I believe it would be unwieldy, and, that being so, the next best thing is to follow the plan which the Premier says was adopted previously by another Administration, and that is to give, as far as possible, representation to the various districts. It may not be a perfect system, as so much depends upon the class of man returned to do the work. The king-pin of the whole business is, Who is to be the manager of the concern? The secret of success will depend upon the general manager having absolute power, and being practically untrammelled to proceed along the lines which, in his judgment, are in the best interests of the tramways and in the best interests of the local authorities. My conviction is that, if two men or fifteen men have an opportunity of putting a finger into the pie, you are never going to get very much success. If you have a good man, give him complete control; and, if you have not got a good man, get rid of him as soon as possible. When the local authorities take over the management of this concern, everything will depend on the management. Whatever our views may be about the Brisbane Tramways Company, we must admit that the business has been well managed. It must not be forgotten that there must be a large expenditure of money in addition to the amount paid to the company in the way of compensation, because the city of Brisbane and suburbs will continue to grow, and it is essential that we should get the very best man as manager and the very best eight men or seven men that it is possible to get as members of the Trust.

Mr. SIZER (*Yundah*): I support the principle of a smaller Trust. While there may be a good argument in favour of the amendment, the Premier does not appear to be inclined to accept it. If a Board of eight is not cumbersome, it is certainly overloaded, and a smaller number could do the work. I suggest that the Government should divide the whole of the metropolitan areas into four wards, each with one representative, and have one Government representative, making a total of five. That would overcome the difficulty; it would be an easier Board to manage, and would be more efficient than a Board of eight. The Premier says there are seventeen or twenty local authorities involved, and, if that is so, three members of the Trust will be just as good to them as though there were eight, especially if the area was divided into four wards.

The PREMIER: You could not do that because the city of Brisbane must have two representatives to get its fair proportion, according to the rateable value.

Mr. SIZER: I do not know that the representation should be on the rateable value. The city of Brisbane is probably the most developed area, and the expenditure in connection with tramway extensions in the future is not going to be so great in the city as it will be in the outside areas. That being so, I sincerely hope we shall be able to amend the clause which provides for issuing precepts on the different local authorities in the event of any loss. That is a good argument why we should not

[3.30 p.m.] consider the valuation of city property as being the basis of representation on the trust, but should adopt

Mr. Sizer.]

a population basis. That is a reasonable thing, if the Government accept the principle we are going to advocate later on in connection with precepts. We are opposed to the issue of precepts to cover any deficit, and think that the deficit should be borne by the people who use the trams in the way of increased fares. If the Government accept that view, it is a sound argument why the constitution of the Board should be on a population basis. I am inclined to think that we are right in arguing that a smaller Trust should be constituted and elected by four equal divisions, with one Government nominee. A Board of that size would be as effective as a Trust of eight members, which would be cumbersome, and would draw more fees than are justified. I would ask the Premier to consider the suggestion, as it will prepare the way for dealing with the question of precepts later on.

Amendment (*Mr. Kerr*) put and negatived.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I move the omission, on lines 11 and 12 in subclause (4), of the words "one month," with a view to inserting the words "two months." This will enable an alteration to be made in the schedule. The amendment is regarded by the local authorities as being desirable.

Amendment agreed to.

Clause 5, as amended, put and passed.

Clause 6—"Brisbane Tramway Trust—Government members"—

Mr. KERR (*Enoggera*): As will be seen by the amendments which have been circulated, I intended to move that the Government be represented by one person instead of two on the Trust; but, as there are now to be eight members, I have no desire to make any alteration in that direction. I will now deal with the next amendment which has been circulated. I move the omission, on lines 20 to 24, of the following words—

"and shall appoint one of such persons to be the chairman thereof; and upon the office of any such member or chairman becoming vacant the Governor in Council may appoint a person in his place for the remainder of the term of his predecessor in office"—

with a view to inserting the words—

"who shall not be chairman thereof." My object in moving this amendment is to do the right thing as far as possible. It is freely acknowledged that the only reason for the Government being represented on the trust is a financial one. Immediately the financial arrangement with the Government ceases, the Government nominees will be removed from the trust.

The PREMIER: Hear, hear!

Mr. KERR: I find that there is provision made in the second schedule for books of account to be kept, for the Auditor-General to make rules with regard to audits, and for auditors to be appointed with local authority certificates. The auditors must report to the Auditor-General, and the Treasurer retains power to order a special report at any special time. If that is so, what is the object of the Government having a representative in control of the Trust? He directs, in a sense, the deliberations of the Trust.

[*Mr. Sizer.*

He has a great and overriding power at different times as to whether motions shall or shall not be brought up.

The PREMIER: You do not think that he would be acting under the direction of the Government?

Mr. KERR: I do not suggest that he would act under the direction of the Government, but I do not know why the Trust should not be allowed to appoint its own chairman in the ordinary way. I think that is a reasonable thing to ask. If my amendment is carried, it will give the Trust freedom to appoint its own chairman. When the members appointed to the Trust meet in conference they should be able to appoint their own chairman, and have power to remove him if necessary. There has been a proposal mooted to appoint a professional man as chairman. The position carries a higher salary than that paid to the other members of the Trust, and it looks as if a position were being created for someone. I do not wish to infer that that is so; but, if the inference is there, the Premier can remove it by accepting the amendment. I think that one of the representatives of the Government—who have no power in regard to the policy of the Trust but are there to watch the financial interests of the Government—should be an officer in the public service, such as the Under Secretary to the Treasury, who is well versed in finance. I do not think that the Trust should be put to the expense of appointing a man at £200 a year. I think that another member of the Trust should be the Under Secretary for Public Works, who would be an acquisition to the Trust. An appointee should not be brought in from outside to fill one of those positions. We should have an assurance from the Government that it will be one of the ordinary duties of these officials of the State to attend meetings of the Trust, which will not take more than an hour or so, one day in each week. It appears to me that that would be sufficient to meet the case.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I do not think it is desirable to accept the amendment. The representation of the Government on the Trust will not be in the nature of representation of a political party, or even a representation of the Government for the purpose of directing the affairs of the Trust, but merely to retain representation on the Trust during the existence of the Government's financial interest in the affairs of the Trust. We are only following out what has already been done in a number of similar cases. When the Kidston Administration created the Metropolitan Water Supply and Sewerage Board, they stipulated that the chairman of the board should be a Government nominee, and he has been a Government nominee ever since; but, as part and parcel of the administration, he has embodied himself in the administration, as it were, and does not act as someone taking directions from the Government.

Mr. KERR: He is in a different position to the chairman of the Tramway Trust.

The PREMIER: No; he is in exactly the same position.

Mr. KERR: That is his sole occupation—purely that of chairman.

The PREMIER: That is true; but he is not merely identified on that authority as a deputy of the Government, taking instruction from them and seeking their advice on

every matter. He exercises his own free discretion the same as any other member on that board does. He does not consult the Government as to how he shall vote or anything else. Nor does he dominate the board. As a matter of fact, he frequently finds himself in a minority, and in the case of the Trust created here the Government nominees may find themselves in a minority. They cannot dominate the Trust, because they only number two out of eight. The chairman will only exercise a casting vote, so that the majority will rule. Whoever the chairman is, he certainly will not be given any directions by the Government as to how he shall proceed on matters that come before the Trust for consideration. The hon. member suggested that the position might be cut and dried. I assure the hon. member that that is not so, because the Government have not given any consideration yet to the appointment of the chairman. I can give the assurance that it will not be a political appointment. It will be an appointment from the public service.

Mr. KERR: Will he be paid an extra salary?

The PREMIER: Yes. It would not be fair to stop his salary. The duties connected with the Trust will be extraneous duties, and he should receive payment for them. The desire is to select a man within the public service so as to give the Trust the benefit of the services of the best man we can get to carry out the duties of the position—not to hamper the Trust, but to assist it. It is intended to appoint an officer who will have some experience or technical ability which will make his services of value to the Trust.

Amendment (*Mr. Kerr*) put and negatived.

Clause 6 put and passed.

Clause 7—"Elected members"—

Mr. KERR (*Enoggera*): I propose to ask that this clause be negatived. If that is agreed to, I will propose the insertion of a new clause to alter the basis of representation on the Trust. At present the members of the Trust are elected to represent different metropolitan areas in proportion to the valuations. The appointments should not be based on the valuations but on population. Paragraph (1) provides for two persons to represent the city of Brisbane, which includes 8,100 dwellings and a population of 44,000. Paragraph (2) provides for two representatives from South Brisbane, Balmoral, Coorparoo, and Stephens. That area contains 14,500 dwellings with a population of 67,000 or a difference of 23,000 as compared with the representation mentioned in paragraph (1). Paragraph (3) provides for two representatives from the councils in all the other areas comprised within the district. That area includes 19,000 dwellings with a population of 82,000, or 38,000 more than in the Brisbane area. The users of the trams are the people most concerned in this matter, and they should have the representation on the Trust. In order to make the number of dwellings and also the population more equal in each area, I have circulated an amendment which I propose to move if this clause is negatived. I have taken a radius of 6 miles of the post office, and I propose to have two representatives from the aldermen and councillors of Brisbane, Hamilton, and Toombul; two members from South Brisbane, Balmoral, Coorparoo, and Stephens, and two members from Ithaca, Toowong, Windsor,

Enoggera, and Kedron. We find that those three areas represent a population of 67,000, 67,000, and 59,000, respectively. There is a difference of 8,000 in only one instance. The representation should be based on population and not on the value of the land or on the rates received. If we adopted the latter principle, Brisbane would be entitled to two more representatives, and the other local authorities between them would only be entitled to two representatives. Population is a more equitable basis. It may be said that, if there is any deficit, a precept will be issued on the local authorities based on the rateable value of the land. I hope the Premier will accept an amendment to omit that later on. Even if he does not accept it, it will not alter the situation. The users of the trams should pay for the trams. There is no reason why people from Birdsville, Townsville, and Charters Towers should travel in the trams at a low rate, and the local authorities in Brisbane have to issue a precept to make up the deficit. The users of the trams should pay to make up any deficiency. I hope the Premier will accept the amendment.

The PREMIER (*Hon. E. G. Theodore. Chillagoe*): The hon. member suggests to negative the clause with a view to moving a new clause. I do not think I can accept the hon. member's suggestion, because this is part of the scheme which was agreed to by the local authorities in consultation with the Government. The local authorities agreed to the basis of representation laid down in the Bill. It is true they suggested one or two other alterations, but not in the direction of the hon. member's amendment. For instance, the Brisbane City Council wanted to increase the direct representation from two to three, and South Brisbane wanted separate representation.

Mr. FRY: Quite right, too.

The PREMIER: The whole of the local authorities accepted the scheme laid down in the Bill, which is based upon the valuations.

Mr. KERR: It cannot be, because Brisbane would have more representation.

The PREMIER: I know that, but it is roughly based on valuation, and if it were based on population, it could only be done roughly. There would have to be an elastic scheme which would change the representation as time went on. The local authorities have accepted the existing basis. The Government have no axe to grind in the matter. Under the circumstances, I do not feel myself at liberty to accept the suggestion.

Mr. KERR (*Enoggera*): I want to point out to the Premier that one of the troubles that may occur is this: We have the town of Toowong with approximately 10,000 people; then, a little bit further round, Ithaca with 21,000; Enoggera with 4,000; Windsor with 13,000; Kedron with 5,000; Toombul with 13,000; and Hamilton with 8,000. It is therefore possible for the towns of Toowong and Ithaca to have two representatives and the town of Hamilton and the other areas in that particular group, where tramway extensions are necessary, may have no representatives at all.

The PREMIER: When they change like that and the local authorities desire an alteration, it can be considered.

Mr. KERR: When they change! They are changing now. I have no desire to be

Mr. Kerr.]

parochial or to say that the Trust is going to be more lenient with one section than another; but I want to safeguard the interests of the people at my end of the city. I would ask the Premier to recommit the Bill at a later stage, if necessary. I am not concerned with what the majority of the local authorities have agreed upon. I am concerned with my duty to give an equitable representation of the local authorities.

Mr. KING (*Logan*): I would like to ask the Premier to reconsider this matter in regard to the representation of the City of South Brisbane. At present it is grouped with the shires of Balmoral, Coorparoo, and Stephens, and the group is to have two representatives. Why not allow South Brisbane to elect one representative and the shires the other representative? Practically all the trams go through the City of South Brisbane on the one hand and the City of Brisbane on the other hand, and the other local authorities really only represent the respective termini of the system to a very great extent. As it is, we might find the three shires outvoting South Brisbane, so that South Brisbane may not have any representation at all. It has to be remembered that the election is made by the members of the councils, and not by the people direct.

The PREMIER: The hon. member is assuming that they will combine against South Brisbane.

Mr. KING: They have done it before to secure their representation on the Victoria Bridge Board and for other purposes—and they will do it again. I live in Coorparoo, and, although to a certain extent I am representing my own shire, I want to see a fair thing done all round.

The PREMIER: The Home Secretary went very fully into this matter with the local authorities, and I do not feel inclined to make any alteration.

Mr. TAYLOR (*Windsor*): I hope that the Premier will accept the suggestion made by the hon. member for Logan.

The PREMIER: It is not one of the amendments suggested by the local authorities.

Mr. TAYLOR: It was in those sent to me.

The PREMIER: It is not in those sent to me.

Mr. TAYLOR: North Brisbane elects two representatives, and I cannot see why South Brisbane, which is also a city, should not have the same right. It is grouped with three other local authorities, and, as the vote is to be taken by ballot and not by the members meeting together, it is quite possible that South Brisbane may not be represented on the Trust at all, although I suppose there is a greater mileage of tramway through South Brisbane than in the area of the City of Brisbane.

The PREMIER: I think the hon. member is wrong there.

Mr. TAYLOR: I am doubtful whether I am wrong. At any rate, a very large mileage of tramway passes through South Brisbane, and, when it comes to the three shires, it is simply a continuation from the South Brisbane boundary of one track in each case. In saying that I am referring to the length of street traversed, although in either case the track may be double-track. To get to any of those areas the trams have to pass through South Brisbane, and the right having been properly conceded in the case of the City of Brisbane, I think South Brisbane should also have the certainty of getting representation

on the Trust. The City of South Brisbane may not have a representative on the Trust.

Mr. FERRICKS: The Mayor of South Brisbane is against the idea of the municipality taking over the trams.

Mr. TAYLOR: I am not talking about what his ideas are. I want to see a representative of that local authority on the Trust. The hon. member represents that area, and he must know that this request is only fair and reasonable. We are conceding to the Brisbane City Council the privilege of having two representatives for a certainty. Should not the South Brisbane City Council be empowered to take a ballot and elect one representative?

Clause 7 put and passed.

Clause 8—"Disqualifications"—

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I desire to move an amendment to this clause. The amendment has been suggested by the local authorities, and provides for the disqualification of a member of Parliament as a member of the Trust.

Mr. KING: Against whom is that directed? (Laughter.)

The PREMIER: I hope that it is not directed against any individual. I am quite impersonal in the matter. The local authorities seem to want it. I move the insertion, on line 21, before the word "no," of the words—

"No member of Parliament and."

Amendment (*Mr. Theodore*) agreed to.

Mr. KERR (*Enoggera*): I move the omission, on lines 44 and 45, after the word "Trust," of the following words:—

"extending over a period of not less than two months."

Will the Premier accept that?

The PREMIER: Yes.

Amendment (*Mr. Kerr*) agreed to.

Clause 8, as amended, put and passed.

Clause 9—"Eligibility of members and officers of local authority"—put and passed.

Clause 10—"Date of appointment of first members"—

Mr. KERR (*Enoggera*): I move the insertion, after line 6, of the following words:—

"Any member is eligible to hold office if re-elected."

As the Bill stands, a member shall hold office for three years, but it does not say that he shall be eligible for re-election.

The PREMIER: There is no embargo against a member being re-elected.

Mr. KERR: If he is re-elected, he will hold office for six years.

The PREMIER: I do not mind accepting it if you insist upon it, but there is no necessity for it.

Amendment (*Mr. Kerr*) agreed to.

Clause 10, as amended, put and passed.

Clause 11—"Vacancies, how filled"—

Mr. KING (*Logan*): No reference is made to vacancies in the previous portion of the Bill, yet this clause refers to the filling of such vacancies." I move the omission, on line 8, of the word "such" with a view to inserting the word "any."

Amendment agreed to.

[*Mr. Kerr.*]

Clause 11, as amended, put and passed.

Clause 12—"Quorum"—put and passed.

Clause 13—"Remuneration of trustees"—put and passed.

Clause 14—"Proceedings and business of Trust"—put and passed.

Clause 15—"District defined"—put and passed.

Clause 16—"Acquisition of tramway"—

Mr. KING (*Logan*): I move the insertion, on line 4, page 7, of the following proviso:—

"Provided that the Trust, in lieu of having the amount of the purchase money assessed and the basis or principle of having same assessed in manner hereinbefore provided, may agree with the company as to the amount of purchase money to be paid and the basis or principle of assessing same, and upon such agreement and subject to the approval of the Governor in Council, the amount and the basis or principle of assessment so agreed upon shall be the amount payable and the basis or principle adopted as aforesaid, and shall be deemed to be the assessment and basis or principle as hereinbefore mentioned."

My object is to place it in the power of the Trust to negotiate for a settlement without having to go to law. We know that the feelings of the Tramways Company and the Government are not too cordial, and we can understand that neither will be prepared to abate one jot of its claims. Probably the Government will be out to do their best for the Trust, and the Tramways Company will do its best in its own interests. With the passage of this Bill the undertaking will pass from the company to the Trust, and I think that the members of the Trust and the representatives of the company could meet more amicably and with a better understanding of their responsibilities.

The PREMIER: I will move an amendment in lieu of the one proposed by the hon. member.

Mr. KING: Thanks very much. Probably the Premier has one which will meet the case better.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I am moving this in order to carry out what the hon. member desires. I beg to move the addition to subclause (2), on page 7, after line 4, of the words—

"Provided that, except with the approval of the Governor in Council, no agreement shall be made by the Trust with the company in respect of the payment of compensation for the tramway or as to the basis or principle upon which, or the court or person by whom such compensation shall be assessed."

The Solicitor-General informs me that any agreement entered into will have to be sanctioned by the Governor in Council.

Mr. VOWLES (*Dalby*): I congratulate the Premier on his reasonableness this afternoon. (Laughter.)

The PREMIER: The hon. gentleman misunderstands my characteristics. (Laughter.)

Mr. VOWLES: I made a suggestion to the Government that they should allow the local authorities to come to an agreement in connection with this matter, but my suggestion was scouted. He now allows them to enter

into negotiations, and, probably, there will be only formal sanction so far as the Governor in Council is concerned.

Amendment (*Mr. Theodore*) agreed to.

Mr. KING (*Logan*): I do not know what is meant by the words "or person" in subclause (4) line 13.

The PREMIER: It might be an arbitrator, a member of the Land Court or the Supreme Court. I do not know.

Mr. KING: Would it not be better to confine it to the personnel of the tribunal?

The PREMIER: No; that body may either be the Land Court or the Supreme Court.

Mr. KING: Subsection (2) of section 84 of the Tramways Acts, 1862-1890, provides—

"The amount of purchase money shall be such amount as may be agreed upon between the council and the company; or, if the parties cannot agree, such amount shall be ascertained in the manner provided by the Public Works Lands Resumption Act of 1878 for determining the amount of compensation to be paid to the owners of lands required for public purposes."

I do not mind so long as it comes within the conditions of that section.

The PREMIER: It certainly comes within those provisions. It is comprehensive enough to embrace any tribunal under that statute or any other statute.

Mr. KING: Then, that is all right. It appears to me that some words are left out of line 27. I think the words "judgment or" should be inserted after the word "other."

The PREMIER: Will the hon. gentleman move an amendment to that effect?

Mr. KING: Yes. I beg to move the insertion, on line 27, after the word "other" of the words "judgment or."

Amendment (*Mr. King*) agreed to.

Mr. KING: Are the words "(other than this section)" necessary? What do they exactly mean?

The PREMIER: The Solicitor-General informs me that the words might be necessary and they should be retained. They do not interfere with the company's rights. I beg to move the omission, on lines 41 and 42, of the words "at the rate of" with a view to inserting the words—

"at a rate to be determined by the Governor in Council, but not exceeding the rate of."

This amendment has been suggested by the local authorities.

Amendment (*Mr. Theodore*) agreed to.

Clause 16, as amended, put and passed.

Clause 17—"Purchase money"—

Mr. KING (*Logan*): This clause provides that payment shall be made in Brisbane. Is there any objection to the insertion of the words "or London"? A good number of the shares are held in London.

The PREMIER: I am afraid that I cannot accept the suggestion. Provision is made for the purchase of the property, which is at present—and which is to be paid for—in Brisbane. The company can arrange to have the debentures transferred to London and placed on the London register. That is a very simple matter, and the Government

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will facilitate such transfer if the company so desires. The debentures will be issued in Brisbane, and those who want to have them transferred to the London register can easily make that arrangement.

Clause put and passed.

Clause 18—“*General Fund; Loan Account*”—put and passed.

Clause 19—“*Reserve and Superannuation Funds*”—

The PREMIER: I beg to move the omission, on lines 47 and 48, page 9, of the words—

“with the consent of the Governor in Council and on such conditions as he thinks fit,”

The question of reserve funds will now be left entirely to the discretion of the Trust.

Amendment (*Mr. Theodore*) agreed to.

Mr. DEACON (*Cunningham*): I beg to move the insertion, after line 55, of the following new subclause:—

“(3) Bonus funds to provide for the payment to officers and servants of the Trust a bonus when in any year the profits of the Trust exceed the amount required to meet the liabilities of the Trust under this Act.”

This principle has been agreed to in numerous instances, and I do not see why it should not be included in this Bill.

The PREMIER: Has the amendment emanated from the local authorities?

Mr. DEACON: No.

The PREMIER (*Hon. E. G. Theodore, Chillagoe*): There may not be anything wrong in the principle contained in the amendment, but I do not feel at liberty to accept it. I am not sure that the Trust will not have the power to do what the hon. member suggests in the amendment.

Hon. W. H. BARNES: Why are you objecting to it?

The PREMIER: The only objection is that the local authorities are the people concerned, and they may take it that it is an instruction from Parliament if it is put in.

Mr. DEACON: The amendment says “the Trust may establish a bonus fund.”

Hon. W. H. BARNES (*Balimba*): The amendment is a very reasonable one, and the hon. member for Cunningham is quite right when he says that it is the principle that has been adopted by quite a number of people. I take it that it is one of those things that will help to smooth over matters between the employers and the employees.

The PREMIER: Has the hon. member adopted that principle in connection with his own business?

Hon. W. H. BARNES: I may say that, when there are profits available, we have done so. We always do so under certain conditions when there are profits.

The PREMIER: If that is so, I will accept the amendment.

Amendment (*Mr. Deacon*) agreed to.

Clause 19, as amended, put and passed.

Clause 20—“*Sinking fund to be created*”—put and passed.

Clause 21—“*Investment of funds*”—

The PREMIER: I beg to move the omission of subclause (1), with a view to inserting a new subclause reading—

“(1) Any sums standing to the credit

[*Hon. E. G. Theodore*].

of the Sinking Fund shall be invested in Queensland Government securities or in the repurchase of debentures or stock issued under this Act, and any sums standing to the credit of any reserve or superannuation fund shall be invested in like manner.”

The local authorities called attention to this matter and asked that the amendment be made.

Mr. KERR (*Enoggera*): I notice that the Premier's amendment practically coincides with the one I have had circulated, though I made provision in my amendment that any sums standing to the credit of the sinking fund could be invested in their own business. I realise that technically, if it is to be a sinking fund, the moneys should not be invested in their own business; but I think the Trust should be able to utilise this money to get as favourable a return as possible. The Government will probably pay it 5½ per cent., and it is possible that the Trust will pay 9 per cent.

The PREMIER: The Trust can invest the money in repurchasing its own stock.

Mr. KERR: I think it would be a just thing to give the Trust the power I suggest. It will not do any harm, and it might assist it when money is tight, as it may then be able to use the money in making extensions.

The PREMIER: I think I have gone a long way in my amendment towards meeting the hon. member.

Mr. KERR: Yes, but you have left out the words “or within its own undertaking.” The Premier might agree to insert those words after the word “Act” in his amendment. It is usual in any business undertaking to have that liberty.

Amendment (*Mr. Theodore*) agreed to.

Clause 21, as amended, put and passed.

Clause 22—“*Issue of debentures or stock*”—put and passed.

Clause 23—“*Loans by Treasurer*”—

The PREMIER: I beg to move the omission of subclause (2), with a view to inserting the following two new subclauses:—

“(2) Every such loan shall be for such period and bear interest at such rate and be subject to such conditions with respect to repayment, sinking fund, and generally, as may be determined by the Governor in Council.

“(3) The Trust may, with the consent of the Governor in Council, from time to time redeem the whole or any part of any loan then outstanding at such periods and on such terms and conditions as the Governor in Council thinks fit.”

That is another amendment that has been suggested by the local authorities.

Amendment (*Mr. Theodore*) agreed to.

Clause 23, as amended, put and passed.

Clause 24—“*Bank overdraft*”—put and passed.

Clause 25—“*Security for loans*”—put and passed.

At 4.30 p.m.,

The CHAIRMAN: Under the provisions of Standing Order No. 307, and of the Sessional Order agreed to by the House on 30th August, I shall now leave the chair and make my report to the House.

The House resumed.

The CHAIRMAN reported progress.

The resumption of the Committee was made an Order of the Day for a later hour of the sitting.

QUESTIONS.

USE OF LIGHT STEAM CARS ON RAILWAYS.

Mr. T. R. ROBERTS (*East Toowoomba*) asked the Secretary for Railways—

“Further following on my question to him on the 11th July, as to ‘providing quicker transit in country districts,’ and his reply thereto, that ‘inquiries were being made to secure a suitable car, when money would be made available’—

1. Has he seen the reference in the ‘Daily Mail’ of Monday, 11th September, under the heading of ‘Rail Motors; New South Wales Development; A Local Production’?

2. Has any report thereon been placed before him by his officers? If so, will he make such report available?

3. If no report has been submitted, will he have the matter inquired into as to its adaptability to the country centres of the Queensland railways to provide more frequent and expeditious services?”

The SECRETARY FOR RAILWAYS (Hon. J. Larcombe, *Kippel*) replied—

“1. Yes.

“2 and 3. A report is being prepared upon the matter.”

DISTRIBUTION TO SCHOOLS OF CIRCULARS ISSUED BY QUEENSLAND PRODUCERS’ ASSOCIATION.

Mr. T. R. ROBERTS asked the Secretary for Agriculture and Stock—

“1. Has he seen copies of circulars headed ‘The Queensland Producers’ Association,’ dated 1st September, 1922, over the signature of J. F. McCaffrey, acting secretary?

“2. Are such circulars being distributed (a) to all schools (cities and towns); (b) to all schools (suburban); (c) to all schools (country)?

“3. If not, what is the basis of distribution?”

Hon. W. FORGAN SMITH (*Mackay*), in the absence of the Secretary for Agriculture and Stock (Hon. W. N. Gillies, *Eacham*), replied—

“1. Yes.

“2 and 3. Copies are being sent to schools (approximately 1,250 in all) throughout Queensland situated in localities where persons engaged in the primary industries are living.”

PAPER.

The following paper was laid on the table:—

Return to an Order of the House regarding soldier settlement selections.

BRISBANE TRAMWAY TRUST BILL.

RESUMPTION OF COMMITTEE.

(Mr. Kirwan, *Brisbane*, in the chair.)

Clause 26—“*Deficiencies, how made up*”—

Mr. MOORE (*Abigny*): I move the omission of the following words:—

“(ii.) Issue to each local authority

comprised within the district of the Trust a precept requiring such local authority to pay to the Trust a share of the deficit, which shall bear the same proportion to the total deficit as the rateable value of the rateable land in that part of the area of such local authority within the district of the Trust bears to the rateable value of all rateable land in such district, and each such amount shall be fixed by the Trust.

“(2.) The amount so payable shall be a debt due to the Trust by the local authority upon which the demand is made, and recoverable accordingly.

“(3.) In order to provide the amount so payable, the local authority may from time to time levy a special rate of sufficient amount in manner provided by the Local Authorities Acts.”

with a view to inserting the following:—

“(ii.) Take such steps with a view to increasing the fares chargeable for the use of the said tramway, or for increasing the rates and charges in respect of any undertaking that the Trust may enter upon pursuant to the provisions of section 32 of this Act; or, generally,

“(iii.) Take, subject to this Act, such action that the Trust may deem advisable in order to meet the said deficit, and in order to ensure sufficiency in the said revenues of the tramway and other undertakings of the Trust to meet its said liabilities.

“Provided that the Trust shall have no power to issue to any local authority comprised within the district of the Trust any precept whereby a local authority may be empowered to levy any special rate upon the rateable land within the district for the purpose of meeting such deficit or any part thereof.”

On the second reading of the Bill it was pointed out that this was one of the main causes for dissatisfaction with the Bill. We all know that it is quite possible that there may be a loss on the working of the tramways when they are taken over, and I do not think it would be a fair thing for that loss to have to be borne by the rateable property in the metropolitan area. Those who use the tramways should bear the loss, if any. I can quite see that, if precepts are to be issued to the local authorities to cover the loss, there will be an agitation for a reduction of fares. A certain section of the community will not mind what loss there is if it falls upon another section. If people use the railway instead of the tramways, and a loss ensues under the Trust, those people, even if they are not ratepayers, should be compelled to share in the loss. We know that since the franchise in regard to local authority elections has been enlarged those elections have become more like parliamentary elections. Candidates for election to the local authorities will be prepared to offer bribes in order to secure votes. They will be prepared to thrust burdens upon anybody in order to win the elections. A candidate will very readily promise that there shall be no rise in tram fares. I think the Bill is open to a great deal of criticism. We know the objection the local authorities have to taking over the tramways, and the ratepayers in the areas where the trams are running should not be made liable for an indefinite loss. The rating in the local authority areas around

Mr. Moore.]

Brisbane at the present time is exceedingly heavy, and I cannot see any justification for putting on the ratepayers the additional burden of any loss which may occur in connection with the tramways. I think that the Premier would be well advised to accept my amendment, as it will take away a great deal of the opposition of property-owners to the Bill. A large number of them at the present time have to pay high rates, and they do not know what liabilities they are going to incur in connection with this legislation. They will have no opportunity of controlling the Trust. After all, it is only a fair thing that the people who use the trams should be responsible for making them pay. There is nothing in the Bill to say that the profits shall go to the local authorities concerned. If there is a profit, there will be a demand for a reduction of fares. I do not think it is a fair thing that the ratepayers should be compelled to pay precepts on the value of their land to make up any loss.

Mr. TAYLOR (*Windsor*): I have much pleasure in supporting the amendment. Good and sufficient reasons have been given why it should be adopted, several of which were mentioned during the second reading debate. We know that the rates at present are high, and they are not likely to be reduced. The trams will be extended, and an extra rate will be required for that, or at any rate a continuance of the present high rates. We know that, when the Metropolitan Water Supply and Sewerage Board bring their work to completion, the house connections are going to cost a lot of money, and the Brisbane people will have to pay for these facilities. What the sewerage rate will be we do not know. It is not a fair thing that the ratepayers of Brisbane should be asked to pay to provide a cheap ride for our floating population, especially those who come to Brisbane from all other parts of the State. That liability should not be thrown on to the Brisbane ratepayers, but should be paid by the users of the trams themselves. I hope that the trams will pay, and, if we get economical and skilful management, they will pay. For the first year or two we shall not get much profit from the trams. If there are any losses, then those losses should be borne by the people who ride in the trams, because they get the benefit of them. The man who has got property in Queen street and who lives in the suburbs will have to pay twice over, if it is done by precept. The amendments so far have not been hostile, but have been introduced to enable us to get a fair Bill.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I cannot accept the amendment. This is one of the principles connected with the financial part of the Bill. It is not intended to use this proposal to harass the local authorities. Far from it. It may happen that the Trust will reduce the tram fares. The Government stand behind the finances of the Trust, because the money will be borrowed from the Government, so the Government will have an interest in it. The Trust will be under a responsibility to the Government to make up any deficiency.

Mr. ELPHINSTONE: Cannot the Government regulate the fares?

The PREMIER: No; that is controlled by the Trust. This clause is necessary as a safeguard for the Government. The Government cannot increase the fares. If the Government could wipe out the liability of

the Trust by increasing the fares, there would be something to be said in favour of the elimination of the clause.

Mr. TAYLOR: You can introduce a regulation so that it will be impossible for the Trust to reduce the fares.

The PREMIER: That would be a greater evil than the present clause, because it would be interfering with the business controlled by the Trust. There is no danger of this clause being operated for financing the business of the Trust. A similar provision was introduced by the local authorities in their own draft Bill in 1913. They put in the provision that they could levy by precept, and they also put in a provision that they could levy by a direct rate. In the Bill introduced by the Denham Government in 1914 they had a similar provision, but Mr. Denham took out the provision giving power to levy a direct rate, and put in the power to levy by precept instead. The Adelaide Trust has a similar provision. I think it can also levy by direct rate on the local authorities. The Melbourne Trust has also got a similar power to levy either by precept or by a direct rate. In the case of the Melbourne trams they are not controlled by the people's representatives, but by a Commission appointed by the State Government.

Mr. KING: There is no power in the Adelaide Trust.

The PREMIER: Yes; Section 51 enables the Trust to call upon each local authority to levy a rate. In Queensland under the Local Authorities Act the local authorities are empowered to levy a tramway rate. That is provided for in section 335. The Buderim Shire Council took advantage of that section to levy a tram rate, and it is also taken advantage of by the Innisfail Shire Council. The Townsville City Council also adopted a similar provision in connection with the electric lighting of their city by a business concern. This clause is not put in to enable the Trust to curry favour with the tram users by reducing fares and then levy a precept on the property owners. The property owners will control the Trust through the various local authorities. I am sure that the representatives on the councils will not tolerate the Trust levying a precept after having reduced the fares; they would turn their representatives on the Trust out of office at once.

Mr. MOORE: The local authorities are elected by the electors.

The PREMIER: And the majority of the electors have a direct interest in the question of rates. I think it is only fair to assume that the Trust will carry on a policy of financing the tramways from year to year and accumulating a reserve fund out of the profits. When the profits accumulate it is only right that they should be used to lighten the burdens of the local authorities, just as they have done in other cities.

Mr. SIZER (*Nundah*): This is one of the cardinal features which the Opposition wish to establish in this Bill. I appreciate the Premier's argument, because it is only natural that investors of capital or the local authorities should be secured by being able to make up any deficit through the rates. We ought to establish a new principle in this instance. The trams are a business undertaking, and we need to get away from the old haphazard method by which any

[Mr. Moore.]

deficit could be made good by a levy on the rates. Under that system the general manager of an undertaking is not under a compelling necessity to make dividends or profits—otherwise, his position might be in jeopardy—because he is able to levy on the general taxpayer or, through the local authorities, upon the ratepayers whenever there may be a deficit. It is very easy to square one's accounts when one has that power to fall back upon; but, realising that we are dealing with a prosperous undertaking and that there should never be a deficit except as the result of bad management, we are justified in making it doubly imperative on those charged with the direction of the undertaking that they shall manage it properly by removing from them the right to issue precepts. It may follow that we would have to insert in the Bill a clause whereby if the Government, as the custodians of the fund, are not satisfied with the management of the Trust—if, for instance, they reduce fares following upon a series of deficits—they may have power to restrain the Trust from reducing fares or otherwise risking losses. I maintained in my second reading speech that any deficit should be made up by means of increased fares by the people who use the trams. That is a reasonable proposal, and would, I believe, introduce a new principle into Government-controlled or semi-Government-controlled concerns. It would give a sense of responsibility and secure that businesslike management which has been so lacking in many of our public undertakings in the past.

As to the Premier's argument that the Trust might unduly reduce fares, we must assume that a general manager with business acumen will be appointed, and the Trust will have to follow his advice, and one cannot imagine that he would recommend a reduction of fares if a deficit had occurred and, in reality, an increase in the fares was required. If the Trust were allowed to carry forward losses for, say, two years, and the Government had power, to a certain extent, to direct that no foolish policy should be followed, the responsibility would be thrown upon the general manager and the Trust of so fixing the fares as to wipe out the deficit and place the funds in credit without any necessity to levy on the local authorities. It is obviously unfair that the Trust should have power to levy upon only a very small proportion of the tram users, and that the overwhelming majority of the users should be able to get cheap fares at the expense of that comparatively small number of people. Probably, too, the most clamorous for extensions of the tramways will not be ratepayers, and so will not have to shoulder any responsibility for losses which may occur. I honestly believe that people who desire tram extensions would be willing to pay increased fares if necessary; but whether they would be willing or not, our legislation should provide that the Trust should not cast the burden on the ratepayers.

I hope the Premier will recognise that we are only anxious to establish the principle that the trams shall be a business concern and must stand on their own foundation. I do not think there is any fault to be found with that argument, and we know that the Government can introduce a clause by which they can reserve their right to make levies, if necessary. I hope the Premier will try to visualise the angle from which the Opposition look at this question.

Mr. FLETCHER (*Port Curtis*): I was hoping that the Premier would accept the amendment, because this clause represents the weakest feature in the Bill. It is not only an unsound proposal, but I believe it to be quite unjust. We propose to give the Trust power to levy on the ratepayers to make good losses when the ratepayers may have no direct concern with the trams. The people who use the trams should undoubtedly shoulder any loss, and the trams should be self-supporting. If the Trust had the right to carry forward losses for a year or two years, and make them up by increased fares or some other such means, that could easily be achieved. The position would be slightly different if the local authorities which elect the Trust were themselves elected under the old franchise; but now the parliamentary electors return the members of the local authorities, who, in turn, elect the Trust, so that really the electors elect the Trust, and, through their representatives, throw the losses upon the ratepayers. That is quite illogical and unsound. We might have a Trust which would appoint an incompetent manager and there might be very heavy losses, which would create a feeling of uncertainty, especially since the ratepayers have already to carry a very heavy burden. I am sure that this provision will have the effect of deterring people from owning property. It may be found after six or seven years that the personnel of the Trust is such that reckless management takes place, with tremendous losses. The clause is an unsound proposal on the face of it. If the Premier will accept the amendment, the Bill will be quite sound, and the Trust will be constituted on sound lines. The hon. member said that the same principle held good in South Australia, but the Trust there was probably elected on a different franchise.

The PREMIER: No, it is elected in exactly the same way. It is a local authorities' Trust.

Mr. FLETCHER: That makes it more democratic still.

The PREMIER: And in Melbourne the Commission, which is appointed by the Government, levies on the Melbourne local authorities.

Mr. FLETCHER: You cannot judge the real position until you understand all the circumstances. There may be other features that affect the position.

The PREMIER: The local authorities, in their own Bill in 1913, provided for it, and Mr. Denham provided for it in his Bill in 1914.

Mr. FLETCHER: Things have changed since then; we have had an alteration of the franchise.

The PREMIER: The Government will stand behind the Trust as guarantors perhaps to the extent of £1,500,000.

Mr. FLETCHER: The Government are backing the Trust, but they are not going to be asked to make good any losses. The tramways must be kept self-supporting. Why have this provision at all?

The PREMIER: The hon. member is not suggesting that the Government should put in a receiver?

Mr. FLETCHER: Not at all. I hope that the Premier will alter his mind. If a business which is being run to make a profit,

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and which has not to depend upon itself, and knows that any loss will be made [5 p.m.] up by someone else, the tendency is not to manage the business so well. In years to come the Trust may manage the business in a most inefficient manner.

The PREMIER: The local authorities appoint this Trust.

Mr. FLETCHER: I would be very sorry to have anything to do with the Bill as it stands with the ratepayers paying the losses. It must also be remembered that no referendum has been taken on the matter. It is being put upon the ratepayers, and there is nothing to show that they may not have to pay very heavy rates to make up deficits. It is the principle about which I am concerned. We are putting through a very unsound proposal.

The PREMIER: It would be more unsound to take it out.

Mr. FLETCHER: It is the one portion of the Bill that I have picked out as being extremely weak.

Mr. KERR (*Enoggeva*): Subclause (2) of clause 5 of the second schedule reads—

“If thereafter on the thirtieth day of April or the thirty-first day of October, respectively, any part of such money or interest referred to in paragraphs (a) and (b) of subsection 1 hereof remains unpaid, the Treasurer may, by notification in the ‘Gazette,’ appoint a receiver to collect on his behalf and to pay to the Treasury all or any moneys and interest from time to time due and owing to the Trust to the amount stated in such notification.”

It goes on to provide that the Treasurer may, from time to time, make rules, and then says—

“Thereupon such receiver shall, from the date stated in such notification, be the only person legally entitled to receive the revenues of the Trust.”

The PREMIER: That is in case of default. There will be no default.

Mr. KERR: We trust that there will be no default. It is remarkable that the provision for issuing a precept should remain in the Bill. There are other arguments in favour of the amendment. If the Premier will study the amendment closely, he will find that it gives power to increase fares and take “any other action deemed advisable.” The leader of the Nationalist party pointed out that travellers from the country who came to Brisbane and used the trams would not be called upon to make good any deficit. Look at the experience of Rockhampton. Thousands of people to-day are paying a special tramway rate in Rockhampton, although they never use the trams. Are we going to have the same thing in Brisbane? It is not just. The Trust will not pay rates, and that will mean a loss to the local authorities of approximately £15,000 per annum. The Government will have two representatives on the Trust, and surely they will look after the financial interests of the Government. Section 39 of the Adelaide Act reads—

“The Treasurer is authorised from time to time to pay out of general revenue any moneys necessary to meet interest on the cost of purchase, which the receipts of the Trust are insufficient to discharge according to the provisions hereinafter contained.”

It goes on to say—

“The whole of the moneys paid by the

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Treasurer under section 39, together with the cost of raising capital moneys certified as aforesaid, are a charge on the assets of the Trust in favour of the Treasurer.”

That is a fair and equitable arrangement. Surely the Government have sufficient security in the assets? I circulated an amendment to omit the whole clause, but I think that this is a very reasonable compromise. We know that the Government went to the country one year on the “cheap food” cry. Politics have entered into local authority elections, and what is to prevent the cry of “cheap tramway fares” being used at those elections, backed up by this Government? The amendment will be a protection against such a thing. The Premier must recognise that our arguments have a sound foundation. I hope that he will accept the amendment.

Mr. SWAYNE (*Mirani*): The Premier referred just now to the local authority franchise in South Australia, and I believe he said that the franchise there was similar to the franchise that we have here.

The PREMIER: No; I said the system for the election to the Trust was exactly the same as we are providing here. It is constituted by representatives from the local authorities.

Mr. FLETCHER: The Premier said the franchise was the same.

The PREMIER: I said the franchise in connection with the Trust was the same.

Mr. SWAYNE: The key to the whole position is the qualification of those who elect the aldermen. The parliamentary electors elect the aldermen, and the aldermen, in turn, elect the representatives to the Trust. At the present time any person over twenty-one years of age can vote. He or she may only reside in Brisbane or Queensland a month and be away the next month. It will be readily seen that an irresponsible section can be a controlling factor in a municipal election. What more popular cry could a candidate have, when addressing a body of electors who run no risk of losing anything in the matter, than to say, “I will give you tram rides at half cost?” That would be a very strong inducement for those voters to vote for that particular candidate. The candidate will say, “If you return me, I in turn will appoint members to the Trust who will reduce your fares.” The business prospects in some small suburbs may not warrant an extension of the tramways. What more popular cry could a candidate have than to say, “If you return me I will secure you a Trust that will give you this extension?” The ratepayers will have to foot the bill and make good any loss that occurs. I am concerned more about persons with an allotment and a small cottage. I think that those persons who by their thrift have saved sufficient to buy an allotment and have a home, and are in the position of being their own landlords, are more worthy of care than any other section of the community. This measure will practically discourage thrift. What is the use of saving up money to get a home when its value by all sorts of excessive rates is going to be destroyed? Look at the burden that is going to be placed on the property owners in connection with our water and sewerage system. If you are going to put upon property owners any risk such as is contained in this Bill, and then later on another risk, it will not be very long before any margin of value which now

exists will entirely be destroyed and property in Brisbane will become valueless. The argument has largely been centred round the franchise in Adelaide. According to the South Australian "Year Book," the franchise in connection with the election to the Corporation of Adelaide is—

"Every person of full age who, on the first of October, is seized of or occupies any rateable property within the municipality, either as owner, leaseholder, or occupier, whose name as such owner, leaseholder, or occupier is inserted in the assessment book, is a citizen and member of the municipality entitled to be enrolled on the ratepayers' roll, and to vote at all municipal elections held in the municipality."

The Premier was quite mistaken when he said the franchise was the same here as in Adelaide. The franchise in Adelaide may be more democratic, but it is not the same as here. If the Trust was elected upon the franchise of those who will have to carry any loss there would be no objection whatever. This Bill furnishes foundations for the value of properties being attacked in the way of rates.

Mr. FRY (*Kurilpa*): This Bill is not like the laws of the Medes and Persians—it can be altered. In order that the trams may be carried on in the best interests of the people, consistent with economy, it is necessary that we should accept this amendment. We know from experience in the past that immediately a business is handed over to a local authority it is removed entirely from independent control. If the Government or a local authority exercise control, that means relaxation of supervision. There should be no encouragement for the management to play upon the anticipation of raising rates from properties to make up any deficiency. When the local authorities elections are on, we shall find that there will be promises made with a view to conferring privileges upon certain individuals or sections of the community. Various concessions will be given, and various officials, both public and private, will enjoy privileges that they do not now enjoy. Unless you remove the temptation to make up a deficiency without its becoming publicly known, you are going to have loose and unsatisfactory management. If the Premier accepts the amendment it will have the effect of making the management more careful.

Mr. T. R. ROBERTS (*East Toowoomba*): I support the amendment. From a business point of view the tramways should be self-supporting. The cost should be borne by the users of the trams. It is not advisable to make up the loss by imposing a rate on property owners. I have in mind the time when the Industrial Arbitration Court was established, when certain people were allowed access to that court. A few months ago some of the bodies of employers approached the court on the question of a reduction of wages. Although the local authorities were concerned in this matter, they did not join in this application, as they did not wish to lose votes. They acted in connection with the local authorities in a way that they would not act in their own businesses. The same thing would apply in connection with this Trust, and there would be a tendency to make up any deficit by a rate on lands within the area.

Mr. FLETCHER (*Port Curtis*): The Premier based his argument chiefly on what has happened in Adelaide. As the hon. member for Mirani has pointed out, the franchise in Adelaide is quite different according to the South Australian "Year Book." It is really the ratepayers who elect the Trust and not the electors, as is proposed in Queensland. Then, if we go to Melbourne, we find that, if there are any losses and a charge is made against the ratepayers, the Trust has to pay the profits into a trust account, and from that trust account they pay the ordinary rates in the following year. There may be other conditions which the Premier did not quote which might have a very big bearing on the subject. The provisions of the Victorian Act alter the complexion altogether, and make it far more reasonable. That is where the analogies quoted by the Premier are so dangerous. Unless you previously look them up and see what the Premier is referring to, you cannot place any faith in him, because he draws conclusions to suit his own case, and he does not quote the whole case. Seeing the Premier bases his argument on what is happening in the Southern cities, and in view of the unsoundness of the proposal, he should alter his decision in the matter and accept the amendment. It will make the Bill more acceptable to all parties and create more confidence in the minds of the people. Confidence is being lost in every direction, and the people do not know what to expect next. A sense of security is lost when you have clouds hanging over your head.

Mr. KING (*Logan*): In the third schedule to the Bill there is provision made for the Trust to make by-laws, and in connection with these by-laws there is power given to prescribe—

"Tolls, fares, or charges which, notwithstanding anything in any other Act contained, may be demanded or taken by the Trust from any passenger, or in respect of the carriage of any goods, the provision of trams for workmen at reduced fares."

They have power there either to reduce fares or to increase fares, and I should like to ask the Premier if, in the event of the Trust taking possession of the trams to-morrow, there is anything to prevent the Trust passing a by-law bringing the fares up to the limit. There is no control over the Trust in that direction. By that means the Trust could make its revenue such that it would not be necessary to issue a precept.

The PREMIER: That will be entirely the responsibility of the Trust.

Mr. KING: That power cannot be interfered with by the Commissioner of Prices or anyone else?

The PREMIER: That is so.

Mr. TAYLOR (*Windsor*): I would like to make a further appeal to the Premier to accept the amendment. One must not lose sight of the fact that we are taking a leap in the dark. If the tramways became the property of the local authorities to-morrow and they continued to charge the same fares as are charged at present—which, no doubt, they would do—it would probably be eighteen months or two years before this matter was definitely finalised and they knew exactly what their liability was, and during that period very heavy losses might be sustained.

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If they knew whether the cost was going to be £1,250,000 or £2,000,000, they could so regulate their affairs that there would be no loss.

The PREMIER: Meanwhile they will be paying interest only on a limited amount. That is provided in the Bill. They will not be providing interest on a fictitious amount of capital. Supposing the sum were fixed at £1,500,000 eighteen months hence, it does not say the Trust has been all along paying interest on £1,500,000.

Mr. TAYLOR: On what amount will the rate be assessed?

The PREMIER: On the amount agreed on—something less than that.

Mr. TAYLOR: I certainly think the amendment is a reasonable one.

Mr. MOORE (*Aubigny*): The Premier endeavoured to make a comparison between Queensland and Victoria, but in Victoria the franchise is totally different. Section 26 of the Victorian Tramways Act of 1915 reads—

“It shall be lawful for the council of any shire to make and levy a rate, to be called a tramway rate, equally upon all rateable property in any particular portion of the shire on the following conditions:—

(1) It must appear to the council of the shire that the tramway in respect of which such rate is made and levied would be for the special benefit of the particular portion of the shire.

(2) A petition must have been presented to the council signed by one-third the number of the ratepayers in such portion of the shire praying the council to make and levy such rate.”

The PREMIER: They have to meet the precept.

Mr. MOORE: They have to ask for it before the tramway is built.

The PREMIER: We are not talking about a tramway being built. The tramway has been acquired, and is now vested in the Trust.

Mr. MOORE: The people had an opportunity of saying whether they wanted it or not.

The PREMIER: The Government passed the measure and appointed a Trust, and they imposed the precept.

Mr. MOORE: Before it was levied the ratepayers had to be asked.

The PREMIER: You are reading something that is out of date.

Mr. MOORE: This Act was passed in 1915, and they took over the trams in 1916, when the franchise expired.

The PREMIER: The last Act was passed in 1919. You are out of date.

Mr. MOORE: I would like to see that Act and see what the provisions are. We find the conditions under this Act are totally different from what the Premier made them out to be. Section 30 of the Victorian Act provides—

“If and as often as after moneys have been levied and applied as in this Part provided on account of the tramway rate, the tramway should become so profitable that the receipts from it are more than sufficient to liquidate all the expenses connected with it, and also the moneys

due and payable to His Majesty in respect of any advance hereunder, the council shall place such profits to a separate account and apply them in or towards payment of all rates that may become payable to the shire in respect of rateable property in the district upon which the tramway rate was levied, in exoneration of the ratepayers until the amount of such profit so applied is equal to the amounts levied on account of the tramway rate, with interest at the rate of £4 per cent. per annum, and, subject thereto, the profits of the tramway shall form part of the municipal fund.”

The PREMIER: Why persist in quoting an Act that has been superseded?

Mr. MOORE: A similar clause is probably contained in the later Act.

The PREMIER: The hon. member is not honest when he persists in quoting that Act.

Mr. MOORE: The Premier persists in quoting the section that suits him. I would like to see whether there are not other sections in that Act with regard to the rate to be levied. In Acts passed in Victoria they do not place unnecessary burdens on the ratepayers without giving the ratepayers an opportunity of saying whether they are agreeable to accept them or not. In Queensland we have a different position. The Victorian Act of 1915 was passed for [5.30 p.m.] the special purpose of making provision to take over the trams in 1916, and the provisions I have read were included. If the Act has been altered and there is no provision by which the ratepayers can be protected, it is most extraordinary. If that is so, it is the first Victorian Act I have known where such a condition of affairs has existed.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): The hon. member for *Aubigny* would not accept my statement that the Act he has been quoting from is out of date.

Mr. MOORE: I do accept your statement.

The PREMIER: I showed him the copy of the later Act I have here, and, even though he acknowledged that there might be such an Act, he went on quoting just the same from the old Act which has been superseded. This is an Act relating to metropolitan tramways in Victoria. It was assented to on 7th January, 1919, and is cited as the *Melbourne and Metropolitan Tramways Act, 1918*. Section 89 is headed “Provision for surplus revenues from tramway undertakings,” and reads—

“If in any year there is a surplus from the revenues of the tramway undertakings of the Board after all past or future liabilities properly chargeable to that year (including liabilities for principal, interest, or sinking fund in respect of any debentures or stock) have been satisfied or provided for, the Board—

(a) may carry to the credit of the following year so much of such surplus as it thinks fit, but not exceeding ten thousand pounds; and

(b) shall distribute the whole or the remainder (as the case may be) of the surplus among the municipalities to which this division refers, in accordance with any scheme of distribution from time to time adopted by the Board, and any sum received by any

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such municipality pursuant to this section shall be applied by it towards such purposes as the Governor in Council approves, and not otherwise."

Mr. MOORE: There is nothing in that about the people having a voice in the matter.

The PREMIER: This Act created the Trust in Melbourne. There was no poll of the ratepayers or anyone else. The Victorian Government, and not the ratepayers, appointed the Trust, which has plenary power to levy a precept.

Mr. MOORE: Does it say anything about any future profit going to a sinking fund out of which the rates may be paid?

The PREMIER: No; but there is a provision whereby profits may be divided between the State consolidated revenue and the municipal revenue.

Mr. FLETCHER: There is something in that.

The PREMIER: Half of it goes to the State, but the whole of any deficit here is to be made up by the ratepayers. Does the hon. member suggest that the provision I have mentioned in the Victorian Act is more favourable than the one we are including in this Bill?

Mr. FLETCHER: The ratepayer in Victoria gets something back.

The PREMIER: No one but the ratepayers in the metropolitan area will benefit.

Mr. FLETCHER: There is nothing to provide for the ratepayers sharing in the profits.

The PREMIER: On what does the hon. member base that assertion?

Mr. FLETCHER: There is nothing in the Bill providing for that.

The PREMIER: Who will benefit except the ratepayers in the metropolitan area? The accumulated profits will go to a reserve fund, and may be used by the Trust to lessen the local authority obligations.

Mr. MOORE: They will not go to the ratepayers.

The PREMIER: They may; there is nothing to prevent it under this Bill. If the hon. member can show that there is anything in the Bill preventing the Trust, or the local authorities constituting the Trust, from dividing the profits to lessen the ratepayers' burden, I will be prepared to accept an amendment.

Mr. MOORE: You cannot point out anything in the Bill which allows it.

The PREMIER: If the local authorities held the profits, who else would benefit by it? The local authorities cannot use the accumulated profits to reduce the fares; but they may regulate their business in any way they like. The Trust may make an annual profit and use that profit to pay the local authorities' rates.

Mr. KING: Can it do that?

The PREMIER: There is nothing to prevent it. Does not the Trust control its own funds? If there are accumulated profits, we may have to provide for their distribution by legislation; but it is quite evident that no one else can get any benefit from those profits. The State revenue can get no benefit. In Glasgow the local government bodies have taken in the aggregate millions of pounds out of the undertaking. I am not justifying this because it is done in Victoria. I only quote that as an analogy. This Trust

is more liberal than the Victorian Trust, because in that case the municipal electors or ratepayers do not constitute the Trust; yet they are subject to a possible levy or precept or a direct rate levied by the Trust. In Adelaide the position is more analogous to the position here, because the Trust is elective.

Mr. MOORE: But the franchise is not the same.

The PREMIER: That is so; but they have an elective Trust. The local authority representatives compose the Trust here. There is room for difference of opinion on this clause. I have only stated what the attitude of the Government is. I have listened carefully to the arguments used, and I cannot agree to accept the amendment. I hope the hon. member for Aubigny will allow the thing to be decided, so that we can proceed to the other clauses of the Bill.

Mr. FLETCHER (*Part Curtis*): The Premier said there was nothing to stop the Trust handing over to the ratepayers profits which are made. There is nothing to stop it doing that. Does the hon. gentleman think it is likely that the Trust would ever think of doing so?

The PREMIER: Does not the Trust do it in Glasgow?

Mr. FLETCHER: The circumstances may be entirely different there. The Bill does not specifically say that the Trust shall distribute any of its profits to the ratepayers; but it says that any losses shall be made up by the ratepayers. The ratepayers are not considered in the slightest degree until a loss is incurred, and then the Trust has power to ask them to pay up. The Premier must know that that is inequitable and unjust. I do not think that the arguments he used have any bearing on the matter.

Mr. WILSON: The local authorities will want extensions made.

Mr. FLETCHER: If the local authorities want extensions made, no doubt they will benefit in that sense; but, so far as the financial aspect is concerned, the ratepayers do not come in unless losses are made. To be quite fair, they should come into the matter if profits are made; but I hold that they should not come into it at all, and that the scheme should be self-supporting, and then it would be a sound scheme.

Mr. KERR (*Enoggera*): I hope the Premier will not remain adamant on this point, because if he does the charge of inconsistency in policy against him will be justified. What was the procedure adopted in regard to the guaranteed railways? We know that a rate was levied through the local authorities to make up any deficit which accrued. The Government wiped out the guarantee principle in connection with the railways, and the loss incurred was borne by the consolidated revenue of the State. The Government are forcing this Bill on the local authorities and are going to make them levy a rate for any deficit which may occur. If this is the policy of the Government in one case, it should be applicable in the other case.

The SECRETARY FOR PUBLIC INSTRUCTION: What do you suggest as an alternative?

Mr. KERR: I suggest as an alternative the acceptance of the amendment which we are discussing, and making the users pay. Again, I am going to accuse the Government

Mr. Kerr.]

of inconsistency in regard to their policy, more especially where they are not concerned themselves. I hope the Premier will do the proper thing in regard to this amendment. We are getting into the position that we do not know where we are in regard to these matters. The Government take up an attitude in connection with a matter they are interested in different to the attitude they take up in something they are not concerned about; but there should be a uniform policy on their part, so that the people would know where the Government stand. We know that, if this authority is included in the Act, it may be used. As I have stated before, it was used in Rockhampton. Already the small landowner with two allotments—in many cases a working man on the basic wage—is paying in some of these areas a great deal more than £10 a year in rates. Some of the local authorities impose as many as three special loan rates. The cost of living generally is tremendously high, and the State and Federal taxation is very heavy. The time is opportune for the Premier to accept the amendment, as it will give people confidence in the State if this restriction is removed. We shall find the people in the trams saying, "We wonder when we shall have to pay a special rate for riding in these trams." It is a reasonable amendment, and the Premier might accept it, as he has been reasonable to-day and has met us in a number of ways. In this principle, though, the Government are inconsistent with their policy in regard to the guaranteed railways. We cannot overlook the fact that the Trust will receive £60,000 or £80,000 extra, which the present company has to pay in British and Australian taxation. I do not think there is any risk, but, if there is a risk, it should be borne by the users of the trams.

Mr. BEBBINGTON (*Drayton*): When I was in Rockhampton a short time ago this was a burning question with a lot of the ratepayers. They complained about having to pay a tram rate for the benefit of the few people who use the trams. The trams only go up a few of the streets, yet all the taxpayers have to pay, and those who do not use the trams think it is not a fair thing that they should be called on to pay the tram rate.

Mr. SIZER (*Nundah*): This is one of the cardinal features of the Bill, and we bring forward this amendment to make the Bill a success. The Secretary for Public Instruction asked us what we propose as an alternative. This should be a business scheme, and we suggest that the precept clause should be deleted. If the Premier will accept the amendment he will assist himself and assist the Trust too, because he will get more efficient management from the Trust and from the general manager than he will get if he retains this clause providing for the issue of precepts. I am quite satisfied, in connection with our State enterprises, that if they did not have their losses made up from revenue, but had to rely on themselves, they would not be such a burden on the State as they are. The position in regard to the Rockhampton trams is very pertinent. The trams serve a few people there, and the whole of the people have to pay the tram rate just for the sake of seeing the trams running. Those who want tramway extensions should be prepared to pay.

Mr. WILSON: They will not be imposed upon as they are by the present company in connection with the repairs to the roads.

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Mr. SIZER: The local authorities will still have to keep the roads in repair.

The SECRETARY FOR PUBLIC INSTRUCTION: The tram fares could not be increased by more than a halfpenny.

Mr. SIZER: It might be necessary to increase the tram fares a penny or a halfpenny. That would wipe out the deficit and create a surplus, and we could then have further extensions. We would also increase our surplus because of the extra revenue. The Premier pointed out that it was necessary to make provision for the precept, otherwise the Government would have no power to stop the Trust from defaulting. The Government are safeguarded by the powers provided in the second schedule, whereby they can secure whatever moneys are due to them. The Government have nothing to risk and nothing to gain by removing the precept from the Bill. I am sure it will give the ratepayers more confidence in the undertaking and increase the efficiency of management. All the arguments have been in favour of the amendment, and I hope the Premier will see the wisdom of accepting it.

Mr. T. R. ROBERTS (*East Toowoomba*): I would like some information from the Premier with regard to the money to be paid by the Trust and the date it starts from. I judge from the remarks of the Premier that the payments are likely to be made in different amounts.

The PREMIER: The Trust will carry on and pay interest on the amount owing.

Mr. T. R. ROBERTS: I take it that, when the court decides the amount which has to be paid for the purchase of the tramway, the local authorities will have to pay interest on the full amount from the day on which they take over the tramways.

Mr. ELPHINSTONE: It will be retrospective.

Mr. T. R. ROBERTS: That is so. Whatever amount is fixed by the court as compensation will have to be paid by the Trust, with interest added, from the time that the local authorities take over the tramway. If that is not so, I would like to have information from the Premier as to where he gets his authority for making the statement he did in regard to the payment.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): Of course, there must be an interregnum between the date of acquisition and the date when the compensation is fixed; and the company would be out of its revenue unless some provision were made to give it interest on some arbitrary amount. The adjustment will, of course, be made subsequently, and it is provided in clause 17—

"(8.) Pending the final determination of the amount of assessment of purchase money, the Trust shall pay to the company half-yearly out of the general fund, interest calculated as from the day specified in the Proclamation in subsection one of section sixteen hereof referred to at the rate of five pounds ten shillings per centum per annum, on such sum as the Trust, with the approval of the Governor in Council, calculates will be the amount of purchase money which will be assessed in cash as aforesaid."

It has to be an arbitrary amount in the interim and an adjustment has to be made, and interest in the meantime will be paid on what will be a safe estimate on the amount

of compensation. As to the hon. member's contention that there may be heavy losses in the early period of the Trust's operations, I would point out that the interest charges will probably be less than subsequently.

Mr. T. R. ROBERTS (*East Toowoomba*): There is another paragraph I would like to read—

“ Provided always that upon the final determination of the amount of purchase money—

(1) The Trust shall forthwith pay to the company the amount (if any) by which interest at the rate of five pounds ten shillings per centum per annum on the amount of purchase money so finally determined under paragraph (1.) of subsection three of section sixteen hereof for the period between the day specified in the said Proclamation and the date of such final determination exceeds the amount of interest already paid by the Trust to the company under this subsection.”

The PREMIER: That provides for the adjustment.

Mr. T. R. ROBERTS: That provides that the Trust has to pay interest on whatever amount of money is determined by the tribunal to be the value of the undertaking.

The PREMIER: It has to pay the full amount. If the hon. member had been listening he would have seen that in the first twelve months—or whatever period it may be—the Trust will have a better time financially than at any other time, because it will be carrying less interest than later.

Mr. T. R. ROBERTS: That is so, if it takes twelve months, but in the next twelve months an extra amount may have to be paid to make up the interest. The impression the Premier gave me was that during that period the Trust would pay interest only on a certain amount agreed upon by the Governor in Council and the company.

The PREMIER: No. The second paragraph of the subclause shows quite definitely that the Trust has to pay on the full amount determined as compensation.

Question—That the words proposed to be omitted (*Mr. Moore's amendment on clause 26*) stand part of the clause—put, and the Committee divided—

In division,

The PREMIER: I declare that, in addition to voting in my own right, I vote for the “Ayes” as proxy for Mr. McCormack.

AYES, 33.

| | |
|-----------------|---------------------|
| Mr. Barber | Mr. Land |
| „ Brennan | „ Larcombe |
| „ Bulcock | „ McCormack (Proxy) |
| „ Collins | „ Mullan |
| „ Conroy | „ Payne |
| „ Cooper, F. A. | „ Pease |
| „ Cooper, W. | „ Pollock |
| „ Coyne | „ Riordan |
| „ Dash | „ Ryan |
| „ Dunstan | „ Smith |
| „ Ferricks | „ Stopford |
| „ Foley | „ Theodore |
| „ Forde | „ Weir |
| „ Gledson | „ Wellington |
| „ Hartley | „ Wilson |
| „ Huxham | „ Winstanley |
| „ Jones, A. J. | |

Tellers: Mr. Bulcock and Mr. Ferricks.

NOES, 29.

| | |
|-----------------|---------------------|
| Mr. Appel | Mr. Kerr |
| „ Barnes, G. P. | „ King |
| „ Barnes, W. H. | „ Logan |
| „ Bebbington | „ Maxwell |
| „ Brand | „ Moore |
| „ Cattermull | „ Peterson |
| „ Clayton | „ Petrie |
| „ Corser | „ Roberts, J. H. C. |
| „ Costello | „ Roberts, T. R. |
| „ Deacon | „ Sizer |
| „ Elphinstone | „ Swayne |
| „ Fletcher | „ Taylor |
| „ Fry | „ Vowles |
| „ Green | „ Warren |
| „ Jones, J. | |

Tellers: Mr. Brand and Mr. Logan.

PAIR.

Aye—Mr. Gilday. No—Mr. Macgregor.

Resolved in the affirmative.

Clause 26 put and passed.

Clause 27—“*Exemption from taxes, etc.*”—

Mr. KERR (*Enoggera*): I ask the Committee to omit this clause, when I intend to move the substitution of the following clause:—

“ No taxes other than local authority rates or assessments shall be assessed, levied, or paid on or in respect of the property or revenue of the Trust.”

The Bill has as its object the making of the tramway undertaking a business concern. The undertaking, therefore, should be placed on the same footing as other public utilities, such as electric light and gas. The fact that the local authorities have asked for

[7 p.m.] this amendment emphasises its justification. If we examine the rates paid last year, we shall see that the ratepayers living in the tramway area are paying a fairly large tax. There have been increases since, but the general rate for 1921 was—Brisbane, 6½d. in the £1; South Brisbane, 6d.; Hamilton, 6d.; Ithaca, 7d.; Toowong, 5½d.; Windsor, 6½d.; Balmoral, 5½d. to 7d.; Coorparoo, 5½d.; Enoggera, 6d. to 8d.; Kedron, 3d. to 4d.; Stephens, 7½d.; Toombul, 4½d. to 6d. For that year £360,688 was levied, and it says a good deal for the ratepayers that the arrears totalled only £28,000. That levy works out at £8 per dwelling and £1 18s. per head of population. I have not had an opportunity of looking up the figures relating to all the States, but I have turned up those relating to New South Wales, and I find that the taxation of the municipalities, inclusive of the City of Sydney, is £1 9s. 7d. per head.

Hon. W. FORGAN SMITH: Give us the Melbourne figures.

Mr. KERR: Unfortunately, I had not time to get those figures. If every user of the trams paid rates to the local authorities, it would be purely a question of taking money out of one pocket and putting it into another. That will not be the case, because only a certain section of the community pay rates. Practically the whole of the community will make use of the trams. The amount of liability that the Trust will be relieved of by way of rates to the local authorities amounts to about £15,000 a year. If that is so, then that money has to come from somewhere, and it can only come from one section of the community. The Bill was never intended to penalise one section of the community. It is brought in for the purpose of supplying a service to the whole of the community. The

Mr. Kerr.]

local authorities carry out various works for the benefit of the whole of the community, and the whole of the community should be compelled to pay for those benefits. All of my arguments are supported by the local authorities. They have asked for the inclusion of this amendment. I hope the Premier will accept it.

Mr. WILSON (*Fortitude Valley*): I think I heard the hon. member for Enoggera say that the amount that the local authorities would be relieved of in the way of rates amounted to about £15,000.

Mr. KERR: My authority is the Mayor of Windsor, who prepared the statement.

Mr. WILSON: That figure is somewhat astray of the correct amount. The amount is about £8,172, divided amongst thirteen local authorities.

Mr. KING: I think there is a special return issued by the Tramways Company showing the rates paid, and how they are divided amongst the different local authorities.

Mr. WILSON: I will give the gross amount paid to the City Council. The Tramways Company pays 1½ per cent. on its gross earnings, and the amount is divided amongst the local authorities according to the length of trammelines within each area. In 1921 the gross earnings were £544,827 12s. 6d., out of which the sum of £8,172 was paid for rates and was divided among thirteen local authorities. The sum of £15,000 is altogether away from the mark. The local authorities have at all times had a good deal of contention with the company with regard to rates and to roads.

Right through the whole piece the Tramways Company has had the upper hand, notwithstanding that it has had the very best portion of the road. It has had right of way in the middle of the main streets. I know that numbers of local authorities will agree with me that great pressure had to be brought to bear on the Tramways Company in order to induce them to maintain the roadway. We all know how the Hamilton Town Council was served in that direction. The amounts received in rates by the city council from the Brisbane Tramways Company during the last five years have been—

| — | Gross Amount. | | | Discount. | | | Net Amount. | | |
|-------------------|---------------|----|----|-----------|----|----|-------------|----|----|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| 1918 .. | 2,440 | 5 | 6 | 244 | 0 | 7 | 2,196 | 4 | 11 |
| 1919 .. | 2,707 | 17 | 2 | 270 | 15 | 9 | 2,437 | 1 | 5 |
| 1920 .. | 2,922 | 17 | 11 | 292 | 5 | 9 | 2,630 | 12 | 2 |
| 1921 .. | 3,480 | 19 | 5 | 348 | 1 | 11 | 3,132 | 17 | 6 |
| 1922 .. | 3,596 | 18 | 6 | 359 | 13 | 10 | 3,237 | 4 | 8 |
| Total for 5 years | £15,148 | 18 | 6 | 1,514 | 17 | 10 | 13,634 | 0 | 8 |

I mention those figures to show that the revenue is still increasing. The company is on such a good wicket that there should be no doubt about handing the concern over to the local authorities. They will have a splendid asset from the word "go."

Mr. KERR: According to your figures, they could easily afford to pay rates to the local authorities.

Mr. WILSON: I agree with that, and I suggest to the Premier that he accept the amendment. We have a right to assist the local authorities when we are handing over this business.

[Mr. Kerr.]

The PREMIER: I am quite willing to agree to the amendment.

Clause 27 put and negatived.

Mr. KERR (*Enoggera*): I beg to move the insertion of the following new clause to follow clause 26—

"No taxes other than local authority rates or assessments shall be assessed, levied, or paid on or in respect of the property or revenue of the Trust."

New clause (*Mr. Kerr*) put and passed.

Clause 28—"Exclusive right to construct tramways within the district of the Trust"—

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I beg to move the insertion, on line 20, after the word "tramways," of the words—

"and shall also have the exclusive right to maintain, manage, and operate motor and horse omnibus services and any like public passenger conveyance services."

That gives the local authorities control over the modes of conveyance. The amendment has been asked for by the local authorities.

Mr. KERR: I take it that that means that the Trust may license any person, other than the Trust itself, to run motor buses or horse omnibuses.

The PREMIER: That is what it means.

Amendment (*Mr. Theodore*) agreed to.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): It means that I have a consequential amendment to insert here. I move the insertion, at the end of this clause, of the following proviso—

"Provided that the Trust may from time to time and for such period, not exceeding five years, and subject to such conditions as the Trust may impose, grant to any person the right to maintain, manage, and operate motor or horse omnibus services or any like public passenger conveyance services within the District of the Trust and require the payment of fees in respect of such right, whether by way of annual fees or otherwise."

"The provisions of the Traffic Acts, 1905 to 1916, in so far as they relate to the issue of licenses, permits, and registrations, and the appointment and regulation of routes and public stands, shall not apply in respect of motor or horse omnibus or services or any like public passenger conveyance services within the District of the Trust."

Amendment (*Mr. Theodore*) agreed to.

Clause 23, as amended, put and passed.

Clause 29—"General manager to be appointed"—

Mr. FERRICKS (*South Brisbane*): I move the insertion, after line 37, of the following new paragraph—

"In making appointments, the general manager shall not exercise any discrimination against any person on the ground that such person ceased work as an employee of the company on the occasion of the tramway strike of 1912."

The clause provides—

"The general manager shall appoint all engineers, surveyors, inspectors, clerks, collectors, motormen, conductors, pointsmen, and other officers and servants necessary for such management."

He generally controls the work in connection with the tramway service. It is well known to hon. members that, during the last ten years, the members of the tramway service who went on strike in 1912 have been black-listed and victimised by the company because they dared to announce themselves as unionists. I cannot conceive that there will be any opposition to the amendment, and I trust that the Premier will see his way clear to accept it. There will be a change of circumstances generally now, and whatever animus may have existed will now be eliminated by the knowledge that Parliament has seen fit to put an amendment in the Bill wiping out the black-list which operated during the past ten years.

Mr. KERR (*Enoggera*): I think it is an insult to the Trust to include such an amendment as this. It is useless to put it into the Bill at all. It is absurd.

The PREMIER: The Trust will not make appointments. The general manager makes the appointments.

Mr. KERR: It is an insult to the general manager to say that he should discriminate in regard to something that happened ten years ago. I do not think it is necessary to lay down that sort of thing for the general manager. It is political interference at once.

The SECRETARY FOR RAILWAYS: It is an insult to the workers to have the embargo.

Mr. KERR: We should not put such an amendment into the Bill at all. If it is to be done, it should be done by the Arbitration Court. I might just as well include a clause to give preference to returned soldiers. We cannot have a clause inserted just because we want to go back to 1912.

Mr. COLLINS: If I remember rightly, you did not come out of the railways in 1912.

Mr. KERR: Didn't I? I got knocked on that occasion, I can tell you. I am satisfied that we can leave the appointments to the general manager. There is no need to have any discrimination. I know that some of these men have been appointed by the Tramways Company lately. We could invent thousands of clauses of this kind to put into the Bill, but they are useless. I do not want the Bill to be made political in any way; but this amendment will make it political. We have discussed the Bill from a non-party view, and this is raising the party issue at once. I object to such things being put into the Bill, and I seriously hope that the Premier will not accept the amendment.

Mr. VOWLES (*Dulby*): I am very much of the opinion of the hon. member for Enoggera.

Mr. COLLINS: It is quite natural you would be.

Mr. VOWLES: We were told at an earlier stage of the debate, when a suggestion was made from this side, that it would be considered as a direction from the Committee to the general manager, and that that was undesirable. That was the statement the Premier made in reply to an amendment from this side.

The PREMIER: What was the amendment?

Mr. VOWLES: The amendment moved by the hon. member for South Brisbane is evidently a compromise which has been agreed to by the Premier as the result of a threat

thrown out by one of his own supporters. Speaking on the second reading of the Bill last Friday, the hon. member for South Brisbane said—

“The rights of those men who went out in 1912 should be preserved, so that, if they want employment, they can obtain it as soon as this concern is released from the control of the Brisbane Tramways Company. I hope that it will be able to do that, and in Committee I will endeavour to get as near as possible to it.”

“As near as possible” means to make a direction to the general manager.

The PREMIER: Not a direction.

Mr. VOWLES: In what other way can it be made? When the hon. member for Aubigny was speaking on the same Bill the Premier made an interjection in connection with this subject, which I will quote. The Premier interjected—

“The best manager possible will be appointed, and he will be absolutely independent of Parliament. We provide for that.”

Then the hon. member for Aubigny said—

“The general demeanour of hon. members opposite signifies that the position will be left open.”

To that the Premier interjected—

“I will ask the hon. member to support me.”

What has happened? There is a direct threat that something is going to be done relating back to ten years ago. For what purpose? Merely that the hon. member for South Brisbane may be able to justify himself with some of his militant electors, who are probably members of a union of the past, and apparently he is doing it at the desire of the Premier.

The PREMIER: It does not say that the men shall be appointed.

Mr. VOWLES: I do not say it does. Why are we referring to the matter at all? If justice is to be done, and a general manager is appointed, and it is generally admitted that he is a fair man and a good man, why should we direct him as to what he is to do? We are telling him that in the management of this concern, which is under the control of the Governor in Council—of a Minister to a great extent—he is to make discriminations.

The PREMIER: No—that he shall not make discriminations.

Mr. VOWLES: We are telling him that he has got to review the position; and it is possible that, through the interference of the friends of these men, others who are now in billets will find that, in the exercise of that discrimination, they will lose their billets. If it is not for that purpose, why is it proposed at all?

Mr. W. COOPER: Because men have been blacklisted for ten years.

Mr. VOWLES: What is the object of talking about it? Is it not a direction to the general manager as to the desire of the Government? It can only have one effect—that persons in billets to-day are going to be prejudiced.

Mr. COLLINS: More cars and extensions will be required, and more men will be needed.

Mr. Vowles.]

Mr. VOWLES: In that case I should say it ought to be left to the general manager to get the best men to bring about the best results; and, if we are going to give him anything in the nature of a direction, we shall be initiating a principle which is going to be the ruination, not only of the local authorities but also of those persons who live in their areas and who have to foot the bill. It is a bad principle. We started on this Bill in a non-party spirit to bring about the best results; but now we are going to mar all we have done by introducing an objectionable feature in order that the hon. member may prove, in some direction at any rate, that he has not forgotten, and that he is going to carry out one of those threats which he and other men made many years ago—that when the opportunity came they would get square. With whom are they going to get square? With whom but the loyal men who stuck to the company in a time of trial? The Government are going to give the general manager directions, if not to discriminate, at any rate to do something which will put the positions of these men in jeopardy. I think that is a wrong principle, and the Premier will be well advised if he reconsiders the matter. Apparently a compromise has been accepted, and I am sorry, because I thought that he asked us to support him.

The PREMIER: Surely, you do not want the general manager to discriminate?

Mr. VOWLES: I do not.

The PREMIER: That is all the amendment says.

Mr. VOWLES: Why should not a similar provision go into every Act of Parliament? Why should it not be a general principle of the Government or of this House? The Arbitration Act itself says that there shall be no discrimination.

Mr. COLLINS: There are some who defy even Arbitration Acts.

Mr. VOWLES: Does that not show that there is more in this amendment than meets the eye? We have to judge by the spirit in which hon. members opposite bring the amendment before the Chamber. I think it is a great pity that it has come up at all. Apparently, it was never intended when the Bill was introduced. It was not asked for by the local authorities, and every time we suggested anything to the Premier he has asked: "Did the local authorities ask for this?"

The PREMIER: They certainly did not object to this.

Mr. VOWLES: Why was it not in the original draft of the Bill?

Mr. FERRICKS: The amendment was printed before this Bill was introduced.

Mr. VOWLES: This threat was made this day week.

Mr. FERRICKS: I had the amendment in my pocket long before that.

Mr. VOWLES: The hon. member says it was printed? I say it was not printed.

Mr. FERRICKS: I say it was.

Mr. VOWLES: Was it printed and circulated? It is a most astonishing thing to me. We are dealing with a caucus party who go into all these details in camera, and this matter was apparently never discussed, and the majority of the party never had the right to express their opinion upon it. When the statement was made by the hon. member for

South Brisbane, the reply of the Premier—that he would stand up against it—met with approval from this side of the House.

[7.30 p.m.]

The PREMIER: Don't twist what I said.

Mr. VOWLES: You asked us to help you.

The PREMIER: To retain the powers of the general manager in the control of his staff.

Mr. VOWLES: Had not the hon. member for South Brisbane made that threat previously?

Mr. FERRICKS: No.

Mr. VOWLES: Yes; the hon. member said he was going as near as he could.

The PREMIER: Do you say that the hon. member for South Brisbane has no right to move an amendment?

Mr. VOWLES: Certainly he has a right to move an amendment; but, if he makes a threat and certain action is taken because of it, we are here to criticise it.

The PREMIER: Keep on doing it. The fatuity of your argument is the thing that strikes me.

Mr. VOWLES: Every time the Premier is cornered he starts on the same line of defence—abuse. It does not get him anywhere. No person can be read more easily than the Premier. I trust the hon. gentleman will not accept the amendment. If he does, he is going to mar what we have done this afternoon in trying to make this a workable Bill.

The PREMIER: Either you intend to allow the general manager to discriminate or you must accept the amendment.

Mr. VOWLES: We do not want to include in the Bill anything in the nature of a direction to the Trust or the general manager.

The PREMIER: It is not a direction.

Mr. VOWLES: We want to give them a free hand to carry on the business in a businesslike way. The general manager should have the right to pick and choose his men, if he is to make a success of the business. The curse of Government employment, more particularly in the Railway Department, has been the fact that the Commissioner has not been in the position of deciding what class of men he shall have working for him; he has had men thrust upon him on account of their political brand.

Mr. COLLINS: It must have been your political brand.

Mr. VOWLES: It was not my political brand.

The SECRETARY FOR RAILWAYS: Your statement is entirely false.

Mr. VOWLES: I have the minutes of the meeting which took place in Ipswich at which the Premier was present—I will give them to the House one of these days. I have the statement of the Premier about inefficiency and the number of hands in the Ipswich workshops who were put in unnecessarily.

The PREMIER: We dealt with that.

Mr. VOWLES: Yes. I have the Premier's admissions and also the admissions of the gentlemen who told him that he should carry out the same principle that we desired to see carried out—to put those men on productive work instead of having two men doing one man's job. If we are going to have that state of affairs in the tramways, God help the concern. If you are not going

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to have men who are efficient, if you are not going to get the best men, it will be like other Government enterprises—it will end in disaster.

The PREMIER: What is there in this amendment that prevents the general manager obtaining efficient men?

Mr. VOWLES: It is an interference with him.

The PREMIER: It is not.

Mr. VOWLES: Does the hon. gentleman mean to tell me that people in those positions are not guided to a very great extent by the desires of the Governor in Council? When you propose to put something into the Bill which is as close as you can get to compelling the general manager to employ certain men who went out for certain reasons many years ago—if that is not a direction, I would like to know what is. Hon. members opposite would have gone the whole hog if the Industrial Arbitration Act had allowed them.

Mr. WILSON (*Fortitude Valley*): I am somewhat surprised at the attitude taken up by the hon. member. In one breath he says there is nothing in the amendment and that it is useless, and then he lays great stress on its importance. The same remark was passed by the hon. member for Enoggera. The amendment does not say that the loyal workers of the Tramways Company are going to be interfered with in any shape or form; all that it asks is that, in making any fresh appointments, no discrimination shall be made against these other men. The leader of the Opposition knows as well as I do that an embargo has been hanging over the heads of these men for the last ten years. There were 570 odd men who went out on strike. Something in the neighbourhood of seventy or seventy-five were willing to go back at one time, but Mr. Badger had decreed that they should not be employed, and they were debarred from obtaining such employment right throughout Australia. The Tramways Company has absolutely prohibited those men from joining up for the last ten or twelve years. Is that a fair thing? Do hon. members not think that they have lived down any mistake—if a mistake was made? Hon. members opposite profess to have the interests of the workers at heart. Are they going to keep this over the heads of these men? Are they going to crush them and never give them a chance? Suppose the present general manager is retained by the Trust. He will already have dealt with the case of these men, and would there be any chance of their getting back? Those men have been victimised for over ten years. We are not asking that they be reinstated; but we are asking that, if any new appointments are to be made, the general manager shall not exercise any discrimination. Surely hon. members on the other side must have a spark of feeling about them. Why are they introducing into the debate this bitterness against men who were only sticking out for their rights? With their tongues in their cheeks, they say they are in favour of the workers, and that they are out to give the workers a fair deal. They say they are a party who believe in the workers. If extensions are going to be made and extra cars put on, why should these men be penalised? Why all this bitter feeling? I am sure that the Premier has met hon. members opposite pretty well. With the exception of one or two, he has readily accepted their amendments. This will not interfere with hon. members, with

the Tramways Company, or with anyone else. Why will they not be men and say that there is nothing in it? Why crucify these men for all time? The Premier has said that he is agreeable to accepting the amendment, and I hope he will stick to that. I hope that the Premier will accept the amendment, and that hon. members opposite will change their minds and adopt a humanitarian spirit and not read something into this amendment that is not there.

Mr. VOWLES: It is the outcome of a threat by one of your own members.

Mr. WILSON: It is nothing of the sort. The hon. member is taking up a wrong attitude altogether. If hon. members would consider the matter in their calmer moments, they would see that there was nothing in it. Bury the hatchet now that we are starting afresh, and do not continue to penalise the men.

HON. W. H. BARNES (*Bulimba*): I am sure there is not an hon. member who will not admit that once a man has paid the penalty, no matter what it is for, he is then entitled to get a fair deal. I think in British fairness one must admit that. I had something to do with the 1912 strike, and I do not think that men should be penalised because they participated in that strike. But by accepting the amendment you are introducing politics to some extent into this tramway business. We have been discussing two or three things this afternoon, and one of the things was that the general manager, whoever he may be, is to have full and complete control without any influence whatever. The hon. member for Fortitude Valley said that there were some seventy men who went on strike who are still desirous of being re-employed by the Tramways Company.

HON. W. FORGAN SMITH: If these men are suitable for re-employment, why should they not be re-employed?

HON. W. H. BARNES: I am not arguing that they should not be re-employed. If the amendment is put in the Bill, and the Government appoint a general manager, and say, "Now, look here, you are going to have a free hand to get the best men," what would the general manager do? If a man went to the hon. member for Fortitude Valley for employment, I take it that one of the first things that hon. member would do would be to make inquiries as to whether that individual was suitable for that particular work. Men often come to us for references, and I have often given references; but I am very careful, and, if a man comes to me whom I do not know, I do not give him a reference. It would not be fair to do so. The man who will be appointed to control this great undertaking—it is a great undertaking—will be a fair man.

Mr. RYAN: If he is like Mr. Badger, he will not be fair.

HON. W. H. BARNES: There is no need to draw Mr. Badger's name into this discussion. I assume that he does not want the job, and I assume that he is not going to be appointed. When a man is appointed, he should be a man possessing the necessary qualifications. If this amendment is inserted in the Bill, the general manager will say, "The House in Committee certainly had in view that I was to do certain things." Is that a fair way to start with an undertaking of this kind?

Hon. W. H. Barnes, }
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HON. W. FORGAN SMITH: The clause only provides that the general manager shall not discriminate against those men.

HON. W. H. BARNES: I again assert that if a man pays the penalty for anything, he should not be penalised by being refused work.

HON. W. FORGAN SMITH: That is all that the amendment says.

HON. W. H. BARNES: We have already passed a clause to-day saying that the man who is going to be appointed as chairman of the Trust is going to be appointed by the Government. What position does the chairman of a company occupy in connection with the work of a company? Those who have to do with public companies know that the chairman largely directs the conduct of the company. His position to some extent is very much greater than that of the general manager. I do not want to make any observations against the hon. member for South Brisbane for introducing this amendment. The leader of the Opposition is just as sincere in anything he says as I am, and I have no right to sit in judgment on him. He is right in saying that if we insert this amendment we shall be doing something political, while our aim is not to bring the Trust under any political influence.

Mr. WILSON: Who is making it political?

Mr. GLEDSON: The Opposition.

HON. W. H. BARNES: No; the Premier will be making it political if he accepts the amendment. Why should we bring into this debate something which should be buried? Cannot we say, "Let bygones be bygones"? We are not burying it. We are reviving it in a very distinct form by putting it into the Bill. I do not want the hon. member for Fortitude Valley to say that we on this side are any less compassionate towards men who may have made a mistake.

Mr. FOLEY: Then, why argue?

HON. W. H. BARNES: Because this amendment will be a distinct blot on the Bill.

Mr. FOLEY: It is the hon. gentleman's pure rusefulness.

HON. W. H. BARNES: I want to deal fairly with this amendment. I am not going to say that the men who went out on strike and stood loyally to their union should be blamed. Probably, if I had been in the same position and had been a unionist, I would have done the same thing. But by adopting the amendment you are practically branding the men whom you are asking the company to take back. They will be immediately branded when they apply for work. It would be much better if this amendment was left out. The men could come forward and say that they had done the work and that they were capable of doing it again. The general manager should be untrammelled.

The ATTORNEY-GENERAL: Are we not removing the brand?

HON. W. H. BARNES: No; you are continuing it.

HON. W. FORGAN SMITH: All the amendment does is to remove the brand that now exists.

HON. W. H. BARNES: I can only say that it appears to me to be a blot on the Bill, and I believe the members of the Com-

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mittee in the days to come will feel that they have put something into the Bill which it would be very much better to leave out. I want to emphasise that I am not against the men being employed, but this amendment is binding the Trust; it is tying the hands of the general manager, and is altogether a blot on the Bill.

Mr. W. COOPER (*Rosewood*): I can speak feelingly on this amendment, because at one time in my life I had the misfortune to suffer in a somewhat similar direction as the Tramway Company employees suffered in 1912, when they went on strike. I feel that hon. members opposite, in opposing this amendment, are not sincere, because most of them have stated that they have no objection to the employees who went out on strike in 1912 being reinstated by the general manager when the business is handed over to local authorities. But the unfortunate thing is that we do know that in the past men have done things, perhaps justifiably, and they have been victimised by their employers through spleen and malice, and some of them have been driven out of their native country. As a matter of fact, there is a law which provides a penalty for any man who makes a statement about a man who has served a sentence for doing something that was wrong. The question arises whether these employees who went out on strike in 1912 were wrong. In my opinion they were right. They had a perfect right to take up the stand that they took up and to cease work if the Tramways Company was not treating them in a proper manner. If Mr. Badger happened to be selected as general manager for the Trust, do you think for one moment that any one of these men would have an opportunity of working for the Trust? All we are asking for is an equal opportunity for all, and no discrimination.

Mr. KERR: Does not the award provide for that?

Mr. W. COOPER: The award has nothing to do with it. A man does not come under the award until such time as he receives employment. The Arbitration Court does not provide that a man shall be employed if any employer does not see fit to employ him. The unfortunate part is that there is no law which compels a man to employ another, but there is a law which compels a man to work whether he likes it or not. That is the law of necessity. A man has either to become a pauper and receive doles from the Government, or he is compelled to work for a living or go to gaol. It appears to me that hon. members opposite have no humanity at all. As far as I remember, all the trouble was because the men wore a certain badge, and because these men were loyal to the union, they were victimised, and hon. members opposite want to keep it up after ten years. They claim that they are democrats, yet they take up that stand. I hope the Premier will accept the amendment, and that it will be included in the Bill.

Mr. KING (*Logan*): I am very sorry indeed that the hon. member for South Brisbane has seen fit to move this amendment, because I do not think there is any necessity for it. We have heard a lot of remarks by hon. members on the other side in connection with the strike that happened years ago. The rights or wrongs of that strike do not come into consideration at the present time. The conditions have changed.

The hon. member is starting out in this amendment by condemning the Trust from its very inception by casting suspicion on the Trust and assuming that it is not going to do its duty. It must be borne in mind that when this Bill becomes law, the conditions will be altogether different from the conditions that prevail to-day.

Mr. COLLINS: Are not all laws passed to make us do our duty?

Mr. KING: There are some things that we do not require to be told to do. No hon. member on this side believes in discrimination.

The ATTORNEY-GENERAL: If you oppose this amendment, the inference is that you support discrimination.

Mr. KING: Only a jaundiced mind will come to that conclusion. I do not want to discriminate in any shape or form, but I say it is unnecessary to tell the Trust that it must do its duty in this respect. The Trust will be composed of two members appointed by the Government and six members appointed by the local authorities. The general manager of the Trust will be under the control of the Trust, and if he does something which he should not do—if he shows discrimination in the execution of his duties—he is liable to dismissal by the Trust. Under the Tramways Company Mr. Badger was boss; he was practically dictator. Will anybody assume for a moment that the general manager of the Trust will be a dictator or will have the same powers that Mr. Badger had?

Mr. BRENNAN: He has great powers.

Mr. KING: Of course he has great powers. Mr. Badger could not very well sack himself, but the Trust could very soon sack the general manager if he did not do his duty.

Mr. FERRECKS: The Trust cannot interfere with the appointment of the men. The general manager appoints the men.

Mr. KING: Quite so, and the Trust, which has the right to appoint the general manager, will also be able to sack him. Surely you are going to place confidence in the Trust?

Mr. BRENNAN: You are not trusting the Trust. You are trusting the general manager.

Mr. KING: I am trusting the Trust to see that the general manager does his duty. It is a very bad thing indeed to start off by casting suspicion on the Trust before it is appointed.

Mr. BRENNAN: We are not casting suspicion on the Trust.

Mr. KING: You are casting suspicion on the Trust, and you are assuming that the officers of the Trust are not going to do their duty. It is absurd to say that, because hon. members on this side are not in accordance with this amendment, they are supporting victimisation. We are against the amendment simply because we ask members on the other side to show confidence in their Trust, which they say they have. The

[8 p.m.] Government have no right to dictate to the Trust as to how to carry on its duties. It has certain prescribed powers and must act within those powers. We must place sufficient confidence in the Trust to believe that it will carry out its powers as defined in the Bill. The Premier has been gracious in accepting a number of amendments; but if he accepts

this amendment, it will immediately cast a veil of suspicion over the Trust and the general manager.

Mr. STOPFORD (*Mount Morgan*): The hon. member who has just resumed his seat states that we are endeavouring to dictate to the general manager. What the hon. member for South Brisbane is trying to do is to rectify a wrong which has existed for ten years.

Mr. KING: The wrong cannot be perpetuated.

Mr. STOPFORD: It can be perpetuated. We had the responsibility of rectifying any wrong which exists, and it is not our duty to cast the responsibility on to any Trust or manager who may be in charge.

Mr. KING: Whom was the wrong done by—the company?

Mr. STOPFORD: The possibilities are that many of the staff subordinates of Mr. Badger will continue in the employ of the Trust, and will naturally perpetuate the policy which was dictated to them by Mr. Badger and the American methods of victimisation which he introduced into Queensland. Hon. members opposite state that a life sentence on these men is an unjust sentence. If we subscribe to the injustice of the sentence imposed on these men, we should realise our responsibility and remove the injustice, and hand the trams to the general manager without that blot upon them. Hon. members opposite say that we are tying the hands of the general manager. The general manager has not been appointed yet, and when he assumes the responsibility of management, let it be with a clear contract laid down under the provisions of the Bill. The hon. member for Bulimba took a very active part in 1912, and I believe he was Secretary for Public Works and suspended the wages boards' awards during the period of the strike. The hon. gentleman did not carry any vindictive spirit beyond the period of the strike; but here in a public utility which, through the short-sightedness of the people in putting the wrong Government into power, passed out of the hands of the people into the control of a company, the general manager of which has been practically able to impose a sentence even equal to death—because, if you deny a man the right to work, you sentence him to death and you sentence every dependant of that man—

Mr. KING: You do.

Mr. STOPFORD: If the same system of victimisation had been general among other employers in the State, those men could not have got employment to keep their children. If we subscribe to the theory that the sentence is unjust, we have a duty to perform to remove the injustice.

Mr. J. H. C. ROBERTS (*Pittsworth*): It seems to me that the hon. member for South Brisbane, who moved the amendment, and hon. members opposite, who support him, show that they believe there is not a man to be found who is not prepared to victimise these men.

Mr. PEASE: It is removing an injustice.

Mr. J. H. C. ROBERTS: I claim that it is not an injustice. Hon. members opposite want to lead the people of Queensland to believe that no Trust can be appointed which is not prepared to carry out what they call the victimisation system which exists in connection with the tramways at

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the present time. In this amendment there is a distinct direction that a certain course should be pursued. Personally, I feel certain I am speaking for hon. members on this side when I say that I never dreamt that there would be any victimisation of anybody. We do not believe in it.

Mr. FERRICKS: It has been going on for the last ten years.

Mr. J. H. C. ROBERTS: There have been cases of victimisation by the Government within the last month or two. Take the case of Mr. Andrews and Mr. Edwards, who were sacked. Hon. members say that the Tramways Company has prevented these men from earning their living. How has it prevented them from earning a living? Simply by saying that they were not to be re-employed? If they say that that prevents them from earning a living, it is ridiculous.

Mr. COLLINS: Did you get an inspiration from the hon. member for Oxley?

Mr. J. H. C. ROBERTS: I would sooner have one inspiration from the hon. member for Oxley than six from the hon. member for Bowen, because one from the hon. member for Oxley is worth six from the hon. member from Bowen. The hon. member for South Brisbane will remember the time when the late Colonel Evans was appointed Commissioner for Railways. What was one of his first actions? It was to whitewash every man in the service—to wipe out every bad mark against every employee in the railway service. Hon. members opposite lead us to believe that the Trust will exercise all the vindictiveness it can bring to bear upon the seventy-five men who were victimised in 1912, and who, it has been stated, were willing at one time, at any rate, to go back. If that is so, the best thing we can do is to let the Bill go to “pot,” and allow the present company to carry on.

Mr. BRENNAN: That is what you want—you want victimisation.

Mr. J. H. C. ROBERTS: We do not. If the hon. member for South Brisbane has such a poor opinion of his fellow men as to believe that it is impossible to find a Trust which will carry out its work fairly and squarely, and give a fair deal to every section of the community, it is hard lines for the State of Queensland.

Mr. FERRICKS: Like the Company has been doing during the last ten years.

Mr. J. H. C. ROBERTS: I am not going to admit that these men were refused work; they were prevented from obtaining work through one avenue only, just the same as hon. members opposite say that, because an unfortunate farmer owns an acre or two of land, he should not go on the labour market for the purpose of earning wages. The other side victimise him every day. The hon. member for Toowoomba, the hon. member for Bowen, and other hon. members opposite repeatedly tell us in this House that the farmers should not be allowed to work on railway construction work. Hon. members opposite say, “Why should the farmer be allowed to work on railway construction when they have farms of their own?” They will not let them work. They victimise the farmers. Hon. members opposite prevent those men from earning a living.

Mr. BRENNAN: You can talk that way.

Mr. J. H. C. ROBERTS: Surely the hon. member for Toowoomba does not begrudge me talking that way. He knows that when

the Oakey to Cooyar line was being built, and when the Cecil Plains line was being built, the farmers, who were hard pressed for money, were anxious to earn some money on railway construction work. They went with their sons and their horses and drays to do the railway construction work, but they were told they could not get work. Representations were made to the engineers in charge that, because these men owned land and had farms, they should not be allowed to go on to the labour market. We know that the Australian Workers' Union prevents many farmers who are decent shearers from working at that occupation.

Mr. DASH: You are wrong.

Mr. J. H. C. ROBERTS: It is nothing but victimisation, yet hon. members opposite talk about victimisation. I trust that the hon. member for South Brisbane will have a better opinion of the men who are going to form the Trust. The man who is going to be general manager is not going to be so small-minded and little in his actions as to remember a mistake that the men made ten years ago.

Mr. FERRICKS: It has been remembered against them ever since by the Company and its staff.

Mr. J. H. C. ROBERTS: The hon. member for South Brisbane will give hon. members on this side this much credit: that, although there are men who may be vindictive, we are not vindictive. Personally, I am not one bit vindictive. It seems to me that we are adding an insult to the Bill. We have done all right all day, and now comes this amendment, which is more or less a direction to the incoming Trust and to the general manager that there must be no victimisation. Have hon. members opposite such a poor opinion of the man who is going to be general manager? There is a subtle insinuation in the amendment that the general manager, whoever he may be, is going to remember something against a few men regarding what happened ten years ago. The probability is that he will not remember them.

Mr. FERRICKS: Some of his subordinates will.

Mr. J. H. C. ROBERTS: Probably you might get a man strong enough to say that he is going to start all over again. He will say that, as it is a new Trust or a new corporation, it is better to start on new ground. He will probably say, “We are going to start things on a fair footing and give every man a fair deal.” I feel certain that the general manager will carry out the same principle that Colonel Evans did in the Railway Department, and that he will eradicate the mistake of the past and start with a clean sheet.

Mr. BRENNAN (*Toowoomba*): I do not agree with hon. members from the other side with their calamity cry. We owe a duty to the workers who sent us to Parliament. (Opposition laughter.) I do not know how it is that hon. members opposite always get so annoyed when we refer to our obligations and our duty to the workers.

Mr. SIZER: Because you forget it so often.

Mr. BRENNAN: The hon. member wanted to be a member of an organisation himself once. The hon. member for Pittsworth referred to the fact that farmers were prevented from working on railway construction work. I remember the time when the farmers were guaranteed 8s. a bushel for their wheat and they all had good crops, and they wanted to work on railway construction

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work and so prevent men who usually followed this work from getting employment.

Mr. J. H. C. ROBERTS: What date was that?

Mr. BRENNAN: October or November last—before the harvest took place. I remember it very well. They wanted to go on railway construction work. They became members of the Australian Workers' Union and bought their tickets, but they were depriving unfortunate men who followed up that sort of work from getting a job. There were many railway workers looking for work—married men with wives and children—yet the farmers with big farms wanted to get the railway work.

Mr. J. H. C. ROBERTS: How many big farmers were there?

Mr. BRENNAN: About five of them.

Mr. J. H. C. ROBERTS: Can you name any of them?

Mr. BRENNAN: I can if I like. At any rate, they had 100 acres of wheat. I do not blame the farmers for getting railway work if they can. Good luck to them! But I did not want them to prevent men who were out of work from getting a job.

Mr. J. H. C. ROBERTS: You know the farmer's wheat is never safe until it is in the bag.

Mr. BRENNAN: The wheat is quite safe when it is insured against hail. All the reasonable farmers like myself were insured. (Laughter.) Hon. members opposite look on the workers of Queensland as so many drags. The amendment is a perfectly legitimate one, as it will prevent victimisation. It will be a direction from the Trust to the general manager that there must be no victimisation. There are very few of the men left, as some have died, some have left, and others have secured more remunerative positions.

Mr. J. H. C. ROBERTS: What did you say about Exley in Toowoomba? Was he not victimised at your instigation? He was victimised for a speech he made when you were present. You threatened him that evening.

Mr. BRENNAN: The amendment is a reasonable one.

Mr. BEBBINGTON: Sit down! Sit down! (Laughter.)

Mr. BRENNAN: We do not want any victimisation.

Mr. J. H. C. ROBERTS: What about Exley? Was he not victimised in Toowoomba? Didn't you victimise him at Toowoomba?

Mr. BRENNAN: I did.

Mr. ELPHINSTONE: You are coming pretty low.

Mr. BRENNAN: Any man employed by the Government who goes out and deliberately maligns, misconstrues, and misstates facts against this Government in such a way as Exley did should not only have been victimised but sacked.

Mr. J. H. C. ROBERTS: Would you sack him?

Mr. BRENNAN: I would have sacked him, if I had had my way, for his conduct in Toowoomba. (Uproar.)

Opposition members interjecting.

The CHAIRMAN: Order! I appeal to hon. members on my left to respect my call

to order. I appeal to the hon. member for Toowoomba to address the Chair.

HONOURABLE MEMBERS: Hear, hear!

Mr. BRENNAN: If you had been watching me, you would have seen that I have been trying to do that for the last quarter of an hour. Our opponents go to the heads of departments employed by this Government under good conditions, and egg them on to abuse and malign this Government. They have been the cause of three unfortunate men being sacked from their positions. Our opponents have got them to misstate facts, they have led them astray, and then they dropped them at the finish. The tramway men only went out during an industrial upheaval—and justifiably so. For ten years those men have been subject to victimisation, and I hope that instructions will be given to the general manager that there shall be no further victimisation.

Mr. KERR (*Enoggera*): With all due deference to you, Mr. Kirwan, a great deal of latitude has been given.

The CHAIRMAN: Order! Order! If the hon. member reflects on the chair like that I shall have to ask him to resume his seat. (Laughter.) I hope the hon. member will realise that if I do call any hon. member to order, it is not because I wish to deprive him of his rights. I have always endeavoured, and shall continue to endeavour, to protect hon. members in the full exercise of their rights.

GOVERNMENT MEMBERS: Hear, hear!

Mr. KERR: I think you misunderstood me.

The CHAIRMAN: I can understand English as well as the hon. member.

Mr. KERR: I could explain, but that is not the point. I rose with the intention of asking the hon. member for South Brisbane if he would accept a slight alteration in his amendment, which the Premier has signified his intention of accepting. If he does so, it will save time, because otherwise I shall certainly move it afterwards. I suggest that he should alter his amendment to read—

“In making appointments, the general manager shall give preference to returned soldiers, and shall not exercise any discrimination against any person on the ground that such person ceased work as an employee of the company on the occasion of the tramway strike in 1912.”

If one firm in Brisbane has done excellent work in placing returned soldiers, it has been the Brisbane Tramways Company. In every instance, whether they have been 1912 strike men or not—the question is never asked—absolute preference has been given to returned men. I have been there myself many times on Wednesday mornings and seen fifty or sixty returned men making their applications for employment. It is an understood thing in the city that nobody but a returned man need apply there, because they get absolute preference. I am not asking for anything new. It is already in existence in practically every trade union award in Queensland. It is not in the tramway award, but clause 24 of the award of 13th September reads—

“Preference shall be given to persons willing to join the Brisbane Tramways Union.”

That means, of course, that a man must be

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employed before he becomes a member of the union. The ordinary preference clause applies to a man who is already a member of a union. That is a specific instance, and it is for that reason that I am asking the hon. member for South Brisbane to save me the necessity of moving another amendment later.

Mr. FERRICKS: My amendment is not asking for preference. It is asking that there shall be no discrimination.

Mr. KERR: This is doing exactly the same thing, and is following out the present policy of the Tramways Company. I hope the hon. member will accept this amendment.

Mr. FERRICKS: Address your remarks to the Premier. He is in charge of the Bill.

Mr. KERR: From what I can gather, the hon. member is leaving it to the Premier, meaning that he is in accordance with the amendment.

Mr. FERRICKS: I have no power to agree to anything. I am going to see my amendment through.

Mr. KERR: I want the assistance of the hon. member in this. If hon. members on the Government side are against my amendment, it has no hope of going through.

Mr. STOPFORD: Do you want to make a bargain before you do justice to these men?

Mr. KERR: I am not making a bargain, and I am going to take exception to the remarks of the hon. member for Fortitude Valley, who said that we were out to crucify these men. That is intolerable to us, and it is incorrect. We have just as much toleration for the men who went out on strike in 1912 because of their principles as hon. members opposite. They must have their chance in life, certainly. I do not suppose there is one man in Queensland who asks, "Were you out on strike in 1912?" It is ridiculous. The amendment raises something that should never have been raised on this Bill. I would like to know from the Premier whether he is willing that the hon. member for South Brisbane should add this to his amendment?

The PREMIER: Does the hon. member say that the tramway award gives preference to returned soldiers?

Mr. KERR: I said that the tramway award differs from other awards, for the simple reason that no man can become a unionist until he actually joins up with the company.

The PREMIER: Does the tramway award provide for preference to returned soldiers?

Mr. KERR: Yes.

The PREMIER: The hon. member will see that in the one case preference is given, so there is no necessity for his amendment, and that in the other case there has been discrimination; therefore, the amendment of the hon. member for South Brisbane is necessary.

Mr. KERR: That is not correct. I maintain there is no reason why the one amendment should be inserted and the other not. I do not see why the Trust, the chairman of which will be a Government nominee, should not give preference to returned men. I am afraid the Premier is not going to assist me in my request to the hon. member for South Brisbane, and that hon. member will not help me himself, so that I shall have to move my own amendment later on.

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Mr. DASH (*Mundingburra*): I am surprised at hon. members opposite objecting to this amendment. It does not ask for anything special. It simply asks that the Trust shall not discriminate against any men who were victimised by the company in 1912. This is not a new provision to be introduced into an award. Hon. members opposite say that it is doubtful what the Trust is going to do. It is just as well to be on the safe side, and the amendment does not compel the Trust to do anything at all. In the Metalliferous Workers' Award of 1917, which applies to the Cloncurry Mining district, it is provided—

"Employers shall not in any way discriminate against members of the Australian Workers' Union or any other registered industrial union."

We are asking that something similar be put into this Bill—asking the Trust not to discriminate against these men, but to give them a fair "go." If hon. members opposite believe in giving the workers a fair "go," here is something that they can do for men who have been victimised. Let the Trust wipe off the marks and start with a clean sheet.

The hon. member for Enoggera raised the question of the employment of returned soldiers. There is no necessity to make provision for that in this Bill, [8.30 p.m.] because the Arbitration Court has always dealt leniently with returned soldiers and sailors. It has not discriminated against them, but has given them a better deal than it has given to any other worker in an industry.

Mr. J. JONES: They are entitled to it, too.

Mr. DASH: We are not raising that point. It is a matter for the unions. We owe a duty to all workers to see that no unfair means are used against them when they are applying for work. This amendment simply asks the general manager not to consider the black marks that are against these men. The general manager, no doubt, will have a free hand in picking his men. If he thinks that these men are not capable of doing the work, they will not get employment; but if he thinks that they are capable, we ask him not to discriminate against them. There is nothing fairer than that. I cannot understand why hon. members opposite object to this. I am quite satisfied that if the matter were put to the general manager in this form, he would have no hesitation in carrying it out.

Amendment (*Mr. Ferricks*) agreed to.

Mr. KERR (*Enoggera*): I beg to move the addition, after line 37, of the following new subclause—

"The general manager, in making appointments, shall give preference to returned soldiers."

That practice is already in existence, and with a change of administration pending, we might as well have it stated definitely in the Bill to make sure that this good work will be continued.

Question—That the words proposed to be inserted (*Mr. Kerr's amendment*) be so inserted—put: and the Committee divided—

In division,

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I declare that, in addition to

voting in my own right, I vote for the "Noes" as proxy for Mr. McCormack.

AYES, 28.

| | |
|-----------------|---------------------|
| Mr. Appel | Mr. King |
| " Barnes, G. P. | " Logan |
| " Barnes, W. H. | " Maxwell |
| " Bebbington | " Moore |
| " Brand | " Nott |
| " Cattermull | " Peterson |
| " Corser | " Petrie |
| " Costello | " Roberts, J. H. C. |
| " Deacon | " Roberts, T. R. |
| " Elphinstone | " Sizer |
| " Fletcher | " Swayne |
| " Fry | " Taylor |
| " Jones, J. | " Vowles |
| " Kerr | " Warren |

Tellers: Mr. G. P. Barnes and Mr. Sizer.

NOES, 33.

| | |
|-----------------|---------------------|
| Mr. Barber | Mr. Jones, A. J. |
| " Bertram | " Land |
| " Brennan | " Lacombe |
| " Bulcock | " McCormack (Proxy) |
| " Collins | " Mullan |
| " Conroy | " Payne |
| " Cooper, F. A. | " Pease |
| " Cooper, W. | " Pollock |
| " Coyne | " Riordan |
| " Dash | " Ryan |
| " Dunstan | " Smith |
| " Ferricks | " Stopford |
| " Foley | " Theodore |
| " Forde | " Wellington |
| " Gledson | " Wilson |
| " Hartley | " Winstanley |
| " Huxham | |

Tellers: Mr. Brennan and Mr. Dunstan.

PAIR.

Aye—Mr. Macgregor. No—Mr. Gilday.

Resolved in the negative.

Mr. DEACON (*Cunningham*): I beg to move the insertion of the following new paragraph to follow the amendment moved by the hon. member for South Brisbane:—

" In making appointments the general manager shall not exercise discrimination against any person who accepted work in the place of any employee of the company on the occasion of the tramway strike in 1912."

The PREMIER: Is there any such discrimination?

Mr. COSTELLO: There may be.

Mr. J. H. C. ROBERTS: In accepting the previous amendment the Premier implied that there would be discrimination.

The PREMIER: The hon. gentleman is yapping all the time.

Mr. SIZER (*Yundah*): I think there is every reason why we should accept the amendment. We should protect the interests of the men in the employ of the company to-day. I realise that the Trust will protect them if it is able. We also know to what extent some hon. members opposite can carry their spleen and policy of victimisation.

Mr. STOPFORD: The hon. member knows that they have preference under their award.

Mr. SIZER: I know that the hon. member for Toowoomba got Mr. Exley victimised because of a speech he made. He admits it; he boasts of it; and it is a pity that the Premier should listen to him and by such action aid and abet what has been done.

The PREMIER: What did the hon. member say about the hon. member for Oxley when he left the Nationalist party?

Mr. SIZER: I do not think that I ever said anything about the hon. member for Oxley. Hon. members opposite know perfectly

well that the amendment was moved by the hon. member for South Brisbane purposely to raise the old question of the strike.

The CHAIRMAN: Order! I hope the hon. member will confine his remarks to the amendment moved by the hon. member for Cunningham. The previous amendment has been dealt with.

Mr. SIZER: I am quoting the previous amendment to show the justification for this one. Hon. members opposite are aiding and abetting people outside to inflict their spleen on some of the employees now employed by the company, who will be good servants to the Trust. The amendment should be accepted to protect the interests of those men who have been in the employ of the company since 1912 and who will be taken over by the new Trust. Seeing that the hon. member for Toowoomba openly boasts of the fact that he was able to carry out a policy of victimisation against Mr. Exley, and the Premier lends his ear to such a policy and aids and abets in those actions, there is every reason why the amendment should not be accepted. Some of the extremists outside desire to impose their spleen on the men in the company, and, without the amendment, they will be able to get the support of some hon. members opposite.

Mr. BRENNAN (*Toowoomba*): Hon. members opposite will persist in using my name in connection with Mr. Exley. Mr. Exley was not victimised. He was very reasonably treated by the Government. However, I rose to make a personal explanation. The hon. member for Cooroora left on the understanding that I would not vote in any of the divisions, and I express my regret for inadvertently having done so.

Mr. BEBBINGTON (*Drayton*): Since the present Government came into office it has been difficult for a public servant to know where he stands. The hon. member for Toowoomba talks about victimisation, and practically advocates it against men who dare to express an opinion adverse to the Government. On the one hand we have persons given absolute freedom at election time, and on the other hand that same freedom is not extended. We have men supporting the Government who are allowed to adopt any course they like during election time. They are allowed to go into farmers' homes after they have gone to bed at night.

The CHAIRMAN: Order! I hope the hon. gentleman is not opening up a discussion on the amendment already passed, and I am not going to permit a general discussion on an amendment already passed.

Mr. BEBBINGTON: I want to show how on the one hand the people are victimised and on the other hand they can do as they like. During the election time they were given practically a free hand and were allowed to go to places when the occupiers had gone to bed.

The CHAIRMAN: Order! If the hon. gentleman does not obey my call to order, I shall have to ask him to resume his seat.

GOVERNMENT MEMBERS: Hear, hear!

The CHAIRMAN: This amendment deals with tramway men.

Mr. BEBBINGTON: I want to show the difficulty experienced by men who are not on the side of the Government.

Mr. Bebbington.]

The CHAIRMAN: Order! I would point out to the hon. gentleman that this amendment does not deal with public servants. It deals with tramway men. If the hon. gentleman has anything to say about tramway men now in the employ of the company, he can deal with them.

Mr. BEBBINGTON: I have very much pleasure in supporting the amendment.

Question—That the words proposed to be inserted (*Mr. Deacon's amendment*) be so inserted—put; and the Committee divided:—

In division,

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I declare that, in addition to voting in my own right, I vote for the "Noes" as proxy for Mr. McCormack.

AYES, 29.

| | |
|-----------------|---------------------|
| Mr. Appel | Mr. King |
| " Barnes, G. P. | " Logan |
| " Barnes, W. H. | " Maxwell |
| " Bebbington | " Moore |
| " Brand | " Nott |
| " Cattermull | " Peterson |
| " Corser | " Petrie |
| " Costello | " Roberts, J. H. C. |
| " Deacon | " Roberts, T. R. |
| " Elphinstone | " Sizer |
| " Fletcher | " Swayne |
| " Fry | " Taylor |
| " Jones, J. | " Vowles |
| " Kerr | " Warren |

Tellers: Mr. Deacon and Mr. Sizer.

NOES, 32.

| | |
|-----------------|---------------------|
| Mr. Barber | Mr. Jones, A. J. |
| " Bertram | " Land |
| " Bulcock | " Larcombe |
| " Collins | " McCormack (Proxy) |
| " Conroy | " Mullan |
| " Cooper, F. A. | " Payne |
| " Cooper, W. | " Pease |
| " Coyne | " Pollock |
| " Dash | " Riordan |
| " Dunstan | " Ryan |
| " Ferricks | " Smith |
| " Foley | " Stopford |
| " Forde | " Theodore |
| " Gledson | " Wellington |
| " Hartley | " Wilson |
| " Huxham | " Winstanley |

Tellers: Mr. W. Cooper and Mr. Gledson.

PAIR.

Aye—Mr. Macgregor. No—Mr. Gilday.

Resolved in the negative.

Clause 29, as amended, put and passed.

Clause 30—"General scheme to be prepared"—

The PREMIER: I beg to move the omission of paragraph (ii.) of subclause (1) with a view to inserting the following paragraph:—

"(ii.) The Trust shall submit proposals for the general scheme to an Advisory Board consisting of one member appointed by the Governor in Council and two members appointed by the Trust, and may pay to the members of the Advisory Board so appointed such fees as it may determine. The Advisory Board shall, on such reference, report to the Minister and to the Trust."

This amendment is moved after consultation with the local authorities, who consider that the clause ought to be modified in that form.

Mr. KERR (*Enoggera*): The Premier has stated that the amendment has been moved after consultation with the local authorities. I do not doubt that at all; but the hon. gentleman has not stated that the local authorities desired that the whole clause should be

[*Mr. Bebbington.*]

deleted, and that that was their original request. In any case, I would like to know what is the necessity for the Advisory Board? We have been told that this Bill has been based on the South Australian Act, but in South Australia there is no Advisory Board. Clause 35 of the South Australian Municipal Tramways Act of 1906 reads—

"The Trust shall have the exclusive right to form, lay down, make, construct, maintain, remove, and alter tramways, and work the trams thereon propelled by electric energy within radius of 10 miles of General Post Office; and within such radius may, with the consent of the Governor, form, lay down, construct, maintain, remove, alter, and work, in addition to the tramways hereinbefore authorised, such other tramways as will in their opinion, be profitable."

That is a very reasonable clause indeed, and, as the Premier has seen fit to qualify his original ideas on the subject, he should now see fit to delete the whole clause. The hon. gentleman has stated that the two Government representatives on the Trust will be experts, and possibly one will be the gentleman who is in charge of the local authority work, and who is an expert in town planning and that sort of thing. That being so, is there any reason why the Trust should be compelled to draw up a plan and submit it to an Advisory Board? I say there is not. Certain fees have to be paid to these people. Who is going to pay those fees? If in South Australia they can conduct their affairs without Advisory Boards, we should be able to do the same here, more especially as the Government representatives on the Trust will be experts. Our Estimates show us that we have a Public Works Commission in existence, and the members of that Commission have travelled around the country, drawn fees, and made reports to the Government. This Advisory Board will really be another Public Works Commission, which in this case is unnecessary, and I hope the Premier will agree to delete the whole clause.

Mr. TAYLOR (*Windsor*): The Premier might well agree to the deletion of this clause. We have been told that this Bill is framed on the lines of the South Australian Act. That is quite correct; but, as the Premier knows, in South Australia the Trust has full powers, there being no Advisory Board of any kind. It is quite useless to have a further Board, which is practically going to direct what the Trust shall say or do. It can make recommendations and practically decide the policy of the Trust. The two cannot possibly work together, and such a system cannot provide efficient management of the trams. I can see no practical utility in the formation of such a Board.

The CHAIRMAN: I would like to point out that the question before the Committee is the amendment moved by the Premier.

The PREMIER: The amendment is moved after consultation with the local authorities.

Mr. TAYLOR: I do not see any reason for an Advisory Board at all. The Premier has told us all through the discussion how satisfactorily things have worked in South Australia—that the Trust there has paid its way, that it has not had to issue precepts on the local authorities, and that everything seems to have gone on smoothly.

[9 p.m.] I do not know whether there is anything else behind the appointment of the Advisory Board or not, or

whether the Premier has something in his mind which he wishes to thrust on the Trust and the local authorities; but I think the proposed Advisory Board is unnecessary, and I hope that the Premier will not insist upon his amendment.

Mr. KING (*Logan*): I would like to know whether it is contemplated to appoint members of Parliament on the Advisory Board?

The PREMIER: This will be an expert Board.

Mr. KING: So long as it is an expert Board it will be all right.

The PREMIER: I will give you my assurance that there will be no necessity for a member of Parliament to be appointed. The Board will consist of men who are appointed because of their knowledge of the tramway system.

Mr. TAYLOR (*Windsor*): I could not put my hand on the letter I wanted when I was speaking just now. In order to find out about the Advisory Board in South Australia I sent this wire to the Chief Engineer and General Manager of the Municipal Tramways Trust in Adelaide—

"Have you Advisory Board to whom your Trust must submit proposals for extensions and such like proposals?"

He sent a wire which we have not received. It has evidently gone astray and inquiries are being made about it, but I have since received this letter—

"Referring your telegram to-day have no Advisory Board refer you to clause thirty-five Municipal Tramways Trust Act nineteen nought six."

"I refer you to clause 35 of the Municipal Act, 1906, which reads as follows:—

The Trust shall have the exclusive right to form, lay down, make, construct, maintain, remove and alter tramways, and work trams thereon propelled by electric energy, within a radius of ten miles from the General Post Office; and within such radius may, with the consent of the Governor, form, lay down, construct, maintain, remove, alter and work, in addition to the tramways hereinbefore authorised, such other tramways as will, in the opinion of the Trust, be profitable."

That is signed by the engineer and general manager of the Trust. The fact that things have worked quite satisfactorily and smoothly in South Australia without an Advisory Board is sufficient to justify us in opposing the appointment of such a Board in Queensland.

Amendment (*Mr. Theodore*) agreed to.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I have a consequential amendment on line 53, subclause (v). I move the insertion, before the word "No" of the words "After the general scheme has been adopted."

Amendment (*Mr. Theodore*) agreed to.

The PREMIER: I move the omission of the following paragraph:—

"(2.) (i.) Notwithstanding that any proposed extension, alteration, or new tramway does not conform to the general scheme, such extension, alteration, or new tramway may be undertaken if approved by the Governor in Council"—

with a view to inserting the following:—

"(i.) Until the general scheme has been adopted, the Trust may, with the approval of the Governor in Council, undertake extensions, alterations, or new tramways."

Amendment (*Mr. Theodore*) agreed to.

Clause 30, as amended, put and passed.

Clauses 31 and 32 put and passed.

Clause 33—"Traffic"—

Mr. KING (*Logan*): Does this clause conflict in any way with clause 28 in regard to traffic regulations?

The PREMIER: I am informed by the Crown Solicitor that there is no conflict.

Mr. KING: It is not very clear.

Clause 33 put and passed.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I move the insertion of the following new clause to follow clause 33—

"Nothing in this Act shall take away from or affect any power which any local authority may have to increase the width of, alter, divert, or improve or otherwise deal with any road."

The local authorities have asked for this. The Crown Solicitor did not think there was any necessity for it, but it is inserted to meet the wishes of the local authorities.

New clause (*Mr. Theodore*) put and passed.

Clause 34—"Offices"—put and passed.

Clauses 35 to 40, both inclusive, put and passed.

"First Schedule"—"Rules for election of members by local authorities"—

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I propose to omit the first schedule printed in the Bill, and move the insertion in lieu thereof of the following new schedule:—

"FIRST SCHEDULE.

"RULES FOR ELECTION OF MEMBERS BY LOCAL AUTHORITIES.

"1. The Trust may appoint a returning officer to take the poll at any such election after the first election. Every such appointment shall be notified in the 'Gazette.' The time of nomination shall be appointed by the Trust and notified in the 'Gazette.'

"2. For the purpose of enabling the returning officer to compile a roll of persons entitled to vote at such election, the clerk of every local authority concerned shall, at least twenty-eight days before the day appointed for the election, deliver to the returning officer a correct list of the names and addresses of the aldermen or councillors of the local authority or of the division or divisions of the local authority comprised in the district, as the case may be, including the names of the chairmen, certified as correct by writing under his hand.

"The returning officer shall from such lists compile a roll of persons entitled to vote at the election.

"3. Such roll shall show the names in alphabetical order and numbered consecutively of all persons so entitled to vote for each group, and when signed by the returning officer shall be the roll by reference to which the title of every person to vote at such election shall, save as next hereinafter provided, be finally determined.

Hon. E. G. Theodore.]

"But no person named on such roll who, at the date of the election, has ceased to hold office as an alderman or councillor of a local authority of the group shall be entitled to vote.

"4. If any clerk fails or neglects to deliver any list hereby required to be delivered to the returning officer within the prescribed time, or delivers an incorrect list, he shall be liable to a penalty not exceeding ten pounds.

"5. After compiling such roll the returning officer shall, at least seven days before the day of nomination, send through the post office to every person named in such roll a notice specifying the date and place appointed for the receipt of nominations.

"6. A local authority, the aldermen or councillors whereof are entitled to vote for the election of a member or members of the Trust under this Act, may nominate for such election a person or persons not in excess of the number required who have signified in writing to the clerk of such local authority their willingness to act. The nomination of such local authority shall be made by resolution of the majority of members present at the meeting of the local authority convened and held for the purpose. Such resolutions shall be certified in writing by the clerk and shall be delivered to the returning officer at least twenty-four hours before the date fixed for the taking of nominations: Provided that in the case of the members to be elected by the aldermen of the city of Brisbane, the persons so nominated by the council of the city of Brisbane under this rule shall be the elected members for the purposes of subsection (1) of section 7 of this Act.

"7. The returning officer shall publish in at least one daily paper circulating within the district the names of the persons nominated, and shall, in the event of there being more nominations than the number of members required, appoint a time and place for the election of such members; such election to take place not less than seven nor more than fourteen days after the date of nomination, between the hours of 10 a.m. and 4 p.m. Notice of the date and place of such election shall be delivered to every person named on the roll, in the same manner as is prescribed in clause 5.

"8. The returning officer shall cause to be prepared a sufficient number of ballot-papers containing the surnames and christian names in alphabetical order of the candidates and nothing else.

"9. At the election every person whose name is included in the roll shall be entitled to one vote only.

"10. At the time and place appointed for the election every member of such local authority whose name appears on the roll may attend and vote by ballot for the number of members required.

"11. Such ballots shall be taken in the prescribed manner.

"12. The persons to the required number for whom the highest number of votes shall have been cast at any ballot shall be deemed to have been elected members by the local authorities, as the case may be.

"13. The returning officer shall deliver one ballot-paper previously initialed by him to every person named upon the roll who personally demands a ballot-paper, and when such person has voted he shall, in the presence of the returning officer, deposit the ballot-paper in a locked ballot-box provided for the purpose.

"14. At the close of the poll the returning officer shall count the votes given for each candidate, and shall forthwith declare the candidate who has received the greatest number of votes to be elected, and he shall be elected accordingly.

"15. If, by reason of an equal number of votes being cast for two or more persons at any ballot, the returning officer is unable to declare as provided in clause fourteen of this schedule that one or more particular candidate or candidates has or have been appointed a member or members—

(a) The names of the persons for whom an equal number of votes has been cast shall be notified in writing by the returning officer to the local authorities, as the case may require;

(b) The returning officer shall, by writing, request each local authority to resolve which one or two, as the case may require, of such persons shall receive the vote of such local authority.

"16. Within three days after such resolution a certificate thereof under the seal of the local authority and the hand of the clerk shall be forwarded by the local authority to the returning officer.

"17. The person or the persons to the required number, as the case may be, who shall receive the highest number of votes of the local authorities, as the case may be, shall be deemed to have been elected a member or members by the local authorities.

"18. The returning officer shall forthwith report to the Minister and to the Trust the names of the members elected.

"19. The Trust shall repay to the returning officer all expenses reasonably incurred by him in connection with the election.

"20. The Minister shall notify the result of the election in the 'Gazette.'

"21. The 'Gazette' containing a notification by the Minister of the election of a member or members by the local authorities shall be conclusive evidence of such election.

"22. Every meeting of a local authority to be held in pursuance of this schedule shall be convened by advertisement inserted at least three days prior to such meeting in the daily newspapers published in Brisbane."

Mr. KING (*Logan*): I would like to draw attention to a conflict with regard to the appointment of the returning officer. Clause 7 of the Bill provides that the Governor in Council shall appoint the returning officer at the first election. The first paragraph of this schedule states that the Trust may appoint a returning officer at any election.

The PREMIER: I thank the hon. gentleman for calling my attention to that. I move the insertion, in line 2 of paragraph 1

[*Hon. E. G. Theodore.*]

of the new schedule, of the words " after the first election."

Mr. VOWLES (*Dalby*): I would like the Premier to explain who appoints the returning officer.

The PREMIER: There will be no Trust at the first election, so the Governor in Council will appoint a returning officer. After that the returning officer will be appointed by the Trust.

Amendment agreed to.

New schedule, as amended, agreed to.

Second Schedule—" *General*"—

The PREMIER: I beg to move the insertion, on line 37, paragraph 8, of the words " or persons " after the word " person." This amendment was suggested by the local authorities.

Amendment agreed to.

The PREMIER: I beg to move the insertion, on line 39, paragraph 8, of the words—

" and approved by the Auditor-General."

This is to provide that properly qualified accountants shall be appointed to conduct the affairs of the Trust. It was suggested by the Auditor-General himself.

Amendment agreed to.

The PREMIER: I beg to move the omission, in paragraph 14, page 25, of the word " January," with a view to inserting the word " March."

Amendment agreed to.

The PREMIER: There is a typographical error in paragraph 22, page 26; the word " construed " should be " constructed." I move the omission of the word " construed " with a view to inserting the word " constructed."

Amendment agreed to.

The PREMIER: I beg to move the insertion, in line 29, paragraph 25, sub-paragraph (a), of the words " six inches " after the word " feet."

Amendment agreed to.

Second Schedule, as amended, put and passed.

Third Schedule—" *Subject-matter for by-laws*"—put and passed.

Fourth Schedule—" *Appeal Board*"—

Mr. STOPFORD (*Mount Morgan*): I move the omission, on line 55, page 33, clause 1, subclause (2) (c) of the words—

" Tramway Employees' Union,"

with a view to inserting the words—

" Union of which the appellant is a member."

The reason for the amendment is that several other unions operate in the Tramways Company's employ, including the Amalgamated Society of Engineers, the Shore Engine Drivers' Union, the Australian Workers' Union, and the Electricians' Union, and, as the paragraph now stands, only one union could be represented on the Appeal Board.

Amendment agreed to.

Fourth Schedule, as amended, put and passed.

The House resumed.

The CHAIRMAN reported the Bill with amendments.

The third reading of the Bill was made an Order of the Day for Wednesday, 27th September.

The House adjourned at 9.24 p.m.