

sure that all members would want the re-established Australian film industry to be based in Australia and securely controlled, if not in its entirety, certainly almost in its entirety, by Australians.

From the scant information supplied by the honourable member it is somewhat difficult to determine how the Government could help to prevent what he called raiding of employees of this company, who are being persuaded to work for another organization with offers of higher wages, better working conditions and perhaps other inducements. This is the sort of area where the Government would be reluctant to intervene. Indeed, it would probably be told by many people that it has no right to intervene in it. Nevertheless, in view of the honourable member's sincere concern and my desire as well as that of the Government to do everything within the limited capacity of a State government to ensure the re-establishment and development of the Australian film industry, I assure him that I shall as quickly as possible look into the matters that he has raised. I shall be grateful for any further information and details that he might be able to give me. I shall see whether it is possible to provide a measure of protection in order to avoid the demise of this reputable, well-established Australian company.

Mr Speaker, may I be permitted to refer to an answer that I gave during question time today? Inadvertently I said that I had received representations in regard to the use of steel traps to catch cats in the metropolitan area from the Royal Society for the Prevention of Cruelty to Animals and the Animal Welfare League. On checking I find that I made one of those slips that we all make from time to time. I was correct in referring to the Royal Society for the Prevention of Cruelty to Animals but I was incorrect in mentioning the Animal Welfare League. I should have said that it was the Cat Protection Society. I hope that the Cat Protection Society will forgive me for my lapse of memory and that the Animal Welfare League will not be upset about my giving it credit for doing something that in fact it has not done.

Motion agreed to.

House adjourned at 4.15 p.m.

## Legislative Council

Tuesday, 22 February, 1972

Legislative Council (Vacant Seat)—Death of Hon. H. D. O'Connell, M.L.C.—Permanent Building Societies (Amendment) Bill (first reading)—Maritime Services (Amendment) Bill (third reading)—Electricity Commission (Amendment) Bill (third reading)—Government Railways and Transport (Amendment) Bill (third reading)—Leader of the Opposition—Questions without Notice—Silverton Tramway Land Vesting Bill (second reading).

The PRESIDENT took the chair at 4.28 p.m.

The Prayer was read.

### LEGISLATIVE COUNCIL

#### VACANT SEAT

The PRESIDENT reported the receipt from His Excellency the Governor of a communication acknowledging receipt of the letter from the President of 17th February, 1972, informing His Excellency of the vacancy created in the Legislative Council by the resignation of the Hon. James Joseph Maloney.

#### DEATH OF THE HON. H. D. O'CONNELL, M.L.C.

The PRESIDENT reported the receipt of a communication from Mrs M. O'Connell expressing appreciation of the resolution of sympathy passed by the House on the death of the Hon. Hubert David O'Connell.

#### PERMANENT BUILDING SOCIETIES (AMENDMENT) BILL

##### FIRST READING

Bill received from the Legislative Assembly and, on motions by the Hon. F. M. Hewitt, read a first time and ordered to be printed.

#### MARITIME SERVICES (AMENDMENT) BILL

##### THIRD READING

Bill read a third time, and returned to the Legislative Assembly with an amendment, on motions by the Hon. J. B. M. Fuller.

ELECTRICITY COMMISSION  
(AMENDMENT) BILL

## THIRD READING

Bill read a third time, and returned to the Legislative Assembly with an amendment, on motions by the Hon. J. B. M. Fuller.

GOVERNMENT RAILWAYS AND  
TRANSPORT (AMENDMENT) BILL

## THIRD READING

Bill read a third time, and returned to the Legislative Assembly with an amendment, on motions by the Hon. F. M. Hewitt.

## LEADER OF THE OPPOSITION

The Hon. N. K. WRAN [4.38]: I wish to advise the House that I have this day been appointed Leader of the Opposition in the Legislative Council.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [4.39]: I take this opportunity of congratulating the Hon. N. K. Wran on his appointment as the Leader of the Opposition in this House. He follows in the footsteps of one who ably led the members of the present Opposition both in opposition and in government for many years, and establish that the Labor Party in this House could contribute adequately to the debates and expound its principles in a manner that I believe was acceptable to all, whether they were looking critically at a party in government or otherwise. The Hon. R. R. Downing set a high standard in this House, and I have no doubt that the Hon. N. K. Wran will do his best to live up to the high standard set by his predecessor. We on this side wish the new Leader of the Opposition well in his occupancy of that office. I have no doubt that he will remain in that position for many years to come.

## QUESTIONS WITHOUT NOTICE

## DUFFY'S FOREST

The Hon. E. G. WRIGHT: I ask the Minister for Decentralisation and Development a question without notice. In view of

the fact that Senator Cotton, Minister for Civil Aviation, has refused permission for an airfield to be developed at Duffy's Forest, which is adjacent to Ku-ring-gai Chase, will the Minister confer with his colleague the Minister for Lands to ascertain whether it is the Government's intention to restore the area, which was alienated from the Ku-ring-gai Chase, to its original boundary within Ku-ring-gai Chase?

The Hon. J. B. M. FULLER: Discussions have been taking place for some time in regard to the utilization of Duffy's Forest. These discussions will continue, and in due course I expect the Minister for Lands will be making a statement on this matter.

NEW BUILDING FOR NEW SOUTH  
WALES AGENT-GENERAL IN LONDON

The Hon. F. M. HEWITT: On 16th February the Hon. P. M. M. Shipton asked me a question without notice concerning the Agent-General's office in London. I answered the part of his question relating to the purchase of the new building. Now the Premier and Treasurer has informed me that so far as the second part of the honourable member's question is concerned, the policy followed is for most of the senior positions on the London office establishment—and certain other key positions such as those concerning migration, recruitment and industrial promotion—to be filled by seconding for set terms specially selected officers from New South Wales. In some cases these are recruited from outside the public service, especially where a knowledge of industry is required. This policy of secondments ensures a regular turnover of personnel so that key positions are occupied by officers with up-to-date knowledge of conditions in Australia.

A number of other positions in the London office are filled by Australians who are now making their home in London. They complement the Australian-based staff, and this is of particular value where a knowledge of conditions both in Australia and the United Kingdom is required, as in the reception and information section, which advises and assists large numbers of Australians visiting London. Other positions are filled, of course, by local English staff and

this has been found to be most satisfactory as regards efficiency and economy. It will be seen, therefore, that the present staffing policy ensures that a large proportion of the staff in the Agent-General's office are Australians, and that key positions in particular are filled by seconded officers who are Australian-based and have an up-to-date knowledge of Australian conditions.

#### MATERNITY HOSPITALS: HYGIENE

The Hon. P. M. M. SHIPTON: I ask the Minister for Labour and Industry whether it is a fact that some hospitals do not let fathers fondle their newborn babies, but other hospitals permit this to be done. Will the Minister ask his colleague the Minister for Health why all hospitals do not adopt one system or the other?

The Hon. F. M. HEWITT: This is a subject with which I am not familiar. However, from what I have seen of these hospitals, it is a matter of hygiene: they keep babies segregated as much as possible in their early life. If this practice is frustrating fathers, I am sure it is done in the interests of observing strict hygiene. I shall certainly convey the honourable member's question to the Minister for Health.

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#### SILVERTON TRAMWAY LAND VESTING BILL

##### SECOND READING

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [4.44]: I move:

That this bill be now read a second time.

A syndicate of gentlemen who assigned their rights and liabilities to the Silverton Tramway Company Limited was authorized by the Silverton Tramway Act of 1886 to take and use land at Broken Hill to construct and operate a railway from the South Australian border at Cockburn to Broken Hill, a distance of about 32 miles. The railway was constructed and operated for a period of more than eighty years. This bill has become necessary to vest in the

company part of the land taken and used, and to authorize the Registrar General to issue to it certificates of title in fee simple under the Real Property Act.

The city of Broken Hill and the district of Silverton experienced a period of rapid development following the discovery of the line of mineral-bearing lode at Broken Hill by Charles Rasp, about 1883. Transport at this time was a major problem. The South Australian Government built a narrow gauge railway to the border in 1885-1886, but the New South Wales Government was not prepared to build the extension to Broken Hill. Its own railway line at that time ended at Parkes, some 400 miles to the east. It was in this climate that a syndicate of five businessmen negotiated with the New South Wales Government for the right to construct a private railway from Broken Hill to the border. As a result the Silverton Tramway Act of 1886 was passed in October of that year, giving the syndicate the necessary authority to take and use Crown or private land to construct and operate a tramway, as it was then called.

The Act authorized the syndicate to transfer and assign its rights, privileges and liabilities under the Act to a company duly incorporated for that purpose. This was done almost immediately by a deed dated 3rd December, 1886, when the Silverton Tramway Company Limited accepted an assignment of the rights and liabilities conferred and imposed under the Act. The Act required that the tramway be constructed within two years, and this was achieved. A narrow gauge railway came into use about June-July, 1888, constructed and operated by the company. For more than thirty years it provided the only rail link to Broken Hill, and continued to be operated by the same company for more than eighty years until by-passed by the Indian-Pacific standard gauge railway in 1969. It was not until about 1922-1923, that the New South Wales line was completed which gave Broken Hill a connecting rail link to Sydney.

The Silverton Tramway Act of 1886 gave the company a franchise to operate the railway for a period of twenty-one years. Thereafter, it laid down a formula under which the State government could purchase the enterprise as a going concern at a price

based on average past profits. The Act authorized the Governor, with the advice of the Executive Council to grant to the syndicate or its assigns a title in fee simple to such Crown land as was taken and used for tramway purposes. No grants were ever applied for or issued, as the company's solicitors held the view that the Act gave them title and that they did not need to apply. The completion of the Indian-Pacific standard gauge railway line in 1969, ratified by the New South Wales Government in October, 1968, rendered the Silverton Tramway Company's narrow gauge railway redundant.

The route of the new railway had been selected by the Commonwealth, deliberately avoiding crossing the company's line. This action was taken to negate any claim the company might have had for its railway to be purchased in accordance with the terms laid down in the original Act. The company claimed in any case that it was entitled to compensation in the order of \$5,800,000. The Commonwealth Government on its own behalf and as agent for the States of New South Wales and South Australia negotiated with the Silverton Tramway Company Limited as to terms of compensation. An original offer of \$1,250,000 was made but after protracted negotiations the Commonwealth, acting on behalf of the States of New South Wales and South Australia as well as itself, made its final offer with a time limit for acceptance of 14th July, 1969. That offer was: \$2,000,000 cash, tax free, *ex gratia* for loss of business; Silverton Tramway Company to retain all its permanent way plant and equipment for re-use or salvage; and the company to retain its land in Broken Hill as a grant in fee simple from the New South Wales Government.

The company, before accepting the terms sought assurances from the New South Wales Government that it would be issued with a title to the land in this State which it had used for railway purposes. As the company had fulfilled all its obligations under the Act, an assurance was given and the offer was accepted. The Crown Solicitor for New South Wales subsequently advised that, in his opinion, once the company

*The Hon. J. B. M. Fuller*]

ceased to operate the tramway authorized under the Act, the Governor could no longer rely on the Silverton Tramway Act of 1886 as an authority for the issue of a grant. He advised further that if a title was to be given, special legislation would be necessary.

The company—and its counsel—disputes the Crown Solicitor's advising and maintains that the power in the Act for the Governor to issue title is still operative. It has stated that it would resort to litigation if necessary. In view of the divergent views and the opinion of the Crown Solicitor, this bill has become necessary. The bill, by agreement with the company, will vest in it for a title in fee simple under the Real Property Act part only of the land taken and used under the Act for railway purposes.

The company voluntarily agreed to exclude the part of its land upon which the civic centre at Broken Hill encroaches. This magnificent building was completed after the company's railway ceased to operate, and the Broken Hill city council will be able to secure a title to this small area after this bill is passed. The company has agreed to exclude also the sites of homes of persons who have been long resident within the external boundaries of company land, and to provide them where necessary with a right of carriageway. These people also will be able to get a title to their home sites.

The land to which a title is to be issued to the company comprises some valuable real estate within the city of Broken Hill, including about 1½ miles of line and the site of its marshalling yards and other works. It includes also about 1¾ miles of railway out to the cattle yards. Title is to be issued for an area, in all, of 165¾ acres. The company is not seeking a title to the balance of its 30 miles of railway from the cattle yards to the border, but in accordance with the negotiated terms it has already removed the bulk of its permanent way from this land. This strip, mostly three chains wide, will be available for addition to the grazing leases through which it passes, if the lessees so elect. The bill includes a clause repealing the right of the company to seek a title to any of this land in the future.

The Silverton Tramway Act of 1886 made it lawful for the company to take and use land within a prescribed route "including any street or road and whether public or private". The site of several designed streets was in fact taken. These are to be closed by this bill and included in the land over which a title is to be issued. The town of Willyama, now known as Broken Hill, was designed and its survey completed by September, 1886. The Silverton Tramway Act was not passed until October, 1886. However, the designed town included areas which now contain the actual site of the constructed tramway and were reserved for that purpose in the *Government Gazette* of February, 1887. It is therefore apparent that the design of the town and planning for the railway were carried out concurrently. The design included areas for purposes such as stations, marshalling yards, a timber mill and yard, and lines to the mines. Some of these areas were separated by designed streets, which of necessity had to be taken and used in constructing a continuous railway.

There is substantial evidence in official files that these roads have never been open to use by the public in the eighty years of the operation of the railway, and it is these designed but unformed and never-used streets that are to be closed by this bill. Unnecessary reserves also will be revoked. It seems probable that the Broken Hill city council would prefer that at least two of these streets should now be opened. Council is, however, in a favourable position to secure this action, as the company will need to obtain the council's approval to any subdivision and development application. Council will then be in a position to have these roads constructed and kerbed and guttered at the company's expense.

The land to which a title is to be issued is crossed in several places by sewerage and water mains laid by the Broken Hill Water Board, and the bill will create easements in favour of the board giving it the necessary powers of entry, maintenance, replacement, and the like. The certificate of title to be issued will restrict title to a depth of fifty feet, as is customary in mining towns, and will contain all the reservations and exceptions as to roads, minerals, subsidence and

so on, that are normally included in Crown grants. This bill is necessary to honour terms of compensation negotiated and agreed upon between the company and the Commonwealth and State governments. I now commend it for the favourable consideration of the House.

The Hon. N. K. WRAN (Leader of the Opposition) [4.55]: The Opposition opposes this legislation. We see no reason for it, legal or moral. Indeed, we find the whole concept of the legislation highly curious. What the bill purports to do is to give to the Silverton Tramway Company Limited 165½ acres of choice land in the Broken Hill area, some of which is in the very centre of the most developed part of Broken Hill. Despite the statement that the Minister has delivered of the reasons why the Government has seen fit to do this—which statement is almost identical with the one made by the Minister in another place who was in charge of the presentation of this measure to Parliament—the purpose of giving this choice Crown land to what is now an investment company for investment and speculation purposes must, to say the least, remain obscure.

The Minister has referred to the original statute whereby the members of a syndicate were given rights to assign and transfer their rights and authorities, as well as their obligations and liabilities, to a company for the purposes of the construction of a railway from the Colony of New South Wales, as it then was, to the South Australian border. What the Act involved was a potentially valuable asset for the State of New South Wales. When this Act was passed in 1886 the western railway line, I think I am correct in saying, did not extend beyond Parkes in New South Wales, and already Broken Hill was emerging as the great treasure chest that time proved it to be. There was both a desire and a necessity to take the minerals from Broken Hill to a port for shipment to other parts of Australia and overseas.

Therefore, the enterprising syndicate was acknowledged as proposing something that clearly was in the public interest. As much as it was in the public interest then, it was a move that turned out to be significantly

in the interests of the company which took the assignment of the syndicate's rights. I am not critical of this, but I am informed that the company has earned untold millions of dollars in profits from transporting goods, minerals and passengers along this stretch of railroad from Broken Hill to the South Australia border. Indeed, over the years the company, in addition to its original asset—namely the railway—has been able to construct a substantial share investment portfolio, the profits from which, through means of dividends and the like, were, when I last took the trouble to look, something in the order of \$300,000 a year, quite separate and distinct from any profits that enured from the conduct of the railway itself. I listened attentively to the reasons advanced by the Minister for the Government's feeling constrained to make what I would describe as a present of 165½ acres of choice land, some of which is in the centre of Broken Hill, to a company that entered into a business venture that was successful, from which it made great profits over the years.

The Minister has said that the New South Wales Government feels constrained to introduce this legislation after the Commonwealth Government, on behalf of the governments of New South Wales and South Australia, had negotiated a settlement with Silverton Tramway Company, by way of assessment of compensation and compensation rights for the deprivation of its business as a railway operator when the Indian-Pacific rail service came into operation in the second half of 1969. One thing is apparent at the outset: the Commonwealth Government would not contract to give away 165½ acres of Crown land, the property of the State of New South Wales, without the instruction and approval of the New South Wales Government. We should like to hear from the Minister in reply of the relationship between his Government and the Commonwealth Government in these important negotiations. It is inconceivable that the Commonwealth was given a blank cheque to negotiate away the Crown lands of this State.

The second matter that emerges—the Minister mentioned it this evening and it was certainly mentioned by the Minister

*The Hon. N. K. Wran*

in another place—is that the Commonwealth agreed to do that by way of compensation on an *ex gratia* basis. There is little doubt that the Silverton Tramway Company, if morally entitled to compensation, was legally entitled to none. There was no appropriation of the company's assets. As the Minister said, there was meticulous care on the part of the planners of the Indian-Pacific line not to cross or to interfere with the lands occupied by the Silverton Tramway Company. I assume that the Minister was precise in saying that the payment was an *ex gratia* one.

Assuming there was a moral right for this company to receive compensation, the first question that arises is: what was the right that induced the New South Wales Government to authorize the Commonwealth Government, as part of the terms of compensation, not to compensate with what normally is the recognized means or compensation, namely, money, but to compensate first by money, and second—leaving aside plant and equipment which the company had itself installed, and I should have thought in the ordinary course of events would have been entitled to remove, whatever the circumstances were—by 165½ acres of Crown land, which were thrown into the deal in addition to the money?

It is not correct, as the Government has said both here and in another place, that this company has any legal right to this land. It never had any legal right to it. By virtue of section 1 of the Act of 1886, that section immediately following the preamble, authority was given to construct a railway. Then there was a proviso in these terms: "Provided that the tramway shall be constructed in a proper and workmanlike manner and brought into use within two years from the passing of this Act." The Minister has said—and we all accept it—that the tramway, or railway, was brought into use within that time. Then a number of obligations were imposed on the company and a number of rights conferred on it in relation to its powers to construct and to operate. Section 8 prescribes that upon completion of the tramway and works authorized by this Act to the satisfaction of the Commissioner for Railways, it shall be lawful for the Governor with the advice of

the Executive Council to grant to the syndicate members, who are named, and their heirs, executors, administrators and assigns in fee simple such Crown land as shall have been necessarily used or taken for the tramway.

The first thing that emerges is that this provision is in a statute that found its way on to the books in 1886. It was never a right given to the Silvertown Tramway Company to take a fee simple of any land it chose to use for the purpose of construction of the railway. It was nothing more than an authority given to the Governor, with the advice of the Executive Council, to grant to the syndicate or its assigns such Crown land as was necessarily used or taken for the tramway. The first question one must ask—and we ask the Government here—is why, if the Silvertown Tramway Company did not call for a grant of lands necessarily used in 1888, does it become either moral or legal for it, when it ceased to operate the railway altogether, to have transferred to it in fee simple the lands that it occupied not necessarily in 1888 but when it ceased to operate the railway in 1969?

There are two matters that really arise from an examination of section 8 of the Act, and we seek some reply on them from the Minister. What moral or legal right does the company have when for almost ninety years it did not call for any entitlement under section 8, the only possible chance or opportunity it had for the vesting of a grant of lands necessarily used? Indeed, it came to light only by virtue of some package deal that this Government must have given the Commonwealth Government authority to make on its behalf. A second question calls for some reply. Is it asserted now by the Government that those lands which this bill purports to give by means of a grant in fee simple to the Silvertown Tramway Company are those lands? Are we now told that those lands were all necessarily used and in use by the Silvertown Tramway Company in the year 1888? If any part of them was not in use, there is absolutely no basis at all—no matter how flimsy the present basis is—for the giving away of these Crown lands. There was no call by the company for a vesting

from 1888 to 1970, and indeed there was no vesting. The whole procedure whereby Parliament is asked virtually to ratify what this Government has done by means of a bill that tells us nothing and a second reading speech by the Minister that tells us almost nothing, is wrong.

Surely what should happen is that every member of the other House and of this House should have knowledge of the details of the agreement between the State of New South Wales and the Commonwealth, and also the arrangement between the State Government and the Silvertown Tramway Company. Why should we, on behalf of the Parliament and therefore the citizens of New South Wales, be required to pass judgment on arrangements in respect of which the Government, at no stage since the introduction of the bill into the Parliament, has produced one piece of paper to evidence any of the bases upon which it says that there is a moral or legal obligation to give away this valuable portion of land at Broken Hill?

It is quite absurd for transactions of this kind to be brought before the Parliament in this way. There must be some documentation to establish that somebody in authority on behalf of the Government of New South Wales said to somebody in authority on behalf of the Government of the Commonwealth of Australia, "You have the right to hand over, as part of the terms of compensation on an *ex gratia* basis, even though there is no legal obligation to do so, 165½ acres of the choicest land at Broken Hill". I might add that the land includes part of the centre of the city. A significant part of it runs parallel with Argent Street, the main street of Broken Hill. As that part of the land occupies eight city blocks in the centre of the city, this matter warrants some investigation. It is indeed curious that a government should give Crown land to anybody, let alone to a company that over the years has made many millions of dollars, especially when there is no legal obligation upon the Government to do it.

I am not talking about the Government's land. This is the people's land that is being given away. This Crown land really

belongs to the people of New South Wales. The company will be able to do with it as it chooses. How will the company use this land? That aspect may well bear examination. We on this side understand that when the Silverton Tramway Company ceased to operate the railway, another company was formed called the Silverton Tramway Investment Company Proprietary Limited, or a name something like that. This company is the instrument for the purchase of a substantial number of shares in the old tramway company.

Who turns out to be the new holder of the shares in the tramway company? My colleagues and I understand that it is none other than the Dillingham Construction Company. If this is wrong—and surely the Government knows whether or not it is correct—the Opposition would like to know the true position. There is talk in Broken Hill that the Dillingham Construction Company is a substantial shareholder in Silverton Tramway Company. What is being given as part compensation and as an *ex gratia* payment to the Silverton Tramway Company is in truth a payment to Dillingham Construction Company. Many honourable members on the Government side will know that company to be famous for its—I was going to use the expression desecration—building of vast high-rise buildings at Honolulu, Hilo and other places.

The Hon. J. B. M. FULLER: The honourable member seems to know a great deal about the company.

The Hon. N. K. WRAN: I am sure that honourable members on the Government side know a lot about it, too.

The Hon. Sir ASHER JOEL: The Dillingham corporation is a huge concern. It has built some remarkable structures and has provided a lot of employment in this country.

The Hon. N. K. WRAN: The Hon. Sir Asher Joel has assisted us by pointing out that the Dillingham corporation is a huge development company. I am sure that if it has an interest in the Silverton Tramway

Company—and I invite the Minister to reply on this aspect—there will be some immense development at Broken Hill.

The Hon. L. P. CONNELLAN: Would that really be bad for Broken Hill?

The Hon. N. K. WRAN: Let me answer the honourable member by asking whether it is good for a government to give the people's land to a known investment and real estate speculator? If one is content with that situation, particularly in respect of a railway company that has ceased to exist, one would obviously raise the next question of whether it is bad or good for Broken Hill. However, there are plenty of ways in which this land could be put to good use at Broken Hill. Perhaps it could even be put up for sale on the open market. If the Government is keen to convert this Crown land into fee simple there is no reason why it should not put it up for sale on the open market or make it available at low cost for ordinary housing development, if that is considered to be an appropriate use for part of it and for city development for other parts of it. Why should not those now interested in the land bid on the open market for it?

My understanding, which is the belief of many people in Broken Hill, may be incorrect. If so, we on this side will immediately retreat from what I have put. Surely the Government knows that the Dillingham Construction Company is also the Dillingham Engineering Company, the Dillingham Mining Company and the Dillingham Development Company and that this company is a substantial shareholder in the Silverton Tramway Company. One significant matter rather supports this view: Mr Roberts, who used to be the managing director of the Silverton Tramway Company until the railway ceased to operate, now lives in Melbourne and is the tramway company's representative on the Dillingham board. Surely this would be persuasive evidence of the Dillingham company's interest. No doubt the Government knows that Dillingham is incorporated in Victoria and is registered in New South Wales as a foreign company.

This is a most unsatisfactory state of affairs. It is extremely unsatisfactory that legislation of this kind should be brought

before the Parliament of this State without any supporting documentary material. Every member of this Parliament is entitled to know the real arrangements in this matter. With due respect to the Hon. J. B. M. Fuller, who had the responsibility of introducing the bill and is in charge of it in this House, nothing he has said this evening amounts to a satisfactory explanation or gives one any comfort that in considering and voting for the bill one will be acting in the best interests of the people of New South Wales.

I have already said that the company has no legal right to this land. It is all very well for the Minister to say that a barrister has given an opinion that under section 8 of the 1886 Act the Government had a right to vest the land in the Silverton Tramway Company. That is putting the cart before the horse. It is not a matter of what power the Government has or does not have in relation to this land: the real question is, what is the company's entitlement? Here and in the other House the Government has dwelt upon doubts on whether it could give the land away by virtue of advice by the Executive Council to the Governor. The real question is whether the company is entitled to a grant of the land. Why should the company be entitled to it? Why was this method of compensation chosen? Why give the land away instead of presenting the company with a cash settlement? I do not think that any honourable member who listened to the Minister tonight would know whether or not it is appropriate for the company to be given \$2,400,000 plus its plant. For all I know, the company may be perfectly entitled to that or to even more, but I am asking the Minister to provide some answers to the House on why this package deal has been made. Did the Government know that the Dillingham Construction Company had a vested interest in the shareholding of the tramway company at the time it authorized the Commonwealth to negotiate in the way that it must have done and, more important, at the time it brought this legislation before this House?

If the Government did not know these things, is it willing to postpone the passing through this House of this legislation until such time as the matter I have raised has

been investigated? Having investigated it, is it willing to bring the results of the investigation back to the House? These important questions are not my invention. These questions, which are buzzing around Broken Hill, have been the subject of common gossip in that city and have caused a great deal of local concern. In fairness to the people who ran the Silverton Tramway Company for many years, it must be stated that that company has a high reputation in regard to its dealings with the people of Broken Hill. The men who ran that company had an excellent relationship with the people of Broken Hill. However, most of them are no longer there, and a substantial portion of the shareholding has changed hands, with the result that those who conducted the company are not going to get the benefit from this land. A third party has arrived on the scene, at the heel of the hunt, and this curious method of compensation will be to their benefit.

Let me say this—and I do not renege on this assertion—that, leaving aside the Dillingham Construction Company, the Government has no right to give away this land. If there is any right to compensation, the company should have been compensated; but there should not have been this smoke-screen, with the Commonwealth negotiating to give away this land. It is beyond one's imagination to think of the Commonwealth giving away our land. There is already a tennis club and a building on this land. It was thought that at least portion of it would be used for the construction of an oval.

What is the value of the land? Honourable members are entitled to know its value if we are being asked to approve its being given away. If the Minister has these details, the House should know whether just compensation is being paid. Was the Valuer-General called in? What were the terms on which this transaction was arrived at? The documents and agreements relating to this transaction should be produced. We should know why land, and not money, was given as compensation. We should not let develop a situation whereby a foreign investor is allowed to participate in the acquisition of Crown lands in such circumstances.

My colleagues and I regard this matter seriously. We do not think the bill should be allowed to drift through Parliament, against the murmurings of the people of Broken Hill, against what, on the face of it, appears contrary to ordinary dealings with government property. That being so, I would ask the Government to adjourn this debate at some convenient stage in order that the matters that I have sought to raise might be looked into further and some prepared and authoritative answer given to the House. I do not put this with any malice aforethought but rather to investigate before it is too late what to many people appears on the face of it to be a curious transaction. As that course appears unacceptable to the Government. I move:

That the Question be amended by the omission of the words "now read a second time" with a view to the insertion in their place of the words:

"(1) Referred to a Select Committee for consideration and report; with leave to sit during any adjournment of the House and power to take evidence and to send for persons and papers; to make visits of inspection, to examine witnesses and take evidence thereat.

(2) That such Committee consist of the following Members, viz: Mr C. A. F. Cahill, Mr Fuller, Mr Gleeson, Mr McKay, Mr McPherson, Mrs Press, Mr Riley, Mr Serisier, Mr Vickery and the Mover."

The Hon. H. D. AHERN [5.25]: I support the bill and I do not propose to enter into any controversy with the Leader of the Opposition, whom I congratulate upon his appointment today. I was interested to hear him referring to the original Act with so much enthusiasm. I am sorry that he was not present here a few years ago when I tried to convince the House to take more notice of the original Act and to give the company compensation in accordance with the prescribed sections, about which we heard nothing this afternoon.

The Hon. C. A. F. CAHILL: What prescribed sections?

The Hon. H. D. AHERN: The matter I raised then was voted out most decisively by the Hon. N. K. Wran's predecessors. As to his argument about the company's not being entitled to the land, though I am

not competent to express a legal opinion I can observe that the company claims it has a good case and apparently is reasonably well informed of those aspects. I suggest that honourable members cannot accept the Hon. N. K. Wran's proposition against the transfer of this land. My point simply comes down to this: after extensive negotiations and discussions by the Commonwealth railways assisted by and in concurrence with the Minister for Transport of this State and also of South Australia the Government made a promise to transfer the land to the Silverton Tramway Company. They reached a conclusion that envisaged a recognition of the fact that the Silverton Tramway Company Limited was entitled to this land, and it was promised at that time. I cannot believe that these government authorities lightly passed over the matters to which the Hon. N. K. Wran has referred.

The Hon. C. A. F. CAHILL: What section of the Act does the honourable member say gives the company right to compensation?

The Hon. H. D. AHERN: I am merely making the point that a promise has been made and that the matter appears to have been fully investigated. The three governments concerned arrived at an opinion, which cannot lightly be put aside. The company has always contended that the land belonged to it. If one looked through the history of this company one would find that the Government of New South Wales accepted that position in the early part of the century when the subject was under discussion. The Hon. N. K. Wran said that apparently the Silverton Tramway Company did not implement its presumed right to the land earlier, but I am not expressing any view on that respect. The company has been co-operative in regard to these negotiations. Some of the land under discussion has been eliminated from the proposed transfer. To sum up, the Government is honouring the promise that it made to the company after a complete investigation. I support the bill and congratulate the Government upon its introduction.

The Hon. C. A. F. CAHILL [5.30]: On the face of it, this bill calls for a much more thorough explanation than has been given by the Minister. The measure is stated in the preamble to be simply a bill for an Act to vest in the Silverton Tramway Company Limited certain lands described in the bill, and for purposes connected therewith. The land is 165½ acres, and, according to the description, much of it is valuable. All that the bill proposes is that this valuable land be vested in a company that previously carried on a railway in the area. It is quite useless, in my submission, for the Hon. H. D. Ahern to attempt to justify the bill by saying simply that the executive Government promised to convey the land to the company after discussions with it. Surely that is not sufficient ground on which to ask Parliament to approve of such a transfer without proper inquiry and without full information.

Honourable members want to know much more. We want to know why the Government made the promise. We ask, for we cannot see the reason in the available information. What legal right, if any, does this company have to require or to request the Government of New South Wales to convey land to it? It is almost puerile for the Hon. H. D. Ahern to say that the company contend that the land is theirs, and seriously to put that forward as sufficient reason to satisfy Parliament that the transfer should be made. He says that a promise was given by the Government and that the Government must honour that promise. The company, he says, thinks it should get the land and says it has a case.

It would be most irresponsible of Parliament to agree to a measure in this form divesting the people of Broken Hill, and of New South Wales for that matter, of valuable land without there being evidence before it to show justification for the Government's acting in the way proposed. It may be that there is some arguable or reasonable ground for this proposal, but it certainly does not appear from what the Minister has said, or from the bill itself.

In 1886 some gentlemen came to an arrangement with the government of the day to build a railway. Eventually they formed the Silverton Tramway Company Limited, which operated that railway for eighty-six years under an Act of Parliament. The company had the right to build the railway, in accordance with specifications, on Crown land referred to in that Act. As I understand it, the company was given the use of that land for nothing: no rent was paid to the Government. The company was successful. I might pause here to say that one admires the enterprise of the gentlemen who formed the company, for undoubtedly what they did was of great benefit to Broken Hill, and their endeavours, apart from being highly profitable to themselves, were of great benefit to the State. That in itself, of course, is no reason why they should be given a gift when the railway is no longer required. I think it has been termed an *ex gratia* payment.

The Hon. F. W. SPICER: It is given by way of compensation.

The Hon. C. A. F. CAHILL: The term used by the Minister was *ex gratia* payment, which means that no right is conceded.

The Hon. F. W. SPICER: If you were put out of business by the Government, would you not expect compensation?

The Hon. C. A. F. CAHILL: Let me answer by saying that in the days of bullock teams and coach lines, companies ran profitable businesses conveying passengers and goods between Sydney, Parramatta, Bathurst and other country areas. Did they get compensation when the government built a railway line and put them out of business after they had built up their profitable undertakings? In my submission there is no sense in the suggestion that when an enterprise is faced with competition, whether it be private or governmental, it should be compensated if it is put out of business.

The Hon. L. P. CONNELLAN: There is a lot of difference between that example and what is proposed here.

The Hon. C. A. F. CAHILL: There is no difference in principle between the facts under consideration here and the situation of a company that builds up a profitable coach line and is put out of business when the Government builds a railway. Why should not a person who builds up a coach line be compensated for the loss of that business, just as the Silverton Tramway Company Limited is to be compensated by this measure?

The Hon. L. P. CONNELLAN: A company can move a coach line, but it cannot move a railway line.

The Hon. C. A. F. CAHILL: The Hon. L. P. Connellan evades the principle. What is the basis of entitlement to compensation if a business ceases to exist because a more modern enterprise replaces it? Logically there is none. As I read the bill, there is no moral right and no legal right to compensation. This company, to its credit, co-operated well with the local and municipal authorities at Broken Hill. It provided a good service, and it profited handsomely while it ran that business.

We do not begrudge the company one penny of its profits. After all, it provided a service for the people. However, what are the circumstances? By arrangement between the States and the Commonwealth it was decided to run the Indian-Pacific railway along a route between Sydney and Perth that made continuance of the Silverton railway uneconomic to the company. Its railway became redundant. As the Minister pointed out, the Commonwealth Government took care to go round the Silverton railway tracks and not to interfere in any way with the company's railway, thus avoiding any claim against it for compensation. If there had been any interference with its business by reason of the new railway cutting across the company's railway lines, obviously the company would have had a claim. But as the Minister pointed out, the Commonwealth Government took care to see that it would not be liable for any compensation to the company.

Colonel the Hon. Sir HECTOR CLAYTON: It is providing compensation.

The Hon. C. A. F. CAHILL: On the Commonwealth side? With great respect I cannot agree with that observation. The company has done well. If the company, having done a public service as it did, parallel with its making of profits, had an unfortunate financial record, having lost a lot of money while providing that service, there might have been some basis for an *ex gratia* payment, though no legal right to compensation. But that is not the case. Many big enterprises open up suburbs and help to develop the country, but while they are doing a service they are making profits. That is their purpose. That was the purpose of Silverton Tramway Company Limited. It was not formed for the purpose of doing a public service; it was set up to make profits. That is reasonable enough. It had the use of this 165 acres of land for 86 years, and did not pay a penny rent for it. That was under the terms of the arrangement.

Colonel the Hon. Sir HECTOR CLAYTON: Did the company pay rates on that land?

The Hon. C. A. F. CAHILL: I do not know. I cannot answer that, but I should be surprised if the company paid rates. That was not a bad deal for the company. No doubt it was a successful project. Then, with progress and competition, and the advent of the Indian-Pacific railway through that area, it was useless for the Silverton railway to carry on. That sort of thing happens to many people in all walks of life. Thousands of shopkeepers, put out of business when modern chain stores have come into their area, have received no compensation.

The Hon. R. C. PACKER: Is it the same when a shop is put out of business by a government shop?

The Hon. C. A. F. CAHILL: The honourable member was not here when I told the House how the railways had put the coaches and bullock teams out of business. The owners of the bullock teams did not get compensation when the railways came along, nor did the owners of coaches, some of which carried people as far as Bathurst. I am trying to deal with this matter on the basis of principle. I want to know why a wealthy company, which made a lot of

money, should receive this sort of compensation when a modern railway is put through near its railway rendering it useless and uneconomic. On what basis is it entitled to compensation?

Parliament is being asked to ratify an agreement entered into by the Government and to include details of the land as a schedule to the bill. The agreement does not appear. As I see it, the Parliament is being asked to approve of this large conveyance of land without having the benefit of any proper consideration of the agreement. We have not been told anything about the terms of the agreement or why it was entered into, or what legal advice the Government received. Parliament is being asked to accept blindly the sort of proposition put by the Hon H. D. Ahern, who said that as the company thinks it is entitled to compensation and the Government has agreed to pay, this House should not worry further about it. I believe our responsibilities go much deeper than that. I submit that members of this House have a responsibility to satisfy themselves that the agreement is a proper one and that the company has a valid claim to compensation or even some moral right to compensation.

However, there is not a tittle of evidence before Parliament that remotely amounts even to *prima facie* evidence of the two matters I have mentioned. In other words the Legislative Council is being asked, as the Assembly was asked, to act as a rubber stamp by agreeing to a deal entered into by the Commonwealth as agent for the State with the concurrence of the State, without being told of a single line that appears in the agreement, without being given one legal opinion to justify the making of such an agreement, without being told the value of this land, and without an indication of where it is except by description. I understand a large portion of the land is in the centre of Broken Hill, and is ideal for subdivision.

I for one, before voting on a measure like this, want to see the agreement and to read the legal advice tendered, so that I can form my own views about its legality. Certainly members should see a plan of the

land and be informed of its value before agreeing to give it away to the company on top of compensation of \$2,400,000. If honourable members think about the matter, they will realize that sanction is being sought without proper information. The Minister can correct me if I am wrong on this: he has given so little information that I am not clear about it, but I understand that the Commonwealth did not pay any of its own moneys.

The Hon. J. B. M. FULLER: I thought the honourable member understood that. I shall explain it later.

The Hon. C. A. F. CAHILL: There is no document here to indicate it.

The Hon. J. B. M. FULLER: The Commonwealth pays the compensation.

The Hon. C. A. F. CAHILL: I was under the impression that the money was coming from the States. Wherever it is coming from detracts in no way from the submission I was putting to the House. As the Hon. N. K. Wran said, there is considerable concern about this matter among the residents of Broken Hill. I understand this also from the local member. The Minister said that the terms of the agreement were for \$2,000,000-odd and retention of the land. What is meant, of course, is that the company will get the land that it used for the purpose of its railway. Reference has been made to section 8 of the Silverton Tramway Act. There was existing, for a period at any rate, a licensed company which never exercised any right of application for the land to be given to it. Presumably it preferred to go on occupying the land, and presumably not paying any rates and taxes, as it was Crown land. But when the business ceased it wanted to have its cake as well as eat it. The member for Broken Hill, in dealing with the measure in another place, said that an official of the company had stated that the company was promised freehold title of the land, but because of non-compliance with one part of the agreement, freehold was not granted. I do not know whether that is so.

Surely the House should be informed on all these matters. I submit that what my leader has suggested is eminently reasonable. If the Government feels that it was under a legal or moral obligation to enter into a proper agreement, surely it can have no reason for not placing all the facts before a select committee of members of this House. This is all that we on this side seek. We point out that there is a good deal of disturbance and considerable suspicion in Broken Hill about what is proposed. Though I have no personal knowledge of this matter, I rely on what the member for Broken Hill has said about it. It is unusual that honourable members should be presented with such scant information—not even a copy of the agreement. Moreover, it is unusual that nothing has been placed before us to establish the legal or moral right for the proposal. If ever a bill calls for examination by a select committee of honourable members, it is this one.

If the Government will not agree to an open examination of the whole transaction—and we submit that there are ample reasons for exposing all its aspects to the light of day—it cannot be surprised if people conclude that it has something to hide. I am not making such an allegation, for I simply do not know enough about the matter to form any considered opinion on it. No one in this House other than the two Ministers here and the Government, knows enough about the details of this transaction and the reasons for it.

The Hon. R. C. PACKER: Are you talking about the transaction in this bill or the arrangement generally?

The Hon. C. A. F. CAHILL: It is not even set out. The bill vests the land in the Silverton Tramway Company.

The Hon. R. C. PACKER: That is the transaction you are talking about?

The Hon. C. A. F. CAHILL: What I am saying is, if I may summarize it, that Parliament has not been given enough information. It should have before it a copy of the agreement and also cogent proof that there was some legal obligation requiring the

Government to transfer this land—otherwise it is a straight-out gift. If the Government does not wish to be under suspicion in regard to its handling of this matter it will accept my leader's amendment and refer the bill to a select committee of members of this House in order that they can satisfy themselves either that it is reasonable and proper to transfer this land or, alternatively, that the bill should not be supported on the ground that there is no legal or other justification for the Government to transfer this large parcel of valuable Crown land.

The Hon. L. P. CONNELLAN [5.57]: Although I am the first to admit that I do not know the full ramifications of the original agreement between an earlier government and the Silverton Tramway Company, as one who comes from that part of New South Wales and has lived there for a long time, I feel that I should point out that this organization has an extremely good reputation.

The Hon. C. A. F. CAHILL: Its reputation has not been challenged by members on this side.

The Hon. L. P. CONNELLAN: That company provided grand service, and its exploits are part of the history of inland Australia.

The Hon. C. A. F. CAHILL: Does that apply to the Dillingham company?

The Hon. L. P. CONNELLAN: In view of the honourable member's interjections, let me say that I may be wrong and the Minister may be able to provide the correct answer, but I understand that the Dillingham company has only entered the arena since the completion of negotiations. This is my understanding of the position, but I stand subject to correction. The agreement was entered into in 1886. The Hon. N. K. WRAN said the agreement is 86 years old—

The Hon. N. K. WRAN: The Act, not the agreement.

The Hon. L. P. CONNELLAN: Anyway, it is 86 years old. He argued that as the people who entered into the agreement with the government of the day are no longer

living, perhaps the present Government should ignore any responsibility it may have to this company. If the people who entered into the agreement were then 21 years of age—and I assume that they would have to be that age to enter into legal contractual arrangements—they would now be at least 107 years of age. It is not reasonable to expect continuity of the same membership of the company over such a long period. If an enterprising organization like the one that recently bought a big store in Melbourne were to buy David Jones's store or the Farmers store in Sydney, and the Government entered into an arrangement over some right of way in this year of 1972, would honourable members opposite suggest that 86 years from now the government then in office should rescind the agreement with the Australian Council of Trade Unions and pay no monetary compensation or hand over no land rights?

If there is an agreement and a definite, permanent arrangement, the Government would be acting immorally in doing as the Opposition suggests by refusing to give rights to a company that has acted honestly in all its dealings and has carried out a fine job for the people of this State and the Commonwealth. I ask the Minister to deal with these matters when replying to the various questions that have been raised. Almost the whole of the Western Division of New South Wales, to my knowledge, is leasehold in perpetuity. I assure honourable members that all the people out there regard a lease in perpetuity as akin to a freehold title, although legal experts in this House may disagree.

The Hon. N. K. WRAN: The company had a licence and nothing more.

The Hon. L. P. CONNELLAN: If this is accepted as the principle behind the arrangement and the company's title was similar to that affecting 90,000,000 acres of land in that part of New South Wales, we should respect it and accept the measure. I shall be interested to hear the Minister in reply. Merely because a company has been successful—as has been mentioned *ad nauseum* tonight—the Government should

not regard it as not entitled to consideration and not entitled to land that it might otherwise have continued to hold for another 100 years.

The Hon. J. A. WEIR: On licence.

The Hon. L. P. CONNELLAN: The company would have continued to hold this land if the railway had continued to operate. The fact that the company has lost its business due to circumstances beyond its control is all the more reason why it should be given full consideration now. Under this agreement the company will return some hundreds of acres of land it occupied to the Crown and I believe it will be given to neighbouring landholders.

The Hon. J. A. WEIR: It could be given back to the aborigines, on your argument.

The Hon. L. P. CONNELLAN: Yes, if the honourable member wants to take it to that extent. I have no objection to giving aborigines their rights.

The Hon. N. K. WRAN: How about the Americans who had no land rights here? They buy at the last minute and get all the profits.

The Hon. L. P. CONNELLAN: That may or may not be true. However, I am talking about the record of a company that has operated since 1886 to the advantage of Australia, this State and the residents of that area, of whom I am one. I am just as interested as honourable members opposite to hear the Minister reply to the questions that have been posed tonight. There is a moral if not a legal obligation to this company, in spite of the fact that many of the company's shares may have changed hands. I believe the Government should honour its obligations.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [6.5], in reply: I suppose it could be said that I enjoyed the debate on this bill. However, I am sorry that honourable members opposite are not well informed on this subject. Many of the matters that have been discussed tonight were published in the press three or four years ago. I should have

thought that those who criticized the apparent lack of information would know that discussions on this subject had taken place between the Commonwealth Minister for Transport and Shipping, the Hon. I. Sinclair, other Commonwealth Ministers, State Ministers of Transport for South Australia and New South Wales, the Minister for Public Works in New South Wales and the Minister for Lands in this State.

Early in my second-reading speech I stated that section 8 of the Act authorizes the Governor, with the advice of the Executive Council, to grant to the syndicate or its assignees title in fee simple to such Crown land as was taken and used for tramway purposes. No grants were ever applied for or ordered, because the company's solicitors held the view that the Act gave them title and that there was no need to apply. As far as the Government is concerned, that Act said, in effect, to the Silverton Tramway Company: "If you operate a tramway to develop the mining leases of Broken Hill and if you can help the Government get the material to the smelters and to the seaboard, we will do this to assist you." At that time New South Wales was not prepared to continue the railway past Parkes, some 400 miles away, and the South Australian Government was prepared to operate a railway only part of the way to Broken Hill.

I am told that during the preparation of this Act—and this is going back long before my day, and even before some other members in this House—about 40 private railway Acts were examined and that in all but two of them, including the Silverton Tramway Act, provision was included for the land taken to revert to the Crown upon the cessation of railway operations. This provision was not included in the Silverton Tramway Act. If one reads section 8—and I am no legal expert—I contend in my ignorance that the intention of the government of the day and the Parliament of the day was to allow that company to have the land in fee simple.

The Hon. N. K. WRAN: That is not the view of the Crown Solicitor.

*The Hon. J. B. M. Fuller]*

The Hon. J. B. M. FULLER: I do not agree with the Leader of the Opposition. The Government feels that the whole intention of this Act was that the company should have the land. The company always understood that it was theirs. According to section 8 of the Act it was the Government's intention that the land should be owned in fee simple. During discussions that took place between the Minister of the Commonwealth and the States and their advisers, it was mentioned that the company felt that it had a right to compensation for loss of business to the extent of \$5,800,000 because of the completion of the Indian-Pacific rail service. As the members of the Opposition said, this left the company's railway untouched but it put the company completely out of business. The reason for not interfering directly with the company's line was to try to reduce claims that it might make on the governments concerned.

When negotiations were begun to try to iron out these problems, a large number of ministers took part in the discussion but it was left to the Commonwealth, as the working authority in its own right and as agent for New South Wales and South Australia, to try to come to some agreement. The Commonwealth was willing to come to the party to the extent of \$2,000,000 in cash. As I said in my second-reading speech, apparently honourable members opposite, who are so keen to say that I do not give them any details, do not listen to what I say.

The Hon. N. K. WRAN: That is merely repeating what the Minister for Lands said in another place.

The Hon. J. B. M. FULLER: I am glad the Leader of the Opposition mentioned that. That was a Commonwealth contribution: what was the State's? The State felt, first, that it had a legal obligation under section 8 of the Act to allow this company to have the land. We discussed this with the Commonwealth and with the other States and it was agreed that as our contribution to this settlement with the company we should in effect carry out the intent of the Act in regard to the land. As there was some doubt about whether it was a

legal obligation of the Government at the present time, we agreed to accept it as a moral obligation. That was the basis of the negotiations. The Commonwealth put in \$2,000,000 in cash, and the State cleared up this doubt about the land.

The Hon. N. K. WRAN: Why did you not give them 30 miles of barren land that is not used? Why give them the choicest parts?

The Hon. J. B. M. FULLER: This very valuable land about which we have heard so much from the Hon. N. K. Wran and the Hon. C. A. F. Cahill, this land that will return enormous profits to a big company, is valued at \$100,000, improvable with roads and services at the expense of the company to an estimated sale value ultimately, with developments, of up to \$250,000.

The Hon. N. K. WRAN: We would not regard that as pin money.

The Hon. J. B. M. FULLER: No, but on the other hand this is part of a negotiated agreement with a company that was claiming \$5,800,000. The Commonwealth, as I say, contributed \$2,000,000 in cash and we are contributing \$100,000, in effect. I suggest that a government has the right administratively to negotiate with a company of this sort in order to resolve difficulties between that company and various government departments. If Opposition members do not agree that a government has the right to negotiate on values of this order, and even to a higher level, then I part company with them.

The Hon. F. W. BOWEN: It seems to me that the land, when improved, would be worth more than \$250,000 on the basis of the figures the Minister has given. There are approximately five building blocks to the acre.

The Hon. J. B. M. FULLER: I am not a land valuer in my own right, as apparently other honourable members are.

The Hon. F. W. BOWEN: I do not suggest that at all.

The Hon. J. B. M. FULLER: I repeat, I am advised that the unimproved value of the land at this stage is estimated to be \$100,000, and that it is improvable with roads and services at the expense of the company up to a value of \$250,000. I accept that advice.

The Hon. W. C. PETERS: You had better get that valuer down to the metropolitan area.

The Hon. J. B. M. FULLER: That just shows how honourable members opposite do not understand the situation at Broken Hill. The Hon. W. C. Peters is talking about something of which he knows little.

The Hon. W. C. PETERS: Read today's newspapers and see what is happening to values on the North Shore.

The Hon. J. B. M. FULLER: In due course I shall read the newspapers. I have no doubt that they will keep me fully informed on matters that having nothing to do with this bill. I have been given a value. There has been some criticism, again uninformed, that probably the company did not want to transfer this land in fee simple so that it would avoid paying rates and taxes on the land. I suppose that that raises a fair question. However, the fact is that the company has paid municipal rates to the Broken Hill council for many years. I was not able to find out the exact number of years, but it has paid rates on land, including that occupied by the settlers who built houses on company property. Obviously the intent of the Government in 1886 was to grant the land in fee simple. Everybody thought that that land was automatically to be handed over to the company upon application or without application.

The Hon. N. K. WRAN: All but the people of Broken Hill.

The Hon. J. B. M. FULLER: As that was the intent of the parties concerned, this Government feels that it has a moral obligation to honour that understanding. Second, as the Government of New South Wales we have the right to negotiate agreements with companies, with other State governments and with the Commonwealth. On this occasion we have been a party to an agreement involving about \$100,000 worth of State land that was, in effect, held by us in dispute. We have said that we will resolve any doubt about the situation, that the company shall have it, and that it is part of the negotiated settlement following the bypassing of the Silverton tramway by the Indian-Pacific railway. To me it is part of the negotiated settlement following into which any government could enter. This Government is honouring its obligations, and as far as I am concerned, it is doing nothing in any way doubtful.

The Hon. N. K. WRAN talked about big, wealthy development companies coming into this State. In effect, he was suggesting that those companies are developing Australia at the expense of Australians. I think he is too much inclined to take the view that any company engaged in a development project is a bad company.

The Hon. N. K. WRAN: That is just not so.

The Hon. J. B. M. FULLER: A lot of development companies have done much for the people of Australia. We should get it out of our heads that there is automatically an evil intent on the part of companies wishing to invest their money in development projects in Australia.

The Hon. N. K. WRAN: What has that to do with this issue?

The Hon. J. B. M. FULLER: Reference was made to the Dillingham company. I have tried to get information as to the holding of the shares in Silverton Transport and General Industries Limited and I am in-

formed that Dillinghams hold approximately one-third of the issued capital. So there is no point in talking about handing over national assets to a big company. Incidentally, I am told that the Dillingham's shareholding in Silverton Transport and General Industries Limited is worth approximately \$3,000,000.

I believe that any sensible, responsible House would approve this legislation as a normal activity. The Hon. L. P. Connellan asked a question about perpetual leases in the Western Division. The original Act provided that the company should have the right to have this land transferred to it in fee simple. I think this was probably before the days of a general acceptance of perpetual leasehold in the Western Division. That is the only answer I can give the honourable gentleman. I repeat, as far as I am concerned, the Government has an obligation to transfer the land, as stated in the Act.

The Hon. N. K. WRAN: With due respect, there is no obligation at all.

The Hon. J. B. M. FULLER: I suggest that the House will support the motion I have moved, and will reject the amendment proposed by the Leader of the Opposition.

Question—That the words proposed to be omitted stand part of the question—put. The House divided:

AYES, 26

Mr Ahern	Mr McKay
Dr de Bryon-Faes	Mr Manyweathers
Mr Calabro	Mr Graham Pratten
Mr Connellan	Mrs Press
Mrs Davis	Mr Riley
Mr T. R. Erskine	Mr Shipton
Mr Evans	Mr Solomons
Mr Falkiner	Mr Spicer
Mr Fuller	Mr Vickery
Mrs Furley	Mr Willis
Mr Gleeson	
Mr Hewitt	
Sir Asher Joel	
Mr Kennedy	

*Tellers,*

Mr Gardiner  
Mr Sullivan

NOES, 17

Mr Alam	Mr Healey
Mrs Barron	Mr McPherson
Mr Bowen	Mrs Roper
Mr C. A. F. Cahill	Mr Weir
Mr Cockerill	Mr Wrان
Mr Coulter	Mr Wright
Mr R. H. Erskine	<i>Tellers,</i>
Mr Geraghty	Mr Murray
Mr Gordon	Mr Peters

Question so resolved in the affirmative.

Amendment negated.

Motion agreed to.

Bill read a second time.

IN COMMITTEE

Clause 3

[Closing of roads, etc., in scheduled lands]

The Hon. N. K. WRAN (Leader of the Opposition) [6.25]: We have put all that we wish to put in the second-reading debate. All our objections stand in Committee. For all practical purposes, all these clauses stand alone in the sense that none of them makes sense unless read as a whole. For that reason we do not propose further to debate the bill clause by clause; rather, we reassert our dissatisfaction with the whole transaction.

Clause agreed to.

ADOPTION OF REPORT

Bill reported from Committee without amendment, and report adopted, on motions by the Hon. J. B. M. Fuller.

House adjourned, on motion by the Hon. J. B. M. Fuller, at 6.29 p.m.

Mr SPEAKER (THE HON. SIR KEVIN ELLIS) took the chair at 2.30 p.m.

Mr SPEAKER offered the Prayer.

BILL RETURNED

The following bill was returned from the Legislative Council with an amendment:

Teaching Service (Amendment) Bill

PETITIONS

SALE OF ALCOHOL AT UNIVERSITIES

Mr JACKETT presented a petition from certain citizens of New South Wales opposing the granting of licences for the sale of liquor at universities and praying that the Legislative Assembly will not take any action which will make alcohol available on university campuses.

Petition received on motion by Mr Jackett.

Mr RAMSAY presented a petition from certain citizens of New South Wales opposing the granting of licences for the sale of liquor at universities and praying that the Legislative Assembly will not take any action which will make alcohol available on university campuses.

Petition received on motion by Mr Ramsay.

PRINTED QUESTIONS AND ANSWERS

POLICE RETIREMENTS

Mr MALLAM asked the PREMIER AND TREASURER—(1) How many members retired from the New South Wales force each year since 1st January, 1965? (2) What were the reasons given for their retirement? (3) (a) What were the ages of the men who retired? (b) What rank did they hold at the time of their retirement?

Answer—(1) 1965—101; 1966—95; 1967—83; 1968—99; 1969—60; 1970—65; 1971—50.

**Legislative Assembly**

Tuesday, 22 February, 1972

Bill Returned—Petitions (Sale of Alcohol at Universities)—Printed Questions and Answers—Questions without Notice—Prices Justification Tribunal (Urgency)—Permanent Building Societies (Further Amendment) Bill (third reading)—Fishing Industry—Bills Returned—Roman Catholic Church Property (Amendment) Bill (Int.)—Presbyterian Church of Australia (Amendment) Bill (Int.)—Trading Stamps Bill (Int.)—Ambulance Service Bill (Int.)—Local Government (Newcastle Fruit and Vegetable Market) Bill (second reading)—Adjournment (Liverpool Public School).