

MINUTES OF EVIDENCE

AUCKLAND EVIDENCE

WEDNESDAY, 31ST AUGUST, 1910.

PETER MITCHELL MACKAY examined. (No. 1)

- 1 *The Chairman.*] What are you?—Member of the Auckland City Council.
- 2 You wish to give evidence with regard to the Tramways Bill this Committee is now considering?—Yes.
3. Have you been authorized to do so by your Council?—Yes.
4. By resolution?—By resolution.
5. Has your Council considered the Bill?—It has.
6. Have you read it yourself?—I have read it.
- 7 Would you care to make a statement to the Committee as to what views your Council hold with regard to it?—Yes.
8. I understand the Auckland City Council have no municipal trams?—No, we have no municipal trams there. I wish to say that in appearing to oppose the Tramways Bill now under consideration the Auckland City Council stands in a different position from that of any other local body controlling tramways in the Dominion, inasmuch as in Auckland the right to construct the tramways was granted by deed of delegation to a public company, over which the Council exercises a stringent supervising control; whereas in the other cases the local bodies are directly interested as owners in the tramways in their districts. The Auckland City Council takes strong objection to two important principles incorporated in the Bill—viz., first, the encroachment upon the power of local bodies by the centralizing of matters of local importance in the Minister, second, the insecurity given to municipal contracts when the provisions of deeds can so simply be overriden by regulations made by the Governor. With regard to the first, reference to one or two clauses of the Bill will be necessary to show why a local body objects to powers hitherto exercised by it being taken from it and transferred to the Minister. Clause 2 enacts that on and after the 1st January, 1912, every motorman shall hold an electric-tram driver's certificate issued by the Board of Examiners appointed under the Inspection of Machinery Act, 1908. The power of the local authority to license motormen is not taken away, but the Auckland City Council fears that in course of time this must inevitably come to pass, as it will be anomalous for the Board to certify to a man's fitness, and for the local authority to have power to refuse a license, or, having granted one, to subsequently suspend or cancel it. At the same time the Council would not object to certificates of competency being issued as proposed for use throughout the Dominion, showing the capabilities of the motorman, but they do object to the underlying principle tending to remove from the local bodies the power to issue, suspend, or cancel, as the case may require, a local license, in the same manner as is done with drivers of all other vehicles. In addition to this there is also the probability of a slight loss of revenue, while we should have the anomaly of the motorman at one end of the car being outside the jurisdiction of the local body, while the conductor at the other end is under their control by being licensed by them. Clause 3 empowers the Minister to authorize any proper person to inspect any tramway, its rolling-stock, plant, appliances, and machinery, and on the report of such person that any alterations, repairs, or additions are required to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic, the Minister may order those alterations, repairs, or additions to be made accordingly. All this power is already held by the Council under its deed of delegation, and has been constantly exercised by it ever since the initiation of the electric tramway, in requiring the Auckland Electric Tramways Company (Limited) to increase its rolling-stock, plant, appliances, and machinery to meet the reasonable requirements of the traffic; and on two occasions during the last four years the Council has taken the company into Court and received penalties for delay in fulfilling such requirements. The clause is therefore a distinct encroachment on the power of the local body, and practically cancels the provisions of the deed of delegation between the Council and the company dealing with these matters. These matters are distinctly of such a local nature as to be best dealt with by the local body, having a full knowledge of all the circumstances. In exercising this power in the past the Council has found itself hampered in securing an increase in rolling-stock as quickly as was desired, by the delay which has taken place in Wellington in approving of the plans of the proposed cars, and naturally dreads greater delays if more local matters are to be centralized in Wellington. Clause 5 provides that the Governor may by Order in Council make regulations for (a) inspection of tram-cars; (b) licensing of tram-cars, (c) fixing maximum number of passengers for each car on any particular route or grade; (d) fixing limit of speed; (e) providing for use of proper appliances and furnishings on tram-cars to insure the safety and convenience of passengers, tramway employees, and general public. Subclause (2) is clear in stating that if any regulation is inconsistent with the provisions of any Order in Council, then the regulation will prevail, and the inconsistent provision in the Order shall be deemed to be revoked. Putting it another way, this simply means that, instead of the businesslike method of amending an Order in Council (granted to a local authority) by another similar Order, the Government may, by regulation on any of the subjects mentioned, revoke any of the provisions in such an order and thus render of no effect the similar provisions which have been incorporated in the deed of delegation from the