

secondly, the constitution of a separate Appeal Board ; and, thirdly, the provision for compensation in those cases where a public body, by this Bill, puts out of existence a private concern. In regard to (1)—the constitution of a separate licensing authority—we not only wish to say that we approve of that principle, but we express the strongest desire that under no consideration shall that principle be jettisoned in the Bill. A licensing authority is a judicial body—it has to adjudicate between two people coming before it having directly contrary financial interests—and it is a principle of justice that any tribunal that adjudicates must be impartial, and that any person coming before that tribunal must know and feel that he is going before a body that can approach its subject and come to its decision free from any bias or self-interest in the matter. In other words, it is wrong that any person can be a judge in his own cause. The existing position, where a licensing authority is a body directly interested in transport, and therefore financially interested in any decision it is called upon to make is one that flies in the face of every recognized principle that should appertain to any judicial tribunal. For that reason we have always opposed the old condition of things, and we trust it will not be allowed to continue, and that the principle of an independent licensing authority will, whatever happens, be kept alive in this Bill. I do not propose to labour that point, because it does appear to us that it is obvious that the principle is monstrous—viz., that anybody financially interested in transport should be given a statutory stranglehold on its competitor and be put in a position to be able at any time to cause that competitor to cease to exist. With that observation on that principle, I would like to suggest an alteration in clause 31 in connection with the setting-up of the licensing authority. Clause 31 provides for a Board of five—(a) a Public Works Engineer, (b) a member to be appointed on the recommendation of the Minister of Transport, (c) a representative of the Councils, (d) a representative of the boroughs and town districts, and (e) a member to represent the local authorities (if any) engaged in carrying on public transport services within the district. No provision is made for the appointment to that Board of a representative of the private interests, and we think that the Board, to be fairly and properly constituted, should have a representative of private interests, particularly seeing that there is a representative of the local bodies controlling transport. It may be that under (b), where there is provision for the appointment of a person with a special knowledge of motor-transport services, if you had in place of that gentleman a representative appointed on the recommendation of the private interests you would have not only a representative of the private interests, but, quite clearly, a person with special knowledge of transport work, because he would come from those people who are controlling and running motor transport. Whether it is an additional man or one in lieu of one of the others provided for, we are not so much concerned, but we do submit that it would be only fair and right, as all other interests are represented, that the private interests should have representation. The general public are represented by three representatives. First, it can be taken that the Public Works Engineer is there in the interests of the general public ; then there is a representative of the County Councils, also representing the public ; and of the boroughs and town districts, again representing the public. There is also a representative of the local bodies controlling transport, but no representative of those other interests which might conflict with the interests of the local bodies controlling transport. It is therefore submitted that on that Board there should be a representative of the private interests. That is all I propose to say on that point. With regard to the second point—the right of appeal—we have no observation to make beyond commending the provision. It would be anticipated that with an independent licensing authority the number of appeals would be exceedingly small, because matters generally would be well threshed out, and with an independent tribunal the decision would be generally accepted as satisfactory ; but, of course, in all cases where the amount involved is large or the consequences of the decision serious to one of the parties concerned it is only right there should be a right of appeal to some higher body if the party aggrieved desires to appeal. The third point I wish to deal with is the question of compensation. The Bill sets out the intention to compensate in those cases where the local body wishes to take over a private enterprise, and with that principle, of course, we heartily agree, and I think the intention of the Bill is to adequately compensate the private owner who is so sacrificed. I use the word “sacrifice” because it is a sacrifice to the man concerned. It is recognized that circumstances may render it necessary in the public interest that the public service should absorb the private. That principle is generally suggested as being correct, so as to avoid economic wastage ; but it is also right, we suggest, that if to prevent economic wastage the private individual is to be sacrificed, at least it is only fair and right that he should be compensated for what is taken from him. The point is, what is taken from him ? In the ordinary case he has taken from him an organization which may have taken him a few or many years to get together. He has incurred overhead expenses, and has had to incur experimental expenses to arrive at the complete organization which he is running at the time it is taken over. He should be compensated, we submit, for the value of that organization as it stands. I think that is the intention of the framers of the Bill, but, if I may say so, I do not think it is actually effected by the wording of it. The compensation that is payable is set out in subclause (6) of clause 39. Might I read the clause : “In computing the price to be paid under this section in respect of any undertaking, the price shall be fixed at the fair market-value (as for the purposes of a motor-omnibus service) of the motor-omnibuses and other property of the claimant used exclusively for the purposes of the undertaking, as at the date of acquisition by the Minister of Railways or the local or public authority, as the case may be, together with such amount (if any) as is agreed on by the parties or as is considered reasonable by the Compensation Court, as compensation for the loss suffered by the claimant by reason of the refusal of the licensing authority to renew his license. In determining the amount of such compensation, the claimant shall not be regarded as having enjoyed any exclusive or preferential right or privilege with respect to the conduct of a motor-omnibus service on any route or routes.” I would like to deal with the first portion of the clause—from “In computing the price,” &c., down to “the Minister of Railways or the local or