he will deal with it. I was sorry to hear the Honorary Minister say that no more continuation or technical schools would be opened during the current year. I hope he did not mean the financial year. A continuation school was started some years ago in Gwalia, but since the great fire there several of the parents and children have gone away. That continuation school and manual training class served not only Gwalia but Leonora. Quite enough children are there now to warrant a continuation school being established. The regulations require, I think, a minimum of 50 pupils for a continuation class. We have only 25. However, the building is there, together with all necessary appliances. The Education Department estimate that the continuation class would cost £100 a year. The Treasurer said he could not find the money, and so the Minister for Education has been unable to reopen the class. However, if it is not re-opened in the first quarter of the approaching year, I shall be on the Minister's doorstep again. The re-opening was recommended by the Director of Education. The local people hold that the cost would not be so much as £100, because the teachers in the technical section work on the mines and are prepared to give their services free, if necessary, in order that the children of the district may get the benefit of the tuition. Both Gwalia and Leonora would be advantaged by the re-opening of the class. The parents and citizens' associations are doing good work towards improving and brightening the school building and grounds. No Government can afford to discourage the people who go outback and open up the State. If those people cannot get adequate educational facilities for their children, they are bound to remove to the metropolitan area; and that is most undesirable from the State's point of view.

Progress reported.

House adjourned at 10.45 p.m.

Legislative Council,

Tuesday, 4th November, 1924.

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

SELECT COMMITTEE—METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE DEPARTMENT.

Extension of Time.

Hon. A. LOVEKIN: In asking for further time in which to bring up the committee's report, I have been directed by the committee to make the following statement:—

1. The evidence so far submitted to your committee shows:—(a) that the proposed dam at Churchman's Brook, if constructed on the lines of the existing design, may not provide the stability which is essential in a work of this character. (b) that the estimated cost for so small a supply as will average 2,000,000 gallons per day must be economically oppressive to the people of the metropolitan area. (c) that the water from the bores at Osborne Park is highly unsatisfactory, and, it is doubtful whether the proposed method of filtration will prove effective by reason of the fact that, during the heavy summer draughts, insufficient time will be available for the process of aeration and treatment. (d) that the data supplied in the last annual report of the Goldfields Water Supply undertaking shows a surplus available over and above the maximum draw-off for goldfields and agricultural districts' requirements.

2. The committee, therefore, suggests for the immediate consideration of the Government:—(a) the stoppage of all further expenditure in respect to the Churchman's Brook scheme (except as to the investigation work which has already been put in hand by the Engineer-in-Chief) until the construction work and the economic effects can be further considered. (b) that the Osborne Park bores be not further used as a source of supply, at least until such time as an efficient and adequate means of treatment can be devised. (c) that to supplement the supply in the immediate future, the large pipes already purchased for conveying the Churchman's Brook water to Perth be

used to convey an increased supply from Mundaring and that the existing main from Mundaring be lifted and utilised for reticulation or other purposes. The committee put forward the foregoing suggestions as the water supply of the metropolitan area is in a precarious condition, and time, therefore, becomes an important factor in any action which may be taken to alleviate the position.

The House will see from that just how far the committee have got. We are meeting with some difficulties and are having to await the attendance of certain gentlemen whose evidence we desire. Those gentlemen are themselves discussing the situation. Therefore, on behalf of the committee I am forced to ask for a further month's time in which to bring up our report. If we can bring it up in the meantime, we will do so. I move—

That the time for bringing up the committee's report be extended by four weeks.

Hon. J. M. MACFARLANE: Mr. Lovekin in his statement suggests that we proceed immediately to use those new pipes for the obtaining of an increased service from Mundaring. But the House should be told something more of the advisability of this course. In the same way we should be given reasons for the stopping of the Churchman's Brook scheme.

Hon. A. Lovekin: We only suggest that the Government consider it.

Hon. J. M. MACFARLANE: Oh, I took it as a recommendation. If the department are to consider the question, I will support the motion.

Question put and passed.

APPROVAL OF REVISED STANDING ORDERS.

Message from the Governor received and read approving of the amended Standing Orders for the Legislative Council recently revised by the Standing Orders Committee.

BILLS—STATE LOTTERIES.

Second Reading.

Debate resumed from 29th October.

Hon. H. A. STEPHENSON (Metropolitan-Suburban) [4.40]: I am totally opposed to the principle of legalising gambling or betting other than on the race course. If the Bill becomes law, it will have a detrimental effect on our young people, which is seriously to be deplored. Moreover, I do not think it will have the desired effect expected of it. The Minister told us that he expects to receive £30,000 under the Bill, which will be devoted to charities; but when asked what would be the cost of running these lotteries he did not give any reply. The great majority of the people is entirely opposed to the legalising of gambling and I am sure 95 per cent. of the mothers of Western Australia are totally opposed to the Bill. Their opinions I think, should carry weight with the House. Also ministers of religion of all denominations are totally opposed to the Bill. Their opinions, too, are deserving of consideration, for, with few exceptions, those ministers endeavour to inculcate in the mind of our young people very high ideals. If the Bill becomes law, it will make it very much more difficult for them to carry on their good work. There is also to be considered a very large body of women workers for charities. Through their associations, they are working night and day in the interests of charities and they are all opposed to the legalising of gambling.

Hon. J. Cornell: They use gambling themselves.

Hon. H. A. STEPHENSON: The Bill will have a bad effect on their good work. Very few people realise the good work those women are doing. Some say they are only so many old women, but I can assure the House that they are women of all ages and are all doing the best they can for charity. If the Bill were to pass, it would check their work very considerably. The Minister referred to the fact that we legalise the totalisator. There is no analogy whatever between the legalising of the totalisator on the racecourse and this cold-blooded Bill. Horse racing in this State has developed into a very important industry, far-reaching in its effects. It is of great assistance to the farmers, enabling them to find a local market for much of their produce, such as hay, straw, chaff, oats, bran, barley, etc., which is essential to their success. The farmer of to-day has to depend largely on the local market and I can assure members that this racing business assists them very much indeed. Also it assists saddlers, blacksmiths, and various other people, including the Government, for the Government benefit both directly and indirectly.

Hon. F. E. S. Willmott: We are getting a lot of paradoxes now.

Hon. H. A. STEPHENSON: They receive from the totalisator 6 per cent. on all moneys that pass through it. It is the cheapest money they collect anywhere, for they get it without doing anything for it. Some five or six years ago the amount of totalisator tax was 10 per cent., the Government of the day taking 2½ per cent. Since then it has gone up to 12½ per cent., an increase of 2½ per cent., and the Government collect 6 per cent. That is a large sum. Racing is conducted under an Act of Parliament, the parent body, the W.A.T.C., controlling the galloping and the Trotting Association controlling the trotting. It will surprise many of those who favour the Bill to know that during the last five years the W.A.T.C. have paid to the Government

£55,000 in totalisator tax, giving an average of £11,000 a year. They have contributed to charities £28,000 in the last 10 years, which is an average of a little under £3,000 a year.

Hon. E. H. Gray: That is legalised gambling.

Hon. H. A. STEPHENSON: The railways receive indirectly a great benefit from the racing business.

Hon. E. H. Gray: We are not proposing to tax racing.

Hon. H. A. STEPHENSON: I know, but the Minister wished to make out that the totalisator tax was worse than this Bill. During the last five years the railways have victimised something like 400,000 people. The ordinary fare to Ascot is 6d. but on race days the railways charge the public from 2s. 9d. to 3s. 3d. The fare to Belmont is only 3d. but on race days the railways charge the public 2s. 9d. return. This will give members an idea of the amount of victimisation carried on by the railways. In addition to the benefit the Government receive from the totalisator, they have received many thousands of pounds out of the extra charges that are placed upon the sporting public. During the last five years the Trotting Association have paid away about £97,000 through the totalisator, and their donations to charities have amounted to £21,000. On the register of the W.A.T.C. there are about 5,600 horses, and on the metropolitan register of the Trotting Association there are 1,735 and on the country registers 126 horses, a total of 1,859. The value of racing will thus be seen, as well as its importance as an industry. In addition to these amounts, the Turf Club have distributed in the last five years £149,000 in stakes, and the Trotting Association have distributed £123,000. There is, therefore, no analogy between the licensing of the totalisator and this cold-blooded Bill. I disapprove of the Bill and intend to vote against it.

On motion by the Colonial Secretary, debate adjourned.

BILL—INSPECTION OF SCAFFOLDING.

In Committee.

Resumed from 29th October: Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 25 (partly considered)—Regulations:

The CHAIRMAN: An amendment has been moved by the Colonial Secretary to add the following proviso to the clause:—"Provided that no regulation made under this section shall come into force until it has been laid on the Table of both Houses of Parliament for a period of 14 sitting days."

Hon. J. J. HOLMES: We have now, in a measure, government by regulation. The better plan is to allow things to remain as they are, namely that the Government should bring these regulations into force during recess if desired, and allow them to be put on to the public, who will then see where the shoe pinches. When Parliament meets again we can approve, or disallow, the regulations. If we tack this amendment on to the Bill we may come into conflict with the Standing Orders and may find ourselves in the position that, once the regulations are laid on the Table, they cannot be disallowed. We cannot disallow them if we do not catch them within the 14 sitting days. I am prepared to go back to where we were.

Hon. A. LOVEKIN: Mr. Holmes's remarks do not carry us any nearer to a solution of the difficulty.

Hon. J. J. Holmes: My suggestion will prevent us from getting into a mess.

Hon. A. LOVEKIN: There is no guarantee that the regulations will be framed and gazetted during recess, or that the public will have any experience of them before Parliament meets again. They are more likely to be put up when the House is in session, therefore to leave things as they are does not help us. This House should have power to alter, amend or refuse to pass any regulation. Instead of disallowing regulations we should work in the opposite direction. If the amendment moved by the Colonial Secretary is not carried, I suggest that the following words be added to the clause:—"No regulation made under Subsection 2 of this section shall have any force or effect until it has been adopted as confirmed by both Houses of Parliament." The Minister would then have to move the adoption and confirmation of the regulations. That is better than that a member should move for the disallowance of the regulations, for it would put the matter definitely before the House.

The COLONIAL SECRETARY: The difficulty we were met with last week has been placed before the Parliamentary Draftsman. He has stated that the regulations would come into force, if not disallowed, after 14 sitting days, that is about 4½ weeks. If action were taken within the 4½ weeks, and the motion that would have been moved were not carried, the regulations would come into force temporarily.

Hon. J. Cornell: They would come into force right away.

The COLONIAL SECRETARY: If the motion were carried, the regulations would, of course, be disallowed. The Crown Solicitor says that, as things are at present, no regulation can come into

force until it has been laid before both Houses of Parliament for 14 days. He says that the suspension of the operation of regulations should be for a limited period, but such as to enable a motion to be moved for their disallowance. If the matter were not disposed of in that way, the regulation would then come into force, but the right of either House to disallow a regulation would not be effected so long as notice of motion were given within the prescribed time. The regulations would be operative for any period intervening between the expiration of the 14 days from the day when they were tabled and the passing of the motion disallowing them. Should the period expire and the regulations become operative before the motion was disposed of, they would be annulled on the motion being subsequently carried.

Hon. J. NICHOLSON: The clause carries out what the Leader of the House promised to do, but having regard to the particular circumstances dealing with the Bill it would be well to adopt the suggestion made by Mr. Lovekin and add the clause he has proposed. That would prevent the regulations taking effect until they were actually moved by the Leader of the House, and the House then would have an opportunity to discuss them fully just as a Bill would be discussed.

The COLONIAL SECRETARY: I would have no objection to that. It would carry out the intention of the Government. The Government have no desire to govern by regulation.

Hon. A. LOVEKIN: I saw the Solicitor General and he gave me a draft of an amendment which I will read to the House, but that did not seem to me to meet the position. The Solicitor General admitted without question what Mr. Nicholson and I have stated, that if we do amend the Interpretation Act in this way we are getting rid of the Interpretation Act altogether, and that is what I want to avoid. The Solicitor General's suggested amendment reads—

> and if within such fourteen sitting days, notice of resolution to disallow any such regulation is given in either House of Parliament, the operation of such regulation shall be suspended until such motion shall have been moved and disposed of or discharged from the notice paper.

That gives either House power to discuss it, but the Interpretation Act is gone when we put this in and we are deprived of the right we have to disallow the regulation. My desire is to preserve that right. I have recast the Crown Solicitor's amendment in the form I have read to the House.

Hon. J. Nicholson: You might add "with or without amendment."

Hon. A. LOVEKIN: My suggested amendment will make it clear that when the regulations are framed they are laid on the Table and will not have force or effect until adopted or confirmed by this House or the other House. If we do not put in something to this effect we shall lose our power of disallowance altogether.

Hon. J. CORNELL: The Minister's amendment would mean that he would bring down a regulation when Parliament is sitting, lay it on the Table where it would remain for 14 sitting days. Perhaps no one would bother to read it, as often happens, and therefore no one would object to it. In such circumstances it would become law. The object sought by Mr. Lovekin is the same except that it will be somebody's business to move for its adoption. I agree with Mr. Nicholson's suggestion that we should add "with or without amendment." That would get over an apparent difficulty that exists. Mr. Lovekin's amendment preserves in its entirety the practice laid down by the Interpretation Act and a regulation can be disallowed by either House. I support it because I believe that regulations are part and parcel of an Act of Parliament.

Hon. J. J. HOLMES: At present, after a regulation lies on the Table for 14 sitting days and it is not disputed, it becomes operative. The existing position is that provided notice is given within 14 days, it does not matter when the matter is dealt with. If the Minister does not want to govern by regulation, he could have all his regulations ready to submit to Parliament on the opening day. Then, within 14 days, we could give notice of disallowance.

Hon. A. Lovekin: This will apply only to this measure.

Hon. J. J. HOLMES: A lot of men think they can improve on what the Parliaments of the world have been doing for generations. I am not one of those. Amendments submitted do not always convey what is thought. I am not prepared to depart from the present procedure.

Hon. J. E. DODD: We are skating on very thin ice. We are dealing not only with this Bill, but with the Standing Orders and the Interpretation Act. It is a piecemeal way of dealing with what is virtually an amendment of the Standing Orders and what will eventually be an amendment of the Interpretation Act. Recently the Standing Orders Committee investigated our Standing Orders fully, and made recommendations regarding disallowance of regulations. This House has the power to disallow regulations. Last year I pointed out how that power could be taken away. We may be giving it away if we adopt the amendment. If members wish to retain the power they have at present, they should be careful. If we can hold regulations in abeyance till Parliament meets and then have the right of disallowance, that is all that should be required.

Hon. F. E. S. WILLMOTT: Mr. Dodd has raised a very important point. We had better leave well alone and not insert any proviso. Under the Standing Orders and In-

terpretation Act, regulations made through an Order-in-Council become law. They can be disallowed within 14 days after the House meets, but they may have been in force for four or five months. Is it not a good thing to give regulations a trial? Then if it is found that they should be rescinded, we have a chance to disallow them.

Hon. A. Lovekin: The amendment applies only to this measure and the regulations will be inserted in the schedule.

Hon. F. E. S. WILLMOTT: Will not this be quoted as a precedent for inserting a like provision in similar Bills? If we are not careful we shall find that our powers are gone. Let regulations be dealt with in accordance with the present procedure.

Hon. A. LOVEKIN: This amendment cannot apply to all Acts. It is a special provision to be inserted in this measure. Presently a schedule is to be inserted setting out the nature of scaffolding to be constructed. Then, when people wish to engage in building operations, they will be able to study the schedule. It is not desirable that contractors should have an amendment put up against them and operating for perhaps six months before the House has an opportunity to discuss and disallow it. Under my proposal, they will know that the conditions contained in the measure are the established conditions, and they will not be subject to the whim of a Minister wishing to impose other conditions.

Hon. A. J. H. SAW: The Colonial Secretary's amendment conflicts with paragraphs (c) and (d) of Subsection 1 of Section 36 of the Interpretation Act. I cannot see that it conflicts with Subsection 2. It does not take away our rights.

Hon. A. Lovekin: The Solicitor General says it does.

Hon. A. J. H. SAW: I was astounded to hear the Minister say he favoured Mr. Lovekin's proposal. It is not for me to tell him how the Government should be conducted, but if we accept Mr. Lovekin's proposal, we shall be using a sledge hammer to drive a tintack. Before the Government can enforce any regulation, the Government will have to get a resolution passed by both Houses. That will make government very difficult, clumsy and tedious, and will encumber to a large extent the time of the House.

Hon. A. Lovekin: Is it not the same thing as disallowing?

Hon. A. J. H. SAW: No; a regulation is laid on the Table and if no one takes exception to it, it becomes law. This method will simply invite people to object.

Hon. F. E. S. Willmott: At present the people outside who suffer are the people who kick up a fuss. Under this proposal it would be the reverse.

Hon. A. J. H. SAW: At present regulations have to be tabled and can be objected to in 14 sitting days. Surely the parties particularly interested would be sufficiently wide awake to peruse them and draw attention to anything that was objectionable. Mr. Nicholson was pretty smart over the regulations dealing with drugs.

Hon. J. EWING: The previous Government did a great deal by regulation, but some members seem to object to that. As soon as regulations have been published in the "Gazette" they are law until they are objected to by either House of Parliament. The Colonial Secretary, from his many years of experience of office, will know that in many sets of circumstances regulations must be promulgated to serve as machinery for the working of his department. The amendment which he wishes to insert in the Bill will prevent him from promulgating any regulations until Parliament is in session, which may mean a delay of months. The hon. gentleman would do well to withdraw his amendment, with a view to consulting the Premier as to the possibility of a suitable amendment of the Interpretation Act. To provide by this Bill anything that conflicts with that Act would be unwise. I would not for a moment agree to Mr. Lovekin's suggestion, which imposes far too much worry and responsibility on the Government. Regulations are laid on the Table of both Houses, and are mentioned in "Hansard" and in the Press, so that everybody interested knows about them.

Hon. J. NICHOLSON: We are losing sight of the main issue. We have before us a Bill which, in effect, has its main provisions in a set of regulations included in a schedule. For all practical purposes the Bill and the schedule are one. We are now asked to consent to the amendment of the regulations from time to time under certain modifications of the provisions of the Interpretation Act. Ordinarily, under the Interpretation Act, if the Government wish to alter a regulation, all they have to do is to publish the alteration in the "Gazette"—either whilst Parliament is in session or whilst it is out of session. The alteration then has the effect of law, but may be disallowed upon notice of motion given within 14 days of the first sitting of Parliament after the publication in the "Gazette." By an unfair practice, which however is allowed by law, many regulations have been published during the time Parliament was not in session, and objection has repeatedly been taken by hon. members here to that method of granting the force of law to regulations which have not received the assent of the Chamber. It was thought that in this connection a fitting opportunity presented itself to insert in the Bill a safeguard against regulations taking effect under this measure as under existing Acts of Parliament. In my opinion, Mr. Lovekin's suggestion should receive our support. This being practically a measure which is nothing less than a set of regulations, should we even assent to the amendment moved by the Colonial Secretary? Should we not rather assent to Mr. Lovekin's sug-

gested amendment, which, of course, can be modified? If both amendments are thrown out, we shall be back in the position in which we have found ourselves so frequently, and against which hon. members have protested time after time—regulations having the force of law from the moment of their publication in the "Gazette." Our duty is to frame a clause which will meet the situation fairly. I do not suggest that the amendments proposed would suit other Bills, but this is a Bill of a special character. One or other amendment should be adopted. Perhaps the Leader of the House will agree to report progress.

Hon. A. LOVEKIN: I should like to press this matter on the Committee, because it is very important, not only from the point of view of procedure in this Chamber, but from the point of view of the people who will have to work under the measure. The regulations in the Bill will presently form part and parcel of the measure, part and parcel of an Act of Parliament approved and confirmed by this Chamber and the other Chamber. These regulations will not be in a nature of regulations under the Interpretation Act. Do hon. members desire to be parties to a department or a Minister altering an Act of Parliament without the consent of Parliament? If they do not do something of the kind I suggest, they will be laying themselves open to that possibility. The regulations can be altered while Parliament is out of session, and the alterations will have the force of law until Parliament meets again. Surely that is not desirable. In connection with the present measure there is reason for a special clause in regard to special regulations. Ordinary regulations under other measures do not go so far as the present regulations. We may well apply special conditions to the needs of any measure. It is necessary that these regulations shall be taken outside the Interpretation Act in order that there may be some permanency about them, so that the people working under them will not be subject to the department's striking out one regulation or altering another or inserting a fresh regulation while Parliament is out of session. The Minister's amendment is not good because it takes the regulations out of the Interpretation Act, as the Minister and Mr. Nicholson and the Crown Solicitor all admit. But having taken them out, we require to preserve to the House the right to disallow; and the only way is by some such means as I am suggesting. For two sessions I disapproved of successive Scaffolding Bills because I was afraid of the regulations that would be made. But I find that, generally, these regulations are reasonable and satisfactory. That being so, we ought not to allow someone, at the whim of an inspector, to come in while the House is out of session and alter them. We must have some special provision to prevent that. This is an important matter; I have taken some trouble to look into it, and therefore I intend to press it.

The COLONIAL SECRETARY: I did not say that necessarily I would support Mr. Lovekin's amendment. I said I had no objection to it if it clearly expressed the intention of the Government. But I had doubts, and the more I read it the more am I involved in perplexity. This amendment casts the Interpretation Act to the wind.

Hon. A. Lovekin: Of course it does. So does your amendment.

The COLONIAL SECRETARY: My amendment is a very simple one. It provides for the gazettal of the regulation as soon as made; but the regulation does not come into operation until it has been submitted to Parliament. After 14 sitting days the regulation comes into operation for a limited period; that is to say, until a motion for its disallowance is finally disposed of. The motion for disallowance must be made within 14 sitting days, or it will be out of court. But so long as the motion be put up within 14 days, it will be eventually dealt with, even though in the meantime the regulation, after the expiry of the 14 days, has come into operation and will remain in operation until the motion reaches finality.

Hon. A. Lovekin: It does not say that, nor does the Interpretation Act provide for it.

Hon. J. J. HOLMES: I wish I could believe that that is what the Colonial Secretary's amendment means. The regulation cannot come into force until after 14 sitting days have elapsed. If the regulation is not dealt with within 14 days, it cannot be dealt with at all, for it then becomes practically an Act of Parliament. Everything would be all right were it not that we once had a Minister who set out to defy Parliament. When we disallowed a regulation, he waited until the House went into recess, when he then put up a similar regulation. We all remember what happened. I do not think any Minister will follow that plan again. I strongly advise the Committee to negative the amendment. The Government can have all their regulations ready and place them on the Table when Parliament meets. If we do not see them at all until, say, the thirteenth day, we can still put in a notice of disallowance and the regulations cannot then become operative until the motion is dealt with. I do not want to see these regulations and amendments and additions disallowed within 14 days, or not at all. Under the Minister's amendment that is what will happen. If the Minister is anxious to prorogue before Christmas, he will do well to leave out the proposed amendment of the Interpretation Act.

Hon. J. CORNELL: I supported Mr. Lovekin's suggestion as against the Minister's amendment because I thought it was the better method of obtaining what the Minister desired. The Committee seem to be of opinion that both the Minister's

amendment and that proposed by Mr. Lovekin should be negatived. In the Mines Regulation Act are set out all the rules applying in a mine. So, too, in the Coal Mines Regulation Act. Section 33 of the Mines Regulation Act provides that if, in the opinion of the inspector, the observance of a general rule is not reasonably practicable in any particular mine, the Governor-in-Council may vary such rule in respect of such mine. A regulation made under that section has the force of law just as soon as it is gazetted. It is laid on the Table of the House and can be rejected.

Amendment put and a division taken with the following result:—

Ayes	8
Noes	15
Majority against ..	7

AYES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	Hon. W. H. Kitson
	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. G. Potter
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. J. Cornell
Hon. A. Lovekin	(*Teller.*)

Amendment thus negatived.

Hon. A. LOVEKIN: I move an amendment—

That the following words be added to the clause:—"Provided that no regulation made under this section shall have any force or effect until it has been adopted and confirmed by both Houses of Parliament."

Dr. Saw has raised the objection that the Interpretation Act would apply to such an amendment as we had before us. If members will turn to page 159 of the Standing Orders they will see paragraph 2, which reads:—

> Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 days of such House, etc., such regulation shall thereupon cease to have effect.

This means a regulation under the previous paragraph (c), which reads:—

> Shall subject to Subsection 2 hereof take effect and have the force of law from the date of such publication or from a later date fixed by the order making such regulation.

The power of disallowance in Subsection 2 refers to the disallowance of a regulation which comes into force and has operation after it has been published in the "Gazette" and laid on the Table. The Minister's amendment is outside the Interpretation Act, because we have no power to disallow any such regulation. This special Bill requires a special kind of legislation, not that provided in the Interpretation Act. The public are concerned in these voluminous regulations, which will become part of the Act. Special legislation is therefore necessary in order that we may deal effectively with the regulations. It is not in the interests of the public that the House, having passed this set of regulations, should be subject to the advice of some inspector who decides that later on certain parts of the regulations should be altered. If such alterations were gazetted they would in the ordinary course of events have the full force and effect of law. My amendment would set the whole business on a proper footing.

Amendment put, and a division taken with the following result:—

Ayes	10
Noes	13
Majority against ..	3

AYES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. Duffell	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. A. Burvill
	(*Teller.*)

NOES.

Hon. J. Cornell	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. Ewing	Hon. G. Potter
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. H. Stewart
Hon. J. J. Holmes	Hon. J. R. Brown
Hon. W. H. Kitson	(*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clause 26—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 27—Inspection of Machinery Act affected:

Hon. A. LOVEKIN: What will happen if these two measures conflict, the one we are considering and the Inspection of Machinery Act?

The COLONIAL SECRETARY: The measure before us deals with scaffolding and gear, and wherever certain gear is mentioned it will supersede the Inspection of Machinery Act.

Clause put and passed.

Postponed Clause 11—Inspector may give directions as to scaffolding, etc.:

Hon. A. LOVEKIN: I move an amendment—

That in lines 6 and 7 the words "who shall hear and determine the dispute in manner prescribed" be struck out.

The regulations contain the procedure to be adopted when matters are referred to magistrates. It is a procedure that it is intended shall be dealt with by the clause. In this age we cannot lay down conditions under which any magistrate is to determine a case, certainly not by regulation. Therefore the words I propose to strike out are unnecessary, and they are against what one understands of the law of the country—that a magistrate shall be absolutely free when he hears and determines a case.

Hon. H. Stewart: Don't you think that the words that follow should also come out?

The COLONIAL SECRETARY: I agreed to the postponement of this clause because as it stood it was hardly correct. It was intended to prescribe, but now the regulations have been made statutory. We shall have to amend the clause now to provide "in manner set forth in this Act and regulations."

Hon. A. LOVEKIN: That will satisfy me. I will withdraw my amendment to allow the Minister to move his.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: I move an amendment—

That in line 7 the word "prescribed" be struck out and "set forth in this Act and regulations" be inserted in lieu.

Hon. A. LOVEKIN: The word "regulations" is not required. If we put in that word it will mean new regulations which may be framed. "In this Act" will include the regulations.

The COLONIAL SECRETARY: It is as well to insert "regulations" because it may be found that the statutory regulations do not cover the position, or go too far. It will be as well therefore to have the power to alter those regulations.

Hon. V. Hamersley: I think we ought to strike out the words "in manner" which just precede the word "prescribed."

Hon. H. STEWART: I suggest that the words "in manner" also be struck out.

Hon. C. F. BAXTER: If we strike out the words "in manner," the balance of the proposed amendment will not read.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the words "and his decision shall be final" be struck out.

I see no reason why the decision of the magistrate should be final. Surely there should be the right of appeal to another court.

The COLONIAL SECRETARY: If an inspector discovers a defect and gives notice to the owner to cease operations pending adjustments being made, there should not be a right of appeal to the Supreme Court because the building operations would be held up. Where should we get to if that were permitted?

Hon. J. J. HOLMES: If Mr. Stewart had not moved to strike out those words, I should have done so. The magistrate's decision would be enforced pending an appeal to the higher court. Years ago a number of my employees sued me for wages said to be due under an interpretation of an award of the Arbitration Court. The hearing was fixed for Wednesday afternoon, but not one of the claimants appeared. The union officials were present. The magistrate, instead of deciding the case, adjourned it for a week. Meanwhile it was arranged that Brown should be subpœnaed as a witness in Jones' case, and Jones should be subpœnaed in Brown's case. The magistrate decided in favour of the men because he wanted the case to go to a higher court. In the Full Court the Chief Justice held that the decision of the lower court was final, but he added, "As for the wisdom of the section, it is not for me to express an opinion. I am here to interpret the Act as I find it." If we retain these words, no matter how absurd the decision of the magistrate may be, it will be final.

Hon. H. STEWART: If it appears to the inspector that any scaffolding is dangerous, or that the Act is not being complied with, he can give notice to the owner to remedy the defects. When he gives such notice he may order any person to cease work until the instructions have been complied with. Thus the inspector could hold up the work. It is considerable power to give to one man.

The COLONIAL SECRETARY: This is one of the most vital provisions of the Bill. If an inspector discovers scaffolding that in his opinion is dangerous to life and limb, he may give notice to the owner to remedy it. No steps may be taken by the owner, and the inspector should have the power to compel him to cease building operations. If he cannot do that, the measure will be useless. The owner will have the right of appeal from the inspector to a magistrate, and that should be sufficient.

Hon. A. J. H. SAW: What is sauce for the goose is sauce for the gander. The inspector can hold up operations pending an appeal. The measure provides that the decision of the magistrate shall be final, but if an appeal be provided for, the inspector would have the right of appeal also and a still further holding-up of operations would result. It would be better to leave the final decision with the magistrate.

Hon. A. LOVEKIN: How could a magistrate, confronted with a section saying that his decision shall be final, grant leave to appeal?

Hon. V. HAMERSLEY: The inspector is a creature of the Government.

Member: But the magistrate is not.

Hon. V. HAMERSLEY: If the magistrate does not carry out the desires of the inspector, he may lose his job. The clause is loaded. Magistrates are appointed, and their appointments are taken away from them if they do not give decisions in accordance with the Government's wishes.

Hon. H. STEWART: I dissociate myself entirely from all desire to do anything except pass a fair and equitable measure. The right of appeal perhaps would not be used oftener than once in 10 years. I pointed out that the inspector might appeal equally with the builder or owner. We should preserve the people's right to appeal, if necessary to the highest tribunal.

Hon. J. J. HOLMES: I am satisfied that only one case in ten thousand would go even to the police court. The clause absolutely empowers the inspector to stop the whole of the contractor's work. The contractor's only hope is to comply with the inspector's order. Never except in case of victimisation would the matter go before a police magistrate, who, as Mr. Hamersley says, would have to obey instructions. Surely in such a case, there should be the right of appeal to a higher court, for the purpose of obtaining an independent decision. Fortunately, no influence can be exercised on, no threat can be held out to, the Supreme Court.

Hon. F. E. S. WILLMOTT: Mr. Stewart is quite right. Frequently the inspector supervising a public work being constructed under contract has put up unreasonable requirements—such as the removal of spoil over a distance of two miles on an up grade—and the contractor has had no option but to carry out the order. In the case I allude to, the contractor appealed to the Engineer-in-Chief; but by the time that officer's decision was received the work had been done. Subsequently the Engineer-in-Chief allowed the contractor £2,000 for the work. Under this Bill, however, the position is utterly different. The magistrate is not in the same position as the Engineer-in-Chief in connection with a public work constructed under contract. The magistrate is called upon to deal with a technical question of scaffolding.

Hon. A. J. H. Saw: Is not a judge in the same position?

Hon. F. E. S. WILLMOTT: A judge is a man of such varied knowledge that he is far more likely to give a correct decision than is a magistrate.

Hon. J. J. Holmes: Besides, the judge is independent.

Amendment put, and a division taken with the following result:—

Ayes	11
Noes	7
Majority for	4

Ayes.	
Hon. J. Cornell	Hon. G. Potter
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. G. W. Miles
Hon. J. Nicholson	*(Teller.)*

Noes.	
Hon. A. Burvill	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. E. H. Gray	*(Teller.)*

Amendment thus passed.

Clause, as amended, agreed to.

New clause:

Hon. A. LOVEKIN: I move—

That the following be added to stand as Clause 27:—"The fees to be paid for the inspection of scaffolding shall be those set out in the second schedule to this Act."

We have struck out the other provision in Clause 5 fixing the fees, so now it will be necessary to insert this new clause. Presently we may have an opportunity to review the fees, but in the meantime the new clause is required.

The COLONIAL SECRETARY: I see no necessity for the new clause. At the same time it will do no harm. It is merely a needless repetition, such as Mr. Lovekin so frequently desires to see adopted.

Hon. V. HAMERSLEY: Is it permissible for us to pass such a clause, or even the schedule? It is imposing fees or charges, and I am inclined to think we must refer it back to the Assembly.

The CHAIRMAN: The fees are to carry out the provisions of the Bill.

New clause put and passed.

Schedule:

The COLONIAL SECRETARY: I move—

That the schedule, as printed, be added to the Bill.

Question put and passed.

Hon. A. LOVEKIN: These regulations have been copied from the Queensland Act. I notice various alterations have been made, some respecting the timbers to be employed in scaffolding. In many places the timber is prescribed as "hardwood timber" or "sound timber." In other places the planks are "to be approved by the inspector." In paragraph (5) we get "oregon pine or hardwood on edge." In another place it is prescribed that 12in. x 3in. oregon pine shall be used. Probably the draftsman does not know that we have good hardwood timber in this State, whereas oregon is almost unprocurable, and when procurable is at a price prohibitive for scaffolding purposes. I propose to move one or two little amendments, the first in Regulation 12 of the schedule.

Regulation 4:

Hon. J. M. MACFARLANE: Before we come to that I think an amendment is required in Regulation 4. I am advised by the trade that this means the abolition of the system of embedding the standard in well packed cement casks, and provision should be made for the continuance of that system. I move an amendment—

That in paragraph 1 of Regulation 4 all the words after "tip" be struck out, and "and shall be fixed in such manner as the inspector may prescribe" be inserted in lieu.

The COLONIAL SECRETARY: Why not leave in the words "standards shall be embedded for a distance of 12 inches in ground where practicable"?

Hon. A. BURVILL: There is no necessity to strike out any of these words. Both methods prescribed here with regard to two standards are necessary, but we might add at the end of the sub paragraph the following words, "or in such manner as the inspector shall prescribe."

Hon. A. LOVEKIN: The words "where practicable" should be struck out. It is practicable to dig into 12 inches of concrete, but it would be a difficult and expensive matter.

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

Regulation 5:

Hon. A. LOVEKIN: In the case of subparagraph 7 I suggest that we strike out the words "under no circumstances" in lines 2 and 3, and insert "except as hereinbefore provided no."

Hon. H. STEWART: These amendments should appear on the Notice Paper. I am afraid the last amendment will not be found to be satisfactory. I do not think it is intended to prevent the use of casks in which to embed scaffolding poles, but the sub-paragraph is not well drafted. If casks are not referred to in the regulations as far as they have gone, of what use is it to provide for them now?

Hon. A. LOVEKIN: I move an amendment—

That in paragraph 7 the words "under no circumstances shall," in lines 2 and 3, be struck out, and "except as may be prescribed by an inspector" be inserted in lieu.

The COLONIAL SECRETARY: If the paragraph is amended in this way I am afraid it will be misunderstood. Its object is to prevent contractors from erecting scaffolding on cement casks one on top of the other.

Amendment put and a division taken with the following result:—

Ayes	9
Noes	8
Majority for ..	1

AYES.	
Hon. V. Hamersley	Hon. G. Potter
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. H. Stewart
Hon. J. M. Macfarlane	Hon. E. H. Harris
Hon. J. Nicholson	*(Teller.)*

NOES.	
Hon. J. R. Brown	Hon. J. W. Hickey
Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. E. H. Gray
	(Teller.)

Amendment thus passed.

Hon. A. BURVILL: I move an amendment—

That in the last line of sub-paragraph (ii) of paragraph 6 after the word "pine" the words "or an equivalent in hardwood" be inserted.

If we put in 3 by 1½ of pine we shall require the equivalent if we use hardwood.

Hon. J. NICHOLSON: Will the hon. member agree to substitute for his amendment "or other approved timber"? At the present time we are growing certain classes of soft woods which may be utilised. We do not use as building timber red gum, which is a discarded wood, and there are other timbers that may be utilised.

Hon. A. BURVILL: I will accept the hon. member's suggestion.

Amendment, by leave, amended accordingly.

The COLONIAL SECRETARY: I do not object to the amendment, but I impress on members the necessity for exercising great care in departing from the class of timbers mentioned in the schedule.

Hon. A. Lovekin: But we cannot get pine in Perth to-day.

The COLONIAL SECRETARY: Mr. Lovekin told us that Oregon pine was not procurable in Perth. I got into touch with Millars' and was informed that they had heaps of it at their yards in Lord-street, and that it was for sale at a reasonable price, reasonable in comparison with jarrah.

Hon. A. Lovekin: I paid 2s. 6d. a foot for some a month ago.

Hon. J. J. HOLMES: I support the amendment. Anyone with experience of karri must know that there is no better timber in Australia than that. If a scaffolding is not strong enough to hold the karri it is not safe for any man to go on. Karri is used throughout the country where strength is required, and having a timber like that we should utilise it to the fullest extent. I do not like the word "pine"; we should leave it out.

Hon. J. CORNELL: If the amendment is passed and it becomes law the people responsible for the administration of the Act will be able to alter any, or all, of the provisions of the schedule, and frame other regulations whether Parliament is, or is not, sitting.

Hon. V. HAMERSLEY: We should not confine everyone to the use of pine. In the outer areas there are timbers infinitely better than pine.

Hon. G. W. Miles: This measure applies only to the metropolitan area.

Hon. V. HAMERSLEY: If an amendment of which the Minister has given notice be carried, it will apply to the whole of the State. It would be madness to enforce the use of pine when gimlet and other suitable timbers are available. Local timbers will stand the strain better than imported woods.

Hon. J. J. HOLMES: Mr. Cornell suggests that we know nothing about this matter, and should leave it to the inspector. All we propose to do is to extend the power of the inspector in order that pine or other approved timber may be used. If we insist upon pine, the inspector will have no option, and if no pine of the dimensions required is available, a job would be hung up until a shipment arrived.

Hon. J. Cornell: Do you think it would?

Hon. J. J. HOLMES: The inspector would have no alternative. If this measure is to be applied to the whole of the State, I do not think we have yet started with it. There are other clauses that will have to be recommitted, because I have passed quite a number that will apply to the metropolitan area but not to the whole of the State.

Hon. A. BURVILL: This amendment refers to braces. Pine of 3 x 1½ in. has a certain strength, but we should provide for other approved timber of equal strength so that the contractor would have a choice.

Hon. A. LOVEKIN: Why go out of our way to encourage the use of imported timber? Oregon pine is not always procurable. A month ago I had great difficulty in obtaining some, and had to pay half a crown a foot for it. We have any amount of suitable timber. Gimlet has a greater tensile strength than has oregon. Our pinus insignis has strength not equal to oregon, but sufficient for certain uses. Surely the inspector should have a little discretion.

Hon. E. H. HARRIS: From the remarks made I judge that few members have had any experience of nailing the different kinds of timber mentioned. The schedule provides for 3 x 1½in. pine braces nailed to standards. I should like to see members endeavouring to bore a hole in some of the other timbers, quite apart from nailing it to standards.

Hon. A. Lovekin: Gimlet will bore easily.

Hon. E. H. HARRIS: I should like to see the hon. member try gimlet or red gum that was a couple of years old.

Hon. J. M. Macfarlane: Are braces usually nailed to standards?

Hon. E. H. HARRIS: According to the schedule, they must be.

Hon. J. CORNELL: This scaffolding deals only with carpenters, painters, plumbers, and others working on wooden buildings. It must not be confused with the scaffolding on a brick building. Pine is specified, because it is the safest timber for the purpose. Are we going to prescribe the sizes of other approved timber?

Hon. J. J. Holmes: Make it 3 x 1½in. throughout.

Hon. J. CORNELL: Would 3 x 1½in. karri have the same strength as pine?

Hon. F. E. S. Willmott: No, karri would be forty times stronger.

Hon. J. CORNELL: There is this difference between pine and karri: pine squeaks before it goes, as some public men do, whereas karri does not squeak before going. There are Queensland timbers comparable for strength with any timbers here, and Queensland specifies pine. However, not four per cent. of the timber used in scaffolding will be used for braces. Either the braces should be specified to be of pine, or we should specify the dimensions of any other timber to be used for braces.

Hon. A. BURVILL: To meet Mr. Cornell's views, possibly such words as "3in. x 1½in. pine, or other approved timber of equal strength" might be added. I have been connected for 20 years with saw milling in this State, and I know the strength of our timbers and also the strength of pine. In my opinion, for the purposes of braces karri is superior to pine, though karri is somewhat harder to nail. It may not always be easy to get pine.

Amendment put and passed.

Regulation 8:

Hon. A. BURVILL: I move an amendment—

That in sub-paragraph (v), in the last line the word "hardwood" be struck out, and "or other approved timber" inserted in lieu.

The COLONIAL SECRETARY: Mr. Burvill has not explained his reasons for moving the amendment. Why should not the word remain in?

Hon. J. CORNELL: The effect of carrying the amendment would be to paint the lily and throw a perfume on the violet.

Hon. A. Lovekin: Why not use the pine which we have grown?

Hon. J. CORNELL: Another prophet has arisen. If "hardwood" is not sufficiently explicit for Mr. Burvill, the paragraph might read, "approved hardwoods."

Hon. A. Lovekin: We have plenty of pine growing now.

Hon. J. CORNELL: Pinus Insignis is not comparable with Oregon pine for this purpose.

Hon. A. BURVILL: Only Oregon pine is specified in this paragraph; and if "hardwood" remains there, every other variety of pine will be barred.

Amendment put, and a division taken with the following result:—

Ayes	10
Noes	8
Majority for ..	2

AYES.

Hon. A. Burvill	Hon. G. Potter
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. M. Macfarlane
Hon. G. W. Miles	(*Teller.*)
Hon. J. Nicholson	

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. E. H. Gray
Hon. J. Ewing	(*Teller.*)
Hon. E. H. Harris	

Amendment thus passed.

Regulation 12:

Hon. A. LOVEKIN: I move an amendment—

That after "pine," in line 2, of subparagraph (i) the words "or other approved timber" be inserted.

This is merely consequential.

Hon. J. Cornell: What size of jarrah would be necessary to carry the same margin of safety as the oregon plank?

Hon. A. LOVEKIN: Given 24 hours, I would write for the hon. member a thesis on the subject. What we are doing by the amendment is to leave it to the discretion of the inspector to say what timber shall be used.

Hon. A. BURVILL: The amendment means that the inspector will have discretion in the matter; but I do not think jarrah would be approved by the inspector, because oregon of half the thickness would be stronger than jarrah under a tensile strain. The contractor will use oregon if he can get it at a reasonable price, but he should have an alternative timber.

Amendment put and passed.

Regulation 13:

Hon. A. LOVEKIN: I move an amendment—

That after "oregon" in line 1 of subparagraph (i) the words "or other approved timber" be inserted.

Amendment put and passed.

Hon. J. CORNELL: I move an amendment—

That after "Manila," in line 3, "or other approved" be inserted.

My friends are moving amendments calculated, they say, to encourage the local timber industry. Now we come to ropes. We have a rope factory in Western Australia, so why should we not leave it to the discretion of the inspector to say whether Manila or Western Australian rope shall be used? Oregon pine means a pine not indigenous to Australia, and I take it Manila rope means a rope not made in Western Australia.

Amendment put and a division taken with the following result:—

Ayes	5
Noes	13
Majority against ..	8

AYES.

Hon. A. Burvill	Hon. H. Seddon
Hon. J. Cornell	Hon. J. Ewing
Hon. J. Nicholson	(*Teller.*)

NOES.

Hon. J. M. Drew	Hon. G. Potter
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. E. H. Gray	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. W. Hickey	Hon. F. E. S. Willmott
Hon. A. Lovekin	Hon. J. R. Brown
Hon. J. M. Macfarlane	(*Teller.*)

Amendment thus negatived.

Regulation 16:

Hon. A. LOVEKIN: I move an amendment—

That in line 2, after the words "clean oregon pine" there be inserted "or other approved timber."

Amendment put and passed.

Regulation 20:

Hon. A. LOVEKIN: I move an amendment—

That in line 1 at the end of the word "inspection" the letter "s" be added.

My desire is to limit the fees payable on any particular work, and to avoid a contractor having to pay the same fee for every inspection.

Hon. F. E. S. Willmott: The Colonial Secretary promised that.

Amendment put and passed.

Hon. A. LOVEKIN: How is it that the chief inspector is given power to sue in the name of the Crown? It is a novel procedure.

The COLONIAL SECRETARY: This gives the chief inspector power to sue in the Local Court for any fees due to the Crown. It merely provides simplicity of procedure.

Hon. A. Lovekin: But it is quite new.

The COLONIAL SECRETARY: I see no objection to it.

Schedule, as amended, agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from 29th October.

Hon. E. H. GRAY (West) [9.43]: I wish to refer to an incident that occurred last week when Mr. Holmes was speaking. He saw fit to castigate Labour members in this Chamber. I take great exception to that. He has always been emphatic in calling this a non-party House. I have yet to learn that the speech delivered by Mr. Dodd was in opposition to the Bill. I regard it as helpful to its passage, although the utterance was a keenly critical one. Mr. Ewing did not support all the clauses of the Bill, but approved of a good deal that was in it. I expected you, Mr. President, to stop Mr. Holmes. I am always willing to fall in with anything that will help the passage of a Bill through the House, but I do object to being castigated by any member of this Chamber. I regard that as highly improper.

Hon. J. J. Holmes: Was it not highly improper to say that I suggested the postponement of the Bill for 12 months?

Hon. E. H. GRAY: There are six supporters of the Government in this House. Five other members have spoken on this Bill, and on these proportions we should not have spoken at all. I am not prepared to take orders from any member.

Hon. E. H. Harris: There are far more than six supporters of this Bill.

Hon. E. H. GRAY: I am speaking of Labour supporters. Mr. Holmes counted heads, and began to castigate Labour members sitting here.

Hon. E. H. Harris: You are too thin-skinned.

Hon. E. H. GRAY: I look upon the Minister for Labour as one of the finest exponents of industrial legislation in the Labour movement in Australia.

Hon. J. Cornell: If this Bill is any criterion he is a good pirate.

Hon. E. H. GRAY: I hope members have read his speech, a copy of which has been supplied to us. It would be a waste of time for me to go over the ground he has covered, or to repeat what the Leader of the House has said. Nothing has been put forward to answer the case presented by the Colonial Secretary. Members should bring forward some sound arguments if they wish to speak in opposition to the Bill, instead of simply saying that it will not do, or that the State is not in a position to stand the strain. They should be able to show that the Bill will not benefit the State, or the workers generally. Our arbitration laws have not been materially amended for 12 years. The present Bill is the product of experience gained during that period. The human race must march upwards and onwards, or fall backwards, and deteriorate. There are two ways of marching forward: either by industrial organisation giving expression to these ideals, through political and legislative action, as expressed in this Bill, or by direct action such as strikes, lock-outs, violence, bloodshed and suffering. Australia has had considerable experience, and the workers have had theirs, in regard to the bitter suffering ensuing from strikes, lock-outs, and direct action as a result of their efforts to better their class and the country generally. For a number of years the workers have been ably assisted by men who have risen superior to their class and stood by the masses, and helped the Labour organisations to place upon the statute book our arbitration and conciliation laws.

Hon. J. Cornell: They were put there before the hands of those people were forced.

Hon. E. H. GRAY: Australians have now chosen to make progress by constitutional means. There are people belonging to the Labour movement as well as to the other party who do not believe in arbitration, but favour direct action. I look upon the old die-hards, some of whom are still represented in this Chamber, and the extremists in the Labour movement, who decry political action, as the bitter enemies of progress in this State. The Tories and those who would stop everything that comes before Parliament, and prevent all progress, are as bad as any Bolshevik or outlaw, who may have indulged in violence, treachery, or any similar act. I put such people all in the same category as the enemies of the State.

Hon. J. Cornell: Do you express yourself that way at election time?

Hon. J. J. Holmes: Do not call us Tories. Call us Conservatives. It sounds better.

Hon. E. H. GRAY: I call them Tories. That better expresses my ideas. Provision is made in the Bill for the appointment of a full-time president, who need not necessarily be a Supreme Court judge, and the period of the appointment is seven years. I am of opinion that we should be able to get a layman who would do the job very well. Supreme Court judges are not the best individuals to adjudicate in arbitration cases, because, from the nature of their surroundings they are prejudiced against the working classes.

Hon. J. Cornell: Your alternative then is to get a president from the working classes.

Hon. J. M. Macfarlane: Who will not be prejudiced.

Hon. E. H. GRAY: Not necessarily. I admit that a Supreme Court judge is above corruption, but because of his surroundings and upbringing he is naturally inclined to be against the workers. The machinery of the court provides for decentralisation, and I think that will receive support in this House. Everyone for or against labour will recognise that there have been serious delays which have caused expense and turmoil. Decentralisation will prevent all that.

Hon. J. Cornell: How would you view the discontinuance of laymen as members of the court?

Hon. E. H. GRAY: The abolition of the lay members of the court would be a disadvantage to both parties. All look for justice, and they should be able to place their respective views before the court and nothing should be overlooked. The appointment of industrial magistrates will mean the saving of a lot of time. An industrial board investigating a dispute will also have the effect of bringing that dispute quickly to an end. Under the present system it may take a long time and cause needless expense and loss. Boards of reference are necessary, and they have been successful wherever they have been employed.

Hon. J. Cornell: They have not been successful in the Myrmidon case.

Hon. E. H. GRAY: It has been a surprise to me that the employers have been so backward as not to have fixed the rates months before. Anyhow, I would not take that as evidence of the failure of boards of reference. Demarcation boards will also save a lot of time and disputes in workshops. They will determine what work shall be done by the different tradesmen. Compulsory conferences in the event of disputes arising will be very necessary. Conciliation committees will also be in a position to save time, because they will be able to get men around a table, and probably settle a dispute before it has developed to any extent. There is a lot of opposition in this House to the inclusion of domestic servants. I have not been able to follow the eloquence of several members in denouncing this clause. In addition to domestic servants nurses have also been referred to. I admit that domestics have always been hard to organise. Nurses have also not been organised for a similar reason.

Hon. F. E. S. Willmott: What is the reason?

Hon. E. H. GRAY: Nurses and domestics would have had their grievances redressed years ago if only they had been organised. What do we find in the case of domestic servants to-day? Because they have not been organised they have been absolutely sweated for generations. Nurses will not join an industrial organisation, and consquently they are compelled to work longer hours than should be necessary. It is important that they should be brought within the scope of the Bill, and I do not know why any employer should object to an inspector going to the kitchen door and asking permission to interview the domestic.

Hon. J. J. Holmes: Does the Bill say anything about the kitchen door?

Hon. E. H. GRAY: The hon. member can provide for the kitchen door being used when the Bill is in Committee. It is only trifling with the matter to say that representatives of the unions should not go to those places where domestics are employed.

Hon. J. Cornell: No one objects to the policeman going there to see the cook.

Hon. E. H. GRAY: The matter is too serious to joke about. Domestics should be looked upon as desirable members of the community and their business should be looked upon as a profession. I hope the day will arrive when men will be seeking domestics as wives in preference to girls following other callings.

Hon. J. Cornell: I am not saying anything against that part of the Bill. I married a domestic.

Hon. E. H. GRAY: From the experience I have had with insurance canvassers, I consider it is desirable that they too should come within the scope of the Bill. They do a lot of work and produce wealth for insurance companies.

Hon. A. Burvill: Do they want to come in?

Hon. E. H. GRAY: Yes.

Hon. E. H. Harris: What experience have you had of them?

Hon. E. H. GRAY: I have seen their work and I know that they are employed for long hours.

Hon. J. J. Holmes: Do not they fix their own hours?

Hon. A. Burvill: I know many who do not want to come under the Bill.

Hon. E. H. GRAY: I do not know of any reason why they should be excluded. I know many who want to be included. They are workers in every sense of the word, and another thing is that they cannot be done without.

Hon. J. J. Holmes: They will miss a lot of insurances if they are brought under the Bill.

Hon. E. H. GRAY: With regard to the 44 hours question, I have not heard any solid arguments against the introduction of it. I do not propose to quote figures; the Minister did that at length.

Hon. F. E. S. Willmott: I hope you will advance bettter arguments than he did.

Hon. E. H. GRAY: My argument is that the 44-hours has been in operation in the Old Country in some industries, in America in some industries, and also in New South Wales, and in no case has the industry been affected.

Hon. J. M. Macfarlane: You want to make it general.

Hon. J. Cornell: Should not the basic wage be decided in the same manner?

Hon. E. H. GRAY: The 44 hours must come. If Parliament does not grant this, the workers will try to get it in some other way. To save a lot of trouble, expense, and industrial turmoil, I ask hon. members to view the matter broadly and not to vote against it merely because they consider it to be something new. The present Government and their followers are as much concerned about the prosperity of Western Australia as are those members who vote against the Government. I ask members not to vote blindly.

Hon. J. M. Macfarlane: Advance reasons why we should support you.

Hon. E. H. GRAY: Does the hon. member want me to repeat what has already been said?

Hon. J. M. Macfarlane: We have not had any cogent reasons submitted.

Hon. E. H. Harris: Do you approve of the 44 hours being spread over three weeks as provided in the Bill?

The PRESIDENT: I ask hon. members to permit Mr. Gray to continue his speech without further interruption.

Hon. E. H. GRAY: The principle has been endorsed by all the organisations in Western Australia, and wherever it has been put into force in New South Wales, good has resulted. In those industries where the 44 hours have been introduced, it has been proved that there has been no loss by way of production.

Hon. H. Seddon: Can you give us instances in support of that?

Hon. E. H. GRAY: The Minister quoted from official records to show that in munition factories there was greater production when shorter hours were worked. I am satisfied that by working 44 hours production would not be decreased.

Hon. A. Burvill: Does that apply to all industries?

Hon. E. H. GRAY: I am satisfied you could do as much hay carting or other work on a farm in 44 hours as in 48 hours.

Hon. J. Cornell: Cockies occupy that much time in feeding themselves.

Hon. E. H. GRAY: Exception was taken by Mr. Ewing and Mr. Harris to the clause giving preference to unionists, and they quoted the Tally Clerks' Union as an instance. My reply is that if they rely for argument upon a small body of about 80 members, they are hard up for argument.

Hon. J. Ewing: Is that the only union?

Hon. E. H. GRAY: What the hon. members said was not quite correct. The Tally Clerks' Union and the Waterside Workers' Federation are not looking to this measure for assistance. They have preference to unionists.

Hon. J. Cornell: Where?

Hon. E. H. GRAY: At Fremantle.

Hon. J. Cornell: How did they get it?

Hon. E. H. GRAY: By direct action, and it was not a pleasant process getting it. The fight for preference at Fremantle cost the State thousands of pounds, and resulted in a lot of suffering to the workers and their families. If members look up the records they will find the amount of work done and the care exercised in the discharge of cargo are superior to the results when the open shop was in operation. Merchants are aware that when free labour was allowed on the wharf pillaging was indulged in to the extent of thousands of pounds. There was no discipline and no control. Since preference to unionists has prevailed more work has been done, and there has been less pillaging than ever before in the history of the wharf.

Hon. J. Cornell: The Brisbane lumpers struck the other day because of a conviction for pillaging.

Hon. E. H. GRAY: That man was not convicted of pillaging. The offence was only alleged, and there were peculiar circumstances attending the case. Let me give testimony from my own experience. I came to Perth some years ago and went to the Fremantle wharf and applied for admission to the Tally Clerks' Union. I did not know a single member of the organisation and I had no difficulty in joining it.

Hon. J. Cornell: But you had a history. That is something.

Hon. E. H. Harris: That is the point all right.

Hon. E. H. GRAY: Men of high repute and good character are required for that work.

Hon. E. H. Harris: You know that men of good character have been refused.

Hon. E. H. GRAY: I was secretary of the organisation for two years——

Hon. E. H. Harris: And it happened when you were secretary.

Hon. E. H. GRAY: Applicants went to a ballot and, when they were turned down, it was because the union was crowded. We had 40 per cent. or 50 per cent. more men than there was work offering.

Hon. J. Cornell: That applies also to miners.

Hon. E. H. GRAY: It does not. When a judge of the standing of Mr. Justice Higgins advises the lumpers to restrict their membership, there is something in it. When an organisation is overcrowded it is only doing the men a good turn by advising them not to apply for membership. I do not think either of those bodies can be used as an argument against preference to unionists.

Hon. E. H. Harris: Are not you going to tell us something about the Bill providing for preference to non-unionists?

Hon. E. H. GRAY: I do not know what the hon. member is referring to. There is a clause giving the court power to step in and handle a dispute when a non-registered organisation is operating.

Hon. E. H. Harris: The court can give preference to non-unionists as well as to unionists. Do you approve of that?

Hon. E. H. GRAY: I am in accord with the court exercising discretion in the matter of preference. I hope the Tally Clerks' Union will not be brought into the argument. They are not seeking assistance under this measure. I should not like to see other unionists engage in a struggle for preference similar to that put up by the waterside workers. Neither should I like to see the State incur the loss that was entailed on that occasion.

Hon. J. M. Macfarlane: Is it not a fact that quite a lot of casuals have to be em-

ployed on the wharf because you will not admit them to your union?

Hon. E. H. GRAY: No; it is a very uncommon occurrence for all the lumpers and tally clerks available to be absorbed. It would be impossible to provide sufficient labour to cope with a big rush of ships such as occurred on Friday week. There were then 22 ships in the harbour, and to keep an army of men capable of meeting such an emergency would be suicidal. I am prepared to say that the average earnings of tally clerks and lumpers does not equal that of labourers and clerks in other industries. If the contentions advanced in this House were correct, these men would be earning much higher wages. It is a step in the right direction to provide for a basic wage on a solid foundation. The basic wage is to be based on the normal and reasonable needs of the average worker and, in the case of a married worker, shall be fixed with regard to the rent of a dwelling house of five rooms, and the cost of feeding, clothing, and other necessaries for a family of a man, his wife, and three children according to a reasonable standard of life. That is a reasonable proposition for fixing a basic wage for any worker in this country.

Hon. J. M. Macfarlane: Will not that place married men at a great disadvantage in comparison with single men?

Hon. J. Cornell: If it were fixed, would the worker be any better off?

Hon. E. H. GRAY: Yes, provided it was followed up in other directions. Against the proposition for a basic wage, Mr. Lovekin has outlined a very absurd amendment. He proposes to take one-third of the single man's wages and provide an endowment fund for children. I do not know whether he is serious in proposing that amendment, but if he is, I am sorry he has not made some research on the subject of motherhood and childhood endowment in other countries.

Hon. A. Burvill: What would you substitute?

Hon. E. H. GRAY: I think motherhood and childhood endowment must come. The Minister for Works said he favoured it, but the public were not ready for it. In place of that he proposed the basic wage, to be arrived at as indicated in the Bill. I am surprised that Mr. Lovekin has not heard of the motherhood endowment schemes in operation in other countries.

Hon. E. H. Harris: That is not provided for under this Bill.

Hon. E. H. GRAY: I am indicating why we should throw out Mr. Lovekin's proposal.

Hon. E. H. Harris: That is only on the Notice Paper as yet.

Hon. E. H. GRAY: It is for the President to say whether I am in order. As the hon. member has proposed a scheme which is absurd——

Hon. J. Cornell: He has not moved it. He will do that in Committee.

Hon. E. H. GRAY: The hon. member claims to be a socialist. I shall prove that he is wrong. If his scheme came into operation, the best of our people would leave the State. We have to provide for the young men and young women, and it is against Australian sentiment to be forced into anything. The only consequence of Mr. Lovekin's proposal would be that young men would go to other parts of Australia.

Hon. J. Cornell: The time to prophesy that is in Committee.

Hon. E. H. GRAY: Mr. Lovekin has given notice of a long list of amendments which he intends to move in Committee. I am surprised that he has not learnt his lesson with regard to industrial arbitration. He proposes to move an amendment to Clause 2 not to limit the right of an employer to employ or dismiss whom he pleases.

Hon. J. Cornell: I submit, Mr. President, that the hon. member is distinctly out of order in discussing any item on the Notice Paper set down for the Committee stage. This indicates a lack of wisdom in permitting notices of amendments to appear on the Notice Paper before the adoption of the second reading.

The PRESIDENT: I think the hon. member is in order, because Mr. Lovekin himself mentioned those matters in his speech.

Hon. J. Cornell: I never heard him if he did.

Hon. E. H. GRAY: I am greatly surprised that Mr. Lovekin should desire amendments which would be disastrous to the Bill. All of his amendments are such as would absolutely wreck the bill.

The PRESIDENT: The hon. member cannot deal with the amendments in detail, but he can refer generally to what Mr. Lovekin said about them in his speech.

Hon. E. H. GRAY: Mr. Lovekin made quite a long speech, mentioning all his amendments, and turned round to us on this bench and told us he was a socialist. He invited us to follow him. However, I will leave Mr. Lovekin's amendments to the Committee stage. I do hope members will give the Bill a chance, and give full consideration to its various clauses. I assure them that the measure is not being brought forward with the view suggested by two or three members in either Chamber, that the Government would be very sorry if it passed. I object to that sort of comment, because it has no foundation in fact. The members of this party are fulfilling their promises to the people at the general elections. Years of experience of Arbitration Court proceedings have proved to both employer and employee that drastic changes are necessary in our in-

dustrial arbitration law. I hope the second reading will be carried. If the measure passes with but slight amendment, it will prove of distinct advantage to Western Australia.

On motion by Hon. J. Cornell debate adjourned.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Received from the Assembly, and read a first time.

House adjourned at 10.35 p.m.

Legislative Assembly,

Tuesday, 4th November, 1924.

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

QUESTION—STATE SHIPPING SERVICE.

Mr. LAMOND asked the Honorary Minister (Hon. S. W. Munsie): 1, In view of the fact that the steamship "Bambra" has not sufficient accommodation to cope with the passenger trade now offering on the North-West coast, is it the intention of the Government to replace the "Bambra" with one or more vessels suitably designed for the trade? 2, If so, can he give the approximate date when the change-over will be made?

Hon. S. W. MUNSIE replied: 1, The matter is receiving serious consideration. 2, The inquiries are incomplete, and in those circumstances a definite statement is not possible.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—TREASURY BILLS ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. P. Collier—Boulder) [4.36] in moving the second reading said: This Bill is required to authorise an increase in the maximum rate of interest for Treasury bills from 5 per cent. to 6 per cent. The original Act of 1893 provided for a maximum rate of 5 per cent. An amendment was passed in 1916 giving the Colonial Treasurer discretionary power to increase the rate of interest up till two years after the termination of the war. No further authority was sought from Parliament, and so the rate reverted to the original amount of 5 per cent. Money cannot be obtained at that price, and therefore it is desirable that the Treasurer should have authority to issue Treasury bills at the current rate of interest. Many bills carrying 6 per cent. interest, issued during the period 1916-20, have fallen due, and we have been unable to renew them because people would not hand in a 6 per cent. bill and take a 5 per cent. bill in return for it, more especially when investments could be obtained at the higher rate of interest.

Mr. Taylor: At the 6 per cent. rate.

The PREMIER: Yes, and in many instance, perhaps more. Something like £39,000 of 6 per cent. Treasury bills falling due was paid off last year. Through our not having authority to pay a rate in excess of 5 per cent., that money was lost to the Treasury. This is a popular method of investment by small people, and it is desirable that the Treasurer should have the power to increase the rate of interest. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—GENERAL LOAN AND INSCRIBED STOCK ACT CONTINUANCE.

Second Reading.

The PREMIER (Hon. P. Collier—Boulder) [4.42] in moving the second reading said: The object of this Bill is similar to that of the measure we have just passed. It is required to authorise the present rate of interest on inscribed stock and debentures