

Ministry on more than anything else, it is the fact that they came along and built the railways which were authorised by the previous Government.

Hon. Frank Wilson: They were a long time building them.

Mr. E. B. JOHNSTON: I complained about the delays and I would have liked to see them construct them as quickly as the hon. member built the Bullfinch railway, but neither the hon. member nor the present Government seemed able to achieve that desirable result.

Hon. Frank Wilson: I am the best railway builder in the country.

Mr. E. B. JOHNSTON: The hon. member's records for railway construction have been beaten, but I will admit that the hon. member's record for authorising a lot of paper railways on the eve of a general election would be difficult to surpass. The awful struggle that many of the settlers in Western Australia have experienced has been brought about through delay in the construction of railways. The member for Irwin seems to be a little pessimistic about the future of land settlement, and about the position of the people on the land, and whilst I criticised the member for Northam in this connection, I do say that the whole hope of the Government and of everyone else lies on those people who, after having experienced three or four bad seasons, worse than the rainfall records of the State ever led us to believe would be possible—

Mr. Harrison: What are they going to make out of it after it is all done?

Mr. E. B. JOHNSTON: There is some hope of them making something out of their holdings after a good year like the present one, and that success will encourage them to continue the development of their land. Reverting to the breaking up of this professional staff, I cannot but express regret that a staff which has cost so much to organise is to be withdrawn; and I think the Minister will find in the near future that the absence of these inspectors will bring about serious delays in the dealings of the public with the department which

will only be overcome by the reappointment of the officers.

This concluded the general debate on the Lands Estimates.

Item, Extra clerical assistance, overtime, messengers, caretakers, cleaners, special allowances, temporary draftsmen, etc., £2,700.

Mr. ROBINSON: Will the Minister agree to report progress on this item?

[The Deputy Speaker resumed the Chair].

Progress reported.

## BILLS (2)—RETURNED FROM THE COUNCIL.

1, Marriage Act Amendment.

2, Postponement of Debts Act Continuation.

Without amendment.

House adjourned at 11.21 p.m.

## Legislative Council,

Tuesday, 12th October, 1915.

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

## PAPERS PRESENTED.

By the Colonial Secretary: 1, Reports for year ended 30th June, 1915, of (a) Railways and Tramways, (b) State Children Department, (c) Trustees of Public Lib-

rary, Museum, and Art Gallery. 2, Audited accounts of North Fremantle Government Abattoirs. 3, By-laws of (a) municipality of Leonora, (b) Cottesloe Beach roads board.

#### SELECT COMMITTEE, RETIREMENT OF C. F. GALE.

##### *Report Presented.*

Hon. J. J. Holmes brought up the report of the select committee appointed to inquire into the retirement of Mr. C. F. Gale.

Report received and read.

Hon. J. J. HOLMES (North) [4.42]:  
I move—

*That the report and the evidence be printed.*

Hon. J. DUFFELL (Metropolitan-Suburban): I second the motion.

Question put and passed.

Hon J. J. HOLMES: I move—

*That the consideration of the report be made an Order of the Day for Tuesday next.*

Question passed.

#### QUESTION—FOODSTUFF COMMISSION ACT.

Hon. W. PATRICK asked the Colonial Secretary: 1. Has the Foodstuffs Commission Act, 1914, been brought into operation by proclamation? 2, If so, have the Government appointed commissioners under this Act, at what salary, and who are the commissioners? 3, If not, is it the intention of the Government to appoint commissioners, how many, and at what salary?

The COLONIAL SECRETARY replied: 1, Yes. 2, The Commissioners appointed for the purposes of the Control of Trade in War Time Act were also appointed under the Foodstuffs Commission Act, without extra salary. The Commissioners are Messrs. G. W. Simpson and G. Rae and Hon. T. H. Bath. 3, It is intended to annul the proclamation continuing this Commission.

#### QUESTION—UNIONISTS AND ARREARS OF FEES.

Hon. A. G. JENKINS asked the Colonial Secretary: 1, Have any men employed in the Water Supply and Sewerage Department, who were in arrears with their union levies or dues, been notified by any official of that department that if they did not pay or arrange for the payment of such overdue levies and dues, they would be stood down from work in the department? 2, If so, how many men were so informed, and by whose authority were they so informed?

The COLONIAL SECRETARY replied: 1, No. 2, Answered by 1.

#### QUESTION—SEED WHEAT, PRICE.

Hon. H. CARSON asked the Colonial Secretary: In the case of farmers who, owing to their own foresight, secured seed wheat at a price below that which was subsequently fixed by the Royal Commission, is it the intention of the Commission to charge such farmers an increased rate?

The COLONIAL SECRETARY replied: The Royal Commission for the Control of Trade did not fix the price, nor has it had anything whatever to do with the sale or distribution of seed wheat.

#### PAPERS—POWER HOUSE, EAST PERTH.

Hon. H. P. COLEBATCH (East) [4.46]: I move—

*That the remaining files and contracts relating to the erection of the electric power station at East Perth, now lying on the Table of the House, be returned to the Commissioner of Railways.*

It will be remembered that when these files were tabled they were accompanied by a statement from the Commissioner of Railways to the effect that many of them were in daily use, and that practically all of them were required by the department. With a view to causing as little inconvenience as possible, I moved on, I think, the following day, that those files in im-

mediate use by the department should be returned. I propose now that the remaining files also should be returned. At the same time I desire to give the House, as briefly as possible, an outline of what the files contain. This is necessary, because in another place the production of these files was refused, and even here in the Council the Colonial Secretary took the somewhat unusual course of dividing the House in order, if possible, to prevent the production of the files. Since their production was, as it were, forced on the Government by a majority of the House, I consider it my duty, as the mover of the original motion, to endeavour to justify our action in that particular. First of all I want to put myself right in regard to certain misstatements which I have made concerning this power house. Those misstatements were made in good faith. I was misled into making them by what appeared to be current opinion, an erroneous opinion which, I have no doubt, grew up because of the secrecy displayed by the Government over this matter. The particular misstatement to which I refer was that a large proportion of the material and machinery required for this power house had been obtained from German makers, without British manufacturers being allowed to compete. Having carefully perused the files, I have now no hesitation in saying that there is no foundation whatever for the statement. The contracts actually let to the German firms were comparatively small, and in one particular case an English firm did submit a price, which was something like 30 per cent. higher than the German quotation, a difference which at that time, with no war and no sort of unfriendliness between England and Germany, no doubt provided sufficient inducement to impel the Government to secure the goods from the German manufacturer. So I wish to unreservedly withdraw what I have said in that connection. Another statement I made, and to which the Colonial Secretary took strong objection, was that the contracts were let without public tenders being called. In that particular the files are by no means conclusive. The one point the files do

make clear is that the ordinary course laid down by the regulations was not followed. On the 13th March, 1913, certain documents relating to the acceptance of those tenders were submitted to the Supply Tender Board, and the secretary of that board wrote to the Colonial Treasurer in these words—

I am directed by the board to inform you that their functions are to deal with those tenders that are called by or through them, and as this is the first intimation they have received of this transaction, the matter is outside their jurisdiction and apparently these papers have been forwarded to them in error.

At this time the Treasurer was in England, and the Under Treasurer in a minute to the Acting Treasurer, wrote—

I beg to bring under your notice the board's intimation that the regulations in regard to obtaining supplies have been departed from in this case.

This does not seem greatly to have perturbed the Acting Treasurer. He submitted the following:—

In view of the attitude taken by the Tender Board, it will be advisable to cable the Agent General notifying the recommendation of the Commissioner of Railways for the acceptance of tenders as advised by Merz & McLellan. Scaddan has cabled urgently for reply.

There is one other point in regard to this question of publicly calling for tenders. On the 2nd September, 1913, the following questions were submitted and answered in another place—

1. Having reference to the Government's electric power scheme, is it a fact that orders have been placed for the plant and machinery in London without tenders being called locally, in the usual manner, for the same. Answer: Yes. The provision of the plant and machinery for the Government power house was left almost entirely in the hands of the firm of Merz & McLellan and on their advice and with the concurrence of the Agent General and myself, when in London, tenders for various reasons were not

called locally, the principal reason being the urgency of the matter, and the fact that only a limited number of firms could supply the necessary plant and material.

2. If so, were public tenders called in London, or elsewhere? Answer: Yes.

3. What is the value of orders placed? Answer: £188,521.

Now, in regard to the first and last of those questions, the answers given by the Premier in another place were the answers furnished to him by the Railway Department; but the answer to the second question, as to whether public tenders had been called in London or elsewhere, was not the answer furnished by the department, in fact it was no answer at all. The Premier said "Yes." It would be the same if one asked "Did you come home at ten o'clock last night or two o'clock this morning?" and the answer furnished was "Yes." It would be just as sensible. In fact, it was no answer at all. The answer furnished by the Railway Department was this—

There is nothing on the files to indicate whether public tenders were invited in London or elsewhere or whether firms of repute were requested to submit quotations. I attach copy of the cable which gives the names of those who tendered.

As a matter of fact, there is abundant evidence on the file to show that the system adopted was one which I understand is frequently adopted in London, namely, of inviting all those firms known to be in the trade to quote. However, I do not know that it is a matter of very great importance. I merely wish to say that on the files there is no justification for saying that public tenders were called. But whether they were called or not, the main point is that the proper procedure was not adopted. Many local firms have written complaining that they were excluded from the opportunity of quoting, and claiming that they could have supplied the articles required. And the only excuse given for departing from the usual method is that of urgency. This

happened three years ago, and the power house is not completed yet. The files clearly show that, altogether apart from the delay occasioned by the war, this motive of urgency was not served by departing from the usual course. Personally I maintain that no Minister is entitled to depart from the course laid down by regulations for the carrying out of large public works; and if a Minister does not take it on himself to do this, only success can justify his action. In this case I think I will be able to show pretty conclusively that success did not attend this departure from the regulations. Another statement to which the Colonial Secretary took exception was that, like Mr. Nevanas, Messrs Merz & McLellan seemed to have sold the Government a pup. Having perused the files, I have no hesitation in saying that, after receiving a very handsome fee, Messrs. Merz & McLellan established this power house at a cost exceeding by 66 per cent. the estimate which they submitted to the Government, and that the generating cost will be 53 per cent. in excess of their estimate. To say that they sold the Government a pup may not be a correct way of putting it; but if any firm of engineers had treated a private client in that way, if they had given him a plant costing 66 per cent. more than they said it would cost, and producing electricity at a cost exceeding by 53 per cent. the estimate given, and if the client had acted upon that estimate in selling to other people, I venture to say that client would not have been so warm in defending those engineers as the Government seem to be in defending Messrs. Merz & McLellan. The files show that these negotiations started in October 1912. At that time Mr. Merz was in Victoria advising the Victorian Government as to a proposal to electrify the metropolitan-suburban railways in that State. The Premier sent Mr. Merz a telegram informing him that the Government had purchased the Perth tramway system, and asking what fee he would require to report on the condition and extension and improvement of that system. In view of what has since transpired, I am

inclined to think it is a pity that Mr. Merz's opinion as to the condition of the Perth tramways was not invited before the purchase instead of after. Had it been, I do not think it possible to imagine that he would have done other than support the opinion of the Commissioner of Railways, in which case possibly, with the Commissioner's opinion so supported, Parliament would have refused to pay double value for that proposition. However, Mr. Merz wired back stating his fee as 1,000 guineas. This appeared to be too much, and the Premier replied—

In case I have been misunderstood, we only require a general report on the Perth electric tramways, which have a track length of 30 miles. What would be your minimum fee for this? Should additional reports be required they could be the subject of further arrangements.

Possibly that last sentence induced Mr. Merz to reduce the fee. At any rate, in the spirit of one who casts his bread on the waters, he immediately brought it down to the ridiculously low amount of 500 guineas. This was agreed to, and the report was made. I am not going to express an opinion as to whether the report was worth 500 guineas. It is possible that it was even a more valuable report than that on the Wyndham freezing works, for which Mr. Nevanas was paid double the amount. The important point is that, on the strength of that report, the Government gave Messrs. Merz & McLellan practically a free hand to erect the power house. What I and others have said against the practice of the Government of letting secret contracts does not apply in this instance to the contract for putting up this or that piece of machinery; but it does apply to the original arrangement made between the Government and Messrs. Merz & McLellan. Had the Government, without calling for competitive tenders, entered into a firm contract with Messrs. Merz & McLellan to erect the power house, the public would have been up in arms, and would have declared, "Another secret contract! The Government had no right to let it to those

people without competition." But they did worse. They gave this firm practically a free hand to do the work without any responsibility; and the outstanding feature of the agreement was that the longer the job took and the more money it cost the Government, the greater the remuneration for Messrs. Merz & McLellan. I do not intend to read the whole of this report; it is a very lengthy one, and hon. members can see it if they wish. But I think it will be agreed that in a matter of this kind there are three main points: first the cost of construction, secondly the cost of producing the unit of electricity, and thirdly the date of the completion of the plant. In this instance, the date of the completion was regarded as a very important point; so much so, that in not a few cases the lowest tender was not accepted, because a tenderer a little higher undertook to give earlier delivery. In Merz's report of 12th December, the capital cost is given as £205,810, or, roughly speaking, £200,000. The estimated cost of producing a unit of electricity on an output of twelve million units per annum was .54d., that is just over one half-penny. Subsequently, the time quoted in the different contracts for the completion of the work was 30th June, 1914, that is just before the war. There we have the position set up by Messrs. Merz & McLellan's report on which they were given a free hand. The power house was to cost £200,000 to produce electricity at a cost of just over one half-penny per unit, and the work was to be completed before the date, which afterwards proved to be just prior to the outbreak of the war. That was a thing on which they were given a free hand. What is the position to-day? The work is even now incomplete, and we do not know when it will be completed. The cost instead of being £200,000 will be close up to £400,000, and the cost of producing a unit of electricity, instead of being .54d. will be, according to Merz & McLellan's later estimate, .827d., which is very much nearer one penny than a half-penny. In the covering letter accompanying the report Mr. Merz writes—

You will see that the report gives the figure at which the Government can generate high-tension electricity as .54d. This figure covers all the costs at the generating station and includes 6 per cent. for capital cost, and is, therefore, the basis on which the price to be charged to municipalities, etc., should be calculated.

In the course of the report it gives a detailed estimate of the different works. It includes the tramway substitution, high-tension feeders, the whole of the power station, and the estimated cost is £205,810. The report closes with these words—

Our figures, therefore, may be taken as accurate, as they are based on the actual cost of designing, constructing, and operating several stations elsewhere, and there is nothing peculiar in the conditions in Perth to affect the writer's judgement based on this experience.

The agreement made with Messrs. Merz & McLellan on the strength of that report was that they should carry out the work, and they were to be given, according to the Premier's remarks in the Legislative Assembly, a free hand. They were to be paid the whole of their out-of-pocket expenses, and the salary of the engineer to be appointed by them and sent out here, which salary was not to exceed £1,000 per annum, and was to run from the date of his departure from England until the time of his return there. They were also to be paid 2½ per cent. on their plans, and 2½ per cent. on the cost of the work, making a total of 5 per cent. Had the work been carried out at the price they stated they would have received approximately £1,500 for their engineer, and about £10,000 for their commission, and the State would have had a power house at a reasonable cost, and would have been turning out electricity so cheaply that it would undoubtedly have been a payable concern. But, because the work has not been completed, and because the cost has mounted up from £200,000 to nearly £400,000, the State instead of having a plant which

could turn out electricity at a payable and profitable rate will be obliged to turn it out at a rate which is not payable or profitable, and Merz & McLellan will get instead of £10,000 commission and £1,500 for their engineer, a sum of approximately £20,000. Members can condemn me for saying that this is selling the Government a pup. I do not care, however, what term it is expressed by. These are the facts which are revealed in the file. There were about 127 files placed on the Table of the House. I believe they made up a full cub-load and that if they were placed in one pile they would reach from the floor half-way to the ceiling of the Chamber. I do not pretend that I have gone through all of the files, but those I have gone through I have gone through thoroughly, and I propose to refer briefly to their contents. For the sake of convenience I have sketched the matter out under different headings rather than attempted to deal with them in chronological order. In the first place there is the question of the adoption of the 40-cycle periodicity, involving as it did alteration to the existing appliances in the Midland Workshops and throughout the metropolitan area and which was referred to the other evening by the hon. Mr. Allen. In the original report of December, 1912, nothing of the sort was suggested. When it was suggested later afterwards it took the railway engineers, the people who had to operate this concern, by surprise. It was stated by the Colonial Secretary that the reason for adopting this 40-cycle periodicity system was because of the project in view of electrifying the railway from Fremantle to Northam. That according to Merz & McLellan seems to have been the case. There are files dealing exhaustively with the question of the electrification of the railway system, but they seem to be summed up by this minute from the Minister for Mines (Mr. Collier) to the Premier on 22nd September, 1913, which is after the date on which the 40-cycle periodicity system had been decided upon. Referring to the electrification of the railways Mr. Collier wrote—

The information will be useful, but personally I think the subject one which can wait for some years.

Although this alteration was made in the periodicity which is going to cause so much expenditure and inconvenience it was said to be a subject that could wait for some years. No doubt it will have to wait a good many years. The more important question is that of cost. How is it the capital cost has bounded up from £200,000 to nearly double that amount? So far as one can see the first fly in the ointment made its appearance in the middle of June, 1913. A contract had been entered into with Messrs. Babcock and Wilcox for the power station, complete power house equipment and other plant for £124,424. Later on Messrs. Merz and McLellan recommended the acceptance of a tender of Messrs. Williams and Robinson for a condensing plant to cost £23,252. Upon this the Chief Mechanical Engineer wrote pointing out that the original tender of Messrs. Babcock and Wilcox did not mention that a condensing plant was not included, and as that was an essential feature of equipment it was assumed that it was included. He further pointed out that if the cost of the condenser had to be added to the original tender it would mean that Messrs. Merz and McLellan's estimate for this portion of the works alone would be exceeded by over £26,000. If we read from the files we will find evidence that everything that was done was done apparently without consulting the expert advisers here who had some local knowledge. I think this is largely the cause of why the cost has bounded up in such an extraordinary fashion. The Chief Mechanical Engineer also added these pertinent words to his protest—

There is nothing definite to prove that all the plant is now included. The first tender of Messrs. Babcock and Wilcox apparently included everything and the Commissioner of Railways recommended its acceptance on the ground that it included everything. When they found that it did not include the condenser which was to cost over £20,000,

and after stating that there was nothing definite to prove that the plant was then all included, the Chief Mechanical Engineer advised that a cable should be sent to Messrs. Merz and McLellan asking if the condenser was ordered, and if there was anything more to come. The Commissioner for Railways thereupon recommended that a cable should be forwarded to the Agent General asking if the condenser completed the plant and if not what would be the cost of the remaining additions. This was sent on June 25th. It might have been thought that a reply would have been received within a few days, but none was forthcoming, however, until a month later—on July 25th—when Messrs. Merz and McLellan cabled that the condenser was not the only item that had been omitted, and enumerated a number of other things totalling in cost some £80,000, an additional £80,000 for things which apparently the Commissioner for Railways thought had already been provided for. From the receipt of that cable the files disclose a state of perturbation on the part of the Commissioner for Railways. Upon his shoulders was cast the responsibility of running the concern, and no doubt he was very anxious to make it pay. On the 5th August, 1913, the Commissioner for Railways writes—

Merz and McLellan have committed the Government to an expenditure of £274,000 . . . . In addition to this there is a doubt as to whether freight, duties and certain other items are included in the amount mentioned or not. The foundations are not included. Merz and McLellan's fees are not included. The foundations were included in Merz and McLellan's original estimate, and everything was to be covered by the £205,000, and the Commissioner points out that they have committed the Government to the extent of £274,000. Not only were the foundations not included, but Merz and McLellan's fees are not included. In these two items alone there is an amount involved of between £50,000 and £60,000. So far back as August, 1913, the Railway authorities recognised that Merz and McLellan's estimate of

capital cost would have to be increased from £205,000 to £340,000. On the 27th August of the same year the following cable was sent to the Agent General—

Estimate as per C. H. Merz's report 10th December last was £205,810, including foundations. Short understands Premier W.A. arranged substitution of three sets of 4,000 kilowatts for three sets 3,000 k.w. originally provided. Alternator Turbo contract provides three sets 3,000 k.w. Has larger plant been arranged for?

Apparently the arrangement for the increase in the size of the plant was made by the Premier without consulting any of his officials here, or the men who had to run the thing. The Commissioner for Railways "understands that the Premier arranged for this substitution" but he (the Commissioner) did seem to have specifically approved of it. He recognises that it will put him in a very great difficulty. Notwithstanding this the Premier made the arrangement. The Commissioner goes on to say in the cable to the Agent General—

What is the reason for increase in cost? Reply by telegraph. Periodicity Midland Junction Workshops and Fremantle Tramways is 50. Is there any reason why new plant cannot be similar instead of 40 as arranged.

That cable was sent in August, 1913, and on the 8th September of the same year the Commissioner complains that no reply had been received to this cable. On September 12th, 1913, Merz and McLellan forwarded the following reply. I think I had better read the whole reply in order that I may not be accused of suppressing anything, although some portions of it may seem somewhat uninteresting—

In reply to your cable of the 27th August this year regarding cost of new power house the turbines on order will each have a capacity of 4,000 k.w. at your power factor, and all boilers, condensers and other equipments installed will provide for this capacity being developed. The rate of output of the turbines in specification merely defines

the load at which they are most economical in steam consumption. This was on purpose arranged to be power than full capacity so that under average conditions maximum economy might be secured. The turbines, boilers and whole power house equipment are 33 per cent. bigger than contemplated. This is the addition arranged by the Premier. It is 33 per cent. bigger than contemplated by the report.

by report, besides which all market prices higher when orders were placed than when report was prepared.

There is no explanation as to why this was so. There was no war or any suggestion of war at the time. There was no explanation as to why the prices went up beyond the figures prevailing at the time Merz and McLellan made their report.

Periodicity complete cycle per second cannot be changed from 40 to 50.

The authorities wanted to get back to 50 in order to be uniform with what they had already got, and the periodicity obtaining in the City in regard to all lifts and other electrical appliances.

Periodicity 40 settled upon after full consideration of 50, 40 and 25. The last most suitable for traction, the first most suitable for lighting, but 40 effectively meets both requirements. In addition the turbine speed for 40 secures more economical machines than was possible with this size of turbine for 50. We had not overlooked Midland workshops in deciding periodicity, but had also to consider future railway electrification.

Bearing out the idea that the alteration was made with the view of electrifying the railways, whether they had any intention of doing so or not.

Midland workshops electric motors will probably all be suitable for 40, only change anticipated required being new belt pulleys. We have not complete details of Fremantle sub-station plant, but from such particulars as are available it would not in any case have to be changed to make suitable for bulk supply.

After the receipt of that cable the Chief Engineer for Existing Lines again wrote expressing his regret that the 40-cycle system had been adopted, and this letter, in common with others, shows how the local experts were ignored all the time, and how their local knowledge was brushed aside. All these arrangements were made and they knew nothing about them until after they had been entered into. Early in November, 1913, the Railway Department drew up an estimate placing the total cost of the works at about £350,000, exclusive of the cost of the site and interest during construction, and on 12th November, 1913, the Commissioner wrote this minute—

In the circumstances it may perhaps be desirable to suggest to the Agent General that he should discuss the probable ultimate cost of the plant with Merz and McLellan at this stage and report thereon. Another feature which should receive consideration is the cost of production of current originally estimated at .54d. per unit. It may be in view of the larger capital cost of the plant that there is some variation in this estimated figure.

That cable was sent on the 13th November and anyone would have expected that there would have been an immediate reply. As a matter of fact, just about that time Parliament had before it for ratification the agreement between the Perth City Council and the Government for the supply of electricity, which I shall refer to later on, but Merz and McLellan—who are a firm of engineers, I take it, with a reputation to support—did not reply to that cable. The files show that on the 23rd February, 1914, the Commissioner for Railways wrote suggesting that a reminder should be sent to the Agent General to confer with Merz and McLellan as to the ultimate cost. That was nearly three months after they had received this cable asking them what was to be the ultimate cost and what revision they wished to make. Even then it was not until the 1st April, nearly another couple of months after this reminder was sent, that Merz and McLellan condescended to send a reply.

They pointed out that the 9,000 kilowatt plant had been extended, as already explained, to 12,000 kilowatts, and they gave the initial cost of the undertaking as £341,849. That was to include substations and to provide for the supply of electricity for the tramways and to the Midland Junction works. It did not include the cost of the site, nor did it include interest on the money during construction, to which I have referred, or any increase that may have resulted consequent upon the outbreak of the war. Supposing the cost of this power house had been increased merely because its capacity was increased, no one would have had any fault to find, but the second portion of the Commissioner's request was really an important one: Is it necessary to interfere with the original estimate of .54d. as the cost of production? Hon. members will remember that in the first covering letter Mr. Merz said that those figures could be relied upon, that .54d. would be the cost of production and that that was the basis on which we could negotiate with the municipalities for the sale of current. As a matter of fact, the Government had negotiated with the City Council and an agreement had been drawn up and was afterwards ratified by Parliament in which the Government were to supply electricity to the City Council for their own purposes and to all local governing bodies and private persons within a radius of five miles of the General Post Office, the Government reserving to themselves the right to supply the tramways and railways. The City Council had the right to supply everyone else, and in this agreement a most elaborate system was provided to show the actual cost of production, and it was provided that the Government should sell to the Commonwealth at the actual cost of production. Mr. Merz himself had drawn up a system by which they were to arrive at this actual cost of production. Fortunately for the City Council and unfortunately for the Government, a proviso was put into the clause that in no case should the cost to the City Council exceed .75d. This agreement was entered into for 50

years. For 50 years the Government will be compelled to supply current to the City Council, for all purposes within a radius of five miles of the General Post Office at a cost of .75d. I have no doubt the Commissioner thought he was safe in fixing this rate. It was .21d. per unit over and above the estimate of Mr. Merz, but the revised estimate of Merz and McLellan submitted on the 1st April, 1914, a date that must have struck the Commissioner as singularly appropriate, was .827d., with a total output of 12 million units and a coal cost of 13s. 6d. In this matter of coal cost, Merz and McLellan seemed to have strayed from want of local knowledge, just as in another case they somewhat plaintively stated that, in making a certain suggestion they were not aware that the Swan was a tidal river. The outstanding blunder in the whole business seemed to be that the Government had given Merz and McLellan a free hand, unchecked by competent engineers who had the advantage of local knowledge. This increase in the generating cost from .54d. to .827d. at once created a difficult situation. It meant that the City Council had to be supplied at a big loss and it placed the Commissioner in an embarrassing situation in regard to the making of contracts to dispose of the surplus current. Merz and McLellan in one of their reports wrote—

We presume there will be some wording to the effect if the Government can show at any future time that the cost of supplying current to the corporation does exceed  $\frac{3}{4}$ d., this limit can be increased.

Merz and McLellan had been dealing with the Government. Apparently they thought they could deal with anyone else on the same lines and they thought the City Council would agree to an understanding of that sort. Evidently the City Council were not so easy to deal with as the Government. They suggested that the City Council should agree to an increase if it could be shown that the cost of production had been increased. The City Council were not likely to do any-

thing of the kind. I was rather glad of the opportunity of sending back the files which the Commissioner particularly wanted because those files dealt chiefly with contracts which he was endeavouring to make with municipalities and private consumers. If the current was being produced at .54d. the Commissioner would have no difficulty in getting plenty of customers, but as it is going to be produced at .827d. and according to the Railway Department officials—who I think are a more reliable guide, in view of what has happened—at about .90d., I do not wish to increase the difficulties of the Commissioner by discussing any of these private arrangements he is trying to make, but one only has to look through the files to see how great the difficulties are. It is possible to have one big customer taking electricity at more than its costs to produce, but we cannot sell it to everyone at that cost and we shall soon get into difficulties. Probably in the end the big private consumers will be supplied at a loss, and a profit will have to be made out of the extra charges to those Government institutions that cannot offer any protest. When negotiations were opened up for the supply of current to Fremantle, it was suggested that the same terms should be offered as in the case of Perth, but the Commissioner for Railways objected and wrote—

The  $\frac{3}{4}$ d. per unit stipulated in the City Council's agreement will not cover the actual cost for some time, and I do not desire that we should supply any more current at a loss than we are pledged to.

Then we come to the question of the scrapping of the plant at the Claremont Lunatic Asylum. The Colonial Secretary wrote on November 27th, 1914—

The only point to consider, I think, is whether the hospital can be supplied more cheaply from the power house than it is being supplied now, taking into consideration the other work the present plant is doing.

Upon this the Premier wrote to the Commissioner for Railways—

You can see the position from this file. Every department will find it more economical to generate their own current. What must not be lost sight of is, whether we supply such departments or not, our fixed or capital charges remain the same, and our other charges only increase to the extent of slightly additional fuel, so that, although it may not be cheaper to the department, it may be economical to the State.

The PRESIDENT: Under Standing Order 114, I shall have to interrupt the hon. member and call the Orders of the Day unless it is the wish of the House that the hon. member continue.

Resolved: That the motion be continued.

Hon. H. P. COLEBATCH: This letter by the Premier, regarding the Claremont lunatic asylum, illustrates exactly what he has done. The Premier, and not the technical advisers of the Government, arranged that this plant should be increased by 33 per cent. and therefore the Government have to get an outlet for their current, no matter what they scrap, or what institution, like the Fremantle municipal electric lighting and tramways works, they suppress. This brings me to the third important feature of the undertaking, the date of completion. Throughout the files great stress was laid upon the necessity for having the work done as quickly as possible and, in the letting of tenders, preference was given to those contractors who offered the earliest delivery. On the 4th April, 1913, the Agent General wrote—

Merz & McLellan inform me as follows:—The firms with whom it is proposed to place the contracts have now all been interviewed by them and everything has been fixed up and final forms of contracts are now being prepared, and they hope to be able to place these before me about the 14th of April. The time which has been occupied in settling the final contracts will not in any way delay the completion of works as Merz & McLellan hope to arrange with all of the contractors to shorten the dates of de-

livery given in their tenders by about three weeks.

The dates of delivery varied from the 1st December, 1913, and the dates for completion varied from the 1st May, 1914, to the 30th June, 1914. That is the latest date I have been able to trace. All these dates, however, were conditional on the foundations being handed over to the successful tenderers early in January, 1914. As far back as July, 1913, Merz & McLellan wrote that as the Government had only just completed the experimental pile driving, they had informed the contractors that the dates fixed should be extended by about three months. The dates fixed were pretty close up to the time when the war actually broke out, and the extension no doubt carried many of them over the period of the starting of the war, so that the extension, which in ordinary circumstances might not have mattered, in this case caused very serious delay for which I do not propose to blame anyone. But why was it the foundations were not ready? This brings us into close touch with two old and very dear friends—departmental day labour and the powellising business. It had been decided that the foundations should be built by departmental day labour and they have cost £40,000, a very large amount in excess of what they were estimated to cost. There does not appear to have been any exact estimate but, after the work had proceeded a good way, the Railway Department suggested that the cost should be £35,000. However, that sum has been increased to £40,000. On the 29th August, 1913, the Commissioner of Railways wrote to the Minister, Mr. Collier, pointing out that the contracts let by Merz & McLellan required that the site be handed over to the contractors early in the following January. He added—

The foundations are to be constructed by this department and consist of 1,400 powellised jarrah piles on which will be laid a floor of varying thickness containing 6,000 cubic feet of reinforced concrete. This work will take some time to carry out and, in view of the contracts first mentioned

above, must be executed with the utmost dispatch. It will cost at least £35,000.

As I have stated, the cost has been something over £40,000. On the 8th September, an officer of the department wrote to the Commissioner on the difficulty of obtaining these piles and said—

I should be glad if you, or the hon. the Premier would make the position in this respect known to the hon. the Minister for Works.

Month after month, notwithstanding the urgency of the case, these appeals to the Minister for powellised piles continued to pass from one department to another. Apparently the manager of the powellising works did not want to undertake the job. Through October, November, December, January, February and March, complaints were made by the department that they could not get these piles, and that the work was being delayed in consequence. Finally, half the required piles were delivered from the Railway Department's own powellising works at Bunbury and the other half from the State Sawmills plant at Manjimup. The cost of the piles treated at Bunbury was £1 12s. 2d. per pile, and the Works Department billed the Railway Department in respect of exactly similar piles supplied by them from Manjimup at £4 8s. 4d. per pile. If we take the number of piles, we find that by a curious coincidence, the overcharge represents exactly the amount of profit alleged to have been made by the State Sawmills during the year ended the 30th June, 1914. If there had not been this overcharge to this particular department—I do not know whether other departments have had to pay similar overcharges—there would have been no profit from the State Sawmills, and I am sorry to have to say that the profit shown on the balance sheet has disappeared because the Railway Department refused to pay this extortionate charge. The Railway Department protested against the charge in every detail but particularly against a charge of £50 for administration and

£231 for profit. They protested that every item represented an overcharge. After a good deal of argument and many letters, the price was reduced, but even then the Railway Department were still compelled to pay to the Works Department a guinea a pile over and above the cost from their own works. The Minister for Railways wrote, as a sort of final comment on the matter—

As the Works Department insist that the charge is a reasonable one according to their interpretation. I see no alternative but to make payment. I have no doubt that if any hon. member moves the adjournment of the debate so as to have an opportunity to go through what still remain of those 127 files, he will find a great many things upon which I have not touched at all. On the powellising file to which I have referred, a man could write an epic—the late delivery of the piles, the overcharges for them and the obstruction thrown by one department in the way of another. My aim has been merely to justify the action of this House in calling for these papers. Whereas the Government were told that these works would cost £205,000, and would produce electricity at .54d. per unit, and whereas they had reason to suppose the works would be in full going order at the end of 1914, the actual cost is going to be nearly double that amount and the cost of producing the unit of electricity is going to be close up to 1d. And anyone who knows anything about electricity will say that this is not a modern economical price for manufacture by a big plant. At Northam we have a municipal plant which supplied current to the local mill at .65d. per unit. We increased the price and promised to sell it to the mill indefinitely at .9d., but the offer was refused. The reply was, "No, it is of no use to us, we can put in a plant and do it more cheaply ourselves." Now, I doubt whether this great State plant, which is going to cost £400,000, will be able to produce it for .9d.

Hon. W. Kingsmill: Are Merz and McLellan still interested in these works?

Hon. H. P. COLEBATCH: They are still running the show and the longer it

lasts and the more it costs, the more they will get out of it. The Government are to blame for departing from the recognised method of obtaining supplies. They had no right to enter into this agreement with Merz & McLellan, and they had no right to do it without being reinforced by the opinion of their expert advisers. Everything should have been done only with the concurrence of their expert advisers. The local officers might not be such great electricians as Merz & McLellan, but the advantage from the point of view of the local knowledge they possess makes their opinion of some value. Personally I trace the whole of the trouble to the purchase of the Perth trams. The Government, instead of taking the view that it is the primary duty of government to open wide the door of opportunity so that everyone can do the best possible for himself, and for his country, seem to think it is their duty to transfer facilities from private ownership to State ownership. The whole wretched business is going to involve this country in the cost of at least a million sterling and, without overcharging the public, it will be impossible to make these concerns pay. All I have to add is that after a perusal of these files, I am absolutely satisfied that the Commissioner of Railways and everyone of his officers has tried in a thoroughly loyal and earnest spirit to make the best of a bad job.

On motion by the Colonial Secretary debate adjourned.

## BILL—MINES REGULATION ACT AMENDMENT.

### *In Committee.*

Resumed from the 7th October; Hon. W. Kinsmill in the Chair, the Colonial Secretary in charge of the Bill.

### Clause 10—Powers of inspectors:

Hon. A. G. JENKINS: On Thursday last I said some additional powers might be given to workmen's inspectors in excess of those proposed by the Hon. R. D. McKenzie. Since then I have drafted an amendment and, in defining the duties of

workmen's inspectors, I have endeavoured to give them a measure of power amply sufficient for them to carry out all that will be required of them. Paragraph (d) proposes to give to inspectors the power to initiate and conduct prosecutions against persons offending against the provisions of the Bill. I propose to limit that power. Inspectors should not have that power without the consent and the authority of the district inspector. There is a double check. The district inspector always follows the instructions of the department. He reports to the department any breaches and if the department thinks the case is one that should be acted on they instruct a prosecution. It would be much better if a prosecution were carried out by the district inspector and not by the workmen's inspector. Then, again, in paragraph (e) I propose to amend the powers of the working inspectors. The object of my amendment is this: the district inspector may have obtained written statements and may be instructed to initiate a prosecution. That being so, he will naturally obtain all the evidence that is necessary to carry on the prosecution, and will obtain statements from all witnesses. It will complicate matters if the workmen's inspector comes along and demands statements from the same witnesses and demands that they should attend the inquiry and that he shall examine witnesses which the district inspectors can do. At present the secretaries of unions have that power. I have left out paragraph (f) which gives power to exercise generally such other powers as are in the discretion of the inspector necessary for carrying the Act into effect. There was no thought when it was desired to give power to workmen's inspectors that they should have any other power than to see that the mine was properly worked and that the lives of the miners were protected. They have that full power and if this additional power is given to them, no matter what in their discretion may seem expedient they have the power to inquire into it. I do not think the unions have ever asked for that power. All they have asked for is, that the inspector should have the right and

full authority and power to go into a mine and examine it and see if the workings are safe for men to work in the mine. But paragraph (f) goes further than that and allows inspectors to go into a mine and inquire into anything, and it may cause a deal of trouble. I move an amendment—

*That in line 1 the word "an" be struck out, and the words "a district or special" be inserted in lieu.*

Subsequently I shall move the other amendments which I have indicated.

The CHAIRMAN: I shall allow the two amendments to be considered as one, as the second amendment is conditional on the first.

The COLONIAL SECRETARY: If any further amendments are carried in this Bill it will simply become a shell. With regard to the first suggested amendment in paragraph (d), if the district inspector gives instructions not to prosecute, a workmen's inspector cannot do so without authority, but the proposed amendment by Mr. Jenkins goes further, for a workmen's inspector could not initiate a prosecution without the written authority of the district inspector. There seems to be sufficient protection in Clause 9 because workmen's inspectors are under the authority and control of the district inspectors. As to paragraph (f), I cannot see what objection there can be to that. It gives power to exercise generally powers which in the discretion of the inspector are necessary for carrying the Act into effect.

Hon. R. D. McKENZIE: I cannot see much difference between the amendment which I moved and that proposed by Mr. Jenkins. In the first place, they both differentiate between the kind of inspectors proposed to be appointed. I propose to take away from workmen's inspectors the authority to initiate prosecutions, and I differ from Mr. Jenkins in so far that he in his amendment gives power to workmen's inspectors to initiate and conduct prosecutions against persons offending against the privileges of this Act, but he takes away paragraph (f) which really gives the same power. Para-

graph (a) gives power to interfere with the general working of the mine, that is the technical working of the mine, the ventilation and sanitary and the general policy of the mine. If that paragraph is allowed in the Bill, then workmen's inspectors should not have the power to harass the industry. I would like to see paragraph (a) eliminated from the proposed amendment.

Hon. J. F. CULLEN: The Colonial Secretary's reply to Mr. Jenkins seems somewhat confused. The Minister first said that the effect of the amendment would be to unduly bind the workmen's inspector under the district inspector, and then the hon. gentleman essayed to convince the Committee that the workmen's inspector is sufficiently restricted by Clause 9. The fact, is, however, that Clause 10 nullifies Clause 9 and was intended to do so. Mr. Jenkins's amendment reasonably meets the real desires of the workers, though not, perhaps, those of the union officials. Under the Bill as introduced, the powers of workmen's inspectors would be almost equivalent to those of the Minister for Mines himself.

Hon. A. G. JENKINS: If the Colonial Secretary reads my amendment a little further, he will see that I propose to ask the Committee to strike out the following words of Clause 9: "The workmen's inspector shall be under the authority and control of the district inspector." As I have stated, those words are meaningless. The Minister has power to say how, and under what authority, workmen's inspectors are to act. I have asked the Parliamentary Draftsman what he means by those words in Clause 9, and he cannot explain their meaning any more than hon. members can. I fancy the draftsman wished to insert words which would have a good moral effect, though no legal effect whatever. The workers who are to elect inspectors will no doubt take legal advice on the effect of the various provisions, and they would be advised that under Clause 9 the inspectors would have no power at all. Clause 10 is not in any sense governed by Clause

9. In the circumstances the Colonial Secretary's argument has no weight at all.

Amendment put and passed.

Hon. A. G. JENKINS: I move a further amendment—

*That the following be added to the clause:—"A workmen's inspector shall have power to do all or any of the following things, namely: (a) to make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with; (b) to enter, inspect, and examine any mine and every part thereof at all times by day and night, with such assistants as he may deem necessary, but so as not unnecessarily to impede or obstruct the working of the mine; (c) to examine into and make inquiry respecting the state and condition of any mine or any part thereof, and of all matters or things connected with or relating to the safety or well-being of the persons or animals employed therein or in any mine contiguous thereto, and for the purpose of such examination or inquiry the inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly: (d) with the authority of a district inspector, but not otherwise, to initiate and conduct prosecutions against persons offending against the provisions of this Act; (e) where a district inspector is not available, but not otherwise, to obtain written statements from witnesses, and to appear at inquiries held respecting mining accidents, and at inquests, and to call and examine witnesses, and to cross-examine witnesses."*

Hon. H. P. COLEBATCH: I move an amendment on the amendment—

*That in paragraph (e), line 2, the words "but not otherwise" be struck out and "with the authority of a district inspector" inserted in lieu.*

It seems to me necessary that the workmen's inspector should have, under this paragraph, the same powers as under the preceding paragraph.

Amendment on amendment put and passed.

Amendment as amended, put and passed.

Hon. J. CORNELL: I move an amendment—

*That the following be inserted to stand as paragraph (f):—"To exercise generally such other powers as are in his discretion necessary for carrying this Act into effect."*

I see no reason why these powers should not be vested in the workmen's inspector. In the absence of these powers his usefulness would be largely destroyed and the purpose for which he is to be appointed largely defeated. The carrying of the amendment could not result in harassing of mine managements.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. F. CULLEN: This paragraph we have already practically, if not technically, voted out. It would place an inspector on the same footing as the Minister, and allow him to act on discretion. That power should only be used by the Minister himself. It would lead to endless trouble and confusion.

Hon. J. CORNELL: My only object is to safeguard the working miner. Paragraph (a) gives the workmen's inspector power to make examinations with a view to seeing whether the provisions of the Act are being complied with. If he should find those provisions are not being complied with then, subject to paragraphs (d) and (e), he can take action. But in many instances it is necessary to the protection of the miner that certain things should be done there and then, and in this respect it is essential that the check inspector should have the same power as a district inspector. He should be able to say "That timber must be put in there now," or "That work must be discontinued now." The whole object of the measure is the provision of safer conditions for the working miner. It is of no use giving the workmen's inspector power to walk around, take notes and report to the district inspector. He must have sufficient power to insist on immediate action being taken in certain circumstances. That is all the

power asked for. The amendment is essentially reasonable. It is not intended that the proposed new paragraph should destroy what is provided in paragraphs (d) and (e).

Hon. A. G. JENKINS: The amendment proposes to give powers covering the whole of the provisions of the measure. That is just what the Committee do not desire. The Committee have said "We will agree to workmen's inspectors having all reasonable powers, but we are not going to give them general powers." We are giving the workmen's inspectors all the powers of district inspectors with this one exception.

Hon. J. Cornell: And this is the essential thing.

Hon. A. G. JENKINS: I do not think it is.

Hon. H. MILLINGTON: In the event of a workmen's inspector detecting an infringement of the provisions of the Act he should have power to direct that it shall cease. He has all the power necessary, except the power to stop any breach of the Act. Give him the power to order anyone breaking the regulations to cease doing so, and I shall be satisfied. Most certainly when an inspector detects a breach of the regulations he should have power to say this breach shall cease. Even those opposing the amendment intend that an inspector shall have that power, but without the amendment the power will not be provided.

Hon. A. G. JENKINS: Section 36 of the existing Act undoubtedly meets the case. Under that any and all inspectors will have the power now asked for.

Amendment put and negatived.

Clause as previously amended agreed to.

Clauses 11 to 14—agreed to.

New clause—Regulations and by-laws:

Hon. J. F. CULLEN: I move—

*That the following be added to stand as Clause 14:—"(1.) Any regulation or by-law made or purporting to be made under or by virtue of this Act shall—(a) be published in the "Gazette"; (b) take effect from the date of publication or from a later date to be*

*specified therein; and (c) be judicially noticed, and unless and until disallowed as hereinafter provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid.*

*(2.) Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. (3.) If either House of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute."*

It is the usual clause reserving to either House the power to disallow regulations. Unless there is any opposition to it I will not detain the Committee by speaking upon it.

Hon. J. CORNELL: I question whether the clause is in order. The parent Act apparently provides in Section 63 all that is required. If the clause comes in as a new clause there will be two clauses dealing with the amendment of regulations. Will it be necessary to move a further clause to delete Section 63 of the parent Act?

The CHAIRMAN: The new clause is quite in order; it is purely a matter of drafting.

Hon. J. F. CULLEN: The hon. member was unwittingly misleading. The clause he was alluding to is not in the parent Act, but is in the Interpretation Act. It is not possible to amend the Interpretation Act in this Committee, and I will therefore stand by my proposed new clause.

Hon. J. CORNELL: I oppose the new clause. The Committee is at fault in what it proposes to do. Mr. Cullen has advanced no reason why the clause should go in. I take it that the clause dealing with regulations in the parent Act is based on the Interpretation Act. If Mr. Cullen had brought forward one instance

where, in the nine years working of this Act, the regulations had operated harshly, he would probably have had some justification for bringing forward the proposal. I think the proposal is inconsistent and has nothing to commend it except when the administration, by harsh regulations, endeavours to override the statute under which the regulations are made.

Hon. J. F. CULLEN: Either House can disallow a Bill and prevent it becoming an Act. How much more reasonable then is it that either House can prevent the administration from going beyond what is contained in an Act under the guise of regulations? This House has insisted on this in every important Bill for some time past, and in nearly every case it has been accepted in another place.

New clause put and a division taken with the following result:—

Ayes	..	..	..	15
Noes	..	..	..	4
				—
Majority for	..	..	..	11
				—

#### AYES.

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. H. Carson	Hon. A. G. Jenkins
Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colclach	Hon. E. McLarty
Hon. F. Connor	Hon. W. Patrick
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. J. Duffell	Hon. C. F. Baxter
Hon. Sir J. W. Hackett	(Teller).

#### NOES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. M. Drew	Hon. H. Millington
	(Teller).

New clause thus passed.

New clause—Repeal of Section 16:

Hon. A. G. JENKINS: In the parent Act Section 16 provides that a majority of persons employed in any mine at their own cost may appoint two of their number, etc., to inspect the mine. That clause is not necessary in view of the fact that we are giving power to appoint workmen's inspectors. I move—

*That the following be added as a new clause:—"Section 16 of the principal Act is hereby repealed."*

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

#### Recommittal.

On motion by Hon. A. G. JENKINS Bill recommitted for the purpose of re-considering Clause 9.

Clause 9—Workmen's inspectors under authority of district inspectors:

Hon. A. G. JENKINS: I move an amendment—

*That all the words after "be" in line 1 be struck out and the following inserted in lieu:—"appointed for a term not to exceed two years, but they shall be eligible for re-appointment. A workmen's inspector may be removed from his office by the Minister for any cause which the Minister may, in his discretion, deem sufficient."*

Clauses 5 and 9 deal with the appointment of inspectors, but, while power of appointment is given, subject to the approval of the Minister in the case of workmen's inspectors, and they hold office for two years, there is no power of dismissal. I hold that the Government which pays the salary of these workmen's inspectors should have the power of dismissing.

The COLONIAL SECRETARY: The amendment is not necessary, because Clause 8 defines the terms and conditions of appointment of all inspectors, and it is there provided that the term of appointment of a workmen's inspector shall be fixed from time to time by the Minister. The Minister has power to discharge any inspector in circumstances which are set forth in the regulations.

Hon. A. G. JENKINS: In Clause 5 it is provided that every inspector shall be under the control of such person as the Minister may from time to time appoint. Undoubtedly the Government have power of appointment and the Minister will say that an inspector shall be subject to certain control, but that control will be defined by regulations. Under Clause 9 it is provided that a workmen's inspector shall be under the authority of a district inspector. Will any member of the House tell me the exact meaning of

these words. They may have some moral effect but no more. Why put into the Act words which have no meaning? With regard to the question of dismissal, the Colonial Secretary is wrong when he says that Clause 8 may be deemed to include also powers of dismissal to the Minister. There might be very good reason for dismissing a workmen's inspector which could not be embodied in regulations. That being so, where would the power be or the authority to dismiss him? I can assure the House that unless that power is inserted in this Clause there will be no power to the Minister to dismiss workmen's inspectors.

Amendment put and passed; the clause as amended agreed to.

Bill again reported with a further amendment.

#### BILL—LICENSING ACT AMENDMENT CONTINUANCE.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

New clause:

Hon. H. P. COLEBATCH: I move—

*That the following be inserted to stand as Clause 3:—"Section 3 of 'The Licensing Act Amendment Act, 1911,' is amended by adding the following proviso:—Provided that during the continuance of this Act (notwithstanding anything in "The Licensing Act, 1911," whereby or in pursuance of the provisions of such Act, or by any license or special permit heretofore or hereafter granted thereunder) where a time before the hour of nine o'clock in the morning or after half-past nine o'clock at night is prescribed as the earliest or latest time respectively at which liquor may be sold or disposed of in any licensed premises or club premises, the said and all other provisions of such Act and every such license or special permit shall be read and construed and given effect to as if for such earliest time there were substituted the said hour*

*of nine o'clock and for such latest time the said hour of half-past nine o'clock."*

I do not propose to repeat the arguments in this connection. Some hon. members are strongly against Parliament regulating the hours, but members of this Chamber have not had an opportunity of hearing the arguments used against it. I have mentioned 9.30 p.m. as the closing hour. Several members have intimated that they would prefer 9 p.m., but that is a matter on which we can vote without discussion. The proposed new clause is identical with a provision in the Victorian Act.

The COLONIAL SECRETARY: I oppose the proposed new clause. In 1911-12 the principle of local option was affirmed by Parliament. It was affirmed with the approval of all political parties and the presence of Part V. in the Act is a testimony to the fact that it has received widespread endorsement. The mainspring of that principle is that it shall be left to the electors to decide what they require in regard to the regulation of the liquor traffic. The proposed new clause means a violent departure from that principle. It will take away from the people the right conferred on them by the Act of 1911 to express an opinion on this question. The hon. member said Parliament should take the responsibility. I reply that Parliament has no right to usurp the functions which the people have already said shall be theirs. The hon. member argued on a previous occasion that the present conditions justified the intervention of Parliament. The war was raging last October when the general elections were held and I am not aware that the question of restricting the hours for the sale of liquor came into prominence on the lines suggested by Mr. Colebatch. We would be taking a very serious responsibility if we decided to fix the hours for the opening and closing of hotels without reference to the people under the terms of existing legislation.

Hon. H. P. COLEBATCH: I have not heard so ridiculous a proposition set up as that by the Minister that the Licensing Act of 1911 conferred on the people of the State the power to say what should be enacted as a war emergency measure.

We are told that the Sale of Liquor Regulation Bill is in harmony with the existing Act. It does violence to the existing Act in every particular. The existing Act contemplates that the licensing laws of the State shall be uniform, whereas that Bill proposes that they shall vary according to the wills of the people in every community. If the Sale of Liquor Regulation Bill is carried into law, six o'clock will be the closing hour in some districts and in other districts there will be no restriction whatever, and that is the object of the Government. The Government even now give the goldfields hotels special permits to keep open till one a.m. If this is to be done as a matter of war emergency, it should apply to the whole of the State. If there is any excuse for reducing the trading hours of hotels to encourage the people to economise consequent on the war, is not it equally necessary all over the State? I cannot imagine any argument in favour of different closing hours in different parts of the State if this is a war emergency measure to encourage economy.

*Point of Order.*

Hon. J. W. Kirwan: I desire your ruling, Sir, as to whether the proposed new clause is in order. Standing Order 193 states—

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Rules and Orders of the Council.

The proposed new clause fixes definitely the hours at which hotels shall be opened and closed. The Bill is for an Act to continue the operations of an existing Act, and I ask your ruling as to whether the proposed new clause is relevant to a Bill for such a purpose.

The Chairman: Thinking this point might be raised, I have already given it some consideration. Reading Standing Order 193 in conjunction with Standing Order 198 I think the proposed new clause might be taken as being in order. Standing Order 198 reads—

If any amendment has been made in the Bill not coming within the original title, such title shall be amended and a question put—"That this be the title of the Bill," and the amendment thereof shall be specially reported to the Council.

In the circumstances I rule that the proposed new clause is in order. If the hon. member wishes to dissent from my ruling he can do so at once and I will report to the House.

Hon. J. W. Kirwan: I do not wish to dissent but I point out that the proposed new clause alters the whole scope of the Bill.

The Chairman: The new clause does not come within the original title, but where any amendment does not come within the original title, the title shall be amended. This gives power to make such an amendment and the proposed new clause is in order.

*Committee resumed.*

Hon. J. CORNELL: I move an amendment to the proposed new clause—

*That "nine" be struck out and "eight" inserted in lieu.*

I have already indicated how far I am prepared to go in this matter. There is no analogy between the present war emergency Bill and the local option provisions. The referendum Bill largely destroys the principle of local option. My vote will be in the direction of Parliament fixing hours from eight in the morning till 10 o'clock at night. In my opinion, the liquor question has not much bearing on the war. I believe that the whole country, the temperate man as well as the man who takes liquor, will be with us if we carry this amendment.

Amendment negatived.

Hon. A. J. H. SAW: I move an amendment—

*That the words "half-past" in line 5 of the proviso be struck out.*

Hon. F. CONNOR: Half an hour is not worth discussing in this connection. In my opinion, the closing hour should be either 9 o'clock or 10 o'clock. To quibble over the fraction of an hour is wowslerism.

run rampant. Let us remember that the hotelkeepers have vested interests. I myself have no monetary interest whatever in hotel property. Later I intend to move that the closing hour be 10 o'clock.

Hon. A. SANDERSON: Anything more calculated to bring Parliament into contempt than the discussion we have had for the last half hour is difficult to conceive. The principal Act was passed unanimously by both Houses for the purpose of giving the Government power to deal as they please with public houses during war time. Surely the Government should have that power now. By some extraordinary procedure we find ourselves discussing the question of the referendum on this Bill, which I believe the great bulk of the people, and also the great bulk of members of Parliament, are prepared to see on the statute-book.

The CHAIRMAN: The hon. member should be discussing the question of the striking out of the words "half-past."

Hon. A. SANDERSON: Without any strong opinion of my own, how am I to give an independent vote on what my 15,000 electors want? Assume we do our best, does anyone imagine it would be accepted by another place?

Hon. C. F. Baxter: We hope so.

Hon. A. SANDERSON: It is quite beyond us to fix an hour satisfactory to the public, or even one satisfactory to ourselves. The Bill should be put through without amendment. In the somewhat difficult circumstances, I am prepared to vote against all these new clauses. Let the Government have the power and the responsibility of closing the hotels. The question of the referendum can be discussed on another Bill.

Amendment put and passed.

Hon. J. F. CULLEN: I hope the Colonial Secretary will take a different view of the proposed changes in this Bill. The present proposal, if carried, will be a valuable experiment, and will serve to guide public opinion, as well as to form it, on the whole licensing question. If we experiment on closing from nine to nine during war time, public opinion will be considerably altered during that period. Why should not Par-

liament take the responsibility? It is easy to make loud professions of support to temperance, and then submit proposals which are not going to be carried. I make bold to say that if the referendum is placed before the country, the whole of the temperance people will be bitterly disappointed. In the rural districts, where reform, comparatively speaking, is hardly necessary, because the people have largely regulated the traffic themselves, the hours will be shortened, whilst in the metropolitan and goldfields areas the hours will remain as they are now, if Mr. Colebatch's proposal is defeated.

Hon. F. CONNOR. I move an amendment—

*That the word "nine" in line 6 be struck out and "ten" inserted in lieu.*

Amendment (that the word "nine" be struck out) put and a division taken with the following result:—

Ayes	..	..	3
Noes	..	..	15
			—
Majority against	..		12
			—

#### AYES.

Hon. J. Cornell	Hon. F. Connor
Hon. H. Millington	(Teller).

#### NOES.

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. A. G. Jenkins
Hon. H. Carson	Hon. E. McLarty
Hon. E. M. Clarke	Hon. W. Patrick
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. H. P. Colebatch
Hon. Sir J. W. Hackitt	(Teller).

Amendment thus negatived.

Hon. H. MILLINGTON: I am opposed to this clause going into the Bill. I am at a disadvantage as compared with some hon. members. I do not know where they get their information, but they have an advantage over me in that they are prepared to state definitely just what hour will be chosen under the referendum as the closing hour of hotels in different parts of the State. Mr. Cullen declared that the country districts would vote six o'clock; he declared, and I presume he has inside information,

that the goldfields will vote eleven o'clock; and he also mentioned the hour which the metropolitan area will vote for. I have not yet been able to form an opinion on this subject, and for that reason I object to the clause being inserted in the Bill. If there be one question on which the people should be allowed to speak, and on which only the people can speak, it is the question as to the hour at which hotels shall close. Not having had an opportunity of getting the opinion of those I represent here, I propose to allow them the opportunity of saying what that hour shall be. I make this explanation lest some people might be under misapprehension as to my reason for crossing the Chamber in the division just taken.

New clause as amended put and passed.

New clause:

Hon. H. P. COLEBATCH: I move—

*That the following be inserted to stand as clause 1:—"Section 6 of 'The Licensing Act Amendment Act, 1914,' is repealed and the following section is substituted:—During and in respect of such period as the closing time for the sale of liquor is fixed under this Act, or by any proclamation issued under this Act, at an earlier hour than the closing time except for this Act, a lessee of licensed premises shall be allowed by his lessor a proportionate reduction of the rent of the premises, in the same ratio to the full rent as the reduction in hours bears to the time during which the premises might have been lawfully open for the sale of liquor except for this Act, and a like proportionate return of the premium (if any) paid by the lessee to the lessor for such period. Provided that if any party considers himself unduly penalised by the incidence of this section, then he may refer the question of adjustment of rent to the Chairman of the Licensing Court for the district in which the licensed premises are situated as sole arbitrator under the Arbitration Act of 1895, and the arbi-*

*trator may in his discretion award that the rent and premium to be payable by the lessee or sub-lessee during such period shall be at such reduced rate as the arbitrator shall in the circumstances of the case deem reasonable, and his award shall be binding upon the parties and final. Provided that this section (a) shall only apply to premises for which a publican's general license, an hotel license, a way-side house license, an Australian wine and beer license, a railway refreshment-room license, or a railway restaurant car license is held; and (b) shall not apply to premises not licensed at the commencement of the lease, unless the amount of rent or premium (if any) was fixed in view of a prospective license. In this section of the Act "Lessee" includes the mesne lessee and an assignee of a lease and a sub-lessee, and any person paying a premium for a lease. "Lessor" includes a mesne lessor and the person for the time being entitled to the rent of the premises, and any person receiving a premium for a lease."*

Section 6 of the 1914 Act provides for partially reduced rents in cases where the Government close hotels at unusual hours by proclamation. That will hardly be applicable in this case, to hotels closed from 9 to 9. Therefore it will be necessary to amend that clause referring to reduction of rent to cover not only hotels closed by proclamation but also reduction taking place by reason of this Bill. The clause I now move to insert is the same as appears in the referendum Bill.

Hon. J. CORNELL: The new clause already agreed to provides that hotels shall be open from nine to nine. It is now proposed that the rents shall be correspondingly reduced. My reading of the clause is that the rental is to be fixed on the amount of the turnover. In my opinion the rental of the premises is fixed not on the turnover but on the amount of the capital invested. It seems to me a case of grab all and grab everything.

Hon. J. F. CULLEN: I move an amendment—

*That the following proviso be added at the end of the proposed new clause: "Provided also that the Government shall in like proportion rebate the license fee, and the Railway Commissioner the rental of railway bars."*

If the hours are to be reduced I think it only fair that the Government should make an abatement from the license fee and that the Railway Commissioner should also reduce the rental of the railway bars.

Hon. E. McLARTY: I am sure the proviso must commend itself to hon. members. It would be most unfair to reduce the hours without making any abatement in the heavy license fees imposed on licensees. Hotel-keepers have paid their license fees on the understanding that they may keep their houses open for trade from 6 o'clock in the morning till 11 o'clock at night. In view of the proposed reduction of hours there is an obligation on the Government to make a rebate in proportion to the loss the hotel-keepers will sustain.

The CHAIRMAN: I do not think the amendment can be regarded as being in order. It involves an appropriation of the payment of revenue. I therefore rule it out of order.

Hon. J. F. CULLEN: I submit that it does not.

The CHAIRMAN: If the hon. member wishes to disagree he must do so at once in writing.

Hon. J. F. CULLEN: Well, I will not proceed. I will deal with it at another time.

New clause put and passed.

New clause—Treating:

Hon. J. F. CULLEN: I move—

*That the following be added to stand as Clause 5:—That during the continuance of this Act it shall be an offence if any person treats another to intoxicating liquor. 'Treating' shall mean ordering or paying for liquor for another person. Penalty £5.*

In quite a number of military centres in Great Britain this has been the law

for some time, and now it is being applied to the whole of Greater London as the most effective measure for restricting the consumption of liquor during this time of war, when everybody desires to see the resources of the people husbanded. The fact that this law is operating satisfactorily in Greater London should commend it to hon. members. It is the most effective way of restricting the consumption of liquor. Surely the most unkind thing that can be done to men who are about to risk their lives in defence of their country is to take away their senses under the guise of hospitality. If the proposed new clause is carried it may be necessary to add an interpretation of the term "liquor."

Hon. J. J. HOLMES: I support the amendment. On the Address-in-reply I referred to the fact that the Government proposed to bring down legislation to deal with the drink traffic, and I said that the solution of the problem would be to make shouting a punishable offence. I am delighted to find that I have one convert in Mr. Cullen. I believe we will solve the drink problem if we tackle it by the means suggested in this amendment. I am certain the day will come soon when this House and the country will have to deal with the shouting question in this manner. The shouting principle has become a pest in the community and the sooner we start upon it the better. In England shouting is almost in its infancy, whereas in Australia it has grown to be a pernicious system. In England we find that they have, for months past, in certain areas, made shouting a punishable offence. According to a recent cablegram, a man was fined 40s. for contravening the regulation on this question. On the 26th September we saw another cablegram, which stated that prosecutions of drunkards had dropped 40 per cent. since the application of the non-shouting principle. It was also shown that there was a gratifying increase in the sobriety of the seamen and firemen, and a marked improvement in the case of the shipping yards and the attendance of munition workers

to their duties. Only to-day I read that the ban upon shouting in public houses in the north of England was ruining the liquor trade. According to the head of one large firm affected by the order, where the publicans took hundreds of pounds they now only take ten pounds. The head of the firm in question denied that the charge of extending hospitality meant that men quickly tired of each other's society and disappeared. It was rare indeed, according to this gentleman, for a man to call for a second drink when he had to pay for it himself. If we attack the shouting aspect, there will be no necessity to restrict the hours of opening of hotels, and publicans can keep open for 24 hours if they choose. As a matter of fact they will probably save their lighting and other expenses by closing earlier, because there will be no trade. Penalties are necessary in connection with an amendment of this sort. I would go to the extent of making it a punishable offence, and I should punish the bar attendant if he was found accepting money from any person in payment for a drink for any other person, and cancel his license, and in the case of the publican who took money from a person, in payment for a drink for another, I should cancel his hotel license. So far as the public and the temperance party are concerned, I think they would be prepared to allow the publican to fix his own opening and closing hours under such conditions. Young men, before they know where they are, under the shouting principle are soon in the hands of drink. No young man starts out to drink because he likes it, but because the other fellow wants to drink and he thinks it is his duty socially to take part. Once having acquired the desire for drink it is too late to do anything for him. By a proposal of this sort we may help the young man of the future.

The COLONIAL SECRETARY: This measure has degenerated from a public Bill into practically a private measure. I should be justified in exercising a vote in accordance with my personal idea on the question. My idea is thoroughly in

accord with the views expressed by Mr. Cullen and Mr. Holmes. I have given the matter careful consideration, and come to the conclusion that shouting and treating are the root of the whole evil in connection with drunkenness. I am of opinion that nine-tenths of those who become drunkards have become so owing to the shouting and drinking habit. Consequently, if my vote can be of any help in getting this amendment through the Legislative Council, and if it ultimately receives the sanction of the Legislative Assembly, I shall feel amply rewarded, even if I am not acting in accordance with what the Government desire. I may say I do not know what the Government desire, because I have not consulted them in the matter.

Hon. H. CARSON: The amendment has my hearty support. I believe it is going to solve the liquor question to a large extent. I noticed that liquor was actually being forced upon a soldier in Perth the other day. Publicans ought to be prosecuted for serving drunken men. We are passing this measure because money is being wasted on drink. If the clause is passed I think it will have a better effect in this respect than closing hotels at an early hour.

Hon. A. J. H. SAW: I thought the hon. member was introducing a Bill in favour of a gentleman named "Jimmy Woodser," but I find that this is not so. I find that it still allows a man to have a drink by himself, but will not allow him any longer to fall back upon the liberality of his friends. This proposal strikes one of the hardest blows at the gentleman called "Jimmy Woodser" that he has ever received. I support the proposal, because I think it is a practical way of dealing with the drink question, and that it is nipping it in the bud.

Member: Nipping?

Hon. A. J. H. SAW: I believe if the proposal is carried, it will do more good than the proposal to restrict the hours of the sale of liquor.

Hon. F. CONNOR: I intend to give the proposal my support, with certain qualifications. I think that the clause

as proposed might be of value to me personally, but in a case of this sort we have to look at the matter from a broader standpoint. It is, in fact, a national question. I will support the clause provided there is something more added to it—something it requires to make it effective. We know that evasions of the law are possible, and I am so terribly in accord with the measure that I do not wish this clause to be passed unless it be in such way as to render evasion impossible. I move an amendment—

*That after "treating" the following words be added:—"selling a horse," "tambaroora," "a bob in," "Murrumbidgee," "cork loo," and "a poker hand."*

The CHAIRMAN: I cannot accept the amendment, because the language is not suitable to an Act of Parliament.

Hon. H. P. COLEBATCH: I move a further amendment—

*That after the words "all liquor" the words "on licensed premises" be inserted.*

Amendment passed.

Hon. F. CONNOR: I move a further amendment—

*That after the words "licensed premises" the words "or in Parliament House" be inserted.*

Amendment passed.

Hon. J. CORNELL: It is childish to argue that the practice of shouting is injurious. Undoubtedly the consumption of alcohol is injurious to the system particularly if it has been inculcated in childhood. If it has been, when such person has grown to manhood he will use alcohol whether anyone shouts for him or not, and I can speak with authority on this question. I have knocked about shearing sheds, stations and mining camps in every part of the Commonwealth since I was 14 years of age and though alcohol was inculcated in my childhood I have not become a drunkard. It is ridiculous to think we shall make men sober by stopping the practice of shouting. When bushman meets bushman and there is a pub handy one will immediately ask the other to "do it." That is because of the environment in

which they are placed, it is the only form of hospitality available to them. The practice of shouting is after all one outcome of the conditions of our own country as much as of anything else. As to the money-saving aspect of the question, if a man takes two or three friends into Albany Bell's for afternoon tea is he not also spending money? It has been said that the practice of shouting is responsible for many men being to-day in the Inebriates' Home and of others being in Claremont. I venture to believe that Dr. Saw will agree with me that more men have gone to Karrakatta through over-eating than anything else. By placing this amendment in the Bill you are not going to stop the practice of extending hospitality. If the clause finds its way on to the statute-book the police will wink at it. If the clause be agreed to and the Bill becomes operative I would remind those members favouring it of the proverb "Blessed is he that expecteth little for he shall not be disappointed."

Hon. E. McLARTY: I am not prepared to believe that if a man is inclined to take a drink that preventing people from shouting for him will keep him sober. I have as bitter a hatred of drunkenness as any man in this country. The question does not affect me personally; I have not been a heavy drinker in my life and for some years I have not taken a drink of any kind. But I am not going to vote for this clause. I hold that if I meet a friend and he and I feel disposed to have a glass of beer I have every right to shout for him. I do not for a moment believe that this clause, if passed, will have any effect, and I cannot understand why this House should pass any Act which is not likely to be carried out. For my part, I object to placing on the statute-book anything which it is not intended shall be carried out. If this amendment be carried, it will be the means of making people break the law. This is pandering to the teetotal class and is going too far.

Hon. C. F. BAXTER: Mr. Cornell said if children were educated in this matter, there would be no fear of them

taking to drink. I do not think there is a mother who does not make plain to her children the evils of drinking. These evils are mainly due to shouting. Eighty per cent. of the drunkards owe their downfall to shouting. The trouble does not arise from one man treating a friend but when five or six men meet, one shouts and the rest feel under an obligation to return the compliment, and the result is that they shout until they become incapable. I support the proposed new clause.

New clause as amended put and passed.

Title:

The CHAIRMAN: It will be necessary to amend the Title.

Hon. H. P. COLEBATCH: I move an amendment—

*That after "to" in the Title the words "amend and" be inserted.*

Amendment passed.

Title as amended agreed to.

[The President resumed the Chair.]

Bill reported with amendments, also an amendment to the Title.

#### *Recommittal.*

On motion by Hon. J. F. CULLEN, Bill recommitted for the further consideration of Clause 5.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.  
Clause 5—Treating:

Hon. J. F. CULLEN: I move an amendment—

*That the words "or in Parliament House" be struck out.*

Hon. J. J. HOLMES: Why should Parliament House be excluded? Surely if it is reasonable to make it an offence for one man to shout for another in a hotel or a club, the same should apply to the bar of Parliament House.

Hon. W. Patrick: The reason is there are no means for carrying out the law at Parliament House.

Hon. J. J. HOLMES. My argument is logical, and I would like an explanation for this distinction.

Hon. J. F. CULLEN: The bar at Parliament House is not under the Licensing Act, nor is Parliament House under any

such law, and there could be no possible machinery for carrying out the Act. Parliament is a law to itself within its own premises.

Hon. H. P. COLEBATCH: When the new clause was put, I was the only one who voted against it, and therefore I was unable to call for a division. If these words are retained, the clause will be exposed to ridicule. It is well known that Parliament is the sole arbiter of its own doings. The policeman is not allowed in the lobby, and there would be no one to see if an offence was committed. If members want to make the provision look ridiculous, they should retain the words proposed to be struck out.

Hon. F. CONNOR: I do not wish to make Parliament House appear ridiculous but I would like to make this wowserism, which it is attempted to introduce into our legislation, look ridiculous. We have to consider the wishes of the people outside the metropolitan and agricultural areas. This provision will not meet with the approval of the people on the goldfields or in the far North. This is grandmotherly legislation of the worst type. Without any disrespect to the hon. member, I was going to say it is worthy of him. I support the amendment.

Hon. E. M. CLARKE: What is sauce for the goose is sauce for the gander. If it is to be an offence to shout outside Parliament House, it should certainly be an offence to shout inside Parliament House.

Hon. A. SANDERSON: This matter is of more importance than one might think. I do not regard any portion of the discussion to-night as serious, and nothing could be more ridiculous than excluding Parliament. I can only enter my strong protest against the extraordinary procedure which has characterised the discussion on this Bill. Let us do away with shouting here, and put ourselves on a proper level. I conclude with a final protest against the attitude of the Committee. It is holding Parliamentary procedure up to ridicule to take the Bill out of the hands of the leader of the House and tear it into ribbons.

Hon. J. J. HOLMES: It was I who raised the point why the Bill should not apply to Parliament if it applied to clubs. It has been said that the object of the amendment is to wreck the Bill. However, I should prefer to see the measure applied to Parliament House.

Hon. H. MILLINGTON: Those hon. members who are opposed to shouting will, if this Bill becomes law, at least be morally bound not to shout for any person on these premises. If I am a party to any legislation, I do not desire special reservations in favour of myself. If this Bill passes, and if those responsible for its passage do not observe its provisions, then, even although the law does not compel them to observe those provisions, their behaviour will be something worse than inconsistent. I am satisfied that the majority of members would consider it a serious inconvenience if they could not shout when they felt so disposed. Like Mr. Sanderson, I have not taken this measure seriously. The referendum Bill is the one which should be dealt with.

Hon. F. CONNOR: My reason for moving the inclusion of Parliament was to throw as much ridicule as possible on the Bill.

The CHAIRMAN: The hon. member is out of order in taking any action for the purpose of casting ridicule on the proceedings of the Committee.

Hon. F. CONNOR: If we are going to be governed by laws which will prohibit time-honoured customs, if we are going to be governed by wowserism, this country is no place for me. A member of Parliament has no right to be exempt when the man in the street is not exempt. I do not think there is any disrespect in my having moved that Parliament be included in the operation of this measure. While I have no intention of calling for a division on this question, I think an inconvenience imposed by Parliament on the general citizen should also be borne by members of Parliament.

Hon. J. CORNELL: Within the precincts of Parliament House no law operates. Parliament is a law unto itself. If shouting is an offence in a hotel, it

should be an offence here. I do not think members of Parliament possess, in this respect, any more fortitude than the man in the street. It seems to me that the clause as drafted does not cover registered clubs, and I propose to move an amendment in that direction later on. My view of the clause is borne out by the definition of licensed premises in the referendum Bill.

The CHAIRMAN: Is the hon. member discussing the striking out of the words "or in Parliament House"?

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

Ayes	..	..	..	8
Noes	..	..	..	6

Majority for .. 2

#### AYES.

Hon. C. F. Baxter	Hon. J. Duffell
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. F. Cullen	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. J. J. Holmes
	(Teller).

#### NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. F. Connor	Hon. A. Sanderson
Hon. J. Cornell	Hon. H. Millington
	(Teller).

Amendment thus passed.

Clause as amended put and passed.

Bill reported with amendments, and the report adopted.

*House adjourned at 10.19 p.m.*