

Legislative Assembly.

Thursday, 15th October, 1936.

	PAGE
Bills: Land Tax and Income Tax, 1R.	1152
Supply (No. 2), £1,600,000, all stages	1152
Petroleum, 3R.	1159
Justices Act Amendment, 3R.	1159
Electoral Act Amendment, report	1159
Industrial Arbitration Act Amendment, 2R.	1159
Reciprocal Enforcement of Maintenance Orders Act Amendment, 2R., Com.	1164
Factories and Shops Act Amendment, 2R.	1167

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

BILL—LAND TAX AND INCOME TAX.

Introduced by the Premier and read a first time.

BILL—SUPPLY (No. 2) £1,600,000.

Standing Orders Suspension.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.34]: I move—

That so much of the Standing Orders be suspended as is necessary to enable resolutions from the Committees of Supply and Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees, and also the passing of a Supply Bill through all its stages in one day.

Question put and passed.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Committee of Supply.

The House having resolved into Committee of Supply, Mr. Sleeman in the Chair.

THE PREMIER: I move—

That there be granted to His Majesty on account of the services of the year ending the 30th June, 1937, a sum not exceeding £1,600,000..

This is the second Supply Bill introduced during the present session. It will provide for a further two months, pending the passing of the Estimates. The first Bill, which was passed early in the session, granted Supply for three months until the end of September. That is now exhausted. The amount applied for in the present Bill is, from Consolidated Revenue fund, £1,250,000, and from General Loan fund, £350,000, making a total of £1,600,000. The Supply

making a total of £1,60,000. The Supply Bill No. 1 granted from Consolidated Revenue fund £1,300,000, from General Loan fund, £600,000, and from Treasurer's Advance, £300,000, making a total of £2,200,000. The expenditure for the three months, July, August and September, out of the Supply granted was, from Consolidated Revenue fund, £1,607,684, and from General Loan fund £557,021, or a total of £2,164,705. That does not include expenditure under special Acts. The total expenditure for the three months ended the 30th September, including special Acts, was as follows:—

	£
Special Acts	1,002,859
Governmental	696,835
Public Utilities	910,849
	<hr/>
	£2,610,543

Interest and sinking fund included in special Acts amount to £911,706. Exchange on remittance to London, £156,482, and drought relief to settlers, £18,670, are included in Governmental. The revenue for the same period was:—

	£
Taxation	520,565
Territorial	130,393
Commonwealth Grants	318,359
Public Utilities	1,249,159
All other	213,079
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	£2,431,555

The deficit for the first three months of the current financial year was £178,988, as compared with £241,857 for the same period of last year.

Hon. C. G. Latham: You do not take into consideration the additional Commonwealth grant of £200,000 last year.

THE PREMIER: No. We do not even take in the £100,000 additional which was granted last year as against the previous year.

Hon. C. G. Latham: Did you take into consideration the reduced amount for this year?

THE PREMIER: Yes. I am just going to give the particulars. The Commonwealth grant received for the first three months of the financial year amounted to £200,000. That was based on last year's payment of £800,000 and represented £25,000 per month more than we shall get for the balance of the year. Therefore we must deduct £75,000 on account of the Commonwealth grant hav-

ing been reduced to £500,000. The amount over-received is to be adjusted during the next two months. Taking this into account, therefore, the deficit for the first three months was actually £253,988. The deficit for the same period of last year was overstated for the reason mentioned by the Leader of the Opposition; the grant was under-paid during the first three months to the extent of £50,000. Therefore the deficit at the same stage last year should actually have been £191,857. We are therefore £62,131 worse off for the first quarter of this year than we were for the first quarter of last year. Further, it must be borne in mind that we still have a deduction of £225,000 to be made on account of the Commonwealth grant over the remaining nine months of the year. If we carry on proportionately during the remaining three-quarters of the year, the deficit will be somewhat over a quarter of a million.

Hon. C. G. Latham: There is always a half-yearly adjustment, of course.

The PREMIER: Yes, but a comparison with the same quarter of last year would indicate whether we had done as well. I do not know whether we shall do as well as we did last year. The precarious position of the pastoral and agricultural industries, which is very much worse than it was last year—

Hon. W. D. Johnson: Considerably worse as regards the agricultural industry.

The PREMIER: Yes, and also worse in the pastoral areas. The pastoralists had had little or no rain over a period, and as they have had none since, the position must be worse.

Mr. Marshall: It is the worst year on the Murchison for 40 odd years.

The PREMIER: That must have an effect on revenue. If the figures for the first quarter of the financial year are maintained, we may expect to finish the year with a deficit of about a quarter of a million, but agricultural and pastoral industries, it seems that the financial position of the State will on account of the adverse conditions in the become worse. Then it will be necessary to advance, out of revenue, payments to the people who are in distress, so it appears that we shall have a deficit at least equal to the amount by which the Commonwealth reduced the grant to this State, namely £300,000. Of course, we intend to do our best to get as near as possible to balancing

the Budget. Because the Commonwealth have reduced the grant to the State by £300,000, we are not going to adopt an attitude of letting things slide, or of saying that, so long as we get within £300,000 of Budget equilibrium, we shall be satisfied. We shall endeavour, by strict economy in every direction, to keep the deficit down to the lowest possible limits, but on account of the adverse conditions mentioned, we shall apparently be worse off for a certainty, and probably considerably worse off than even the amount of the grant reduction. We have a deficit of £62,000 for the three months, and to that must be added the loss of £225,000 over the next nine months, as compared with last year, when we finished with a surplus of £88,000. Thus, if the conditions were such that we could do as well as we did last year, we would still have a deficit of well over a quarter of a million pounds. The position is, therefore, rather serious. Though I am asking for Supply for two months, I assure the Committee and the country that the State is in a rather precarious financial position, and if generous and favourable consideration cannot be extended to members and others in their requests for payments from revenue, the refusal will be due not to a desire to withhold consideration or assistance but to sheer inability to provide the money desired.

HON. C. G. LATHAM (York) [4.46]: I would like the Premier to tell us what the Government propose to do to assist the farmers after the end of the present month. I understand that certain farmers in necessitous circumstances have been granted assistance, married men at the rate of £6 and single men at the rate of £4 a month, and that the funds will have been expended by the end of this month. There is no other fund that I know of available to assist those farmers. The men for whom we are asking assistance are those who have suffered from drought for two years. The farmers in the northern districts suffered rust in one year and drought in the two succeeding years. Unless assistance can be granted, there is only one alternative for those men, and that is to walk off their holdings. At the moment they are in just the frame of mind to do that; there seems to be no prospect ahead of them. If they walk off their holdings, they will join the ranks of the un-

employed who already are causing the Government considerable worry. I hope the Government will find some money with which to carry on those farmers until the Premier is able to discuss with the Loan Council the precarious position of the agricultural industry and, of course, the pastoral industry as well. I do not expect that the pastoralists will approach the Government for direct assistance so much as will the farmers.

The Premier: We have already passed a Bill in the interests of the pastoralists, and that will make a difference to revenue.

Hon. C. G. LATHAM: Yes, there will be a big loss of revenue on account of the pastoralists' inability to pay their rents, but in addition to the farmers being responsible for a big loss of revenue, they have no money with which to carry on. The other day I received a notification—I dare say the Premier received one also—that the country storekeepers find themselves in a strained financial position, and that they must refuse credit. I believe that credit has already been stopped. I do not know what the ideas of the Government are, but I wish to point out that the position, from the point of view of the farmers, is very serious indeed. I regret to say that the north and north-eastern areas are not the only ones affected. Conditions are equally bad in a direct line to Kondinin, and I dare say the Southern Cross district is affected both north and south. Recently I made a trip to those areas and I saw cropped land that was almost as bare as the table. The wheat grew to a height of 6 or 8 inches and at the opening of the season it appeared that a bumper harvest would be reaped, but the drought period ensued and the crops have simply dried up. The wheat is not even useful for sheep feed because there is no substance in it.

The Minister for Lands: To which district are you referring?

Hon. C. G. LATHAM: I am referring to the Narembeen-Bruce Rock district. I do not say that applies to all the crops, but it describes the crops on the heavy country, particularly around Bruce Rock and east and south-east of that town. I noticed that after passing Narembeen the crops were better. There were some good crops on the light land and on well-worked

fallow. Probably the proportion of good crops in the district would be 20 per cent., considering the season, but they will not be up to the average. At least 30 per cent. will be total failures. I regret having to make that statement. I had a good look around the country so that I should be in a position not to misinform members. Crops around Bruce Rock that were producing 24 bushels to the acre year after year to-day can be said hardly to exist, the ground being almost as bare as the Table in this Chamber. Numbers of farmers will not get any hay or any seed. The properties are valuable and there is a certain amount of stock upon them. I do not want to harass the Government, because I know the difficulty of the position confronting them. It would be unfair to harass them at a time like this. I would, however, like the Government to give those people some idea of what it is proposed to do for them in this time of trouble. I have discussed this matter with the Premier, and he in turn has said that he would talk over with the Loan Council the possibility of raising additional money to meet the situation. Something must be done to tide these farmers over until he can get into touch with the Loan Council. Any assistance we can give the Premier to enable him thoroughly to discuss this problem in the Eastern States, we shall be glad to give. Some information must be given to the farmers so that they may know that by the end of the month they will not have to face starvation. The whole of the money that was made available by the Commonwealth Government for assistance to farmers has, I understand, been expended.

The Premier: It will be spent by the end of the month.

Hon. C. G. LATHAM: I do not think there is any more money left in the fund.

The Premier: We can carry them on until the end of the month.

Hon. C. G. LATHAM: I think the cheques have all been paid, and I understand there is now no money left. I hope the Premier will be able to inform the Committee of his intentions so that these farmers may have some idea of what is confronting them. For many of them there is no alternative but to walk off their holdings. They cannot remain there without food supplies. There is also going to be a big problem with respect to water for such stock as these people have, as well as for feed and seed. The Government are fully aware of the position in the North-

East, and I suppose are kept fully advised by the officers of the Agricultural Bank.

The Premier: We are getting weekly reports.

Hon. C. G. LATHAM: I hope the Premier will be able to provide us with some solution of the difficulty, and will be able to inform the farmers what the Government propose to do. The matter is a very serious one. I have not risen to my feet to embarrass the Government, because I realise the difficulty of their position. They must, however, have some policy with which to meet the situation, and we shall be glad to hear what it is.

MR. BOYLE (Avon) [4.52]: I am sure the Premier does not require me to stress the obvious. I should like to support the contention of the Leader of the Opposition that 30 per cent. of the farmers in the eastern districts will not reap any crop. Within the last week or so I surveyed the eastern end of my district and have since kept closely in touch, particularly with the Merredin Road Board. The consensus of opinion is that 35 per cent. of the farmers will not get a crop in that area, whilst the balance will get a yield averaging about six bushels to the acre. The partial drought which has afflicted the State extends from the North through the North-Eastern district into the Eastern wheat belt. Fully 3,000 farmers are vitally affected. Those 3,000 farmers have cost the State and themselves, at least £3,000 per farm, from which we can see that quite £9,000,000, representing an amount of vital interest to Western Australia, is at stake. In the circumstances these men cannot remain on their farms even if they wished to do so. The allowance of £6 per month for married men, and £4 per month for single men is wholly inadequate to meet their circumstances. At Nungarin I went into this matter thoroughly with a committee of storekeepers recently. I found that the average account for a married farmer was £9 per month. That does not take into account spare parts or any odds and ends, only bare living expenses. The people much distressed in those areas are the country storekeepers, apart altogether from the farmers themselves. The storekeepers have been forced to adopt the only possible policy, that of refusing further credit to the farmers. It is obvious that there will not only be a wholesale exodus from the land, but that it has become a duty devolving upon the Government to provide for the 3,000 farmers. I sympathise with

Cabinet over the bad luck they have had this year, but sympathetic consideration on the part of the Government will not absolve them from the responsibility of providing for the calamity that confronts us. It is not too much to ask that the Premier should endeavour to raise a special loan of £1,000,000 to deal with the present position. That would only provide £300 per farmer for this year. When provision is made for a living allowance it will be found not an excessive amount with which to carry on. It would be a sound thing for the State to do, to borrow this money. The interest on £1,000,000 would not exceed £40,000 a year, but a loan of that size might mean saving to the State an aggregate sum of £9,000,000. I need not remind members that the human element looms up largely. After three years of the kind of troubles through which the farmers have been passing, they cannot be expected to stick it out for another year. Within the next fortnight a meeting will be called in the Merredin district of all interests concerned. I hope the Government will be represented at that gathering. This is not a time for party politics or for quibbling about the position. It is a time when we should all be prepared to help the Government while they in turn should assist these farmers to remain upon their properties. They are now at their last gasp. It is within the hands of the Government to help them. I have said before in this Chamber that the Government were too honest with the Federal authorities in the attempt they made to show a surplus last year of £88,000. That provided a pretext for the Commonwealth Government to despoil this State of £300,000 under the system of special grants. I hope the Government will benefit by their experience.

MR. SEWARD (Pingelly) [4.58]: I support the remarks of the Leader of the Opposition and stress the seriousness of the position that has arisen with respect to country storekeepers giving credit to farmers. I should like to read a paragraph from a letter which reached me only recently. It came to me from a storekeeper in my electorate and it points out the position as it exists to-day. The gentleman in question had written to me asking me if I could get him a position. He says—

Things have become impossible for me to continue at the store. After the farmers had been carried through the depression period when they were helpless, they are now being

protected by the Government, while the storekeeper who kept them going has to go to the wall. Some of the farmers are paying as little as 2s. in the pound, and as over £3,000 is owing to me by them you can understand my impossible position.

The writer of this letter says that it is impossible for him, in the circumstances, to carry on. I have no doubt his position is identical with that of many other country storekeepers. I do not wish to give the writer's name, but am prepared to show the letter to the Premier. It is absolutely impossible for country storekeepers to give the farmers any more credit. Under the Rural Relief Act a storekeeper is getting only 2s. in the pound of all the money that is owed to him.

The Minister for Lands: He has probably got something the farmer has not got.

Mr. SEWARD: This letter reached me only last week. It indicates the position of the storekeeper, and the desperate position that exists between him and the farmer for next year.

THE PREMIER (Hon. J. C. Willcock—Geraldton—in reply) [5.0]: I do not wish to deal with the position as affecting the country storekeeper, but it seems rather strange that the Leader of the Opposition should say that out of £6 per month the country storekeeper's customers can pay him only at the rate of 2s. in the pound.

Hon. C. G. Latham: That is owing to the Rural Relief Act.

The PREMIER: I am talking about current accounts.

Mr. Doney: There are the outstanding debts.

The PREMIER: That refers to something done in the past.

Hon. C. G. Latham: You should not cloud the issue. You should take the cases I mentioned. The question comes up under the Rural Relief Act.

The PREMIER: As regards the agricultural industry, the Government last year did everything possible and got through. The Government acted not in a generous way, perhaps, but in a practical way to help the farmers. We, of course, were considerably assisted by the fact that owing to the method by which the wheatgrowers' returns were allowed to be distributed, we had £160,000 of Federal money earmarked, the whole of which was not spent last year, but only about £130,000. This left a

remainder of about £30,000 to be spent this year, and thus we carried on. However, that is not the only amount of money which has been spent. The State Government from their finances augmented that amount very considerably.

Mr. Doney: By how much?

The PREMIER: The total amount spent on relief of agriculture last year was £306,897.

Mr. Doney: Can you explain how that total is made up?

The PREMIER: Yes. An amount of £134,303 came out of the Commonwealth sustenance grant. I.A.B. approvals from 1st July, 1935, to 30th June, 1936, amounted to £94,764. From 1st July to 8th September this year a further amount of £23,003 was spent out of the £30,000 of Commonwealth drought relief money. Refunds of interest under Section 53 amounted to £30,809, and stock exemptions to £23,018. This makes a total for the State of £172,594, while the amount for the Commonwealth is £134,303. Therefore the State has really made available to the distressed farmers more money than was provided by the Commonwealth.

Hon. C. G. Latham: But the wheatgrowers of this State paid that.

The PREMIER: I am not worrying where the money came from.

Hon. C. G. Latham: If the farmers here had been treated in the same way as farmers in the Eastern States, they would have got nothing.

The PREMIER: This was a contribution made by the farmers who sacrificed about 1s. 4d. per acre on the acreage basis to extend assistance to the farmers in drought-stricken areas. Instead of getting about 3s. 3d., the farmers not affected by the drought got 1s. 10½d. The balance of about 1s. 5d. was put into the Drought Relief Fund. But the fact remains that the money came from the Commonwealth and eventually became the property of the farmers. Whatever ramifications there may have been, who ought to have got it and who did not get it, does not at this stage enter into the question at all. The fact remains that about £130,000 was made available from the bonus.

Hon. C. G. Latham: The new money found by the Government was the amount advanced under the Industries Assistance Act.

The PREMIER: Yes. That is £94,000.

Hon. C. G. Latham: That amount represented refunds.

The PREMIER: No. The refund of interest was money that really belonged to the State. We had it in our possession.

Mr. Doney: In the sense that you might have kept it, of course.

The PREMIER: Yes; but it was handed back to the farmers to carry on with. We are all content that it was done, because it is necessary to assist people who are in trouble.

Hon. C. G. Latham: But, of course, all that State money has to be refunded to the State Government by the farmers.

The PREMIER: I wish it had to be; or rather I wish the farmers would during the next two or three years get into a position enabling them to pay it. Unfortunately, however, we have to look at the matter with our eyes wide open. Even though we may have hopes for the future, we know that as regards a considerable amount of the money advanced the farmers will not be in a position to repay it within the next two or three years, if ever. I am sure every person interested in the agricultural industry hopes that the individual farmer will get into such a financial position as to be able to repay the money advanced. If so, the position of the State will be very happy. Unluckily, however, it is quite possible that a considerable percentage of the money will never be refunded to the State. It may be, but we do not know what the future holds; and I am not given to prophesying. Therefore I merely express the hope that the farmers will be able to carry on this year, and that there will be no further drought and no need for advancing additional amounts under Industries Assistance Board conditions. I express the further hope that those farmers who have received advances will be able to repay some of the money advanced to them by the State during their time of trouble. Even though people have a confused idea that all this money has come from the Commonwealth, it is a fact that last year the State found more money for the farmers than the Commonwealth found. If necessity arises for the State to advance yet more money, the State will advance it, not on an ultra-generous scale but on a scale sufficient to maintain the standard of last year, enabling the farmers to carry on. If on investigation it should be found that the amount of money pro-

vided by the State was so little that the farmers could scarcely carry on, the matter could be adjusted. If other conditions arise, if there should be indications that wheatgrowing will not pay over a period, that will be a different position altogether. But when farmers suffer under drought conditions, which nobody could foresee, conditions which represent a calamity, the whole of the population of Western Australia, through the Government, will have to contribute towards the support of farmers who are in absolute distress. The Government intend to go on. We have made the Agricultural Bank the distributing authority for this money. We are getting weekly reports with respect to the position. About a month ago, when I communicated with the Commonwealth Government, it was said that possibly we might want a million pounds to carry on the agricultural industry, as suggested by the member for Avon (Mr. Boyle) to-day. However, the position has been improved very considerably by the rains which fell a little over a fortnight ago. Nobody can foresee what will be the amount of relief eventually required. Possibly an experienced farmer might hazard a guess, but nobody will actually know until the harvest has been garnered. We need to be thoroughly cognisant of what the whole position is in order to be able to effect remedial measures and assist the farmers through their time of trouble. If necessary, we shall do the same this year as we did last year. I do not say that the Government are not prepared to consider whether in some instances the amount of £6 per month should not be increased. It may be too little in the case of some farmers, but yet it may be too much in comparison with what other people get.

Mr. Boyle: Country stores are considerably higher than city stores.

The PREMIER: The hon. member means that the prices are higher?

Mr. Boyle: Yes.

The PREMIER: I have no doubt about that. However, I do not wish to discuss the domestic economies of the people engaged in the agricultural industry. There are differences in their conditions as compared with people in cities and towns. Those engaged in the agricultural industry have a home, and generally have water supplies, and also have some stock and other means of obtaining a livelihood. I do not know that people on relief work

would not be glad to have some of the advantages that farmers enjoy, such as having no rent to pay, and possessing fowls, some stock, firewood, and other things. I do not wish to discuss that phase, for it would be bad policy to say that one section of the community that was in distress was better off, or worse off, than other sections.

Mr. Marshall: We are all in distress.

The PREMIER: Unfortunately, that is so. So far as the financial position permits, the Government will render every assistance possible.

Hon. C. G. Latham: Will the payments be made in November as they were in October?

The PREMIER: We will not stop rendering assistance, because some money may not be available to us as a Government. Surely no hon. member of this House thinks that the Government would stop on that account. We have indicated our attitude by the assistance we have already rendered.

Mr. Boyle: That is very reassuring when you say they will get their money next month.

The PREMIER: I did not think any member would consider it possible that we would not continue to render assistance.

Mr. Boyle: Some of the farmers have that fear.

The PREMIER: Of course, it is easy to understand the attitude of people who are in a desperate plight.

Hon. C. G. Latham: The difficulty is that we cannot say that they will get the money, because we are not members of the Government.

The PREMIER: Yes, but the farmers' experience of the Government, particularly during the past two or three years, should indicate to them that we have met our legitimate obligations to the people. We have not had a charge preferred against us that the Government are entirely unsympathetic, or have allowed people to starve for want of assistance. No such charge has ever been made against us. Naturally some desire relief payments to be on a higher scale, but the fact that relief payments have been and are being paid, should be reassuring, and those payments will be continued so as to keep the farmers on the land. Those payments will certainly not be less, and they may be more if circumstances indicate that increased payments are necessary. We shall undoubtedly continue that policy in the future. Whether we can secure sufficient money to enable us to do so is a

moot point, but we certainly will endeavour by every means possible to do it. In the past, when the State has been in a desperate condition, we can say we have not asked in vain for financial assistance to enable us to carry on. It is difficult at this stage to ascertain what amount will be necessary to enable us to do so. The position is being closely investigated.

Hon. C. G. Latham: £250,000 would help for a start.

The PREMIER: I hope that, as a result of the close investigation that is being carried out, within the next fortnight we shall be in a position to forecast fairly accurately what the ultimate position will be. As the Leader of the Opposition pointed out, a certain proportion of the crops has entirely failed, and if we had had rain extending over four or five weeks the position there would not have been affected, except from the standpoint of feed and the replenishment of water supplies. In other parts, crops will be affected rather seriously. For instance, during September severe frosts were experienced, and it is too early yet to ascertain to what extent crops were affected in consequence. Through their field officers, the Commissioners of the Agricultural Bank are securing particulars that will enable them to ascertain correctly what the position really is. When that information is completely to hand we, as a Government, will endeavour to relieve the situation by providing reasonable assistance. We will not be ultra-generous to any one section.

Hon. C. G. Latham: You will not have the money to enable you to be over-generous.

The PREMIER: No, but we hope we shall at least have sufficient money to enable the industry to continue at any rate on the same basis as last year.

Question put and passed.

Resolution reported, and the report adopted.

Committee of Ways and Means.

The House having resolved into Committee of Ways and Means, Mr. Sleeman in the Chair.

The PREMIER: I move—

That towards making good the Supply granted to His Majesty for the services of the year ending the 30th June, 1937, a sum not exceeding £1,250,000 be granted out of the

Consolidated Revenue, and £350,000 from the General Loan Fund.

Question put and passed.

Resolution reported, and the report adopted.

Bill Introduced, etc.

In accordance with the foregoing resolutions, Bill introduced, passed through all stages, and transmitted to the Council.

BILLS (2)—THIRD READING.

1, Petroleum.

2, Justices Act Amendment.

Transmitted to the Council.

**BILL—ELECTORAL ACT
AMENDMENT.**

Report of Committee adopted.

**BILL—INDUSTRIAL ARBITRATION
ACT AMENDMENT.**

Second Reading.

Debate resumed from the 8th October.

HON. N. KEENAN (Nedlands) [5.23]: The Bill seeks to amend the Industrial Arbitration Act, 1912-1935. It is a consolidating measure consisting of the principal Act passed in 1912 and five amendments made between 1912 and 1935. Those Acts were placed on the statute-book at the instance of all the political parties in this State, but principally at the instance of the political party which is now in power. All the Acts profess to regulate the conditions which are applicable to the pursuit of industry, that is, to industrial matters as defined in those Acts. Although the interpretation of industrial matters is somewhat wide, it will be found by anyone who reads the statutes that they all relate to and depend entirely on industry. The importance of recognising this as the basis for this class of legislation will be apparent from matter which I will lay before the House at a later stage of my speech. The keynote of all legislation of this character which we have so far placed on the statute-book is the recognition of the employer or the worker, not as an individual but as a unit in industry. Thus, the employer is defined in the principal Act as either a person, a firm

or a company employing not one or more persons but one or more workers—that is to say, persons engaged in industry—and I can see no logical reason for departing from that definition as it is suggested we should do in the Bill now before the House. It is proposed to add to the definition of "employer" the words "steward, agent, bailiff, foreman, or manager." As the law stands to-day, any steward, bailiff, agent, foreman or manager, acting within the scope of his authority, binds his principal; his act is the act of his principal, but he himself is not the principal. If he were, he would be subject to the penalties which are prescribed, amongst other sections, in Section 97 of the principal Act, as will be the case if we pass the Bill in its present form. It is proposed to strike out the definition of "worker" as it stands in the principal Act. I could have wished that in these circumstances the opportunity had been taken advantage of to raise the age for a worker within the meaning of the Act to 16 years; and to prohibit the employment in industry of any person of either sex under that age, except in specially allowed cases. Such an alteration would require, of course, the extension for two years of the school leaving age. It is obvious that if we were not prepared to retain children at school for that extra period, we should incur a grave responsibility. It is to be regretted that this reform has not been considered. Not only would those two extra years at school make an enormous difference, if they were spent in vocational training, in elevating the standard of industry, but also the removal from the ranks of industry of those under 16 would provide employment for those over that age, for whom it is difficult to-day to find work. It is also proposed to include in the definition of "worker" a domestic servant. As the law stands to-day, any domestic servant employed in a home in which more than six persons are admitted as boarders or lodgers for a reward is a worker within the meaning of the statute; and quite rightly so, since the carrying on of a boarding house is obviously an industry. I should be willing to see the prescribed number of six reduced considerably because, logically, to receive even one single boarder for reward is to carry on an industry. But how on earth can the maintenance of a private home, as a shelter and meeting place of the family, and only the family, be designated an industry? I am

asking a very pointed question. Is it reasonable to designate as an industry the keeping of a home merely for the purpose of providing shelter for the family and the family alone? Of course it is absurd to apply any such designation to it. As things are moving in the world to-day, there is clearly a strong tendency to curtail, if not to abolish, home life, and yet who is there amongst all of us who does not recognise that the greatest factor for good in our community, in our civilisation, is the home life? Anything which may possibly tend to discourage that home life is a matter which should at once be avoided, and so I hope that the House will delete that part of the Bill which refers not to the industry carried on in the way of boarding house keeping, but to the home pure and simple. It is said that domestic servants to-day are employed in private homes at wholly insufficient wages, and are called upon to work for wholly unreasonable hours. I am prepared to admit in some cases that is so, although of course, the mother of the family and in very many cases the eldest daughter of the family are called upon to work unreasonable hours for no pay at all. But that is not the point. The point is that the home or home life is not an industry and that this Bill should deal with industry and industry alone. As the law stands to-day, canvassers for industrial insurance whose services are rewarded either partly or wholly by commissions are within the definition of "workers," provided they do not engage in any other business in conjunction with such industrial insurance; and as a result the employment of men, and in some cases also of women, during part of their time is facilitated and this has led in the case of a great many people to a useful means of adding to their income. But if the Bill passes in the form in which it is now presented to the House, these persons will be deprived of their means of livelihood. The result of what the Bill proposes would not mean the increase by a single penny of the amount societies or companies would spend in the community by way of remuneration to canvassers. It will lead to the concentration of that money in the hands of a few who will earn it by being employed on full time. That will be the only change and it does not commend itself to me, and I hope will not commend itself to the House. The Minister in charge of the Bill rightly said in

introducing it that the question of relationship of master and servant and employer and contractor depended very largely on the control exercised by the employer, and that in many cases it had been found difficult to determine what was the exact relationship between the parties. I admit that these borderline cases do exist; it is inevitable that they should exist when there is a point of contact between two separate sets of cases. On the one hand there is the contractor who is not entirely out of control because, of course, the employer has some control over him, though he is not subject to any particular control. On the other hand, there is the wages man who is subject to particular control, but again within the limits of that control is relieved to some extent of control. It is a difficult matter to find a solution of the borderline cases, but at least it is certain that what is produced in the Bill will not work as a solution. The proposal put forward in the Bill, assuming that the proviso at the end of the third sub-section applies to all three sub-sections, would mean that the term "worker" would include anyone working under a contract for labour or working with any machinery which he had hired or leased from another person, or used a vehicle which had been hired or lent to him by another person for the purpose of conveying either passengers or goods, provided that the court was satisfied that the relationship was substantially that of master and servant, and that the borrowing or hiring was done for the purpose of avoiding the application of any award or industrial agreement. I ask myself how would it be possible for a man who had hired machinery from another person to be held to be a worker? I cannot conceive the possibility of any court on logical grounds finding in such circumstances that the man was a servant of the person from whom he had hired the vehicle, in order that he might carry goods and passengers in it. It is also proposed that the term "worker" shall include a partner in a partnership in any case where it is shown that the capital holding of such partner is either nothing at all or only of small account, and that the circumstances under which such partner works are such as to lead to the inference that he is substantially an employee of one or more other partners of the partnership. A part-

nership in which one of the partners finds all the capital and the other finds none is of the commonest occurrence. It enables a man possessing skill and no capital to enter into business, and enables a man possessing capital and no skill to join him. It would be a fatal policy on the part of Parliament to discourage such a partnership. As I have said, such partnerships are of the commonest occurrence. Probably most members in this House at one time or another have taken part in such partnerships. Certainly this has been the case on goldmining fields. Many of us have found capital for men skilled in finding or working mines, and where those men brought nothing into the partnership except their skill. The working partner is commonly entitled to receive certain remuneration in any event, whether the business pays or not. He has nothing to live on unless he receives some money from the partnership. But of course it could not be said that because he does receive a certain amount from the partnership he is an employee of the partnership. It would be wholly ridiculous to describe him as a worker. Then it is proposed in the Bill to validate the registration of the A.W.U. as if it were a society that complied with the rules and requirements of Section 6 of the principal Act. The whole basis of industrial organisation evolved from the ancient craft unions is that the right of membership in a particular organisation is limited to those persons whose interests in industrial matters are either identical or else closely allied. And there are important reasons for that limitation. An industrial union is not merely a body that protects the interests of its members, but is also a body that serves to regulate the standard of efficiency amongst its members. And in the ancient days of craft unions, that was the main objective. And although it may not be the main objective, it is certainly one of the main objectives of trade unions as they exist to-day. But to achieve this objective, the union must be limited to persons engaged in the particular trade. That is a fairly obvious proposition, and one that I do not think it is necessary to elaborate. In order that it may achieve that objective, it is absolutely necessary that the persons comprised in a union should be limited to those engaged in that particular trade. To allow one large union to swallow up all the separate unions is

to destroy all possibility of reaching that objective or, if not destroy it, at least seriously to imperil it.

Mr. Fox: The employers have one big union—the Employers' Federation.

Hon. N. KEENAN: It may be said that before this swallowing up process takes place the union itself must consent. But that really means nothing, for there are always ways and means of obtaining such consent. But what further strikes me most forcibly in the matter is this: where is there any necessity for this huge absorption? Have the unions failed to accomplish their job? I know, of course, that the I.W.W. and the Communists have said so in the past and are saying so to-day. Is this A.W.U. the alter ego of the I.W.W.?

Mr. Raphael: The "I Won't Works"! That is the National Party.

Hon. N. KEENAN: Whether this is so or not, I hope the House will not lightly hand over to them the power and opportunity to destroy trade unions. It is also proposed in the Bill that the court may declare any industrial agreement to be an award. This is an alteration of the existing law, which at present merely authorises the court to declare an industrial agreement to have the effect of an award.

Mr. Rodoreda: What is the difference?

Hon. N. KEENAN: If the hon. member will be patient, he will hear what the difference is. An industrial agreement is a document in writing which is entered into in the form of an agreement between a union of workers and the employers. It is for a specified period of time, and on the expiration of that time either party or all parties can withdraw from it. Of course, if the court so orders, it has the effect of an award. It is proposed in the Bill that the court should be empowered to declare it to be an award; that is to say, that it shall remain in force as an award remains in force, notwithstanding the expiry of the term of it, until a new award is made. No power of withdrawal would be left—which is the distinction the hon. member asks me to make clear. I should myself be exceedingly anxious to learn what are the views, not only of employers, but of workers on such a subject. Certainly, whatever else may happen as the result of the Bill if it becomes law, industrial agreements will come to an end. It is also proposed in the Bill to re-

peal Section 83 of the principal Act and to substitute radically different provisions. As I pointed out when opening my observations, the principal Act and all the amending Acts and all legislation directed to the same end which was placed on the statute-book before 1912 are all based on the regulation of industry. As I have already reminded the House, the keynote of all that kind of legislation is the recognition of the employer or the worker, as the case might be, not as an individual, but as a unit in industry. And this conception will be found to be given effect to in Section 83 of the principal Act as it stands to-day. But now it is proposed entirely to depart from this conception, and to deal with the individual. This is not merely a revolutionary idea and a revolutionary change, but one in respect of which, although I listened to what the Minister said in moving the second reading, I have yet to learn any reason for. To-day the court examines the circumstances of every industry, each one by one as it comes before the court, and the court makes an award granting certain conditions for labour and certain remuneration by way of wages in respect of each industry as it comes before the court. Its whole attention is centred in the industry with which it is dealing, and nothing is given effect to except after consideration of all the conditions of that particular industry. So the award made after everything has been fully and properly considered is the common rule of all within that industry. Now it is proposed to make any such award, except only as to the question of locality, a common rule for all employers and workers in industries whose circumstances have never been before the court and never been considered by the court. I have no hesitation in saying that such a proposal is eminently dangerous and equally eminently unworkable. In his introductory remarks the Minister laid stress on the necessity for ensuring stability of awards, and with that view members of this House, I feel sure, will agree. There should be the fullest measure of stability in an award. But that end is not likely to be achieved by a proposal in the Bill that any of the parties may, at any time after an award has been pronounced, alter the award, by agreement, of course. What would be the result? The day after an award was pronounced the two parties would be squabbling among themselves to get changes made. They

are invited to take that attitude. They are told that the award is merely something that starts the fray. Instead of being, as it ought to be and as we all want it to be, a cure for industrial unrest, an award in the circumstances I have pointed out would be the starting point for industrial unrest. Again it is proposed to make the minimum penalty for any breach of an award a sum of £1. Again no reason was given for the proposal, and I think we might well ask why. Is it that the administration of the Act by the industrial magistrates is the subject of condemnation? Is it that they are supposed not to have exercised the discretion they now possess in a proper manner? Many of the cases which come before the industrial magistrates for breach of an award are purely technical, and the magistrates, of course, inflict a nominal fine. But now their hands are to be tied. They are not to be allowed that discretion: they are to be told that they must inflict a fine of at least £1. It is also proposed to take away from the industrial magistrates the discretion of ordering, in the case of a penalty for a breach of an award, that the worker should receive the extra wages which the breach involves. That discretion is undoubtedly a very good one for the magistrate to possess, as he possesses it to-day, because in some instances the worker is just as much to blame as is the employer. The two have conspired together to commit a breach of the award, and it would be absurd that one of the two should suffer a penalty and that the other, *particeps criminis*, bearing exactly the same guilt, should receive a reward. I have yet to learn that in any case, except where circumstances of that kind do not exist, the magistrate has failed to award to a worker the wages due to him owing to a breach of an award. Section 106 of the Act is to be repealed, but it is proposed to re-enact the provision that no award shall be appealed against on any account whatsoever. Recently a statement was made by a very prominent Trades Hall official that the only judgment or order of any importance which is not subject to appeal is an award of the Court of Arbitration, and that therefore by reason of that lamentable omission, workers are obliged to withhold their labour, because they have not the opportunity of an appeal. Well, one wonders whether, under these circumstances, a Government holding the political views

espoused by the present Government are serious in proposing to place once more on the statute-book an assertion that an award is to be a matter that stands entirely without change or appeal. Indeed, one might go further and point out that for this Parliament solemnly to assert that an industrial award is to be absolutely final and decisive between the parties is merely an outrageous farce, especially in view of the fact that it is known to all of us that an award is binding on one party. It is proposed to give anyone, even if he is fined only a single pound, the right of appeal to the full bench of the Court of Arbitration, but only in case of a sentence of imprisonment the right of appeal to the Court of Criminal Appeal. I am informed that there is not a single recorded instance of a sentence of imprisonment having been inflicted for a breach of an award. Therefore this provision amounts to a complete abolition of the right of appeal to the Court of Criminal Appeal. The present law is that no appeal at all lies for any trivial fine imposed by way of a penalty. It must be a very substantial sum before any appeal lies, not a £1 fine as this Bill would make it but £20, and then the appeal lies to the Court of Criminal Appeal. If this Bill became law even a fine of £500 would not entitle the person on whom the fine was inflicted to appeal to the Court of Criminal Appeal. I cannot find any justice in such a proposal: nor can I find any reason in it. Therefore I hope this House will summarily reject it. Another proposal is to give any officer of an industrial union authorised by the president and secretary of the union the right to enter any premises at any time for the purpose of conversing with employees, but of course the conversation is limited to non-working hours.

Mr. Tonkin: What is wrong with that?

Hon. N. KEENAN: If the hon. member exercises patience for a few seconds he will learn. It is not merely a matter of going on the premises at a particular hour when the disturbance caused by his arrival would be the least possible, but he may enter at any time. What is the present law? Every inspector appointed under the Factories and Shops Act, 1904, has the right to enter on any industrial premises—and by that I mean premises where any industry is carried on—at any time he likes, and to ask questions of any kind of the employer and of all the workers, and he may also require the production of any document that he likes.

Mr. Tonkin: Quite right.

Hon. N. KEENAN: He is to have all that power, and can exercise it when and where necessary. What does the Bill propose shall be given to this gentleman, with the authority of the president and secretary of the union? He is to have the right to go in and gabble and talk with the employees. That is the beginning and the end of his power. Could there be anything that would be more likely to lead to trouble than that? Could there be anything calculated to be of a more irritating character than that? And of what use is it all? It is nothing but so much irritation.

Mr. Needham: That practice is almost universal. Only an unscrupulous employer objects to it.

Hon. N. KEENAN: In spite of the chorus, I say that the only authority he has is to indulge in gabbling or talking with the employees.

Mr. Withers: He is only interviewing his client.

The Minister for Employment: Have you read that particular amendment carefully?

Hon. N. KEENAN: Yes.

The Minister for Employment: I suggest you read it again.

Hon. N. KEENAN: If the Minister finds that I am in error, I shall be only too glad to correct the error.

Mr. Marshall: You have not been correct yet.

Hon. N. KEENAN: Apparently the chorus has started again. One could imagine what would happen if members opposite all had permits to visit these industrial places. I shall be glad to be corrected if I am wrong about the right to visit being only the right to enter and converse. I now pass to another provision in the Bill, that which repeals Subsection 2 of Section 126 of the principal Act. Subsection 2 provides that no premium can be charged by an employer, or paid, for taking an apprentice. That is to be repealed by this Bill, if it becomes law. On the other hand, the measure provides that no person can ask any premium in respect to the engagement of anyone. It might be thought that that restored what was created by repealing Subsection 2 of Section 126. That, however, is not so. The employer who charges something for an apprentice, because he permits that lad to come to him to learn his trade, is not giving an engagement of service. It is a fee, a premium charged

for the right to learn something. It is not a reward for services rendered by the apprentice. It is a fee that the lad has to pay for the privilege of being apprenticed. The subsequent portion of the Bill does not restore the position. If the measure became law, an employer would be entitled to make a charge for allowing an apprentice on his premises, and for entering into the usual and proper apprenticeship deed required of him by law. There is one thing this Bill will accomplish; it will shut down all private labour agencies that exist in this State.

The Minister for Mines: They should have been shut down years ago.

Hon. C. G. Latham: They will not be shut down this time.

Hon. N. KEENAN: Is it not a fact that these private labour agencies, notwithstanding that they make a charge, and that the State Labour Bureau makes no charge, are still receiving a large measure of support? If that is the case, surely it establishes the fact that they have some merit, or they would not be receiving that much support.

The Minister for Mines: That is a matter of opinion. I do not think there is any merit in them other than to penalise the unfortunate person who goes to them looking for a job.

Hon. N. KEENAN: It is only common sense. If these private concerns are able to trade successfully in competition with the State Labour Bureau, which makes no charge at all, it can only be because they are in some way, and to some extent, better than the State Labour Bureau from the point of view of finding employment; otherwise, they would get no patronage. If they have the greater merit, why should they be closed down? What is the reason for wanting to close them down, beyond some extraordinary personal objection which I cannot understand? I do not intend to stress this matter, because we have on various occasions ventilated it to the bitter end.

The Minister for Mines: That is a matter of opinion.

Hon. N. KEENAN: Yes. It is to be regretted that a Bill of this nature, which proposes to make such fundamental changes in one of the most important parts of our laws, should have been brought down with so few and such scanty reasons, and in some instances without any reason at all, for the change. I cannot find any reason to justify the passing of this Bill. Although I shall

be only too willing to see improvements made in our industrial laws, and in particular in the direction I indicated, that of raising the age at which any male or female can be employed in industry, I cannot find in any part of the Bill anything that would warrant my giving it a favourable vote on the second reading.

Mr. Fox: A very favourable reception.

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

Ayes	20
Noes	18

Majority for 2

AYES.

Mr. Coverley	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. Styants
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Troy
Mr. Millington	Mr. Willcock
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Nulsen

(Teller.)

NOES.

Mr. Boyle	Mr. North
Mr. Brockman	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Doust	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Doney

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Cross	Mr. Stubbs
Mr. Wise	Mr. Latham
Mr. Wilson	Mr. Ferguson
Mr. Johnson	Mr. Patrick
Mr. Collier	Mr. J. M. Smith

Question thus passed.

Bill read a second time.

BILL—RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th October.

MR. WATTS (Katanning) [6.12]: I shall support the Bill because, so far as I see, it introduces some desirable and probably necessary amendments to the existing legislation. In the circumstances, there is need for some alteration because maintenance orders may be made in other countries when both parties live there and subsequently one of the parties may move

to this State, and the enforcement of the order in this State would then become impossible were it not for reciprocal legislation of this kind. On the other hand, in the case of a maintenance order made in this State, for some reason one of the parties may depart from Western Australia, and then this legislation is necessary for the enforcement of the order either in another State of the Commonwealth or oversea within the British Dominions. If there were not legislation such as this both in this jurisdiction and in the jurisdiction of the reciprocating States and countries, it would be impossible to enforce the order in those circumstances. Again, there are times when the party sought to be made liable is in another country outside the British Dominions, and the difficulty arises that the existing legislation of this nature can hardly be satisfactory for dealing with those cases. It appears that there is no chance of reciprocity, and without that the whole scheme falls down. So we must realise that this legislation is necessary for the purpose of conferring these benefits on our own people who wish to enforce orders outside the State and within the British Dominions, and on people outside this State who wish to recover maintenance due to them from persons in Western Australia. The whole of the legislation, as it were, works both backward and forward. Therefore the provisions of the original Act and also those of this Bill are slightly involved. The first change I noticed as being proposed was the inclusion of the Mandated Territories. The original legislation provided for places within the British Dominions and for those areas which are called British Protectorates.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WATTS: Before the tea adjournment, I was observing that it was apparently necessary to add mandated territories to the provisions of the Bill because I presume there are a number of Australian citizens, not to mention those of other British Dominions, who are resident in various mandated territories. Australia, for example, has a mandate over portion of what was formerly known as New Guinea, and there may be Australian citizens there to whom the application of the operation of this legislation may be necessary for their control and the maintenance of those for whom they are

responsible. It seems to me that while it is possibly not usual to include mandated territories in a Bill of this description, in the circumstances it is necessary for that provision to be added. I have been aware for some time that there was one particular weakness in this legislation, to which reference was made by the Minister. It is that notwithstanding that the circumstances of the person called upon to pay maintenance had changed, no means were provided for a variation in this State of an order made in another jurisdiction in respect of a person concerned who was resident in this State. The Bill provides for power in those circumstances to enable the courts of this State to vary or rescind such order, having regard to the new circumstances. It is, of course, necessary—it is provided for in the Bill—that an order made by the courts here shall not become a complete order unless it has been confirmed in the place from which it emanated because necessarily it will have to be made on the application of one party only. While, as the Minister pointed out, it is quite likely interference by the courts in this State may be necessary because the person concerned has become poorer, there is always the probability that the courts in this State will not know what the person's financial assets are in the originating country. There is also the point, I take it, that an application may be made in this State under the provisions of the Bill for an increase in the amount payable if it is found that the person liable has so far improved his financial position that an increase in the amount of maintenance payable is justified. The Minister also mentioned the difficulty that during the interval between the order being made in some other jurisdiction and the proceedings in the courts of this State, the person who was in this State at the time the proceedings commenced, might have moved to some other jurisdiction. I am glad some effort has been made to enable the Governor, in those circumstances, to forward the papers to the place where it is reasonably believed the individual is at that time to be found. In regard to applications for a variation of the order that I have just been referring to, I notice the Bill provides that no application for variation shall be entertained unless the court to which it is made is satisfied that it could have been made in the court in which the order was originally made. It is quite definitely provided in the Bill that these amendments are not to take

effect except under reciprocity with those jurisdictions that enact similar provisions. While I admit that is very necessary, it seems to me that the provision that the court shall not consider a variation unless satisfied that the court that made the order could have entertained an application for variation is not required, because this provision will not come into force until a reciprocal arrangement is made elsewhere. It can be assumed that the place where the order was first made will enter into a reciprocal arrangement and that similar provisions will exist in that place. Apart from that, I doubt if it is reasonably just that the courts here should refuse an application for maintenance simply because the court where the order was originally made had no power to entertain such an application. It appears that some effort should be made to ensure that the circumstances of the individual in this State—I am taking the line the Minister indicated when moving the second reading of the Bill—who will make the application, should receive consideration notwithstanding the fact that the court where the order was made had not similar power. There is one other matter to which I wish to refer. I cannot understand the provision in the Bill setting out that when a court in this State has registered a maintenance order under Section 3 of the parent Act or has confirmed a maintenance order under Section 5, the court in this State may, in the circumstances set out in the Bill, send a certified copy of the order to the Governor for transmission to the Secretary of State, or a Governor, as the circumstances may require. The Bill purports to amend Section 5 of the parent Act, and the amendment to that section is to strike out Subsections 4 and 5, which are the only two subsections that refer to the confirmation by the courts in this State of orders made elsewhere. The Bill, so far as I can see, takes away from the courts in this State power to confirm orders made elsewhere, and, consequently, it seems to me that that part of the Bill requires amendment. I may have misread the clause, and if so, I hope the Minister will deal with the point when he replies. I shall support the second reading of the Bill because I think it will afford greater advantages than the existing legislation, and those advantages are offered without depriving any individual of his existing rights.

MR. McDONALD (West Perth) [7.39]: I commend the Minister for introducing the Bill. It is a measure made necessary by the changing times. Nowadays people have so much more facility for travelling from place to place throughout the world, and experience has shown that the proverbial long arm of the law has to be made still longer in order that people may be made to fulfil obligations they may have incurred. I think the Bill will give protection in a number of cases, and I support the second reading.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—in reply) [7.40]: There does not seem much to reply to in connection with this measure. The reference made by the member for Katanning to the clause which refers to no application for the variation or rescission of an order being entertained unless a similar application could have been entertained elsewhere, is rather a precautionary provision. Concerning Section 5 of the principal Act, the Bill does not propose to strike out the whole section, but only Subsections 4 and 5, which refer to the taking of further evidence, and to the variation or rescission of orders. Whether that is an error in the Bill or not, I am not in a position to say, but it can be looked into.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New Sections:

Mr. WATTS: I cannot say that I am satisfied with the reference in the proposed new Section 6 to "Section 5 of this Act." I take it that these words are intended to refer to Section 5 of the Act of 1921. If that is so, the only reference in Section 5 of the 1921 Act, as to the confirmation of orders, is to be found in Subsections 4 and 5, and these we have just deleted by passing Clause 3 of the Bill. There seems to be some mistake. I do not want to move an amendment at this stage. I should like the Minister to report progress with a view to looking into the matter, and seeing if it can be settled.

The MINISTER FOR JUSTICE: There does seem to be an error in the drafting of the Bill.

Progress reported.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th October.

MR. McDONALD (West Perth) [7.46]: This Bill has one dominating objective, and that is to bring within the jurisdiction of the factory law all those small factories which are at present exempt from the operations of the Act. It proposes a number of amendments to the existing Factories and Shops Act which aim at shorter hours and more favourable conditions for employees, and certain other alterations. As far as the secondary objectives are concerned they involve the amendment of a large number of sections. I do not propose to attempt to deal with them seriatim, because that would be only saying in a second reading debate what could be more usefully said in the Committee stage. But regarding the various amendments, while they aim at easier conditions for employees they also impose additional obligations on employers, additional restrictions, and therefore increased expense.

Mr. Cross: You know, of course, that many employers are asking for these conditions to be imposed.

Mr. McDONALD: I do not propose to be unduly influenced by the pressure of the employers any more than by pressure of other people concerned with the Bill. The amendments generally would involve added restrictions and obligations on the employers, which would add to their expense, and the corollary is that there would be some addition to the cost of goods to the consumer. In regard to the main object of the Bill, namely, the regulation of the small factory, that is a familiar topic before this House, because Bills with that intention have been previously introduced in this Parliament; in this House in 1934 and in the Council in 1935. I do not propose to deal at length with the arguments for and against those propositions, because they are familiar to all members. Factories legislation commenced in England, I suppose—the first country I know of to adopt modern

factory legislation—last century. And the laws have been gradually improved to ensure that there shall not be exploitation of workers, especially women and young children. The law has been continuously added to with those objects in view. In Western Australia the first Factories Act was passed in 1904. In it small factories were defined as factories in which there were fewer than six persons employed. The Act exempted what may be called family factories, in which the industry was carried on in the home by members of the family. Apart from that, the 1904 Act was confined rather to the structure and site of the factory building, to the provision of safety appliances, and to the imposition of certain sanitation regulations, but did not provide any minimum wage. Two years before that, in 1902, we had introduced the first State Arbitration Act. In 1904 we had the Factories Act, and this continued in operation with various amendments down to 1920, when this Parliament passed the Act which is the foundation of the present Act. In 1920 the small factories provision was slightly altered, and the small factory was limited to a factory consisting of fewer than four people, while the family factory carried on in the home was again exempted from the Act. But in 1920, for the first time, we found introduced a section which deals with minimum wages in certain cases. I think it started at 10s. a week in the first year of employment, and went on up a graduated scale according to the years of employment.

The Premier: At that time hundreds of girls were employed at half-a-crown a week. I was on the committee that inquired into the question.

Mr. McDONALD: I am not suggesting that there may not have been some reason for putting that provision in the Act. At all events, it was put in, and in the Bill before the House that has been continued and very considerably amplified and given a much more extended application, as members will see by looking at the section. In 1925 the Arbitration Act was amended to provide for the declaration of a basic wage. That was a new stage in the history of the industrial laws of the State, when we provided a minimum wage to operate throughout industry in all cases where there was any award or industrial agreement. I mention these facts because one of the first things we have to consider in dealing with the Bill

is the line of demarcation between the law of arbitration under the Arbitration Court, and how far that law should go in the Factories and Shops Act. The modern idea of the Arbitration Court is that it is a subordinate legislative body when it lays down laws by virtue of awards dealing with hours of labour, rates of wages and conditions of employment; it is legislating by virtue of the authority delegated to it by Act of Parliament. The reason for this delegation is not difficult to see; it is that the Arbitration Court is peculiarly fitted to form an opinion as to hours of work, wages and conditions of employment, because it has machinery to bring before it all those engaged in the industry, and on the evidence adduced before it is able to come to an informed opinion and therefore lay down conditions in matters within its jurisdiction in the particular industry. Parliament, by delegating this power, has admitted it has not the same facilities for dealing with hours of employment, wages and conditions in various industries. Everyone will admit that we are not in a position to deal as successfully with those matters as is the Arbitration Court dealing with each industry and hearing what is said by the people concerned in that industry. This Bill seems to me to go a good deal beyond previous legislation and to enter upon a field which, properly, has been left to the Arbitration Court. I am well aware that there is in the parent Act a provision which says that, except in one or two particulars, legislation shall not interfere with an award; in other words, the award is paramount when there is a conflict. I am aware that in certain country districts there may be no award applicable, because the award may be confined to the metropolitan area or to goldfields districts, and that, consequently, in certain other parts of the State the award does not apply, and so any conditions and wages set out in the Act would apply. But while Parliament decided in the new Act of 1920 to take a very limited step in saying that people shall not be paid less than a certain minimum sum for the first, second, third, fourth and fifth years of their employment, Parliament was very cautious. This Bill proposes to go very much further in regulating wages up to the basic wage in regard to employees who may not be specifically bound by awards. My feeling is that in that respect, and other respects, the Bill is devised to deal with matters that should be left to the

jurisdiction of the Court of Arbitration. For example, there are provisions about holidays that run counter to the accepted rulings of the President of the Arbitration Court and what he considers should be the proper principles to determine holiday pay. Those matters I will deal with in the Committee stage. In the first place there are provisions relating to wages, holidays and time off. Time off is to be allowed, ten minutes for rest for people engaged in certain clothing industries where the work involves the pressing of clothing. All those are matters which primarily are the function of the Arbitration Court. The Bill should not extend to that field. The modern scope of factories legislation is concerned with the construction of buildings, the provision of safety appliances and provision for proper sanitation, and, with the exception of certain minimum requirements of a general nature, leaves the rest of the field of industrial regulation to the province of the Arbitration Court. The Bill also seeks to introduce an innovation regarding service stations that supply petrol and motoring requisites. I am aware that the terms contained in the Bill have been desired by the members of the Service Station Association. I am also aware that they have made considerable inquiry before they presented representations for the changes incorporated in the Bill. They found that a great number of service stations operating at night and perhaps over long hours did hardly any trade at all. To keep open was an economic loss. People were called upon to go to work when there was not sufficient work to keep them employed. For that reason there might be grounds for some alteration in the conditions, but I am unable to support the alterations proposed by the Bill, because they appear to leave out of account consideration for the requirements of the general public. The retailers of petrol and motoring supplies should be able to suggest some better arrangement to meet the objections and still afford reasonable service to the public.

Mr. Sleeman: People could store their petrol.

Hon. C. G. Latham: It is most dangerous to store petrol.

Mr. McDONALD: Emergency calls might arise outside the usual hours in which petrol or motoring appliances would be re-

quired. The obvious thing would be for the service station proprietors to put their heads together and arrange for a certain proportion to keep open in each area. If they cannot regulate the business themselves, let them have it regulated by the Transport Board or the Chief Inspector of Factories. If that were done, those that kept open would work on an economic basis and the wants of the people—not the unreasonable wants, but the emergency needs—would receive proper attention. If, as proposed by the Bill, service stations are closed at 7 p.m. on week days, one o'clock on Saturday and some time on Sunday—

Hon. C. G. Latham: From eight to one.

Mr. McDONALD:—it seems to me that inadequate provision is being made for what is a very large and important industry.

Mr. Sleeman: Do not you think a man could get his petrol before Sunday?

Mr. McDONALD: A man does not always know what his obligations will be. He might have all sorts of emergency calls. In confining my remarks to the main features of the Bill, I wish to mention the small factories. I am well aware, as the member for Canning interjected, that a number of employers desire to see the small factories abolished. I think that would be a mistake. The small factory was recognised in our earliest legislation in 1904, and also in 1920. When the present law was introduced by the late Mr. Scaddan, the measure was referred to a select committee. The members of the select committee took the utmost care to inform themselves of all the phases of industry. I have examined their report. They called 106 witnesses and travelled to various parts of the State to take evidence. The result of their deliberations was the passing of the present Act in 1920. After the most careful consideration, and having listened to all the representations of the people concerned, they thought fit to continue in the Act the provision for the small factory, the struggling man making a start and not necessarily able to give complete adherence to the terms and conditions of the Act.

Mr. Thorn: That does not concern members opposite.

Mr. McDONALD: In fact the present Premier was a member of the select committee.

The Premier: That report was a compromise.

Hon. C. G. Latham: You never made a compromise; it was your considered opinion.

The Premier: The committee consisted of three Labour members and three supporters of the then Government.

Mr. McDONALD: The report was a good one, and no minority report was submitted.

Mr. Sleeman: It is 16 years old.

Mr. McDONALD: What matters that? There are Acts 200 years old.

Mr. Sleeman: They are handy to lawyers at times.

Mr. Fox: You members on that side believe in old methods.

Hon. C. G. Latham: Members opposite experiment and make many mistakes.

Mr. McDONALD: What will be the position if we abolish the small factory? By the terms of the Bill even the family factory, in which the work is done by a man and his wife in the home, can, at the instigation of the Minister, be declared a factory. Therefore that home industry might also go if the Minister thinks fit. Once the small factory is brought within the scope of the Act, it will be exposed to all sorts of difficulties. First of all the number of holidays has been increased from eight, as prescribed in the Act, to 11 as proposed in the Bill. If the owner has a couple of employees and by any chance gets them to do a little work on a statutory holiday, he might be brought before the industrial tribunal. The Bill provides that any person employed must be paid not less than the basic wage, which I believe is about £3 11s. a week. In addition there are all sorts of provisions stipulating that work must cease at a certain hour, and if anyone works after that hour, he becomes liable to all the penalties of the Act.

Mr. Sampson: The owner could not work when he liked.

Mr. McDONALD: No, I will deal with that point later. There are several industries which are carried on by the owner with the assistance of a brother, a friend, or some other person, and in which there are fewer than four people involved. Small industries of that nature could be carried on only with the greatest difficulty if they were brought under the provisions of a measure of this kind. A man may be conducting a small industry and may have a relative who is unemployed and on sustenance. He may say to this man, "I can give you a little work in my

factory, and pay you £1 or 25s. for the part of the week when you are free to work for me." As I read the Bill, that sort of thing would be impossible. A small factory owner may get together two or three people in an attempt to build up an industry. If he is obliged to pay the full basic wage and to comply absolutely with the terms and conditions, which are very strictly regulated, both under this Bill and by the parent Act, he will experience the utmost difficulty in carrying on. Any failure on his part to adhere to the provisions would land him in all sorts of difficulties, and render him liable to all sorts of penalties. I imagine that if this Bill had been in force in England, a man like Lord Nuffield (manufacturer of Morris cars) who has held up the British motor industry against the competition of the world, would probably have experienced great difficulty in making a start. If the legend is true, he began his working life as a small motor mechanic, and in his early days would have had great difficulty either in paying himself the basic wage or paying it to his employees. I feel that at this time, of all times, we should not do anything to affect independent and self-reliant people in the community. There is still a number who appear to battle along making various things, sometimes in their homes, and sometimes in small factories. They have one or two helpers, occasionally members of the family, and at other times some person in need of a little money to enable him to keep going. These people ask for no assistance at the hands of the State. If they are at all fortunate, they may, out of this small beginning, lay the foundation of a business that will keep them for the rest of their lives. When we are struggling to maintain and expand our own industries against the competition of the Eastern States, to induce our people to do something for themselves and help each other, instead of falling back upon the State for sustenance, it would be a retrograde movement to place obstacles and discouragements in their way. Parliament would be making a grave error in passing this legislation at present, and in militating against the attempts of those who are of an independent character, and who by their own endeavours are able to live without Government sustenance. There are other provisions in the Bill which have a very restrictive tendency, and go far beyond what is contained in the parent Act. According to the Bill, work has to cease at a certain

time. Not only must the employees be off the premises at the stipulated hour, but the occupier himself has to cease work in his own factory. The owner of the business has to drop his tools, even though he may want to complete some work in order to carry out a contract he has undertaken. Whatever arguments there may be for protective conditions for the workers against any unfair imposition of hours, it seems to be going too far to prevent the enterprise of the owner himself in his endeavour to forward the progress of his own business. I should say that the paramount public policy in these matters to-day is to increase our industries and at the same time keep down the cost to the consumers. We are a primary producing country. Every increase in cost to our consumers will constitute an added burden upon the chief industries by which the State is supported. Every encouragement that is given to our industries will mean relief from the burden which falls upon the State to maintain those who are out of work. I am not able to support this Bill. The Act of 1920 was passed after most careful consideration. It may be described as an advanced piece of industrial legislation, although it is 15 or 16 years old. I have looked at the English legislation. So far as I can see, ours is more advanced than anything appearing on the English statute-book. Whilst they go so far as to bring under the factory laws a factory which employs two people only as against our four, the authorities in England specially provide for what they call domestic factories or domestic workshops. That refers to people who carry on home industries, and are exempt from nearly all the provisions of the factory legislation. Even to this day the Government in England are giving every encouragement to the beginnings of industrial enterprise by allowing people to get together in small numbers to carry on industry without the interference of restrictive legislation. Our Act is an advanced piece of factory legislation, and may well suit our conditions to-day. To increase the already drastic provisions of our Act by further restrictions, and the imposition of further expense to the employers by the discouragement of those who are starting fresh industries, by repressing those who are endeavouring to support themselves instead of relying upon Government support, to add costs to the consumer, and to do other things of that nature through this Bill, is not to

render any service to the State. This Bill may be regarded as prosperity legislation. It is suitable for a highly industrialised country in prosperous times. For a non-industrial country, which is struggling to support and foster its existing factories, and for a country which is passing through a critical period in its history, in which the employers are not the least bit of all those involved, the Act of 1920 fairly meets the whole situation. In my opinion, the Bill is opposed to the best interests of the State, and for that reason I cannot vote for the second reading.

MR. DONEY (Williams - Narrogin) [8.20]: I do not admire this Bill any more than does the previous speaker. When that hon. member was referring to factory restrictions, the member for Canning (Mr. Cross) interjected to the effect that the Bill was being asked for by employers. I was glad to have that point made clear. We have been suspecting it, of course; but we were not quite sure. There is no doubt about the matter now. This seems to me a plain case of the big employers asking for restrictions on small employers. The member for Canning probably intended to reprove the Minister for bringing down what can be quite properly described as capitalistic legislation. Personally I do not see that the House can do other than turn down the Bill, which can be described, at its best, as merely a very patchy Bill. It is fair in parts, or should I say doubtful in parts; but generally speaking it is just a plain bad Bill. I fail to understand the bringing-down of such a measure by a Labour Minister. I believe I voice a prevailing suspicion when I say that the Minister does not expect to get very far with the measure. That portion of the Bill dealing with Saturday afternoon closing certainly has the apparent merit of fairness and uniformity, but on examination it will be found not to suit the smaller country centres anything like so well as it suits cities and larger towns. Particularly is that so since the proposed innovation of Saturday afternoon closing is to be accompanied by the abolition of the late shopping night. Hon. members who know anything at all about country life must regard the late shopping night as quite a desirable and attractive feature. Anyhow, I find it so. Saturday afternoon is, generally speaking, an afternoon for sport and recreation. Since in the country we cannot afford two

afternoons per week—one for sport and one for shopping—the one afternoon must of necessity do duty for both needs. The idea expressed by the Minister in introducing the Bill, that people in the country can quite easily slide into a car and nip into the nearest shop in the centre at any old hour, is largely nonsense. And so is the idea that free hours exist in the middle of the working day. I assure the Minister that in the country free hours are not nearly as plentiful as he seems to think they are. I admit that if we preserved the late shopping night, then the introduction of general closing on Saturday afternoon would not matter anything like so much. It should, I think, be plain to the Minister and to all hon. members that if we restrict opportunities for sale of goods, we are pretty well bound to restrict the sale of goods. I think the general opinion is that if we curtail shopping conveniences, we shall do a distinct injustice to buyers, and also an injustice to shopkeepers by lessening the quantity of goods that during the year will be sold by them.

Mr. Withers: Will people go without because shops are closed?

Mr. DONEY: No; but surely it must be the hon. member's experience—

Mr. Withers: Then why will there be less sold?

Mr. DONEY: If one reduces the hours of sale, one lessens the total quantity sold. There are certain things people must buy, and there are other things which they buy only because they happen to be in the shops. The less the time people spend in shops, the less the quantity of goods likely to be sold. The weakest part of this weak Bill is that dealing with factory conditions. The Minister says he desires the establishment of more equal trading conditions as between the occupiers of the several types of factories. Conceivably that may be the Minister's wish; but I do not for a moment see, nor do I think the Minister can see, that by passing the measure there will be the slightest chance of achieving that desire. Actually what the hon. gentleman will do is to wipe out the few poor competitive advantages now enjoyed by the small man and leave the field entirely to the big man, with ample opportunity to introduce a fresh and of course a higher scale of prices. In 1934 the predecessor of the present Minister for Industries submitted an attempt similar to that being made in this Bill, to squeeze the backyard factory man, as he rather disparag-

ingly is termed, out of existence as a factor in the commercial life of Western Australia. That earlier attempt was given the treatment it deserved: it failed. To-day the endeavour is being resumed. The Government are training all their big guns upon this poor beggar, the backyard factory man, whose only crime, so far as I can gather, is that he competes, though only in a small way, more or less successfully with the big man, and incidentally keeps prices down to a reasonable level and earns, I dare say, three meals a day for himself and his family. In the Minister's second reading speech there was no indication of his having given a single thought to the point of view of the small man. Apparently the only charge that can be levelled against the backyard factory man is that he works too hard, and allegedly under dirty or unsavoury conditions. However, we have a Health Act; and if those conditions, assuming that they exist, are permitted to continue it is the fault of the Act. So far as working hard is concerned, if the man is not permitted to work an extra hour a day—a thing we all do and have a right to do—how is he to raise himself and his family to a higher and more comfortable level? It always seems to me as if the Government are quite prepared to let a man starve himself to death if he will, or drink himself to death for that matter, or even, may I say, worry himself to death through not being able to find work. But the very idea of a man working himself and his family on to a higher level seems altogether repugnant to the Labour Party, and quite against the law as they see it. It should be plain to the Minister that the big manufacturers of to-day, had the Ministers of former times adopted the attitude expressed in this Bill, would still be backyard factory men. They had to start on the bottom rung of the ladder, apparently, in the same way as these men whose downfall the Minister now seeks to encompass.

Mr. Seward: H. V. McKay started operations in that way.

Mr. DONEY: Yes, and that firm has done a great deal for this State.

Mr. Sampson: In what way?

Mr. DONEY: Many of these small industrialists stay at home preparing articles for sale solely for the purpose of going off the dole, and that is, of course, a highly desirable action for those men to take. If the Bill be passed, however, the Minister, who is supposed to be the Minister for Employ-

ment, will certainly force many of those men back on to the dole, and it will then be quite right to describe him as "Minister for Unemployment." I trust the Minister will note that fact; I do not see very well how it will be otherwise. Nor can I see that the conditions under which the small factory men work can be termed unfair. It has been pointed out by the member for West Perth (Mr. McDonald) that in 1920 an Act was passed permitting these men to work as they are doing now. They have the protection of the provisions of that Act, and I do not think they should be punished by being made to lose their businesses, as they certainly will if the Bill becomes law. I dare say it is a fact that big business does find this type of competition rather irritating, but, after all, all competition is, in a sense, irritating. I do not think it is a form of competition that the big men really fear. It has to be remembered that the small men buy and sell in ones, twos or half-dozens. Theirs is a catch-as-catch-can sort of business. Sometimes they have too much work, and sometimes not enough. On the other hand, the big man buys and sells on the basis of grosses and thousands. They are mass productionists, and can buy and sell a great deal cheaper than their small competitors.

Mr. Sampson: What articles?

Mr. DONEY: I can easily agree that there rests upon any Government the imperative duty to interfere as between employer and employee, so that the latter may be protected against harsh terms as to hours, wages and conditions, but for the Government to arrogate to themselves the right to regulate hours and conditions of work in respect of men who are working for themselves is, to my mind, intolerable, and it is a proposal that I do not think this House will countenance. Running through the Minister's speech there was the implication I have already pointed out, that the big men complain of the competition of the small men. May I ask the Minister if he ever started to think of the many bitter complaints uttered by the small men against the big manufacturers?

Hon. C. G. Latham: I have always told you that this is a big-man's Government.

Mr. DONEY: Well, have I not always agreed with you? Has the Minister noted the complaints of the small shopkeepers against the owners of the big emporiums, complaints which they have every reason for so making? I hope the Minister, in order

to be in line with the principles of his party, will transfer his sympathies to the small man. The small man works very hard at his lawful occupation and he is just as likely to be a decent member of society as the Minister himself.

MR. WATTS (Katanning) [8.35]: I do not feel I can wax enthusiastic over some provisions in the Bill, and I do not propose to deal with a great number of those that have already been discussed by other speakers. I will refer to a few that could very well be done without. They may be minor or major matters, but all are worthy of some consideration. First, I propose to refer to the provision that will make wages payable weekly. What sufficient reason has been advanced for altering the existing custom, which has prevailed for a number of years, of payment fortnightly? In these days of financial emergency tax and hospital stamps, I picture the operations of merchants, local authorities and others becoming considerably more involved than they are at present. On the opposite side of the ledger, there is nothing to be gained. It does not make a shadow of difference respecting what the worker will receive, and there is much to be said for the employee receiving the larger amount fortnightly than a smaller sum weekly. For what reason this provision has been included in the Bill passes my comprehension. We know perfectly well there is a considerable amount of work involved now in the preparation of fortnightly pay sheets, irrespective of the phases I have already referred to regarding the necessity to comply with the provisions of the Financial Emergency Tax Act, the Hospital Fund Contributions Act, and other requirements. I hope that the Minister will be prepared to leave things as they have been in the past, seeing that the existing conditions have proved satisfactory for so many years. The next clause I shall refer to provides that proceedings for the recovery of wages under the Masters and Servants Act may be taken by an inspector or by a representative of the industrial union which is operating under an award or an industrial agreement covering the work performed by the person on whose behalf action may be taken. While I shall not seriously object to the proposal that an inspector under the Factories and Shops Act may commence these proceedings, al-

though I regard it as really unnecessary, it seems to me that to give power to a representative of an industrial union of workers to initiate such proceedings on behalf of a worker is entirely unnecessary. I cannot imagine what lies behind this proposal. Is it that it is feared the worker will not take any steps himself to protect his rights? If so, although I can see little danger of that, then surely an inspector under the Factories and Shops Act should be prepared to take the necessary steps. It seems to me that to go farther than that and to give any representative of an industrial union of workers—it may be an officer of the union or someone else—the right to take these proceedings which, till now, have been regarded as a personal privilege, is somewhat extraordinary. Then we come to the clause in the Bill that provides for the abolition of late shopping and the compulsory closing of all shops on Saturday afternoon. I admit that from some aspects the closing of shops on Saturday afternoon is extremely desirable. There are places, I have no doubt, in respect of which any such innovation would produce no ill-effects whatever. There are other places, however, where, by the will of the people as expressed under the existing legislation by way of referendum, shops do not close on Saturday afternoons. But there are places where a compulsory change of this nature is going to be extremely unsatisfactory. In my own district there are a number of small towns and all of them have indulged in Saturday afternoon closing, primarily because it suited them. The nature of the train services must have a considerable effect in a matter of this kind. There are places, I believe, where the only train that comes in arrives on a Saturday. People come from outback into the town to do business with the railways and take advantage of their being in town to do their shopping with the business premises in the neighbourhood. And now it is proposed, without there being any inquiry as to whether any section of the community is likely to be inconvenienced, to deprive these people of the right they have had since the original Factories and Shops Act was passed to decide whether they are going to close on Saturday or any other day. The right they have enjoyed for so many years should be retained and no step should be taken to make Saturday afternoon closing compulsory in all districts. In all other matters we are content to abide by the will of the people as expressed through the ballot

box and I see no reason why we should depart from that principle in this case.

Hon. C. G. Latham: We have lost Mussolini. We have Hitler now.

Mr. WATTS: The other half of this clause abolishes late night shopping. There may be places where this is desirable, but it is not going to be desirable in a large number of country districts, and I do not think it right that abolition by legislation at this stage in the State's history should be permitted. I was under the impression myself that late night shopping was not a great convenience to people, but I have received information in the last few days that has made me think differently. I was speaking to one of the merchants in my own district and he told me that on Friday he did approximately four times as much business as on any other day and approximately half of that was done between the hours of five and eight. On two Fridays in the month there are large stock sales held in that particular centre. People come from far and near to attend the sales which are generally completed about four o'clock in the afternoon, after which they desire to press on with other business.

The Minister for Employment: They have two hours left then under this Bill in which to do their shopping.

Mr. WATTS: Consider the position of the shop assistants endeavouring to deal with all that business between four o'clock and six o'clock. I consider that in their interests the existing conditions should be permitted to continue. It is a question of balancing the convenience and inconvenience to different sections of the community, and recognising that while there are no doubt some grounds for these proposals in some centres, so far as most country districts are concerned it would be better to leave the existing provisions in operation. As the Bill is drafted, it proposes that no person shall sell or dispose of petrol or spare parts during the hours in which motor service stations are prohibited from being open. I venture to suggest there will be a great deal of inconvenience suffered by people from the country areas if this provision becomes law. People from the country are most likely to visit the metropolitan area at the week-end, and if they chanced to have a breakdown during the hours in which the service stations are closed their locomotion would be effectively blocked. The net result as far as the petrol service stations are concerned, is that there will be more un-

employment created. In other parts of the world automatic petrol selling machines have been installed. If this Bill is passed as it stands there seems a likelihood that we shall find automatic service stations being installed in the metropolitan area, in the goldfields shopping districts and perhaps in other places. Automatic service stations would suit some people exceptionally well, but they would increase unemployment. I do not think we want to add to the troubles of the Minister for Employment. Our sympathies are with both him and the unemployed and I therefore believe that, before this proposal becomes law, the whole position should be very carefully considered. I notice that the Governor may from time to time by proclamation extend the provisions of this section to such other shopping districts as he thinks proper, which means that a week after this Bill is passed, if it is passed, the Minister may conceive the idea that we should not be able to sell petrol or spare parts in the Katanning district, and may have a proclamation issued to that effect. If we are going to legislate for the metropolitan and the goldfields areas, on these lines, I think it is necessary to strike out Subclause (3) of the clause in question which enables the Governor to make the proclamation. There is another clause in the Bill which I believe is excellent in intention, but with which, unfortunately, I do not find myself entirely in agreement and that is the one that provides that no shopkeeper and no shop assistant can canvass for orders within half an hour of closing time. I fail to see any reason at all why the shopkeeper should not be permitted to canvass for orders within a half-hour of closing time. I utterly fail to see any reason why a shopkeeper should be prevented from attending to his business right up to the time when the shop is closed; nor do I know any reason why the shop assistants should not be allowed to canvass for orders within one half-hour of closing time. Of course it is only proper that the shop assistant should not be asked to canvass for orders after closing time, for it should not be required of him that he should work any longer than the prescribed hours; but I cannot see why the last half-hour of the day should be entirely wasted, which it would seem is what is intended by the Bill. Then we turn to another clause which prescribes that every shopkeeper shall post and keep posted up in his premises a

number of notices as, for instance, a copy of the provisions of Section 125 of the principal Act. I can visualise the whole of the shopkeeper's premises being adorned by fragments of the Factories and Shops Act. And he is to keep posted in his shop in a conspicuous position where it can easily be read by all female shop assistants employed in the shop a copy of Section 126 of the principal Act. That section, I believe, has something to do with the provision of seats for shop assistants. I am in accord with the provision of seats, but I see no reason why the shopkeeper should have to adorn his shop with these notices.

Mr. Sampson: If it be a good thing, why not make it general?

Mr. WATTS: Another clause provides that the keeper of every shop of a description mentioned in the Fourth Schedule shall keep in the prescribed manner a correct record of the name and sex of each shop assistant employed, the name and age of shop assistants under the age of 21 years, and the class of work performed by each shop assistant, the days on which shop assistants are allowed half-holidays or holidays, and the wages paid to each shop assistant. And, over and above that, it is provided that such record shall be entered up weekly by the shopkeeper and shall be signed weekly, if correct, by each shop-assistant. It appears to me that the intention is that failure to attend to these records shall be treated as an offence under the Act. I submit that neither the shopkeeper nor the shop assistants are ever going to comply with that provision. If I could see any necessity at all for the various details in that provision, I might manage to overcome such qualms of conscience as I have in regard to leaving them in the Bill. But I can see no reason why this record should be kept, and I am certain that if an attempt is made to keep it, at all events the record will not be kept in the manner intended for a very long time. It is extremely difficult even now, in country shops, to have the shop assistants sign the books they are required to sign from time to time. I am told that they say they do not want to be bothered. I believe that they ought to bother themselves to obey the law, but certainly I do not think we should have this provision in the Bill. Then we get this further provision—

Every such shopkeeper shall post or cause to be posted and kept posted up in a conspicuous position in his shop so as to be easily

accessible to and easily read by every shop assistant in his employ during working hours on every day or by any inspector a roster in the prescribed form in the English language showing (i) the name and sex of each shop assistant employed, (ii) the class of work performed by each shop assistant, (iii) the times at which each shop assistant is required to commence and finish work on each day in each week, (iv) the hours in each day during which each shop assistant is entitled to be off duty during each day—

There is a good deal more in the same strain which I do not think I will read.

Mr. SPEAKER: The hon. member is not in order in reading clauses on the second reading of the Bill.

Mr. WATTS: I have done no more than read certain fragments in order to point out the iniquity of these provisions. The consideration of the whole of these proposals means waste of time, for they are not likely to be carried out, and will only become an annoyance to shopkeepers and shop assistants alike. Further on in the Bill there is a provision increasing the minimum penalties which have been in operation over a number of years for offences against this legislation. An irreducible minimum is prescribed. For some years there has been a minimum penalty prescribed, and I should like to know if there is any sufficient reason why it should be increased. It seems to me the whole trend of this legislation is to make the position as difficult as possible for those concerned in the industries referred to. It is going to make the position difficult for both the employer and the employee. So far as its being made difficult for the employer is concerned, I think that under this legislation the prices of commodities will most likely increase without any commensurate gain. There is in the Bill so much that is undesirable that it seems to me the best course to pursue will be to vote against the second reading.

MR. SAMPSON (Swan) [S.57]: I am interested in the Bill, and am in favour of much of it. Some phases of it I will not support, but those, I hope, will be amended in Committee.

Mr. Doney: There will not be any Committee.

Mr. SAMPSON: So far as conditions relating to factories are concerned, there is no doubt there is great need for reform in many of the smaller factories, termed "back-yard" factories.

Hon. C. G. Latham: The same thing applies to some big factories. We should turn our attention to them first.

Mr. SAMPSON: It is the duty of the departments concerned to see that the big factories are conducted as they should be. That is an obligation on the factories and shops inspectors, and the machinery inspectors. Personally I do not believe they are lacking in their duty. The small factories, those with not more than four people working in them, such as the employer and three others, are allowed the utmost latitude. That is not in the best interests of those working in those factories.

Mr. Doney: At all events, it is in keeping with the law.

Mr. SAMPSON: When this phase of industrial legislation was previously before the House, I made it my duty to inspect some of those backyard factories. I was amazed at the lack of hygienic conditions, the lack of essential privies, and the lack of protection in respect of power.

Mr. Doney: Mainly the fault of the Health Department.

Mr. SAMPSON: I am pleased to hear that from the hon. member, and I trust he will vote with me on that phase; because it is important that the Health Department should do its duty following on registration.

Mr. Doney: There is no registration.

Mr. SAMPSON: The small factories, not being registered, do not come under the Arbitration Court awards, nor are they subject to inspection under the Health Act.

Mr. Doney: Yes, they are.

Mr. SAMPSON: I say they are not. At one of the places I inspected, there was not more than eight feet between the sand floor and an iron roof. We hear a great deal of what happened when several prominent manufacturers started their businesses. MacRobertson, the great confectioner, McKay, the great maker of machinery and the proprietor of the Austin Motor Works in the Old Country. I would like definite information regarding the third.

Hon. C. G. Latham: He started in a bicycle shop at Oxford.

Mr. SAMPSON: MacRobertson is one of the outstanding successes in industry in Australia, if not the world. He has achieved fame and fortune, but he did not do it by running a filthy factory lacking sanitation or by refraining from living up to the requirements of the machinery department, if such existed at the time.

Mr. Doney: How do you know?

Mr. SAMPSON: No one could be successful to the extent he has been unless, in addition to exerting his best endeavours, he provided the best conditions. We are told that McKay started in some little back room—or was it the back verandah?—and undertook the building of strippers, sundereut ploughs, and all manner of agricultural implements.

Hon. C. G. Latham: Nothing of the sort.

Mr. Sleeman: Do not believe it.

Mr. SAMPSON: God forbid that I should say anything discourteous, but an awful lot of balderdash has been talked on this Bill.

Mr. Hegney: No doubt about that.

Hon. C. G. Latham: It is an unholy alliance between capitalists and trade-unionists.

Mr. SAMPSON: The full cost for registering a backyard factory is 2s. 6d. Why should not such factories be subject to the same supervision as are all other factories? Why should not they make similar provision in the shape of lavatory accommodation?

Hon. C. G. Latham: If they have not, the health officials must be lacking in their duty.

Mr. SAMPSON: They will do their duty when they have an opportunity.

Mr. Doney: According to you, there is a big enough opportunity.

Mr. SAMPSON: Why this special appeal to save the owners of backyard factories half-a-crown? If the conditions are so idealistic as some members would have us believe, what is there to fear? Nothing. There is positively no justification for a continuance of the state of affairs that exists.

Mr. Doney: Why did the select committee find in favour of the backyard factories?

Mr. Hegney: They knew nothing about them.

Mr. SAMPSON: If the power used by one of those factories is in excess of one horsepower, registration is compulsory, but what difference does it make whether motors of a quarter, a half, or one horsepower, are used? They would be equally dangerous if any one came into contact with a moving belt. A motor of a quarter horsepower is sufficient to operate a machine which, if not properly protected, is dangerous to employees working in the vicinity. As I pointed out in 1934, I inspected one of the small factories and observed an utter indifference to any consideration whatever. The current was conveyed across the floor by means of an ordinary electric flex. The wires were bare in places, and constituted a positive menace

to anyone walking there. Yet we hear certain members extolling the great virtue of factories which present such a menace. It is an invitation to sudden death to walk across such wires unless one happens to be wearing boots that are in perfect order and there is insufficient perspiration to set up a short circuit.

Mr. Thorn: Does that apply to small factories only?

Mr. SAMPSON: It should not apply to any factory. The factories that are registered are subjected to careful supervision. No matter who runs a factory, there must be occasions when possibly through thoughtlessness, possibly through carelessness and often through deliberate indifference, insufficient attention is paid to the requirements of health and safety. I have given one instance. As another instance I may mention a place where certain tailoring work was being carried on, and in one corner was a heap of rubbish, consisting mostly of serge and other material clippings, which had grown to a height of two or three feet. What is to be said of such conditions? What is to be said of the galvanised iron place of which I spoke earlier?

Mr. Doney: What made you pick them out?

Mr. SAMPSON: Because I wanted to ascertain whether there was justification for the measure in 1934. To mention these matters, of course, is to draw a stream of abuse. That I know, but I would be lacking in honesty to myself if I allowed the occasion to pass without expressing what I know to be true regarding backyard factories.

Mr. Doney: The Minister's objection was not their filthiness but was the unfair competition.

Mr. SAMPSON: Of course there is unfair competition, because the awards of the court do not apply to them. If the factory is not registered, in other words, if there are not more than four employees working in it, the award does not apply. Is that right? Can any member say that an Arbitration Court award should apply to some factories and not to others?

Mr. Doney: Yes.

Mr. SAMPSON: There is no virtue in slipshod reasoning of that kind.

The Minister for Agriculture: You should have been a barrister.

Mr. Doney: Or a backyard factory man.

Mr. SAMPSON: I did start in what might be termed a backyard factory, but in-

sisted upon ordinary decency. I realised that if I was to produce good printing, I must have reasonably clean surroundings. Let me tell members this—but perhaps I had better not, seeing that the member for Subiaco is present.

Members: Go on!

Mr. SAMPSON: When I started in Murray-street on a block adjacent to the rear of the Criterion Hotel, I occupied two rooms of a four-roomed cottage. The other two rooms were occupied for a business that is not mentioned in polite society. I do not know what success they achieved, but the two rooms that were occupied by us were kept very busy, and we certainly worked long hours. We worked in accordance with custom so far as the printing industry was concerned, and we never met with any difficulty in respect to observance of health conditions.

Mr. Thorn: Did the other two rooms contribute to the success of your business?

Mr. SAMPSON: I do not wish to dilate at length upon that, but will content myself by saying there was a constant flow of customers. The position as it affects backyard factories calls for reformation. Women and children do work any hours that the employer desires, and there is no control over the situation.

Mr. Sleeman: You should be ashamed of members over there.

Mr. SAMPSON: It is undesirable that there should be no control. If control is not desired, let us tear up the Industrial Arbitration Act and leave the business without any control. No one would advocate that. I wish to see fair conditions apply to all concerned, clean conditions and healthy conditions. Such conditions do apply to some backyard factories, and the people concerned have nothing to fear. They do not want members to protect them, but those who are not observing proper conditions may require protection.

Mr. Doney: The Bill seeks to reduce hours of work for the owner.

Mr. SAMPSON: The occupier or owner works as long as he can stand or sit. He does not work any specified hours, and is not concerned about such things because there is no control over him.

Mr. Doney: There will be control under this Bill.

Mr. SAMPSON: There should be control. Is it right, even for the sake of the success of the employer, that these conditions

should continue? We have had a lot of heroics about this matter, but I hope that on this occasion it will be fairly and straightforwardly dealt with. There is no justification for protection being afforded to those who are behaving as some backyard factory owners are behaving to-day. I claim to have been responsible for a fairly large number of young men starting in business. It is a subject in which I am deeply interested. I am not in favour of the position as it exists in backyard factories. They should be carried on under proper conditions. There would be no virtue in my doing something to assist men to start in business if they did so in the deplorable and indecent way in which many of the backyard factories are being conducted to-day. Those who carry on their business properly have nothing to fear. They have only to pay a fee of 2s. 6d. per annum. Let any opponent of this Bill dispute that statement. The registration fee is half-a-crown, and people who observe ordinarily decent conditions have nothing to fear. The possibility of the occupiers growing up to be McKays, MacRobertsons, or Austin motor magnates would be the greater because they have observed proper conditions in their industry.

Mr. Marshall: You are the MacSampson of Western Australia.

Mr. SAMPSON: I thank Mr. MacMarshall. Another part of the Bill refers to service stations. I have never yet said that the employer should not be allowed to work whatever hours he likes.

Hon. C. G. Latham: You are just saying so.

Mr. SAMPSON: I have never said so.

Mr. Doney: The Bill provides for it.

Mr. SAMPSON: I do not propose to support that part of the Bill. I have never been in favour of limiting the hours of employers; let them work as long as they like.

Mr. Marshall: You have shifted your premises from Murray-street.

Mr. SAMPSON: That is a closed book. I understand that service stations operate under an award, and that the employees who work late are paid award rates. If they do not come under an award, they are outside the scope of the Bill. I am disinclined to restrict the trading of the employers themselves.

Hon. C. G. Latham: What about the man who is employing labour?

Mr. SAMPSON: He must pay the customary wages and overtime.

Hon. C. G. Latham: You should be consistent.

Mr. SAMPSON: I am consistent. The backyard factory owners pay overtime, or not, just as they and their employees determine between themselves. No obligation is cast upon either side by any award. The employer has full liberty and license to do as he can. There is also the question of keeping a record of the name and sex of each shop assistant. There is no innovation about that, and I cannot conceive anyone objecting to it. Why should not the name and sex of the employees be made available? Under the Factories and Shops Act it is competent for an inspector, when he calls at the premises, to examine the wages sheets and everything connected therewith. I regret I have not had time in which to go through the whole Bill. The matters to which I have referred I will vote upon in Committee as I have indicated. I shall also vote for the second reading. In my opinion the matter relating to backyard factories justifies the Bill being taken into Committee. In respect to other phases of the measure, I reserve the right to vote in the negative.

HON. C. G. LATHAM (York) [9.18]: I shall vote against the second reading, and do not hesitate to say why. I regret the Government have altered their policy. Their policy when they took over the Treasury bench was to appoint a Minister whose whole time would be devoted to looking after those who were out of employment. If the present occupant of the position had been doing that work only, we should not have had the last two Bills that have been brought down. Those measures will not provide employment for anyone, and will, in fact, prevent employment. I was convinced before the member for Swan (Mr. Sampson) rose to speak that there was an unholy alliance between the big factory owner and shopkeeper and trade union representatives. We have had that sort of thing explained in this Chamber on several occasions. We have had it in the case of the one-man bakers, and on other occasions, and now we have it in the Bill before us. After all, we should give consideration to the public first of all, and not to individuals running businesses. Why should we legislate for those individuals? Hon. members will know of instances where

men have been able at least to do some good for themselves by what is termed backyard manufacturing. If the Bill is passed as it stands, many people in the hon. member's electorate who sell jam on the roads will come under the operation of the measure. The hon. member speaks of the fee of half-a-crown. The half-a-crown has nothing to do with it; it is the conditions attaching to registration. First the hon. member tells us he supports the Bill because he thinks these people should not be permitted to carry on business as backyard manufacturers, and a little later he says he has no objection whatever to a person who conducts a business himself working as long as he likes.

Mr. Sleeman: He spoiled himself there.

Hon. C. G. LATHAM: Of course he did. I have never had any objection to a man working as long as he chooses. If he does it to improve his conditions, and thus rise from the bottom rung of the ladder, I admire him for doing so. I wish to encourage all such men. Many members of this Chamber have profited in that way. I would be the last man in the world to discourage such action. The hon. member said he had had to work in two rooms, which I suppose were very different from the premises he now occupies. He has profited by being permitted to work long hours, and I daresay the men associated with him worked long hours also. The hon. member has thus been enabled to become at least a respectable business man of this city. I cannot understand Labour policy declaring that one is not to be given an opportunity to rise from the position of wage earner to that of an employer.

Mr. Sleeman: I suppose the longer men work, the better you like them.

Hon. C. G. LATHAM: I do not care how long they work. I have had to work long hours myself, and am none the worse for it. I suppose the hon. member interjecting has had to do the same thing.

Mr. Marshall: No.

Hon. C. G. LATHAM: But the member for Murchison has known the member for Fremantle only since the latter entered the trade union movement.

Mr. Marshall: No. I have known him for a number of years.

Hon. C. G. LATHAM: It is on the score of the unholy alliance that I object to legislation of this kind. And that is not my only

objection. I have never seen a more jumbled-up Bill in my life. I do not know what its application is. It seems to over-ride the Health Act and the Arbitration Act. Men operating factories and shops, and bound by the Arbitration Act and the Health Act, would have great difficulty in knowing where they stand if the Bill becomes law. I hope it will not become law. The member for West Perth (Mr. McDonald) has pointed out how the measure over-rides the Arbitration Act. It has been laid down here, and laid down by a Labour Government, that it is the function of the Arbitration Court to fix hours and wages.

The Minister for Employment: Where does the Bill over-ride the Arbitration Court?

Hon. C. G. LATHAM: It reduces the hours of labour.

The Minister for Employment: No, it does not.

Hon. C. G. LATHAM: It reduces them to 44 hours in some instances.

The Minister for Employment: Not against an award of the Arbitration Court.

Hon. C. G. LATHAM: It also increases the pay of junior workers. Those things can be dealt with by the Arbitration Court.

The Minister for Employment: Arbitration awards and industrial agreements are not over-ridden.

Hon. C. G. LATHAM: If the Bill passes in its present form, there will be very little to which it will not have application. Certainly it will have a general application, affecting farm labourers and everybody else. Undoubtedly it does over-ride the functions of the Arbitration Court.

The Minister for Employment: You had better read the Bill.

Hon. C. G. LATHAM: It also trenches on the functions of the Health Department.

The Minister for Employment: You had better read Clause 155.

Hon. C. G. LATHAM: I know what that clause says. The measure must create a great deal of difficulty for people operating under it. My next objection is to the selfish attitude of the Minister as disclosed in the Bill. He proposes to compel everyone who cannot leave his home except on Saturday afternoon, to trade with Perth. Very little consideration indeed has been given to country people in the Bill, though the Minister himself represents a country constituency. Perhaps the hon. gentleman is unaware that even on the goldfields a pros-

pector comes into town on Saturday afternoon to do his shopping. It is now proposed to deprive him of that opportunity. The Bill does not reveal anything democratic. If we preach democracy, we ought to practise it. The Minister knows of instances of a referendum being submitted to the people to decide whether they would or would not have the Saturday half-holiday. He knows that the people voted against Saturday afternoon closing. They are in favour of the Wednesday half-holiday from that aspect. The Bill tells people, "You are not to have any freedom at all; the Government are going to adopt the Hitler attitude, the Fascist attitude, of saying that you are going to obey these laws, which are to be made in the city of Perth and applied generally throughout the country."

The Minister for Employment: Every Act of Parliament applies throughout the country.

Hon. C. G. LATHAM: Nothing of the sort. The Labour Party believe in the initiative and referendum, so as to have legislation initiated by the people.

The Minister for Employment: Not district referendums.

Hon. C. G. LATHAM: Referendums of any kind. Most certainly I oppose the Bill on the ground that it takes away from country people a privilege they have enjoyed for many years and are entitled to enjoy. What would the Minister for Employment say if the Country Party, happening to be in charge of the government of the State, were to say, "Because we in the country have late shopping on Saturday night, the city shall have it also"? There would be objections raised by many hon. members.

The Minister for Employment: We would not expect such a foolish proposal except from the Country Party.

Hon. C. G. LATHAM: The proposal is on exactly the same lines as that put forward by the Minister in this Bill. I did not desire to be rude, or I would have said so.

The Minister for Employment: You would need to have the courage.

Hon. C. G. LATHAM: I shall have the courage all right. The Government need not worry about that. I have just as much courage as anyone else in the Chamber.

Mr. SPEAKER: Courage is not in the Bill.

Hon. C. G. LATHAM: No, Sir. Country people come into town on Saturday after-

noon to do their shopping. There are many instances of the Saturday half-holiday being turned down in country districts. Even employees in the country have been glad to go back. The very town the Minister for Employment represents tried the Saturday half-holiday and was glad to revert to Saturday afternoon and Saturday night shopping.

The Minister for Employment: Why?

Hon. C. G. LATHAM: Because they found it more profitable. Neighbouring towns have proved it so, too, and employers there have told me they have had to dispense with the services of a number of their employees because trade had fallen off. It is convenient to shop in the city to-day, and that is what the Minister will achieve by this legislation. He will force people in the country areas to shop by post.

The Minister for Employment: They can do that now.

Hon. C. G. LATHAM: But they do not. A little while ago I heard that the policy of the Labour Party was decentralisation, but that is merely lip service.

Mr. Hegney: When we were dealing with the State Transport Co-ordination Act, centralisation was what you wanted.

Hon. C. G. LATHAM: Of course it is necessary to transport goods to the centre where they can be sold. It would be useless to dump the goods in the country. There is no analogy between the transport problem and the matter now under discussion. Then with regard to petrol stations, I cannot understand why those engaged in that section of industry desire the relevant provision included in the Bill. If their late business is unprofitable, why do they not close at an earlier hour? In fact, I believe that if the provisions of the Factories and Shops Act were applied, their business would be confined to ordinary trading hours.

Mr. Sleeman: Do they not require some leisure?

Hon. C. G. LATHAM: There is no reason why they should not enjoy it by closing petrol stations at 6 p.m. Why not fix the hours from 9 a.m. to 6 p.m., or from 8 a.m. to 5 p.m.?

The Minister for Employment: Why not do the same regarding grocers' shops?

Hon. C. G. LATHAM: Yes, why not? No consideration is indicated in this proposal for the interests of the travelling public. Surely their interests should be considered. The other evening one member interjected, "Why don't you get the butch-

ers to keep open?" There is no analogy between a pound of suet and a gallon of petrol.

Mr. Sleeman: It is much easier to keep one than the other.

Hon. C. G. LATHAM: If members desire to prevent people from using motor transport, why not place the same restrictions on the railways, the trams, and every other form of transport? Why not limit their operations to given hours? Motor transport has come to stay, and with the use of the internal combustion engine fuel is essential. I can imagine a ridiculous position arising in which a man would be able to drive his car half way down St. George's-terrace and then run out of petrol.

Mr. Fox: That would be bad judgment.

Hon. C. G. LATHAM: The Minister has been courteous enough to show me an amendment he proposes to move, but it will have no effect whatever. It will enable a motorist to ring for the services of a break-down van, but of what avail will that provision be, seeing that there will be no one on the premises? If someone will be on the premises, why should he not be allowed to sell petrol?

Mr. Seward: A motorist will not be able to buy spare parts.

Hon. C. G. LATHAM: Yes, the Minister intends to make provision for that.

The Premier: If you do not make provision for the Sunday meal, how do you get on with the butcher?

Hon. C. G. LATHAM: The Premier is labouring under a wrong impression. Some time ago I motored to Wagin. I filled up with petrol before leaving and got there quite safely. I filled up at Wagin again, but on the return journey did not get to Armadale.

Mr. Sleeman: You must have been given short measure.

Hon. C. G. LATHAM: No, the tank was full.

The Minister for Employment: Then it may have been bad driving.

Hon. C. G. LATHAM: Had the Minister been driving, that might have been the explanation; but the one driver was at the steering-wheel throughout.

The Minister for Employment: The going is downhill.

Hon. C. G. LATHAM: Under the provisions of the Bill, it would have been necessary for me to stop where I was be-

cause no petrol could be procured, unless the law were broken.

The Minister for Employment: The Bill would not prevent you from getting petrol at Armadale.

Hon. C. G. LATHAM: It all depends upon where the metropolitan area extends. Probably the metropolitan area would be fixed in accordance with the definition in the Factories and Shops Act, and I think Armadale would be included. We have that phase to contend with. Then again, a car might stop half-way between Armadale and the city, in which event the owner would have to leave his car on the roadside. I have received a circular letter from the petrol station people, and if the business is as unprofitable as they suggest, let them close their premises at an earlier hour and, as the chemists do, provide one station where the necessary assistance can be procured. There may be all sorts of circumstances arising.

Mr. Sampson: The petrol tank may be milked.

Hon. C. G. LATHAM: All these phases have to be taken into consideration. If the Bill be agreed to in its present form, petrol will certainly be sold under the law during prohibited hours, and there will be no end to the trouble. Arrangements should be made whereby some petrol stations shall be kept open all night. There is no reason why the proprietor should charge the same price for petrol supplied at night as for that made available during the daytime, and the employees can receive extra remuneration for night work.

Mr. North: There could be some arrangement like the chemists have.

Hon. C. G. LATHAM: Yes. To baldly declare that no petrol shall be sold after 7 p.m. is altogether unreasonable. I have travelled over a large portion of the world, and there is no place I know of where petrol cannot be purchased at any hour.

Mr. Sleeman: There is a move in this direction in Melbourne.

Hon. C. G. LATHAM: It will not be agreed to. I know that I was able to get petrol at any time in Melbourne, day or night.

Mr. Sleeman: Well, they are moving to curtail the hours there.

The Minister for Employment: And there is a Country Party Government in Victoria.

Hon. C. G. LATHAM: I know that in America there are automatic bowlers where

money is put in the slot and a gallon of petrol is run off.

Mr. Marshall: I hope those automatic bowlers work more effectively than the automatic telephones in this State. If not, no petrol will be procured half the time.

Hon. C. G. LATHAM: Probably they are as profitable to the owners as the automatic telephones are to the Postmaster General's Department. We should leave this type of legislation well alone. We should turn our attention to finding employment for men who are on part-time work. That should be a full day's job for the Minister. I was struck by figures published in the "West Australian" this morning in a telegram from Canberra, which read—

Further evidence of industrial recovery is provided by the employment statistics for the third quarter of this year completed to-day by the Commonwealth Statistician (Dr. Roland Wilson). They show that unionists unemployed in the quarter represented 12 per cent. of union membership, a reduction from 12.8 per cent. for the second quarter of the year, and from 15.9 per cent. for the corresponding quarter of last year.

Commenting on the improvement, Dr. Wilson pointed out that for the Commonwealth as a whole employment in factories is now about 8 per cent. greater than in the immediate pre-depression years. In Victoria, it is 15 per cent. greater than in pre-depression years, and in Tasmania 14 per cent. greater. New South Wales and South Australia have both passed the pre-depression level, but in Queensland there is 2 per cent. less factory employment, and in Western Australia 9 per cent. less than in 1928-29.

It is estimated that 22 per cent. of all persons dependent on employment in the Commonwealth are now in factories.

That shows that Western Australia is lagging, and this type of legislation will not help. If I thought it would provide employment for a hundred additional men, despite my dislike of it, I would approve of the Bill.

Mr. Hegney: Do you attribute that to legislation here?

Hon. C. G. LATHAM: I can charge it against the Labour Government during the last 3½ years. The strange thing is that in the two States where Labour Governments are in power, there is this lag in employment, and Western Australia is the worst State of the lot.

The Premier interjected.

Hon. C. G. LATHAM: I do not know what is the explanation, but there are the figures. I presume that from an organising point of view there would be a larger percentage employed in factories where unionists

are organised than there would be in Victoria. I do not think there is as much compulsory legislation there as in this State. In the circumstances it shows that we are not doing our fair share. In spite of the fact that we ask people to buy our goods we come along with this class of legislation which cannot possibly help. I do not mind dealing with the backyard factories. I think we should tell them to produce their goods under hygienic conditions. The Health Act does that, because there is no private house whose doors are closed to the health inspector, and he can see that the accommodation is of a sanitary nature. Let us study the public as a whole. Never mind about the employer of labour in a big way or even the trade unionist. Let us give consideration to the people who to-day are anxious for work and cannot obtain it; there are thousands of them. Let the Government turn their attention there. Leave this legislation alone for a year or two until we have got back to more prosperous conditions. This legislation is not going to provide more employment for anyone, but rather will it throw men out of work. I am going to fight it.

THE MINISTER FOR EMPLOYMENT

(Hon. A. R. G. Hawke—Northam—in reply) [9.43]: Every progressive piece of legislation is subjected to very much the same type of criticism as has been levelled against the Bill now before the House. It has been stated that the dominating objective of the Bill is to take control of a number of small enterprises now being carried on in Western Australia. It has also been stated that the effect of bringing these small enterprises under control will be to destroy them utterly. A careful study of the provisions of the Bill would convince almost everybody that the dominating objective is not as suggested. A careful study of the amendments dealing with the small factories would convince most people that the operations of the proposed amendments would not have the effect of destroying any enterprise in the State that is worth preserving. At the present time premises in which four or more persons are concerned, are regarded as a factory. If it is fair and reasonable that a place in which four people are employed should be a factory and should be under the provisions of the Factories Act, how can it be logically claimed that a place where only one less is employed

should not be under the control of the Act? Why should we penalise—if there is any penalty—the employer who employs four people and allow to go scot-free the employer who employs only three? Is there any justification for suggesting that the bringing under control of the provisions of the Act the smaller type of factory will have any worse effect upon it than the Act now has on the factory where four persons are employed? The arguments have only to be examined to demonstrate their lack of strength. In another part of the Act it is stated that in places where steam or other power exists, the place will be automatically regarded as a factory if one-horse power is used, and will have applied to it the provisions of the Act. But if slightly less than one-horse power is used, it is not a factory, and not under the provisions of the Act. Why should one place using slightly less power than another, be free from the provisions of the Act? The same thing applies to what is described as the domestic or home factory. If the number of persons employed therein is not greater than four and they are all members of the one family, such a place is not to be regarded as a factory; but if the number of employees is five, such a place is to be regarded as a factory, and must be brought under the provisions of the Act. Why should we bring one place under the provisions of the Act because five members of the one family are employed therein, and not bring the other place under the Act because only four members are employed? Surely there is no logic and very little sense in arguments of that description, and it seems to me that the proposals in the Bill dealing with this aspect of the position are fair and logical. It is easy to invent all sorts of fears regarding the effect the legislation incorporated in the Bill is likely to have, but I suggest that the fears that have been invented have very little foundation, and the adoption of the proposals in the Bill in regard to this phase of the question will not have any of the fearful results prophesied. The only small factories, the only home type of factory which will be in any danger whatsoever if this Bill is passed, will be that type which is carried on under most undesirable conditions. Surely it is desirable from the public's point of view that such places should not be permitted to continue. It has been said here this evening that we should study the public

interests, that we should give more consideration to the question of protecting the public. I suggest that the proposals in this Bill dealing with the small type of factory, and with the domestic type of factory, both of which are exempt from the operations of the Act, will have the effect of protecting the public from many of the undesirable conditions now in operation. All the hon. members opposite who condemned this phase of the Bill are members who have had no practical experience of what goes on in some of these small unregistered types of factories. When the one member opposite who had had practical experience and first hand knowledge of the situation spoke, he clearly showed that many of these small factories were conducted on most undesirable lines, and that it was essential in the interests of public health and safety that public enterprises should be brought under some strict measure of control. The member for Swan (Mr. Sampson) saved me the necessity of replying at great length to the criticism levelled against this phase of the Bill. Most of the other arguments that were raised against the Bill are capable of being dealt with more effectively during the Committee stage. It was suggested rather wildly by one or two members opposite that the adoption of the provisions in the Bill would have the effect of overriding Arbitration Court decisions in regard to wages and hours, and so would impose on employers not only additional costs in regard to production but would create a great deal of confusion. Section 155 of the parent Act definitely provides that none of the provisions of the Act shall have the effect of overriding any decision of the Arbitration Court. The one provision in the Bill, the only proposal in the Bill that seeks to operate irrespective of any decision of the Arbitration Court is the proposal dealing with the public holidays that shall be granted to the employees in shops and factories and warehouses in this State. The question of the uniform compulsory Saturday half holiday was discussed and several objections were raised to that proposal. It was stated that farmers in particular would be unable to do their shopping in the country towns. It may be information to some members to know that in several country towns to-day the Saturday half holiday is operating, and that those towns are towns which are centres for quite a large number of farmers. Is it suggested that the farmers in those districts are not able to buy what they

want to buy? Is it suggested that the farmers in those districts are put to great inconvenience and added costs because the shops are not open on Saturday afternoons and evenings? It is said that under the present provisions in the Act dealing with this question, the local people have the right to decide by referendum on which afternoon the shops shall close, and it is suggested that the proposal to make the Saturday half holiday compulsory is an interference with the rights and liberties of the people concerned. If it is reasonable to allow the public in certain districts, or in every separate district, to decide on which afternoon the shops shall close, is it not just as reasonable to say that those people shall also be given the right to decide at what time the shops shall open and close every day in the week, and the right to say whether the shops shall not remain open every night? Why is it necessary to give the people this power in regard to only one phase of the proposition? If that is just and proper, we should provide for the whole of the conditions relating to shops in this State being decided by referendums held in separate districts. The Bill aims at uniformity. I am convinced that if the Bill passes, and the people in the various districts throughout the State have to accommodate themselves to new conditions in regard to shopping, very little difficulty will be encountered. There may be some complaints and inconvenience at the beginning, but I am convinced that after the new system has been operating for one or two months, the people will prove capable of accommodating themselves to the changed conditions. In regard to the service stations, there is practically a unanimous desire amongst the owners of those stations in the metropolitan area to have definite trading hours set down. They point out that unless definite trading hours are set down, there is practically a compulsion on every service station owner to keep his service station open as long as any other service station proprietor is prepared to remain open. That means that the greediest type of service station proprietor sets the pace; if he decides to remain open till midnight there is economic pressure on the proprietors of other service stations to do the same. The Leader of the Opposition suggested that if certain service station owners wished to close at 6 p.m. or 7 p.m., there was nothing to prevent them from doing that now. That is a plausible type of argument but with very little merit in it. If a service

station in a certain street is remaining open until 10 p.m. and if another service station further down the street is closing at 6 p.m., it is any odds that the service station that remains open at night will, in the passing of time, rob the other station of all its regular customers. Therefore it is desired that there shall be a limitation of trading hours and it is desired that the limitation shall be a uniform one, in order that no service station proprietor shall be able to set the pace in regard to the long period of time during which service stations remain open. In certain amendments which I propose to move in connection with this aspect, we are providing certain rights to serve the public in cases of emergency after closing hours. We are not providing that petrol shall be one of the commodities supplied in service stations after closing hours. It is intensely difficult to provide for that. It has been suggested that some service stations, a few, one or two in each district, should be licensed to remain open after 7 o'clock at night, to remain open till midnight, or for that matter continuously. That proposition sounds practicable enough at first hearing. The difficulty about it is to decide which service station is to be granted the right and privilege of remaining open after the ordinary closing hours. When we get to grips with that question, it becomes intensely difficult. If all service stations are compelled to close at 7 p.m. for the serving of petrol to the motoring public, I can visualise a few motorists running out of petrol at awkward times.

Mr. Sampson: It is awkward at any time.

THE MINISTER FOR EMPLOYMENT: But I am convinced that if they suffer that experience once, they will not suffer it again. I remember having been caught that way about six years ago. I ran out of petrol halfway down Mount's Bay-road at 1.30 on Sunday morning.

Mr. Thorn: A bad place for you at that hour.

THE MINISTER FOR EMPLOYMENT: That made me sufficiently careful never to be caught again. If a motorist takes care, he can avoid running short of petrol. At present motorists have the privilege of buying petrol at any hour, and so they do not exercise the care they would if a limitation of trading hours were applied to service stations. Granted such hours were applied, I am satisfied that there would not be one motorist in 10,000 who would find himself short of petrol after the ordinary closing

hours. I do not propose to say anything more in reply to the second reading debate, but will reserve other arguments till the Committee stage.

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

Ayes 24

Noes 15

Majority for 9

AYES.

Mr. Coverley
Mr. Cross
Mr. Doust
Mr. Fox
Mr. Hawke
Mr. Hegney
Miss Holman
Mr. Hughes
Mr. Lambert
Mr. Marshall
Mr. Munzie
Mr. Needham

Mr. Nulsen
Mr. Rodoreda
Mr. Sampson
Mr. Sleeman
Mr. F. C. L. Smith
Mr. Styants
Mr. Tonkin
Mr. Troy
Mr. Willcock
Mr. Wise
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Boyle
Mrs. Cardell-Oliver
Mr. Hill
Mr. Keenan
Mr. Latham
Mr. Mann
Mr. McDonald
Mr. McLarty

Mr. North
Mr. Seward
Mr. Thorn
Mr. Warner
Mr. Watts
Mr. Welsh
Mr. Doney

(Teller.)

PAIRS.

AYES.

Mr. Collier
Mr. Johnson
Mr. Millington
Mr. Raphael

NOES.

Mr. J. M. Smith
Mr. Patrick
Mr. Stubbs
Mr. Brockman

Question thus passed.

Bill read a second time.

House adjourned at 10.7 p.m.

Legislative Council,

Tuesday, 20th October, 1936.

	PAGE
Bills: Western Australian Bush Nursing Trust, 1s.	1185
Pearling Crews Accident Assurance Fund, recom.	1185
Supply (No. 2) £1,600,000, 1s.	1185
Petroleum, 1s.	1185
Justices Act Amendment, 1s.	1185
Electoral Act Amendment, 1s.	1185
State Government Insurance Office, 2s.	1186
State Transport Co-ordination Act Amendment (No. 3), 2s.	1195

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

BILL—WESTERN AUSTRALIAN BUSH NURSING TRUST.

Introduced by the Chief Secretary, and read a first time.

BILL—PEARLING CREWS' ACCIDENT ASSURANCE FUND.

Recommittal.

On motion by Hon. J. J. Holmes, Bill recommitted for the purpose of further considering Clause 4.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Duties and powers of board:

Hon. J. J. HOLMES: I move an amendment—

That in paragraph (d) of Subclause 2 the words "that any company or underwriters" (inserted by a previous Committee) be struck out.

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

Bill again reported with an amendment.

BILLS (4)—FIRST READING.

- 1, Supply (No. 2), £1,600,000.
- 2, Petroleum.
- 3, Justices Act Amendment.
- 4, Electoral Act Amendment.

Received from the Assembly.