

happened in Geraldton, where the members of the bowling club, fearing that they might lose the grounds where the green was, secured the expenditure of £200 of the ratepayers' money for the purpose of constructing another green, and then, finding that they were secure in their original location, repudiated their contract with the council. I am not prepared to agree to any provision which would allow such a thing to be possible.

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

Title—agreed to.

Bill reported with an amendment and the report adopted.

*House adjourned at 12.23 a.m. (Wednesday).*

## Legislative Council,

*Wednesday, 8th December, 1920.*

	Page.
Question: Police and Public Demonstrations ...	2178
Sitting Day, Additional ...	2178
Sitting Hours ...	2176
Bills: Factories and Shops, Com. ...	2178
Narrogin Recreation Reserve, 1A. ...	2194
Industries Assistance Act Continuance, 1A. ...	2194

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

### QUESTION—POLICE AND PUBLIC DEMONSTRATIONS.

Hon. J. W. HICKEY asked the Minister for Education: 1, Apart from Constable Greene, how many police were on duty at Parliament House on the occasion of the demonstration of civil servants at Parliament House last session? 2, Apart from Constable Greene, how many police were on duty at Parliament House on the 7th instant? 3, What was the reason for their attendance, and what was the nature of their duties? 4, Who was responsible for their attendance, and by whose invitation or instructions did they attend at Parliament House.

The MINISTER FOR EDUCATION replied: 1, Three constables were on duty inside and six outside. 2, Three inside and six outside. 3, To perform any duty required of them. 4, The constables on duty inside were there at the request of the

authorities of the Legislative Council, and those outside were on duty for the purpose of controlling traffic, as a very large attendance was anticipated.

### SITTING DAY, ADDITIONAL.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: I move—

That for the remainder of the session the House shall sit on Fridays in addition to the days prescribed by Standing Order No. 48.

Hon. Sir E. H. WITTENOOM (North) [4.35]: I should like to say a few words with regard to the conduct of the business of the House. I refer more particularly to last evening when this House rose at the hour of 12.30. That is too late an hour for many reasons. In the first place, business cannot be carried out satisfactorily or well by people who are tired and have been working the whole day. Secondly, by keeping the House sitting so long many members, who live a certain distance out from the city, have to leave to catch trains in order to get home. In consequence of this we have only a thin House left to deal with important matters. I am not going to insinuate that the leader of the House likes to deal with these matters with a thin House, which is arrived at by a late sitting, but that is the effect of sitting late. I know five members who were driven out of the House last night because we sat until after 11 o'clock. It is, in consequence, impossible to give that consideration to important measures which we all agree they deserve. People who are very tired and have been at work all day cannot give calm consideration to important business. I am sorry to say that last night the leader of the House was very unsympathetic. We appealed to him once or twice to report progress and he said he would place himself in the hands of the House. He will naturally shelter himself behind the statement that in the divisions which followed the majority were on his side. That is so, and rightly so. Several members felt they would like to vote one way, but were naturally disinclined to interfere with the leadership of the House, and very properly too. For my own part, I was reluctantly forced to take an action I have never taken before, and that was to move to report progress against the leader of the House. My reason for doing so was that the Minister for Education told me that when 12 o'clock came he would not ask us to sit any longer, and would report progress, but he did not do so.

The Minister for Education: I object to the statement of the hon. member; it is absolutely incorrect. I did not tell the hon. member I would report progress at 12 o'clock.

Hon. Sir E. H. WITTENOOM: He said, "Let us go on until 12 o'clock and I will report progress."

The Minister for Education: And make progress.

Hon. Sir E. H. WITTENOOM: He was sitting in his seat when he said that.

The PRESIDENT: The hon. gentleman must accept the statement of the Minister for Education.

Hon. Sir E. H. WITTENOOM: I accept it, but that is what happened. In the circumstances I felt compelled to do something I regretted the necessity for doing, and that was to attempt to influence the leadership of the House. That is how it happened. There was a tired House to deal with the business. I should like to explain, for the good of the public, if not for members, that all the work a member has to do is not done while we are sitting. A great deal of the work is done before we come to the House. I was here yesterday at 10 o'clock in the morning and remained until 11.30. I was here in the afternoon from 2.30 and remained until half-past 12 last night. I read every Bill on the Notice Paper, and compared every amendment with the original Acts. I was therefore ready for the work that lay before us. In the circumstances one does not feel inclined to sit until such a late hour, after doing all that work. Some of us are tired at that hour, and many of us are not exactly in the bloom of youth. I ask the leader of the House to use a little discretion and try to accommodate us by sitting up to what we call a reasonable hour, which I think is 11 o'clock.

Hon. R. G. Ardagh: Start earlier.

Hon. Sir E. H. WITTENOOM: We could start in the morning if desired, but let us not sit until these unseemly hours, when members are driven out of the House in one direction, and those who are left are too tired to deal with the business. I did intend to place a motion on the Notice Paper asking the House to agree that any business except special business should not be taken after 11 o'clock. Knowing, however, that we have reached the time when there is a great deal of business to do, I refrained from taking that course. I do not see why this House should be driven to do a lot of work and to concentrate into a short time work which another place has had a long time to consider.

Hon. R. G. Ardagh: And did not half do.

Hon. Sir E. H. WITTENOOM: I plead with the leader of the House to be as considerate as possible, and we will help him in every way we can. We all want to get on with the work. I ask him to accommodate us by not sitting too late. At times we may have to sit until midnight, but 11 o'clock is a reasonable hour for adjournment, for this enables members to get their conveyances to take them home. If we all sit until half-past 12 at night it may mean a demand upon the

President or the Minister for Education for motors to take us home. I do not know whether or not there is a fund for that purpose, or whether the expense would be worth while for the extra hour's work. Last night, because of the late sitting, everyone was out of temper. Both sides were irritated. We should do more work during a quarter of an hour this afternoon than we did in an hour and a half last night.

The Minister for Education: I quite agree with you.

Hon. Sir E. H. WITTENOOM: In the circumstances, I would urge the leader of the House to favourably consider the advisability of not sitting late. We cannot deal fairly with the work when we are tired and have already had a long day, and, furthermore, the business has to be done by a thin House, and in those circumstances justice cannot be done to it. Members come back on the following day and find that clauses have been put through which they did not expect to be passed. For many reasons, with which I have no desire to weary the House, it is far better that our energies should not be too greatly taxed. I intend to support the motion.

The PRESIDENT: Any remarks about the hours of sitting would come more properly under the heading of motion No. 2. The motion we are now dealing with has to do with sitting days, whereas the second motion deals with the hours of sitting.

Hon. J. W. HICKEY (Central) [4.43]: I support the motion, but wish to enter my protest against the attitude of the Government. A review of the Notice Paper of another place and this House shows us that practically the most important legislation of the session is left to be dealt with at the death-knock of the session. It makes one uncharitable enough to suppose that it is a deliberate attempt on the part of the Government to hurry through this legislation in the waning hours of the session. The protest against this sort of thing is raised each year, but it seems to have no effect upon the Government. We have on the Notice Paper legislation of an industrial character and more or less debatable, and other legislation upon which we all would like to have a word or two to say. There will, however, be no opportunity of saying much between now and Christmas time. I must enter my emphatic protest against this kind of business. We are given no opportunity to thoroughly discuss legislation that comes before us. We know that many Bills are bound to come down to us, but insufficient time is given to us in which to deal with them. I support the motion for the extension of the sitting days, because I see no other course open to enable us to discuss at all the legislation that we shall be called upon to deal with. I join in the protest against the attitude of the Government. At the same time, I confess that Sir Edward Wittenoom must take credit to himself for some of the delay which took place in the business during the last week or two. I was not able to be present

in my seat, through circumstances over which I had no control, but judging by what appeared in the daily Press, that hon. gentleman was responsible for a certain amount of time being wasted.

The PRESIDENT: The hon. gentleman is not in order in discussing the Hon. Sir Edward Wittenoom under this motion.

Hon. J. HICKEY: It seems to me that it was because of such delays that it has become imperative for the leader of the House to move in the direction indicated.

Hon. A. LOVEKIN (Metropolitan) [4.46]: I have known the Minister longer and perhaps as intimately as most members, and I know that he will not take anything I have to say in an offensive sense. We must all recognise the very strenuous nature of the Minister's work. He has to study minutely all the Bills and be prepared to meet the thrusts and gibes of members all around him. His work is strenuous and arduous, and I could not help noticing last night how tired and jaded the Minister appeared towards the close of the sitting. As a friend, I wish to warn him that it is a grave mistake, not only from the point of view of the country but from his own health standpoint, to pursue these long sittings. As Sir Edward Wittenoom has said, we would do more work if we sat earlier.

Hon. A. J. H. Saw: We would do more talking.

Hon. A. LOVEKIN: I do not think so. We would be prepared to expedite business. I urge the Minister both for the sake of the country and of his own health, to curtail the late sittings.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.48]: What I have to say in reply to hon. members, I will reserve for the next motion. Regarding the protest made by members against the condition of the Notice Paper and the late arrival of Bills, I wish I were in the position to support the protest. All I can say is that I am not conscious of having left undone anything I should have done to obviate this condition of affairs.

(Question put and passed.)

#### SITTING HOURS.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.49]: I move—

That for the remainder of the Session, on and after Thursday, 9th December, the House shall meet for the despatch of business on all sitting days, including Fridays, at 3 p.m.

I am just as anxious as other members to avoid late sittings. I think I must take up the position that the length of the sitting must be determined by the amount of business we do. To adopt any other attitude

than that and to say that we will sit till 11 o'clock only, might easily be fatal to the transaction of business at all. I can assure Sir Edward Wittenoom that what I said to him during the division last night was "Let us make some progress and I will adjourn at 12 o'clock." As soon as we did make some progress—and it was comparatively little—I did adjourn the House without a request from any member. I should be lacking in my duty to the House if I did not endeavour to interpret the wishes of the majority of the members of the Chamber. I would have been acting contrary to the wishes of the majority of members had I adjourned without making some progress.

Hon. Sir E. H. Wittenoom: What about having a thin House?

The MINISTER FOR EDUCATION: I cannot help that. I should be sorry to see this Chamber reach the condition of affairs which obtains in another Chamber where they sit for very long hours. I am able to get tired equally with anyone else, although, as Mr. Lovekin knows, for very many years I was actively following a profession in which people wake up at 10 o'clock at night and are able to keep awake longer than most members.

Hon. A. Lovekin: You cannot keep it up too long.

The MINISTER FOR EDUCATION: I am grateful to the hon. member for his solicitude. I think it well to tell members that the length of sittings must be determined by the amount of progress we make, as well as the time we take over it.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.52]: I do not intend to pass any hostile criticism regarding the conduct of business by the leader of the House. In many respects his conduct of the business is admirable, and I intend to support him. I can see quite clearly that if we had a set closing hour at 10 or 11 o'clock, it would not be in the interests of the public. I intend to ask members who have been elected since I first sat here some eight years ago, to remember that unless we take this matter into our own hands, we will have a continuation of the treatment we have received during the past few years. I intend to do my best to stop it. The message I would wish the leader of the House to take to his colleagues in the Government is that if they bring a dozen Bills before this Chamber during the last fortnight of the session, those Bills will not be passed. There are 14 Bills which are of first or second class importance, which appear on the Notice Paper at present. All of them demand most careful consideration. If everything were going smoothly and if we were satisfied with the directors, as we might call them, of the affairs of State; if the country were satisfied with us, and they do not seem to be, there would be some justification for allowing this to go

on. With the Ministers we have, the position we have got into and the dissatisfaction that rightly exists outside, unless we take this matter in hand, we will share in the downfall of Ministers, which appears to be inevitable. I ask the Minister to give the message to his colleagues that four years ago he informed us that the intention of the present Government regarding finance was to restore full Parliamentary authority.

The PRESIDENT: The hon. gentleman is scarcely in order in bringing financial matters into the discussion.

Hon. A. SANDERSON: I will make it apply to the business of the country and I say that the Minister said it was the intention of the Government to bring the business of the country under the control of Parliament. The methods which have been adopted, so far as the Upper Chamber is concerned, during the past few years, need to be remedied. I do not wish to go into details on this matter but of those 14 Bills there are at least eight which are of first class importance. I am going to vote against the second reading of four or six of those measures unless the Minister will say that the Government intend to drop this or that measure and ask us to consider only six or eight of the Bills which must be passed. I will assist him in every way to get those Bills through and I will vote at all times to keep the business of the House in his hands. A message should be conveyed to Ministers, however, that so far as one member at least is concerned, he is not going to tolerate the conduct of business such as we have experienced during years past.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.56]: I will support the motion but I intend to take this opportunity to supplement the remarks of previous speakers. A few days ago when the leader of the House announced that he intended to move for the suspension of the Standing Orders, I said it was my intention to oppose the motion not to show disrespect to the Minister, but for the purpose of expressing my resentment at the actions of those in control of the Notice Paper in another place. We have been treated with very scant courtesy regarding the business which is brought before us and which we are asked to rush through. I have only missed one sitting of the House during the six years I have been here, which fact will show that I take an interest in the business of the House. I do not agree that the measure of business which is transacted should determine the time at which we should rise, because every measure should receive the full consideration it deserves. We are just as much entitled to consideration as the Government are, respecting the business they bring forward. We are justified in making this annual protest against the manner in which business is rushed through

at the last moment. I am quite prepared to stand by the leader of the House to get the business through, and he can meet at 3 o'clock on Monday and sit continuously every day until Friday provided he rises at a reasonable hour. As I have informed the leader of the House on occasions privately, I now state publicly that I will not remain in my seat to a time which will not permit me to catch my last train home. I am not expected to walk the streets of Perth until the first train leaves in the morning and I think consideration should be extended to members on that score. If the leader of the House is prepared to bring business forward, we are prepared to assist him. He should allow us to leave by 11 o'clock at night. I make this protest because this is the only opportunity I shall have. I feel that I am in duty bound to make some explanation to the people if I cannot sit here until the House rises at midnight or one or two o'clock in the morning.

Hon. J. CORNELL (South) [5.0]: I understand that there is practically a mutual agreement among members to sit earlier if it is possible to avoid sitting after midnight, and on that understanding I propose to vote for the motion. I would be prepared to sit even earlier in the day, if necessary. On more than one occasion under the leadership of the present Minister, and also under the leadership of Mr. Drew, I tried the experiment of endeavouring to keep a House after the last trains and trams had gone. I was an enthusiast and I got an enthusiast's reward. I am not going to do that again. I am not going to walk home from the House any more. I have to justify myself to my constituents and to no one else, and I am satisfied I can do that. Reference has been made to the way in which the Minister has led the House. It is a credit to him, and I absolve him from any blame for the business coming down so late. I have served under two leaders in this House, and I cannot help contrasting what one had to put up with and the support which the present leader has received. The task of the present leader of the House has indeed been an easy one, and probably easier than that of the leader of any other House in the Commonwealth.

The Minister for Education: I am not complaining.

Hon. J. CORNELL: While I absolve the Minister from blame, and realise that it is his duty to endeavour to get the business through, I cannot absolve the Government with which he is associated. If the members of the Government are not Mincewipers, they must be lineal descendants of that gentleman. We should tell another place that if they do not take us seriously, we certainly take ourselves seriously. During the four months we have sat it has been almost a shame to take the money.

Hon. J. Duffell: Hear, hear!

Hon. J. CORNELL: That has not been the fault of this Chamber.

Hon. T. Moore: What about Tuesday week?

Hon. J. CORNELL: The House has met to transact the business of the country and it can only do that when the business is sent along by the Government of the day. If the rumours regarding the closing of the session are correct and all the important legislation foreshadowed has yet to be considered, it is time we entered an emphatic protest, and asked whether there is any necessity for the Government to place the business before us in this way. We are not given proper time to review the legislation which comes before us. We have to pass it as it is presented to us, and there is apparently no need for this House, owing to the way the business is being conducted at present. I am not prepared to lend myself to any movement which has for its object the forcing through of a considerable amount of legislation of far-reaching importance, and I shall not hesitate to vote against the passing of such legislation. My reason for voting to have the Factories Bill restored a few days ago was that the Notice Paper was then by no means congested.

The PRESIDENT: I think I am allowing the hon. member rather too much latitude.

Hon. J. CORNELL: Very well, Sir. I am prepared to devote the time at our disposal to the consideration of measures brought before us, but I am not prepared to sit here during unreasonably long hours and give insufficient attention to business, simply because another place has been guilty of procrastination.

Hon. J. J. HOLMES (North) [5.6]: I support the motion, and I desire to make it quite clear that I exonerate the Minister from all blame in connection with the manner in which the business has been sent to us from another place. I am perfectly satisfied that the Minister himself is much concerned about it. Any man with a conscience could not be other than concerned at the scandalous manner in which this branch of the Legislature has been treated during the present session. While the Minister is not personally responsible, he is the gentleman through whom we must communicate our views to his colleagues. I think the position has become almost a public scandal.

Hon. A. Sanderson: Hear, hear!

Hon. J. J. HOLMES: Mr. Sanderson has referred to the Bills on the Notice Paper. I wish to refer to the legislation which was promised in the Governor's Speech on the 5th August, legislation of an important nature which we have not yet seen. Let me refer to the list. A Bill to place the trading concerns under a commissioner; we have not seen that Bill. A Bill to amend the provisions of the Land Act regarding pastoral leases, a most important measure to assign the areas of land to be held under pastoral leases not only for the present generation

but for future generations; we have not yet seen that Bill. A Bill permitting the appointment of harbour boards; I do not remember having seen that measure. A Bill to continue the provisions of the Wheat Marketing Act, an Architects Bill, a Dentists Bill, and Bills to continue certain provisions of the Health Act and of the licensing laws, and other measures of minor importance.

The Minister for Education: The three last mentioned have gone through.

Hon. J. J. HOLMES: That was the programme of legislation foreshadowed in the Governor's Speech, for this House to review, and I ask members what have we done? True, we passed the Nurses Registration Bill, but that was passed out in another place. To justify my attitude towards the vote of this House on the Factories Bill last week, I am entitled to say that one of the objects I had in assisting to throw out that measure was that I was satisfied there was no possible hope this session of dealing with the legislation foreshadowed. The Factories and Shops Bill is one of the most complicated Bills which has come before us, and if we had to deal with that we could not deal with other measures. For this reason I was a party, not to delaying the business of the session, but to a course having for its object the shortening of the session.

Hon. Sir E. H. Wittenoom interjected.

Hon. J. J. HOLMES: We had a late sitting last night.

The PRESIDENT: The hon. member must speak to the motion.

Hon. J. J. HOLMES: I was replying to an interjection. If trouble has arisen it is due not to the leader of the House but to the Government he represents, and if he catches the House in a bad temper, anything might happen to the legislation which is brought down. I hope that if we are to sit early, members will attend and we shall then be able to catch our late trams and trains, and be fresh for the following day's work.

Hon. J. W. KIRWAN (South) [5.10]: I would not intrude at this time in the debate if I had not a definite suggestion to make regarding an improvement in the state of affairs which has continued in this House almost ever since the House was constituted. Every year since I have been a member of the House, namely, for the last 22 years, the same thing has occurred towards the end of the session. There have been constant complaints by members that there has not been sufficient time to discuss important business. I venture to suggest to members that this matter is entirely in their own hands. It is not the fault of the present leader of the House. The same thing has happened no matter who has been the leader of the House. The same thing has happened no matter what Government have been in power. The Minister says he wishes that the desires of members shall be consulted. That matter is not entirely in the hands of the leader of the House; it is in the hands of the Government.

The suggestion I would offer is that, in order to prevent a repetition of this state of affairs where important business is brought forward and we are required to pass it quickly and without due consideration, a small committee might be appointed, a conduct of business committee. I quite recognise that it would be an unusual and indeed an extraordinary procedure, but it would be in no way a reflection on the leader of the House, a gentleman whose conduct of the business we all admire, but it would rather be a protest against the state of affairs that has gone on ever since the House was constituted. If we appointed say three members to take into account whether the business paper was in such a condition that the work would have to be rushed through, we could adjourn at any moment that members desired. It would simply mean that the conduct of business in this House would be put in the hands of the House itself rather than in the hands of the leader, who is subject to the Government. This Chamber has not received from the Government the consideration to which it is entitled. I do not say that the suggestion I offer is a perfect one, but I think something could be done upon these lines, because the business of the House is entirely in the hands of the members of the House. We could adjourn when we wished, and we could say there was not sufficient time to discuss a certain Bill. If we had such a committee it would be in constant touch with the leader of the House, and it would strengthen the Minister in his dealings with the Government. He would be able to say to the Government, "You are not giving me a fair chance; I require that the Legislative Council should have ample time to consider these matters." Perhaps this would put a stop to one of the worst evils, namely, that the whole of the important business is crowded into a few days towards the end of the session, and is rushed through without proper consideration. I would ask members to consider some proposal of this kind that would be effective in improving the state of affairs that has been the subject of continual complaint ever since I have been a member of the House, and I believe ever since the House was constituted.

Question put and passed.

## BILL—FACTORIES AND SHOPS.

### In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

#### Clause 18—Factories to be registered:

Hon. J. NICHOLSON: I give notice now that it is my intention to move at the end of the Bill, in place of this clause, a new clause reading—

No person shall be appointed as an inspector under this Act unless qualified as an inspector under the provisions of the Health Act, 1911-19.

Hon. A. LOVEKIN: I have had a word with the Minister, and I understand he is agreeable to the amendment of a clause, or the insertion of a new clause, to provide that an inspector appointed under this measure must hold either certificates or some credentials as to competency and qualifications to act as inspector under this Act, from the Commissioner of Health and the Chief Inspector of Machinery. Such an amendment, or such a new clause, would probably avoid the necessity for moving 15 or 16 amendments, and thus save a great deal of time. I now move an amendment in this clause—

That Subclause 2 be struck out.

Subclause 2 is a harsh and arbitrary provision, and in some cases, especially by reason of distance, impossible of being given effect to. If the subclause is struck out, I shall, later on, move a new clause, which appears on the Notice Paper, to take the place of this subclause.

The MINISTER FOR EDUCATION: I really do not think that the alternative which the hon. member suggests would meet the object he has in view. His proposed new clause merely means that a factory continues to be registered if the owner continues to pay the prescribed fee. But that will be the position even without the suggested new clause. If the new clause were inserted, then the owner of a factory would, from the moment of the coming into operation of this measure, be working in an unregistered factory until such time as he paid the fee. People must be given reasonable time to register. Subclause 2 was inserted in this form by the select committee of another place at the request of Mr. Jackson, who represented the factory owner. Mr. Lovekin's new clause would allow no period of grace at all, instead of the month's grace which the subclause provides.

Hon. A. LOVEKIN: Where does the Bill provide that the moment a factory owner pays the registration fee he is to get registration? I do not see that anywhere. I want to avoid the necessity of the factory owner having to go through the form of registration when he is already registered. Under Subclause 2 the factory owner would have to pay a fee and fill in a lot of forms, and then he might, or might not, be registered. My desire is to obviate the necessity of the factory owner going through the farce—which it is really—of registering again.

Hon. A. H. Panton: Suppose he is not registered now.

Hon. A. LOVEKIN: We are all under the existing Act.

Hon. A. H. Panton: No, we are not.

Hon. J. E. DODD: Subclause 2 is exactly similar in type to all other amending legislation of this nature. When the Industrial Arbitration Act was amended in 1902, there was a similar provision that unions must re-register. I would be prepared to extend

the period of grace to two months. However, Subclause 2 in fact merely give the factory owner a month's grace in which to register.

Hon. A. LOVEKIN: This very clause contradicts what Mr. Dodd says, because it refers to "every factory which at the commencement of this Act is registered under the Factories Act, 1904." All factories are registered now. Section 7 of the 1904 Act provides for registration, but under that measure no fee is payable for registration.

Hon. A. J. H. SAW: I do not wish to appear censorious, but I think that if Mr. Lovekin would allow me to make a suggestion, it would be that before he introduces these amendments he should more carefully consider what they mean. The hon. gentleman seems to have lost himself in the immensity of his self-imposed task of re-drafting this Bill, in the manner of a select committee, at the same time as he proposes to draft a new Bill dealing with shops only. With all deference to the hon. gentleman, legislation is not like writing a newspaper article, where one can blow hot one week and cold the next. The time of the House would be materially saved if the hon. member would more carefully consider the effect of the amendments he proposes to move.

Hon. A. LOVEKIN: I have carefully considered the effect of these amendments. We have factories existing to-day, and here we have a proposal to shut up those factories unless within a month of the coming into force of this measure the owners go through the form of re-registration and pay the prescribed fee. I want the factory owner to be allowed to continue to conduct his factory as he has conducted it for years past, subject to payment of the fee prescribed by this Bill. My method of arriving at that end is to strike out Subclause 2 of this clause, and afterwards to substitute therefor another provision that the operations of a factory shall be continued for so long as the fees are paid.

The MINISTER FOR EDUCATION: Apparently some members are not aware that there is no period to the existing registration of a factory, except factories occupied by Asiatics, which are called upon to register every 12 months. Other factories register only once. I am anxious to save existing factory owners any unnecessary inconvenience, and in order to do that I propose to stick to the clause, which was inserted at the request of the solicitor representing the factory owners.

Amendment put and negatived.

Clause put and passed.

Clause 19—Application for registration:

Hon. A. LOVEKIN: Paragraph (c) prescribes that the factory owner shall state the maximum number of persons employed in the factory. How does the Minister propose that this shall be done?

The MINISTER FOR EDUCATION: Paragraph (c) is an exact copy of the corresponding paragraph in the section under which factories have been registered ever since the Act of 1904 was passed. In other words, the provision has been in force for 16 years and no difficulty has yet been experienced in regard to it.

Hon. A. LOVEKIN: But there is a difference. Under the 1904 Act no fees were payable, and there was really no offence if a factory owner stated the number of persons employed as 20 and subsequently employed 24. But under the Bill fees are payable in proportion to the number of persons employed, and so the factory owner will be evading the payment of fees if he states the number of persons employed as being less than are actually employed.

Hon. T. MOORE: I have it in mind that a certain hon. member has said the Bill cannot possibly get through the House before the end of the session. I am convinced that hon. member has taken a line of action to defeat the Bill.

The CHAIRMAN: The hon. member must not say that.

Hon. A. LOVEKIN: I object to that statement. The action I have taken to-day is quite opposed to that suggested. I personally saw the Minister with a view to getting 15 or 16 of these amendments expunged.

Hon. T. MOORE: These successive amendments are being debated at length by one or two, and when a division is taken it almost invariably happens that the amendment is defeated. Hon. members will agree that many of these amendments represent so much waste of time.

The MINISTER FOR EDUCATION: I am not going to attribute any motive of the kind to Mr. Lovekin, but it certainly becomes very tedious to have to constantly correct that hon. member's mis-statements. He says this provision was not needed in 1904 because no fees were then payable. If the hon. member will consult the Act of 1904 he will find that fees are provided for exactly the same as in the Bill, with the sole difference that they are now to be annual fees. The action of a factory owner in returning a false number of persons employed would be just the same under the Act of 1904 as under the Bill. A fee was payable under the Act of 1904, and it was fixed in accordance with the number of persons employed, exactly as in the Bill. To say the least of it, the putting up of amendments on grounds like that does not facilitate the despatch of business.

Hon. Sir E. H. WITTENOOM: I suggest to the hon. member that he should not persist in this point. The Minister is quite right, and I do not think there will be any difficulty if the clause is allowed to go through.

Hon. H. STEWART: Under the clause as it stands there will certainly be difficulty in regard to claypits or quarries worked in

connection with a pottery, especially in outlying centres. The Committee would be well advised to reconsider their attitude in regard to my earlier amendment. This could be done on recommitment.

Hon. V. HAMERSLEY: The clause applies all over the State. It will be remembered that two people working together constitute a factory. Am I to understand that a blacksmith assisted by his son, or a carpenter employing his brother in some remote hamlet, will have to register as a factory? If so, must applications for registration be sent in to the chief inspector, in the city, or will there be deputies appointed in outlying centres for the receipt of such applications?

The MINISTER FOR EDUCATION: The application for registration must be made to the chief inspector.

Clause put and passed.

Clause 20—Inspector to examine a factory:

Hon. J. J. HOLMES: I move—

That in line 5 the words "and of any Act relating to public health" be struck out.

The inspector may impose all sorts of conditions before allowing a factory to be re-registered, and that inspector may not be qualified, whether from a health standpoint or from the standpoint of a machinery expert. He may impose conditions which, afterwards, will be declared to be unnecessary. In and around Perth we may have an inspector qualified to deal with the question from a health standpoint or from a machinery standpoint. In the outlying districts there may be an inspector who does not possess any qualifications at all. I am prepared to agree that any inspector shall carry out the requirements of the Act, but to give power to any inspector in any part of the State to see that a factory complies with the provisions of the Health Act, is going too far.

The MINISTER FOR EDUCATION: I cannot agree with the amendment. It is essential that factories should comply with the health conditions. Our factory inspectors are health inspectors as well. It has never been the practice to appoint factory inspectors who were not health inspectors. There is no inspector employed who is not fully qualified and certificated.

Hon. J. J. HOLMES: In view of what it is proposed to do at a later stage, I shall withdraw the amendment.

Amendment by leave withdrawn.

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

That in line 6 of Subclause 2 "limit the time" and the succeeding words be struck out and "state a reasonable time within which it is possible for the requisition to be complied with" be inserted.

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

Clause 21—Provisions as to requisitions by inspector to occupiers:

Hon. A. LOVEKIN: Subclause 3 provides that the requisition shall bind every person who is included in the definition of occupier. I move an amendment—

That Subclause 3 be struck out.

The MINISTER FOR EDUCATION: It is essential that the subclause should be binding on the occupier. It is an exact copy of the Act and has operated for 16 years. I do not see how it is possible to give effect to the requisitions unless they are made binding on the occupier.

Hon. A. LOVEKIN: "Occupier" includes manager and foreman. Why should the notice be served on either of these?

Hon. A. SANDERSON: We are told that this has existed for 16 years. Therefore it should be good enough to continue.

Amendment put and negatived.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of Subclause 4 the words "of the district within" be struck out, and "held nearest to the place in" be inserted.

This will give an occupier a chance of appealing to the magistrate of the local court, not of the district in which the factory is situated, but to the local court which is held nearest to that place.

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

Clause 22—Minister may declare a person to be "occupier" of a factory for the purpose of effecting structural alterations:

Hon. V. HAMERSLEY: I move an amendment—

That in lines 4 and 5 "owner" be struck out and "occupier" inserted in lieu, and in line 6 "occupier" be struck out and "owner" inserted in lieu; and the remaining words of the clause be struck out.

The owner may not be in the State, and he may not be concerned in the alterations which it is desired to make. An inspector may demand that the structural alterations be made and the occupier is the person who should be notified to carry out these alterations.

The MINISTER FOR EDUCATION: Under the existing Act the position is that only the occupier may be called upon to make the alterations. Circumstances have arisen in which the owner of premises may be letting those premises to a number of occupiers, and he will not make the improvements which frequently consist of the provision of sanitary accommodation; neither will he give the tenants permission to make those improvements. The department is then faced with the alternative of cancelling the regis-



tration which would be a hardship to the occupier of the factory, or let him go on in defiance of the Act.

Hon. V. HAMERSLEY: That was all right when six constituted a factory. Now that two persons form a factory, I assume that the occupier would be directly concerned and not the owner.

Hon. A. SANDERSON: Thanks to the Minister we know that this is something new.

The Minister for Education: Yes.

Hon. A. SANDERSON: This is a new clause. One of the things we are here to look after is the interests of permanent settlers in this country. Here is a direct attack upon them.

Hon. J. Cornell: And it is being resented.

Hon. A. SANDERSON: This system of brushing aside for one particular purpose the rights of an owner ought not to be allowed to go through without full discussion. If the Minister can say that this provision is contained in the Acts of five States out of the six, and that factories in Europe are working under the same sort of thing, it will be of some assistance to us. Unless the Minister can justify the inclusion of this clause I am prepared to support the amendment.

Hon. Sir E. H. WITTENOOM: It would assist matters if a compromise could be effected in the direction of four persons constituting a factory. We had a division on the question of whether the number should be two or six.

The MINISTER FOR EDUCATION: The division was as to whether it should be two.

Hon. J. J. Holmes: There was a misunderstanding.

The MINISTER FOR EDUCATION: I cannot discuss the question of the number now. This provision does not appear in many other Acts, but it does appear exactly in this form in the New South Wales Act of 1912.

Hon. A. J. H. Saw: The number is four in New South Wales.

The MINISTER FOR EDUCATION: Yes, and in New Zealand, Queensland, and South Australia it is two. I fail to see how a measure of this kind could be administered unless some discretionary power were given to the Minister.

Hon. J. J. Holmes: No one has objected to the discretionary power.

The MINISTER FOR EDUCATION: It is not unusual for premises to be occupied by two or three persons, each constituting a factory. It may be necessary to order that proper provision for a fire escape should be provided. How is that to be done except by calling upon the owner of the premises to do the work?

Hon. J. J. HOLMES: There is a good deal in the point raised by Mr. Hamersley. It will not be the owner who will suffer, but the occupier. I shall see to it that in any leases that I am preparing a clause is inserted to ensure that the premises shall not be used as a factory. Owing to the cost of material people will not build just now,

and the number of tenants is in excess of the number of premises available. If premises were used as a factory the owner would never know where he was. The factory, health, or machinery inspector could impose all sorts of conditions upon him, and the only way to get out of that difficulty is for him to ensure that the premises are not used as a factory.

Hon. A. SANDERSON: I am thinking of the hundreds of people who will know nothing about this until they are brought into court. Here is a case in which we must afford reasonable protection to the owner. I hope the Minister will devise some means by which this can be done.

The MINISTER FOR EDUCATION: The owner is protected against any wrongful order by his right to appeal to the magistrate of the local court, if he thinks the additions or structural alterations ordered are not reasonable. The owner applies for registration. The inspector says he cannot agree to registration unless such and such works are carried out, and he makes a requisition. If the circumstances are such as to justify the Minister in taking action, he can regard the owner as the occupier, and the notice is then served on the occupier. The owner can go before the magistrate and show, if he can, that the requests are unreasonable, or he can abandon his application for registration. The factory then does not become registered.

Hon. V. Hamersley: Then the occupier has recourse against the owner.

The MINISTER FOR EDUCATION: I do not think the structural conditions in regard to factories are harassing.

Hon. J. E. Dodd: Has the Minister had any complaints?

The MINISTER FOR EDUCATION: Owners have not previously been brought under this measure.

Hon. J. E. Dodd: Have there been any complaints from occupiers?

The MINISTER FOR EDUCATION: Not during the four years I have been administering the Act.

Hon. J. Nicholson: But this provision did not apply.

The MINISTER FOR EDUCATION: Yes, so far as the occupier was concerned. Inspectors have called upon the occupier to do everything necessary, and I have heard of no complaints.

Hon. T. MOORE: Hon. members are stretching their imaginations in the picture they have drawn of inspectors, but not one has been able to show that an inspector has done wrong to an employer. If an inspector is not satisfied with what he sees he makes a report to the Minister. Would the Minister do anything injurious to the owner or occupier? These inspectors do not look for trouble, indeed they are generally very lenient. It is time we dropped the bogey that these inspectors are harassing owners.

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

Hon. V. HAMERSLEY: We have heard something about bogeys and our fears of inspectors doing things that have been mentioned, but there have been many cases which lend support to those fears. Orchards have been grubbed out under instructions of inspectors, which should never have been rooted up. Health inspectors have ordered alterations to premises, and those alterations have been countermanded by other inspectors. The financial responsibility for these alterations bears harshly upon the owners of properties. Instances have occurred in the city regarding the flooring of stables, where there has been a conflict of opinion, and the owners have had to bear the costs of countermanded orders. This position will be intensified under the Bill, because of the provision that where two persons are employed the premises must be registered as a factory. Where premises are used as a factory, the occupier should be made to bear the cost of necessary alterations unless some amicable arrangement is made between the occupiers and the owners of the property.

Hon. A. LOVEKIN: The contention which has been raised regarding the sanitary arrangements of a factory have no point under the clause, because the Health Act governs that provision. Regarding structural alterations which may be ordered by an inspector under the Factories Act, it should be the responsibility of the person carrying on the factory and reaping the profits from it, to make the necessary alterations. I support the amendment.

Hon. Sir E. H. WITTENOOM: Looking at it from a business point of view, if this clause is put into the Bill, it will be the subject of an agreement between the occupier and owner of premises.

Hon. A. SANDERSON: What about those in possession of premises now?

Hon. Sir E. H. WITTENOOM: The Bill would not override an agreement, because the agreement would be made on the basis of the Act.

Hon. J. NICHOLSON: I look upon the clause as a very important one because of the two interests concerned regarding responsibility. Where full leases are drawn up, the owner inserts a provision that the lessee shall carry out all necessary orders or requirements, but there are many leases which are made on a different basis, without the owners having in view such provisions as those now under discussion. This would be particularly important in view of the fact that a place where two people work must be registered as a factory under the Bill. Many people making their own leases, secure printed forms which have not a provision which would place the onus on the occupier of carrying out alterations. Many people draw up their own leases without any knowledge or regard to the responsibilities imposed upon them under such a clause as this.

Hon. A. Lovekin: Can you contract yourself outside an Act in such a lease?

Hon. J. NICHOLSON: There can be provision in a lease setting out that the lessee shall carry out all orders including anything contained in this measure. I see no provision in the Bill to prevent anyone contracting himself out of it. It would be unfair to saddle anyone with responsibilities which he does not contemplate taking upon himself. A person may lease land for a period of a week and the person who occupies the land may erect a building on it, such as a blacksmith's shop, and then be required a termination. The person who is upon to build his shop is not responsible. If he did not carry out the orders of the inspector he would be liable for heavy penalties which are imposed upon the owner of the land might be liable for the expense for which the tenant was compelled to do it. Why should the owner be compelled to do it?

The Minister for Education: He would not be the owner of the premises.

Hon. J. NICHOLSON: He is the man receiving the rent. A blacksmith puts up a small place, and for all purposes, the owner of the land is the owner of the building because it is attached to the soil. Therefore he would become the occupier under this clause. Greater hardship might be imposed in other cases. An owner, in leasing land, may not have put in restrictive covenants to prevent the premises being used as a factory, and he would be liable to the penalties under this measure.

The MINISTER FOR EDUCATION: In the case mentioned by Mr. Nicholson, the owner of the land would not be the owner of the premises. The definition of "owner" together with the definition of "rack rent" would protect the owner of the land. The owner is the person who receives the rack rent, and the rack rent means not less than two-thirds of the full net annual value of the property.

Hon. A. SANDERSON: That is a new definition of rack rent.

The MINISTER FOR EDUCATION: It is in the English Public Health Act and it has been in our Health Act for some years. The landowner would not be receiving two-thirds of the full net annual value of the property, and therefore could not be made liable under this measure. The definitions of "owner" and "rack rent" appear in our Health Act for very much the same reason.

Hon. J. J. Holmes: Who is the owner?

The MINISTER FOR EDUCATION: The same person as under this Bill—the man who receives not less than two-thirds of the full net annual value of the property.

Hon. A. SANDERSON: The extraordinary facility of the leader of the House for explaining things is likely to lead us into trouble. Rack rent is a very old and clearly understood legal term, but it seems to have been construed by some members as meaning an outrageous rent. Of course it is nothing of the sort. If I did not know more than the

leader of the House has told us, I would have concluded that rack rent is quite an ordinary thing which appears in the Health Act. According to "Stephen's Commentaries on the laws of England" rack rent is so termed "when it is the full value of the tenement or near it."

The Minister for Education: You cannot say that this is contrary to that definition.

Hon. A. SANDERSON: I do; it is not two-thirds of the full net annual value. This clause is new and unnecessary. The reference to the Health Act does not assist us. This is a question of brushing aside the owner without consideration. It is unfortunate that Sir Edward Wittenoom, whose opinion carries weight, should say that the owner can protect himself.

Hon. J. J. Holmes: He could do so under a new lease.

Hon. A. SANDERSON: Exactly. If an owner has not sufficient sense to employ a competent lawyer to point out these things to him, that is his affair, but we have no right to brush aside, without consideration, as the Minister would have us do, the rights of those people who would be affected by this clause. Surely the Minister, in order to get the other clauses considered and to push on with the business of the country, could accept the amendment and then, if considered advisable after consulting the departmental officials, he could recommit the clause. We must have this power in future, but it should not be taken under this clause in a way that will affect people all over the State. I could give half a dozen cases of trustees, corporations, churches, and private individuals, but it should not be necessary to do so.

Hon. J. NICHOLSON: The leader of the House said that the owner to whom I referred would not be the owner within the meaning of this measure. Obviously the leader of the House did not understand what I wished to convey. The instance I gave was the case of a man owning a small block of land which would be useful for a blacksmith's shop. Such a shop, as a rule, consists of four posts, a roof of iron and a little covering around the sides. That becomes a fixture to the soil, legally is part of the soil, and property of the owner of the soil. But if a man's lease contains a provision that he shall have the right to remove any fixtures he puts on the soil, he can remove them. Without such a provision, fixtures can be claimed by the owner. With a small addition such as I suggest, the rental value of the land would not be increased appreciably. But the rental received from the land would still be the rack rent within the definition under this Bill. The improvements would not be of such a character as to enable the rack rent to be increased greatly beyond the ground rent value of the land without any improvements on it at all. The Minister might require the owner to carry out certain improvements in the prescribed form, and the owner would have to comply with the re-

quirements of the authority under this measure, having already complied with the requirements of the local authority as regards building. I assume, of course, that the place of business comes within the definition of a factory. Why should the owner be called upon to carry out such requirements under this measure when probably he is not receiving an adequate rent for the purpose? Two parties when coming together might intend that certain premises should be used as, say, a store, and not as a factory at all. That being the case, why should the owner, if he has not been assisted by legal advice, have to comply with all these requirements, as he would be compelled to comply with them, and perhaps expend a large sum of money in structural alterations suitable for the particular class of factory that the tenant wishes to carry on? Clearly it is unfair and unjust. The Government do not appear to have weighed the matter with sufficient seriousness. The Minister might well agree to the postponement of this clause.

The Minister for Education: I am willing to do that.

Hon. J. J. HOLMES: If the clause is postponed, I may not be here to express my views on it. I will put an actual case which has come under my personal observation—the case of premises running through from Murray-street to Hay-street in the centre of the city. The owner of the land let it to the lessee at a rental running into thousands of pounds per annum. The lease extends over 20 years, of which some 15 years have expired. The lessee has spent many thousands of pounds in erecting shops and warehouses on the land, and he has sublet those premises to sublessees. In fixing their rents he never contemplated a clause such as this, which would make him responsible for structural alterations. That lessee, I claim, is receiving the rack rent. He has about four years to run. He never anticipated that two persons would constitute a factory, or that these shops and warehouses of his would be used as factories. Moreover, the lessee's lease from the owner stipulates that there can be no structural alterations without the owner's consent. When the lessee has applied to the owner for permission to make structural alterations, that permission has been given only in consideration of the lessee's rent being increased. The Minister should re-draft the clause so as to exclude from its operation existing leases. Then, in future leases provision could be made for the operation of such a clause as this.

The MINISTER FOR EDUCATION: Mr. Holmes suggests that we should exempt present lessees from this clause. The hon. member has set up a position which does occur, and is much more worth arguing about than the case put up by Mr. Nicholson, which was an extreme case. I believe it is said that extreme cases make bad law. With regard to Mr. Holmes's case, are we

to assume that we may have a position in which the owner will not make, and cannot be compelled to make, additions, and the lessee is not allowed by the owner to make them, and therefore additions—

Hon. Sir E. H. Wittenoom: In that case the person could not have a factory.

The MINISTER FOR EDUCATION: Yes, and that is the worst that can happen. Mr. Lovekin said that there was nothing in the point I raised regarding the provision of sanitary accommodation. But, in fact, there is a great deal in that point. The Health Act lays down what shall be done in the way of providing sanitary conveniences according to the number of people to be accommodated. But there is one thing the Health Act does not do, and I do not know it is necessary that that particular thing should be done for purely health reasons. It is, however, necessary for the purposes of factory legislation. I refer to the provision of separate sanitary accommodation for the sexes.

Hon. A. Lovekin: Does not Section 82 provide that?

The MINISTER FOR EDUCATION: I know very well that difficulties have arisen, and chiefly on that ground.

Hon. J. J. Holmes: Where there are different sexes, separate sanitary accommodation must be provided; I know that.

The MINISTER FOR EDUCATION: There is provision for that in the Health Act; but I know very well that the difficulty has arisen on more than one occasion, and that it has been found very difficult to get separate accommodation provided, the occupier saying that he is not allowed to make any structural alteration without the owner's consent, and the owner refusing his consent. There is no power to call on the owner to do the work. In view of the fact that I seem to have been to some extent misinformed regarding the powers given under the Health Act, and that the subject requires further consideration, I am quite willing to have the consideration of this clause postponed. I move—

That the clause be postponed until after consideration of postponed Clause 1.

Motion put and passed.

Clause 23—agreed to.

Clause 24—Certificate of registration:

Hon. A. LOVEKIN: The clause provides for a certificate to issue to the occupier. Is that intended to refer to Clause 23?

The Minister for Education: Yes.

Hon. A. LOVEKIN: I think it refers to the certificate alluded to in Clause 18.

The Minister for Education: Clause 23 merely says the registration shall be entered in the register.

Hon. A. LOVEKIN: If Clause 24 refers to Clauses 22 and 23, no provision is made for the issue of a certificate to the occupier.

From the way this is framed it would appear—

Hon. H. Stewart: To you.

The MINISTER FOR EDUCATION: Nothing could be clearer. Clause 19 provides for the application for registration. Clause 20 says what the inspector shall do. Clause 21 provides what he may require the occupier to do. Clause 23 says the registration shall be entered in the register, and Clause 24 provides that the certificate of registration shall issue.

Clause put and passed.

Clause 25—Duration of registration:

Hon. A. Sanderson: Is this new?

The MINISTER FOR EDUCATION: Yes. At the present time factories are registered only once and pay but one fee. The intention is that they shall be registered every year and pay an annual fee.

Hon. A. SANDERSON: It is not reasonable treatment of the Committee to let this clause go through without our being told about it.

The Minister for Education: On the second reading I referred to it half a dozen times as one of the principal features of the Bill.

Hon. V. Hamersley: This is a new taxation measure.

Hon. A. SANDERSON: I took no notice of the second reading.

The Minister for Education: You should have done.

Hon. A. SANDERSON: Certainly not. Let me not be interrupted in this way. The President himself told us that references in second reading speeches to clause after clause were not permissible, and so I took no notice whatever of the second reading and did not speak on it. I have now discovered that this is a new clause. What is the object of it?

Hon. J. J. Holmes: To reduce the deficit.

Hon. A. SANDERSON: I know something of these annual registrations in connection with orchards. Many orchardists refused to register, and the system has utterly broken down. When you turn one Chinaman into a factory and come along with annual registrations, what is to be said of it?

Hon. J. J. Holmes: That the financial position justifies it.

Hon. A. SANDERSON: If it is for the purpose of keeping the factories up to date—

Hon. V. Hamersley: No, it is to create another department.

Hon. A. SANDERSON: If these provisions do not appear in the legislation of the Eastern States or of the United States, why load the Bill with them?

The MINISTER FOR EDUCATION: Annual registration is provided in Victoria, in New Zealand, and in Queensland. I did not see the use of moving the second reading unless I explained the provisions of the Bill and drew attention to its leading features, which I did. I told the House that at present it costs £1,400 a year to administer this department, and that owing to our method of

registration the revenue is only £400, leaving a deficit to be borne by the general taxpayers. It is estimated that under the Bill, on the moderate fees provided, the revenue will be £3,000 per annum, which will be ample to cover the cost of administering the Act. That is the principle involved in this clause.

Clause put and passed.

(Clauses 26 to 28—agreed to.

Clause 29—Registration of Asiatics:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 2 of paragraph (a) "chief inspector" be struck out and "Minister" inserted in lieu.

That will make the clause identical with the provision in the existing Act. At present the owner has to satisfy the Minister, but when it comes to the assistants employed in the factory the owner has to satisfy the inspector.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: I move an amendment—

That in line 4 of paragraph (a) the words "before the first day of November, 1903" be struck out, and "at the commencement of this Act" inserted in lieu. I have wondered whether we are doing an injustice to these people by making the date 1903, for this would absolutely preclude anybody else coming in. If we do not want Chinese factories, let us say so plainly.

The MINISTER FOR EDUCATION: My only objection to the amendment is that I prefer to stick to what has been the law all through. I suggest that the amendment will not mean anything.

Hon. Sir E. H. WITTENOOM: Then I will not press it.

The MINISTER FOR EDUCATION: We are not altering the definition of "factory" as it applies to Chinese. One Chinese has constituted a factory and has not been able to get registration unless he was carrying on business before the 1st November, 1903. The only thing the amendment would do would be to depart from the language we have used, and that is not desirable.

Hon. Sir E. H. WITTENOOM: I shall withdraw the amendment.

Amendment by leave withdrawn.

Clause, as amended, agreed to.

Clause 30—Records and notices by occupiers:

Hon. Sir E. H. WITTENOOM: There are no fewer than nine clauses in the Bill which provide for the preparation of returns. This will prove irksome and irritating, and it will increase the cost of production as well. But as I have not seen any condemnation of the clause, I shall not press my objection to it.

Hon. J. NICHOLSON: I ask the reason for demanding that these full returns shall be made. Something less formal might be provided for and thus save a good deal of work.

The MINISTER FOR EDUCATION: How can we carry out the provisions of the Act if we do not have a clause such as this. These returns have always been prepared and no complaint has ever been made. Every effort has been made to simplify the returns as much as possible.

Hon. A. LOVEKIN: These returns are already prepared for other purposes. Why should we ask for the preparation of another set of returns in the form prescribed by the inspectors? We ought to cheapen this work for factory owners as much as possible.

Hon. J. J. HOLMES: The factories existing now will be somewhat different from the factories that will be declared factories under the Bill. Under existing legislation an employer has to supply returns to the Federal and State Taxation Departments, to the Arbitration Court, and to the Statistical Registrar, and now it is proposed that he shall supply them to the Chief Inspector of Factories as well. Surely it should be the duty of the Chief Inspector to get the statistics he requires from the Registrar.

Hon. A. Lovekin: He could get it from factory books.

Hon. J. J. HOLMES: We are putting the onus on the factory proprietors to provide the information annually. This must increase the cost of production. We cannot have profitable employment without profitable production, and I cannot see how we are going to have profitable production under the Bill.

Hon. J. DUFFELL: I called attention to the first paragraph in the Bill, and the paragraph in the existing legislation. They are quite different.

The Minister for Education: There is no difference in the meaning.

Hon. J. DUFFELL: There is a difference in the two paragraphs.

[Hon. W. Kingsmill took the Chair.]

Hon. A. H. PANTON: The clause proposes that a record shall be kept for Arbitration Court purposes. It is proposed to have a uniform record book. When this Bill becomes law and a uniform book is turned out by the Government Printing Office at a reasonable price, it should be possible to have a compilation that will cover all the awards and all the items set out in this clause. This would suit the union representatives as well as the factory inspectors. Instead of the owner of a factory, or a shopkeeper, having to keep several different books, he will only be called upon to keep the one book. The chief inspector, representatives of the owners, and one or two union secretaries, might

draw up a suitable book between them. At present there is no uniform book in use.

Hon. J. E. DODD: I heard a remark by one hon. member to the effect that those who framed the 1902 and 1904 Acts were statesmen. To-day we are politicians. Practically all the opposition to this Bill is, however, against the very portions of it that were framed in those years. This clause was in the old Act, although it is somewhat extended. Is not a factory owner now compelled to keep the necessary records for his own purpose? There cannot be much expense involved in carrying out the provisions of the clause.

Hon. A. LOVEKIN: If we could get one book which would be suitable for all purposes, well and good. This clause, however, only requires certain things to be contained in the book, and the employers have to put in other particulars in other books. If an inspector wants certain information he can be given a copy of that portion that he wants from the books already kept. Why ask the employer to keep duplicate sets of books at additional cost, all of which goes on to the cost of production?

Hon. H. STEWART: I do not see much objection to the clause. Those in charge of factories will soon find a way of systematising their work in order to fulfil their obligations under the Bill. The prescribed form set out in the Bill is not objectionable, if we could feel that the inspector would arrive at a satisfactory form to cover all factories.

Clause put and passed.

Clause 31—Hours of work in factories:

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

That in line 2 the word "male" be struck out.

In my opinion a 48 hours' week is little enough. This clause is the thin edge of the wedge for shorter hours. There are certain classes of factories where the work is carried on conjointly by men and women. If women are only called upon to work 44 hours in such a factory, the hours of the men must also be brought down.

The MINISTER FOR EDUCATION: The striking out of the word "male" in this place would not affect the position. It would be a very convenient method of testing the feeling of the Committee. I think, however, that a 44 hours week for women and boys working in a factory is long enough, and I propose to vote against the amendment.

Hon. A. LOVEKIN: I agree with the view expressed by the leader of the House. If the hours for women are reduced to 44 per week, the hours for the men must be similarly reduced where men and women are employed together. I am prepared to go further than Mr. Holmes and make the hours 44 for both sexes.

The MINISTER FOR EDUCATION: Factories that employ women and boys are employing cheaper labour than others, and therefore have an advantage over other factories. If, therefore, they only work their male employees 44 hours a week, they are giving up something for the advantage of getting this cheaper labour. The factory which employs only men and has to pay higher wages does not get this advantage. The factory owner gets some compensation by being able to work 48 hours.

Hon. J. E. DODD: At the Genoa conference of the League of Nations, Japan agreed to the 44 hours week.

Hon. A. H. PANTON: I oppose the amendment. A 44 hours week has already been agreed to by arbitration so far as factories are concerned. The existing legislation provides for a greater number of hours than these. In the shops it was provided that the hours could be 56 for men and 52 for women, but notwithstanding this it has been agreed that the hours shall be reduced to 48. The award issued quite recently in the clothing trades which covers tailoring, shirt makers, millinery, and so on, provided for 44 hours. In that case, the factories affected employed both males and females. One of the biggest organisations in Australia, the timber workers' union, has also been granted 44 hours a week by the Federal Arbitration Court. That is an occupation wholly controlled by men. Mr. Holmes asks the House to say that in the face of these awards, we shall provide for 48 hours work. I hope the House will agree to no such retrograde movement, and it members agree to it, we will lose our reputation for being a democratic House. It might be suggested that by legislation, the House was interfering with the Arbitration Court.

Hon. H. STEWART: The contention of Mr. Panton that this Chamber would be interfering with the Arbitration Court awards is baseless, because the clause would only provide for the maximum hours. If the award of the court specified less than 48 hours, that would stand, particularly as there is provision for an Arbitration Court award to take precedence over the Bill. It must not be forgotten that the Bill will apply all over the State, and may work hardship in small country towns. The Minister apparently has in mind certain classes of work suitable for women and girls. In the printing trade both men and women are engaged, and if women and lads are only allowed to work 44 hours and the men have to work 48 hours, it will lead to an unsatisfactory state of affairs.

Hon. A. H. PANTON: Female printers have 44 hours a week.

The Minister for Education: Everybody cannot go to the Arbitration Court.

Hon. H. STEWART: I am not prepared to vote blindly to set up conditions which may tend to limit production, if the amendment is agreed to. It would be interesting

to know if any such provision exists in legislation in the Eastern States.

The CHAIRMAN: Members are speaking to the clause and not to the amendment.

Hon. J. J. HOLMES: The amendment, if agreed to, will not interfere with an Arbitration Court award as Mr. Panton suggests. It will merely provide that the hours worked shall not exceed 48. They can work any shorter hours the court may fix. The Bill applies to the whole of the State and not to the metropolitan area only.

Hon. A. H. PANTON: Mr. Holmes has tried to side-track the argument. The fact that the Bill says that workers shall not be employed for more than 48 hours does not overcome our experience that the courts are loth to provide hours which are fewer than those stated in the legislation.

Hon. T. MOORE: I am rather surprised to see that any member would wish women to work 48 hours. If the amendment be carried it will mean that women may be worked for 48 hours.

Hon. J. J. HOLMES: The clause only provides the maximum number of hours.

Hon. T. MOORE: We know how much can be produced through the introduction of machinery in excess of what obtained 20 years ago when people worked for 50 or 60 hours a week. I cannot believe that any member of this Chamber would desire to see women working 48 hours a week, and I think it will be agreed that more congenial employment for them could be found outside factories.

The MINISTER FOR EDUCATION: I understand that members intend to vote on this question as a means of deciding the general issue.

Hon. J. J. HOLMES: In view of what has been said, I will not ask for a division.

Amendment put and negatived.

Clause put and passed.

Clause 32—agreed to.

Clause 33—Power to exempt:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4, after "thirty-two," the words "for such time as he shall think fit" be inserted.

The object of the amendment is to give power to the Minister to exempt any factory from the operations of paragraph (b) of Subsection 1 of Section 31 and paragraph (b) of Subsection 1 of Section 32, for such time as the Minister may think fit.

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

Clause 34—agreed to.

Clause 35—Limitation of working hours in factories where Chinese are employed:

The MINISTER FOR EDUCATION: Members will recollect that petitions were presented on behalf of certain sections of the Chinese community. In dealing with these

petitions I pointed out that many of the contentions of the Chinese had no relevancy because they had been carrying on under exactly similar disabilities since the passing of the Act in 1914. I mentioned particularly the provisions in the Bill which were new and the differences between the Bill and the existing Act. In view of the petitions, although I entirely approve of the provisions in the Bill, with the exception of Subclause 4 which I intend to move to strike out, it is due to me to explain the differences that will be set up. Under Section 23 of the Act of 1904 it is provided that no person of the Chinese or Asiatic race shall be employed in any factory for longer than a woman may be employed under that Act, nor shall they be employed before 8 o'clock in the morning or after 5 o'clock in the afternoon. The first difference which will be noticed is that where the Act refers to any person of the Chinese or Asiatic race the Bill refers to a factory where any Chinese person is employed. Another alteration is that whereas under the Act, Chinese or Asiatics shall not be employed before 8 o'clock in the morning, the Bill says that the Chinese shall not be employed before 7.30 in the morning, thus providing an extra half hour. The most important alteration; however, is that under the existing Act while a person of the Chinese or Asiatic race shall not be employed after the hours stated, a person of the Chinese or Asiatic race working for himself may work for all hours. That is an important difference. Under the existing conditions a Chinese in a laundry may work as long as he likes, and he does work to all hours of the night.

Hon. T. Moore: They were working at one o'clock this morning when we were going home.

The MINISTER FOR EDUCATION: Even after we had knocked off. He does not employ anyone or is not supposed to, but because of the difficulty of identifying Chinese, I would not say that another is not employed. Under the existing Act a Chinaman can and does work whatever hours he likes. It might well be contended that this constitutes unfair competition with the white laundry. If the clause is passed laundrymen will not be able to work before 7.30 a.m. or after 5 p.m. or on Saturday after 1 p.m., or on Sunday.

Hon. J. CORNELL: Why is "Chinese" alone used in Subclause 1, while the words "Chinese or Asiatic" are used in Subclause 3?

The Minister for Education: One refers to employment; the other refers to a person working for himself.

Hon. J. CORNELL: This will place a disability on a Chinaman which will not be placed on an Asiatic who would be equally undesirable. I move an amendment—

That after "any" in Subclause 1 the words "person of the" be inserted, that the word "person" be struck out and the words "or other Asiatic race" be inserted in lieu.

Hon. J. NICHOLSON: The amendment would include persons of a race who under the provisions relating to shops have been specially excluded. I refer to persons of the Jewish race. I hope the amendment will not be passed.

Hon. Sir E. H. WITTENOOM: I cannot claim to be familiar with the work of the Chinese, but I have heard a good deal against them. When on one occasion Mr. Gladstone was approached with regard to the Chinese, he said it appeared to him that we wanted to prevent them from coming here not because of their vices but because of their virtues. This clause has apparently been brought in because the Chinese work too long, too frequently, and perhaps too cheaply.

The CHAIRMAN: The matter under discussion is the amendment.

Hon. J. CORNELL: There are other Asiatics quite as undesirable as Chinese, and I wish them to be brought within the scope of this clause.

Amendment put and passed.

Hon. A. SANDERSON: I find it difficult to pass this clause without comment. It is objectionable and unnecessary. Considering the enormous power and control which the Labour people have in this country, and seeing that there are comparatively few of these people here, Labour might, as an act of grace, not insist on this restriction. The Chinese are within our borders, and why cannot we treat them reasonably? We will not permit any more to come in—I am not complaining of that—but why, unless we have evidence that they are really inflicting great injury on the community, should we pass such a clause as this?

Hon. F. A. Baglin: What is objectionable about it?

Hon. A. SANDERSON: We provide that one Chinese shall constitute a factory, and we will not permit him to work as he thinks fit.

Hon. F. A. Baglin: How will you identify him?

Hon. A. SANDERSON: I am assuming that identification can be established. Remembering the position with regard to our Asiatic friends—diplomatically they are our friends, and they were our allies—it would have shown some consideration for international feelings and would have shown that the Labour party are not outrageous doctrinaires who insist on getting the last ounce. Members well know the power of Labour, but having arrived at the stage of rulers of a nation, they might very well show some reasonable generosity. I have heard of no serious complaint against these people; I have seen no report by a factories inspector that they are a menace or danger to our civilisation or to the conditions under which we are living. I realise that it is useless to do more than enter a very emphatic protest. Everyone knows the position this country has reached in international status. Everyone is aware of the tension that exists, and every-

one must realise the difficulties and dangers of the position, and why should we indulge in a policy of pinpricks in connection with this matter? I do not know whether that will appeal to hon. members. If it does not, that is my fault. However, it is time that the Labour party paid some attention to international relationships. It is certain that this clause will be noted by the Indian Government, which is part of the British Empire, and by the Japanese Government, and by whatever parties or individuals hold power in China. It is much to be regretted that in a case of this kind the official Labour party should not show a little generosity, which in years to come might prove of service to us. In any case this provision will not do much to preserve any white man or any white woman here from competition.

Hon. J. J. HOLMES: I am opposed to the clause as amended, and have a further amendment on the Notice Paper; but before moving that further amendment, I wish to thank the Minister for having made the position as clear as he can do when he so desires. This clause represents a distinct departure from the legislation which we have passed in 1902 and 1904. Under the legislation of those years a Chinese could work as long as he liked. Now he is not to work before 7.30 in the morning or after five in the evening. The Chinese have been admitted to this country, and there are only a few of them, and no more can come in. They are not admitted to the unions. But for that circumstance, this difficulty might be overcome. The question which has been raised as to identification is a mere hodge, and a mere sidetracking of the issue. A Chinaman, the same as any other human being, can be identified by finger prints. Why not impose a higher fee on Chinese factories and devote the extra money to the work of identification? Working all hours of the day and night as they do, the Chinese are peaceful and law abiding citizens; but if we compel them to be idle for long stretches of hours, what will they do? Smoke opium? Play fan tan? This clause is a mere burlesque.

The MINISTER FOR EDUCATION: Hon. members may be interested to know exactly what is the position in the other States of the Commonwealth with regard to this matter. Those States use the term "any Chinese person"; they do not speak of "persons of Asiatic race." The Victorian Act of 1915 limits the Chinese to working between 7.30 a.m. and 5 p.m. on the five week days, and compels them to cease work at 2 p.m. on Saturdays, and prevents them from working at all on Sundays.

Hon. A. SANDERSON: Is one Chinaman a factory there?

The MINISTER FOR EDUCATION: Yes. All the other conditions are the same as here. The New South Wales Act of 1912 fixes the starting time at 7.30, the same as here, and the closing time at 6 p.m. and 1 p.m. on Saturdays, with entire cessation of work on



Sundays. New Zealand and Queensland, so far as I know, have no particular legislation on this question; or, if they have, it is not contained in any of their Factories Acts. The South Australian Act of 1907 is the latest of these Acts, and fixes the hours of work as from 7.30 to 5 p.m., and 2 p.m. on Saturdays, being one hour longer than here, with closing all Sunday. The term used in the South Australian Act is "any Chinese person." A laundry is a factory in each of these States.

The CHAIRMAN: If the question as now put is carried, no other amendment can be moved.

The MINISTER FOR EDUCATION: I move an amendment---

That Subclause 4. be struck out.

I spoke to this matter on the second reading. It is not a question of the hours such a person shall work, but of his not being permitted to work at all.

Hon. J. CORNELL: I am opposed to the striking out of the subclause, which I desire to amend so that only those Asiatics who are natives of countries that are dependencies of the British Empire shall be employed as night watchmen. I understand that the underlying motive for the deletion of the subclause is to be found in the circumstance that if the subclause remains in the Bill the measure will be reserved for the Royal assent, inasmuch as the subclause prohibits the employment of British subjects in a British country, going further than the law of exclusion, which keeps British subjects out of Australia, but does so by means of a language test. I have no desire to see this measure hung up. I have a letter from the representative of the Sikhs who are affected.

Hon. A. H. Panton: He is an employer.

Hon. J. CORNELL: The letter stresses the fact that the returned soldiers are against this business. The returned soldiers, I may say, made an honest endeavour to induce those employers of this State who employ Asiatics as night watchmen to give those Asiatics proper notice to leave, with a view to their places being filled by returned soldiers. That request met with an almost unanimous refusal. Thereupon the returned soldiers showed generosity. They discovered that these Sikhs had served as soldiers, many of them having fought in defence of the British Empire, and thus being really eligible to join the Returned Soldiers' Association. I should say that these Sikhs were ineligible, by reason of age, for service in the late war. Some of them actually joined the Returned Soldiers' Association. If Asiatics are to be employed as night watchmen here, let it be restricted to natives of British India. I hope the Minister will withdraw the amendment.

The MINISTER FOR EDUCATION: I cannot agree to do that. I believe in imposing restrictions on Asiatics for the purposes of public health and to prevent un-

fair competition, but I do not believe in saying that an Asiatic shall not be employed at all.

[Hon. J. Ewing resumed the Chair.]

Hon. A. H. PANTON: I hope the Minister will not withdraw his amendment. I want to see it retained as it is or go out altogether. It is intended to get at the eight or nine Asiatics employed as night watchmen. I am told definitely by those who had it inserted that it was being inserted at the request of the returned soldiers. We tried to get returned soldiers employed in place of these Asiatics, but we had no chance. The big employers of the metropolitan area are determined to continue to employ these Asiatics to the prejudice of the returned soldiers.

Hon. J. E. DODD: It is a disgrace to the business community of Perth that we should have these nine or ten Asiatic night watchmen. Hundreds of miners in the early stages of miner's phthisis would be glad of the jobs. It is very difficult to place those men, yet surely we owe a duty to them as against the Asiatics. Then there are hundreds of returned soldiers who would be glad of those jobs, men who cannot do as hard a day's work as they could before they went to the war to save the property of the business men of Perth. That is my objection to the employment of Asiatics in easy jobs such as night watchmen.

Hon. A. SANDERSON: Because of nine night watchmen we are to have an Act of Parliament.

Hon. A. H. Panton: It is a question of principle.

Hon. A. SANDERSON: The principle of it all is this: if a man comes into this country he should be treated justly. If he ought to be deported, let us deport him. What other question of principle can there be?

Hon. A. H. Panton: Preference to returned soldiers.

Hon. A. SANDERSON: The returned soldiers we can safely leave alone.

Hon. A. H. Panton: Of course you can now the war is over. That is what you are doing.

Hon. A. SANDERSON: We can safely leave them alone because they have preference and have their organisation to speak for them. The principle I am fighting for is that all men in this country must be treated equally before the law. So far as I know, those nine Asiatics are law-abiding citizens. If there is anything against them, the courts are open. But instead of having our disputes settled by courts of law, if we have the power, physical or political, we prefer to boot out those who offend us. Those Asiatic night watchmen must have equal treatment before the law and before Parliament. The majority of the soldiers and of the public would say

it is quite unnecessary to do this thing which is proposed.

Hon. J. J. HOLMES: The employer has a right to employ night watchmen. If the present night watchmen are removed, it does not follow that the injured miner or the returned soldier will be employed in their places. It will be for the employer to say. It is idle to tell the Committee that the returned soldiers have not been fairly treated. This House insisted, even at the risk of ruining the forests, that the returned soldier hewers should have their jobs back. Surely there is better employment than that of night watchman for a man suffering from miners' phthisis. I can recall to mind and quote a letter written to a merchant in Australia after the passing of the Alien Restriction Act. This letter contained the opinion of one whom we might have called a heathen, as regards the Christian Australian. What he said was something to this effect. "You Australian people are most difficult to understand. You send missionaries to the far East to teach the heathen that all men are equal in the sight of God; you teach them that if they become Christians and live a godly life, that when they depart hence they will become cherubins. The only logical conclusion that I can come to is that if a heathen is good enough to dwell with God Almighty, he is quite good enough to dwell on the same continent as the Australian Labour party." That is the view expressed by one whom we regard as a heathen. That too is where international trouble may arise. The least we can expect is that the subclause will be deleted.

Hon. A. J. H. SAW: This is the meanest provision I have ever seen in a Bill, and I am very glad to find that the leader of the House is prepared to move it out. I am also glad to know that the Returned Soldiers' Association have dropped their agitation and are no longer in favour of the clause. I support the deletion also on the ground of international fairness, and in order to prevent the idea getting abroad that we in this Chamber are not capable of doing justice to the Asiatic race.

Hon. Sir E. H. WITTENOOM: A great deal has been said about a trivial subject. There are 50,000 workers in the State and yet this matter affects only nine. What difference can nine make? Years ago an Act was passed for the exclusion of Indians and Asiatics from Australia. This Act was disallowed by the British Government because it was said it would interfere with their international relations and upset the arrangements they had with the coloured races. But the same result was obtained by a subterfuge, and it was that no person should be admitted into Australia unless he could write 50 words in some language that could be dictated to him. My friend Mr. Dodd is always liberal minded and is always on the right side of things. He has one misfortune, however, and it is that he is too idealistic. He is a man of high ideals, and

if they could only be carried out, we would live in a happy world. Unfortunately, we have to be practical; therefore it is very difficult to be idealistic. At the same time, it is a great advantage to have amongst us one who possesses high ideals that we all strive to reach, though in vain. Mr. Dodd mentioned that these nine men were depriving men from the mines from getting employment. But the number is so infinitesimal that I cannot see what difference the employment of these Asiatics as night watchmen can make. I can suggest many ways in which the men to whom he referred could be employed more profitably. Why are our fruit shops in the hands of foreigners?

Hon. J. Cornell: The Greeks will run the country in a hundred years' time.

Hon. Sir E. H. WITTENOOM: Why cannot our white people take on these fruit shops. Look at the fish business. That is run by coloured people.

Hon. A. Sanderson: Do you call the Greeks coloured people?

Hon. Sir E. H. WITTENOOM: Why do our people not start in that business? Then take the restaurants. They, too, are run by foreigners. Why do not our people follow some of these occupations?

Hon. A. H. Panton: Even "Pink-top," who was killed at Gallipoli, could not compete against the Chinese.

The Honorary Minister: A lot of people prefer to deal with Chinese. I do not know why.

Hon. J. DUFFELL: I am satisfied that it we are going to act in an arbitrary manner and deprive the Indians of a calling in which they have been engaged for so long, we shall hear more about it from another portion of the British Empire. We owe a duty to the country for which we are legislating, and to the Empire of which we form a part. It behoves us to think twice before we take a step which may plunge the Empire into trouble. I support the amendment.

Hon. F. A. BAGLIN: I have hitherto refrained from speaking on this Bill, because I desired to see it pass without delay. On this question I cannot give a silent vote. I oppose the deletion of this portion of the Bill. It has been said that this has been inserted in order to victimise nine persons who belong to the Asiatic race. The clause could well be amended so as to allow the individual referred to by Mr. Duffell to retain his present occupation. Our only objection is to the employment of Asiatics as night watchmen. There are many other positions that are still open to them. Because we have Asiatics in our midst we must give them a fair deal, but not at the expense of people of our own race. Those who vote for the deletion of this part of the Bill will later on be rightly accused of giving preference to the Asiatic to the detriment of the aged and infirm of our own

race. There are some of our citizens in receipt of charity to-day who could well fill the position of night watchman. Those people are being forced into the Old Men's Home because preference is given to people of another race.

Hon. T. MOORE: I regret the necessity for the insertion of this provision in the Bill.

Hon. J. Cornell: There ought to be no need for it.

Hon. T. MOORE: Those who are now employing these Asiatic night watchmen are the big shopkeepers in Perth. Five years ago, when we were on our way to the Front, these traders were loudest in their expressions of desire to help the soldier when he came back. They waved the biggest flags and had the biggest festoons across the street. From every platform they bellowed forth what they would do for the returned soldier. I claim that the returned soldier has not got all he could have, and I could quote many instances to bear out the truth of my statement. Mr. Sanderson said that this could be traced to the trades hall. Trades hall has not mentioned the matter. Because we happen to be associated with trades hall, words are put into our mouth. A class reserve has been made for these particular Asiatics. One business man who employs these men has stated that he does so because they are more reliable than the Britisher. This was not borne out at the Front. Employers in this State have been prone to give preference to foreigners. Great numbers of Austrians and Italians were brought out by contract to the wood lines, and after they made their money many returned to their own land. I hope the clause will be allowed to stand, in order to show the employers that we are not satisfied with what they are doing. I could get nine returned soldiers to-morrow who could do the work of these night watchmen quite well, and with greater credit to themselves and those who would be employing them. The Asiatics have no special virtue. Are they not a menace to the young girls in the city?

Hon. J. Duffell: A European was a menace to a young girl of 17 only the other day.

Hon. T. MOORE: Asiatics are continually inveigling young girls into their clutches. Is it reasonable to suppose that if these nine men were put out of their positions they would starve? Are they not strong enough to earn their own living? I hope members will retain the clause. I am sorry the Minister has not given reasons in support of his proposal to delete the sub-clause. There has been a lot of camouflage and some suggestion about international complications, despite the fact there are quite a lot of things that we do not allow Asiatics to do at the present time.

Hon. J. DUFFELL: I have found positions for quite a number of returned soldiers. There has not been one single instance where a returned soldier would accept a position

which meant another man being put out of work. Within the last 10 days we had an example in the case of a returned soldier who had won the highest honour that could be secured on the field of battle. He had been unable to secure work and his case was brought under my notice. I did secure a position for him, and he asked whether it meant putting anyone else out of work. I asked him not to repeat his question, but he did so, and when he learnt that his acceptance would mean that a married man who had not gone to the war would be put out of his position, he declined to accept it. Subsequently I was fortunately able to secure a position which he was able to take.

Hon. J. Cornell: That is the attitude that would be taken up by all returned soldiers.

Hon. J. DUFFELL: I have no hesitation in saying that there is room for more in Perth and the suburbs. I would be prepared to accept an amendment to the clause if it would help us to find work for the men to whom Mr. Moore has referred. I did not like his references to what was promised in the interests of soldiers during the war. We have been doing all we can for the returned soldiers in fulfilment of promises made earlier.

Hon. A. H. Panton: It took five weeks for Jack Axford, V.C., to find a job and he could not get one till he met you.

Hon. J. DUFFELL: If we allow this clause to remain we will be courting trouble. I should suggest an amendment to provide that it shall not apply to any Asiatic who at the time of the passing of the Act is a British subject.

Hon. J. CORNELL: One reason advanced for the amending of the clause was that if it was passed as printed, the Bill would be laid aside for the Royal assent. I am prepared to vote to strike out the clause conditionally. Regarding my attitude, I will simply cite the case of the night watchmen and an institution where Chinese are employed. In the case of night watchmen, we asked the employers if they would furnish employment for returned soldiers in that capacity. If I were asked to state whether such a provision was necessary in order to secure positions of night watchmen for returned soldiers, I would unhesitatingly reply in the affirmative, for those people declined to give us any assistance. On the other hand there is the case of the Weld Club. When representations were made to that institution it was explained to the Returned Soldiers' Association that some of the Chinese had been there for many years and would be lost if they left the club premises. The club committee gave an assurance that no more Chinese would be employed and that vacancies would be filled from the ranks of returned soldiers. We did not get that assurance from the employers of night watchmen.

Hon. J. E. DODD: I did not object to the returned soldiers' attitude in any shape or form. I realise the difficulty that has

confronted them. Perhaps the suggestion that the clause should be amended to state that no Asiatic shall be employed as a night watchman who was not so employed on 30th November, 1920, would get over the difficulty.

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

Ayes	..	..	14
Noes	..	..	7

Majority for	..	7
--------------	----	---

#### AYES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. E. M. Clarke	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. A. J. H. Saw
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. J. Duffell

(Teller.)

#### NOES.

Hon. F. A. Baglin	Hon. T. Moore
Hon. J. Cornell	Hon. H. Stewart
Hon. J. Cunningham	Hon. A. H. Pantou
Hon. J. E. Dodd	

(Teller.)

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 36 to 38—agreed to.

Clause 39—Special provisions as to overtime in fruit canning factories:

Hon. V. HAMERSLEY: What will be the position of returned soldiers who are engaged in fruit drying? Should not they be excluded?

The Minister for Education: They would not be included.

Hon. A. SANDERSON: This clause is new. What about fish and butter factories? Is this provision in force in other States?

The Minister for Education: Yes.

Hon. A. SANDERSON: The Minister should give us some information.

The MINISTER FOR EDUCATION: I have no objection to the inclusion of fruit drying factories, but I do not think it is necessary to include them.

Hon. A. SANDERSON: The Minister should tell us whether the matter has been considered, and how many fruit-drying factories there are in the State.

The MINISTER FOR EDUCATION: It is recognised that fruit canning and jam factories must work different hours in certain seasons. The number of factories does not affect the position.

Hon. V. HAMERSLEY: I move an amendment—

That after "factories" in line 2, the words "fruit drying factories" be inserted.

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

Clause 40—General provision for extended hours:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 5 of Subclause (1) the letter "(d)" be struck out and the letter "e" be inserted in lieu.

To meet an unforeseen pressure of work the Minister may grant exemption from the operation of paragraphs (b), (d) and (e) of Subclause (1) of Clause 37, but the exemption is required from paragraphs (b), (c) and (e).

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

Clause 41—Permit for extended hours:

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph (b) the words "sections thirty-nine or" be struck out, and the word "section" inserted in lieu.

It is not intended that the provision should apply in the special case of jam and fruit factories. It is intended to apply only in cases of unforeseen pressure of work where exemption is given by the Minister.

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

Clause 42—Holidays in factories:

On motion by Hon. J. Cornell, clause amended by inserting after "Monday" in line 5 the words "Anzac Day" and by inserting after "day" in line 7 the words "Anzac Day."

Hon. A. LOVEKIN: This clause deals only with boys and women who are to receive these particular holidays and to be paid for them. A number of factories have a mixed staff, and if the girls and boys are absent, the men will be unable to continue work, and they will have to take a holiday without pay. I merely point out the position to the Committee; I do not intend to pursue it further.

Clause, as amended, put and passed.

Clause 43—Half holiday for women and boys:

Hon. H. STEWART: In fruit growing districts everyone might have to work at high pressure preparing the fruit for export. Clause 40 permits exemptions to be given, but it might be necessary to work on Saturday afternoon, though it might be possible to give a whole day off at some other time during the week.

Clause put and passed.

Clause 44—Exceptions as to newspapers:

Hon. A. LOVEKIN: "Christmas Day" is omitted from paragraph (b) of Subclause 1. A morning newspaper does the work of producing on Christmas morning, and the employees take Boxing Day off. The subclause apparently does not empower the Chief Inspector to permit the substitution of another day for Christmas Day.

Hon. J. CORNELL: I desire to see "Anzac Day" included in this subclause. News-

paper workers in this State, I understand, have three holidays per annum—New Year's Day, Christmas Day, and Eight Hours' Day. Let Anzac Day be added to the number.

Hon. A. Lovekin: But newspaper employees get double pay for working on general holidays.

The MINISTER FOR EDUCATION: The insertion of "Anzac Day" would have no effect whatever, since the subclause merely empowers the Chief Inspector to substitute other days for holidays on which newspaper employees are obliged to work. I move an amendment—

That in paragraph (b) of Subclause 1 the words "Christmas Day" be inserted before "Easter Monday."

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That in Subclause 2 the words "twenty-eight days" be struck out, and "one month" inserted in lieu.

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

Clause 45—Payment of wages:

Hon. A. H. PANTON: I move an amendment—

That the following be added to paragraph (g): "But such permission shall only be granted on the ground of old age or infirmity."

This will bring the paragraph into conformity with the awards of the Arbitration Court, all of which contain an "under-rate worker" clause. I desire to restrict the Chief Inspector's power to exempt in the case of women over 21 years to old-age and infirmity. The passing of the amendment will save the Chief Inspector from being bombarded with all sorts of applications for exemption from the minimum wage condition.

The MINISTER FOR EDUCATION: This clause could not interfere with or run counter to an award of the Arbitration Court, and an award of that Court would stand whether the amendment is carried or not. In the meantime the clause will supply to industries not governed by awards of the Arbitration Court. I do not see that any good will be done by limiting the discretion of the Chief Inspector as the amendment proposes. There may be other reasons than old-age or infirmity justifying the exercise of his discretion. A person might not be able to earn the full wage.

Hon. J. CORNELL: I do not agree with the Minister. It is said that peculiar decisions have been given by the Arbitration Court because of ambiguity or vagueness in the wording of the statute. The members of that court invariably take the Act as it is handed to them, in print, and absolutely refuse to try to ascertain by reference to "Hansard," what was in the minds of legislators. The only

grounds of exemption from the minimum wage condition should be old-age and infirmity. If an employee over 21 years of age and in good health cannot do the work, he is put off.

Hon. A. H. PANTON: I fully recognise that this clause cannot over-ride an arbitration award; but, as I pointed out on the second reading, the wages provided by the Bill for juniors are not large. Any employer who wants to pay less than those wages should apply to the Arbitration Court.

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

Clauses 46, 47, 48—agreed to.

Clause 49—"Sweating" in factories:

Hon. A. LOVEKIN: As to this clause I have two amendments on the Notice Paper, but shall not move the first one. Sub-clauses 4 and 5 of the clause seem to me very vicious. The former subclause reads—

If the occupier of the factory by whom the work is let or given out as aforesaid knowingly permits or suffers any offence under this section to be committed, he is liable to a fine not exceeding £50.

Subclause 5 provides that the knowledge of his servant shall be deemed to be the knowledge of the occupier. It makes the occupier liable to a penalty of £50 for something in the mind of his servant. I move an amendment—

That Subclause 5 be struck out.

The MINISTER FOR EDUCATION: I trust the amendment will not be agreed to. Obviously the employer must be made responsible for the acts of his servants.

Amendment put and negatived.

Clause put and passed.

Clause 50—agreed to.

Clause 51—Outside workers to register names and addresses:

Hon. A. LOVEKIN: Where is the provision that a person shall be registered?

Clause put and passed.

Clause 52—No child to be employed without permission:

Hon. J. J. HOLMES: I suggest to the Minister that he report progress.

Hon. A. H. PANTON: It is inconceivable that permission should be granted to employ in a factory a child under the age of 14 years. We should not pass a clause postulating the giving of such permission. I appeal to hon. members to defeat this clause.

The MINISTER FOR EDUCATION: If the clause is struck out there will be nothing at all to prohibit the employment of children in factories. This is not a permissive, but a prohibitive clause.

Progress reported.

## BILLS (2)—FIRST READINGS.

1. Narrogin Recreation Reserve.

2. Industries Assistance Act Continuance.

Received from the Assembly.

*House adjourned at 11.27 p.m.*

## Legislative Assembly,

*Assembly, Wednesday, 8th December.*

Questions: Apple Crop, Fruit Cases ... ..	Page 2194
Water Supply, Metropolitan Area ... ..	2194
Industries Assistance Board (1) Commission, (2) Advances ... ..	2194
Chairmanship of Committees, Censure motion ... ..	2195
Return: Wheat, 1919-20 Season ... ..	2195
Bills: Land Tax and Income Tax, 3s. ... ..	2195
Narrogin Recreation Reserve, 3s. ... ..	2197
Bayswater Drainage Works, 2s., Com., Report ... ..	2197
Industries Assistance Act Continuance, 2s., Com., etc. ... ..	2198
Land Act Amendment, 2s. ... ..	2216

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

## QUESTION—APPLE CROP, FRUIT CASES.

Mr. PICKERING asked the Honorary Minister: Will he have the necessary inquiries made as to the prospect of the apple crop 1920-21, with a view to ensuring adequate provision of fruit cases particularly with regard to export?

The HONORARY MINISTER replied: The matter is receiving consideration.

## QUESTION—WATER SUPPLY, METROPOLITAN AREA.

*To Subsidise Erection of Windmills.*

Mr. DUFF (for Mr. Veryard) asked the Minister for Works: In view of the shortage in the water supply of the metropolitan area, which is causing considerable loss to the florists' and nurserymen's trade and great inconvenience to the general public, is he prepared to subsidise the erection of windmills, with the object of relieving the water supply difficulty?

The MINISTER FOR WORKS replied: No. If any person desires to erect a windmill for the purpose named, and will apply to the Water Supply Administration, a permit will be granted.

## QUESTIONS (2)—INDUSTRIES ASSISTANCE BOARD.

*Commission on Clients' Machinery Purchases.*

Mr. HARRISON asked the Minister for Works: 1, Has any commission been paid to the Industries Assistance Board on machinery and implements sold to clients of the board? 2, If so, what is the amount?

The MINISTER FOR WORKS replied: 1, Yes, on sales of spare parts only. 2, September, 1918, to June, 1920, £36 9s. 2d.

*Advances under Part III. of Act.*

Mr. HARRISON asked the Minister for Mines: Will he supply the House with a list of the advances made under Part III. of the Industries Assistance Act, showing (a) name of industry, (b) amount of advance, (c) rate of interest, (d) security given for such advances?

The MINISTER FOR MINES replied: Yes, a list showing the advances in accordance with (a), (b), (c) and (d) is attached hereto: Advances made under the Agricultural Bank Act Amendment Act, 1911, Section 3.—Geraldton Co-operative Butter and Bacon Co., £3,000; first year, free; second year, 2 per cent.; third year, 3 per cent.; fourth year, 4 per cent.; fifth and subsequent years, sufficient to cover interest at bank rate; sinking fund to redeem loan within specified period of 25 years from that date. Mortgage over land and buildings; floating charge over stock and book debts; bill of sale registered 28th August, 1920. Gnowangerup Co-operative Butter and Bacon Factory Co., Ltd.; £700; ditto rate of interest; ditto security given; bill of sale registered 21st August, 1920. Avon Butter and Bacon Co-operative Co., Ltd., Northam; £5,000; ditto rate of interest; ditto security given; bill of sale registered 5th December, 1919. Narrogin Co-operative Butter Co., Ltd.; £1,500; ditto rate of interest; ditto security given; no bill of sale yet registered. Albany Co-operative Butter Factory and Trading Co., Ltd.; £1,500; ditto rate of interest; ditto security given; bill of sale registered 21st August, 1920. Advances made under Part III. of Industries Assistance Act.—Bunbury Returned Soldiers' Industries; turnery works for producing axe and other handles; £2,758; 6 per cent.; the whole of the assets in the hands of or under the control of the Bunbury Returned Soldiers' Industries; bill of sale expires 10th September, 1923. Riverina South Gold Mining Co., mining for gold; £2,000; 6½ per cent.; mortgage in favour of Colonial Treasurer for £2,000 and interest 6½ per cent.; collateral to bill of sale No. 2221/18. The W.A. Fresh Fish Preserving Co., fish canning; £950; 6½ per cent.; the "Torrens" and plant loaned under agreement, which is registered as a bill of sale. James Chesson and Haydon, mining for gold; £2,000; 6½ per cent.; secured to Government, mortgage of £2,000 to Minister for