years ago, and this year, that the answer to the problem is that we should no longer go on pushing wages up or allowing them to increase, and we should no longer permit prices to rise. I would not ask any one section of the community to carry the whole burden.

Hon. E. M. Davies: Your Government had an opportunity to do something about it.

Hon. A. R. JONES: Not in this State. It would have to be Commonwealth-wide. It would be no good doing it in this State. I think our Premier said that we must cut down our imports from the Eastern States from £60,000,000-worth to something more reasonable. At least 75 per cent. of those commodities are controlled in price from the Eastern States. We could do little if we pegged prices and wages here. It would not be reasonable or fair to do so. Such a movement must be Commonwealth-wide.

At this juncture I think the reasonable thing to do is to wait and see what comes of the approaching Premiers' Conference. We do not know what will be the outcome of that gathering. I agree with the Labour Premiers that it is quite right that the Prime Minister should listen to reasonable argument with regard to the pegging of prices, if necessary, at their present level and reducing them after a period, if wages are going to be controlled and pegged. That is only reasonable. With this conference about to be held, let us wait and see whether the Premiers and the Prime Minister and the Commonwealth Treasurer cannot hammer out something which will have an overall good effect on the economy, rather than deal with the matter piecemeal and try to restrict a few people who might do the wrong thing.

We should be ashamed of legislation such as this. Two previous measures to deal with this problem were introduced into Parliament and I do not know why they were allowed to lapse. I remember that the Leader of the Country Party brought down one measure last year, and Mr. Grayden introduced legislation previously.

Hon. E. M. Davies: And what happened to him!

Hon. A. R. JONES: To my mind that was better legislation than we have before us because it was specific as to what was required, whereas this is not so at all. I remember very vividly that on the last occasion the Labour Party submitted amendments which made the measure unworkable and unthinkable. I intend definitely to oppose this measure.

On motion by Hon. F. J. S. Wise, debate adjourned.

House adjourned at 9.12 p.m.

Legislative Assembly

Thursday, 25th October, 1956.

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The SPEAKER took the Chair at 2.1 p.m., and read prayers.

PERSONAL EXPLANATION.

Mr. I. W. Manning and Harvey Potato Growers' Petition.

Mr. I. W. MANNING: With your per mission, Mr. Speaker, I wish to make personal explanation regarding the vi riolic attack made upon me, my characte and my good faith as a member of th Chamber by the Minister for Agricultu when he replied to a "Dorothy Dix-e asked by the member for South Fremant yesterday.

The Minister for Transport: That is r flecting on the member for South Fr mantle.

Mr. I. W. MANNING: I presented a pet tion from the potato growers in my ele torate and I should like to refer to t

Standing Orders covering petitions in order to point out that it was quite in order. Standing Order No. 83 reads as follows:—

> No petition shall be presented after notices of motion have been given, unless such petition refer to the question before the Chair, when it may be presented at the time the motion or Order of the Day is called on.

Standing Order No. 84 reads as follows:—

> Every petition shall be fairly written, printed or lithographed.

The petition I presented conforms to that Standing Order. Standing Order No. 85 reads—

> Every petition shall contain a prayer at the end thereof.

The petition is in order in that regard. The next Standing Order, No. 86, reads—

> Every petition shall be in the English language, or be accompanied by a translation, certified by the member who presents it to be correct.

The petition is in order in that regard. Standing Order No. 87 reads—

> Every petition shall be signed by at least one person on the skin or sheet on which the petition is inscribed.

That has been complied with. Standing Order No. 88 reads—

> Every petition shall be signed by the parties whose names are appended thereto, with their names or marks, and by no one else, except in case of incapacity or sickness.

There are 137 signatures on the petition and so that Standing Order has been complied with because those names have been written by the persons concerned. The next Standing Order reads—

> Every signature shall be written upon the sheets bearing or attached to the petition itself, and not pasted upon or otherwise transferred thereto.

The signatures have been placed upon the sheets of the petition and not pasted or otherwise transferred thereto. It goes on—

> All petitions shall be received only as petitions of the parties signing the same.

The Minister for Agriculture: Nobody said that the petition was out of order.

Mr. I. W. MANNING: The inference was that the petition was out of order. I should now like to quote from today's Press.

The Minister for Agriculture: Quote from my speech; that would be better.

Mr. Ross Hutchinson: How can he?

Mr. I. W. MANNING: The article in today's paper reads as follows:—

> Hoar Slates Potato Petitioners.
>
> The way in which a Harvey petition for the repeal of the Potato Marketing Act was drawn up was an insult to Parliament—

The Minister for Agriculture: That is right.

Mr. I. W. MANNING: How is it an insult to Parliament? The petition is in order in every respect. I have signed it certifying that it is correct and that it conforms to the Standing Orders of the House. The Press article continues—

> —the Minister for Agriculture (Mr. Hoar) said in the Legislative Assembly yesterday.
>
> Replying to Mr. Lawrence (Lab. South Fremantle), Mr. Hoar said that the board had no record of 17 of the 137 names on the petition which was presented recently by Mr. I. W. Manning (L.C.L. Harvey). Another 14 were not eligible to vote under the Act.
>
> There was evidence that a number of those who signed the petition had not read a vital clause in it asking that the Act be repealed and growers be permitted to sell on the open market.

What does the Minister mean by that?

The Minister for Agriculture: What I said in my speech.

Mr. I. W. MANNING: Continuing—

> The petition had caused uneasiness in other potato growing areas.

I was absent from this Chamber yesterday afternoon performing a public duty. The Minister knew that there was a field day being held at Wokalup and he seized the opportunity—

The Minister for Agriculture: That is a lie!

Mr. I. W. MANNING: —to get the member for South Fremantle to ask a "Dorothy Dix-er"—

The Minister for Agriculture: That is a lie!

Mr. I. W. MANNING: —about the people who are concerned about the potato growing industry and who signed this petition which was presented to Parliament.

The Minister for Agriculture: Why don't you speak the truth?

The SPEAKER: Order, please!

Hon. D. Brand: He is speaking the truth!

The SPEAKER: Order, please!

Mr. I. W. MANNING: The president of one of the branches of the Potato Growers' Association in my electorate asked me if I would present this petition to Parliament. My duty was to present it to this House but first of all I had to ensure that it conformed with the Standing Orders, and I did that. The member for South Fremantle implied that I signed the petition. That is a wicked insinuation and I resent it very much indeed. I also consider it offensive for the Minister for Agriculture to make this attack upon me during my absence from the Chamber. Further, in answering questions without notice asked by members on this side of the House, the Minister implied that I had not indicated to him what I would do about this petition. You well remember, Mr. Speaker, that the Minister for Agriculture—

The SPEAKER: Order! The hon. member cannot discuss the merits of the petition. He is making a personal explanation and is not explaining the merits of the petition. He cannot enter into a discussion at this stage.

Mr. I. W. MANNING: What can I do, Mr. Speaker?

The SPEAKER: You are entitled to make a personal explanation, but I cannot allow you to enter into a discussion on the merits of the petition. If I did so, the Minister for Agriculture would have the right to reply.

Mr. I. W. MANNING: Can I continue, Mr. Speaker?

The SPEAKER: Yes. The hon. member may continue to make his personal explanation.

Mr. I. W. MANNING: I want to indicate to the House that the charges and the statements made by the Minister for Agriculture are not correct, and I am endeavouring to explain that the petition is in order.

The Minister for Agriculture: What statements did I make which are not correct?

Mr. I. W. MANNING: That I did not in any way indicate to the Minister what I intended to do about this matter. The Minister for Agriculture asked me a question without notice and I replied that I would be influenced with what took place in the potato-growing industry within the next couple of weeks. Therefore, why does the Minister say that I did not indicate to him what I would do in the matter? The Minister then went on to say that the petition was out of order and that it was an insult to Parliament. He has made that statement to the Press.

The SPEAKER: Order! The hon. member is entitled to make a personal explanation but he is not entitled to enter into a discussion upon the merits or demerits of the petition at this stage.

Mr. I. W. MANNING: I am alarmed by the fact that the Minister can say that the petition is out of order when it is completely in accordance with the Standing Orders of the House. I am surprised at the Minister's attitude. I would therefore like to place on record that I have faithfully carried out my duty to my electors. They asked me to present this petition and I have done so. I consider that it was most offensive for the Minister, through the member for South Fremantle, to ask this "Dorothy Dix-er" and to make this vitriolic attack upon me.

The Minister for Agriculture: Nothing of the kind!

Point of Order.

Hon. L. Thorn: On a point of order, Mr. Speaker, was the petition that you received properly presented and in accordance with the Standing Orders?

The Speaker: Yes, the petition was received and it has been recorded. It was entirely in order.

The Minister for Agriculture: Nobody said that it was not in order.

The Speaker: Order, please!

QUESTIONS.

TRANSPORT.

Effect of Government's Proposals on Employees.

Mr. JOHNSON asked the Minister for Transport:

As employees in the transport industry are concerned about the possible effect on their employment of the proposal to integrate passenger transport, will he indicate—

(1) Will the proposal take place in stages spread over a considerable length of time?

(2) Is any immediate reduction in the number of wages employees anticipated?

The MINISTER replied:

(1) In any scheme which might be introduced towards the formation of a single authority, it is anticipated that the integration of existing services will need to be carried out progressively.

(2) In such event, it is not expected that there will be any immediate reduction in the number of wages employees. In the final picture there may be some economy in staff but this is not likely to be of such proportions that it could not be covered by normal resignations and requirements.

RAILWAYS.

Passes for Employees.

Mr. HALL asked the Minister representing the Minister for Railways:

(1) Do drivers and administrative staff receive first class passes for railway travel?

(2) Do fettlers and railway workers on lower incomes receive second class passes for railway travel?

(3) If the answer to No. (1) is "Yes," why is this distinction made?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) First class destination free passes of which the staff is entitled to two per annum are issued, but all lines passes covering annual and long service leave are second class.

(3) Issues are made in conformity to the various industrial awards under which railway staff is employed.

OCEAN BEACHES.

Erosion and Reefs.

Mr. MARSHALL asked the Minister for Works:

In view of the constant erosion taking place at the ocean beaches and the concern expressed by the various local authorities affected in the metropolitan area, to maintain the beaches in reasonable condition for the benefit of the general public, will he consider making representations to the Armed Services of the Commonwealth to blast open some of the reefs as an experiment during their training periods to ascertain if this will effect any improvement on the beach fronts?

The MINISTER replied:

No. It is considered that any interference to existing reefs would tend to increase beach erosion.

IRON ORE.

Export Embargo.

Mr. ROBERTS asked the Premier:

(1) Is it a fact that at present an export embargo operates on iron ore from deposits within this State?

(2) If so, what are the reasons for such an embargo?

The PREMIER replied:

(1) The export of hematite (other than micaceous hematite) magnetite and ores containing them, is totally prohibited by the Commonwealth Government. This control is enforced under Statutory Rule No. 85 of 1953. (Authority—"The Australian Mineral Industry 1954 Review" pages 27 and 28, issued by the Commonwealth Department of National Development).

(2) This is a matter of Commonwealth Government policy.

HARBOURS.

Plans for Bunbury.

Mr. ROBERTS asked the Minister for Works:

In view of expenditure required to complete Stage 1 of the Tydeman plan (Bunbury harbour) and the desirability of providing a land-backed quay at that port at the earliest possible date—

(1) Has the Government or any previous Government considered the possibility and potential of a land-backed quay being built on the eastern side and parallel to the breakwater at Bunbury?

(2) If so, what are the full details of such considerations?

(3) If not, would the Government ascertain from its technical officers—

(a) the economics of such a project;

(b) whether there is sufficient space to make such a project practicable from both the points of view of ships' manoeuvrability and the loading and discharging of cargo;

(c) what would be the anticipated depth of water available at such a quay if located approximately opposite the old No. 1 west berth, and the present sand was dredged from such a quay area;

(d) how far south such a quay could be ultimately extended, maintaining the anticipated depth of water as in No. (3) (c);

(e) if a southern extension is possible, how many additional berths could ultimately be provided;

(f) whether adequate road and rail facilities to such a quay would present any difficulties?

The MINISTER replied:

(1) Some investigations have been carried out by departmental officers but firm proposals have not been placed before the Government for consideration.

(2) Investigations are incomplete.

(3) Yes.

TOURIST TRADE.

Suggestion by Mr. J. W. Bunning.

Mr. EVANS asked the Premier:

(1) Did he hear a news item over the State news service on Tuesday, the 23rd October, at 7 p.m., relating to a suggestion made by Mr. J. W. Bunning, who has

recently returned from America, as to the possibilities of tourist trade in Kalgoorlie and other out-back mining towns?

(2) If the answer is "Yes," will he have the suggestion examined to determine its merits?

(3) If the answer to No. (1) is "No," will he have an inquiry made from the Australian Broadcasting Commission as to the wording of the news item, familiarise himself with the suggestion and have its possibilities examined?

The PREMIER replied.

(1) No.

(2) Answered by No. (1).

(3) Yes.

HOUSING.

Sale of Houses by Commission.

Mr. COURT asked the Minister for Housing:

Further to my question of the 23rd October, 1956, re sale of State Housing Commission homes—

(a) what deposit is proposed;

(b) will the homes be built by private contractors or Government day labour;

(c) if part by private contractors and part Government day labour, how many by each method;

(d) has a start been made, and if so, with what result?

The MINISTER replied:

(a) Deposit varies according to cost of homes and ranges down to minimum of £50.

(b) Both.

(c) Approximately 350 by private contractors and 100 by day labour.

(d) Yes. Contracts being let fortnightly and work is proceeding in accordance with programme. First homes now becoming available and are being allocated to applicants in order of priority of application.

MARKETING OF EGGS ACT.

(a) Decision to Amend.

Mr. WILD (without notice) asked the Minister for Agriculture:

Has any decision been made yet in regard to the amending of the Marketing of Eggs Act?

The MINISTER replied:

No.

(b) Possible Legislation During Session.

Mr. WILD (without notice) asked the Minister for Agriculture:

Is consideration being given to amending the Marketing of Eggs Act this session?

The MINISTER replied:

Consideration has been given to the matter but I doubt very much if it would be expedient or wise to undertake any amendment in view of the opinions and recommendations of the Royal Commissioner.

If the hon. member has any particular points in mind and he could let me know what they are, consideration would be given to that aspect; but, so far as I am concerned, there is no necessity for an amendment to the Act at this stage.

BILLS (5)—FIRST READING.

1, State Housing Act Amendment.

Introduced by the Minister for Housing.

2, Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act Amendment.

Introduced by the Minister for Works.

3, Church of England Diocesan Trustees and Lands Act Amendment.

Introduced by Mr. Roberts.

4, Licensing Act Amendment (No. 4).

5, Marketing of Onions Act Amendment.

Introduced by Mr. Norton.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [2.38] in moving the second reading said: The objects of this Bill to amend the Vermin Act of 1918-1954 are to further improve the control measures undertaken by the Agriculture Protection Board, and at the same time to give an increased measure of protection to officers engaged in their normal duties. The three proposed amendments cover firstly, the prohibition of the operation of professional trappers prior to, and including, poisoning campaigns; secondly, the overcoming of obstruction caused to vermin control officers, and thirdly, the protection of these officers from prosecution on technical grounds when carrying out scientific tests on animals.

I would like to deal with the first amendment, and point out that in recent years there has been developed, as members very well know, a most effective poison called 1080. This poison has had a most amazing effect in the destruction of vermin, particularly rabbits, and it has contributed largely, I am quite certain, to the increase in production in most of our agricultural areas. If the work of the Agriculture Protection Board is to be interfered with by professional trappers, which occurs from time to time both on their own account and with the approval of the farmer, then the destruction of vermin cannot be nearly as effective as it should be. Unfortunately, the existing legislation allows trapping to continue during such operations, and is

only precluded in instances where experiments of various kinds are being carried out.

There are two reasons why this amendment should be passed. The first is the effect on the health of the community; that is, the effect on the health of a person who consumes the flesh of a rabbit which has been destroyed by 1080 poison. I am not suggesting that this poison is so powerful that it would kill any human being. It would not, although only a very minute quantity is required to destroy a rabbit. The presence of poison in the body is very wide-spread so there is no danger of any fatal occurence through eating the flesh of a rabbit killed by 1080 poison; sickness, however, could result.

Hon. Sir Ross McLarty: How long does the poison retain its effectiveness?

The MINISTER FOR AGRICULTURE: We know the time in larger animals. I know that in the case of dingoes it lasts approximately eight hours.

Hon. Sir Ross McLarty: How long would the baits be effective after they are laid?

The MINISTER FOR AGRICULTURE: I cannot say exactly. The Commissioner for Public Health has brought this matter up and the Department of Agriculture has received letters from the Farmers' Union and other organisations supporting the proposal in the Bill. The second reason why the amendment should be passed is this: If professional trappers carry out their work before or during a destruction drive undertaken by the Agriculture Protection Board, then the efficiency of such a drive must be interfered with. Rabbits become trial-shy of baits. Many modern trappers use a system of trailing in their work. As a result a campaign of poisoning rabbits would not be as effective as it would be had there been no interference by professional trappers.

The second amendment in the Bill has been introduced as a result of known experiences where officers of the Agriculture Protection Board have been abused, and in some cases threatened with assault in the performance of their duties. We do not think that is fair. As a consequence, an endeavour is made to amend the appropriate section to give greater protection to those officers. There is one case where a paddock gate was locked, not to keep an officer out but to keep him in after he went on to the property. He went in there to inspect the property.

In another case a farmer was prosecuted for obstruction and for failure to destroy rabbits on his property. He told the officer that he was quite satisfied with the fine, which was £5 in each case, rather than do the work ordered. The officer and the adjoining farmers undertook to do the work themselves rather than to have an island of rabbits in the midst of an agricultural area. There are quite a number of instances, where, through lack of co-operation by the farmer, the effectiveness of the work carried out by the board is considerably reduced. Provision is made in the Bill to tighten up that section so as to give far more protection to the officers in the discharge of their duties.

The third amendment covers the protection of officers who are lawfully engaged in experimenting with poisons or any other method for the destruction of vermin. There is some doubt as to whether there is sufficient protection provided under the existing Act. As we all know, two very remarkable poisons have been developed in recent years, myxomatosis being one and 1080 being the other. These have been brought into use as a result of constant research and investigation over a period of years.

Although the Vermin Act empowers officers of the department to use any method of destruction they desire in their investigations and research, including the use of poisons, there is grave doubt as to whether or not conflict would arise between the Vermin Act, the Pharmacy and Poisons Act, and the Prevention of Cruelty to Animals Act. Bearing that in mind and the fact that Parliament in past years was responsible for the promulgation of all three Acts, one of which provides that poison can be used by officers of the Agriculture Protection Board, another which seeks to prevent cruelty to animals and precludes the use of poisons on animals, the officers of the department do not know where they stand.

In connection with investigations into the use of poisons, the officers of the department can easily find themselves in the position of being able to use the powers under one Act, but being denied the use of them under another. The officers should not be placed in such a difficult position. On those grounds, as long as officers are conducting fully-controlled investigations of a scientific nature to obtain essential information, and as long as that is done in the course of their duties, they should be protected from prosecution under the Acts I have mentioned. I move—

> That the Bill be now read a second time.

On motion by Mr. Owen, debate adjourned.

BILL—BRANDS ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [2.50] in moving the second reading said: This Bill deals only with a very minor amendment to the Brands Act. It came about some months ago as a result of the Western Australian Turf Club putting forward a

proposal to the Department of Agriculture to widen the existing Act. It appears that the Turf Club's proposal concerns the branding of racehorses with a numeral or numerals on the off-shoulder of the animal so as to denote the age of the horse.

The Australian rules of racing provide that before a horse can be registered it must be branded with distinguishing numerals in addition to the identifying brand, and it has been the ambition of the Western Australian Turf Club to obtain uniformity in this matter throughout the whole of the Commonwealth. The positioning of numerals in Western Australia is governed by State legislation, and as the Act now stands it would be contrary to the law if in this State racehorses were to have identifying numerals placed on the off-shoulder, similar to the practice undertaken in New South Wales, Victoria and South Australia.

Section 12A of the Brands Act reads as follows:—

> The person imprinting the first brand upon any horse or head of cattle may imprint any numeral or numerals—
>
> (a) on the cheek or near thigh, or immediately under the registered brand not less than two inches or more than three inches from such brand, to denote age;

Therefore this proposal will bring Western Australia into line with the branding system of racehorses or stud stock as used in other States of the Commonwealth and so far as I can see there does not seem to be any objection to it. It is just a minor amendment in the interests of uniformity.

The W.A.T.C. at the present time seems to operate under a disadvantage. So instead of having to conform to Section 12A of our Act, which demands a brand denoting age on a different part of the horse carcass from that prevailing in other States of the Commonwealth, this amendment will overcome it. I move—

> That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th October.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.54]: In replying to the debate—

Members: Are you replying?

The MINISTER FOR LABOUR: Yes.

Mr. Marshall: Mr. Speaker, I was on my feet ready to speak.

The SPEAKER: Order! I put the question and no member rose, but the Minister got up to reply. I did not see the member for Wembley Beaches rise. He should have spoken to draw the attention of the Chair. I looked to both sides of the Chamber and I did not see him get up but saw the Minister rise to reply to the debate. The hon. member may proceed.

MR. MARSHALL (Wembley Beaches) [2.55]: This Bill proposes to extend the activities of the State Insurance Office to allow it to conduct business in accordance with the provisions of the measure. In the Minister's opening remarks, he drew attention to the fact that the Bill had been introduced a number of times and also drew the attention of the newer members of this House to the fact that some attempt had been made from time to time to enlarge the scope of State insurance from its present limited range.

I noticed when going through some very ancient history that this legislation was first proposed many years ago and I refer members to Hansard of the 21st September, 1921, on which date the late Mr. Corboy, member for Yilgarn, moved a motion in the House which read—

> In the opinion of the House it is desirable that the Government should immediately do all things necessary to establish a State life, accident, sickness, fire and general insurance office.

Therefore it is quite obvious that it has been in the minds of members of this House for a considerable number of years. It is very significant that in 1926 a Bill was introduced to establish the State Insurance Office and it carried on certain insurance work until 1938, when another Bill was introduced to amend the first Act because it was then considered the 1926 legislation did not confer the correct legal status on the State office.

Thus, it is since 1938 that the proper legal status of the State Insurance Office was established and it was allowed to operate in the interests of the people of the State to cover mostly workers' compensation and those engaged in the mining industry. From time to time we have endeavoured to enlarge its scope and the Minister made reference to reports in Hansard of the records of such attempts. I do not need to refer to Hansard because it is most significant that an article was published in "News Review" of the 1st October, 1956. It included practically a verbatim report of the Minister's remarks and also referred to the debates appearing in the pages of Hansard over the years when the matter was before Parliament.

Reference was also made to the remarks of the member for Nedlands, and looking through his speech on this legislation and

the previous attempts to introduce it, we find practically the same remarks are made. As a matter of fact, his speech to the House a few weeks ago could have been read by him from his speech in 1955. There is no question about where the member for Nedlands stands because he clearly outlined his objections, and I shall have something to say about them in a moment.

It is significant that the article deals with the opinion of this particular newspaper. In the last section it states—

> "News Review" is entirely and absolutely opposed to Premier Hawke's present Profiteering Bill and hopes the Upper House will emphatically throw it out.
>
> But at the same time we are democratic, and we know that more than half the people (in the aggregate) of Western Australia were on Labour's side at the last State elections.
>
> Well, the Minister (Mr. Hegney) says that this Insurance Bill has been three times before the Upper House and has been thrown out three times.
>
> Now: Is there any other country or State in the world in which democracy has made real progress which would tolerate an Upper Chamber refusing four times in four separate sessions, to pass legislation (any legislation) put forward by the popular (adult franchise) Chamber?

It is significant that the same arguments are being presented on this occasion against the Bill.

In his speech, the member for Blackwood expressed his opposition to the measure by saying that he considered the Government should not be allowed to enter into any further extension of State trading concerns and he compared the State Insurance Office with one of the other State trading concerns. The member for Nedlands said that there were approximately 80 other insurance companies operating in the State and they could adequately cover the insurance business that it is now proposed to allow the State Insurance Office to deal with. Although the hon. member contends that there are sufficient insurance companies to cater for all types of business offering, he does not say whether there would be any objection to any other companies, either overseas or local, starting up and looking for business in the insurance field.

Mr. Court: I would not object at all. They can do so at their own peril if they wish to.

Mr. MARSHALL: We have to study the financial position of these companies in relation to the economic effect they have on the finances of the country. During World War I and World War II, particularly in the period of World War II, the insurance companies invested considerable amounts of their profits or assets in Commonwealth Government loans and as a result they played a big part in the war effort. But since the rates of interest have been unpegged so that there is no control on them, these companies have to a great extent found it more lucrative to invest their profits in other fields.

I view the insurance companies as being similar to the banks because they play a large part in the economic position of the country, due to the amount of money they handle. We cannot compare an insurance company with a State trading concern such as the State Saw Mills and others, because an insurance company, once it sells its business of insurance, is assured of a secure income. It is possible that with the great amount of income that they earn, they can invest it profitably for themselves.

We could use the same argument and say that we do not need the State Insurance Office just the same as we could say that we do not need the State bank. I feel that where there is room for a State bank —and it is possible the profits of the bank will assist the State Government to a large extent—there is also room for a State Insurance Office. I have no doubt that the officers running the State Government Insurance Office are just as competent as those who conduct the private companies, and I suggest that they are not prepared to take greater risks. We should have no fears in this regard.

Then again, the member for Nedlands said that possibly more pressure would be brought to bear on the State Insurance Office to make the conditions of insurance better or cheaper or to take greater risks. I do not think that at all. Just as sensible businessmen are in Government departments as are in private concerns.

Mr. Court: The Minister told us they would.

The Minister for Labour: No.

Mr. Court: Yes, in 1955 you did.

Mr. MARSHALL: That may be so, but a rather important fact is that the member for Nedlands discussed the question of whether we should allow Government servants to act as collectors or agents. Well, about 1951 or 1952 when there was a feeling that something should be done to increase the scope of the State Insurance Office, a Liberal Government was in power. The local insurance companies formed what they called "group insurances" in many of the Government departments and private firms. These group schemes were very successful. Provided a sufficient number of people were available to warrant any branch of the Government service taking part in this arrangement, an officer was appointed to act

as agent. He was appointed to that job as part of his duties; not full time. This was done to a considerable extent.

I had occasion to query certain aspects of the insurance business that these people were running, and the significant fact is this, that I joined this group scheme because I believe in insurance and think it is a good thing. The insurance agent came around one day to a group of us and, as an added incentive, he said, "All you chaps have a group insurance, and for a small sum you can be insured for a considerably greater amount, up to £1,000." When we went into it we found that certain workers were excluded altogether because of their occupation. It is quite obvious that the insurance companies do not want to take any more risks than are necessary.

While I am not saying that the State Government Insurance Office would be prepared to take greater risks, I point out that the insurance companies conduct their business in the same manner as I would expect the State Insurance Office to conduct its operations. Because the member for Nedlands had some doubts as to whether there were Government employees having subscriptions or premiums deducted for private insurance companies, I can assure him that it is being done. If this measure is agreed to and the State Insurance Office can extend its business, I see no reason why the same conditions should not apply in various Government departments. It has been said by many members on this side that we should endeavour to widen the provisions of the Act to cover all types of insurance.

Mr. Roberts: Even uninsurable risks?

Mr. MARSHALL: I would expect the State Insurance Office to take the same risks as the other offices do. I see no objection to the Bill and support the second reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [3.12]: I can understand the objection of the member for Nedlands and that of the member for Blackwood to an extension of the activities of the State Government Insurance Office because from their attitude on different subjects it is evident that they are more concerned with the profits made by private insurance offices.

Mr. Court: That is not fair comment.

The MINISTER FOR LABOUR: The hon. member contended that an extension of the functions of the State Insurance Office would expose yet another State trading activity to political pressure and interference. That office was established in 1926 and at no time has it been subject to political pressure. The same applies, as far as I know, to the other State concerns where they are in competition with private companies. I have been Minister for the last 3½ years and have never endeavoured to influence the manager of the State Insurance Office in regard to the policy pursued by that office. He assures me that under the previous Administration he submitted proposals and recommendations and it was then for the Minister or the Government to accept or reject them and that is the position now, but he is not subject to any political pressure.

Mr. Court: You would not have us believe that the Queensland office is not subject to political interference.

The MINISTER FOR LABOUR: The hon. member always tries to belittle any State instrumentality and immediately makes comparisons with other States. Suffice it to say that since the Queensland office was established many years ago, there have been a number of elections in that State and from 1914 up to the present Queensland has been governed by a Labour Government with the exception of three years.

Mr. Mann: And why?

The MINISTER FOR LABOUR: For the same reason as this Government is in office today. It is difficult to understand the reference of the member for Nedlands to the position of workers in industry if the State Insurance Office were granted a monopoly of workers' compensation business. That is not under discussion and is not referred to in the Bill but I would remind members that workers insured with the State office received treatment at least as favourable as that received by employees insured by their employers with private offices.

Mr. Court: That may be so now, but what about the position if there were a monopoly of workers' compensation with the State office?

The MINISTER FOR LABOUR: It is the same old story. There have been occasions when men insured with the State office have been in the position of having exhausted the available medical and hospital expenses, and I have on more than one occasion approved of ex gratia payments to such workers to relieve hardship. I believe the ex-member for Mt. Lawley would have done the same thing, and I feel sure the member for Stirling will agree with what I have said. The member for Nedlands was trying to weaken the strength of our case to extend the activities of the State Insurance Office, by belittling its administration in regard to workers' compensation.

Mr. Court: That type of ex gratia payment is not peculiar to the State Insurance Office.

The MINISTER FOR LABOUR: The member for Cottesloe says the State Insurance Office was not very successful in regard to workers' compensation.

Mr. Ross Hutchinson: When did I say that?

The MINISTER FOR LABOUR: The hon. member knows what he said.

Mr. Ross Hutchinson: You tell me.

The MINISTER FOR LABOUR: The hon. member's statement was taken down and recorded in Hansard.

Mr. Ross Hutchinson: But you said—

The SPEAKER: Order, please!

Mr. Ross Hutchinson: The Minister keeps interjecting.

The SPEAKER: Order! Under the Standing Orders it is disorderly to interject and I am going to take a firmer stand in future than I have in the past, because interjections are getting out of hand. I have no objection to a member making an interjection to query a Minister during his speech but frequently about a dozen members fire interjections across the Chamber at once. We have much to learn from the Commonwealth Parliament in this respect because when Ministers or members there are talking, the Speaker insists that there be little or no interjecting and I think we could well adopt that practice.

There is one member of this Chamber who has set an excellent example for everyone here. I refer to the Leader of the Country Party, who analyses what is said and replies to it when he rises to speak. To maintain the honour and dignity of this Chamber, we should try to maintain the order of our proceedings. It is not easy for me, as Speaker, to control the House fairly if members do not abide by the Standing Orders. We must try to maintain our high standard and it is my intention to endeavour to do that.

The MINISTER FOR LABOUR: The member for Cottesloe quoted figures to indicate that the State Insurance Office has not been able to maintain its position in regard to workers' compensation, but it must be pointed out that certain employers have approached the State Insurance Office for a quote on workers' compensation, and, having obtained it, have taken it to private insurance companies. The private companies will then apparently accept the business at the premium which the State office quoted. By that means one employer, whose name I am not permitted to mention, saved £3,000 per year in insurance premiums, and from that point of view alone the State Government Insurance Office is performing a distinct service to the employers in this State.

When he spoke on the Bill, the member for Nedlands made reference to uninsurable risks and inferred that the State office would be prepared to take catastrophic risks which would not be taken by other insurers.

Mr. Court: You are going against your own statement.

The MINISTER FOR LABOUR: That contention is fallacious.

Mr. Court: Read what you said in 1955.

The MINISTER FOR LABOUR: Speaking from memory, I think the hon. member misinterpreted my remarks because I made reference to the viticultural industry.

Mr. Ross Hutchinson: You are making heavy weather of this.

The MINISTER FOR LABOUR: I shall not be as long-winded as the hon. member was last night! As regards the viticultural industry, I made some references to the risks to which they were subjected and I mentioned the fact that they could not obtain insurance. The manager of the State Insurance Office was approached and he indicated that he was not legally entitled to accept the insurance. So far as the terms of the insurance are concerned, that is another question altogether.

The State office is run on sound insurance lines and would not be prepared to accept any risks unless it were in a position to obtain satisfactory reinsurance. It is retaining only the amount it would be able to meet without undue depletion of its reserves. I should like briefly to quote a few items to show members how sound the business administration of the State Insurance Office has been. It already has coverage by reinsurance treaty to meet any of the matters mentioned by the member for Blackwood, such as losses by earthquakes of the type they had in South Australia and also with respect to house insurance for the State Housing Commission.

I propose to refer to the relationship of the State Insurance Office with the insurance pool conducted on behalf of the local authorities. There are about 156 local authorities in Western Australia and 131 of them are voluntary participants in the local authority insurance pool. I think both the member for Blackwood and the member for Nedlands referred to the pool. Prior to the establishment of the pool, the manager of the State Insurance Office discussed the whole matter with the Solicitor General. The member for Nedlands raised the question as to whether the local authorities were self-insurers.

Mr. Court: That is the point I asked you to answer.

The MINISTER FOR LABOUR: I have checked up on the matter and I find that the then Solicitor General, Mr. Walker, gave a very definite assurance that any pool insurance undertaken by the office for local authorities or friendly societies would be part of the ordinary insurance business of the office, and that the risks placed with the office through the pool could legally be backed by the general reserves of the State Insurance Office. The present Solicitor General, Mr. Goode, stated that he did not consider that the local authorities would be carrying on insurance business; they would not be self-insurers. If any member desires to have the written opinions of those two legal luminaries, they can be made available.

Mr. Court: Would you be prepared to table them because that is not consistent with the method of accounting employed by the State Insurance Office?

The MINISTER FOR LABOUR: The opinions have been given and I think I could make them available to the member for Nedlands if he so desired. Actually, the accumulated pool reserve at the 30th June last was £13,420. But that amount need not necessarily be shown as such in the appropriation account mentioned by the member for Nedlands. It is only placed there to enable the office to know to what extent the pool business contributes to the general reserve.

Mr. Court: That is not in accordance with the Auditor General's figures.

The MINISTER FOR LABOUR: At the request of the Auditor General, although the pool reserve is shown separately in the balance sheet for the last insurance year, it is, in fact, merged in the general reserve which now stands at £625,000.

Mr. Court: It is shown as a separate item on the balance sheet as pool reserve.

The MINISTER FOR LABOUR: Although it is shown separately in the balance sheet for the last insurance year, it is, in fact, merged in the general reserve. On the matter of the general premium of this pool insurance, it is incorrect to say that the initial premium charged by the State Office was equivalent to what the private companies charged at the time of transfer of the business. As far as the State Government Insurance Office can ascertain, the initial premium was 20 per cent. below the net premium of the companies after allowing for their special 20 per cent. discount to local authorities.

The operations of the pool are run on the same basis as other insurance business. If members study the revenue account they will find that the credit side shows premiums less reinsurance which indicates that the risks accepted are satisfactorily reinsured so that the office would not be called upon to meet any amount beyond its ability to pay and not at any time would it be possible for the local authorities to be placed in a position such as was suggested by the member for Nedlands.

Mr. Court: In other words, regardless of whether the pool showed a loss, no claim would be made on the local authorities?

The MINISTER FOR LABOUR: That is so. The whole of the reserves of the office would be available to meet their legal commitments.

Mr. Court: Once they have paid their premium, that is the end of their responsibility.

The MINISTER FOR LABOUR: Yes, I am advised that that is so. Referring still to the local authorities' pool, for the year ended the 30th June, 1956, the gross premiums received were £23,000 and as the revenue account shows premiums less insurance at £15,095, the amount of £8,000 has been placed with reinsurers. As the business of the pool is merged with the general business of the office, there is no legal obligation on the State Insurance Office to make any rebates to the local authorities and the only right they have is the agreement between the office and the local authorities.

Here is a very interesting point: Since the pool started local authorities have received £23,280 in rebates which they would not have received had their insurance business been placed with the non-tariff or tariff companies. As I said, of about 156 local authorities there are 131 voluntary participants and during my term as the Minister administering the State Insurance Office, I have not received one complaint from the local authorities in connection with their insurance relationship with the State office. I believe that last year, or the year before, the member for Roe made some reference to the administration but the chairman of the Eastern Districts Road Board Association denied the correctness of the statement.

As regards investments, the audited accounts will disclose that at the 30th June, 1956, the State office had invested the following amounts:—Governmental and semi-governmental loans, including investments in the State Electricity Commission, £840,000. Loans to local authorities and private industry—and I must repeat that for the benefit of some of the Liberal members—

The Premier: Liberal Party members.

The MINISTER FOR LABOUR: I mean Liberal Party members. I must repeat that for the benefit of Liberal Party members: Loans to local authorities and private industry amount to £110,00 and contributions to revenue total £778 000. The amount expended on the State Government Insurance Office building is £480,000. It may be that influence will be brought to bear on members opposite to exclude the State Government office from extending its activities, notwithstanding the demand from the public for an extension of insurance business undertaken by that office.

As I have already said, the member for Cottesloe quoted figures to show that the workers' compensation department of the State Insurance Office was not the success it should be, and I gave one reason why some of the business was diverted from the State office. I would like to emphasise, and say quite candidly now—and members opposite have tried to use as an argument that because the State Government Insurance Office is attached to the Government, it would have an unfair advantage in insurance business over the private companies—that the State office is at a disadvantage as compared with

the private insurance companies, because the private companies can engage in general forms of insurance.

The manager of the State Insurance Office has assured me time and time again that representatives of firms and individuals who would otherwise place their insurance business with the State office will not do so because they like to have their insurance with one company. All we are asking is for the State Insurance Office to be given the right to engage in all forms of insurance, as is the case with private companies. So if a person wishes to insure his car with the State concern, he may also be able to insure his house with that office.

I propose now to deal with an aspect of insurance on which there is, to an extent, fair competition. I refer to motor-vehicle comprehensive insurance in respect of which the State has the right to accept business from the general public. Under this heading its net revenue in the last financial year, after providing for re-insurance premiums, was £116,500. At present and for some time past over 100 policies a month have been issued and in the month of September no less than 192 policies were issued. If this measure becomes law, the insurance companies will materially benefit, as the State office will have the right to accept re-insurance from them and they will be in a position to reciprocate by conceding their business to the private insurance offices.

Let me deal for one moment with the matter of taxation which was raised during the debate. When I dealt with taxation, I referred to the obligation on the State Insurance Office to pay taxation on the same basis as private companies. For the last financial year £49,000 was paid by the State office to the Treasurer, being the equivalent of taxation which would have been paid to the Commonwealth Government had it been a taxable company. Incidentally it would be interesting to note how much, if anything, the general accident insurance offices operating in Western Australia have invested in the State apart from building construction of their own offices. I indicated a while ago that a sum of £840,000 had been invested by the State Insurance Office in governmental and semi-governmental concerns.

Mr. Court: I think the private companies would have much more than that invested.

The MINISTER FOR LABOUR: How much would they have invested, say, in the State Electricity Commission loans?

Mr. Court: They could have it invested in other things beside the S.E.C. loans.

The MINISTER FOR LABOUR: I would like to point out that over £110,000 has been loaned to local authorities and private enterprise. I cannot emphasise that too much. The State concern—this allegedly socialistic office which our opponents are often pleased to throw across the Chamber at us—has advanced £110,000 to private industry and local authorities; and had the Bill been passed three years ago there is no doubt that it would have rendered much more substantial assistance to private industry in Western Australia.

Mr. Court: How much of the £110,000 has gone to private industry. That is what we are interested to know.

The MINISTER FOR LABOUR: I will tell the hon. member in a moment. First of all, I would like to say that as soon as the bank credit squeeze commenced, the office was approached for financial accommodation and to date £110,000 has been allocated to local authorities and private industry. Within recent months £80,000 was advanced to one large concern within a mile of Parliament House.

Mr. Court: As an investment, I presume.

The MINISTER FOR LABOUR: There we go again! The member for Nedlands says "as an investment, I presume." The members of the Liberal Party are continually saying that the State concerns should not interfere in any way with private industry. The State Insurance Office had the money at the time to invest. But that is just a further argument to show that the State office administration is being conducted on very sound lines.

Mr. Court: We never quarrelled with its having investments.

The MINISTER FOR LABOUR: No, but the member for Nedlands of late months has been a champion in this regard. On another measure, which will possibly receive a certain blessing in another place, he said that private industry and private enterprise should be free and untrammelled, that the Government should not interfere in any way.

Mr. I. W. Manning: Hear, hear!

The MINISTER FOR LABOUR: But we find that within a mile of Parliament House a large concern employing many Western Australians approached the Government Insurance Office and was granted an advance of £80,000. Would any member of the Liberal Party say we should not help private industry?

Mr. Court: That is not interfering with private industry.

The MINISTER FOR LABOUR: It is to the extent that it is benefiting the State. That is not the only concern that the State Government, and the previous Government, has helped by way of loans. As I said, applications were made for a further £60,000 in recent months, but because of the limitations of finance the State Insurance Office was unable to advance the money. The point is that those private concerns had approached the private banks and had as ample a security as the State Insurance Office; they said

they wanted to expand and to maintain their industry and even though they had all the security in the world the private banks would not advance them one shilling. I mention this to show that I think it is necessary proof that if the State office is given a wider franchise on the basis of the provisions set out in the Bill, as time goes on it will be able to help private industry more and more in Western Australia.

Mr. O'Brien: Hear, hear!

The MINISTER FOR LABOUR: I think I have made that position clear. I do not want to keep the House much longer but I would like to say this: In the leading article of this morning's issue of "The West Australian" reference is made to a certain measure which is now before Parliament. Somebody seems to be losing a lot of sleep over it because it is not the first leading article published in regard to that particular measure. All I desire to mention is that it is strongly suggested—vehemently suggested—that before any legislation of this particular nature is passed, there should either be a referendum or a State general election to determine whether the people are in favour of the measure or not.

This is the fourth time a Bill of this nature has been before this Chamber and I hope it will be the last, but it will not be, if it does not pass another place. It is the fourth occasion on which a Bill to extend the franchise of the State Insurance Office has been submitted to Parliament and on three previous occasions it has passed this Chamber. Members will realise that the actual verbiage in the clauses is all that can be desired and the question at issue is the principle. We have passed a similar Bill in this Chamber three times. It has gone before the Legislative Council and on one occasion it passed the second reading and the Committee stages by 16 votes to nine, but was defeated on the third reading.

Mr. Court: In fairness, we should make one observation. You said its verbiage was all that could be desired, but that is only if one agrees with your political principles.

The MINISTER FOR LABOUR: I said that the principle contained in the Bill was the only issue, and I do not think there is any quarrel with the machinery clauses. I want to refer again to the suggestion in the leading article in this morning's issue of "The West Australian" and the fact that this Bill has been introduced and passed on three occasions. There has been a general election and at the time of the election the Labour Government strongly stated the position in regard to the State Government Insurance Office.

Mr. Ackland: Was that the reason you won the election?

The MINISTER FOR LABOUR: It was included and announced in the Premier's policy speech and there has been a State general election since this Bill was first introduced. I suggest if there is to be any democracy so far as this measure is concerned, it should receive the blessing of both Houses of Parliament.

I will now give a classic example in respect of our introducing legislation for the purpose of trying to implement our policy. The British Parliament Act of 1911 provides that the House of Commons can pass legislation, but it also provides that the House of Lords can hold it up if it is not in favour of a Bill. If the Bill passes the House of Commons a certain number of times and is rejected by the House of Lords, the measure is passed after, I think, a period of 12 months.

If the measure is approached on its merits and there is no misrepresentation in regard to it, we should reasonably expect the will of the people to prevail; and when I say the will of the people should prevail, I mean that since the Bill has been introduced, there has been a general election. That is all I intend to say, but I point out that we intend to persist with the measure until it becomes law. I hope reason will prevail and members of Parliament will realise the Government has a mandate for the introduction of this measure which I hope will duly pass both Houses of Parliament.

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

Ayes	21
Noes	14
Majority for	7

Ayes.

Mr. Andrew	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Toms
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.

Mr. Ackland	Mr. W. Manning
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. I. Manning	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Brady	Mr. Bovell
Mr. Sleeman	Mr. Mann
Mr. Tonkin	Mr. Cornell
Mr. Evans	Mr. Oldfield
Mr. Sewell	Mr. Hearman
Mr. Hall	Mr. Perkins
Mr. Rhatigan	Sir Ross McLarty

Question thus passed.

Bill read a second time.

Sitting suspended from 3.48 to 4.5 p.m.

In Committee.

Mr. Moir in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 2 amended:

Mr. COURT: In order to save the time of the Committee I would like to explain that we will not be speaking against each and every one of the clauses in the Bill. I think, during the second reading stage we made the position clear and we are opposing the whole of the measure on a matter of principle. We disagree violently with the whole measure but that does not mean to say that we question the correctness of the clauses which are in the Bill to give effect to the Minister's wishes. We oppose the measure in its entirety.

Clause put and passed.

Clauses 3 to 8—agreed to.

Cause 9—Sections 7A-7F added:

Mr. COURT: This is the only clause in the Bill where I can rightly raise the question of the local government pool. I understood from the Minister's reply that legal opinion had established to his satisfaction that the local governing bodies that participated in the State Government Insurance Office pool were not self-insurers. In fact, the State office insured them completely and once they paid their premiums, that was the finish of the matter so far as the local authorities were concerned.

I would like a reassurance from the Minister on the point because I suggest that the method of accounting used by the State office and as included in the Auditor General's report indicates that the local government pool is being run on a self-insurers' basis because the report shows a separate account for the local government pool and indicates that there are certain charges against it; there is a debit or a credit as the case may be, depending on the year's results. I think it should be made very clear to the local authorities that no claim will be made on them should there be a year of adverse risks in respect of local government insurance.

The MINISTER FOR LABOUR: As I mentioned when replying to the debate, I shall make all the relevant information available to the member for Nedlands. I should now like to quote a brief statement by Mr. Bown, the manager of the State Government Insurance Office, in regard to the local authorities pool. He states—

> Prior to the establishment of the pool the manager of the State office discussed the matter with Mr. Walker who, at that time, was the Solicitor General. He was assured very definitely that any pool insurance undertaken by the office either for friendly societies or local governing authorities would be part of the ordinary business of the office and that the risks placed with the office through the pool could legally be backed by the general reserve fund. Later Mr. S. H. Good, the present Solicitor General, expressed the following opinion: "I do not consider that the local authorities will be carrying on insurance business." This should answer any assertion that the local governing authorities insuring through the pool are, in fact, self insurers.

If the member for Nedlands cares to discuss the matter with the manager of the State office he will be given any further information on the point.

Clause put and passed.

Clauses 10 and 11, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 23rd October.

MR. COURT (Nedlands) [4.15]: The Minister has introduced a fairly complicated Bill to amend the Factories and Shops Act in several important particulars. He addressed himself to the subject largely on the basis that the Bill was aimed at tidying up the Act. I think that was the expression he used, but one would not want to get lulled into a false sense of security by taking those words too literally. It is a question of how one views the tidying up. From my point of view, he has tried to tidy it up too much in several respects.

The important factor for members to realise is that the measure is restrictive in effect and I feel that in this country we are fast getting out of step with the modern trends in merchandising. This Act is one which has a direct bearing on merchandising. It is not only directly related to manufacturing establishments, but also to merchandising establishments in the ordinary way. The general world demand in the progressive countries that have an expanding economy and buoyant retail trade is for an increase in the services rendered to the public rather than for a contraction of them. I feel that before this generation passes on, we shall see Parliament considering measures to extend rather than to restrict the facilities for trading. People will demand the service that they think is necessary in certain industries and particularly in certain types of retail trade.

If one were reviewing this Bill in the light of adverse industrial conditions, in the light of a country, say, with no well-founded and well-established system of arbitration, much of what the Minister seeks to achieve would have some merit, but in view of the fact that we are living in a country that has a well-established system of arbitration; a system which, in

the main, is respected by all decent people on both sides—the employer and the employee—the provisions of the Factories and Shops Act have less significance than they would otherwise have.

When one goes abroad one is struck by the increased facilities that are available to travellers and shoppers generally as distinct from our tendency here to restrict service and facilities. I will admit that in some of those countries, particularly in the Asian countries, there is not always a strict regard for the conditions of the employees. However in this country we have this industrial arbitration authority which very jealously guards the working conditions of employees. Therefore, the restrictive provisions of the Factories and Shops Act are not so important as they would be if we did not have that well-founded and well-established system of arbitration.

I make that observation because the Minister has conveyed the impression to me, during the course of his second reading speech, that all is not well in this State in respect of industrial conditions in some factories and shops. I know of no case today where there is any flagrant breach of what is regarded as being a decent set of conditions, and I think there is ample power in the Act as it exists to handle any employer who might be remiss in giving his employees satisfactory conditions.

For my part, I do not think there is any need for the Bill. If it were not passed, I do not think it would cause a ripple on the water; but if it is passed, I can visualise circumstances in which it would cause more than a ripple on the water. The Minister made reference to sweating and unfair conditions which made these amendments desirable but I cannot, in this year of 1956 in Western Australia, imagine that there are conditions existing that involve amendments to this Act to eliminate sweating.

The Minister for Labour: I referred only to the sweating conditions in factories and shops in past years and to show how far we have advanced.

Mr. COURT: In that case I apparently misunderstood what the Minister said because it appeared to me that he said that there are sweating conditions existing in factories and shops at present. I do not think for a moment that there are. One of my objections to the measure is the extent to which it can be responsible for undermining the authority of the Arbitration Court. When I interjected while the Minister was making his second reading speech, he denied that, but I would like him to comment further on this point when he replies to the debate. I feel that the restrictive clauses in this measure do have the effect of interfering with the power of the Arbitration Court regardless of the provisions of Section 163, which makes the findings of the Arbitration Court paramount in certain particulars.

There is provision in this Bill to restrict the present 1 p.m. closing time on half days to noon and the present provision for 6 p.m. closing time on full days to 5.30 p.m. As I see it, that has the effect of definitely interfering with Arbitration Court awards. For instance, say the Arbitration Court made an award for shop assistants which permitted them to work a spread of hours between 7.30 a.m. and 6.30 p.m., but the award specified that they must not work more than eight hours on any given day. In other words, unless the Shops and Factories Act ran contrary to the award, they could stagger their employees to give a service to the public from 7.30 a.m. until 6.30 p.m.

However, when the Shops and Factories Act provides that 5.30 p.m. is the latest that shops can remain open in the evening, it completely defeats any tolerance granted by the Arbitration Court, bearing in mind that the court would not grant that tolerance without retaining unto itself the power to protect the worker and, further, it would only grant that tolerance if it felt there was a public need for it and that it was in the interests of the employer, the employee and the community to have that extra trading facility. So I would like to have the Minister's comments on that point because he was most emphatic that nothing in the measure interfered with the powers of the Arbitration Court in view of Section 163.

The Minister for Labour: Section 113, I think.

Mr. COURT: With all due respect to the Minister, I think it is Section 163.

The Minister for Labour: I am sorry. It is the section dealing with the court's power.

Mr. COURT: Yes. That is the section which sets out that the provisions of the Industrial Arbitration Court awards are paramount against any provisions in the Factories and Shops Act provided, of course, that the terms of the Industrial Arbitration Court award are within the powers of the court. If the court included something in its award outside the court's powers, obviously it would be ultra vires and would have no effect in spite of this section.

There is a further restrictive clause in the Bill which I think the Minister should explain and the member for Toodyay touched on this point effectively. The restriction proposed in one of the clauses has an effect on hairdressers' shops. In view of the wording of the Bill it means that it has a retrospective action and although those establishments have been tolerated and found to be quite effective and efficient up to date, they will be

brought within the ambit of this new measure which could involve these shops in unfair modifications and alterations.

Yet a further point is the interference with the right of country centres to determine certain shopping hours by poll. I know this is a vexed question in certain areas but I am a great believer in local opinion being voiced on some of these matters. People in some of the country centres have the right to declare by poll whether the shops should stay open on Saturday afternoon, and, if the matter is sufficiently important and serious, surely public opinion in those areas can be marshalled to declare, through an ordinary voluntary poll what they want done in that particular area! Slowly but surely we are whittling away the rights of people in areas and localities in regard to what they want to do in connection with particular measures, and I cannot see why we should whittle this one away. I am quite sure that if the proposed amendment never became law, it would have no serious effect and the matter would adjust itself within the localities concerned. Yet a further point is the question of the minimum cubic space to be allowed each worker. I agree that adequate facilities should be given to a man to do a good job under reasonable conditions. That is in the interests of the employee and the employer. However, when the Minister introduces a measure such as this, I think he has the responsibility to tell us what will be the effect of the legislation.

What is to be the effect of this amendment? Has it been introduced because there has been an abuse of the cubic space allotted to workers in this State? I fail to find any such abuse. If we increase the space allotted to a worker from 350 to 400 cubic feet, has the Minister examined the possibility of likely structural alterations of a major nature having to be made in local industrial establishments? I should imagine that his staff in the department concerned would be able to make that information available. I feel we are entitled to know what will be the effect of these amendments.

This is essentially a Bill to be dealt with in detail in Committee and apart from those general observations on which I would like the Minister's view when he replies to the debate, I propose to confine my remarks to what I have said and take the opportunity to discuss the clauses in detail when the Bill goes into Committee.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [4.28]: Some of the members who spoke on the second reading of the Bill referred to the same items, so I propose to deal, as concisely as I can, with the remarks made by the member for Toodyay who obtained the adjournment of the debate and who spoke on various provisions in the Bill. Should I overlook any matter that has been raised by any other member, I would welcome a reasonable interjection, subject to your permission, of course, Mr. Speaker.

The member for Toodyay made reference to the inclusion of hairdressers under the Factories and Shops Act. There is already a provision in the Act which covers hairdressers' shops and I am advised that when these shops were removed from the Fourth Schedule some years ago, the failure to include hairdressers in the definitions was an omission. It was stated by the member for Toodyay that the inclusion of hairdressing establishments within the provisions of the Factories and Shops Act would compel major alterations being made to them. In answer to that, I would like to give this assurance: The provision in the Bill will make no difference whatever to the present position. Today hairdressing is being done in private homes that have been registered as shops for many years.

There is no reference in the Bill to structural alterations or hygienic conditions. The reason for including hairdressing establishments is to have them defined as shops. All the Bill does is to include them as shops. There would be no necessity for anyone to make structural alterations to premises. In any case, today they have to conform to the Health Act.

Mr. Court: I cannot follow the last part of the Minister's observation that there is no provision in the Bill for hygienic conditions or ventilation.

The MINISTER FOR LABOUR: In a couple of clauses there are references. It is proposed to include hairdressing establishments in the definition of shops but that will not affect their present standing.

Mr. Court: Why have the retrospective words been included?

The MINISTER FOR LABOUR: As far as I am aware, the words "shall be deemed" should be included. If those shops are included in the definition it is not the Government's intention to compel them to make alterations.

Mr. Court: It may not be the intention, but what will be the law?

The MINISTER FOR LABOUR: It will be nothing different.

Hon. L. Thorn: Having been brought under the Act, those shops will be subject to all its provisions.

The MINISTER FOR LABOUR: That is so. Why should they not be?

Mr. Roberts: They should be given time.

The MINISTER FOR LABOUR: They will be given time. I shall deal with the tolerance and attitude of the department as I go along. It was said by the member for Toodyay that it was proposed to reduce

the hours of factory workers from 44 to 40, and that the employers would have to pay overtime for work performed on Saturday mornings. The hon. member overlooked the fact that this confers on workers not already covered by awards or industrial agreements the same conditions of employment as the court has granted to similar workers under awards.

Mr. Roberts: Should not those workers at present not covered by industrial awards go through the Arbitration Court?

The MINISTER FOR LABOUR: The overtime rates proposed are in accordance with the decision of the Arbitration Court. The Bill proposes to bring the hours mentioned in the Factories and Shops Act into line with the Arbitration Court standard. Unless there is continuous process work, the factory worker today is on a 5-day week. The Bill proposes to alter the hours to conform with the set standard.

Mr. Court: The hours of work or the hours of the establishment being opened?

The MINISTER FOR LABOUR: The hours of the factory. Practically all factories work a five-day week. If a worker works on a Saturday morning in a factory covered by an industrial award, he will get overtime rates if he has completed 40 hours in the week. If a factory worker happens to be outside of that industrial award and works on a Saturday morning, he will not at present receive the same overtime rates as the other man. The member for Bunbury contended that these workers should apply to the Arbitration Court to be covered.

A great number of factory workers are covered by awards or industrial agreements and the appropriate union is registered in the court. As a consequence, they are able to obtain from the Employers' Federation industrial agreements which are registered and have the force of awards. There are not many factories which are not covered by industrial awards or agreements; there are some, and that is the reason for this provision being made in the Bill. It is to be a guide to the employers as to the standard.

Mr. Roberts: You are usurping the functions of the Arbitration Court to a certain degree.

The MINISTER FOR LABOUR: The member for Nedlands also made the same observation. Another point raised by the member for Toodyay referred to the proposal in the Bill to increase the working space. That was also mentioned by the member for Nedlands and the member for Bunbury. It is proposed to increase the cubic space per employee from 350 to 400 cubic ft. The member for Toodyay stated that this would make it very difficult for factory owners in that they would have to provide more air space per employee or else employ fewer persons. In answer to that I would say that the 350 cubic feet provision has been in the Factories and Shops Act for a great number of years; on the other hand, the requirements of 400 cubic feet has been in the Health Act for more than 20 years. That same limitation is also incorporated in the model by-laws adopted by the local authorities throughout the State.

Hon. L. Thorn: If the health authorities carried out their work properly, they would attend to this matter.

The MINISTER FOR LABOUR: The 400 cubic feet per employee has been incorporated in the model by-laws, but it is the Factories and Shops Act which governs the position. The only reason for making the increase in air space is to bring the provision in the Factories and Shops Act into conformity with the local authority by-laws and the Health Act. It will not have retrospective application. The type of factory being built around the metropolitan area today is completely revolutionised, compared with those built in the past. No factory will be built in these days which will incorporate a space of less than 400 cubic feet per employee.

Mr. Court: Have reports been made by your inspectors that there are offenders in this respect?

The MINISTER FOR LABOUR: That has not come to my notice personally. Without being definite, I would say there are very few offenders. Before a person can build a factory he must submit plans to the local authority concerned. The average manufacturer will consult with the Chief Inspector of Factories and the local authorities before submitting plans for a factory. The ideas are discussed and incorporated in the plan. If the member for Toodyay considers it necessary, I can give an undertaking that if this provision is inserted into the Act, it will not be applied retrospectively and the Government will not compel factories which provide 350 cubic feet per employee to increase it to 400 cubic feet.

Mr. Roberts: Is there any limitation regarding height when assessing the cubic capacity?

The MINISTER FOR LABOUR: There is no mention of height. The space of 400 cubic feet is quite small. A space of 7ft. x 6ft. x 10ft. will give 420 cubic feet.

Mr. Roberts: You could have the same capacity by having a space 1ft. x 1ft. x 400ft.

The MINISTER FOR LABOUR: There is a reason for all these things. If a lady desires to scent herself, she does not use a flytox spray. As regards the suggestion that the Bill will compel sawmillers to provide lunch rooms for their employees and that authority will be given to the inspector to deal with health matters already covered by the Health Department, my reply is the member for Toodyay is

off the mark because the Health Department has no authority in regard to the provision of amenities or lunch rooms for sawmill employees.

All the Bill proposes to do is to give authority under this Act to request the provision of lunch rooms and proper washing facilities for men employed in the sawmills within 15 miles of the G.P.O., Perth. Although the member for Toodyay said that the workers preferred to have their lunch in the open, during the wet season and inclement weather it is desirable that they should have some shelter, and that in the summertime they should have some shade.

Mr. Court: Has the inspector reported to you the difficulty of getting the men to use facilities at present provided?

The MINISTER FOR LABOUR: No, they are not entitled to those facilities.

Mr. Court: There are places in the metropolitan area that have been built for the men costing literally thousands of pounds, but the men do not use them.

The MINISTER FOR LABOUR: The provision of these amenities cannot be enforced at present. If the hon. member has some sawmill in mind where the men are provided with lunch rooms and do not use them, I would like to know.

Mr. Court: You are bringing all sawmills within a radius of 15 miles under this provision.

The MINISTER FOR LABOUR: Yes, for the provision of lunch rooms and the provision of reasonable washing facilities; and no one wishing to observe the common decencies would suggest that a provision of the latter type is extravagant in these days.

Opposition was indicated by the member for Toodyay to the proposal to substitute 5.30 p.m. and 12 noon closing for 6 p.m. and 1 p.m. closing and he made reference to overtime having to be paid. The member for Nedlands also mentioned this matter. All I desire to say in that regard is that the proposed alteration in the closing times is simply for the purpose of bringing the hours into line with those stipulated in awards and industrial agreements operating in various industries—that is, the awards of shop assistants. This applies to the metropolitan area and to country towns, and brings the non-employer into line with the employer.

I know that the member for Nedlands says that the trend will be to extend the hours of trading. But hours of trading are governed by industrial agreements and awards of the court; and it is suggested that the person who is engaging in trade and is not employing anybody should close at the same time as the employer who employs one or more than one employee. To allay the fears of some members, I would indicate that the Fourth Shedule shops will not be affected.

According to the member for Toodyay there is a public need for trading after hours in the suburbs. I am not permitted at this stage to refer to the measure introduced by the member for Cottesloe, but I cannot help making reference to aspects of it. If I say anything that would appear to be relevant to his Bill, it will be understood that I am not referring to that measure but to the one now under discussion. The member for Toodyay said that the Bill would be a further blow to the small shopkeeper who is suffering from competition from self-service stores. He seems to be under a misconception regarding the availability of the goods.

Let me deal with the matter of petrol hours which was raised by one member. He said the Bill would have the effect of closing petrol stations at noon on Saturdays and at 5.30 p.m. on week days, but that is not the position at all. I can assure the House that if the hours of 5.30 and noon are inserted in the Act, the trading of the petrol stations will not be affected one iota, because the wording of the section will remain unaltered, and the provision regarding any purchaser requiring petrol will continue to be adhered to.

In regard to the striking of a blow against the small storekeeper, I would point out that there are different ways of looking at this question. I know that the shopkeepers in the suburban areas perform a very definite and necessary service. But there is a trend now for different shopkeepers to keep all kinds of stock. There is a provision in the Act for Fourth Schedule shops and there are a number of shops that are mixed shops. If a man desires to have a mixed shop and, after hours, convert it into a Fourth Schedule shop, all he needs to do is to have a partition. I am not referring to a petition, such as the one the member for Harvey got into trouble about, but a partition between the shelves containing groceries and those containing the items that can be sold under the Fourth Schedule.

Hon. L. Thorn: Do you still enforce the provision regarding the erection of screens along the shelves?

The MINISTER FOR LABOUR: Yes. That is provided for in the regulations under the Factories and Shops Act, and has been in operation for many years.

Hon. L. Thorn: I know. But if it was only necessary to have a partition, that would save a lot of cost and work.

The MINISTER FOR LABOUR: This is a very important aspect, and sooner or later a line of demarcation would have to be drawn somewhere. Every member knows that in the suburbs there are some shops that sell all kinds of groceries, and also sell milk, butter, eggs, vegetables, confectionary, bread, and a multiplicity of items. If they are going to be regarded as general stores, they must close the whole

shop at 6 p.m. or 5.30 p.m., because, in the metropolitan area, they are governed by an award.

But if they desire to trade after normal hours, all they are required to do is to partition the grocery section from the Fourth Schedule section, where the shop is of one room. Otherwise we would have a man with a mixed business having the grocery section open until 11 o'clock every night; whereas the general grocer, who sells almost all groceries but nothing else, would have to abide by the award and close at 5.30, in which case there would be unfair competition.

Hon. L. Thorn: What I am trying to indicate is that the screen is not effective.

The MINISTER FOR LABOUR: I know that it has been said that that is so. The licensing law is not entirely effective in regard to every licensee of a hotel closing his bar at 9 p.m.

Mr. Ross Hutchinson: It is much more effective than this provision.

The MINISTER FOR LABOUR: I will deal with that side in a moment. This question is not a political one, but it is very complicated and delicate. If the mixed shops were entitled to keep open until 11 o'clock every week night and 11.30 or 11.45 on Saturdays, the big storekeepers in the suburbs and the city would complain that there was unfair competition. They would say, "These shops in the suburbs can trade all around the clock and sell almost anything, yet we are obliged to observe awards and agreements and close at 5.30 p.m."

Mr. Wild: Isn't that what a lot of little shopkeepers are saying about the self-help stores?

The MINISTER FOR LABOUR: I said the question is a complicated and delicate one to handle. There are different ways of looking at the matter; and what we have done over the years is that we have enabled the small trader to sell certain items until 11 o'clock. These include such commodities as cooked meat, fish and chips, raw fish, bread, milk, cheese, biscuits, butter, fruit, greengroceries, confectionery, and breakfast foods, and non-alcoholic drinks, and these are available for 17 hours of the day for seven days a week.

Mr. Ross Hutchinson: That is not a bad thing, though. You are not saying it is bad?

The MINISTER FOR LABOUR: No; because it has operated, and these items have been divorced from the grocery side of a persons's business, where he engages in a mixed business, so that there would not be unfair competition between him and the man engaged exclusively in the sale of grocery lines alongside him.

Mr. Ross Hutchinson: It gives the public a bit of service too.

The MINISTER FOR LABOUR: I have to keep off the hon. member's Bill. I do not want to get on to it at this stage.

Mr. Roberts: What about chemists' shops selling goods outside the schedule?

The MINISTER FOR LABOUR: I think the member for Toodyay referred to chemists' shops, and I will explain the extended trading hours which they can indulge in.

Mr. Roberts: What about chemists' shops selling goods outside of dispensary lines and outside normal hours, such as toys, cosmetics, etc.?

The MINISTER FOR LABOUR: A complicated and delicate position is arising in that regard and something may have to be done about it. I have not anything in mind at this stage. Ordinarily, chemists used to engage in dispensing and in selling proprietary lines such as toothbrushes, etc. Under the Act they are obliged to close at 6 p.m. It is proposed to alter that to 5.30 p.m.

One member said that the hours of trading of chemists were being restricted and people would not be able to get prescriptions made up. But chemists' shops are entitled to be open, and will continue to be so entitled, from 6.30 p.m. to 8 p.m. on Saturdays, Sundays and holidays, and urgent prescriptions are obtainable at any time. They will also be able to sell a few proprietary lines. Lately, however, chemists have expanded their field of activity; and in one case of which I have been advised, sporting goods and some other items are being sold.

Mr. Oldfield: What sort of sporting goods?

The MINISTER FOR LABOUR: They sell racquets. I found that at Mandurah, where the Factories and Shops Department has been trying to do a reasonable job one or two storekeepers started to sell fishing tackle and a number of other lines; and other people, who were endeavouring to maintain ordinary hours of trading for the sale of those goods, had cause to complain. However, I can assure the member for Bunbury that the chemists will be able to open just the same as at present.

According to the member for Toodyay, small shopkeepers should be allowed to trade for longer hours, and he said that that should also apply to beach shops. Here again the question is as to where the fine line is to be drawn, because we would have people who were employing labour and observing awards and agreements complaining against unfair competition. The member for Toodyay is interested in places like the Swan district, Rockingham and Mandurah. I have had some figures supplied, and they have been checked, and for those respective centres the percentage

of shops registered for extended hours of trading are 60 per cent., 50 per cent. and 46 per cent. That is to say, a number of shops in those areas have exemptions.

I have referred to the mixed shops which can just erect a partition and trade as Fourth Schedule shops until 11 p.m. Practically half of the shops in the areas mentioned are enjoying extended hours of trading. Rockingham has 2,800 permanent residents and Mandurah has 2,000 and I have indicated the number of shops that are on the extended trading list in those places.

The member for Toodyay mentioned that a Mr. Rakich in the Swan district felt that the provisions of the Bill would have a disastrous effect on him because his business was heaviest during the hours from 5 to 6 p.m. I have had the registry checked and find that although this man has been in business for 10 years and is entitled to the extended hours of trading subject to the locking away of the exempt goods, he has never bothered to apply for a permit for extended hours.

Mr. Court: That was not the point at issue. It was to trade up to 6 p.m. but under this measure he would have to close at 5.30.

The MINISTER FOR LABOUR: No. It is a mixed business and if he puts up a partition, he can trade in general lines, under the Fourth Schedule, until 11 p.m.

Hon. L. Thorn: He sells butter, bacon and so on.

The MINISTER FOR LABOUR: He can sell eggs and milk until 11 p.m. The hon. member said that country districts would be deprived of the privilege of taking a poll in regard to the half holiday and the member for Nedlands also made reference to that aspect. I would point out that of 123 shop districts below the 26th parallel, no less than 107 observe Saturday as a half holiday while 14 have it on Wednesday and two on Thursday. He then complained that many chemists would be in the same predicament as small shopkeepers and would be forced to pay overtime rates.

Very few cases of chemists paying overtime rates have been found. They could remain open from 6.30 to 8 p.m. on Sundays, Saturdays and holidays. They have considerable latitude in the selling of reasonably essential goods at almost any time. Some chemists are turning their businesses into a type of general store and at some stage in the future objections will be raised by the general traders and consideration may have to be given to a modification of their activities.

I have here a note which states that some chemists stock all sorts of lines including chinaware, artificial jewellery, torches, batteries, toys, golf clubs and even tennis rackets. The member for Toodyay said the measure would restrict the trading of petrol stations but I assure him that the Factories and Shops Department will not take action in regard to petrol stations under this legislation. He also inferred that the Arbitration Court would be interfered with, and that brings me to the point mentioned by the member for Nedlands. The conclusion of the member for Toodyay is erroneous as the amendments do not apply to any factory, shop or warehouse where there is an industrial award or agreement in operation, but the Act does apply to employment where there is no industrial award or agreement.

The member for Vasse is not present but he mentioned the country poll and said the people of a district would not be entitled to a poll. The trend generally now is in favour of a universal Saturday afternoon half-holiday. If there was any force in the contention years ago that shops should be opened all day Saturday, it has gone by the board because the days of the spring cart are over. It is said that the farmers want the convenience of shopping but one can go into any farming town in the State and meet farmers, from 9 a.m. to 4.30 p.m., so they have plenty of convenience and facilities for shopping.

There are only 16 of the 123 shop districts that do not enjoy the Saturday afternoon holiday. When I was introducing the measure, the member for Vasse interjected and said, "I do not think the Church of Christ sent you a letter in regard to Saturday afternoon closing."

Hon. Sir Ross McLarty: I think he meant the Seventh Day Adventists.

The MINISTER FOR LABOUR: I have two letters, one from Bruce Rock and signed by the secretary of the Bruce Rock Church of Christ and another from the Church of Christ at Merredin, signed by the president of the Eastern Wheat Belt Circuit. Both letters congratulate the Government on introducing the Bill and urge that Saturday afternoon closing be given effect as it would enable the youth of the district to engage in Saturday afternoon sport.

Hon. L. Thorn: You would not allow those letters to influence you.

The MINISTER FOR LABOUR: I am only illustrating that, apart from the shop assistants, the youth of the country are entitled to engage in Saturday afternoon sport. I have a letter from the Cunderdin Chamber of Commerce. It is dated the 20th October and shows how tolerant that body is and how it thinks the community interest should be served.

Hon. L. Thorn: You have not received a letter from the Farmers' Union?

The MINISTER FOR LABOUR: No, but I could get one. The letter to which I have referred reads—

> I have been asked by this Chamber to advise you that it is in favour of the Factories and Shops Act Amendment Bill now being introduced by you into this parliamentary session. The opinion of the population of this district relative to the closing of business houses on Saturday afternoon is fairly evenly divided, and consequently no move has been made to take advantage of the local option as the result of a poll would be in doubt, and any move towards conducting a poll only tends to stir up bitter feeling between the opposing factions in the district. It is considered therefore that the most satisfactory method of dealing with the position is by amending the Factories and Shops Act as you propose to do.

Mr. O'Brien: A very sensible letter.

The MINISTER FOR LABOUR: To reassure the member for Nedlands and the member for Toodyay in regard to the authority of the Arbitration Court, I would emphasise that the provisions of this measure will not undermine the authority of that court. Section 163 clearly sets out the powers of the court. If this measure contained provision for 4 p.m. and there was an industrial agreement between, say, the Shop Assistants' Union and the employers in a certain district and it provided for opening at, say, 10 a.m. and closing at 7 p.m., and if the provisions of that agreement were a common rule and registered in the court, they would override the Factories and Shops Act—

Mr. Court: But that is outside the powers of the court. They are only paramount in certain directions. They have no powers to fix shopping hours.

The MINISTER FOR LABOUR: I said that if there was an industrial agreement entered into between the Shop Assistants' Union, for example, and the Bunbury Chamber of Commerce or whatever the organisation is there, providing for the hours from 10 a.m. to 7 p.m. and that agreement was a common rule in the area, although there was a closing time of 4 p.m. stipulated in the Act, I am advised that the industrial agreement would prevail.

Mr. Court: With respect, that is not so.

The MINISTER FOR LABOUR: I think it is so, although I am open to correction. The very nature of this Act is such as to remove its provisions from the Arbitration Court and all we are seeking to do is to alter the hours mentioned and the overtime rates, to make them conform to the Arbitration Court standard. When we deal with the clauses one by one, it will be found that we are only trying to tidy up the Act.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 4 amended:

Mr. COURT: To my mind this provision must have a retrospective effect although the Minister assured the Chamber that that was not intended in regard to hairdressers. I refer particularly to hairdressers operating from their own homes and not displaying or selling goods. There are many such hairdressers who have no employees but once the retrospective effect is read into the Bill, the law will involve some of these people in unnecessary and considerable expense, regardless of the Minister's intention. Why does the Government want this made retrospective?

The MINISTER FOR LABOUR: There is nothing sinister about this question of retrospectivity. The hairdressers were removed from the Fourth Schedule of the Act and there was an omission in the definition. There is no intention to impose restrictions retrospectively on any hairdressers. If the member for Nedlands can give me a concrete case where a penalty is likely to be imposed, I will consider it. If the clause is passed here and objection is raised to it in another place, I will have the provision re-examined and if there is any difficulty I can have the reference to retrospectivity removed.

Mr. Court: There must be some reason prompting its inclusion.

The MINISTER FOR LABOUR: That is the only one I know of.

Hon. A. F. WATTS: I agree with the objections raised to this clause. I cannot understand what would be the effect on hairdressers who operate in private homes. Obviously the intention in the clause is to go back over a period of years and I cannot comprehend that the words included in the amending clause were not so included for an express purpose. I do not know what the purpose is. In such circumstances, I can only express the position briefly. The Minister said that the Bill was to tidy up the Act but this makes it more untidy and is only fiddling with the measure. Why not leave people in the position in which they are under the existing law? They are doing no one any harm. They are carrying on a business for which they have been trained. The clause will serve no useful purpose and it should be struck out.

Hon. L. THORN: Would the Minister tell us whether the hairdressers conducting businesses in private homes are members

of the Hairdressers' Guild and do they pay collecting fees? I know the Hairdressers' Guild strongly objects to hairdressers conducting businesses in their own homes and this clause may serve to put these people out of business. In some of the country centres where there is a shortage of premises, people set up business in their own homes. In one centre I know of an invalid who is a hairdresser. There is another in Rockingham. I do not think these people are registered and they are not contributing to the Hairdressers' Guild.

Mr. ROBERTS: The Minister should read the amending clause with Section 110 of the Act. Section 110 affects the people who are conducting businesses in their own homes. It reads as follows:—

> A shop shall be deemed not to be closed within the meaning of this Act if it is not locked or otherwise effectually closed against the admission of the public, but where a shop and factory have a common entrance it shall be sufficient for the purposes of this Act if such entrance is closed but not locked.

Would the Minister clarify that in relation to hairdressers conducting businesses in their own homes?

The MINISTER FOR LABOUR: I am advised by the Chief Inspector of Factories that some of the people conducting hairdressing businesses in their own homes are registered. I think I met the point raised by the member for Bunbury when I explained the difference between the Fourth Schedule shop and the fixed shop.

Mr. Roberts: These are hairdressers' shops.

The MINISTER FOR LABOUR: They are already referred to in the Act. With reference to the point raised by the member for Stirling, I would refer him to Section 107, which reads in part—

> The closing time for all hairdressers' shops shall not be later than . . .

There is a very definite implication that hairdressers' shops shall come within the purview of the Factories and Shops Act. They used to be included in the Fourth Schedule and when they were taken out, no provision regarding them was inserted in the definition. There is nothing ominous in the suggestion of retrospectivity. It is so worded to provide that hairdressers shall always be deemed to be included under the definition of "shop." I will have the matter examined and if there is no significance in the provision I will withdraw it.

Mr. ACKLAND: I would like to ask the Minister how the mobile hairdresser is affected. I have seen these hairdressers going from town to town, with a trailer, attending to people's hair. Very often they get their equipment together and enter private homes and carry out permanent waves and suchlike. Are they going to be prevented from plying their trade?

Mr. Sewell: Having a mobile hair-cut?

Mr. ROBERTS: I would like further clarification of the point I raised. It would seem that Section 120 repealed Section 107 of the Act to which reference was made by the Minister. Could the Minister explain the position more fully?

The MINISTER FOR LABOUR: The hon. member is now coming round to the view I have just expressed. I will read a few more lines from Section 107. They are as follows:—

> The closing time for all hairdressers' shops shall be not later than—
>
> (a) six o'clock in the evening of any day except Saturday and of the week day next preceding Christmas Day;
>
> (b) ten o'clock in the evening of the week day next preceding Christmas Day.

So the hon. member will see how far behind we are. The provisions in the Bill will require hairdressers' shops—the same as other shops—to close at 8.30 p.m. on weekdays, 9 o'clock on Saturdays, and at 10 o'clock on Christmas Eve. Section 107 will be repealed.

Mr. Roberts: What is its relation to Section 109 of the Act?

The MINISTER FOR LABOUR: I will read Section 109. I am anxious to give as much information as I can. The shop should be closed.

Mr. Roberts: The entrance to the shop is closed but not locked.

The MINISTER FOR LABOUR: That is in regard to whether it is a factory or shop. With regard to the point raised by the member for Moore, people who are engaged in that type of hairdressing may not be registered. I do not know, but it may be possible for them to apply to the Chief Inspector of Factories with a view to asking for a definition because the definition in the Factories and Shops Act is fairly wide. The definition of "shop" reads as follows:—

> "Shop" means any building or place, or portion of a building or place, or any stall, tent, vehicle, or boat—

And so it goes on. It is possible that the people referred to by the member for Moore may have obtained registration under the Factories and Shops Act.

Mr. ACKLAND: I have not the slightest idea whether they are licensed or not, but I had seen them in various towns of my electorate, particularly before a ball. In the summer it is pretty hot and instead of carrying on hairdressing in the heat of a caravan, the plant is taken into the homes and the hairdressing is performed there. It seems to me that could not be done under this amendment.

Mr. COURT: I still feel in opposition to the amendment. Section 107 does give some latitude regarding the hours for hairdressing but I think the Minister will agree that he is seeking to repeal that and bring the hairdresser within the definition of a shop under Section 4, and not only do that but also make it retrospective. It means there will be no tolerance allowed in the hours of hairdressers. It will be admitted that everybody cannot get there in the ordinary hours. They have accepted that state of affairs, and hairdressers do get that extra little bit of business.

The Minister for Labour: To what are you referring?

Mr. COURT: Hairdressers.

The Minister for Labour: They close for twelve hours.

Mr. COURT: Yes, but under this provision in the case referred to by the member for Moore, they will be brought down to the provisions of a shop and they will be restricted to 5.30 p.m. straight away. If the employer himself is working in the hairdressing salon he can work longer than the award hours and we are trying to take that service away. We are trying to restrict that service when there is an ever-increasing demand for service.

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

Ayes	20
Noes	14
Majority for	6

Ayes.

Mr. Andrew	Mr. Lapham
Mr. Gaffy	Mr. Lawrence
Mr. Graham	Mr. Marshall
Mr. Hall	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May
	(Teller.)

Noes.

Mr. Ackland	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Brady	Mr. Bovell
Mr. Sleeman	Mr. Mann
Mr. Tonkin	Mr. Cornell
Mr. Evans	Mr. Oldfield
Mr. Sewell	Mr. Hearman
Mr. Rhatigan	Mr. Brand

Clause thus passed.

Cause 3—Section 28 amended:

Mr. ROBERTS: The amendment here proposes to extend the coverage of the provision of "woman or boy" to that of employee, which covers all male persons. This amendment has very wide implications because, as I mentioned on Tuesday night, there are cleaners, caretakers, watchmen and so forth employed in shops and factories who are not covered by awards and they could claim overtime for any hours worked outside those prescribed in this measure and for any night work they may do. Therefore I would like the Minister to clear up that point in regard to cleaners, caretakers and watchmen.

The MINISTER FOR LABOUR: The reason why this amendment is included instead of using the words "woman and boy" is because they are employees and the only idea in inserting the word "employee" in lieu of the words "woman or boy" is to eliminate any distinction. They are all subject to the Workers' Compensation Act and there will be no differentiation between them. I do not think any woman or boy would be employed as a caretaker or watchman, although it is possible that a woman might be employed as a caretaker. There will be no change for the present. "Woman and boy" were used many years ago and we want to insert the word "employee" in lieu.

Mr. COURT: I feel the Minister has not quite grasped the point that the member for Bunbury is trying to make. By eliminating the old reference to women and boys and providing for all employees, Section 28 is automatically changed from a section dealing specifically with men and boys to one dealing with all employees.

Mr. Lawrence: Did you say "men and boys" or "women and boys"?

Mr. COURT: I said "women and boys".

Mr. Lawrence: You said "men and boys".

Mr. COURT: I am sorry. People like watchmen, caretakers and cleaners are not covered by awards in the normal way. Is not the Minister creating a consequential effect that will be detrimental to them? Once the provision becomes effective to all employees and not only to women and boys, it will have a far-reaching effect and it would be detrimental to these people who normally operate outside of awards. Far be it for me to suggest that there should not be fair working conditions for them, but the effect of this will be to throw these people into overtime.

The Minister for Labour: Which people?

Mr. COURT: Those not covered by awards. The consequential effect will be to make them incur overtime which they do not normally expect, and which, by custom, is not payable. The Minister will agree that there are very few people who are not covered by Arbitration Court awards. Those who are not covered are, I think, reasonably protected under the Factories and Shops Act in its present form. Once the Minister alters this to

cover all employees, he brings them within the wider provisions of the Factories and Shops Act.

Mr. LAWRENCE: I am surprised to hear the member for Nedlands say that the Minister does not really know what he means by substituting "an employee" for "a woman or boy". Whether it be a woman or boy or a man or girl, they are all employees. If the hon. member employs someone to do the washing, in lieu of his good lady doing it, he still has to treat that person as an employee who is protected under the Workers' Compensation Act. Whether a person is employed under an award or not makes no difference. He is still an employee.

Mr. Roberts: What about the overtime provisions?

Mr. LAWRENCE: What objection can there be except that, as the hon. member said, they may have to be paid overtime? That position can be remedied. Anyone who works overtime is entitled to further payment.

Mr. Roberts: Of course he is!

Mr. LAWRENCE: Then what is the hon. member worried about?

Mr. Roberts: I am concerned about those people who are not covered by any award or agreement and who work outside the hours laid down in the Act.

Mr. LAWRENCE: Maybe unions could be formed for these people. No one objects to a union. What is to stop these employees from forming an organisation and going to the court for an award?

The MINISTER FOR LABOUR: The first proposal is to reduce the hours from 44 to 40.

Mr. Roberts: No, the first point is the alteration of the words.

The MINISTER FOR LABOUR: We propose to reduce the 44-hour week to 40, and we propose to alter the words "a woman or boy" to "an employee." Over the page there are various provisions for overtime, both for women and boys, and for male workers, who work beyond a certain time. Whatever is visualised by the member for Nedlands and the member for Bunbury as something that might be done in the future, can be done now.

Mr. ROBERTS: I do not think the Minister quite understands what I was getting at originally. I agree that anyone who works overtime should be paid overtime rates, but under the Act, once a shop or factory closes at 5.30 p.m. a person employed for the first four hours will be paid at the rate of time and a half and any time worked after that will be at the rate of double time. Cleaners, caretakers and watchmen are quite prepared to work under certain conditions, but why should they receive time and a half or double time once the shop is closed?

The Minister for Labour: They can get overtime now according to you because there are overtime provisions in the Act at present.

Mr. ROBERTS: I agree there are overtime provisions in the Act, but these people do not start work until 5.30. My interpretation of this is that if they work after 5.30 they will be paid time and a half for the first four hours and double time thereafter.

Mr. Lawrence: What award does that come under?

Mr. ROBERTS: It comes under the Act.

Hon. A. F. WATTS: I can see quite clearly the point raised by the member for Bunbury, and I have no objection to the clause so far as it proposes to alter the words "a woman or boy" to "an employee," and even the 44 hours to 40, provided those hours are not tinkered with. I think the first part is essential but I fail to see why we should restrict these times any more than they are restricted in the Act. Why the time of 6 o'clock should be altered to 5.30, I do not know. The period of four hours will start half an hour sooner and this will be an additional cost to these people and a cost to everyone.

As far as I know, there is no one complaining about this. If there are complaints, as the member for South Fremantle suggests, an approach could be made to the Arbitration Court and an award obtained after the whole of the circumstances had been examined. We cannot examine them. This is another example of fiddling with this law which, in its present state, is substantially satisfactory. I move an amendment—

> That paragraphs (c), (d) and (e), lines 26 to 34, page 2, be struck out.

The MINISTER FOR LABOUR: I hope the Committee will not agree to the amendment. This provides not only for the 40-hour week but also the finishing time. Does the member for Stirling say that he is against any alteration? The present provision was written into the Act 36 years ago. We are simply asking that the provisions of the Act be brought into line with what the Arbitration Court has set down for a number of years.

The present provision permits hairdressers to be open until 10 o'clock on Christmas Eve. There is also provision for late shopping nights, but they "went out with the blades," as the shearers used to say. We have 1 o'clock on Saturday for the closing of factories. Does the member for Stirling know of any place in the metropolitan area or the Great Southern where factories work until 1 o'clock on Saturdays? They practically all work a five-day week.

Hon. A. F. Watts: If that is so, there is no need for the clause at all.

The MINISTER FOR LABOUR: The hon. member said this would add to costs and so on. If so many people are on the

five-day week, this will bring the Act into line, not with what the Government wants to do, but with what the Arbitration Court has laid down and operated for years past. This will alter 6 o'clock to 5.30 p.m. for the closing of shops and other places during the week, and it will provide for noon on Saturday. They used to work until 10 o'clock on Saturday night and then the late Saturday shopping was eliminated and finally the late shopping night was wiped out altogether.

Why quibble about altering the Saturday time from 1 o'clock to 12 o'clock? This series of paragraphs should be retained because there is nothing in them other than to bring the hours of closing into line with what is accepted practice and has been so for some years.

Hon. A. F. WATTS: The Minister has made sundry references to the fact that this is merely adopting the principles or provisions laid down by the Industrial Arbitration Court. I have no desire to interfere with any industrial awards, but presumably the court awards do not cover all cases, otherwise this provision would be unnecessary. I have agreed with the Minister that as the 40-hour week is common to every part of the British Commonwealth, we will not argue about that aspect. I have allowed him to have paragraph (b) and I have not objected to the provision which provides for the words "an employee" in lieu of the words "a woman or boy."

But for the life of me I cannot see why the additional restrictions should be placed on these people. We already have a provision in the Act which sets out that a worker shall not work more than 8½ hours in one day and so on. I cannot understand why the Minister should want to fiddle with those few cases—and they can only be few—that are not covered by Arbitration Court awards.

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

Ayes	14
Noes	20
Majority against	6

Ayes.	
Mr. Ackland	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Noes.	
Mr. Andrew	Mr. Lapham
Mr. Gaffy	Mr. Lawrence
Mr. Graham	Mr. Marshall
Mr. Hall	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nalder	Mr. Kelly
Mr. Bovell	Mr. Brady
Mr. Mann	Mr. Sleeman
Mr. Cornell	Mr. Tonkin
Mr. Oldfield	Mr. Evans
Mr. Hearman	Mr. Sewell
Mr. Brand	Mr. Rhatigan

Amendment thus negatived.

Mr. COURT: Before the clause is put, I would invite the Minister's attention to it because I feel that now he has taken the reference to women and boys out of the section he has completely changed its significance. If he seeks legal advice in regard to it, I think he will be convinced that this measure will create an anomaly so far as non-award workers are concerned, particularly the type of worker who does not commence work until premises are shut. I refer particularly to cleaners who, of necessity, have to work outside the ordinary operating hours of a factory or shop.

Clause put and passed.

Clauses 4 to 6—agreed to.

Clause 7—Section 60 amended:

Mr. COURT: I am not arguing as to whether or not 400 cubic ft. is sufficient for a worker. I think it would be generally acknowledged that practice over the years has brought about a state where there is at least 400 cubic ft., if not more, available. As the Minister observes, when plans for buildings are submitted to the local authorities they, under their own powers, specify certain minimum standards such as in regard to lighting, cubic capacity per employee, sanitation and so on.

During his reply to the debate, the Minister assured us that his department would not insist on structural alterations where the present set-up allowed below 400 cubic ft. per employee. But as regards gases, vapours, dust and impurities in factories, it appears that power is completely in the hands of the inspector to do as he thinks fit. It seems ridiculous that certain industries should be forced to remove airborne impurities when some of those impurities are, in point of fact, completely harmless. As I see it, there is no provision for an appeal from the inspector's decision.

Also, as regards the provision to bring within the scope of the Act any sawmilling business which is carried on within 15 miles of the G.P.O., it appears to be unnecessary and another example of restrictions being imposed by the Government. It could have effects beyond what are anticipated. The question of ventilation also comes within this section and if the provision in the Bill is agreed to sawmills within 15 miles of the G.P.O. could be called upon by the inspector to provide ventilation.

Mr. O'Brien: It is important to have ventilation.

Mr. Roberts: Not in a sawmill.

Mr. COURT: I should say that in most sawmills there is too much ventilation, particularly in the wintertime. I think we should have some indication from the Minister as to the necessity for these amendments because there must have been a reason and he must have some instances in mind.

The MINISTER FOR LABOUR: I do not think I should give a list of the factories that could be affected. There are a number of them and I have been advised that there are vapours and fumes which cannot be regarded as injurious to health but they can be inconvenient to the workers employed in those factories. That is the only reason why the amendment has been included. I have a document with me and although I do not intend to quote all of it, I think I should quote some parts of it.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LABOUR: With reference to paragraph (b) of Clause 7, when this amendment was suggested I asked the Chief Inspector of Factories for cogent reasons why these words should be struck out. The chief inspector submitted a report to me accompanied by a list of establishments that may be involved. I do not propose to read that list but, to explain the reason for the amendment, I will read the chief inspector's submissions.

Before reading them, I would point out that there are places where it cannot be proved that gases, fumes, vapours and dust are injurious to the workers' health, but they could cause a great deal of discomfort to the men employed in a particular undertaking. The chief inspector reported as follows:—

> Responding to your request, an urgent survey, mainly from memory, was made by the various inspectors to recall the establishments which require dust and fume exhausting systems and these are given in the attached list which is necessarily not absolutely complete.
>
> In dealing with dust, fume and smoke it may be helpful to record the following facts:—
>
> (i) All types of dust are more or less dangerous—

There is no exception mentioned. Continuing—

> —even if they only act as a medium for the conveyance of pathological germ-life from one individual to another, e.g., the common cold, influenza, hay fever, asthma, etc.
>
> (ii) By far the greater proportion of dust at a certain point of mixture with air or other dusts is explosive and consequently a fire hazard.
>
> (iii) Considering ordinary sand in moulding and sand blasting, this may contain silica, mica, magnesium, limestone, etc.
>
> (iv) Because of the wide range and the advance of medical knowledge, both with respect to causation of disease and blood examination, it may genuinely be a matter of variation of opinion even amongst medical and specialised authorities, as to the degree of danger of any dust, fume or smoke. This was highlighted when the Painters' Union took a case for full compensation for the death of a member which was claimed to be caused by plumbism and in which the evidence given by specialists in this case, Dr. Hislop and a blood specialist, was refuted by Dr. Smith from the Eastern States for the defence, and the case was lost with approximate costs to the union of some £600-odd.
>
> (v) Some dusts are readily absorbed by body fluids and apparently harmless, but medical science is discovering serious after-effects, as well as delayed complications when administering drugs in the case of ordinary personal illness as distinct from industrial illness.

The chief inspector has suggested that the words in the Act should be struck out to give the department authority to require reasonable action to be taken to eliminate vapours, dust, etc., which are referred to in the Act. If any member is interested in perusing the list of establishments that is attached, I will be only too happy to make it available.

Mr. Court: Why did they take the discretion away from the chief inspector? That is the point I cannot understand.

The MINISTER FOR LABOUR: As far as I can understand the inspector had only limited discretion. If, in his opinion, the vapours and dust were injurious to health, he could require the necessary ventilation to be provided. He is of the opinion that there are some cases where it cannot be shown that dust and vapours are injurious to health. That is the power of discretion that he requires.

Mr. Court: How is the owner to know if the chief inspector cannot be sure?

The MINISTER FOR LABOUR: The chief inspector will have authority, in the establishments such as those I have listed here, to require provision to be made for ventilation "so as to render harmless, as far as practicable, all the gases" and so forth. If the factory manager can prove he has acted within reason and has tried, as far as practicable, to eliminate the dust and vapours, that is the end of it, but the chief inspector may have authority to remove the particular nuisance.

Reference was made by the member for Nedlands to paragraph (c) regarding the inclusion in the Act of sawmills in the metropolitan area. At present the Act precludes provision for amenities for sawmills in the metropolitan area. The hon. member asked me the reason for this amendment. The secretary of the Metropolitan Timber Workers' Union pointed out to me some time ago the difficulty experienced by members of his organisation. I discussed the matter with the Parliamentary Drafstman and the clauses which tie up the definition of sawmill with that of a factory for certain purposes were suggested to me. That is why sawmills have been included and why members of the Metropolitan Timber Workers' Union desire power for the provision of amenities to be reposed in the Factories and Shops Act.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Section 62 amended:

Mr. WILD: This clause proposes that sawmills in the metropolitan area shall provide a lunch room for the workers. I do not know the exact number of sawmills that are located within a 15-mile radius of Perth, but there is one at Carlisle which has a small lunch room and Bunnings has one also. These are very rarely used. Apart from those two, there is the "Alco" sawmill at Melville and there are four small ones in my electorate. There would not be more than three or four employees at the most, including the proprietor, at any one of these sawmills.

The objection I have to the clause is that the man who works in a sawmill works hard in the open air and he does not seek to have his lunch in a lunch room. He would rather sit under the shade of a tree and have a yarn with his mates. Also, these small mills are at present struggling for their very existence. If they are forced to provide a lunch room, it would probably cost about £300 or £400 and this would be a tremendous burden to place upon them. This is certainly the wrong time to introduce a provision such as this.

Hon. L. THORN: I agree with the member for Dale. As he has said there are only three or four employees engaged at each one of these sawmills. If this clause is enforced, the lunch room that will be built will be nearly as large as the mill itself.

Hon. Sir Ross McLarty: And in some cases they have not a very long life.

Hon. L. THORN: To put the small spot mills to such a great expenditure for the sake of three or four men is not a fair proposition. The Government must be aware of the struggle the small mills are having. One mill on the road to Toodyay had to close down a few weeks ago because of present trading conditions, although it hopes to make a start again with a reduced staff shortly. It would be ridiculous to expect such a mill to provide a lunch room.

Mr. ROBERTS: I woud like an explanation of the limitation of this clause to a radius of 15 miles of the G.P.O., Perth. I see no necessity really for this clause. Workers in the sawmills are no different to those working on roads or water supplies. They all work in the open air. This clause will only tend to give the inspector greater powers.

The MINISTER FOR LABOUR: Whenever a move is made to improve the condition of workers the attitude adopted by the Opposition is one of frustration, especially since the member for Nedlands came into this Chamber. Second to the member for Toodyay, he would be the greatest opponent to the improving of industrial conditions. Whenever a move is made to improve the standard, all sorts of excuses are made such as the time is not opportune, or the workers will not use the amenities provided, or that the matter should be postponed. When men were working 52 hours a week and when there were no protective regulations in the mines, the same cries were made.

Mr. Ross Hutchinson: Be up to date! Do not live in the past!

The MINISTER FOR LABOUR: If anyone is living in the past, it is the hon. member. An excuse has always been given that no alteration should be made to the existing conditions. I have already explained the reason why the Act should be amended. If this clause is agreed to, the inspector would not insist on small mills providing elaborate lunchrooms for their workers. It should be realised that the inspectors administer the Act in a reasonable manner. The reason for various Acts—the Factories and Shops Act, the Mining Act, the Industrial Arbitration Act, the Workers' Compensation Act—being introduced was to afford protection to workers in the industries concerned. This is only a simple amendment to provide workers in the sawmills with a lunch room. Every member in this Chamber is provided with decent washing and sanitary facilities and a room to eat in. The sawmilling employees are entitled to some consideration, although nothing as elaborate. The reason for confining

this provision to 15 miles of Perth is because the sawmillers' employees' union covers only that area.

Mr. ROSS HUTCHINSON: I was rather intrigued by this limitation of 15 miles and the explanation given. That seems to be a silly explanation.

The Minister for Lands: That is the coverage of the sawmillers' employees' union.

Mr. ROSS HUTCHINSON: Am I to understand that the same conditions will not apply to sawmilling employees beyond 15 miles of Perth?

The Minister for Labour: The timberworkers' union covers the South-West.

Mr. ROSS HUTCHINSON: The 15-mile limitation is discriminatory in that it will impose a charge on small sawmills within 15 miles of Perth, and not impose any charge on those outside that radius. When I was young I worked in timber mills. No lunch rooms were provided in the State mills at that time, although a great number of the employees came from very great distances to work in the mill and could not go home for lunch.

This provision will impose a further overhead cost on small industries the proprietors of which are trying to make a living. I do not know if this provision emanated from a union meeting; and I am doubtful whether the employees in the industry are really desirous of imposing a further charge on the small mills. The interjection just made by the Premier from behind the Chair seemed to imply that I want those workers to have lunch in the rain.

Mr. O'Brien: Treat the workers like dogs!

Mr. ROSS HUTCHINSON: If the member for Murchison will control himself, I shall proceed. There is no question of these workers having lunch in the rain. The discrimination in this clause is wrong in principle; if it is to apply to one mill, it should apply to the rest. The Minister should not look after one union simply because it wants this amenity.

Hon. L. THORN: Whenever the Minister has a weak case he trails the red herrings. First of all, he is critical of the member for Nedlands and myself as having no sympathy for the workers or their comforts. Such a remark from the Minister is always an indication that he has a weak case. For six years when I was Minister for Labour I did more for the workers than the Minister will ever be capable of. I remember the occasion when the secretary of the A.W.U. approached me with a representative of the different unions asking for a cook for every 20 men.

The CHAIRMAN: Order!

Hon. L. THORN: I thought Mr. Chairman, you would say that! I only got as far as the word "cook." I content myself by saying that I suggested if they could handle an amenity hut, I would give them one. We on this side are as sympathetic towards the worker as the Minister. If this clause is not necessary in all cases, he should use some discretion by inserting in the clause that mills employing over a certain number of workers shall provide the amenity. To ask a small spot mill employing three or four men to provide a lunch room is ridiculous.

Mr. WILD: I want to repudiate what the Minister has said about members on this side hopping on the bandwagon when we felt like it. In my electorate there are a number of small sawmills. When I saw the Bill I first asked myself whether such a provision was necessary. The interjection which was supposed to have come from behind the Chair a while ago about men sitting out in the rain to eat, is too stupid.

A sawmiller with £1,000 worth of machinery will not leave it in the open air but puts it under cover. The spot mills are covered. We should find out firstly whether these workers want the recreation room. Irrespective of what the Minister said about members on this side not progressing with the times, are we justified in compelling the spot mills to spend £300 or £400 on a lunch room which will be used infrequently?

The Minister for Lands: Evidently you have not worked in the timber mills.

Mr. WILD: I have not, but I worked underground in the mines. I have done just as much hard work in my life as the Minister, and I have great sympathy for the workers. If I thought this amenity was justified, I would be the first to insist on it. The Minister should agree to withdraw this clause for two reasons: firstly, it is not justified; secondly, it is not fair to put the small spot mills to the expense of £400 to erect something which is not really necessary.

Mr. COURT: I feel that I owe it to myself as well as to this side of the House to make some comment on the Minister's attack on me. He said that since I had come to this House the standard of approach by the Opposition towards the subject of amenities for workers had deteriorated, or something to that effect. I have profited by the advice of the member for Toodyay, given in this Chamber about two years ago, regarding the Minister's attitude when he is in a jam on a clause; and, in the main, I do not worry much about what he says. But when he makes statements like that, I feel I should say something by way of protest. He would give the impression that I am some outmoded reactionary in my attitude towards industrial conditions; and I am far from that.

Mr. Johnson: That is only your opinion.

Hon. Sir Ross McLarty: Don't spit poison!

Mr. COURT: I am in favour of the most progressive conditions that we can give these people; but it behoves us to demonstrate a degree of commonsense in these matters. The Minister is trying to make mandatory something which I think could well be left to the discretion of the particular spot mills concerned.

The Minister for Lands: In which case the job would never be done.

Mr. COURT: The Minister is assuming something.

The Minister for Lands: I know from experience.

Mr. COURT: Times have marched on since the Minister was closely connected with these things.

The Minister for Lands: It doesn't sound like it!

Mr. COURT: In the main, when there is a reasonable number of workers and conditions demand it, these facilities are provided. Every employer with any sense wants to keep a team around him, and he does not have conditions that frighten men away. These establishments build up a team which becomes rather personal, and the men work together and will not tolerate improper conditions. The Minister is overlooking the fact that there are other authorities which insist on proper sanitation and are functioning all the time. If they are not, they should be made to. They are available to see if reasonable conditions exist.

In making this provision mandatory, to apply to all timber mills within a radius of 15 miles, the Minister is very wrong. He has only to go within a mile of this place and he will see a really up-to-date installation which is rarely used. He has only to go a mile and a half in another direction to find an elaborate place put up for sawmillers and timber workers which I do not think has ever been used to this day. The Act provides that it must not even be used as storage space. Even if it is found that the workers have no use for it and they say so, it has to be left empty, because there is an express provision in the Act forbidding the use of such premises set aside for a luncheon room.

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

Ayes	17
Noes	12
Majority for	5

Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Potter
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May
Mr. Lapham	*(Teller.)*

Noes.

Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Naider
Mr. Brady	Mr. Bovell
Mr. Sleeman	Mr. Mann
Mr. Tonkin	Mr. Cornell
Mr. Evans	Mr. Oldfield
Mr. Sewell	Mr. Hearman
Mr. Rhatigan	Mr. Brand
Mr. Hall	Mr. Perkins
Mr. Graham	Mr. Ackland

Clause thus passed.

Clause 10—Section 74 amended:

Mr. COURT: This clause provides for a sufficient number of toilets, lavatories and washing facilities to be constructed to the satisfaction of an inspector and maintained in a clean and hygienic condition. The provision is extended to cover the sawmills previously under discussion which are within a radius of 15 miles of the G.P.O. None of us objects to these facilities being provided and maintained in good condition. I subscribe to that wholeheartedly. But I suggest to the Minister that if they are not in good order at the moment, somebody is falling down on the job—either the local authorities or the Health Department—because they have adequate powers to control these facilities.

Again I raise the question as to whether there have been any complaints that these facilities have not been provided and satisfactorily maintained. Surely this provision is not inserted as a figment of somebody's imagination that some day these matters will need policing! This aspect in particular should already be well covered by the existing health authorities. If the Minister knows of some places which are not playing the game, and it is therefore imperative to have this provision inserted he should tell the Committee.

The MINISTER FOR LABOUR: I do not want to put before this Chamber a list of certain establishments. I am advised that there have been cases in which lavatory and washing facilities have not been maintained in decent condition. Section 74 contains a provision for construction but not for maintenance, and this is to give the chief inspector authority to see that these facilities are maintained reasonably. Apparently there have been complaints by some men in regard to the conditions. I assure the hon. member that

nothing has been inserted in this Bill just because we wanted to alter the wording of the Act. I do not think this provision will do any harm. On the other hand, it will be an indication to those who are offenders that they are required to do the decent thing.

Clause put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Section 99 repealed and re-enacted as amended:

Mr. WILD: I oppose this clause purely on principle, because I feel very certain we are headed in the wrong direction. Today the small shopkeeper is faced with competition the like of which he has never experienced before; and there is a great fear among the small men that the big chain stores, the big self-help establishments, are slowly putting them out of existence. If ever there was a time when they should have an opportunity to trade more and do something to offset the big buying of these self-help firms, which are able to sell more cheaply, that time is now.

Instead of that, however, an attempt is being made to chip a little off them—a half-hour during the week, and one hour on Saturday morning. Surely the Minister must recognise that most of the shops would do more business in that one hour on Saturday morning than in the three earlier hours. His colleague, the Minister for Mines, is in America. If he does happen to come back via England, I suggest that he see what has happened there over the years. Unfortunately, whether we like it or not, the day of the small shopkeeper is passing. These men are nearly doomed because trading is such that they cannot possibly compete.

I am asking whether it is right to restrict these fellows and strangle them more quickly than is the case at present. It is not fair, when they are struggling for their very existence, to restrict their trading hours. In Perth at present we find some of these small men banding themselves together in order to survive by competing with the big stores which are able to buy large quantities of goods at a discount and sell more cheaply.

To me this provision is a retrograde step. I believe that if a man owns a business and wants to work longer hours to earn an extra pound or two, he should be able to do so. This gradual restriction of the freedom of the individual is not getting us anywhere. I strongly oppose the clause.

Mr. W. A. MANNING: As regards the closing time for shops, I see no reason why we should take away the discretion of those concerned to fit in with local conditions, simply to make them conform to a pattern. Each town has its own shopping problems, according to its circumstances, and a variation of the hours in either direction might benefit both employers and employees. The member for Dale mentioned English shops, which set us a good example in the use of discretion.

I made particular inquiries about them and I know that a number of shops in London remain open until 7 p.m. on Thursdays, which seems to suit customers and staff alike. Knocking off at 7 p.m., the staff have time to have something to eat and go to an evening entertainment. Surely the local people know better than we do what best suits their circumstances! Therefore I oppose this clause.

Mr. ROBERTS: As I have said previously, I see no reason why the shops should be made to close half an hour earlier on five days of the week and one hour earlier on Saturdays. In Bunbury the shop assistants knock off at 5 p.m. on five days in the week and the employers, if necessary, can continue to employ their staff after closing time without paying overtime rates, as long as they do not work more than 7 hours 35 minutes in each day. I think the distribution of foodstuffs to the public is as important as the water, sewerage, light, power and transport services, and shopkeepers should not be forced to close earlier when they are prepared to give that service to the public.

Hon. L. THORN: I opposed a similar provision last year and will oppose this one. The Minister said those trading under the Fourth Schedule would not be concerned and mentioned the partitioning of shops. I have seen several shops recently remodelled but now they are to be asked to put up wire netting partitions which will make them look like fowlhouses and which are not effective because the shopkeepers can still trade. The Minister has a team of inspectors, with motorcars, who prosecute offenders and I say the suggested partitioning is useless and expensive.

The closing of shops at 5 p.m. on weekdays and 12 noon on Saturday will impose hardship on the small storekeepers. It has been said that week-ends are the harvest for the beach shops and we know they have their lean times when the weather breaks, but the average small shop picks up considerable trade through the influx of people between 5 and 6 p.m. Why should we take that trade from them when already the chain stores are giving them a headache and we read in the Press that many of them are going out of business? It is not only the small suburban shopkeeper, but wherever there are signs of development someone builds a small store.

The Minister for Lands: The people will still buy what they want.

Hon. L. THORN: Of course.

The Minister for Lands: What about extending the hours?

Hon. L. THORN: Yes.

The Minister for Lands: Why not open on Sunday in case someone forgets to buy on Saturday?

Hon. L. THORN: We would have to consult the small shopkeepers before committing them to open on Sundays. I appeal to the Minister to reconsider his attitude in this regard. I hope the Committee will not agree to the clause.

Mr. COURT: This clause seeks to repeal Section 99 and enact a new Section 99. I disagree with the repealing of the existing section as that would take away some discretion now vested in the local people and would be a retrograde step. The proposed new section has some objectionable features. Suffice it to say that it seeks to bring back the Saturday closing hour from 1 p.m. to 12 noon and the Monday to Friday closing hour from 6 p.m. to 5.30.

The type of store likely to be most affected is that which we should endeavour to help, probably run by an elderly couple who would get an extra bit of turnover under the present hours when people on the way home from work buy things they have forgotten. That extra half-hour may be very valuable to such small shopkeepers. There is also the younger person who is anxious to build up a flourishing business and willing to work longer hours to get more trade.

The conditions of the workers are fully protected by the Arbitration Court but if a small shopkeeper wants to work an extra half-hour, we should encourage him to build up his stake in the community. It is from the initiative of our young people that bigger businesses grow. Once we fix this time I believe that, in spite of Section 163 of the principal Act, the court will have no power to make an award which could force the employees to work beyond the closing time fixed by this Act. The Minister said that would not be so and that when they prescribed a time later than that prescribed in the Factories and Shops Act, the award would prevail.

I would refer the Minister to Section 163 which deals with the effect of industrial awards and agreements. I do not recall that the Arbitration Court has power to fix the closing hours of shops. The Minister knows of one industry where there is difficulty and conflict between the unions over the hours fixed by the Factories and Shops Act due to the fact that they do not coincide with the awards. Unless the two are in harmony, the Factories and Shops Act would prevail so far as closing times are concerned. I forecast that we will be legislating for longer optional trading hours in the retail trade before long.

It will be very difficult if the Arbitration Court cannot show some tolerance in the hours to be worked. I do not suggest that employees should be asked to work prohibitive hours. I subscribe to the court fixing the hours and if the hours worked are longer, then the employer has to put his staff on a schedule so that they only work as long as they are permitted under the award. The Minister will say that the shop assistants' award prescribes a 5.30 closing time for the metropolitan area. I think it is 5 o'clock in Bunbury. If we make it 12 o'clock on a Saturday and 5.30 on a week day, we will prevent the Arbitration Court from allowing any tolerance out of those hours.

Hon. A. F. WATTS: This clause proposes to repeal Section 99 of the principal Act which makes provision for local option polls. I wish the Minister for Justice were here because he would tell us about democracy. In discussing another Bill he said that local government should be put on what he believes a democratic basis by giving every adult person the right to vote. Not only did he believe that but he insisted on it with obvious sincerity.

The Factories and Shops Act provides that in local districts the majority of the adult persons entitled to a vote may decide about week-end shopping time. Only a fraction of the areas have decided not to close on Saturday afternoons. The majority decided to close many years ago. If I were asked to vote at a local option poll on this question, I would see no reason not to vote to close on Saturday afternoon because the districts with which I am in touch have done so for years. I do not see why it is necessary for us to interfere with that aspect of the matter. We are not all constituted alike nor are all the districts in Western Australia constituted alike.

I have always considered the system in Section 99 to be a wise one and it has operated successfully. I would not be surprised if in a year or two a greater number of districts subscribed to the system in operation now in the majority of cases. Uniformity may be a good thing but if we were all uniform, it would be a dismal world. Just as we have to make allowance for the different characteristics of individuals, so we should allow these people to express their views according to the characteristics of their districts. For that reason and for no other, I oppose the clause.

The PREMIER: The member for Stirling has oversimplified the issue. It would be easy and satisfying for people in a particular district who had Saturday afternoon off and probably Saturday morning as well to go along to the poll and say that the shopkeeper and shop assistants will work Saturday afternoon. That is what these polls really mean. There might have been some justification for shops remaining open on Saturday afternoon in the horse and cart days, but there is none now.

I represent a country electorate and some of the places there close on Saturday afternoon and others remain open. Where they

remain open country people and farmers are in the town more than one day a week, particularly in these days of motorcars. On Saturdays they do not go into town after lunch but in the mornings. It is in the mornings that their shopping is done. In the afternoons they are on the bowling greens and croquet greens, and, in Cunderdin, in the swimming pool; yet the shopkeepers and shop assistants are working.

We also have the case of two or three towns in a particular area with the people in one town not agreeing to Saturday afternoon closing because if they did the trade would go to shops in another town 20 miles away which happened to be open on Saturday afternoon. In such cases it would be more satisfactory to the towns in a group to keep the shops open Saturday afternoon but some of them would prefer to close if Saturday afternoon closing were made uniform. They should be on the same basis.

I have no faith in a system of poll or referendum held only to give some people the right to say that other people shall remain on the job on Saturday afternoons. It is not democratic because it allows those who do not work on Saturdays the right to decide that other people—a small minority it is true—shall work. I hope the clause will be carried.

The MINISTER FOR LABOUR: I am indebted to the Premier for his remarks. I would like to comment on the remarks made by the member for Nedlands in connection with the jurisdiction of the Arbitration Court. The hon. member referred to Section 163 and said that the court could have its jurisdiction restricted. I would refer the hon. member to Section 113 which will show that the provisions of the Act are subservient to awards of the court.

There is a saving proviso that this section shall not apply to any Fourth Schedule shop. It is subservient to the provisions of the Industrial Arbitration Act. The member for Toodyay and member for Nedlands keep reiterating that it will be harder for the small shopkeeper. There are different types of small shopkeepers in the metropolis but legally they are now non-existent. There have not been any for 10 years.

Mr. Court: I do not think we used that term in a legal sense.

The MINISTER FOR LABOUR: I know the type of shop the hon. member has in mind but there has been none in accordance with the provisions of this Act for 10 years.

Mr. Ross Hutchinson: They are still there.

The MINISTER FOR LABOUR: Not in the sense of the term. In the metropolitan area any industrial award or agreement overrides the provisions of this Act.

Mr. Roberts: They can employ up to 6 p.m. without overtime rates.

The MINISTER FOR LABOUR: That is another point. Wherever there is an award made under common rule the shops close at 5 o'clock. Under this Act at the present time without this amendment 6 o'clock is provided for. The shops in the Bunbury district must close at 5 o'clock.

Mr. Roberts: No, 5.30 p.m. according to the industrial agreement.

The MINISTER FOR LABOUR: But the industrial agreement is subservient to the provisions of the Act.

Mr. Roberts: The shopkeeper can remain open so long as he spreads the hours of the employee.

The MINISTER FOR LABOUR: He cannot remain open until 9 p.m. or 10 p.m. There would be an agreement between the local union and the Employers' Federation in Bunbury. However, my point is that the industrial award overrides the provisions of the Factories and Shops Act. These shops are required to abide by the conditions of the award if there is an award or industrial agreement operating in a particular area. If there is an area where there is no award—I think there are a number—the provisions of the Act would apply.

The point raised by the member for Toodyay was important but it reacts in different ways. There are grocers in the suburban areas employing labour and they are bound by the award and must close at a certain time. There are other shopkeepers who carry on a business in general grocery and also run what is called a Fourth Schedule shop; that is where the partition comes in. There could be a general grocer who employs labour who would have to close in accordance with the award, yet someone running a mixed business on the other side of the road could keep open all hours of the night.

I come to this point and make no apology for saying this that the time would not be far distant—and I refer to the remarks by the member for Nedlands—when there would be late shopping nights in the metropolitan area and in country towns in this State. His remarks indicate that the modern trend is for an extension of trading hours. There would be unfair trading competition. In order to protect the small shopkeeper, the member for Nedlands would allow him to remain open all hours of the night, and he would certainly be at an advantage with, say, the grocer up the road.

Mr. Court: It would be a very small business.

The MINISTER FOR LABOUR: What is the hon. member's definition of a small business? The trend is changing and we on this side of the Chamber are at least as anxious to have regard for the interests of the small shopkeeper as members on the

other side, but we must have regard for industrial conditions which are required to be observed by other shopkeepers.

Mr. Ross Hutchinson: You are mixing up the Fourth Schedule shops.

The MINISTER FOR LABOUR: No, I am not. The member for Toodyay and the member for Nedlands did not mention Fourth Schedule shops.

Mr. Ross Hutchinson: The ones that close at 6 o'clock.

The MINISTER FOR LABOUR: Some are general grocers and have to close at 5.30. Others run a general grocery store under the Fourth Schedule. There is a classic example 150 yards from where I live in Wembley. When the prescribed hour arrives, the proprietor puts up a partition. He is next to a picture theatre and stays open until 11 o'clock at night, selling milk and butter and so on.

Mr. Ross Hutchinson: That has nothing to do with this clause. I cannot see the point.

The MINISTER FOR LABOUR: He is entitled to extended hours of trading. I repeat once again that this Act does not override the provisions of an industrial award because an industrial award is made under an Act of Parliament and is superior to the provisions of this Act.

Mr. ROSS HUTCHINSON: Who is the Minister trying to help with regard to this slightly earlier closing time of these shops, excepting the Fourth Schedule shops? By cutting down the hour from 6 p.m. to 5.30 p.m. and from 1 p.m. until noon on Saturdays, what particular section of the community is the Minister trying to help? Is he trying to help the public? I cannot imagine that that would be so because if a shop is open a little bit longer, it is a further service which the public could have.

Secondly, is he trying to help the storekeeper? I would say that the half-hour between 5 and 6 o'clock is when a fair amount of trading is done by the shopkeeper himself. I cannot imagine this action is taken to assist the shopkeeper. Thirdly, is he trying to assist the employees in shops? The usual award states that working hours are to 5.30 p.m. on week days and noon on Saturdays. The only thing I can see is that this would tend to inconvenience the public. It will not help the shopkeeper and it will have very little bearing on the shop employee for this period of time because I feel he can to a great extent please himself as to whether he stays on that half an hour at overtime rates. I would like the Minister to say which section he is trying to help in regard to hours.

The MINISTER FOR LABOUR: The amendments to this Act will not affect the Fourth Schedule shops. They will still stay open until 11 o'clock and so forth. There was a time when there were no closing times for shops because there was a 48-hour week. Hours were later reduced to 44 and then to 40 with 6 o'clock closing while now in many cases the closing time is 5.30 p.m. and starting time 9.5 a.m. It could easily be asked why shops do not open at 7 a.m. so people employed on night work could have the convenience of getting their requirements.

Mr. Ross Hutchinson: Can you tell me which section is being helped of the three I mentioned?

The MINISTER FOR LABOUR: It is for the purpose of ensuring that all traders dealing in certain types of merchandise will close at the same time. No one will have an unfair advantage over anyone else.

Mr. Ross Hutchinson. They do with the exception of the Fourth Schedule shops. That is another matter which is dealt with here.

The MINISTER FOR LABOUR: I am not referring to the Fourth Schedule shops, but the general storekeeper.

Mr. ROBERTS: In view of the Minister's comments on Bunbury, I point out that under the Act the shops in that town can remain open between the hours of 8 a.m. and 6 p.m.

The Premier: Correct.

Mr. ROBERTS: According to the award, the shop assistants work 40 hours per week, such hours to be worked between 8.40 a.m. and 5.30 p.m., Monday to Friday inclusive, and between the hours of 8.40 a.m. and 12 noon on Saturday. The shops are actually open from 8.40 a.m. to 5 p.m., Monday to Friday, which means that the employee works 7 hours 20 minutes per day for five days a week. On Saturdays he works from 8.40 a.m. to noon which is 3 hours 20 minutes.

Mr. Potter: It is a local agreement in Bunbury, is it not?

Mr. ROBERTS: Yes. In Bunbury the shops can remain open for half an hour after they actually close, and employers can employ staff in the period from 5 to 5.30 p.m. without paying overtime rates. This suits a lot of employees.

The Minister for Labour: They pay them ordinary rates for that half hour.

Mr. ROBERTS: Yes; it is according to the law. It suits some employees to start later in the morning. Instead of commencing at 20 to 9 they start at 5 to 9 because some of the employees have to remain after the shop has closed in order to clear the cash registers. This is also applicable in Perth. Why not allow the shopkeepers in the metropolitan and other areas the opportunity of having that half-hour between the closing time of 5.30 p.m. and 6 p.m.? Why is the Minister so insistent on making it 5.30 p.m.? Why

does he not go to the morning session and bring the opening hour to 8.30? Why take the half hour from the period 5.30 to 6 p.m.? The shopkeepers and employees work harmoniously in Bunbury and the 5 p.m. closing suits them.

The Minister for Labour: No one is complaining about that.

Mr. ROBERTS: Why was the Minister making comments in regard to it?

The Premier: Just as a matter of interest.

Mr. ROSS HUTCHINSON: I was sincere when I asked the Minister the question which he did not answer, namely, who was he trying to help by reducing these hours? The Minister did not answer, but indulged in a dissertation on hours, and pointed out how, over the years, they had been brought down to something like a reasonable period.

The Premier: I think the sooner this place is brought under the Factories and Shops Act, the better!

Mr. ROSS HUTCHINSON: I agree with the Minister that the hours should come down to a reasonable spread for an employee to work. I believe he is right as long as there is a basis of reason for reducing the hours, but I am trying to get at the basic reason why this half-hour is taken off on the week days and the hour on Saturday. It is not done to help the public, apparently, or to help the shopkeeper, and I cannot see that it is going to help the employee.

The Minister for Labour: They are knocking off at 12 o'clock now.

Mr. ROSS HUTCHINSON: I know. Therefore we can dismiss the employee from the situation. The Minister must be trying to help the public or the shopkeeper and he is not doing either of these things, so why do it?

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

Ayes	17
Noes	12
Majority for	5

Ayes.	
Mr. Andrew	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Toms
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.	
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Brady	Mr. Bovell
Mr. Sleeman	Mr. Mann
Mr. Tonkin	Mr. Cornell
Mr. Evans	Mr. Oldfield
Mr. Sewell	Mr. Hearman
Mr. Rhatigan	Mr. Brand
Mr. Hall	Mr. Perkins
Mr. Graham	Mr. Ackland

Clause thus passed.

Clause 14—Section 100 amended:

Mr. COURT: This clause deals with the service stations. On at least two occasions during the debate the Minister has assured us that this has no effect on the status quo.

The Minister for Labour: That is right.

Mr. COURT: I cannot see why the Minister wants to put the amendment into the Act if it has no effect on the present position. Does he foreshadow a test case by the Government to try out the existing law in connection with the hours of service stations? We have before us the report of a Royal Commission on this matter which makes certain recommendations regarding hours. Doubtless the report is receiving the consideration of the Government.

The MINISTER FOR LABOUR: I give the Committee an unqualified assurance that the only reason for the alteration of these figures is to bring them in accordance with the other provisions of the Bill. This is to bring it into line with the previous clause which is based on universal Saturday afternoon closing. I made a rough draft of many of these provisions myself and discussed them with the Parliamentary Draftsman. I was leaving this entirely alone but he said that these figures should be altered to bring this provision into line.

The provisions of Section 100 will remain unaltered except for the words indicated in the clause. The Government has no test case in mind whatsoever. As a matter of fact, the Royal Commission which dealt with the question of petrol has suggested certain hours, but the Government has not considered even those recommendations.

Mr. ROBERTS: Subsection (6) of Section 100 gives a further interpretation of the word "shop". In view of that, I think the Minister should clarify the position.

The MINISTER FOR LABOUR: As the hon. member has just quoted, the added definition of "shop" is already in the Act. Let us assume that there was no amendment to that section in the Bill.

Mr. Ross Hutchinson: The position would be the same as it is today.

The MINISTER FOR LABOUR: The present position would remain. As I said before, we do not intend to take any test

case because of this amendment, and I cannot see why there should be any opposition to the clause.

Clause put and passed.

Clauses 15 to 18—agreed to.

Clause 19—Section 105 amended:

Mr. COURT: This section provides that the closing time for chemists shall be brought into line with the amended Section 99. It is well known that many chemists' shops remain open for the full permitted span and if they were forced to close earlier, it would affect their turnover, particularly those in the small suburban shops. The Minister said there was a danger of chemists extending their activities and handling other lines, which could cause friction and misunderstanding with storekeepers. I think that is something which should be tolerated. After all, the main ones that would be affected would be conducted by the proprietors themselves, and I cannot see why we should restrict their business.

The MINISTER FOR LABOUR: The only alteration will be to make the hour 5.30 instead of 6 p.m., Mondays to Fridays, and 12 noon instead of 1 o'clock on Saturdays.

Mr. Court: That is what we are concerned about.

The MINISTER FOR LABOUR: I do not think there will be any hardship on chemists. The member for Nedlands mentioned the trend of merchandising and for the benefit of members I think I should read what chemists are entitled to handle. The list reads—

> Chemists' and druggists' shops—All kinds of medicinal preparations, drugs, patent medicines, and chemicals, surgical, medical, and chemical appliances, instruments and apparatus, disinfectants, antiseptics, and vermin destroyers, prepared food for invalids and children, feeding cups and bottles, toilet requisites, such as sponges, brushes, soaps, powders, cosmetics and perfumery, bay rum, brilliantine, face cream, shaving cream, florida water, combs, hair brushes, hair oils, talcum or other face powders, sprays, puffs, manicuring appliances, and cases or boxes for same.

That is the list of items that the chemists can trade in after hours. They are developing into general stores.

Mr. Ross Hutchinson: There are one or two extra items.

The CHAIRMAN: Order!

The MINISTER FOR LABOUR: Those are the items that they trade in. As members know, urgent prescriptions can be dispensed at any time.

Mr. Ross Hutchinson: Has this amendment been requested by the Pharmaceutical Guild?

The MINISTER FOR LABOUR: No.

Mr. I. W. MANNING: We must look at this clause from the viewpoint of the people in the country. No hardship may be imposed on the chemists themselves, but considerable hardship may be experienced by people who are sick. For example, a doctor in a country town on a Saturday morning will probably have quite a line-up of patients and the chemist is often kept working after 12 noon dispensing prescriptions. If he has to close at 12 noon many people will be inconvenienced. Therefore, the Minister should reconsider this amendment.

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

Ayes	....	....	....	18
Noes	....	....	....	12
Majority for				6

Ayes.	
Mr. Andrew	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hoar	Mr. O'Brien
Mr. Jamieson	Mr. Potter
Mr. Johnson	Mr. Rodoreda
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. May
	(Teller.)

Noes.	
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Brady	Mr. Bovell
Mr. Sleeman	Mr. Mann
Mr. Tonkin	Mr. Cornell
Mr. Evans	Mr. Oldfield
Mr. Sewell	Mr. Hearman
Mr. Rhatigan	Mr. Brand
Mr. Hall	Mr. Perkins
Mr. Graham	Mr. Ackland

Clauses 20 to 32, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th September.

MR. MARSHALL (Wembley Beaches) [9.30]: As the Minister has said this is a very small Bill the purpose of which is to provide for an intake of trainee nurses at the age of 17 years. It also contains a provision to reduce the age from 21 to 20 so that at the completion of the training, the nurses can be registered.

In his remarks the Minister said that the Bill was requested by the Nurses Registration Board and pointed out that a grading had to be made to allow for an intake of girls into the nursing profession because of the very serious shortage. I think everyone will agree that at present a very serious shortage of nurses exists; this fact is emphasised by the numerous advertisements we see in the daily newspapers asking for trained nurses to fill situations in the various private hospitals in the country.

The Minister for Health: There are about 150 now.

Mr. MARSHALL: So there is a very serious shortage and we must endeavour to overcome that situation. Accordingly, this Bill has been introduced to allow young women to enter the nursing profession at the age of 17 years. I would like to make some reference to the member for Cottesloe because he took upon himself to make what I regard as a most apologetic speech.

Mr. Ross Hutchinson: How apologetic?

Mr. MARSHALL: When I saw the hon. member on his feet I felt it was one of the most apologetic speeches I have heard made. He said he had gone to great length to investigate the question and that when he first read the Bill he thought he might agree to it. After a considerable amount of research, however, and after having contacted various people connected with the Nurses Federation, he said it was their opinion that he should oppose the Bill.

Mr. I. W. Manning: Quite true.

Mr. MARSHALL: Among the reasons he mentioned was that it was their opinion that girls at the age of 17 were emotionally unstable for the nursing profession. I think the member for Cottesloe possibly listened to only one particular section of the nursing profession. I do not think he could have contacted the other very important part of that profession which is the Trainee Nurses' Association itself, because of the vast difference of opinion between that association and the Nurses Federation.

From investigations I have made, and from personal contact, I would say that because of the actions of the Nurses' Federation towards the Trainee Nurses' Association, it has not been possible to obtain sufficient girls to join the nursing profession. It is quite obvious that a lot of those older people in the nursing profession—and I am not casting any aspersions on them—are still living in the days of Florence Nightingale.

Mr. Ross Hutchinson: Rubbish!

The SPEAKER: Order!

Mr. Ross Hutchinson: Absolute rubbish!

The SPEAKER: The hon. member will keep order.

Mr. MARSHALL: Their attitude is typical of that adopted by older people in institutions to younger people. In consequence of this, when young girls do join the nursing profession they experience a certain amount of frustration because instead of the Nurses Federation assisting them and the Government in its endeavour to secure nurses that federation does a lot to discourage the girls and obstruct them and prevent them from continuing their training.

Because of that we lose a considerable number of what might turn out to be quite good nurses. Very often we have girls entering the nursing profession at an older age than the Bill prescribes. I know of a number of cases of girls who have joined the profession at the mature age of 21, and they have been quite prepared to accept the curriculum and discipline imposed, to a certain extent. But they found themselves unable to put up with what the Nurses Federation demanded of them. I might add that I know some of these nurses quite well. I must say that I am not at all pleased with the attitude that the Nurses Federation adopts to younger girls who may be joining the nursing profession.

In order to provide nursing staffs for the hospitals we must allow these girls to join at the age of 17. I do not know from where the member for Cottesloe gets his idea that girls at the age of 17 today have not the mental stability, or that they are emotionally unfit for nursing. I might add that I have three daughters of my own. I do not know how many daughters the member for Cottesloe has, but I would point out to him that my three girls are more sophisticated and have a mental stability far greater than their mother or grandmother had before them; so I do know something about the subject.

To some extent young girls are not as susceptible to disciplinary action as older ones, but I would point out that some of the disciplinary measures imposed on nurses are sometimes quite unwarranted. I would quote the case of a trainee nurse in Perth. She was on duty in a ward and busy at her work. A ladder developed in her stocking. That could happen quite easily with a nurse lifting patients in and out of bed. The sister told her to change them but the girl did not live in the hospital and it was not easy to leave her work to go and change her stockings.

She caught the ladder and left the top part of the stocking as it was. She carried on with her duty. Some time later the sister said to her, "You have not changed your stockings." The trainee explained her position. The sister pulled up her dress in front of a patient and showed the top of the stockings. The girl was annoyed

and pushed the sister away. As a consequence, she had to leave the hospital. At a later stage, she returned to finish her training.

Nurses are not supposed to walk around the streets in their uniforms. That is natural enough. They work at awkward hours on shifts. Like all young women, when they see some bargain in the newspapers which they want to purchase, it has been the custom for them to slip an overcoat over their uniforms and walk into town to buy their requirements which they were not able to do when they knocked off shift. In one case a girl did something trivial in the ward, and she was seen out in her uniform and was dismissed. The life of a trainee is not all that it is cracked up to be. All the blame cannot be laid on the shoulders of the girls for not completing their training. Many of the older nurses were brought up in the Victorian days.

Another important factor is that there are many young trainees with parents who can afford to keep them at home. By entering the nursing profession they feel that they have more social prestige, as was said by the member for Cottesloe. So we find certain cliques in the profession. Some of the older nurses feel inclined to sugar the pill, as it were, and those trainees not in such fortunate circumstances, are left out. Another important aspect is that with higher education girls today are taking their Junior and Leaving examinations. After that, many of them enter the nursing profession. It is not an easy task for a girl to take on that profession. It is different to going into business where they can earn good wages as stenographers and office workers.

Mr. I. W. Manning drew attention to the state of the House.

Bells rung and a quorum formed.

Mr. MARSHALL: After completing secondary school and higher education, if girls do not enter the nursing profession at 17 they will be lost to it. Girls who have the initiative and ability to pass the Junior or Leaving exam. are very suitable to become nurses. To say that girls at 17 are not sophisticated enough or have not the mental capacity to absorb the required knowledge in the nursing profession, is not correct. Today most young women can assimilate knowledge at an earlier age than the older nurses in the federation who did not have to assimilate the same amount of knowledge as is required today. The young girls today would make much better nurses than the Florence Nightingales of old.

Mr. Ross Hutchinson: I think you are being most unfair to the Nursing Federation.

Mr. MARSHALL: This Bill will fill the need, and I support the second reading.

THE MINISTER FOR HEALTH (Hon. E. Nulsen—Eyre—in reply) [9.50]: I have the greatest respect for nurses. They have done a wonderful job in this State, Australia and the world. At the present time we have a great shortage and in consequence I will have to disagree in regard to the age, even though they say 17 is too young. We have precedents as in other parts of Australia they start at 17 years and not 17½. This may be traditional; it may be orthodox; or perhaps the older nurses feel that age is too young because they did not start their training at 17.

If we do not make some move, we will have to give consideration to the training of young men. That is what it will come to because we are down 150 nurses. In Australia, in England and in America there are fewer nurses every year. I feel that we should make an attempt to get away from the old tradition respecting age. I say a girl at 17 is much older than a boy at the same age, and she has much more stability. Yet there is no objection to training boys at the age of 17. So far as I am concerned—I may be a little old-fashioned—but I would sooner be nursed by a woman than by a man.

I was in hospital myself for a little while last year and there is no doubt about the attention one obtains. The nurses do not miss anything at all. On one occasion I was cold so I pulled over myself a very light dressing-gown but in the morning when I awoke I found that I had a very warm blanket over me. We have to respect and give credit to the nurses of Western Australia.

In New South Wales training is started at 17; in Victoria at 17; in Queensland at 17, and in South Australia at 17. In South Australia the training period is four years. If this Bill goes through the starting age here will be 17.

Mr. Ross Hutchinson: The age is now 18 years, is it not?

The MINISTER FOR HEALTH: It has been 17½ for the last two or three years.

Mr. Ross Hutchinson: I think at Royal Perth it is 17½ but 18 under the regulations.

The MINISTER FOR HEALTH: In Tasmania they are started at 16. If we do not start training them when they are young, they go into some other profession.

Mr. May: They get married.

The MINISTER FOR HEALTH: That is our greatest wastage. When they are trained they seem to be able to make good matches, and we lose them. However, I have no objection to that. I do say, however, we have got to make a change; otherwise, we will not have nurses in our hospitals. I listened to the member for Wembley Beaches—I nearly said the member for Mt. Marshall—and there was quite a lot of truth in what he had to say.

Mr. Ross Hutchinson: About the Nursing Federation?

The MINISTER FOR HEALTH: No, I have heard quite a lot of complaints myself which are probably warranted, but, on the other hand, that strict discipline is probably very necessary. The member for Cottesloe gave us a fair turn but as usual he sides with those against any Bill we bring down. He seems to be the tool of those aggrieved in any way. Being a nice, pleasant-looking man, they go to him and he becomes a nuisance in the House.

In Committee.

Mr. Heal in the Chair; the Minister for Health in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Mr. ROSS HUTCHINSON: I move an amendment—

> That after the word "years" in line 17, page 2, the words "and six months" be inserted.

I must refer to the remarks of the member for Wembley Beaches who made many scathing references to the Nurses' Federation, a body which has given a great deal of fine service to the State. However, I do not think he intended to be scathing. I did not like his reference to this very fine organisation when he mentioned the fact that they lived in the Victorian era.

The MINISTER FOR HEALTH: I oppose the amendment. If we do not make a move in getting younger nurses, it will not be long before we have none at all. I feel that some of the older nurses are inclined to be a little traditional, and not to like changes. They qualified under the old regime and probably think there should be no alterations. Anything new that is introduced here is always opposed, but eventually it goes through, and this will too. I know of two young girls who wanted to be nurses but could not wait. Now they are clerking at the the University. I know of others in a similar position. They will not now leave their present occupations although they did want to be nurses.

In my opinion, the age of 17 years is not too young. Some girls at 20 are too young, I know, but generally a girl of 17 is reasonably sensible and with the discipline she gets in her training, there is not much danger of her going astray. The girls today are not overworked. They do not have to get down on their knees and scrub floors. I think that previously 17 was too young an age to commence nursing, but not today.

These girls require to have reached 8th standard and they have to know something of medicine and anatomy. Conditions have changed, and we must change with them. Although I am sure the member for Cottesloe is conscientious in what he is doing, I feel that his proposition is not quite right.

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

Ayes	9
Noes	19
Majority against	10

Ayes.	
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Mr. I. Manning	Mr. Hutchinson
Sir Ross McLarty	*(Teller.)*

Noes.	
Mr. Andrew	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Owen
Mr. Jamieson	Mr. Potter
Mr. Lapham	Mr. Rodoreda
Mr. Lawrence	Mr. Toms
Mr. W. Manning	Mr. May
Mr. Marshall	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Nalder	Mr. Kelly
Mr. Bovell	Mr. Brady
Mr. Mann	Mr. Sleeman
Mr. Cornell	Mr. Tonkin
Mr. Oldfield	Mr. Evans
Mr. Hearman	Mr. Sewell
Mr. Brand	Mr. Rhatigan
Mr. Perkins	Mr. Hall
Mr. Ackland	Mr. Graham
Mr. Thorn	Mr. Johnson

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LAND ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [10.7] in moving the second reading said: The Bill is not a long one nor, is it, I hope, contentious. It sets out to make three amendments to the Land Act, 1933-1954. The purpose of the first amendment is to clarify the definition of Crown lands with respect to the land that is between high and low water mark both on the seashore and on the banks of tidal waters.

The reason for the amendment has been made quite clear by the Solicitor General who advises that in the Land Act of 1898 provision was made for just what we are seeking tonight, but in a later Act, the Act of 1939, which repealed the 1898 legislation, although it was meant to include the necessary words to define what Crown lands of that character were, nevertheless the vital words "to include" were omitted.

As a consequence, there is no clear definition today of the land between high and low water mark. Although it is clearly intended that it was to be included by the

Act, there is considerable doubt as to whether the definition is correct, and whether it could be supported in law. Because the long Title of the Land Act deals with an Act to consolidate and amend all enactments relating to Crown lands, it is a reasonable proposition that there should be no doubt whatsoever, from this day forward at any rate, as to just who possesses the land which lies between high and low water.

The second purpose of the Bill is to amend the section of the Act which deals with the acquisition of Crown land by the Commonwealth Government. The amendment proposes to make this section of the Land Act reciprocal with the Commonwealth Lands Acquisition Act of 1955. Under the old Commonwealth Act land could be acquired by agreement between the Governor of the State and the Governor General. I do not know the reason why the Commonwealth repealed that Act, and particularly the section applying to the exchange or transfer of land.

I imagine it could have had to do with the fact that land transactions of a trivial character were becoming a heavy burden on the Governor General and so the Act was amended to relieve him of the duty in respect of land to the value of £500. If this amendment is approved by Parliament, it will bring our Act into line with the Commonwealth Act, to the extent that the State Governor will deal in land transactions of up to £500 with the Commonwealth authorities and not with the Governor General, as previously was the case.

The final purpose of the Bill is to preclude a lessee of pastoral land from transferring or subletting it until he has complied with the appropriate improvement conditions of the lease. The main purpose here is not only to see that the required improvements and stocking are undertaken, but also to prevent trafficking in land of that nature. It is known that on a number of occasions such land has been the subject of trafficking in recent years.

The Land Act, as it applies to the conditional purchase leases, lays down clearly that such land should not be transferred or sublet until after the expiration of two years from the commencement of the lease, unless the holder of the lease has expended on the land in the prescribed improvements the full amount that is required to be expended during such period, but no such provision is made for pastoral leases.

It is the intention of this amendment, if agreed to, to make it an obligation of the lessee holding land for the time being and using it—land belonging to the Crown—to undertake certain improvements and certain stocking arrangements. at present 208,003,368 acres of land are leased from the Crown under pastoral lease conditions. This area comprises 1,809 leases, the areas of which vary from 20,000 acres to 1,000,000 acres. All the leases, however, expire on the 31st December, 1982. It normally follows that many of the leases are transferred for various reasons and in most cases the lessees operating under this Act do all that is required of them in the way of stocking and improvements.

The obligation that is placed on the lessees is not very onerous and the appropriate section of the Act makes it necessary, within five years from the commencement of a lease to the value of £5 and within ten years from the commencement of a lease to the value of £10, inclusive of the value of improvements effected during the first five years of the term, for each 1,000 acres of the lease, for such improvements to be maintained in good repair and, so far as is necessary, renewed during the term of the lease.

The stocking provision provides that within two years from the commencement of the lease, stocking should be done at the rate of ten head of sheep or two head of large stock for each 1,000 acres of the area leased and so what the Bill proposes to do is to make it impossible, except under certain circumstances, for a lease to be transferred or any portion of it sublet to another person within two years unless those provisions are complied with. In other words it will bring it into line with the conditional purchase section of the Act.

Since October, 1951, 671 leases have been totally transferred and portions of existing leases have been transferred on 22 occasions. The departmental officers have noticed that there has in recent times been trafficking in leases. There is one well-known St. George's Terrace pastoralist who has, with other members of his family, selected 13 separate pastoral leases or licences over a period of years, covering a total area of 1,657,015 acres and has in nearly every case sold the lease soon after it was approved.

There is no doubt that it would be taken up in the first instance with the idea of making a profit from the transaction without doing any work at all in regard to it. I do not think we should let land go to people under conditions such as that. If the amendment is agreed to, the conditional purchase section of the Act will contain provisions whereby the Minister will have discretionary power, because in view of the length of these leases, which do not expire until 1982, there will naturally be many occasions when leases will be transferred from one person to another owing to death or any one of a number of other reasons.

Therefore there will be provision for the Minister, under certain circumstances, to allow a transfer to take place within a period of less than two years, but in all other cases—other things being equal—the obligation of the lessee should at least

be acknowledged to the extent of doing something worth while in regard to the lease, and transfer or subletting within the period will not be permitted unless the improvements in regard to development and stocking are complied with. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

BILL—CORNEAL AND TISSUE GRAFTING.

Council's Amendments.

Schedule of 5 amendments made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Health in charge of the Bill.

No. 1.

Clause 2, page 2—Add after the word "purposes" in line 5 the following passage:—

> All requests made by a person in writing under this section shall be forwarded to the Minister or to an approved institution. All verbal requests made by a person under this section shall be forwarded confirmed in writing by and signed by the two witnesses, to the Minister or to an approved institution.

The MINISTER FOR HEALTH: I have read and studied these amendments and discussed them with the Crown Law Department. They merely clarify the measure and I am prepared to accept them all. I move—

That the amendment be agreed to.

Mr. CROMMELIN: Is it obligatory for two witnesses to make the requests in writing?

The Minister for Health: No, they are only witnesses.

Mr. CROMMELIN: It does not affect the Bill at all.

The Minister for Health: No.

Mr. COURT: Is the Minister certain that these amendments will leave the Bill as effective as it was before, or will they place a restriction on the use of these cornea and tissues?

The Minister for Health: Absolutely, not.

Mr. COURT: We were worried about certain amendments that were made once before because they made the Bill concerned ineffective.

The MINISTER FOR HEALTH: I have discussed these amendments with the Crown Law Department and I am informed they will not affect it in any way.

Question put and passed; the Council's amendment agreed to.

No. 2.

Clause 2, page 2—Delete the word "any" in line 15 and substitute the words, "if there is no surviving spouse the nearest."

The MINISTER FOR HEALTH: I move—

That the amendment be agreed to.

Mr. CROMMELIN: I question the use of the word "relative" and I would like the Minister to give a good deal of thought to it because I am given to understand that it cannot be defined. A man might die, without leaving a widow, but with between two to 10 children. None of the 10 is the nearest relative; they are all equal. The word, "relatives" might be better in such a case.

The MINISTER FOR HEALTH: I do not think it ought to be made plural.

Mr. Crommelin: Who is the nearest relative in the case I quoted?

The MINISTER FOR HEALTH: I was advised by the legal officers that these amendments were quite all right. If we had the word "relatives" they would all have to approve.

Mr. Crommelin: Who is the nearest relative in the case I mentioned?

The MINISTER FOR HEALTH: I cannot answer that question. I think it would make it impossible if we had it in the plural. Can the Leader of the Country Party clarify it?

Hon. A. F. WATTS: No; but when the Bill was before us previously I was surprised at the use of the word "relative." I did not want to grapple with the Minister in regard to it but in view of the amendment and the submission by the member for Claremont, I think he has brought up an interesting point, and a correct one, too. All of the children, in the case he mentioned, would be equally near.

The Minister for Health: Supposing there were no children.

Hon. A. F. WATTS: The problem is a little easier in that case and presumably they would fall back on the sisters, cousins, aunts and so on. I think the member for Claremont is right. Who is the nearest relative in the case he mentioned? In some cases it might not matter but in dealing with a matter like this, it has to be tackled in a hurry; the process cannot be delayed.

I think the Minister would be well advised to find some other word, and I find it difficult to give him any suggestions in that regard. No doubt the officers of the Crown Law Department would be able to assist him. At first I thought of "next of kin" but that might be too limiting. Before we agree to this amendment, I think the Minister should discuss it with the Crown Law Department.

The MINISTER FOR HEALTH: This is rather perplexing. It would not be any better if we made it plural.

Hon. A. F. Watts: It would only make it worse.

Mr. O'Brien: Would not the eldest child be the nearest relative?

Hon. A. F. Watts: No. I think we should report progress.

The MINISTER FOR HEALTH: I think we should agree to it and we can amend it next year. I want to get the Bill through if possible because I have had a couple of promises in regard to it and we will not be able to take advantage of them if we do not get it passed soon.

Mr. Court: Are they looking sick?

THE MINISTER FOR HEALTH: I happen to know of one myself.

Mr. Court: Wasn't he feeling too well this morning?

THE MINISTER FOR HEALTH: Therefore, I ask the Committee to agree to the amendment.

Question put and passed; the Council's amendment agreed to.

No. 3.

New clause—Add a clause after clause 2 to stand as clause 3, as follows:—

3. (1) Where authority for the removal of any eyes or other parts of the body of a deceased person has been given under this Act, such eyes or other parts may be used for immediate grafting into the body of a living person or may be retained and used for such purpose at some later time.

(2) No person other than a legally qualified medical practitioner shall undertake the carrying out of any such grafting.

No. 4.

New clause—Add a clause after new clause 3 to stand as clause 4, as follows:—

4. Any eyes or other parts of the bodies of deceased persons removed in accordance with the provisions of this Act and which are to be retained and used for grafting into the body of a living person at some later time, shall be retained only by such persons, institutions or organisations as may be approved by the Minister.

On motions by the Minister for Health, the foregoing amendments were agreed to.

No. 5.

New clause—Add a clause after new clause 4 to stand as clause 5, as follows:—

5. (1) Any person who—

(a) otherwise than in accordance with the provisions of this Act authorises the removal from the body of a deceased person of any eye or other part of the body for therapeutic purposes; or

(b) not being a legally qualified medical practitioner—

(i) removes from the body of any deceased person any eye or other part of the body the removal of which has been authorised under this Act, or

(ii) undertakes the carrying out of any grafting of any eye or other part of the body of a deceased person into the body of a living person; or

(c) uses for purposes other than therapeutic purposes any eye or other part of the body removed from the body of any deceased person pursuant to the provisions of this Act,

shall be guilty of an offence against this Act.

(2) Any person, institution or organisation, not being a person, institution or organisation approved by the Minister pursuant to section four of this Act, retaining any eyes or other parts of the bodies of deceased persons for grafting into the bodies of living persons shall be guilty of an offence against this Act.

(3) Any person, institution or organisation guilty of an offence against this Act shall be liable to a penalty not exceeding one hundred pounds.

The MINISTER FOR HEALTH: I move—

That the amendment be agreed to.

Mr. CROMMELIN: I am not protesting against the amendment in full but the last part indicates that there shall be a penalty of anything up to £100 imposed on a person who uses tissues or other parts of the body for unlawful purposes. In my opinion, the provision of a penalty of £100 seems to be going to the extreme.

The MINISTER FOR HEALTH: I consider that this is a safeguard. I do not think that anyone except authorised organisations would use these tissues. If they did they would and should be penalised.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

BILL—NATIVE WELFARE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR NATIVE WELFARE (Hon. J. J. Brady—Guildford-Midland) [10.35] in moving the second reading said: Past experience has shown the

need for the amendments contained in this Bill which deals with two subjects. One concerns the power of the commissioner to handle the affairs of natives and the other is a clarification of the section under which certificates of exemption are granted.

As it stands, the Act empowers the commissioner to undertake the general care, protection and management of the property of any native and permits him to take possession of, retain, sell or dispose of any such property in his own name; to sue for, recover or receive any money or other property due or belonging to or held in trust for the benefit of a native; to exercise in the name of the native any power which the native might exercise for his own benefit, etc.

Acting in good faith recently, the department took over the affairs of some natives in the northern part of the State. Subsequent to that, the department was called upon by a person, namely a solicitor, to give an account of what happened to the proceeds which were obtained by the department after acting for the natives concerned. At the outset the department did not feel disposed to give this person an account of the proceeds that it had in its possession, but eventually it submitted when legal action was threatened against the department. It is felt that such a practice is not desirable because whilst some people may consider they are helping the natives, they could be a great embarrassment to the department.

The Bill, therefore, seeks to clarify the commissioner's powers and enables him to carry out a number of functions to protect a native's interests without such native's consent but at the same time makes it mandatory for the commissioner to obtain the consent of a native, other than a minor, before he takes possesion of, retains, sells or disposes of his property, whether real or personal. To prevent a recurrence of the incident which I have related to the House, the Bill also contains a new subsection providing that the commissioner is not obliged to account to any person acting on behalf of a native for any property of the native received or dealt with by him under section 35 unless expressly directed to do so by the Minister.

In case there is any member concerned that the department may take over a native's affairs and not look after them correctly, there is an obligation on the department at the moment to look after these matters in the same way as it would if it were a trustee and to give an accounting if required. As I mentioned earlier, the department did not feel disposed in the case that I mentioned to give an accounting to the person requesting it, but subsequently it did so after advice was received from the Crown Law Department. However, it could prove embarrassing if the department had to give detailed accounts, if called upon, every time it acted in the interests of a native. We feel that the department should not have to do this unless the Minister approves of such action.

At present Section 72 of the Act empowers the Minister to issue a certificate of exemption to any native who, in his opinion, ought not to be subject to the provisions of the Act. Recent occurrences have made it necessary to clarify this section. A tendency has developed for prosecutions to be launched against natives holding certificates of exemption for offences under the same Act. In two cases the prosecution has been upheld and the native concerned, although holding an exemption certificate, has been convicted and imprisoned. The department considers this quite contrary to the intention of granting such exemption and was advised by the Crown Law Department that considerable doubt existed as to the legality of the prosecutions. This Bill seeks to remove any doubt and to make the section quite clear and specific.

Interpreted quite literally, the present wording of the section is wide enough to exempt natives from all liability under the Act; even liability to which persons other than natives are subject. However, different interpretations have been placed on the wording and, as I said before, some prosecutions have already been successful in the lower courts. Of course, the matter could have been tested by an appeal to a higher court, but it was considered preferable to remove any doubt by amending the Act.

I might mention here that when these cases which I have mentioned were referred to me, where two justices of the peace in two separate districts had convicted natives under the one Act, I was advised to allow the cases to go to the court by way of appeal. I felt that that would not have been helpful to the natives and that it would have been embarrassing to the justices of the peace to some extent and that possibly the remedy would not have been as efficient or the action as quick as that which would be achieved by amending the Act. I recommended that course to Cabinet and approval was given.

Whilst these amendments will cover the position in the main, they will not be as completely satisfactory—they will not be 100 per cent.—as I would have liked them to be. At the moment they are the best remedy I can see, and at least they will relieve some natives of being in the embarrassing position of being prosecuted under the Act when it was never intended that they should be. I move—

> That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned.

BILL—STATE TRADING CONCERNS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR NATIVE WELFARE (Hon. J. J. Brady—Guildford-Midland) [10.44] in moving the second reading said: This Bill seeks to amalgamate the State Saw Mills and State Brick Works into one trading concern to become known as State Building Supplies. Provision is made for such amalgamation to take place on a date to be proclaimed so that a convenient date can be fixed to coincide with the annual accounts.

The Bill does not in any way vary the permissible scope of activities as set out in the original schedule to the State Trading Concerns Act, 1917, and there is no intention to extend the sphere of activities beyond those which can now be undertaken by the separate trading concerns.

The reason for the proposed amalgamation is to facilitate administration of the combined organisation and effect some economies in such administration. For 17 years the two concerns have been under the one general management and the proposed combination will effect economies by a more complete integration of activities. At present, separate accounts must be kept for clients of each trading concern although the majority of the clients of the State Brick Works are also clients of the State Saw Mills. This involves extra clerical work in the issue and collection of accounts and the two sets of accounts introduce some difficulties in credit control. Economies will also be effected in keeping staff records and making payments to employees.

In other words, the State Saw Mills and the State Brick Works are at present really functioning as two separate businesses and all their transactions have to be kept separately. Two sets of books have to be kept, including ledgers, cash books and the other records which must also be separate. If they were combined, it would make for more efficiency and economy and reduce some of the difficulties that arise at present by virtue of the fact that very often the same building is using the products of both State trading concerns.

While there is little likelihood of movement by wages employees between the two concerns, amalgamation will facilitate the interchange of clerical staff. It will also overcome the need for producing two annual reports and simplify the work in that connection. Although there are two separate concerns, they are at present managed by one general manager, one assistant general manager, one finance manager, one credit control section and one industrial officer. The engineering section of the State Saw Mills is also used on specific projects for the State Brick Works. It will be seen therefore that the additional step to place amalgamation on a legal basis as envisaged by this measure, is not a very great one.

As a separate concern the State Brick Works are not on a very different scale from operations at each of the major timber producing centres such as Pemberton, Deanmill and Shannon River or at the major distributing centre of Carlisle. Both Pemberton, 357, and Carlisle, 299, employ more men than the brick works which had 227 employees including head office staff at the 30th June, 1956.

The passage of this Bill will therefore enable the State Brick Works to readily fall into a pattern as a major unit of a combined organisation under the one general administration. Internal accounting will continue to show the financial results of the brick works as a major division of State Building Supplies but there would be a number of economies in a less rigid division than is necessary with operation as two distinct trading concerns. I move—

That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

BILL—BRANDS ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [10.50] in moving the second reading said: Two small amendments to the Brands Act are included in the Bill. The first deals with compulsory firebranding of cattle. That is not a new idea. On a previous occasion the same subject was brought before Parliament, but an amendment was moved to allow an alternative method of branding. That Bill was introduced by a previous Minister for Agriculture, Hon. Sir Charles Latham. The amendment made it optional for an owner to either firebrand his registered mark or earmark his beasts if he so desired. In spite of the opposition by the Minister at the time, the amendment was agreed to on the ground that the owner of the beast was the best judge of the best method to protect his property. So this matter has been fully discussed previously.

In more recent times producers and operators have requested that firebranding be made compulsory and not optional. Looking at the Act, the context is clear in the intention that firebranding of cattle should be compulsory, which was the intention in the first place. The provision included by way of amendment in the Legislative Council conflicts to some extent with other sections which I shall enumerate. They are Sections 6, 9, 10, 24 (3), 27 (1) and (2). It is appreciated by experienced cattlemen that firebranding is the only practical and permanent way of

marking a beast. No alternative method has been devised to provide a greater measure of protection than firebranding.

It is well known that an earmark can be mutilated and completely destroyed, particularly in scrub country, but firebranding is a very permanent mark which cannot be destroyed. It is difficult to alter a firebrand for fraudulent purposes. There need be no doubt that compulsory branding should be the order of the day. It has also been requested that all cattle in the South-West Land Division be firebranded before they are six months old. This is desirable as a result of experience over the years, but more particularly in recent times because large numbers of baby cattle are marketed when they are six months old, and certainly before they are 12 months old when it is necessary to brand them. It is no hardship to a producer to brand his stock before they reach six months old, any more than it is to brand them before they are 12 months old.

The matter was brought to my attention by the Meat and Allied Trades Federation last year when they requested that firebranding be enforced on cattle in the South-West Land Division. Similar requests were made by the controller of abattoirs and by numerous farmers. If we bear in mind that a lot of baby cattle reach the market when they are six months old, and before they are branded, then when the animals are killed and a disease is discovered in any one of them, under the present method there is no means of identification. That is why it is so important to agree to this amendment. That would be most satisfactory from everybody's point of view and the owner of diseased cattle would be identified from the brand. Today that is not possible because it is not necessary to brand baby cattle before they are 12 months old. As it has been considered necessary by all those associated with the industry, I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

House adjourned at 10.56 p.m.

Legislative Council

Tuesday, 30th October, 1956.

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Carnarvon whaling station, proceeds of sale	1684
Traffic, motor accidents, Newcastle and Stirling-sts., Perth	1684
Jury Act select committee, extension of time	1685
Bills: Friendly Societies Act Amendment, 2r.	1685
Corneal and Tissue Grafting, Assembly's message	1688
State Government Insurance Office Act Amendment, 1r.	1688
Factories and Shops Act Amendment (No. 1), 1r.	1688
Nurses Registration Act Amendment, 1r.	1688
Police Act Amendment (No. 1), 2r., Com., report	1688
Pig Industry Compensation Act Amendment, 2r.	1691
Licensing Act Amendment (No. 3), 2r.	1691
Profiteering and Unfair Trading Prevention, 2r., Com.	1695
Betting Control Act Amendment, 2r.	1706

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

ASSENT TO BILLS.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Rural and Industries Bank Act Amendment.
2, Evidence Act Amendment.
3, Health Act Amendment.

QUESTIONS.

EDUCATION.

Retrenchment of Women Teachers.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) Further to my questions on the retrenchment of women school teachers on supply, and as the Minister's reply was in the past and present tense, will the Chief Secretary inform the House whether it is the intention to retrench any of these teachers before the commencement of the 1957 school year?

(2) If so, for what reason?

The CHIEF SECRETARY replied:

(1) and (2) Schools will be kept fully staffed in accordance with the standards laid down in departmental regulations.