

portion of the recent purchase to the Railway Department? This was absolutely unfair. I consider that the amount of £16,000 for depreciation is excessive.

The Minister for Works: We have taken it on the life of the forest as 15 years.

Mr. O'LOGHLEN: That will be prolonged because, with the increased price for timber, it is possible to cut anything. A log that four years ago would have been passed by is now put on a short buffer truck and taken into the mill, because it now pays to handle it. Thus the life of the forest will be prolonged for many years. In addition, the plant and machinery are worth more now than when installed. At Pemberton Mill, the two boilers cost £650 each to put in. They were damaged very slightly by the recent fire, and I understand that there were 18 applicants for the purchase of these boilers at £1,000 each. I am a director of one or two little concerns, and machinery which we purchased at big prices a few years ago and off which we have been writing 10 per cent. is to-day worth more than when it was installed.

Mr. Teesdale: A fine principle.

Mr. O'LOGHLEN: While it is good to be on the safe side, the amount of £16,000 for depreciation seems excessive. What prompted the Government to hand over this purchase to the Railway Department which is not a trading concern in the sense that the State sawmills are? In adding to the State sawmills, it was hoped that the general results would be better, but now this big area has been handed over to the Railway Department to operate when it likes—

Mr. Teesdale: It is in the family, though.

Mr. O'LOGHLEN: But the family do not get the credit. The Railway Department can recoup itself for any loss by increasing freights and fares and the expenditure of the Railway Department is not questioned in the same way as is the expenditure of the State sawmills. If the sawmills pay £84,000 for another concession and on the word of a Cabinet Minister the prime part worth probably £50,000 is handed over to another department to be operated when it likes, it is not a fair proposition to the department finding the money.

The PREMIER: We have too little timber reserved for railway purposes.

Mr. O'LOGHLEN: Could not the Railway Department buy from the State sawmills what they require?

The PREMIER: When this matter came before me I agreed to buy provided the timber could be reserved for State purposes.

Mr. O'LOGHLEN: Only to put a better explanation before the public.

The PREMIER: This is subject to royalty, of course. There was more than sufficient to cover the money we paid for the concession. It was a good bargain.

Mr. O'LOGHLEN: The principal recommendation for the bargain was the concession.

The PREMIER: That is not so.

Mr. O'LOGHLEN: Then ask the men who are handling it.

The PREMIER: The hon. member asked why this timber was reserved.

Mr. O'LOGHLEN: Could not some of the family get what they want from the rest of the family?

The PREMIER: The sawmills would pay well if from them the Railway Department purchased all their timber requirements. If this timber is not required for State purposes, the concession will be available. If we use a lower grade of sleepers it will be available.

Mr. O'LOGHLEN: Can you get it back?

The PREMIER: Of course; it is in the family and is subject to royalty.

Mr. O'LOGHLEN: It is not a fair deal to the State sawmills.

Division put and passed.

Division—Wyndham Freezing, Canning, and Meat Export Works, £461,057—agreed to.

Resolutions reported and the report adopted.

BILL—GUARDIANSHIP OF INFANTS.

Returned from the Council with amendments.

House adjourned at 12.30 a.m. (Wednesday).

Legislative Council,

Wednesday, 25th November, 1920.

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

PETITIONS (2).—FACTORIES AND SHOPS BILL.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.33]: I desire to present a petition from the Metropolitan Small Shopkeepers' Association of Western Australia, and a petition from the citizens and ratepayers of various municipalities and suburbs in the metropolitan area, the latter petition con-

taining 8,647 signatures. Both petitions bear the certificates of the Clerk that they are in accordance with the Standing Orders of the Council, and contain no language disrespectful to the Legislature. I move—

That the petitions be received and read.

Question put and passed; petitions re-received and read and ordered to lie on the Table of the House.

QUESTION—PENSION CLAIMANTS AND FEDERAL AUTHORITIES.

Hon. J. E. DODD asked the Minister for Education: 1, Are the Government aware of the fact that the Deputy Commissioner of Pensions will not answer the inquiries of State members of Parliament except through the Federal member for the district? 2, Is it the practice of State Government Departments to send answers to the correspondence of Federal members through the State member for the district? 3, In the interests of pension claimants will the Government direct the attention of the Federal Government to the attitude adopted by the Pensions Department?

The MINISTER FOR EDUCATION replied: 1, I understand this to be the procedure followed. 2, No. 3, Yes.

QUESTION—RETURNED SOLDIERS AND ACCRUED HOLIDAYS.

Hon. J. CORNELL asked the Minister for Education: 1, Have the Government or any individual Minister refused to pay any returned soldiers for holidays accrued whilst on active service, mainly on the ground that they did not report themselves for re-employment, or claim payment for such holidays within the period prescribed for such purpose? 2, If so, will the Government waive such objections, if any, and consider each case on its merits, if any of the men so affected can substantiate by evidence or fact that the reasons for non-compliance with this order are that at the date of their discharge they were suffering from war disabilities that would have precluded them from resuming the avocations relinquished for the purpose of enlisting in the A.I.F.?

The MINISTER FOR EDUCATION replied: 1, The claims of a few men whose cases did not appear to fall within the scope of the concession given were declined. 2, Each case will be treated upon its merits and with due regard to the terms of the decision.

BILL—OPTICIANS.

Referred to Select Committee.

Hon. J. NICHOLSON (Metropolitan) [4.37]: In order that hon. members may have an opportunity of further considering this Bill, and having the advantage of what

to me appears to be desirable, namely, the report of a select committee, I move—

That the Bill be referred to a select committee, consisting of Hon. A. J. H. Saw, Hon. J. Cornell, Hon. A. H. Panton, Hon. R. J. Lynn and the mover, with power to call for persons, papers, and records, and to report on the 7th December.

Hon. Sir E. H. WITTENOOM (North) [4.38]: I was unfortunately absent when the discussion took place on this Bill. I do not know if I would be in order in making remarks on it now except in so far as the particular question now before the House is concerned.

The PRESIDENT: The hon. member would not be in order.

Question put and passed.

BILL—FACTORIES AND SHOPS.

Second Reading.

Debate resumed from the previous day.

Hon. H. STEWART (South-East) [4.41]: This Bill is not only one of the most important of the session, but one of very far-reaching effects. In addition to dealing with factories and shops it affects the whole of our social system, with which is associated our educational system. This last named question is brought into the matter on account of a section of the Bill which deals with boy labour and the non-employment of children under the age of 14. With the limitation of hours and the restriction of juvenile labour must be associated the question of higher education as a whole. The real object of the Bill, with which I entirely agree, appears to be to safeguard the interests of the employee with due regard to those of the employer. In any such legislation we must endeavour to raise the standard of comfort of the community as a whole by legislating for the hours of work and the working conditions. We must also consider the whole of the working community, as well as the effect upon other industries and people engaged in other avocations. In connection with our educational system there are limitations. Everyone who possesses the necessary mental equipment to profit by the highest possible form of education should have such conditions provided that he or she can take full advantage of it. There are other people who are not capable of absorbing all this education, and who are, in some instances, forced at an early stage to engage in earning their living and may thus be debarred from rising to positions of prominence and real success in life. One thing that is perhaps not fully realised is that, in dealing with our educational system, we must not stultify or militate against the natural qualities that are in the individual. Sir Edward Wittenoom, speaking on another occasion in opposition to compulsory education, pointed out that it was most desir-

able that boys, particularly those likely to be engaged in agricultural pursuits, should start work when they are young. If our system of education is to limit the natural qualities of observance, it will have harmful results. True education would not have that effect. I notice that a committee of investigation is to be appointed to examine our system of education in Western Australia, and that will show whether adequate results are being achieved here. We should not be too restrictive in our efforts to deal with various phases of every-day life. We must give full and adequate consideration to this subject, bearing in mind the effect it will have on the State as a whole. The point should not be lost sight of in any legislation seeking to regulate an industry, that if we limit production and make conditions such that profitable production cannot be achieved, such a tendency will be against the interests of both employer and employee.

Hon. J. Cornell: That has been said by every tory for the last century.

Hon. H. STEWART: It can still be voiced—

Hon. A. H. Pantou: And will be.

Hon. H. STEWART: By Tories and democrats, for, without profitable production, that surplus cannot be obtained which will enable the employee to enjoy an increased standard of comfort.

Hon. Sir E. H. Wittenoom: There are some who want to make everyone lazy.

Hon. H. STEWART: We want to get the best results from production in order that improvements may be instituted and those improvements maintained. I have had considerable experience in other parts of the Commonwealth as well as in Western Australia, and I have in mind an instance of a man from the Eastern States, who recently visited this State. He is now 77 years of age—his case is not singular, for there were plenty of a similar type who came to Western Australia in the early days—and at the age of 11 he started work in order to help support his mother and family. He was carting wood with a dray at the age of 13, yet that man has not suffered physically or mentally. He is a man of unusual mental attainments, cultured and well educated, who has travelled in four continents. Considering the disabilities under which he suffered, that man has made a name for himself and earned the respect of a wide circle of friends and employees. Naturally endowed, he had the opportunity for free development.

Hon. Sir E. H. Wittenoom: It is marvelous, considering that he never attended continuation classes.

Hon. H. STEWART: At the same time, we do not want to see those conditions maintained. When providing safeguards, which will prevent those old conditions recurring, and, on the other hand, enable the extension of educational facilities, we can bear in mind facts of to-day relating to the youth of the State. I know of a case in one of our farm-

ing districts where each member of that family learnt to ride, swim, milk and drive before he was 8 years of age. They had to go over 1½ miles to school and in every case reached the top of their respective classes.

Hon. Sir E. H. Wittenoom: With no continuation classes?

Hon. H. STEWART: They come afterwards. They are now engaged in a secondary education course and doing exceptionally well in comparison with other boys. We can provide all necessary safeguards without limiting industries. I am not opposing the provisions under this Bill, but I am concerned regarding boy and child labour. It is essential that we should provide that boys should not be worked unduly at an early age. In some instances, boys can be over-educated; perhaps I should say spoilt by cramming or unsuitable education. In such circumstances the training militates against the free development of their natural inclinations. With regard to the family I referred to just now, those boys with parental attention to their bodily well-being, prohibition of lessons at home and development of their natural abilities in the country, have done well in the secondary schools without any cramming.

Hon. J. J. Holmes: Do I understand you to say that you approve of the Bill?

Hon. H. STEWART: I realise that in the city where the boys have not the same opportunities of development in the open spaces such as we have in the country districts, a different condition of affairs are set up, and this means that additional safeguards are required. Here, there is a tendency for the lads to go to picture shows and enjoy other diversions.

Hon. A. H. Pantou: They have to go to drill.

Hon. H. STEWART: I do not think they have to go to drill every day.

Hon. A. H. Pantou: Nearly every day.

Hon. H. STEWART: In any case, there is an environment which limits their possibilities, and for the sake of the future we must recognise that the interests of those lads may be prejudiced by the unsuitable environment. It is essential that this position should be recognised.

Hon. J. J. Holmes: This Bill will apply to the whole State.

Hon. H. STEWART: My remarks are necessarily of a general nature. I understand that the ruling of the President yesterday was to the effect that we must not deal too closely, during the second reading debate, with the clauses of the Bill. I feel somewhat restricted in consequence of the ruling and therefore am dealing with the matter in a general way. Having due regard to the ruling and more particularly to the measure as it concerns the agricultural areas, particularly in the South-East of the State, I am concerned as to the effect this Bill will have in connection with the

weekly half-holiday. In the south-eastern portion of the State, different conditions obtain in different towns. The hours of work are not necessarily greater and probably they are less than in the metropolitan-suburban area, particularly during the last winter months. As I understand the Bill and speaking subject to correction, that is, the condition as to the weekly half-holiday will remain as it stands to-day in any district throughout the State except the Metropolitan, Metropolitan-Suburban, and West Provinces. That is under Section 99. That seems to me to be the position. I have the assurance of a member in another place that that is what they were given to understand was the position. That being so, the people in towns where the Wednesday afternoon closing obtains, will continue to have Wednesday half-holidays unless, subject to the passing of this Act, a petition is presented to the Minister in charge asking for an alteration, in which case there is provision for a poll.

Hon. J. J. Holmes: I think the position is the other way about.

Hon. H. STEWART: I would be glad if I could get an indication from the Minister. The Minister for Education: It may be either. Some districts have not been proclaimed.

Hon. H. STEWART: I would be in order, I believe, in reading from a letter I received from the Public Health Department, which department is in charge of this matter. One of the paragraphs in this letter seems to me to crystallise the position. The Minister is fully conversant with it. It states—

Some diversity of opinion was expressed at the time as to the extent of the shop district, a number wishing to include in it the road board district.

This concerned the Wagin municipality and road board. Portion of the shopkeepers in the Wagin municipality wished to close on Saturday afternoon instead of Wednesday afternoon. They were not unanimous, but the road board representatives felt it was a fair proposition to give not only the shopkeepers and assistants but the customers an opportunity to state on what afternoon the shops should close. If this were done the road board representatives would abide by the decision. Under the old Act a municipality or road board could take a vote and arrive at a decision, but there was no provision for a municipality and a road board to do so. The letter continues—

That not being practicable, after further representations had been made the whole of the Wagin electoral district, which covers a vast area, but which is continuous, was declared a shop district and under the provisions of Section 4 Wednesday is the day for the observance of the half-holiday.

Thus the Wagin electoral district, having been declared a shop district will, under Clause 99, continue to be a shop district

until some alteration is made. The concluding clause of the letter states—

In view of the fact that the provisions contained in the amending Bill at present before Parliament will, if carried, greatly simplify the procedure in effecting a change of half-holiday and possibly also effect such an alteration as is referred to in the last clause of the letter received, it would appear to be the best policy on the part of the people concerned at Wagin to defer any definite action until the fate of the Bill is determined, and I recommend that they be advised accordingly.

Hon. J. J. Holmes: What is the date of that letter?

Hon. H. STEWART: It is dated 11th October, 1920.

Hon. J. J. Holmes: This is not the Bill. The Bill has since been amended.

Hon. H. STEWART: This is the Bill dealing with that particular aspect. I shall endeavour to get the House to provide that, in any outside country centre, the day shall not be altered until the residents also have an opportunity to express their views.

The Minister for Education: They will have an opportunity.

Hon. H. STEWART: If Clause 99 does not bear the interpretation which I have placed upon it, and if the people must petition before they can have a say as to the day on which the half-holiday shall be observed, the position will be indeed unsatisfactory. I am satisfied with the assurance given by the leader of the House. I take it that my interpretation of the clause is correct.

The Minister for Education: Where proclamations have been issued.

Hon. H. STEWART: I take it that a proclamation has been issued in connection with Wagin. The whole of the electoral district has been declared a shop district, and it was evidently intended that this should have the effect of a proclamation. If a proclamation has not been issued, it should be issued straight away. Subclause 2 of Clause 100 sets forth that the day on which all shops shall close at 1 o'clock shall be Saturday, but there is a proviso that the Government may, on the petition of a majority of the shopkeepers, substitute for Saturday any other week-day.

Hon. A. H. Panton: That is a safeguard.

Hon. H. STEWART: It is not right that the whole of this power should be vested in the shopkeepers. The general public should have a say in the matter.

Hon. A. H. Panton: Hear, hear!

The Minister for Education: The general public could appeal for a poll against the decision of a majority of the shopkeepers.

Hon. H. STEWART: That would be a cumbersome procedure. It would mean taking a petition around to get signatures from a scattered portion of the population and would place the shopkeepers who are centralised and are thus more favourably situ-

ated in an advantageous position. The position should be reversed, and the general public should have the advantage which it is now proposed to give to the shopkeepers. The onus should be on the shopkeepers to present a petition for an alteration. I understood Mr. Panton to say that the employees of factories and shops were boys and girls.

Hon. A. H. Panton: Principally.

Hon. H. STEWART: Provision is made for a 44-hour week for women and boys. When the hon. member made his speech I did not realise that the previous clause provided a 48-hour week for male workers, and I thought that we should need to be very careful before deciding to reduce the recognised working week, because of the effect it would have on the general output. We all hope to see the time when, in addition to thriving primary industries, we shall have flourishing secondary industries producing for our comfort and our wealth, and we can then anticipate that the number of adult males working in our factories will form a far greater proportion than they do to-day. This Bill is essentially one for the Committee stage, and I intend to support the second reading.

Hon. J. E. DODD (South) [5.10]: I do not intend to say very much on the second reading of this Bill. I think it is a good measure and one which is very badly needed. Many of the provisions are identical with those which were in the Bill introduced by myself in 1913.

Hon. R. J. Lyon: What has happened to that?

Hon. J. E. DODD: When we hear the real opposition to this measure, as no doubt we shall later on, we shall be better able to deal with the measure. This Bill was referred by another place to a select committee consisting of Messrs. Scaddan, Brown, Thomson, Willecock, and O'Loughlin. These members represent the districts of Albany, Subiaco, Katanning, Geraldton, and Forrest respectively. It is rather a remarkable coincidence that the witnesses examined were as follows: in Perth 67, Katanning 17, Albany 14, and Geraldton 8. Only in those districts represented by members of the select committee were witnesses examined. I received a number of letters of protest, etc., from the population of Kalgoorlie and Boulder, which is greater than the population of the whole of these towns, exclusive of Perth. I sent along a minute to the secretary of the select committee suggesting that they might visit Kalgoorlie and Boulder, and thus give consideration to those centres. On looking through the minutes of evidence, I find that meetings were held at Perth, Katanning, Albany, and Geraldton only. This is rather a cavalier manner of treating such towns as Kalgoorlie and Boulder, and no doubt other towns in the State, where the people would have liked to give evidence.

Hon. A. H. Panton: I had the people of Kalgoorlie and Boulder too busy in the Arbitration Court at the time.

Hon. J. E. DODD: No doubt they would have been prepared to offer some comments on this Bill. One matter to which I wish particularly to refer is that relating to children and women. I was sorry to hear the remarks made by Mr. Stewart regarding children. I well remember the first speech delivered by the hon. member in this House on technical education, and a really good speech it was. The hon. member directed special attention to the great need for extending technical education in this State. Now he seems to think that the age of 14 is rather high to set down as the age at which children might be allowed to start in the factories.

Hon. H. Stewart: I wish to make a personal explanation. I think I made it clear in my remarks when I subscribed to that provision that we should be careful in our education system not to stultify the natural gifts of the children, and I did not depart from the attitude I have taken up towards technical education. I did not in any way limit my support with regard to the ages mentioned in the Bill.

Hon. J. E. DODD: I am glad to have the hon. member's explanation, but if I could have my way I would raise the age at which children should be allowed to go into factories. The sooner we do that, the better it will be for the State. The age until which children are compelled to go to school could be raised with much advantage. It seems to me a satire on a new country like Western Australia that we should be providing in a Bill of this kind that women shall not work within six weeks before or six weeks after their confinement; especially seeing that we are doing so much to seek suitable immigrants all over the world. A very interesting contribution to these matters was made at the Labour Convention of the League of Nations, and there are one or two statements I would like to read to the House from the report of that Convention to show that even the most backward States in the world are willing to bring their legislation up to date, and even to carry it further than this Bill provides. I am quoting from the "Labour Gazette" for December, 1919, of the Department of Labour, Canada—

A draft convention was also approved by the Conference concerning the employment of women before and after child-birth. This convention provides that (a) women wage earners shall not be employed during the six weeks immediately following confinement; and (b) they shall have the right to leave their work six weeks before confinement in pursuance of a doctor's certificate stating that confinement will take place in six weeks' time. In either case they will be entitled to a maternity benefit to be paid either by the State or by means of a system of insurance. The amount of this benefit is left to the determination of the Government of each country, but it

must be sufficient for the full and healthy maintenance of the mother and the child. Free medical attention is also granted. This convention is not confined to undertakings in which members of the same family only are employed.

That is far in advance of what the legislation of any Australian State provides. Moreover, Australia is a place which seeks population, whereas most of the other nations are overcrowded. Next, with regard to the employment of children, the report states—

The Commission appointed to deal with the subject of the employment of children presented its report to the Conference through its chairman, Sir Malcolm Delevigne, that a unanimous decision had been reached by the Commission in favour of fixing the minimum age of admittance of children into industry at fourteen years. In doing so, he said, the Commission had kept two objects in view: first, to obtain a real advance over existing conditions, and, secondly, to make proposals which would be likely to meet with general support. Whilst the Commission had desired to fix a higher age limit than fourteen years, it had been felt that Government sanction could not be obtained and that the limit of 14 years would constitute a real advance in various countries.

In the cases of Japan and India, certain modifications were allowed, because of the early age at which children begin work in those countries; but even in those cases it has been decided to ask the Governments to fall into line, and I believe the Japanese and Indian Governments have decided to do so. However, I have not yet received the last report of the convention; it should come to hand shortly. I have mentioned these matters simply to show hon. members that this Bill proposes no very radical alterations which are unlikely to be adopted by other countries. In a young country like Western Australia we at least might keep in advance of many of the countries responsible for these proposals. Let me add that about 38 countries were represented at the convention. There are just one or two other matters to which I may refer in connection with this Bill. I observe that Asiatic night watchmen will be debarred under this Bill from getting employment. To my mind it is an absolute disgrace that any of our business men, either in Perth or elsewhere, should be employing Asiatic watchmen to-day. Even before the war the number of disabled men seeking light employment in Western Australia was abnormal; and this refers more particularly to men from the goldfields. One of the hardest tasks I had as a Minister was the placing of men who knew that their time was running short, men who had either to leave the gold mines or go to the Wooroloo Sanatorium or the graveyard, and who were seeking some form of light employment which might enable them to live a little longer. Those were not men who had actually contracted tuberculosis,

but men who would contract it if they remained in the gold mines, men who realised that they were getting right down to it, men who had been ordered out of the mines by the physicians. I repeat, to my mind, it is an absolute disgrace that the business men of Perth or of any other portion of this State should employ Asiatic watchmen when so many of our own countrymen did not know where to get light jobs. Bearing in mind what has occurred since 1914, bearing in mind the large number of disabled men we have by reason of the war, I say that disgrace is accentuated. I am not one of those who wish to throw any cheap snickers about flag waving. Many men who waved flags helped to win the war either financially or by going to the Front themselves. Still, it is a crying disgrace that men who have lost their health either in the gold mines or at the war should be debarred from getting these light jobs. When the late caretaker of the James-street school died—he was an old prospector, and the Government had given him the job as caretaker—applications were called for the vacant position, and the number of applicants was something like 130. I do not hesitate to say that at least 100 of these applicants were deserving of the position, though some of the others may have been merely men seeking a soft job. However, if a position of that kind were advertised to-day, there would be 230 applicants instead of 130. I hope, therefore, that our business people will show themselves a little more generous and a little more open-hearted, and stand by their own countrymen when any such positions are vacant. With regard to small shops, I think the Government have taken the right step in this Bill. I believe provision is being made whereby returned soldiers, widows, and disabled or infirm persons may continue to have their businesses registered as small shops.

Hon. T. Moore: Only crippled returned soldiers.

Hon. J. E. DODD: It may be possible to extend the Bill in that respect. But to allow small shops indiscriminately to continue open until 8 p.m. is wrong. I remember that when the Labour Government were in power some of these registrations came before me. Applications had to come before me if it was thought desirable not to allow registration. Where there was a small shop in a main street coming into competition with another shop employing labour, I always decided, in conformity with the recommendation of the Chief Inspector of Factories, that the small shop should not be allowed to register. Mr. Pantou has referred to two or three cases in Laederville, but there is a particularly glaring case in Perth, which is mentioned in the select committee's report. It is a case I know well. There were two businesses side by side, one man employing assistants and the other not employing any. The former shop was compelled to close at 6 p.m., while the opposing shop alongside was allowed to remain open until 9 o'clock.

Surely no one can argue that the one shop should be compelled to close at 6 p.m. while the other was allowed to remain open until 8 p.m.! I think the provisions of the Bill may be somewhat liberalised in Committee, but justice must be done to the main body of shopkeepers, so as to prevent registered shops unfairly competing with them. The other features of the Bill are largely matters for the Committee stage. I am very pleased indeed that the Bill provides a 44 hours week for women and children, as well as embodying many other liberalising conditions. I have pleasure in supporting the Bill, and shall, so far as I can, assist the Minister to get it through Committee; and if I can in any way shape the Bill so as to improve it from the point of view of the community, I shall be only too pleased to do so.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.28]: As a rule, when a Bill calling for consideration here is the result of the deliberations of a select committee, I am prepared to let the second reading go with very little debate. But in the case of this measure the circumstances are somewhat different. It will be recollected by hon. members that we had a Bill of this nature before us during a recent session. We carried that Bill through the second reading and got it well advanced in the Committee stage, when the leader of the House asked for its discharge from the Notice Paper.

The Minister for Education: That was only a Bill of six clauses.

Hon. J. DUFFELL: It was a Bill referring to the early closing of shops. That Early Closing Bill was a foretaste of what we now have under consideration. That Bill came down at a very late stage of the session, after we had suspended our Standing Orders and had decided to sit from Monday if necessary until the following Saturday so that the business on the Notice Paper might be dealt with. At that time I failed to realise the object of the leader of the House in introducing a Bill of so contentious a nature at that period of the session. Now I can see the advantages gained, insofar as that Bill prepared us and gave us an opportunity for considering some of the vital clauses contained in the Bill now before us. I regret exceedingly that the select committee was not composed of members of both Houses. It is true an effort was made in the Assembly to have the committee appointed from both Houses, but the proposal was ruled out of order by the Speaker, and so members of this House have had no opportunity for sharing in the work of the select committee. The select committee consisted of Messrs. Scaddan, Willcock, O'Loughlin, Brown and Thomson, and visited four centres, namely Katanning, Albany, Geraldton, and Perth. They examined 67 witnesses at Perth, 17 at Katanning, 14 at Albany, and eight at Geraldton. Kalgoorlie and Boulder, two of the most important

towns, were not visited, neither was Northam. Obviously, evidence should have been taken at each of those places. On reading the report of the select committee, one is filled with amazement at the methods adopted in obtaining evidence. Instead of getting the witness to make a statement, the first thing done was to ask leading questions and, of course, take down the answers. I will support the second reading, for I realise there is in the Bill much of importance; but I contend there are also in the Bill many clauses of a pernicious nature which will work a good deal of inconvenience and mischief. We have only to take the definition of "factory," namely "A factory shall be deemed a factory if two persons are employed." If that definition had been inserted for the purpose of finding work for pickets when a strike is in progress, I could quite understand it. Only two persons employed, and the factory is brought within the purview of the Trades Hall!

Hon. A. H. Panton: It is within the purview of the Trades Hall now.

Hon. J. Cornell: And very desirable, too, in the case of an ice cream factory.

Hon. J. DUFFELL: One of the chief benefits conferred by the Bill is that which provides for the abolition of the late shopping night. I am heartily in accord with that provision. I speak from experience, because in my younger days I was behind a counter, and so I know what it is to have to keep open till 11 o'clock on Saturday night. In those days the chief offenders, those who principally detained the shop assistants, were those whose own labour had ceased at 12 o'clock noon on the Saturday, and who left their shopping until a few minutes before closing time. If it were only because of that clause, I would do all I could to assist the Bill through. At the same time, to adopt the words used by the Minister in moving the second reading, I contend that the Bill contains clauses of a pernicious nature, some of them banning British subjects who really are deserving of consideration.

Hon. J. Cornell: The hon. member need not worry about them.

Hon. J. DUFFELL: I am not going to take much notice of what the hon. member says. I have here a letter which carries more weight than anything he can say. This letter is signed by Mirza Dean, and reads as follows:—

Hon. A. H. Panton: Oh do not read it. We all have copies of it.

Hon. J. DUFFELL: Then I hope hon. members have read it. However, the writer says—

I and all of my employees, never at any time exceeding six in number, are British subjects by birth, having been born in the Punjab, India, and all of my forefathers have been British subjects since the British occupation of India. I have resided in this State for the past 27 years, and for 25 years have been engaged in the business of night watching, or caretaking

of business premises, during which time, I am proud to say, I have earned the confidence of the business community of Perth.

The Bill proposes to abolish this man, a British subject who has been doing his duty faithfully, but not filling a place which could be occupied by any of the unfortunates referred to by Mr. Dodd. This particular man goes about the highways and byways of the city all night. Is that a suitable job for a crippled soldier, or a man suffering from miner's complaint?

Hon. T. Moore: Yes, certainly.

Hon. J. DUFFELL: I do not think so, and I would do all I could to find something more suitable for such men than prowling the streets all night trying the doors of warehouses. From the remarks made by Mr. Panton yesterday I am inclined to think he has not read the Bill at all.

Hon. A. H. Panton: I have had no occasion to.

Hon. J. DUFFELL: The hon. member said the Bill referred principally to women and young lads, that they are the persons principally affected by the Bill.

Hon. A. H. Panton: Eighty per cent. of them will be.

Hon. J. DUFFELL: I say the Bill affects every section of the community. The hon. member could not have read the Bill.

Hon. A. H. Panton: You are proving that you know nothing about the position.

Hon. J. DUFFELL: I have read the Bill thoroughly, and so have many others, as is shown by the petitions we have had. To revert to the report of the select committee: The answer to Question 361 is astonishing. Roderick Owen Hoff, a shop assistant, is referring to the privilege granted to women and girls of being allowed a seat behind the counter when not busy. Hoff said "Seats are provided for the girls behind the counters, but if they are caught using them, out they go. It is a farce to have the seats there." If that is a correct statement, it is time the Bill came into operation; but I have yet to learn that the statement is true. I have been through the shops and seen for myself that the employees are permitted to have seats. When I read evidence of that nature, I have to discount the rest of the evidence tendered to the select committee.

Hon. A. H. Panton: You do not believe it?

Hon. J. DUFFELL: I believe some of it, but certainly not that statement made by Hoff.

The Minister for Education: He qualifies his evidence later.

Hon. J. DUFFELL: I predict that in Committee there will be a sharp discussion on the clauses referring to the small shops. We have only to remember the petitions lying on the Table, the one signed by the president and secretary of the small shopkeepers' association.

This small shopkeepers' association is said to consist of 1,400 members. That may or may not be true, but the fact remains that these people are going to be seriously inconvenienced. It is not the two hours on Friday night only, reference to which was made by the leader of the House in his lucid explanation of the Bill, but it is the number of small shopkeepers who will be forced to close up altogether. This fact has resulted in the submission of the petition which I presented to-day, containing no fewer than 8,647 names which were obtained from Midland Junction to away towards Fremantle.

The Minister for Education: What do you mean by closed up altogether?

Hon. J. DUFFELL: They would not be allowed to trade because they do not come under the definition.

Hon. A. H. Panton: You have not read the Bill.

Hon. J. DUFFELL: Yes, I have, but I am entitled to my interpretation of it just as the hon. member is entitled to his, and I have come to the conclusion that a large number of these people who are trading at the present time will not, under Clause 112, be permitted to continue. If all those engaged in small shops at the present time are allowed to continue, and there is only the difference of the two hours on the Friday night, there will not be much cause for alarm. I wish I could put that interpretation on the position, but at the present stage I cannot do so, and when the Bill is in Committee I shall want to be fully satisfied in regard to the position.

Hon. J. Cornell: Your grievance is more imaginary than real.

Hon. J. DUFFELL: I would not have spoken but for the explanation I wished to make in regard to the personnel of the select committee, and the Council not being represented. If this Chamber had been represented, more light might perhaps have been thrown on the position than was done by the leader of the House in his magnificent endeavour the other night to explain the Bill in detail. I intend to support the second reading of the Bill and I will see that the amendments which I propose to submit are placed upon the Notice Paper.

Hon. J. J. HOLMES (North) [5.50]: The leader of the House when introducing the Bill referred to it as the Bill of the session. We have been sitting for four months; we have wasted time with abstract motions and have passed two Bills. Two of them which originated in this Chamber were found to contain financial clauses and consequently they did not succeed in passing another place. There are still many important Bills to be dealt with this session, and I trust that the measure we are discussing now will receive our continuous attention and will be dealt with without further delay. I came back to the House last night purposely to speak on the second

reading of this Factories and Shops Bill, only to find that the House had adjourned. The Bill before us deals with the trade and commerce of the country; it commences with the raw material and goes on to the factory. Then it reaches the merchant, then the storekeeper and the small storekeepers as well, and from these business people it goes to the public. Everything in the Bill appears to me to be designed to complicate matters. Hon. members may think that the object is to reduce the cost of living, but anyone who has given consideration to the matter must be convinced that the more we harass people, the more restrictions we impose, the higher must the prices be. The net result must be increased cost to the public. Some of our members are inclined to think that we must have profitable employment, and that so long as we have it, everything is all right. I suggest, however, that unless we have profitable production, we cannot have profitable employment. I cannot see, if all the restrictions suggested in the Bill are to be imposed, how we are going to have that profitable production. Hon. members must not think that I am approaching the Bill from a hostile standpoint. I am not doing that. But I may say that I have had more experience with shops and shop assistants than any member in the House. At the age of 17 I took up the position of shop assistant, and in those days the working hours were from 7 o'clock in the morning to 9 o'clock on week nights and 10 o'clock on Saturday nights, and when we had finished work they loaded us up with parcels to deliver. We received then the handsome salary of £1 a week, and out of that we had to pay board and lodging and try to live honestly. I was the first secretary of an early closing movement 35 years ago, and for my trouble I had to stand my trial at Fremantle. The Early Closing Association referred to took drastic action and closed some of the big shops. At any rate, I was charged and the verdict of the court was "The evidence for the defence is too strong; the case is dismissed." It was as much as to say "You did it, but it cannot be proved." The difference between 35 years ago and to-day is that at that time the employer and the employee worked together. To-day the employee considers himself only. If we had a Bill that would give the employer any kind of look in at all, I would not mind, but the employers are lost sight of altogether in the Bill; it is only the employees who are considered. The employees are to receive all the benefits. Mr. Panton has told us that while the shops close at 9 o'clock on Friday night, everybody leaves the shopping to be done until the last moment. He added that if we close the shops at 6 o'clock on Fridays, we will have an improved condition, that the people will shop earlier. I am inclined to think that they will still continue to leave the shopping until the last minute no matter how we

legislate. The Bill deals with the closing time of shops, and I think that 6 o'clock is late enough on week nights, and that 1 o'clock should be the closing hour on Saturday or Wednesday. It is not conducive to the health of shop assistants to remain behind the counter for even one night in the week, and that is why I agree that the shops should close at 6 o'clock on week nights, and at 1 o'clock on Saturday or Wednesday, but whilst we fix the hours of closing, we should leave the opening hour to be fixed by those engaged in the trade. The Bill provides that shops shall open at 8 o'clock in the morning. I ask hon. members to consider the effect on businesses which deal with perishable goods, and particularly in weather such as we have been having during the past few days. Take butchering of which I have some knowledge. If a butcher is to open his premises at 8 o'clock in the morning, what sort of condition will the meat be in when it reaches the consumer? The customer will gather evidence from the atmosphere that the meat has arrived.

The Minister for Education: The existing Act is exactly the same. Clause 100 of the Bill is the same as the section in the existing Act.

Hon. J. J. HOLMES: The opening time is fixed by proclamation. The House should fix the time. It is proposed to leave everything to the Minister to do by proclamation, and the Arbitration Court, and to the Chief Inspector of Factories.

Hon. H. Stewart: And to a majority of the shopkeepers.

Hon. J. J. HOLMES: I am beginning to wonder why we are sitting here at all. We should do something for the increased salary which some of the members are receiving. The Bill provides that the Arbitration Court, the Minister and the Chief Inspector shall do everything.

Hon. A. H. Panton: All good people.

Hon. J. J. HOLMES: We are making a boomerang which may come back. We may get good men in all these positions who may take up the side of the merchants or vice versa. In such a case I would like to hear what Mr. Panton would have to say. Surely a Minister by proclamation should not have the power to fix the hours at which shops handling perishable goods should open. Open markets are now being held and meat, fruit, and vegetables are being sold on the roadside in the early morning without restriction. But those people engaged in business in shops will not be permitted to open their shops before 8 o'clock except by permission of the Minister. If we fix the hours of labour and the closing time of shops we shall go far enough. We should allow those dealing in perishable goods to start business as early as they like in the morning. I believe the hours of the butchers' shops have been fixed by the Arbitration Court at 5 o'clock on Saturday morning and 6 o'clock on week days. If the hours were any later, it would be impossible to carry on business.

The Bill fixes the opening hour of all shops at 8 o'clock, and it is left to the Minister to decide whether they shall or shall not open earlier. This decision should not be allowed to pass out of the hands of Parliament. I am told that a section of the Trades Hall has suggested that shopkeepers handling perishable goods should not be permitted to open before 8 o'clock in the morning, and that the select committee turned that down. That is something in favour of the select committee, but although they turned down that request, the Bill still provides that shops shall not open earlier than 8 o'clock. It is for the House to say whether that power shall remain in the hands of the Minister. It seems to be the object of the Bill, and indeed the object of some of our friends' opposite, to force all labour into one big centre.

Hon. A. H. Panton: To bring down the cost of living.

Hon. J. J. HOLMES: That does not come into the question at all. My friends who represent the Trades Hall are not concerned about the cost of living. That is a stalking horse for them at the present time; they are using that to raise wages, knowing that the cost of living must come down, and hoping that when wages have been raised, they will not be reduced. I do not think the trade of the country can be carried on successfully in that way. The object of harassing the small shopkeeper is to force the employees into one big centre under one big roof. Having accomplished that, trades hall can then at any time dictate to the employer—never mind an Act of Parliament or an award of the Arbitration Court—to Boon Bros., to Foy & Gibson and others, and say that unless they do a certain thing on a certain date they will either declare their shops black or call out the employees. That sort of thing cannot be allowed. Small shopkeepers all over the place are carrying on a fair proportion of business in a small way; to attempt to stop them is one of the pernicious clauses of the Bill.

Hon. A. H. Panton: The position is just the opposite to that put forward by you.

Hon. Sir E. H. Wittenoom: I ask you, Sir, not to allow hon. members to interrupt such an interesting speech.

The PRESIDENT: Order!

Hon. J. J. HOLMES: The Minister will no doubt tell us that small shopkeepers are registered. Quite so. They can carry on until 8 o'clock in the evening when they are registered. This Bill provides that all those people who are registered now, have paid their money, bought their business, and gone into trade, will be wiped out unless they are cripples, elderly persons, or represent cases of necessity. Is that a fair thing? Is it right that all these small shopkeepers who have put their all into business in the suburbs are to be wiped out at one blow?

Hon. J. E. Dodd: If I thought that was so I would not support it.

Hon. J. J. HOLMES: I think I am right in this assumption. Unless this House makes some special provision in regard to small shops the only exception is that which I have stated, namely, in relation to invalid persons, old persons, and persons in straightened circumstances. If I am wrong, I hope the Minister will correct me.

The Minister for Education: We do not wipe out any of them.

Hon. J. J. HOLMES: No, but registration can be refused to them.

The Minister for Education: We may take away the privilege of keeping open late, but we do not wipe out the shop.

Hon. J. J. HOLMES: We wipe out the conditions under which they are conducting their businesses at present, and under which their businesses were purchased. These small shops have been started in the suburbs, and they will not be worth sixpence if they are not allowed to trade between 6 and 8 in the evening. We are taking that privilege away from them, and what are we giving them in return? We are giving these shops to cripples, aged persons, and persons in need of assistance. If the Bill provided that those who are registered at present should continue to be registered I should not have so much objection to it. If this were permitted in the course of years the right class of people would drift into these shops. At present these shops are a convenience to the public, and in the course of time find employment for those whom it is desirable should be employed. The Bill does not provide that any existing small shopkeeper should continue to carry on his business. A provision to this effect should be introduced into the measure. These persons have paid their money to acquire these shops on the understanding that they could make a little profit between 6 o'clock and 8 o'clock in the evening. It would certainly be an equitable proposal that those persons now occupying these shops should be allowed to hold them, for in the course of time those people who are required to hold them under the Bill will gradually drift into them. The present proposal is out of the question. Further, the Bill provides that two persons shall form a factory. What is the object of causing, say, two women engaged in running a sewing machine with a dynamo in or around Perth to be registered as a factory? The object is to find out where they are, to be able to put a hand upon them when a stop-work meeting is held, and to get them all under the control of the trades hall. That is the view I take of this part of the Bill, after my experience of 35 years. The scheme undoubtedly is to know where these people are and what they are doing, so that they may be called upon to stop work at the psychological moment. If this House is going to countenance anything of this kind I will not be a party to it. The law as it stands to-day provides that five persons shall constitute a factory. That is bad enough in its way, and I do not want to go back on anything that

has been done. I am quite agreeable to retain that number, but to bring it down to two innocent workers who are engaged in the way I have described and say that they must register as a factory is unreasonable, and I cannot be a party to such legislation. Again, one Chinaman or Asiatic is to constitute a factory.

The Minister for Education: That is the case at present.

Hon. J. J. HOLMES: I did not know that.

The Minister for Education: It has been the case since 1904.

Hon. J. J. HOLMES: I was not a party to that piece of legislation. Does a Chinaman who is making bread on a station constitute a factory?

The Minister for Education: No.

Hon. J. J. HOLMES: That is something we have ascertained. Is a Chinaman who cooks in one of the clubs in Perth, making provisions to sell to members when they come in at lunch time, a factory, or is the club a factory?

The Minister for Education: No.

Hon. J. J. HOLMES: Now we have got some more information. There is another objectionable clause, in which it is proposed to wipe out six Asiatics who are engaged as night watchmen. If anyone wanted to criticise the select committee of another place which dealt with this Bill there is surely evidence enough on this matter to justify such criticism. To think that five members of Parliament engaged on a select committee, should go out after six British subjects and endeavour to prohibit them from carrying on their employment is to me extraordinary. I have no time for the coloured race, but they are here, and as British subjects they must be treated as such. If the six men are pushed out of their employment they will take on some other employment, and will come into competition with trades hall in another direction.

Hon. A. H. Panton: Why pick out the trades hall?

Hon. J. J. HOLMES: The hon. member makes no secret of the fact that he represents that section of the community. This Bill may not affect my province in the least, but the fact remains that in the out-back places I do represent the shops keep open all hours of the day or night to suit the convenience of the travelling public, and will, no matter how we legislate, continue to do so. As one of the 30 members of this Chamber, which has the last say in all legislation, I shall express my views in spite of trades hall or anyone else. I deem it my duty to point out what I think to be the vital clauses of the Bill. Will the leader of the House tell us exactly how it is proposed to deal with the small shopkeeper. I think the course I have outlined is the one it is intended to take. I ask hon. members how these small shopkeepers will exist if they are compelled to close at

6 o'clock at night? The select committee might have called evidence on this very point. These small shops are a decided advantage to the public in the immediate vicinity. They are doing no harm to the big storekeeper and invariably buy their goods from the big storekeeper, who does not object to their being open at night. They do not employ any labour and merely keep a shop for general convenience and to make a little for themselves if they can.

Hon. A. H. Panton: Trades hall does not worry about them.

Hon. J. J. HOLMES: This Bill gives too much power to the Minister and too much to the Arbitration Court. It sets up the Arbitration Court as being above the highest tribunal in the land, namely Parliament. The court will supersede Parliament under this Bill, a very objectionable practice. If we are going to constitute a court with a judge and two assessors to supersede Parliament, then what will be the good of Parliament? Why not hand over the management of the whole State to men qualified from experience to handle it properly?

Hon. A. H. Panton: Hear, hear!

Hon. J. J. HOLMES: If we did that it would perhaps be a step in the right direction, but we should need to have men who understood the business of the country and had the ability to administer it from one end to the other. Whilst we have Parliament as the highest tribunal in the land, why should we set up a court to supersede an Act of Parliament? Why give power to the Minister to allow shops to open when he likes, merely because Parliament will not face the position itself and fix things as they should be fixed. Why should we create a Pooh Bah in the Chief Inspector of Factories? He is going to chase the trade of the country from the time it enters the factory and leaves it either at the front or the back door for the small shop in the suburbs. Even in a case of death the Chief Inspector has to certify as to the cause of death before the coroner deals with the matter.

Hon. A. H. Panton: Undertakers are exempt under Schedule 4.

Hon. J. J. HOLMES: I may not be permitted to refer to any particular clause in the Bill.

The PRESIDENT: The hon. member may refer to a clause, but must not discuss it in detail.

Hon. J. J. HOLMES: I think it will be found that the Inspector of Factories may take some proceedings which precede an inquiry by the coroner into the cause of death in a factory. This means building up another big department. If we do not pass much legislation and do not perform much work ourselves, we certainly do create new departments—I think we have created three new departments last session. This is a department which has existed in a small way up to now. When this Bill is passed we shall have an enormous depart-

ment and an enormous number of inspectors, chasing the trade of the country from one end of it to the other. The Bill deals with the whole State and not any one part of it. In Committee I will oppose any unreasonable interference with the trade of the State, and do my part to make this a Bill which will be equitable alike to the employer, the employee, and the public, instead of being entirely favourable to the employee.

Hon. A. H. Panton: I am with you there.

Hon. J. EWING: I move—

That the debate be adjourned.

Motion put and negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. EWING (South-West) [7.30]: I regret that I am preventing the Committee stage of this Bill being proceeded with straight away, but my colleague Mr. Clarke wished to address the House in order to deal with the effect the Bill will have so far as the South-West is concerned. I think it my duty, seeing that the House was not disposed to grant an adjournment of the debate, to explain the position. I recognise that there are a great many clauses in the Bill which will be beneficial so far as the public and the employees are concerned. The object the Government have in view, as well as those opposed to them politically is that they desire that those working in industries shall operate under laws and conditions which will be favourable to them. That has been my aim in public life. If any other Government had brought in this Bill, it could not have been more satisfactory from the labour standpoint, and, in fact, it fills the bill from the labour point of view, exceedingly well. I take exception to very few portions of the Bill, but I desire to draw attention to some aspects as they affect the people in the country districts. Mr. Holmes made an excellent speech regarding some of the questions at issue, and although I do not support him in everything he said, generally speaking I am in accord with the views he expressed. There was a great deal of common sense in his remarks. He pointed out the great danger that existed in not considering both sides of any question. Those who support legislation of such a drastic character, as is exemplified by the Bill under discussion, although the object they have in view is most laudable, are entitled to consider all aspects. I hope members who are endeavouring to ameliorate the conditions of employment in different industries will not lose sight of that fact. Mr. Holmes has had a great deal more experience than I have had in these matters, and he has pointed out the dangers entailed in a disregard of the interests of both sides. Those members who are supporting this type of legislation will remember that there is another side to the question. Those who are endeavouring to build up industries in Western Australia and

bring in more capital must not be harassed to too great an extent. The position of the small shopkeepers under the Bill appeals to me. Since the tea adjournment I embraced the opportunity of ascertaining what a small shopkeeper really means. I find that petitions have been signed, not by 8,000 small shopkeepers, but by 8,000 people in support of the small shopkeepers, and these people have expressed a wish that the present conditions shall continue. I note that the small shopkeeper is to be registered only by the Minister.

The Minister for Education: That is the existing law now.

Hon. J. EWING: Only aged people and those suffering from incapacity can be registered as small shopkeepers, while registration is also granted in cases of hardship. The Minister is absolute in his discretion regarding such cases.

The Minister for Education: That is the law as it is to-day, and has been the law for the past 18 years.

Hon. J. EWING: At any rate the registration of the small shopkeeper is absolutely within the discretion of the Minister. A small shopkeeper cannot be registered unless his assistant is a member of his family; that is, the shop is a family concern.

The Minister for Education: That has been the law for the past 18 years.

Hon. J. EWING: What is going to happen to the person who has no relative at all? Supposing there is some unfortunate person who is endeavouring to run a small shop who has no relative at all. Has he to go out of existence?

The Minister for Education: He has not been eligible for registration as a small shopkeeper under the existing law.

Hon. J. EWING: If that is so, then the necessity for an alteration in the law seems to have existed in the past.

The Minister for Education: This petition is in favour of matters remaining as they are.

Hon. J. EWING: It strikes me as peculiar that a man who has no relatives cannot employ an assistant and be registered as a small shopkeeper.

The Minister for Education: He cannot do that now.

Hon. J. EWING: Then the law is wrong now. So far as I can see the only people who can be registered as small shopkeepers are those who suffer from the disabilities I have already mentioned, and under Clause 6 of the Bill they have to close at six o'clock for five days in the week and at 1 o'clock on the sixth day. That is, they lose two hours trading. Consider the whole position from the country point of view. Those who represent country districts in this Chamber, know that there are many small shopkeepers making a living practically after they leave their ordinary work. In Bunbury and other large centres in the South-West that is the position, and these people, having bought small businesses, have built them up. By

passing this measure, these businesses will be taken away from them. My sympathy goes out to the small shopkeepers, and when in Committee I hope something will be done to assist those people. Some misunderstanding seems to exist regarding the passage of the Bill and what the position of the small shopkeepers will be under it. Under Clause 100, I think it is, it is provided that where a proclamation has been made, pending the passing of this measure Saturday will become a holiday, but otherwise in every district and town, in which the proclamation has not been made, shops will have to close at one o'clock on Saturday. I do not think that Mr. Stewart was quite clear about that point. If the proclamation has not been issued for closing shops on Wednesday, the moment the Bill passes, the effect will be to close shops on Saturday afternoon. I admit there is a clause by which they can apply to have a proclamation in favour of the Saturday shopping hours. I am not quite in favour of that for I think it is better to have a plebiscite of the people. In Bunbury to-day the shops close for the half-holiday on Wednesday, and their real day of trading is on Saturday. All the farmers of the district come in and do their shopping on that day. There is a late night and shopping continues till nine or ten o'clock. The shopkeepers look forward to business on that day and so do the people in the surrounding country districts.

The Minister for Education: Do they keep open to 10 o'clock on Saturday night?

Hon. J. EWING: I am informed that they close at nine o'clock, not 10 o'clock as I mentioned.

The Minister for Education: It is time something was done there.

Hon. J. EWING: I do not think so. These conditions suit the people of Bunbury and there is no outcry against them. I want to bring under the notice of members a letter which has been addressed to my colleague, Mr. Clarke, and one I understand has been addressed to me, but I have not received it yet. The letter points out the position arising under the clause respecting Saturday and Wednesday closing. If the Bill becomes law and Bunbury has not been proclaimed under the existing legislation, the present shopping conditions will be terminated at once and the whole business there will be upset. I hope the Minister will look into this point and see whether Bunbury has been proclaimed.

The Minister for Education: I do not think Bunbury is under the Early Closing Act at all.

Hon. J. EWING: I do not know whether that is so or not, but if the Bill is passed, it will apply to the whole State. I want the Minister to give the people of Bunbury and Collie, as well as other big centres in the country districts, an opportunity of seeing where they stand under the legislation. The people in those districts recognise from what they have seen of the Bill that if it

passes as it stands at present, their businesses will be dislocated by reason of the fact that their districts have not been proclaimed. They recognise that they will have power under the Bill to ask for their Wednesday afternoon half holiday, and if they get it, that will be all right. They should not be deprived of their late trading night. I know that the Minister is opposed to that and that he is in favour of the abolition of the late closing night. So far as the metropolitan area is concerned, as well as the suburban area too, I am also satisfied with that position, but we must not lay down the same conditions for the country districts as we have laid down for the towns. The position is entirely different. People come into the towns for the half holiday and the employees in the shops do not object, because they have extra time off. They can only work a certain number of hours in the week and if those conditions are properly carried out, there is no dissatisfaction. The people in the country districts desire to have the late night for shopping purposes, not for the convenience of the shopkeepers, but for the convenience of the people in those distant centres. Mr. Stewart advocated much the same thing. I do not know that he advocated the late shopping night but he had a good deal to say about the conditions obtaining at Narrogin. This legislation is designed for the city of Perth alone and is not applicable to the conditions prevailing in the country. I wish to make as strong an appeal as I can to members that when the Bill is in Committee they will agree to an amendment seeking to give to the people in the country districts those conditions to which they are rightly entitled. This letter to which I have referred asks that as the people are to have the choice regarding the Wednesday or Saturday half holiday, so the people should have the choice with regard to the late shopping night. This is a very important letter. It is signed by almost every shopkeeper in the city of Bunbury. It bears 84 signatures and I can say that the people who signed it are absolutely in earnest in the desires which they have expressed.

Hon. T. Moore: All shopkeepers?

Hon. J. EWING: Yes.

Hon. T. Moore: What, 84 shopkeepers in Bunbury?

Hon. J. EWING: Yes, every one of them. No doubt the hon. member is surprised.

Hon. T. Moore: I am surprised.

Hon. J. EWING: Members do not know what a wonderful city Bunbury is.

Hon. A. H. Pantou: Is Hayward's name there? He is the biggest shopkeeper.

Hon. J. EWING: There are 84 names.

The Minister for Education: Bunbury is not a city.

Hon. J. EWING: Yes, it is, and has been for many years.

The Minister for Education: Then why not treat it as a city?

Hon. J. EWING: Bunbury is the capital of the South-West and Perth will very soon have to look to its laurels. I do not see the name of Hayward & Sons but they would probably agree to whatever was considered just and right. I hope that members will give serious consideration to any amendment framed with the intention of giving effect to the wishes of these people, and that they will get out of their minds the idea of applying the conditions applicable to the city of Perth to places like Bunbury and Collie. I instance these two places because they are the largest towns in the South-West as regards population and industrial life, and I hope the Committee will give due consideration to the wishes of these people. It seems to me that the powers sought to be given to the inspectors are simply unlimited. I have heard it said, and I believe it is correct, that the present inspector is an excellent man; I am not acquainted with him, but he will need to be a superman to administer this measure properly. Every phase of industrial life will come under his supervision. Every nail driven into a piece of wood, every activity from its initiatory stage to the finished article will be watched by the inspector. That is simply because we provide that two people shall constitute a factory. Under the existing Act I think the number is six. This number is quite low enough. When the Bill is in Committee members will probably see the advisability of retaining six instead of making the number two. The Bill goes altogether too far. My sympathies have always been with the workers. It has been sympathy expressed and sympathy of a tangible kind, and the criticism I am making is genuine, and free from any party bias or feeling. If we interfere, to the extent that this measure seeks to do, with enterprise and with those people who are endeavouring to build up industry we shall be doing an injury to the State. If we stipulate that six employees shall constitute a factory, that is reasonable, but when the number suggested is two, the proposal becomes ridiculous. I shall support the second reading and I express the sincere hope that the requests of the people of the South-West will receive due consideration, and that the measure will meet all the requirements and do all the good which hon. members think it will.

Hon. A. LOVEKIN (Metropolitan) [7.50]: If I thought I could get sufficient support, I would move—"That this Bill be read this day six months," but I am afraid that members value parts of the Bill and therefore will vote for the second reading, whatever they may do in Committee. I take this attitude not because I am opposed to the abolition of the late shopping night, though if we can possibly ameliorate the conditions of the young girls working in the large shops, we ought to do so. but I am opposed to this Bill mainly because it

will create another huge department, involving huge expense, at a time when this State ought to be practising economy and endeavouring to get rid of its deficit.

Hon. J. CORNELL: That is no argument. The department is in existence now.

Hon. A. LOVEKIN: Quite so, but it is on a small scale compared with the magnitude of the department which must be provided if this Bill becomes law. This measure will require an almost unlimited number of inspectors if effect is to be given to its provisions.

Hon. A. H. PANTON: This Bill will facilitate their work.

Hon. A. LOVEKIN: I see no reason why, when we have a Machinery Department, we should take away portion of its work and provide an inspector under this measure to carry out that work. I see no reason why, when we have a Health Department, we should also duplicate the work by giving part of it to the inspector under this measure. We have the local authorities subject to the inspector, part of the Machinery Department subject to the inspector, part of the Health Department subject to the inspector, building surveyors' work subject to the inspector, part of the fire brigades' work subject to the inspector, and we are also bringing into operation the compulsory provisions relating to the Education Department. We shall have to establish a huge department of inspectors to administer this measure, and we cannot be satisfied with the ordinary inspector because this measure will require highly qualified men. I would like to direct attention to some of the duties that an inspector under this measure will have to perform. He must be an inspector of health under Clause 13. He becomes a machinery inspector under Clauses 19, 68, 72 and 90, a bit of an architect under Clauses 19 and 81 and a doctor under Clauses 56, 62, 84 and 132. He will have to give an opinion on the health of the people, which is as much as we can get from a qualified man like Dr. Saw.

Hon. J. J. HOLMES: And he comes between the coroner and his duties.

Hon. A. LOVEKIN: Under Clauses 62 and 82 he must be a building surveyor and under Clause 69 he will become a lady's maid. Every woman who works in a factory where there is any mechanical power must be dressed as prescribed and have her hair securely fastened on the top. He is going to declare the fashion for the ladies. Such women must have the back of their heads protected by a cap or net of a kind approved by the inspector. The owner of the factory will have to keep a supply of these nets on tap for his employees, and maybe some of the ladies will have red hair and the only kind of nets that the employer has may be green, and so there will be trouble in the factory. The inspector has to take on the duties of a doctor and say what is an effective mask. Under

Clause 81 he has firemen's work to attend to, and under Clause 85 he will act as coroner. Under paragraph (c) he has to prejudge a case and state the cause of death. After he has stated the cause of death, the coroner is to inquire into it. Under Clause 87 he has to be an expert in molten metals. I have had some experience of an inspector under the Factories Act in connection with molten metals. In a newspaper office there are stereotype lead pots which hold about four tons of molten metal. One inspector came along and suggested that as a precaution against fire we should have a tap over the molten metal.

Hon. A. H. Panton: Did he suggest kerosene?

Hon. A. LOVEKIN: No, a water tap. The inspector insisted upon the tap being provided and served an order on me, and I had to go to the Minister and get from him a permit prohibiting the enforcement of the order. It would have been disastrous if the tap had been provided and someone had turned the water on to the molten metal. When inspectors have such duties to perform they must be highly qualified. Under Clause 89 the inspector has to be skilled in first aid. The employer has to provide a suitable locker in which there must be lint, bandages, antiseptic dressings and so on for use in case of accidents. I notice that nothing more than lint and bandages is suggested.

Hon. J. J. Holmes: And anything else he deems necessary.

Hon. A. LOVEKIN: He might require a bottle of brandy to be kept. However, I do not want to joke about the measure.

Hon. T. Moore: You are doing so.

Hon. A. LOVEKIN: I wish to show that the inspectors must be highly qualified, as they have such a number of diverse duties to perform. With regard to factories not up to the inspector's ideal, an appeal may be made to justices, who probably would know as much about factories as the inspector. The next thing an inspector has to do is to become conversant with all the awards in force.

Hon. A. H. Panton: Factories inspectors are inspectors under the Arbitration Act now.

Hon. A. LOVEKIN: This Bill declares that they shall be familiar with all the awards and see that they are carried out. If an inspector is going to see that all the awards are carried out, and undertake all the duties of doctor, architect, and everything else I have mentioned, we shall want a large number of highly trained and highly paid gentlemen; otherwise it will be impossible to get men sufficiently qualified to do the work. In the present state of our finances we cannot afford to employ a large army of inspectors, especially where by doing so we should be merely duplicating the work of other departments—here, in particular, the Health Department and the Inspection of Machinery Department. Apart from that, I do not think the Bill has been completely thought

out. For instance, one clause specifies one set of holidays, and another clause another set. There is a penalty imposed on an inspector for disclosing any information he may gain during his work. Then there is a clause providing that the inspector may employ an interpreter. Now, that interpreter can apparently say what he likes, disclose anything he pleases, because there is no provision whatever made with regard to the interpreter in such a case. Clause 94 refers to stamps on articles of Asiatic-made furniture, and provides that the stamp must be placed where it can be seen on the article. Then the succeeding clause enacts that if the stamp cannot be seen it must be pointed out to the inspector. The Bill evidently has not had that attention which it ought to have had. Take Clause 120, which provides that employees in public houses, hotels, restaurants, tea shops, and so forth may be allowed their weekly half holiday on one day from half past 2 o'clock in the afternoon. That being so, who is going to attend to the next meal if all the employees are to have their half holiday on the one day? In connection with hotels and restaurants there surely should be some provision for continuity of employment. Businesses of that nature cannot stop for even one afternoon in the week. The measure as it stands will impose heavy expense on the shopkeepers. Various clauses require notices to be printed and to be posted up and to be served. The accumulation of these notices will involve considerable expense, and thus increase the cost of living. A little bit added here, and a little bit there, and then we have general complaint as to the rise in the cost of living. Many of the notices provided for are altogether unnecessary. In the case of a factory employing a man for a couple of hours to remove some packages, for instance, notice must be given within 24 hours to the inspector. What is the use of imposing such an expense for the sake of a casual hand working a couple of hours? As regards factories, the framers of the Bill have been good enough to provide that the employers must furnish one seat for every three female assistants. That represents progress. But in the case of a restaurant or a tea room it is not sufficient to provide one seat between three employees: a lounge and a couch and a mirror must be provided "to the satisfaction of the inspector." Why should the girl serving in a tea room be treated differently from one working in a factory?

Hon. A. H. Panton: What is wrong with having a lounge?

The PRESIDENT: Hon. members must not converse.

Hon. A. LOVEKIN: The girl in the factory is entitled to the same consideration as the girl in the tearoom. Indeed, I should say the former is the harder worked of the two. Generally, the Bill is not warranted. It will create an expensive department. Highly skilled men will be needed to carry

out its provisions. It is ill-considered, containing as it does many clauses conflicting with one another; and it is not required, because in many respects other departments are already carrying out the work here proposed. There is no need to create another department for that work.

The Minister for Education: Neither is there any intention to create another department.

Hon. A. LOVEKIN: But the Bill proposes that. The Bill takes away matters from the Health Department and the Inspection of Machinery Department, and assigns them to the department to be created under this measure. As regards small shops, I see no reason why any person should not at any time be allowed to use the whole of the hours God has given him on this earth, so long as the person does not encroach on the liberty of other people. A small shopkeeper so long as he employs no labour should in my view be able to keep open to any hour he pleases. It is all very well to say that that is unfair competition; but unfair competition with whom? Only with the large houses, and those of us who know the heads of those large houses are aware that they are big men, generous men, who have no care whatever for the competition which would be created if there were scores upon scores of small shops the owners of which employed no labour but merely tried to get a living or improve their position. I hope that in Committee the clause relating to small shops will be improved. As regards the other clauses to which I have drawn attention, if no other member suggests any amendments, I shall place some on the Notice Paper.

Hon. J. Fwing (in explanation): I would like to say that I made an error in stating, during my second reading speech, that I had a letter signed by 84 shopkeepers of Banbury. I find the number is 42. I may add that the letter is signed by Mr. Thos. Hayward.

Hon. A. H. Panton: I thought it would be.

Hon. J. NICHOLSON (Metropolitan) [8.12]: I was hopeful of getting an opportunity of making a further perusal of the Bill, so as to get a better understanding of it before I spoke on the second reading. I had anticipated that the leader of the House would have no wish to hasten the progress of the measure at this stage.

The Minister for Education: We are not hurrying, are we?

Hon. J. NICHOLSON: The Bill is of such great importance that in the interests of all the parties concerned, the fullest consideration should be given to it and the fullest opportunity afforded for deliberation before any conclusion is reached. So far as I can gather there are three sets of people who are really the parties concerned in this Bill. On the one hand we have the employer, and on the other the employee, and, somehow sand-

wich in between those two, we have that big section known as the public, without which big section we would find neither employer nor employee. There are various features of the Bill which I recognise to be good. I may give as an instance the provisions, some of which are already to be found in our existing legislation, dealing with sweating. There are also certain very laudable provisions with regard to the work of women and children. With these I am quite in accord, as also I am with those relating to health and sanitation. People working in factories should be provided with some sort of decent surroundings, and with a certain measure of comfort. These, however, are things which most employers are only too ready to concede. Still, there are some employers who will not do so, and it is in relation to the few who will not always reach that high standard which is desirable that legislation is actually necessary. In the majority of cases legislation with regard to health and sanitation in factories is not required. One view which has impressed itself upon me in connection with this Bill is that the measure is directly opposed to the pronounced policy of the Government who have introduced it.

The Minister for Education: In what regard?

Hon. J. NICHOLSON: In this regard, that the Government have throughout proclaimed far and wide their desire to assist production, to increase production. The magic words of their motto are, "Produce, produce, produce." So far as I am able to see, this Bill is diametrically opposed to that policy.

Hon. T. Moore: In what way?

Hon. J. NICHOLSON: In this way, that so soon as restrictions of a grievous and serious nature, such as I shall be able to point to in this Bill, are imposed upon production, then in place of maximum production we get the lowest possible minimum production. There is therefore involved in the Bill a very serious economic problem. And the more one reads the Bill the more is one struck with its restrictive provisions. Take Clause 110, dealing with canvassing. It provides that no shopkeeper or shop assistant shall, within an area of two miles of his shop, canvass for orders or deliver goods to customers for more than one half-hour after the time fixed for the closing of that shop. That, surely is beyond the limit.

Hon. J. Cunningham: What is wrong with it?

Hon. J. NICHOLSON: We have a new country. I am desirous of assisting the production of this country. If we do not advance it we are going to impede our progress and imperil our advancement.

Hon. J. Cornell: Does the hon. member think people purchase more than they require?

Hon. J. NICHOLSON: No, but I cannot see the necessity for a restriction on indus-

trious citizens. Take the small trader, especially one in the country. I do not know how he could comply with the clause, because he has greater distances to travel.

Hon. H. Stewart: He might have to go 10 or 12 miles.

Hon. J. NICHOLSON: Surely we do not want to block in this way an industrious man anxious to establish himself. I do not think the provision will help the progress of the country. If hon. members, anxious to aid those engaged in various industries, were to think out the problem more seriously they would recognise that it is injuring the advancement of the country and giving other countries an advantage over us. We do not weigh that position with sufficient seriousness; yet that position is bound to force itself upon us. I would agitate always for reasonable working hours, but I would not advocate shorter working hours than would be fair and reasonable; because on moral grounds it is not good for citizens to have too much idle time on their hands. I have never had it myself, and other hon. members who have had to work long hours find it difficult to make progress unless they apply themselves with industry throughout the hours set apart for the purpose. I gave the instances of other countries. In competition with other countries, where are we going to stand? We have our late enemy countries seeking to re-establish themselves. In the progress and development of building up, would they pass legislation such as this, to restrict output and limit the hours during which one can keep the factories open?

Hon. F. A. Baglin: You want to make our conditions the same as those of Japan.

Hon. J. NICHOLSON: That is the last thing I would seek. In Japan they are finding it necessary to impose some limitation on the hours of labour. Wise legislation, too. I am in favour of fair working hours, but I am opposed to sweating.

Hon. T. Moore: Are not these hours long enough?

Hon. J. NICHOLSON: I am not saying they are not. I do not believe in restraining a man, in prohibiting a man, if he feels he has the energy to work longer hours.

Hon. T. Moore: No, you would work him to death.

Hon. J. NICHOLSON: Not at all. If I choose to build up some small business, or if the hon. member chose to join me and we set out on the enterprise together, if we had the energy, why should we be restrained from keeping our business open, so long as we were not affecting others? I am quite in accord with limiting the time during which one can keep another employed, but if a man chooses himself to work longer than the hours prescribed in the Bill, why should he be denied the right of exercising his powers for as many hours as he felt he could employ them? Why should his liberty be encroached upon?

Hon. T. Moore: Why have any laws? We should all have liberty then.

Hon. J. NICHOLSON: I am quite in accord with having laws, because we have had experience. We know what it was in past years when children were worked in mines to the detriment, not only of the children themselves, but of the country. I would be one of the sternest advocates for prohibiting anything of that sort. But so long as I individually desire to work for longer hours than are prescribed here, why should I be prevented from working those longer hours? It is killing industry. I have no desire to leave the door open for people either to indulge in sweating or in over-working others. I believe, however, it is good to have a certain limit of hours for working so that those engaged in work may, if they desire, take up some other occupation and enjoy that amount of recreation which they may find agreeable; if they do not choose to devote their time to recreation, they can employ it in some more industrious way. I mention Clause 110 as an instance of gross restriction. Another clause of similar effect is Clause 50, prohibiting work being done by employees elsewhere than in the factory. If a workman choose to take work home with him, why should he not be allowed to do so? If there is anything against it, I should like to hear it.

Hon. A. H. Panton: All right, we will give it to you.

Hon. J. NICHOLSON: We all want the fullest information which will lead to establishing the best conditions for the worker without unduly hampering the industrious man. That clause struck me as being a very restrictive one, because there are men who would be quite prepared to take work home.

Hon. F. A. Baglin: How are you going to stop sweating without that clause?

Hon. J. NICHOLSON: I am totally against sweating.

Hon. F. A. Baglin: A man can sweat at home instead of in the factory.

Hon. J. NICHOLSON: If there is any reason of that nature, that is what I am after, that is the information I require.

The PRESIDENT: The hon. member must not get information by interjection.

Hon. J. NICHOLSON: I am sorry. I raised that point as the clause presented to me an undesirable restriction on production. There is also the effect that is bound to be produced by a measure such as this, namely, its effect on the cost of living. I do not wish to weary hon. members on that point beyond saying it seems to me, through the restriction imposed the cost of living is bound to be increased. Probably the Minister will be able to show us that that result will not come about.

The Minister for Education: Why do you think it will come about?

Hon. J. NICHOLSON: Because of the limitations and restrictions imposed in the Bill. I am in accord with some of the views expressed with regard to the small shopkeepers, and when the Bill is in Committee I shall suggest amendments in certain direc-

tions. I do not want to allude to the question that has already been discussed fully with regard to the power of the Chief Inspector. He certainly will have onerous duties to perform and no one will envy him the work which will fall on his shoulders. If he is to discharge all the duties imposed on him, he will have a very severe task to fulfil. I would call the attention of hon. members to some supplementary provisions contained in Clauses 133 and 134, and in regard to which it may be necessary to move amendments. There is also the clause dealing with breaches of the Act and the evidence which it is necessary to submit to sustain a prosecution. For example, proof of a person being found in any part of the factory—

The PRESIDENT: I think the hon. member had better discuss these details in Committee.

Hon. J. NICHOLSON: Very well. I was merely referring to this clause and pointing out in connection with some of the provisions, that sounds emanating from a factory would be evidence that work was being carried on there. Repairs which are being carried on might cause a noise, but there is no provision which will exempt a man from prosecution in such circumstances. As we all know, in connection with factories, the usual thing is for repairs to be carried on after working hours, and so far as I can see there is no provision made for carrying out repairs after hours unless application is made for an extension of time, in which work may be carried on. If one fails to make that application it may be used in evidence against him that a noise was heard in the factory. I intend to oppose the provision in the Bill regarding the Asiatic watchmen. I do not think the proposal is in accord with the spirit of British justice. There are only a handful of these men, and I am at a loss to know why the provision was inserted in the Bill. Whilst I am not opposing the second reading, I hope that some amendments will be made in Committee which will bring the measure more into accord with the pronounced policy of the Government.

Hon. R. J. LYNN (West) [8.35]: Had it not been that certain circulars have been forwarded to me, I would not to-night have spoken on the second reading of the Bill, but would have been content to confine my remarks to the Committee stage. I listened attentively to the leader of the House when he introduced the Bill and to the excellent manner in which he referred to the various provisions. But while listening to the honourable gentleman, I could almost have wished that he had been sitting in another place in this Chamber, and that we might have had the privilege of hearing from him a candid criticism of the Bill. I am confident that the leader of the House could have made out an infinitely better case against the Bill than he did in favour of it. Time

brings changes with it. I am not making these remarks in any carping spirit, but I would like to have had the opportunity of hearing the leader of the House as a private member, criticise the measure. So far as my junior colleagues are concerned, I am inclined to think that they are sufficiently broad minded to express liberal views on this measure. The circular letter which I have received contains the unanimous request of all the small storekeepers, who, I understand, are connected with the Business Men's Association at Fremantle.

Hon. A. H. PANTON: Have you read the evidence?

Hon. R. J. LYNN: I have read the evidence of a colleague of the hon. member, Mr. Montgomery. I say a colleague of the hon. member because I am reminded that on a recent occasion Mr. Montgomery occupied a seat on the same platform as the hon. member in connection with the election which took place to-day. I speak subject to correction when I refer to Mr. Montgomery as a colleague of the hon. member.

Hon. A. H. PANTON: He is not a colleague of mine.

Hon. R. J. LYNN: I understood he was.

Hon. A. H. PANTON: Your understanding is at fault.

Hon. R. J. LYNN: Mr. Montgomery declared in his evidence that there was no occasion for a change of hours and he stated that he spoke with authority. The hon. member who interjected just now also spoke with authority when he spoke on the same hustings as Mr. Montgomery at Fremantle. I hope the hon. member will not contradict Mr. Montgomery, who declared that he spoke with authority when he said that to close the shops at an early hour would cause great inconvenience.

Hon. A. H. PANTON: He is the biggest tory in Fremantle.

Hon. R. J. LYNN: He may be a tory, but he hangs fairly close to that section of the community at Fremantle which gets so much of its own way. The alteration of the clause is necessary and desirable in many instances. There are many sections of the community who desire the amendment, and there are instances where hardships will be inflicted. The Minister's explanation respecting the definition of "small shopkeeper" would, I think, meet with the approval of the general shopkeeper, subject, of course, to sympathetic administration. In connection with the administration of a new Act we unfortunately have men in the position of inspectors who will harass to a great extent the small shopkeepers, and although the Bill provides for cases of hardship, I would like the Minister to give me the definition of a man who has invested all his capital in a small shop, say, at Mt. Lawley, or Mt. Hawthorn, or any other outlying district, and who, if the Bill becomes law will be compelled to close at six o'clock. This alteration in the closing hour may mean financial

ruin to that small shopkeeper. He probably would be in a position to show that his takings had fallen off, and that the closing at the earlier hour would mean his annihilation. Would that be considered a hardship from the point of view of the Minister administering the department? Would it be said to the small shopkeeper—"You are entering into competition with the bloated capitalist in the city of Perth; you are physically capable of taking on some other class of employment." One of the things I cannot quite understand is why we are trying to bring monopolies into existence and prevent the smaller man engaged in business from earning a livelihood. I should think that it would be better for the community if we built up that community by the thrift of the individual, as against forcing him to close his small business in an isolated part of the community, at the same hour as the big businesses in the State.

Hon. A. H. PANTON: Would you apply that to 'Collie coal'?

Hon. R. J. LYNN: I should welcome competition because I know that the result would mean success to myself. I ask the Minister to consider the aspect to which I have referred. I think that after 6 o'clock at night, when the commercial houses of the city are closed, a certain amount of money is distributed in outside parts of the metropolitan area, and if we are to restrict that expenditure we shall be doing considerable harm to a section of the community. Clause 114 refers to auctions and it provides that no auctions shall be held at a time when the retail shops are not in a position to sell similar articles or commodities. That will operate in places like the West province where we have market gardeners and morning auctions for vegetables and fish, unless the Bill is amended. These people will have to wait until 8 o'clock before they can sell their goods, and we shall go short in some of our supplies that are so necessary and essential to the community.

The Minister for Education: Fish can be sold at any time.

Hon. R. J. LYNN: I am glad of that information, and yet the Bill says that, notwithstanding anything contained in any other Act, it shall not be lawful to sell at auction any goods of the class or description usually sold by retail in shops during the hours when such shops are required to be closed.

The Minister for Education: Fish shops are not required to be closed at any time.

Hon. R. J. LYNN: It also says "provided this section shall not apply to sales at auction of secondhand furniture and household effects conducted in any dwelling-house." I will, however, deal with this question in Committee. In my opinion the administrative charges and the cost of running this department will mount up. It is proposed to administer it with the existing staff, but under the present Act the staff is limited owing to the fact that it

does not cover the entire State. Under this Bill it will be necessary for further appointments to be made to the staff in order that the Bill, when it becomes law, may be properly administered. Inspectors will be required to travel from Eucla to Wyndham in order to see that the Act is rigidly enforced.

Hon. J. J. HOLMES: And to see the Wyndham meat works.

Hon. R. J. LYNN: This will entail a good deal of expense, which will probably not have been anticipated. There are many excellent clauses in the Bill. While lounges are provided for tearoom girls, they are not provided for factory girls. This was a point raised by Mr. Lovekin. I am not able to understand the differentiation, but there is probably some reason for it. We should in Committee endeavour to make this a workable measure. We should not do anything that will create injustice to any section of the community, or make any provision in the Bill that will bring ruin to any section of the community, which for years has been allowed to trade under certain conditions. The House should see to it that these people are protected. The Bill can surely be amended in such a way as to meet the approval at all events of Mr. Panton and that no injustice is done to anybody. I hope it will have the effect of conferring benefits upon the many persons who desire that the Bill shall become law.

Hon. E. M. CLARKE (South-West) [8.50]: I wish to say a few words on this measure from a point of view not yet put forward by any other hon. member. When I was in England some years ago I had a talk with people in regard to the wonderful wool we had and the riches of Western Australia. The first thing they said was that the employers and employees were at variance in this State. The first essential to the progress of Western Australia is money, muscle and brains. This Bill is enough to prevent people in the Old Country from spending their money here, if the factories are to be handled in the way proposed by the Bill. In the Old Country there were laws, but there was a good feeling between the employers and the men, such as we would like to see in this State. If the employer and the employee are at variance we shall not attract money to Western Australia. We have here raw material sufficient for anything that we are likely to want. If the Bill goes through as it is now drafted, it will deter capitalists from coming here. Long ago I realised that the employers and the men must come together if they are to make a success of things. At Bunbury the early closing was in force long before there was any law on this question, and the people there are very proud of this, and are getting on well notwithstanding the Arbitration Act. I would have voted against that Act but that I

took the view that we should not hesitate to try a thing that comes under our notice. It cannot be said that the Act has been a success. If the Bill goes through as it is it will do a great deal of harm to us. We want to encourage capital to come here. Instead of buying from other parts of the world, we want to sell to them. It may be thought that I am old-fashioned, and hon. members may think so if they like. I am certain that if they look at the question from the side of the employers and the men, they will take a wise view of this question. I only hope the Bill will be amended in such a way that it will not retard the progress of Western Australia of which we are all so proud.

THE MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [8.53]: I should regret it very much if members had the impression that I desired to stifle discussion, or hasten them in their debate on the second reading of this Bill. I did vote against the adjournment of the debate before tea. I am not called upon to justify such an attitude, but I think it was a reasonable position to take up. This matter has been under consideration and before the notice of hon. members for the last 18 months or more. It was made a prominent feature in the Governor's Speech at the opening of the session, and prior to that the Bill had been tabled and the second reading moved in another place last session. It was then discussed by a select committee and the report of that select committee was tabled in the House on Tuesday last. On Thursday evening I detailed at great length the provisions of the Bill. In view of these circumstances, and of the fact that we had practically nothing else to do, it did seem a reasonable attitude to take up that those who desired to speak on the second reading should be prepared to do so during the present week. For that reason I felt justified, and I think the majority of members took the same view, in opposing the adjournment of the debate as I did. The public might be asking whether there was an early closing Act in force regarding the proceedings in the Legislative Council, if we were always to adjourn after one or two speeches had been made.

Hon. J. J. Holmes: We shall have a few late nights presently.

THE MINISTER FOR EDUCATION: Unless we proceed with the Bill now I am sure we shall be in a difficult position at one time or another when there is a great deal of matter demanding our consideration. It was for the convenience of hon. members that I desired to have the second reading debated and finished within reasonable time, so that we might devote ourselves to the Committee stage. It is not my intention to hurry that stage unduly. There are amendments the necessity for which I realise, amendments in wording which are necessary if for no other reason than to give effect to

the desires of another place as expressed in the clauses of the Bill as they stand. Since the Bill reached me on Wednesday last I have devoted a great deal of time to it. Long conferences have been held between the chief inspector of factories and the Crown Solicitor with a view to putting certain clauses in a better form. Before the Bill is considered in Committee it is my intention to have the whole of these amendments—amendments not of principle, but necessary to make clear that which it is desired the Bill should express—placed on the Notice Paper. I shall confine my remarks in reply to two or three principles touched upon by hon. members and dealt with by petitions presented to the House. A petition was presented by the Chung Wah Association of Chinese subjects, and divers other Chinese citizens resident in the city of Perth. In the first paragraph of this petition the following words are used—

There at present exists a treaty of peace and amity whereunder your petitioners are allowed (and have hitherto enjoyed) certain well defined rights and privileges. I wish to draw attention to the words "hitherto enjoyed," and intend to demonstrate clearly to hon. members that the position of Chinese residents in Western Australia is not prejudicially affected by the Bill. The protest is against the taking away of privileges which have been hitherto enjoyed. The first protest is—

Your petitioners humbly pray that this honourable House may be pleased to reject Subsection (2) of Section (4). Subclause (2) of Clause 4 in the definition of factories says—

Any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged.

The Factories Act which was passed in 1904 contains the following definition:—

Any building, premises or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged. Exactly the same words are used in this Bill. The first complaint of the Chinese residents against the privileges previously enjoyed being affected is against the clause which is copied word for word from the Act, and the application of which is not varied from the Act which has been in force in this State for the last 16 years. The petition also says—

And so much of Subsection (8) (f) as applies to Chinese of the said Bill. The Act of 1904 further states—

Any building, premises or place in which any person not being of the Chinese or other Asiatic race is so engaged. There is no distinction whatever from the present Bill. The petition proceeds—

Your petitioners humbly pray that this Honourable House will reject Clause 29 of the aforementioned Bill in its entirety on

the ground that it creates an objectionable racial distinction to the prejudice of your petitioners . . .

Clause 29 provides—

No person of the Chinese or other Asiatic race shall be registered as the owner of occupier of a factory unless he satisfies the Chief Inspector that he carried on the business which he proposes to carry on in such factory before the first day of November, one thousand nine hundred and three.

That is an exact copy taken from the Act of 1904 with the exception that in the 1904 Act the word "Minister" is employed and in this Bill, the words "Chief Inspector" are employed. Perhaps it would be as well, if the House so desires, to go back to the word "Minister" and if that were done, the provision would be exactly the same as it has been during the last 16 years. Then the petition states—

Your petitioners humbly pray that this Honourable House will be pleased to reject so much of Clause 35 of the said Bill as is inconsistent with the large measure of liberty enjoyed by His Britannic Majesty's subjects in the State of Western Australia . . .

Clause 35 does vary slightly from Section 23 of the 1904 Act, which provides—

No person of the Chinese or other Asiatic race shall be employed in any factory for longer hours than women may be employed therein under this Act; nor shall he be employed before eight o'clock in the morning, nor after five o'clock in the evening.

That is the law as it has stood for the past 16 years. The proposed clause in the present Bill is as follows:—

In a factory where any Chinese person is employed, no person shall work for him self or for hire or reward, either directly or indirectly, or shall employ or authorise or permit any person to work (a) on any day before half-past seven o'clock in the morning or after five o'clock in the evening or (b) on any Saturday after 1 o'clock in the afternoon or (c) on any Sunday.

As a matter of fact, the provision in the previous Act was 8 o'clock. Therefore the present provision does not place any worse restrictions on the Chinese or other Asiatics than are at present operating. This Bill provides that a factory shall be one where Chinese persons are operating but makes no reference to other Asiatics. That is a slight difference. That is the only direction in which it may be said that this provision is prejudicial to the interests of the Chinese as compared with the present Act. In that case they can be employed as long as they could previously be, so that there is no practical difference. The petition also states—

Your petitioners humbly pray that this Honourable House will be pleased to reject Subclause (3) of Clause 102 . . .

Subclause 3 of Clause 102 is as follows:—

No person of Asiatic, African, or Polynesian race shall be registered as the keeper of, or assistant in, a small shop.

That is the subclause against which this protest is raised. The grounds of the protest are set out as follows:—

That the same may, under the term "Asiatic or Polynesian," enmesh Chinese subjects and create an intolerable race distinction between British subjects and Chinese—the subjects of a friendly power and a quondam ally, and that such a provision, if it becomes law, while bringing ruin upon your petitioners . . .

I would like hon members to mark these words: "bringing ruin upon your petitioners."

would constitute a breach of the rights and privileges heretofore enjoyed by Chinese subjects in this State . . .

The Early Closing Act of 1902, which has been in existence for 18 years, makes exactly the same provision.

Hon. H. Stewart: Are there any of these people registered as small shopkeepers?

The MINISTER FOR EDUCATION: No, they could not be. The 1902 Act is printed with the 1911-12 Statutes and it is stated therein, that—

No person of Asiatic, African, or Polynesian race shall be registered as the keeper of, or an assistant in, a small shop. The wording is exactly the same and no Chinese can be registered as a small shop-keeper.

Hon. R. J. Lynn: Who is the solicitor holding the brief for these people?

The MINISTER FOR EDUCATION: Goodness knows. Then we have the petition which has been handed in from the laundries. The existing Act of 1904 defines a factory as follows:—

Any building, premises, or place in or in connection with which six or more persons, including the occupier, are engaged in working directly or indirectly at any handicraft, or in preparing, working at, or manufacturing articles for or in connection with any trade, or for sale, including every laundry.

The definition goes on to say that a factory includes—

any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged.

That, is a matter of fact, has been the law for the past 16 years. A Chinese laundry, no matter whether one or more persons are employed in it, has been regarded as a factory and the law has not been altered in any shape or form. I submit that so far as these petitions from the Chinese, either regarding the Factories Act generally or the laundries, must be taken as emanating from people who do not understand the position and who have conceived the idea that something is sought to be done which is, in fact, not being attempted. The remainder of my

remarks will have reference to the statements by members during the course of debate and to the petitions since received, and are not therefore, taken in proper sequence in accordance with the clauses of the Bill. Mr. Pantou has raised some question regarding the definitions as to shop assistants. The intention is that all clerical workers in or about a shop shall be included. I discussed this aspect with the Chief Inspector of Factories and the Crown Law authorities and I believe that the definition can be better expressed. An amendment will be placed on the Notice Paper for the consideration of members. Everyone admits that the law should cover clerical employees in or about a shop. That is the intention of the Bill and in order that there may be no misunderstanding about it I propose to have the clause slightly amended. To show what is the intention, the definition refers to "any clerk who is employed in a shop or warehouse." I think it would be clearer if it were said that the clerk is one who is employed in the business of a shop or warehouse, and in any building where such business is carried on. That would make it clearer. It is not intended to include clerks in buildings away from shops although they may be working in connection with the sale of goods. The clause was put in in its present form largely because of the evidence given by one of the directors of Millars' Trading Company. He said the clause as it stood might be applied to clerks in Millars and that they might be regarded as shop assistants, as they were doing work in connection with the business of selling timber. It is not the desire to include such persons and the amendment I propose will make it clear that they would not be included.

Hon. J. J. Holmes: You have dealt with the Chinese petitions, but why have you ignored other petitions?

THE MINISTER FOR EDUCATION: If the hon. member had listened he would have heard me state that I was dealing with the matters as they came up in the course of the debate. The Chinese petitions came in yesterday and therefore they are included in my notes. The other petitions only came to-day and consequently I have not dealt with them yet. I do not propose to ignore anything of importance. Mr. Pantou also referred to Clause 31, with regard to provisions in the case of fire. I think that we have been very reasonable in bringing down the number of employees on premises to which this applies, from 25 to 15. It would not be reasonable to apply provisions of this nature in a case where only one or two persons are employed. While dealing with this Bill in Committee this question can be discussed in its various phases. Regarding Clause 122, Mr. Pantou suggested that we should bring the hours of women and boys in shops down to 44 per week. Seeing that the Bill reduces the hours from those under the existing Act, which are 52, down to 48,

as a matter of general practice, the fact should not be lost sight of that an Arbitration Court award has reduced the hours to 48. Mr. Pantou has expressed his accord with that provision of the Bill in which it is stated that an award of the Arbitration Act shall take precedence over provisions under this Act. It is inconsistent to ask the House to fix the working hours for women and boys in factories on another basis.

Hon. A. H. Pantou: Why do it in factories?

THE MINISTER FOR EDUCATION: The hours fixed there are not inconsistent with the Arbitration Court award regarding women and boys, and they are in accordance with these hours there.

Hon. A. H. Pantou: In some cases.

THE MINISTER FOR EDUCATION: If we reduced the hours to 44, that would have no effect because the Arbitration Court overrides the powers given here.

Hon. J. J. Holmes: They would take this Bill to the Arbitration Court and point that fact out.

THE MINISTER FOR EDUCATION: I do not think the House should be allowed to be played off against the Arbitration Court. I do not think it reasonable to ask the House to reduce the working hours below those fixed by the Arbitration Court. In regard to Clause 52, Mr. Pantou also objected to any child being employed under the age of 14 years in factories. I am in accord with the hon. member when he suggests that none should be employed. The provision is that they shall not be employed unless with the permission of the Chief Inspector. At present an application is made perhaps by some indigent person with a request that his son may be employed in a factory although he is under 14 years of age. The Chief Inspector makes inquiries to ascertain whether such child has been exempted from the necessity to attend school and only when he ascertains that such exemption has been granted, does he give his consent for the employment of children of that age in factories. These exemptions are not granted frequently and not more than three or four are granted in one year. The Education Department is extremely loath to grant exemptions to children under 14 years of age permitting them to remain away from school. It is only in cases where there does not seem the slightest justification for refusing the application that exemption is granted. In one case where a parent was brought before the court for not sending his child, who was under 14 years of age, to school, the Children's Court refused to fine the parent on the score that the child was required to assist the family, as they were in very poor circumstances. I think the Education Department took that case to the court and on each occasion the court decided that the circumstances of the family were such that they would not be justified in fining him although obviously he was guilty. It is not

the policy of the Education Department to grant these exemptions.

Hon. A. Lovekin: Have you the name of that case?

The MINISTER FOR EDUCATION: Not here.

Hon. A. Lovekin: I do not think that your facts are correct.

The MINISTER FOR EDUCATION: Does the hon. member refute my statement that the court refused to fine this man because they considered that the financial circumstances of his family were such that he should not be fined? I believe there was some provision attached that if the Charities Department gave the parent some assistance, the child should be required to go to school. I entirely agree that it would be a good thing for the country if we could so order things that the poverty of a parent might not have the effect of starving the mind of the child. Until this is done, it is only fair in cases of real hardship that exemptions will be granted. We will not do any good if we take away from the inspector the power to say that a child may be permitted to work under the age of 14. I previously indicated that Clause 97 was in need of some amendment. It refers to laundries, particularly those conducted as reformatories or industrial schools. The hon. member suggested that it would need amendment because it brings them under Section 37, which requires payment for overtime at rate and a quarter. It would be better if we did amend that clause. If a person is not paid anything during ordinary time it does not carry us any further to provide that he shall receive rate and a quarter for overtime. The matter of employing assistants half an hour after closing time is contained in the existing Act. I believe it is very seldom that assistants are kept for more than 10 or 15 minutes at the outside after closing time. This has been the law for the last 18 years and I know of no particular objection having been raised to it. Other matters were raised by the hon. member with regard to the spread of hours, luncheon and change rooms for shop girls. There are places where the inspector might have discretion to order that change rooms be provided. I believe that there are restaurants where 20 or 30 girls are employed, and where they are required to wear uniforms, and no proper change room is provided. No member of this House, however conservative his ideas, would deny that an establishment employing 20 or 30 girls and requiring them to wear uniforms which they could not wear in the street, should find suitable change rooms. This measure does not make such provision, and it might be worth while inserting a small amendment. Now I come to the petition of the small shopkeepers. I would like to draw attention to this fact, that the petition is somewhat vaguely worded. It does not exactly say what they protest against, and without suggesting that anything im-

proper has been done I am satisfied that amongst 8,600 people who signed that petition quite a lot thought that something different from what was intended was actually being done. To-night Mr. Ewing spoke about the restrictions with regard to the small shops and how hard it would be if a man could not employ an assistant in a small shop. It struck me that when Mr. Ewing showed he was not altogether conversant with the law which has been in force for the last 18 years, it was quite probable that a lot of those 8,600 people did not know what the existing law was or what it is intended to make the law. Small shops are defined as those which are annually registered as such in accordance with the regulations, and wherein only one assistant, whether paid or unpaid, is engaged and the shopkeeper whereof and the assistant, if any, are registered. The registration of a shop as a small shop and of the keeper and of any assistant may be allowed where the shopkeeper is a widow or an old or physically disabled person, and in cases of great hardship; and shall be at the absolute discretion of the Minister. No person shall be registered or employed as an assistant in a small shop unless such person is the husband, wife, child, stepchild, grandchild, brother, sister, nephew, niece, grandparent, or parent of the shopkeeper. That is the provision in the Bill and it has been the law for the last 18 years.

Hon. J. J. Holmes: What about Clause 102?

The MINISTER FOR EDUCATION: I am coming to that. The hon. member seems to be afraid that I am going to miss something.

Hon. J. J. Holmes: I am concerned about this Bill, not about the Act.

The MINISTER FOR EDUCATION: I am dealing with the petition, and with the remarks made by Mr. Ewing.

Hon. J. J. Holmes: The petition is on this Bill, and not on the Act.

The MINISTER FOR EDUCATION: A lot of the people who signed the petition could not have been familiar with the existing law, and did not know the nature of the alteration which it is proposed to make. In those particulars this Bill is exactly the same as the existing law.

Hon. J. Ewing: How did you get so many small registered shopkeepers?

The MINISTER FOR EDUCATION: There are 259 in the metropolitan area. The circular which was first submitted to hon. members stated that the union comprised 1,400 small shopkeepers. In using the words "small shopkeepers" I took it that they meant small shopkeepers within the meaning of the Early Closing Act.

Hon. J. Nicholson: Exempt shops.

The MINISTER FOR EDUCATION: No, the two are entirely different. An exempt shop might employ 100 people. These people said they represented 1,400 small shopkeepers and when they said that I took it

to mean 1,400 small shopkeepers as defined in the Bill they were talking about. They did not mean 1,400 small shopkeepers. They meant 1,400 carrying on business as registered small shops and in exempt shops and mixed businesses. Now we come to the only alteration made, and that is the one referred to by Mr. Holmes. At present the Minister in his sole discretion may register small shops, small shopkeepers and assistants in small shops each year. It has been said that a lot of people have bought these small shops and invested their money in them. If a person buys a small shop, he takes the risk of getting registered because there is no right of re-registration or transfer of registration, and the policy with regard to this Act has all along been that a small shop shall not be registered unless it is required in the neighbourhood. Nor shall a small shop be registered if its registration would constitute unfair competition with other small shops in the neighbourhood required to close at 6 o'clock. The whole matter has been at the discretion of the Minister.

Hon. J. J. Holmes: But this clause limits it.

THE MINISTER FOR EDUCATION: I am coming to that. I do not know whether the hon. member was present when I dealt with this matter on the second reading. I then pointed out the exact difference and suggested that if it was thought that those at present enjoying registration as small shopkeepers were entitled to consideration they could be included amongst those towards whom the Minister might exercise discretion. It would be competent for the Minister at the end of this year to wipe out all these registrations, and no one could question it. This law was passed in 1902. Mr. Lynn in his remarks suggested that if I had not been a member of the Government I would have been opposed to this legislation.

Hon. R. J. Lynn: No, not at all.

THE MINISTER FOR EDUCATION: I do not know where the hon. member got that idea. I have never opposed legislation of this kind in my life, but have always favoured it strongly. In 1902 when the original measure was introduced, there was a big fight in another place as to whether the registration of small shops should be permitted at all. The view was strongly taken that if other shops had to close all should close, and that there should be no unfair competition. In the limited time at my disposal this evening I have taken the trouble to look at the "Hansard" reports of debates on the question in 1902. This was the plea put up for the small shop -

Let us protect the shop assistant against long hours, but it was going too far to say small shops should not be kept open after the usual shopping hours. What are these small shopkeepers to do if not allowed to make a living by keeping open their little shops till 9 o'clock

in the evening. In the tenets of the Labour party there was no place provided for the infirm and the aged worker. No place for those who were no longer able to do a hard day's work and who were crushed out of a factory, and were now to be crushed out of the small shops. These persons were the more deserving of sympathy because they were not able like trade unionists to make their grievances felt so as to obtain a remedy.

There are numbers of other speeches by Ministers and members, and I might mention that the original Bill was introduced by a Liberal Government. I think Dr. Jamison was the leader of the House at the time, and that you, Sir, were a member of the Government with a seat in another place. I am not sure that you were not the Minister in charge of the Bill. This was the argument against which the opposition to the small shop was directed. There was strong opposition to the registration of any small shops, and it was put forward by members of the Government and others in support of the small shops that it was a means of livelihood for those who were handicapped in the battle of life. That was the original intention, and now, 18 years later, we find objection being raised to that provision. I have every sympathy with those who are at present carrying on business as small shopkeepers, and I would not offer any objection to an amendment which included these persons within the discretion of the Minister. But the Minister should not be placed under any compulsion. If it can be shown that small shops are being conducted in any locality in unfair competition with neighbouring shops, I would not be one to say that the Minister should be compelled to continue their registration. I anticipate some difficulty in interpreting the words "cases of hardship," and I would prefer if I had to continue the administration of this Act, that it should be within the discretion of the Minister if he thought proper to continue the registration of a person at present employed without being compelled to find that it was a case of extreme hardship to close him up. I want members to understand that at the present time there is no right vested in the keeper of a small shop, and that he has no right to sell, because this is a personal privilege granted to him. If he does sell to another person, the purchaser does not by his purchase acquire the registration of the shop, nor any registration for himself or the assistant member of his family. He has to establish his own case. I have discussed this matter at considerable length with the president and the secretary of the small shopkeepers' association. That petition, if it is nothing else, is an eloquent testimony to the powers of organisation. This Bill, containing all the provisions that are at present objected to by the small shopkeepers and only one added provision, one to which they do not object, was shown to them as

individuals. I do not say it was shown to every one, but an inspector was sent around to show them these provisions and ask whether they desired to give evidence before the select committee. No one could be found to give evidence before the select committee, and now, after the lapse of only a few weeks, simply by the wonderful power of organisation, they are able to present a petition bearing 8,600 signatures.

Hon. J. Ewing: What about the 1,400?

The MINISTER FOR EDUCATION: They were not organised until two or three weeks ago, until after the select committee had done their work. Had the organisation been in existence before, no doubt they would have presented their case before the select committee. I am sorry they did not. I am sorry that any section of the community failed to present their case, but that was not the fault of the select committee. As individuals, small shopkeepers did not appear. When they became an organisation they wanted to voice their grievances. The limitation, as to the class of person to whom registration can be given, was in the Bill circulated amongst the small shopkeepers, and they did not object to it, and I do not believe they would object to it now if the amendment suggested were inserted. The provision in regard to mixed businesses was in the Bill, and they did not object to it then. But they do object to it very strongly now. The only thing which has been put into the Bill since it was shown to them is the closing of their shops two hours earlier on Friday night. That is not a matter to which they take exception, because they say—and I think their attitude is quite reasonable—that if all the big shops are going to be compelled to close at 6 o'clock instead of 9 o'clock on Friday night, they themselves have no right to object to closing at 8 o'clock on Friday night, instead of 10 o'clock as at present. I think they would be very foolish if they did object.

Hon. J. J. Holmes: Are not some of them compelled to have two shops?

The MINISTER FOR EDUCATION: That is the real objection in regard to mixed businesses. I shall not labour the position to-night, but merely give hon. members all information so that the matter can be thrashed out in Committee. The interpretation section of the existing Act says—

Where two or more descriptions of business are carried on in different parts of the same premises separated by a substantial partition, the occupier shall, in respect of each business, be deemed to occupy a separate shop.

That is the law as it stands at present. Under that law a man may have a small shopkeeper's registration, and as a small shopkeeper he may be entitled to sell groceries and all that sort of thing up to 8 o'clock at night, two hours after the other shops have closed. He may also, and in a great many cases he does, carry on business as a confectioner or fruiterer. Confection-

ers' and fruiterers' shops are exempt shops under the first portion of the Fourth Schedule, and their closing time is 11 p.m. The present practice is for the small shopkeeper to partition off that portion of his shop in which he sells groceries up to 8 o'clock, and to continue until 11 p.m. to sell fruit and confectionery. The objection to the arrangement is that it leads to a good deal of evasion of the principles of the Act. I do not think there can be any doubt that it does have such a tendency and does lead to the selling during prohibited hours of goods which other people in the same class of business are not allowed to sell after 6 p.m. Whether it is necessary to go as far as this Bill proposes in order to prevent such evasions will be for this Chamber to decide. Instead of making the partition constitute a separate shop the Bill provides—

The Minister may suspend the provisions of Subsection 1 of this section (No. 112) in any shop to such extent and subject to such conditions as may appear requisite, and such suspension may be revoked by the Minister by a notice under his hand posted to the occupier of the shop affected thereby.

That is to say that instead of a partition of a substantial character—which would be a matter finally for the court to determine—being provided, the Minister shall say what a man shall do before he is allowed to carry on a mixed business and to trade in one line to a later hour than he is allowed to trade in another line. The Victorian Act has the same provision as is contained in this Bill, but an amendment Act coming into force on the 1st January takes away this discretion on the part of the Minister and abolishes mixed shops altogether. In Queensland, the Governor in Council may exempt, which is a provision very much the same as that in the present Bill. In South Australia the owner has to declare what is the principal part of his business, and he must not sell or expose for sale other goods after the closing time for that class of goods, which is rather similar to what appears in our existing Act. New South Wales does not allow the carrying on of mixed businesses. In New Zealand the local authorities fix the closing times in these matters. That is the law as it stands in regard to mixed businesses in the various States and New Zealand. This is one of the most controversial features of the Bill. It is a feature which has proved highly controversial in every other State, and if the House in Committee can devise some better means than that set forth in the Bill I shall be very pleased to listen to it.

Hon. J. J. Holmes: What is wrong with the present system?

The MINISTER FOR EDUCATION: That as a result of permitting the partitioning off, groceries and goods of that kind, though fenced off, are sold in contravention of the Act. The objection is that

under the present system it is easy to evade the Act.

Hon. J. J. Holmes: Publicans do similar things.

The MINISTER FOR EDUCATION: Yes, and Parliament frequently passes laws to prevent publicans from doing them. When we are imposing restrictions upon people, we should bear in mind that if we do not make the restrictions general there ought to be good reasons for not doing so, for giving exemptions. There is an excellent reason for allowing people who are in any way afflicted to carry on small shops and do business at later hours than other shopkeepers. There are excellent reasons for that, but it is questionable whether the present Act does not go a little further than it should. Mr. Stewart made certain references to the matter of education, which I think were answered by Mr. Dodd. Mr. Stewart also referred to the present half-holiday. The select committee of another place made certain alterations to the Bill in this respect; and those alterations have, I think, to some extent confused the position. I have discussed that matter also with the Chief Inspector of Factories and the Crown Law authorities, and I think an amendment which I shall place on the Notice Paper will make the intention absolutely clear. The intention is that in all places where any decision has been arrived at, that position shall stand until it is altered. It may be altered by petition of the majority of the shopkeepers. It may also be altered in defiance of the majority of the shopkeepers as the result of a poll of the people. Mr. Stewart is quite right when he says that under the existing Act it is impossible for the Minister to declare an area which gets the whole of the people into it, because under the existing Act we cannot make the most common combination; that is to say, a combination of a municipality and an adjoining road board. However, under this Bill that can be done, and ultimately it will be the wishes of the district so proclaimed, which wishes will be expressed by ballot, that will settle the question. I quite realise that some difficulty may arise as regards those places in which there has been no decision, but in which common custom regulates the matter. If this Bill is passed, it comes into force on a day to be proclaimed, and ample time will be afforded for a majority of the shopkeepers in the district, if they do not want to come under the Bill as regards this matter, to present a petition praying that their closing day shall be Wednesday; and then that day can be proclaimed. If the public in the district wish to alter that, they will have to go through the formality of a ballot. When the matter has been made clear, as I intend it shall be, by an amendment which will appear on the Notice Paper, I do not think any difficulty will arise. We know a decision has been arrived at that Saturday will be the early closing day, but it will be quite competent for people in districts which by custom have been observing

Wednesday without any decision, to present a petition before the measure comes into operation and have Wednesday proclaimed as their half-holiday.

Hon. H. Stewart: Unfortunately, the present measure reverses the position, and country districts would rather have it the other way.

The MINISTER FOR EDUCATION: The position is reversed to this extent, that the measure recognises Saturday as the general half-holiday unless some action has been taken or shall be taken to make it Wednesday.

Hon. J. Ewing: Plenty of time will be given.

The MINISTER FOR EDUCATION: Yes, plenty of time will be given. Mr. Dodd referred to the personnel of the select committee, and to the fact that they visited Albany and Katanning and Geraldton, and not Kalgoorlie or Boulder. I do not know that I am called upon to defend the select committee in that particular. No doubt it would have been better if they had visited the goldfields. Katanning, however, may be taken as a characteristic country town, and Albany and Geraldton as characteristic ports. Mr. Dodd also thought that the age for employing children in factories should be raised. I absolutely agree with him, but I agree with him also that a condition precedent to that will be the raising of the age of compulsory school attendance. I think it will not be long before that is brought about. The successful party in the recent general election in Victoria—not a Labour party—made it a plank of their platform to increase the compulsory school age to 15 years. That has been done in many parts of the world, and I think Western Australia would show wisdom in acting similarly. I do not quite appreciate the argument used by Mr. Dodd in regard to night watchmen. The objection to the Bill as it stands at present is that it undoubtedly makes unfair discrimination against British subjects, practically saying that British subjects who have been employed in a certain occupation for 25 years, shall be, not restricted in their occupation, or subjected to special inspection in their occupation, but absolutely excluded from their occupation. I shall not labour that point, because I do not think the House is likely to allow the clause in question to remain. Mr. Duffell wanted to know why I introduced that short Bill in 1918. I introduced it because I thought it necessary and wanted to get it through. Mr. Duffell asks why I did not go on with it. I dropped it because I saw that to get it through would be impossible. The provisions of that 1918 Bill are in the Bill of to-day, and throughout the whole of this debate no objection has been raised to any one of those provisions.

Hon. J. J. Holmes: What about the clause providing that the Arbitration Court shall supersede Parliament?

The MINISTER FOR EDUCATION: The hon. member's objections may to some ex-

lent cover that clause. I do not agree with Mr. Duffell's statement as to the methods adopted by the select committee in taking evidence. It never struck me that the members of the select committee tried to put answers into the mouths of witnesses. Since Mr. Duffell spoke I have looked through the evidence again, and find that witnesses were given every encouragement by the select committee to say what they wished to say and no doubt did say it. In regard to the definition of factory I have again to refer to the old Act of 1902. When that measure was introduced in this House, it provided that where six persons were employed it should constitute a factory. An amendment was moved for 20 persons instead of six. The Minister for Lands of that day, who was in charge of the Bill, said—

In South Australia, in 1894, they commenced by defining a factory as a place where six or more persons were employed; in Queensland they commenced in 1896 with four or more; in New Zealand, in 1901, two persons; in Victoria, in 1890, six persons, and in 1893, four persons. He had looked into this matter because very much rested upon the definition of factory. In South Australia, whereas they commenced with six in 1894, under the Act of 1900 a place where one owner employed any one person was a factory; in Queensland, two persons, just as here; in New Zealand, two persons; and in Victoria they were about to bring in a new Bill whereby a place in which two were engaged would be a factory.

So that for the last 20 years this definition of two persons constituting a factory has been in force in South Australia, and that definition was drawn attention to here when the Bill of 1902 was introduced in this House. In Queensland the same definition was carried through Parliament by a Government which was not a Labour Government. Queensland had never had a Labour Government 20 years ago. As regards New Zealand, the position is similar. In New South Wales and Victoria four persons constituted a factory 20 years ago, and four persons constitute a factory in those States now. Briefly the position to-day as regards the number of persons constituting a factory is: Western Australia six, New South Wales and Victoria four, Queensland, South Australia, Tasmania and New Zealand two. The only opposition that has been raised to the abolition of the late shopping night came from Mr. Ewing. I know that in the country town with which I am best acquainted, the people generally, including the shopkeepers, will welcome the abolition of the late closing night; and I do not think it will cause the inconvenience that the hon. member suggests. I do not suppose Mr. Holmes wishes really to go back to the conditions under which he worked as a youth; in fact, he made it quite clear that he did not. I would ask hon. members to bear in mind that there has been an enormous

change in industrial conditions generally during the last 20 or 30 years. Every individual now can with the same amount of effort produce a great deal more than he could 20 or 30 years ago. Improved appliances, complete organisation, and all that sort of thing have made it possible for one man to do more in six hours than he could have done in 12 hours 30 or 40 years ago. Surely it is a reasonable contention that the worker should get his share of advantages of that kind. It applies, not only to shops and factories, but to every class of industry.

Hon. J. J. Holmes: Not to bricks.

The MINISTER FOR EDUCATION: Yes, it does. The modern brick kiln is quite different from the kiln of 20 or 30 years ago. Of course it will never apply to such an extent that people will be able to live without work. The advent of the big shop had made tremendous difference in this regard. The hon. member referred to the opening hours of shops. No alteration is there made from the existing conditions. Clause 100, which relates to the hours of shops, with the exception of the cutting out of the late shopping night is identical with Section 4 of the existing Act, which has been in operation for the last 18 years, and against which no complaint has ever been raised.

Hon. V. Hamersley: In operation only in the metropolitan area, not all over the State.

The MINISTER FOR EDUCATION: No, certainly not. And although the Bill will apply all over the State, yet any portion of the State may be exempted from the operations of the Bill, or any portion of it. So really it does not alter the position very much from what it is to-day, because it would be competent in the Government by proclamation to extend the operations of the existing Act all over the State. The point raised by the hon. member was specifically in regard to the opening of butcher shops. Clause 100 prescribes that all shops shall continue closed until the time fixed for opening next morning. The words of the clause are exactly the same as those of Section 4 of the existing Act.

Hon. J. J. Holmes: It is government by proclamation.

The MINISTER FOR EDUCATION: And has been so far for the last 18 years. At present the opening hours of butchers' shops are fixed by proclamation, and under the Bill they will be fixed in exactly the same way. Does the hon. member suggest that the Bill should fix the opening hour for every class of business?

Hon. J. J. Holmes: No; I suggest that we should fix the closing hour and the number of hours to be worked each week.

The MINISTER FOR EDUCATION: That would be rather going back. But what I wish to point out is that exactly the same facilities for opening butchers' shops at 5 o'clock will exist after the Bill has passed as have existed for the last 18 years. I

have already referred at some length to the small shops. It has not been my practice during the 4½ years I have been Minister to register small shops without special reason. The practice followed is that an application is made to the department, an inspector goes out and inspects the locality and inquires into the circumstances of the people, and then makes a recommendation, which goes through the Commissioner of Public Health to the Minister. I can remember only one instance in which I have not at once accepted the recommendation of the inspector. And those recommendations are based on the requirements of the locality and on whether the applicant is a person to whom some special privilege should be extended. The principles laid down, not in the Bill but in the speeches of hon. members who 18 years ago contended for this privilege to holders of small shops, has been observed by successive Ministers ever since. I do not think more than one-fourth of the existing shops would be excluded under the definition which it is sought to have included. It is a mistake to say the big shopkeeper does not object to the extra privileges given to the small shopkeeper. Perhaps no very big shopkeeper objects, but other fairly big shopkeepers, especially those in the suburbs, do strongly object to smaller shops, operating in the same locality, having special privileges unless there are some good grounds for it. Mr. Holmes objected to so much power being given to the Minister. I do not know that the Bill gives to the Minister a scrap of power which he has not under the existing Act. The hon. member also suggested that too much power was given to the Arbitration Court. As a matter of fact, if the Arbitration Court now makes an award in the interests of the employees that award has to be observed; and the request that the award of the Arbitration Court should be observed in all cases, even if it conflicts with the Act, was made by the employers because they said that at present it was cutting unfairly, that if the award was favourable to the employees it was enforced, but if favourable to the employers *as against the Act*, the Act was enforced. And of course that is the case.

Hon. J. J. Holmes: You have dealt with the court and with the Minister; now what about the inspector?

The MINISTER FOR EDUCATION: I do not know of any instance other than the one case I have quoted in which power is given to the inspector which was not previously enjoyed by him. In that one instance power has been transferred from the Minister to the inspector. I cannot say why. If the hon. member thinks it is not right, let him hand it back to the Minister. I do not know that the inspector is given any unnecessary powers, or powers not given to inspectors under similar legislation here and elsewhere. The contention

was made that we were going to build up a huge department. The department is already in existence, and has been so for the last 18 years. It is not a separate department.

Hon. A. Lovekin: But you are applying this to the whole of the State.

The MINISTER FOR EDUCATION: The Factories Act applies to the whole of the State except the North-West, and the Early Closing Act applies to a great many portions of the State. Undoubtedly the Bill will have a more general application, and so it may be necessary to put on one or two additional inspectors. At present the expenditure of the department is £1,500 per annum, and the revenue amounts to £400 per annum. Thus it is a losing department to the extent of £1,100 per annum. If the Bill is passed, a revenue of not less than £3,000 per annum will be derived from it, and that in a manner which cannot press heavily upon anybody; because the amount to be paid as registration fee is only 2s. 6d. in the case of small shops employing not more than two persons, 5s. where not more than seven are engaged, and so on up to £2 10s. for big shops. It will return a revenue sufficient to cover the cost of giving the measure wider application. One feature of the Bill which I have previously forgotten applies to Chinese. Under the present Act only Chinese are required to register annually. Any other person registering pays half-a-crown once and no more, whereas the Chinese are required to pay an annual registration fee of £5. Under the Bill the Chinese will be brought into line with other persons making registration. There is no intention to alter the present department. It will be conducted, as in the past, under the Minister for Health, and if there is any increase at all it will be an increase of an inspector here or there because of the larger area to be covered, and there will be ample revenue provided for the purpose. I must take exception to the remark of Mr. Ewing that the Bill does not consider both sides. Both sides have been very carefully considered. I have had a number of deputations waiting on me from the Chamber of Manufactures and other employers, and the Bill represents the wishes of the employers just as much as it does those of the employees. The small shopkeepers and the Chinese have protested, but not the big employers. Some of the provisions were inserted at the request of the employers. Mr. Lovekin made extended reference to the duties of inspectors. That question we can consider when in Committee. We shall then see whether any of those duties are unnecessary or improper. Certainly the inspectors are not required to look into young ladies' eyes.

Hon. A. Lovekin: No, it is the hair this time.

The MINISTER FOR EDUCATION: The argument has been used that everybody

should be allowed to work as long as he likes. Everybody can do that, but cannot work in a way which unfairly prejudices somebody else who is restricted. The freedom of one citizen ends where the freedom of another begins. It would never do to say that all the shops employing one or two persons shall be closed, while another man who employs nobody shall be allowed to keep open all night.

Hon. J. Nicholson: Look at Clause 133.

The MINISTER FOR EDUCATION: The only clause the hon. member referred to in his speech was Clause 110, relating to canvassing. Clause 133 is merely in regard to offences. If there is anything improper in that it can be thrashed out in Committee. I cannot agree with the hon. member that the Bill is in any way opposed to the policy of the Government, the policy of produce, produce, produce. Nor is there in it anything which improperly limit production. If we were to say that everybody should be allowed to do as he likes, we should be going back. Of course the hon. member, when opposed, says at once "That is not what I meant." Does the hon. member contend that, having passed a law which compels a grocer employing assistants to close at 6 o'clock, we should allow some other man to open a shop next door and, working by himself or with his family, continue to sell till all hours of the night the goods which the grocer is prohibited from selling after 6 o'clock? If the hon. member tried to put into force his view that a person should be allowed to work as long as he likes, he would soon be up against difficulties. I shall be glad if, in Committee, hon. members will pick out any of those clauses which are going to increase the cost of living. I do not know which they are. Mr. Lynn referred to sales by auction of fish. There is no closing time for fish shops. None of the shops mentioned in the second part of the Fourth Schedule are required to observe opening or closing hours except as specially provided. Restaurants, coffee palaces, refreshment rooms, and such like places can remain open as long as they like. Meat shops can open at 5 o'clock in the morning—the same provision has been in existence for the last eighteen years.

Hon. R. J. Lynn: And will the same provision continue for the next eighteen years?

The MINISTER FOR EDUCATION: How can I say? At the present time there is an award of the Arbitration Court in existence, and if the Bill becomes law it will be for that court to say whether there shall be any change. At any rate, it will be possible to sell fish at any hour. Fruit may be sold up to 11 o'clock at night.

Hon. H. Stewart: They want to auction fruit before 8 in the morning.

The MINISTER FOR EDUCATION: A fruit shop can be opened at any hour in the morning, and an auction of fruit can also

take place at any hour that the shop might have been open.

Hon. J. J. Holmes: The Bill fixes 8 in the morning as the opening hour for all shops except by proclamation.

The MINISTER FOR EDUCATION: Except in the case of the shops mentioned in the Fourth Schedule.

Hon. R. J. Lynn: Those shops can remain open throughout the 24 hours if they like.

The MINISTER FOR EDUCATION: No; special provision is made for that.

Hon. J. J. Holmes: Can they employ labour after 6 o'clock at night?

The MINISTER FOR EDUCATION: Yes, as much as they like. There is a provision for the keeping of a roster at hotels and restaurants, and those places can be kept open for a much longer period than that during which they are allowed to employ people. They must not employ people longer hours than those provided for in the Bill, but they can employ any one during any time they please.

Hon. H. Stewart: Did I understand you to say that they can remain open any time they like?

The MINISTER FOR EDUCATION: No; each one is clearly provided for.

The PRESIDENT: These questions can be asked of the Minister in Committee.

The MINISTER FOR EDUCATION: Mr. Clarke suggested that if the Bill were passed in its present form people would be prevented from establishing factories. Factory legislation in every part of the world is restrictive to some extent, but that does not prevent the establishment of factories. This legislation is not more restrictive than that prevailing elsewhere. I do not know that there are any other points which have been raised during the debate that cannot conveniently be dealt with in Committee. It is my intention to place certain amendments on the Notice Paper, and whilst I am anxious that the Bill shall go through with the least possible delay, I do not propose to ask that the Committee stage be taken before next Tuesday.

Question put and passed.

Bill read a second time.

House adjourned at 10.7 p.m.