

majority of the residents of the farming districts when I say that if Ministers can prove that those measures of economy which the Premier promised in 1918 have been given effect to, Parliament should be prepared to meet the Government at least half way as regards the imposition of further taxation. But I agree with the leader of the Opposition when he says that before agreeing to new or increased taxes we should first be satisfied that every penny of revenue is being wisely expended. There is one direction in which the Government might fairly reach out for a little additional revenue, and that is as regards taxation of the prizes given for horse races. I find that during the last twelve years no less a sum than £1,021,597 was distributed as prizes for horse races in this State alone, and that the special tax on those prizes yielded only £16,755. During last year £102,340 was given as prizes for horse races in Western Australia, and on that huge amount a miserable £1,706 was collected by the State.

Mr. O'Loughlen: The horse owner is like every other business man and must get some return. He pays income tax.

Mr. JOHNSTON: I admit he pays income tax as well, but horse racing is a luxury-industry.

Mr. O'Loughlen: Perhaps you are interested in a luxury-industry, too?

Mr. JOHNSTON: That may be so. It is a luxury-industry which is heavily taxed. While I yield to none in the desire to see legitimate sport encouraged I contend that the huge amounts given as prizes for races in this State could fairly and properly carry much heavier taxation than that at present imposed. In view of the circumstances I have set out, I must, though with regret, in the interests of the primary producers of Western Australia oppose the second reading of this measure. I hope the measure will be defeated.

On motion by Mr. Troy, debate adjourned.

House adjourned at 11.19 p.m.

Legislative Council,

Tuesday, 7th December, 1920.

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

ASSENT TO BILL.

Message from the Governor received and read assenting to the Railways Classification Board Bill.

SWEARING-IN.

The Hon. John Waters Kirwan, who was not present when members were sworn in after the biennial elections, took and subscribed the oath and signed the roll.

SELECT COMMITTEE, OPTICIANS BILL.

Extension of Time.

On motion by Hon. J. Nicholson the time for bringing up the report of the select committee was extended for one week.

STANDING ORDER SUSPENSION.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.35]: A notice of motion appears in my name "That for the remainder of the session the provisions of Standing Order No. 62 be suspended." It has been intimated to me that a number of hon. members would prefer a different course from that which this notice of motion suggests, and with the permission of the House I intend to give notice at a later stage for a motion more in accordance with the wishes of hon. members.

BILL—FACTORIES AND SHOPS.

In Committee.

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

Clause 4—Interpretation (partly considered):

Hon. H. STEWART: At the last sitting of the Committee an amendment was car-

ried, on my motion, that in the last line but one of paragraph (f) of this clause the word "two" be struck out and "four" inserted in lieu. That amendment is not recorded in the Minutes of Proceedings.

The CHAIRMAN: An amendment was carried as the hon. member states. I will see that the matter is arranged.

Hon. V. HAMERSLEY: I move an amendment—

That the definition of "owner" be struck out.

This definition is not in keeping with any definition of the same kind in other Acts, and it brings the word "owner" into connection with the words "rack rent," which is particularly offensive.

The MINISTER FOR EDUCATION: It is necessary to define "owner," because Clause 22 of the Bill provides that—

When any structural alterations or building additions are required by or under this Act to be made in or to a factory, the Minister may, by notice in the prescribed form, notify the owner of the factory that he will regard such owner, for the purpose of the making of such alterations or additions, as the occupier of the factory, and thereafter the said owner shall for that purpose be deemed to be the occupier of the factory.

This is not by any means a new definition, and it was inserted in this Bill, not as the result of the select committee's sittings, but on the advice of the Crown Law authorities as being the proper method of defining an owner for the purposes of a measure of this kind. A similar definition of "owner" occurs in the Health Act, 1911, and for exactly the same reason. The argument is that if an owner lets his premises for certain purposes, he must be responsible, conjointly with the tenant, for making his premises suitable in accordance with the law of the land. The same definition occurs in the English Public Health Act, and in many other Acts of Parliament. The purpose is to get at the right owner. Take the case of the owner of a freehold who is letting the land on a building lease, for instance. The owner under this definition would not be the freeholder, but the man who holds the building lease. Without a definition of this kind I do not see how we can arrive at the rightful owner. The holder of the lease would put up the building, and in the general course of events would be the person who would receive the rack rent, and therefore would be the person classed under this Bill as the owner. Without this definition the owner who had let the land on building lease, and who might be receiving only a very small proportion of the actual rental derived, would be considered the owner; and that would not be just or right.

Hon. J. Duffell: Would that small return in the way of rent be termed "rack rent"?

The MINISTER FOR EDUCATION: The use of the term "rack rent" is not intended to suggest that anybody is receiving any rent to which he is not entitled. For the purposes of this measure, who is the owner? Is that person the owner who owns the freehold land and may have let it on building lease, or is it the man who has taken the building lease and erected the premises? By these means we find out which man is receiving a certain proportion of the rent; he is the owner.

Hon. Sir E. H. WITTENOOM: I agree with the Minister that the definition of "owner" should be retained, but in spite of his statement I see no justification for the word "rack." Why cannot the word "rent" be left without "rack"? It is so unusual that it is necessary later on to define "rack rent." The word "rack" should be struck out. We shall get the same results without the use of that objectionable word.

Hon. A. LOVEKIN: I can see the necessity for this definition in the Health Act, but there is no need for it in the Bill. Here the owner is not only responsible for keeping his premises in a clean sanitary condition, but under Clause 22 he has to make structural alterations at the behest of an inspector. And when he has made the structural alterations required, he is restricted in the additional rental charge he may impose in respect of those alterations. The ordinary meaning of "rent rack" is full value, but here it is defined as not exceeding two-thirds. It means that the owner will not be permitted to make an additional charge representing the full value to the lessee of the structural alterations. On those grounds we ought to support the amendment and, at a later stage, make the proper man responsible for the carrying out of structural alterations.

The MINISTER FOR EDUCATION: I must correct the hon. member. The definition has nothing whatever to do with the increased rent which the owner of the property may charge. The term two-thirds is merely for the purpose of ascertaining who is the owner. The case contemplated is a case in which a man owns a block of land and lets it on lease to somebody else, who erects a factory on it. The whole question is, who receives more than two-thirds of the full rental? I cannot understand how the hon. member could possibly read into it the suggestion he has made. The man receiving more than two-thirds of the total rental is the man in receipt of the rack rent.

Hon. J. J. HOLMES: One can understand the necessity for the definition in the Health Act, which is administered by properly qualified officers. But under the Bill anybody can be an inspector and any inspector can order structural alterations to be carried out at the expense of the owner. Then, possibly, under our system of dual control, the Commissioner of Public

Health will come along and demand a modification of the alterations, and so the owner will be put to the dual expense of carrying out the alterations and subsequently modifying them. I will support the amendment.

Hon. A. SANDERSON: The definition ought to go out. It would help the discussion if the Minister would deal more fully with these matters. He has told us in an offhand way that this definition is in the English Public Health Act and in our own Health Act. It is a proper provision in an Health Act, but certainly not here. The inspector may demand structural alterations. That in itself is a tremendous power to exercise. But the Minister has power to vary the demand. This is not right, for all owners should be on the one footing. I will support the amendment.

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

Ayes	9
Noes	16

Majority against	..	7
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AYES.

Hon. E. M. Clarke	Hon. R. J. Lyann.
Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. E. Rose
Hon. A. Lovekin	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. A. Baglin	Hon. C. McKenzie
Hon. C. F. Baxter	Hon. J. Mills
Hon. H. P. Costebach	Hon. T. Moore
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. E. Dodd	Hon. Sir E. H. Wittenoom
Hon. J. W. Hickey	Hon. A. J. H. Saw
	(Teller.)

Amendment thus negatived:

Hon. A. LOVEKIN: I move an amendment—

That in the definition of "public holiday" all the words after "Christmas Day" be struck out and the following inserted in lieu:—"New Year's Day, one day at Easter, and Eight Hours' Day, which shall be paid for by the occupier, and any other day, which need not be paid for, declared by proclamation, to be a public holiday in any district."

This amendment is in favour of the employee. Provision is made in the Bill for holidays, but in no two places do these holidays agree. My proposal is to make the holidays uniform throughout the Bill, and to make certain a matter which is at present uncertain.

Hon. J. Cornell: Why not include Anzac Day?

Hon. A. LOVEKIN: I have no objection to that. There is no certainty at present as to these holidays being paid for, and I want to remove that uncertainty. In the case of one industry the Arbitration Court held that if the employees, who wanted double time to work on these holidays, did not work on such days they should not be paid at all. I am in favour of the public holidays being granted to the employees, and think they are entitled to some respite in the course of the year. Extra holidays are provided for later on in the Bill. I also intend to add that if the employees do not get at least a week's holiday in addition to these public holidays enumerated in a later part of the Bill, they shall get at least a week's holiday.

The CHAIRMAN: The hon. member must not refer to later clauses of the Bill.

Hon. A. LOVEKIN: I want to show that it is necessary to alter this definition. How can I do so without pointing out how it would affect subsequent clauses?

The CHAIRMAN: The hon. member's remarks must have a direct bearing on the question before the Chair.

Hon. A. LOVEKIN: Christmas day is not mentioned in Clause 44, and Clause 42 also refers to other holidays. I suggest that these holidays should be made paid holidays and that those mentioned in Clauses 114 and 115 should also be treated in the same way.

The MINISTER FOR EDUCATION: This is the most extraordinary amendment I have ever heard of. In any event the amendment is in the wrong place, for Clause 42 provides the holidays in the year which shall be paid for. I am amazed at the hon. members' suggestion.

Hon. A. Lovekin: I can see no objection to saying that a public holiday shall be paid for.

Hon. A. H. PANTON: I hope the amendment will be defeated. Evidently Mr. Lovekin is endeavouring to bring about a clash between Arbitration Court awards and the Bill. The agreement of the metropolitan shop assistants provides for 10 paid holidays in the year, including three at Easter. Almost every organisation that will be working under the provisions of this Bill will come under the Arbitration Court. This amendment will have an effect on the Court, for it will be an intimation that these three public holidays only should be paid holidays, whereas the court should be left to decide on the evidence what holidays should be given.

Hon. J. E. DODD: If Mr. Lovekin would move his amendment in the right place I would support him; and would also support the inclusion of a fortnight's holiday. I drew attention to the question of holidays on the Public Service Appeal Board Bill. Public servants are given statutory holidays as well as a fortnight's holiday in the year, and three months' leave for every seven years of service. I stated at the time I could not understand why Parliament should give certain privileges to one section of the

community and not to another. There are employees under this particular Bill who will not get the benefit of the Arbitration Court, because they represent the weaker section of the community. To be consistent we should provide the same holidays for employees of private employers as we do in the case of the employees of the State.

Hon. A. LOVEKIN: This will apply where there is no arbitration award. If employers can go to the Arbitration Court and improve on this, I shall not be displeased. Where there is no award, what is the objection to giving this much for those who have not any award?

The MINISTER FOR EDUCATION: All that we want in the interpretation is what is a public holiday. It would be absurd to say in the definition that on public holidays employees should be paid. Payment has nothing whatever to do with the definition. The hon. member might do what he desires in a clause of the Bill, but certainly not in the interpretation.

Hon. J. CORNELL: Why specify only four days in the interpretation of public holiday? We could include certainly another four days. If we put in any at all we should include the lot. But it would be better to strike out any reference to any particular day and make the clause provide for any day declared by proclamation to be a public holiday. If the amendment is negatived I intend to move for the insertion of Anzac day.

Amendment put and negatived

Hon. J. CORNELL: I move an amendment—

That after "Easter Monday" in line 2, the words "Anzac day" be inserted.

The MINISTER FOR EDUCATION: I have no objection to the amendment. As a matter of fact, Anzac Day should have been included, but the omission of that day would have made no difference, because it is a holiday by Act of Parliament.

Amendment put and passed.

Hon. V. HAMERSLEY: With reference to the definition of "rack rent," I have a great objection to this because it is particularly aimed at the owners of property. I do not see any use for it. However, I do not feel inclined to ask the House to join me in striking it out.

Hon. J. MILLS: I move an amendment—

That to the definition of "shop" the following words be added: "But shall not include any place, stall, tent, or vehicle used by a local authority or by any agricultural society or registered racing club, or under permit of such local authority, agricultural society, or registered racing club."

My object in moving the amendment is to permit agricultural societies and country racing clubs carrying on business as they

have done in the past, particularly in the way of providing refreshments.

The MINISTER FOR EDUCATION: There would not be any particular objection to the latter portion of the amendment referring to agricultural shows, but no difficulty is likely to occur at these shows. They are not likely to sell things, the sale of which is prohibited in those hours. I cannot agree to the first portion of the proposal, that it shall not include any place, stall, tent, or vehicle used by a local authority, or under permit of such local authority. What is aimed at is the kerbstone market, and I do not think any municipality would permit people to sell, say, groceries on the kerbstone during hours when the rate-paying grocer was compelled to close his shop.

Hon. J. J. Holmes: It applies to vegetables and fruit.

The MINISTER FOR EDUCATION: Anybody can sell vegetables and fruit, and meat at 6 o'clock in the morning. The Bill does not alter the existing legislation in that respect. There would be an outcry if any municipality granted a stall owner the right to sell groceries up to midnight.

Hon. A. H. PANTON: There is no necessity for the amendment so far as agricultural shows or country racing clubs are concerned, because the only things sold there are refreshments. If the hon. member will turn to the Fourth Schedule he will notice that those items which are likely to be sold are exempted.

Hon. J. MILLS: My only object was to assist the country racing clubs and small agricultural societies, but as the hon. member points out, the Fourth Schedule covers what I desired to bring about. I will therefore withdraw my amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I objected to the withdrawal of the amendment and called "No."

The CHAIRMAN: I am sorry I did not hear the hon. member. The amendment has been withdrawn.

Hon. Sir. E. H. WITTENOOM: The definition of "shop" includes stall or tent. How will the Silver Chain entertainment that is being organised in aid of charity be affected? There will be stalls and tents there.

The Minister for Education: In a case like that special exemption has to be obtained.

Hon. V. HAMERSLEY: Under the clause it will be necessary to be constantly applying for permits.

Hon. A. H. Panton: A publican has to do that in order to get licenses for showgrounds.

Hon. V. HAMERSLEY: Every one of these stalls will have to be registered and pay fees to the department, and there will be endless bother.

The MINISTER FOR EDUCATION: The definition of "shop" is exactly the same as it

has been for the last 18 years and no difficulty has arisen. Clause 156 provides that nothing in this Act shall apply to any bazaar or fair when the proceeds are for religious, charitable, or public purposes.

Hon. J. NICHOLSON: I regret that the amendment was withdrawn. I am particularly concerned with regard to the Perth open markets. We have to devise means to reduce the cost of living and I have it on good authority that the public are largely availing themselves of the open markets.

Hon. J. J. Holmes: Will this definition stop them?

Hon. J. NICHOLSON: Yes.

The Minister for Education: What nonsense!

Hon. J. NICHOLSON: It will. If the vendors sell articles which come within the prohibition, they will be able to trade only during the hours provided for shops. One or two returned soldiers have been industrious enough to cure bacon and make butter which they sell at the kerbstone markets. If they cannot start selling these lines until 8 a.m. when the heat of the day is upon them, it will be detrimental to the vendors as well as to the buyers. We have to consider the convenience of the public. I move an amendment—

That the following words be added to the definition:—"But shall not include any place, stall, tent or vehicle used or authorised by a local authority."

Hon. A. LOVEKIN: These open markets sell all sorts of things and the people who do business there are very much concerned lest this Bill should interfere with them after the trouble which has been taken to establish the markets. In view of the high cost of living, anything which will tend to bring the producer and the consumer together should be encouraged. This Bill would prevent these people from starting business before the ordinary hours.

The Minister for Education: It depends on what they sell.

Hon. A. LOVEKIN: But they sell goods outside of the exempted lines. There are returned soldiers who are making jams and butter. Does it matter at what hour they sell so long as they work within the 48 hours a week? If they supply cheap produce for a few hours in the cool of the morning, they are benefactors to the community and should not be shut out by a measure of this description.

Hon. J. NICHOLSON: These producers come in from long distances beyond Warreroo, Victoria Park, and such places. They leave their homes early in the morning and return early in the afternoon. The early morning hours suit them, but without the amendment this measure would deprive them and the public of the benefit of this business. It will discourage these people who are settling on the land, and do not we want as many settlers as we can possibly get?

Hon. J. DUFFELL: The leader of the House said the definition in the Bill had been in operation for the last 18 years. The definition in the Act reads—

"Shop" means place, building, stall, tent, vehicle or boat in which goods are offered or exposed for sale, or in which the business of a hairdresser is carried on, in any district; or portion of a building separated from the rest of the building by a substantial partition, and in which goods are offered or exposed as aforesaid, or in which any such business as aforesaid is carried on.

The Minister for Education: From what are you reading?

Hon. J. DUFFELL: From the Early Closing Act 1902.

The Minister for Education: That was amended by the Act of 1904.

Hon. J. Hickey: Read something up to date.

THE MINISTER FOR EDUCATION: I shall read the definition as amended by the Act 1904 and members will see for themselves that it is similar to the definition in the Bill. It reads—

"Shop" means any building or place, or portion of a building or place, or any stall, tent, vehicle or boat in or from which goods are sold or exposed or offered for sale by retail, and includes any premises in which any business described in Schedule One is carried on.

Hon. Sir E. H. Wittenoom: Is the schedule the same?

THE MINISTER FOR EDUCATION: There may be a slight difference.

Hon. J. DUFFELL: This shows the necessity for bringing up to date the various amendments made from time to time. It is perplexing for anyone but a lawyer to understand the position.

Hon. A. H. PANTON: I am not quite satisfied with the amendment. I understood that the kerbstone markets were opened for the sale of fruit and vegetables, which are exempted under the Fourth Schedule. Now we are told that jam, butter, and other lines are being sold. If we hand over to the local authorities the right to say that anything can be sold at the kerbstone markets, we shall have grocers and drapers retailing their goods there where they can catch the crowd.

Hon. J. Cornell: You will have a miniature Petticoat-lane.

Hon. A. H. PANTON: That is what will happen.

Hon. V. Hamersley: Will it reduce the cost of living?

Hon. A. H. PANTON: How will it do that when it is simply a matter of transferring £40 or £50 worth of goods from the shop to the kerbstone? It will increase the cost of living because of the added cost of transport. Mr. Holmes laughs because when he wants meat, he can get it brought

to him without extra cost. He was very clever in his particular business and they are not all as clever as he was. There is no occasion for the amendment, for some of these things are exempt under Schedule 4. If the local authorities are to be given the right to override this Bill and grant further exemptions, we shall have no control over the shops at all. If we want to transfer the shops to the kerbstone, the shop assistants will be required to sell the goods. The shop assistants will require overtime and then there will be another industrial dispute. There is no occasion for the amendment at all.

Hon. A. LOVEKIN: The answer to Mr. Panton is that, under Mr. Nicholson's amendment, it is proposed to limit the authority to the local governing body. The local authority are not likely to give permission to drapers and others to sell their goods on the kerbstone because immediately they did that the council would lose rates, because they would lower the value of the shopkeeper's property. The permission would only be given to persons who would not otherwise be shop owners and who would only go there to sell their goods from time to time.

Hon. J. DUFFELL: When speaking just now I forgot to make one point clear regarding the definition of shopkeeper. The reason I referred to the Early Closing Act of 1902 was that the leader of the House had said that the measure had been in operation for 18 years.

Hon. J. J. HOLMES: The point I am not clear on is whether, under this clause, the intention is to reduce the cost of living, or, as Mr. Panton has mentioned, for the purpose of bringing cartloads of goods to carry on shops at the kerbstone.

Hon. A. H. Panton: That is quite possible under the amendment.

Hon. J. J. HOLMES: Mr. Panton objects to the producer and the consumer coming together, except through the shop assistants.

Hon. A. H. Panton: I take exception to that remark. I said nothing of the sort. I did not object to the producers and consumers coming together except through the shop assistants.

The CHAIRMAN: The hon. member has taken exception to the statement and I ask the hon. member to withdraw.

Hon. J. J. HOLMES: I will withdraw the statement. Mr. Panton said that I could send out for goods without the cost of transport being added to the cost.

Hon. A. H. Panton: The cost of transport ordinarily would have to be added to the price of the article.

Hon. J. J. HOLMES: The position is that as a master butcher—I left that business 15 years ago because I was harassed out of it by the employees—a man could go down to these places and distribute direct to the consumer at 2d. a lb. less than it costs to-day.

Hon. A. H. Panton: And be exempt under the Bill.

Hon. J. J. HOLMES: Where?

Hon. A. H. Panton: You have been told 14 times already.

Hon. J. J. HOLMES: I will resume my seat if the Minister will show us where the butcher is exempt.

The MINISTER FOR EDUCATION: I have dealt with that point over and over again. The existing Act fixes the opening time for butchers' shops at 8 o'clock, exactly the same as the proposal under the Bill. It also gives the Minister power to proclaim the time at which butchers' shops shall open and under the provisions of the existing Act the Minister has proclaimed that butchers' shops shall open at 6 a.m. on week-days except Saturdays, when they shall open at 5 a.m. The present Bill makes the same provision regarding butchers' shops. The wording of the clause is the same as the wording of the existing section and if this Bill is passed, the position the butcher shops will be in will be exactly the same, and the Minister may by proclamation fix the opening time at 5 a.m.

Hon. J. J. HOLMES: We have reached a position in this Bill that we have not decided as to whether or not, anything is to be left to the Minister by proclamation or otherwise.

Hon. A. H. Panton: Holidays have to come in by proclamation.

Hon. J. J. HOLMES: But to put the power into the hands of the Minister to say what time the shops should open, is different from giving the Minister power to do certain things by proclamation. We have not decided that point yet and if we exclude that power from the Minister under the Bill it will be necessary to bring butchers' shops under the fourth schedule. Mr. Panton said that an increase in the cost of living will result if the butchers take their meat to the kerbstone market. That is not the point. If the butcher could sell his meat direct to the consumer and get rid of other charges, he could sell meat at 2d. per lb. less compared with the present charges.

Hon. T. Moore: Why have they not tried that before now?

Hon. J. J. HOLMES: They are doing so.

Hon. A. SANDERSON: As an illustration of what has happened under Ministerial proclamations and regulations, members should have regard to the abattoirs at Midland Junction. Evidently someone took a pair of compasses and, with one point on the Town Hall in Perth and the other stretching beyond Midland, made a circle and decreed, without any reference to any other interests, that all stock which was to be killed should be taken to the Midland Junction abattoirs to be slaughtered—it did not matter whether it was a pig, a sheep, or a hen. If it is a question of bringing the consumer and producer together again, we must give careful consideration to the amendment. If by having east-iron control over all shops, and by Ministerial proclamations, shops can be made merely Government departments, as it were, what will be the result? We will protect the shop assistants and the capitalists, or the

big shopkeepers. We must have regard to the business of the small shopkeeper, who is doing good throughout the country. If we look after the two sections only, the shop assistants and the big shopkeepers, the small men will be crushed. If that comes about, we will increase the cost of living. What does it matter to the big shopkeepers if there is an increase of wages? They simply add the increased cost to the cost of their commodities and the general public have to pay. The only section which can destroy such a position of affairs is the small man, whom we should encourage. I hope the amendment will be carried, not so much from the standpoint of what it may do, but for the purpose of compelling the Minister to give this matter his serious attention. As for the licensing of these people, the municipal authorities should be in the position of knowing what would be in the interests of the community and I support the amendment.

Hon. H. STEWART: Can the Minister refer me to the clause on which the closing of butchers' shops depends?

Hon. J. CORNELL: Mr. Nicholson might withdraw his amendment for the present, and then the clause can be recommitted. Personally I am most anxious to do anything that will bring the producer and the consumer into direct contact, thus eliminating a series of middlemen. The kerbstone market is an innovation of yesterday, and was not in the minds of the framers of this Bill or of the select committee.

The MINISTER FOR EDUCATION: The clause to which Mr. Stewart refers is Clause 100. The whole policy of our early closing legislation has always been to permit the unrestricted sale over extended hours of all those goods which it is thought desirable in the public interest should be sold over extended hours.

Hon. J. DUFFELL: Perishable goods, for instance.

The MINISTER FOR EDUCATION: Yes. If there is any class of goods which ought to be included in the list and is not included, then there is a proper place in the Bill for moving to insert that class, instead of trying to remove all these trades from the definition of "shop."

Hon. J. NICHOLSON: I thank hon. members for their suggestions, and the leader of the House for what he has said with regard to the amendment. Certainly the best place to make that amendment is in one of the later clauses. However, it had been proposed by Mr. Mills, and then withdrawn; and I brought the matter up at this stage in order to arouse the attention of hon. members with regard to small producers. The Government have recently purchased the Peel estate, outside Fremantle, where they propose to settle soldiers. Those soldiers will be small producers, bringing their own home-cured bacon, their own jam, their own honey, and their own butter into town for sale—all of them commodities which are not exempted

under this clause. Such producers will have many miles to come in to market, and must be permitted to sell their goods at convenient hours. I accept Mr. Cornell's suggestion, and ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. Sir E. H. WITTENOOM: The definition of "shop" extends to and includes any premises in which any business described in the Fourth Schedule is carried on. The Fourth Schedule, I observe, includes "registered club." I shall move that those words be struck out of that schedule. Of course I cannot give my reasons at this stage.

Hon. J. J. HOLMES: This clause deserves more consideration than it has yet received. Mr. Sanderson has awakened to the fact that under the Bill the small trader is going to be squeezed out of existence. That was one of the reasons why the measure was thrown out. I do not know whether I am gifted with second sight, but on the second reading I referred to this clause, saying that the desire of some of our friends was to get the whole of the shop employees under half a dozen roofs in Perth—having closed up all the little shops—because then, irrespective of any Act of Parliament or any award of the Arbitration Court, they would either declare those big premises black or call out the staffs from them. However, our friends have not waited for this Bill to pass to do that; they have started already.

Hon. A. H. PANTON: There is nothing like showing what you can do.

Hon. J. J. HOLMES: The hon. member can have as many demonstrations outside Parliament House as he likes, but I shall continue to be guided by my own opinion as to whether a clause is right or wrong. This clause is loaded, and loaded by the Trades Hall.

The Minister for Education: The clause is exactly the same as the corresponding section of the Early Closing Act of 1904.

Hon. A. H. PANTON: The Trades Hall have had nothing whatever to do with this Bill, which is a Government measure; and the clause to which Mr. Holmes objects has already been in force for 16 years. Mr. Holmes's suggestion that there is a desire to get all the shop assistants of Perth under half a dozen roofs shows plainly that he knows nothing about the subject. How are we to get the employees of the small shops under one roof, seeing that the small shops have no employees? If Mr. Sanderson wants to put up a fight for the small shops, he should try to get the kerbstone market abolished altogether. We are told by the small shopkeepers, including many widows and incapacitated persons, that the people are no longer coming to them but are going to the kerbstone market, the traders in which, unlike the small shopkeepers, pay no rent. The only way to preserve the small shopkeepers is to keep them where they are, and register them under this Bill. If Mr. Holmes and his

colleagues oppose a Bill, that is good enough reason for the Trades Hall to support it.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. DUFFELL: I move an amendment—

That in line 1 of the definition of "shop assistant" the words "whether a member of the shopkeeper's family or not" be struck out.

Those words, if allowed to remain, would mean that no person keeping a boarding house could employ a member of his own family.

The Minister for Education: Why not?

Hon. J. DUFFELL: Because those words would drag in any member of the family of the boarding house keeper as a worker.

The Minister for Education: That is not to say that such a person shall not be employed.

Hon. J. DUFFELL: It is, because it makes such a person a shop assistant, and renders him subject to all the penalties imposed upon shop assistants, when they flout the dictates of the union. Such a person would be termed "blackleg" or "scab" by the unionists if he did any work which the union said was not proper. A boarding-house keeper employing members of his own family could not rely upon them, because they would be shop assistants.

The Minister for Education: Making them shop assistants would not be interfering with them.

Hon. J. DUFFELL: It would make all the difference if the words I object to were allowed to remain in the Bill, for the members of the boarding-house keeper's family might be called out to a stop-work meeting.

The Minister for Education: The Bill does not compel shop assistants to be members of a union.

Hon. J. DUFFELL: But what would happen them if they did not join the union?

The MINISTER FOR EDUCATION: I hope the amendment will not be agreed to. The purpose of the words objected to is simply to make clear the meaning of the definition. If the words are struck out, the member of a shopkeeper's family employed in or about the business of a shop will still be a shop assistant. The carrying of the amendment would make no difference whatever to the meaning of the definition. Obviously the hon. member's amendment does not mean what the hon. member thinks it does.

Hon. A. LOVEKIN: There is another view of this. Under the Bill every shop assistant must be registered, and any person employing a non-registered shop assistant will be guilty of a breach of the Act. If a mother, carrying on a small refreshment shop, employs her daughter as assistant the daughter becomes a shop assistant

within the meaning of the definition, and, unless she is registered, her mother will be liable to all the pains and penalties provided in the clause.

The Minister for Education: Which clause provides for the registration of shop assistants?

Hon. A. LOVEKIN: Clause 103.

The MINISTER FOR EDUCATION: Clause 103 applies only to a very limited number of persons granted special privileges as small shopkeepers. After a certain hour at night such a person can employ only one shop assistant, and that special class of shop assistant alone requires to be registered.

Hon. J. DUFFELL: According to what we have seen in the newspaper this morning it is quite possible that the waitresses and cooks employed in hotels in Perth will be called out two days before Christmas. If this happens it will seriously inconvenience all those people visiting Perth for the holidays and staying at hotels. But what about all the shop assistants who are living in boarding-houses? If, under the definition of "shop assistant," the children of boarding-house keepers are permitted to cater for the requirements of those living in boarding-houses, there is grave danger that they also will be called out.

Hon. A. H. PANTON: I only wish the unions had half the power which the hon. member gives them credit for. There is no organisation of boarding-house employees, for they are domestic servants, and domestic servants are not eligible for registration under the Arbitration Act. What Mr. Duffell said about the sons and daughters of such people belonging to unions does not fit the case. He cannot mention one son or daughter of a shopkeeper or boarding-house-keeper who is a member of the union. When I went to the goldfields recently on the miners' case I arrived there at the time when the very people Mr. Duffell speaks about were on strike. There was only one hotel in Boulder at which I could stay that was declared white, and this was being managed solely by the licensee and his family. The union has no control over the people Mr. Duffell speaks of. Furthermore, boarding houses are exempt under Schedule Four.

Hon. J. J. HOLMES: If the words proposed to be struck out by Mr. Duffell are struck out, I intend to suggest the insertion of the words "not being a member of the shopkeeper's family."

The MINISTER FOR EDUCATION: It has been the law ever since the Early Closing Act came into force that the small shopkeeper shall be a person who employs only one assistant, that assistant being a member of his family. If it is put into the interpretation that the members of his family are not assistants the small shopkeeper can have as many members of his family as he likes working for him, and may still be allowed to register as a small shopkeeper. He will thus

be able to seriously compete against other shops which will have to close at 6.

Hon. J. J. HOLMES: Assuming that Mr. Panton's argument is correct, if all the trade were diverted to the big shops, the unions could starve the public into submission. If the small shops cannot supply the public this will be the result. Why should not a small shopkeeper employ his family of four if he wants to teach them the business?

The Minister for Education: Why not, so long as he complies with the conditions applying to other shopkeepers?

Hon. J. J. HOLMES: It is monstrous that a family cannot be allowed to run a business in their own way, especially at such a time as we experienced this afternoon.

Hon. J. DUFFELL: I am not going to say what words I shall move to be inserted when these words are struck out. Mr. Panton's argument is sufficient to induce members to agree to my amendment. If we passed this definition as it is, the hotelkeeper he instanced would be as black as the others.

Hon. A. H. PANTON: That does not make his family unionists.

Hon. J. DUFFELL: No, but it makes them black.

Hon. Sir E. H. WITTENOOM: I am inclined to think that the deletion of these words will not make any difference to the definition. Even if these words are cut out, and there are some redundant words in the definition, the words "shop assistant" means any person who is employed, provides all that is necessary. If it is thought desirable a proviso might be added to the effect that the definition shall not apply to a member of a shopkeeper's family.

Hon. J. CORNELL: I agree with Sir Edward Wittenoom. The definition indicates that any member of the family of a shopkeeper is a shop assistant, whether paid or not. The daughter of a widow who is keeping a boardinghouse will thus come into the same category as an ordinary shop assistant, and will have to be registered.

The Minister for Education: The shop assistant does not have to be registered.

Hon. J. CORNELL: Is it intended to place the daughter of a widow in the same category as a girl employed in a cafe for wages? If Schedule Four affords the protection mentioned by Mr. Panton, why the necessity for paragraph (a) which follows this definition? I should prefer to delete all the words after "shop" in the third line.

Hon. J. J. HOLMES: If we vote for Mr. Duffell's amendment and then insert "not being a member of the shopkeeper's family" that will allow a shopkeeper's family to carry on business, and no member of the family will be a shop assistant within the meaning of the Act.

Hon. A. SANDERSON: I am going to support the shop assistants to get some amelioration of their conditions, and I am going to protect as far as possible the small shopkeeper.

Hon. A. LOVEKIN: I ask the Minister, in view of the statement he has made that it is not necessary to register shop assistants, to refer to Clauses 116 and 117.

Hon. J. CORNELL: The fourth schedule as it stands offers no protection. Boarding houses are not exempted by it, and the only way in which we can effect their exclusion is to strike them out of the schedule.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	9

Majority for 4

AYES.

Hon. R. G. Ardagh	Hon. J. Mills
Hon. E. M. Clarke	Hon. E. Rose
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. Duffell	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. Nicholson
Hon. R. J. Lynn	(Teller.)

NOES.

Hon. H. P. Colebatch	Hon. T. Moore
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. C. McKenzie
Hon. J. W. Kirwan	(Teller.)

PAIRS.

AYES.	NOES.
Hon. J. J. Holmes	Hon. C. F. Baxter

Amendment thus passed.

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

That in place of the words struck out the following be inserted:—"Not being a member of the shopkeeper's family."

The MINISTER FOR EDUCATION: As I stated before, the striking out of words will make no difference to the clause, but undoubtedly the insertion of the words proposed by Mr. Holmes will make a vital difference. Not only will they attack the principle of the Bill, but they will attack the principle that has existed in our early closing legislation for the last 18 years. If these words are included it will mean that a person, so long as he employs only members of his own family, will be entitled to employ four or five persons and still register as a small shopkeeper. In many other cases the provisions of the Act will be altered. It is not the intention to impose any unfair restrictions against the employment of persons or the work of persons. The policy is that fair and proper restrictions should be laid down. This restriction should apply to everybody. If the amendment is carried, a person, because he is a member of the family of a shopkeeper, can go out and canvass for orders at a time when others are prohibited from doing so, and thus compete unfairly against those others. The amend-

ment attacks the whole spirit of the early closing legislation, which is to establish conditions of equity between all persons.

Hon. Sir E. H. WITTENOOM: There is not the least doubt that the amendment is exceedingly important and although I do not think it strikes at the principle of the Bill, it does involve the question of whether we shall allow people who are so inclined to be industrious or not. Why should not people who so wish, work as long as they like? If a man is inclined to be industrious beyond certain hours, why prevent him? Why stop all industry and block the man who wishes to get ahead? The principle of the Bill is that he must not work people who do not wish to work. If a man is a small shopkeeper, why should not he have the help of his family if they are willing to help him? I agree that he should not be allowed to work other people beyond certain hours. If a man wishes to improve his position and take advantage of his time let him do it. If a man sleeps for six or eight hours he still has ten hours of the day left after doing his work and is he to be allowed to work no longer? I am a firm believer in permitting a man to work so long as he likes. I support the amendment.

Hon. J. DUFFELL: I shall not say that the leader of the House is playing to the gallery. He may have sons who would be prepared to assist him in his business, but I have two grown-up sons and not one of them would go out to canvass for orders after hours. The Minister has shown that the amendment might have some baneful effect on organised workers. I wish to protect the family of the boarding-house keeper, who may be a poor widow, and not the people mentioned by the Minister. My great object in connection with this Bill is to do away with the late shopping night.

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

Hon. J. DUFFELL: I am only referring to it incidentally. The inclusion of the amendment would save the position as regards the boarding-house keeper. The Minister will quite understand my remarks.

The Minister for Education: I cannot understand them at all.

Hon. J. DUFFELL: The Minister this afternoon by mis-stating—

The CHAIRMAN: The hon. member must not accuse any hon. member of mis-stating anything.

Hon. J. DUFFELL: The Minister says he cannot understand, and I was trying to make it clear.

Hon. A. H. PANTON. Mr. Duffell can see only one thing in this Bill, and that is a boarding-house.

Hon. J. Duffell: No, there is a late shopping night, too.

Hon. A. H. PANTON: The whole of his argument is that a poor widow with a daughter or two, may be detrimentally affected in the conduct of a boarding-house. The

definition includes shops of every description in the State. If the amendment is accepted, notwithstanding Sir Edward Wittenoom's advocacy of industry, a man with a small family which could be of no assistance to him would be at a disadvantage compared with a man who had the assistance of two or three grown sons. This is a question of fair or unfair competition between shopkeepers. If members are prepared to say that there may be competition whether fair or unfair, the amendment should be accepted. From a trades union point of view it does not matter a snap of the fingers whether the amendment is passed, because members of an employer's family have nothing to do with trades unions.

Hon. J. E. DODD: Sir Edward Wittenoom has certainly made clear his position and I appreciate his outspokenness. He said straight out that every man had a right to work as long as he liked whether in competition with anyone else or not. In the course of evidence before the select committee Mr. Summers, a draper, of North Perth, mentioned that he employed one or two assistants and that next door to him was a Mr. Wright who did not employ assistants, but worked the shop with his family. Yet he had to close at six o'clock, while the other could remain open till eight o'clock. This is happening elsewhere. I was informed this afternoon that a suburban butcher with several sons is competing most unfairly with butchers who employ assistants. I know of many big boarding houses on the fields to which the amendment would have a detrimental effect. We are anxious to see that the person who employs labour is not placed at a disadvantage compared with the man who do not need the help of labour. We ought to take a stand and say that we do not care for the trades unions or anyone else in deciding what is best for the community.

Hon. H. STEWART: A number of members will feel relieved by the statement of Mr. Panton. I agree with Sir Edward Wittenoom in giving freedom to the individual who is anxious to improve his position, but I am with Mr. Dodd in his desire to prevent unfair competition. The amendment will restrict a family's working hours.

Hon. Sir E. H. Wittenoom: They cannot work after 8.30.

Hon. H. STEWART: And I am sure the House will not permit a family concern to be carried on outside the hours of trading for any other shop. The amendment is not dangerous but we must keep it in mind if we pass it, in order that the remainder of the Bill may be brought into consonance with it.

The MINISTER FOR EDUCATION: If these words are inserted as proposed in the amendment, we shall be putting back the hands of the clock for many years so far as this legislation is concerned, and we shall do something which has not been done in any other State in the commonwealth. In other States, the definition covers all per-

sons engaged, whether members of a family or not.

Hon. J. J. HOLMES: I am not in the least perturbed as to what happened years ago. Conditions have altered and if justification were needed for such an amendment it was furnished this afternoon. The time will come when the trade in the metropolitan area will be concentrated in half a dozen big shops, employing the whole of the shop assistants. As soon as the shop assistants cannot get their own way, they will declare the shops "black" or call out the assistants, as was done this afternoon. If we provide that families will be able to run small shops, people will be prevented from being starved into submission.

Hon. R. J. LYNN: While I desire to see the small shopkeepers protected, I do not desire to see any unfair competition permitted. If we permit a man with a family to carry on in the manner proposed, we shall be doing injustice to those who are not so fortunately circumstanced. The proposal may leave the door wide open to abuses.

Hon. J. NICHOLSON: There is an important principle at stake. The measure will fix the trading hours for shops, and if that principle is to be violated, it will be wrong to support the amendment, notwithstanding how much I appreciate its merits in other respects. The leader of the House mentioned that the amendment would seriously impair the Bill because in a subsequent portion it is mentioned that canvassing is prohibited during certain hours.

The CHAIRMAN: The hon. member must not refer to a later portion of the Bill at the present stage.

Hon. J. NICHOLSON: The Minister referred to that portion of the measure and I desire to explain it in relation to this point.

The CHAIRMAN: That is no excuse.

Hon. J. NICHOLSON: It is stated a little later than any person, who is employed by a shopkeeper when the shop is closed only, shall not be deemed a shop assistant. That proviso has an important bearing on this amendment. It is contended that a shopkeeper and his family should be allowed to work as long as they please. No one desires to deny them that right. If a shopkeeper has a family there is no reason why the members of the family under this proviso cannot give him assistance when the shop is closed. But unfair competition, in view of the principle which is sought to be established by the Bill, would not be right. I oppose the amendment.

Hon. Sir E. H. WITTENOOM: More importance was attached to my earlier remarks than was intended. It was never my intention that there should be unfair or undue competition between large firms who are compelled to close at certain hours and people who can keep open. My remarks were merely directed at those individuals who have the energy to do something for themselves after the hours they are compelled to work. If a

man has four grown-up children to assist him in the shop, it would not be fair to allow him to unfairly compete with the man who has not members of his family to assist. My support to the amendment was intended to apply to those men owning small shops who have the enterprise and energy to endeavour to improve their position after the statutory hours of labour. Would Sandover's be ruined if a small shopkeeper sold some tinware? He should be encouraged, provided he did not use labour other than his own. How do men get on? Surely not on a statutory level of working six or eight hours.

Hon. A. H. PANTON: They generally get on by working other people.

Hon. Sir E. H. WITTENOOM: Ordinarily a man does eight hours of statutory work. He sleeps six or seven hours. What is he to do with the balance? Is he to loaf or is he to try to improve himself? If a man in that position desires to have a small shop to improve his position, he should be encouraged to do so, in the interests not only of himself but of the public.

Hon. J. J. HOLMES: During this discussion I have not heard anything to convince me that the proposed words should not be included. I cannot call for a division, because I have paired with Mr. Baxter. Do what we will in the matter of this legislation, somebody will find a way out. One way out would be a partnership. Why force families into partnerships when we can deal with the matter by this amendment?

Hon. A. LOVEKIN: If this amendment is carried, and another amendment of which Mr. Duffell has given notice is also carried, it will be impossible for four or five sons to be employed as suggested by Mr. Pantan, because it is provided that not more than one member of the family shall assist the occupier at any one time. That being so, I must support this amendment.

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

Ayes	..	..	..	6
Noes	..	..	..	15
Majority against				9

AYES.

Hon. V. Hamersley	Hon. H. Stewart
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. A. Sanderson	Hon. J. Duffell
	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. J. Mills
Hon. E. M. Clarke	Hon. T. Moore
Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. J. Cornall	Hon. A. H. Pantan
Hon. J. Cunningham	Hon. E. Rose
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. R. J. Lynn
Hon. C. McKenzie	(Teller.)

Amendment thus negatived.

[Hon. J. Ewing resumed the Chair.]

Hon. J. DUFFELL: I move an amendment—

That in line 2 of paragraph (b) of the definition of "shop assistant" the words "boarding-house" be struck out.

These words were not included in the Bill as originally introduced in another place, and the report of the select committee's proceedings contains no evidence which would justify the inclusion of "boarding-house" here.

The MINISTER FOR EDUCATION: The question is one on which I do not feel very strongly. Evidence was, however, submitted to the select committee—I have not the exact reference at hand—to the effect that waitresses and other employees in boarding-houses were frequently worked excessive hours and not allowed the holidays to which similar workers in restaurants, coffee palaces, etc., were entitled under existing legislation. I think there is a good deal to be said on either side.

Hon. A. SANDERSON: Why should "boarding-house" be struck out and not restaurant and coffee palace? Again, if boarding-houses are included, why are not private houses included? "Shop assistant" does not include an assistant in a boarding-house, a restaurant, or a coffee palace. Have not waitresses in boarding-houses the Arbitration Court available to them? Why make our task more difficult?

Hon. J. J. HOLMES: I support the amendment. A position has arisen which did not exist in 1902 or 1904.

The Minister for Education: The words were not included then.

Hon. J. J. HOLMES: To-day, no matter what wages are offered, it is impossible to get a general servant in a private house. The result is that hundreds of people who would employ general servants if they were available, are now driven into boarding-houses for their meals. Again, flats are being built all over Perth, so that people may live in the flats and have their meals in restaurants on the premises. The words "boarding-house" here are aimed at catching people who have solved the servant difficulty in the way I have described. It is proposed to follow such people into the boarding-houses and set up such a position there as will reduce those people to starvation. I see no other object in the amendment, except perhaps that of harassing and annoying people more than previously. I can see the nigger in the fence.

Hon. A. H. PANTON: Mr. Sanderson raised the question whether waitresses employed in boarding-houses come under the Arbitration Act. The definition of "worker" in the Arbitration Act excludes any person engaged in domestic service. Waitresses in boarding-houses are the hardest worked and most shamefully sweated of all sections of waitresses. Why? Simply because they cannot be catered for in the Arbitration Court. There are two reasons why persons live in flats. One is,

because of the exorbitant rents charged by landlords, and the other because domestic servants, excluded from the Arbitration Courts, are not organised, but nevertheless refuse to work for 22 hours out of the 24. As for the bringing of boarding-houses under the Bill, it will not concern the trades union movement, because those waitresses cannot be catered for until the Arbitration Act is amended.

Hon. A. SANDERSON: I am beginning to remember that I supported the proposal that domestic servants should be included under the Arbitration Act. However, that is no reason for placing boarding-houses in the Bill.

Hon. A. H. PANTON: And no reason why the waitresses should continue to be sweated.

Hon. A. SANDERSON: I should say the domestic servants are the most favoured section of the community to-day. Still, we ought not to include in the Bill boarding-houses, restaurants, or registered clubs. We are now doing the work which a select committee ought to have done two months ago.

The Minister for Education: A select committee did it.

Hon. A. SANDERSON: Nothing of the sort. The small shopkeepers have told me they had no opportunity for presenting their case to the select committee. If the Committee insist upon including boarding-houses in the Bill, those of us opposed to it will see to it that it is struck out later. We are now allowed to go back on our tracks by recommitment, and we shall take advantage of that. I am opposed to the Bill doing anything more than giving fair consideration to shop and factory assistants.

The MINISTER FOR EDUCATION: The evidence given before the select committee on the point will be found on page 89 of the committee's report. The witness in that case referred to boarding-houses and colleges, particularly the Scotch College. I cannot get away from the argument used by Mr. Sanderson. Although I should like to see something done for those in boarding-houses, I think it is straining a point to bring boarding-houses into the Bill. The evidence given before the select committee would not have convinced me that boarding-houses ought to be included.

Hon. J. DUFFELL: The witness alluded to by the Minister, Celia Maud Shelley, explained that she wished the select committee to include "kitchen" in the definition of "bakehouse." Mr. Panton said that waitresses in boarding-houses are the worst sweated of all. But the point is that we are dealing with shop assistants, and waitresses in boarding-houses can scarcely be regarded as shop assistants.

Hon. A. J. H. SAW: I intend to support the amendment. I am impressed by Mr. Panton's statement that waitresses in boarding-houses are the most sweated of all.

If that is so, there are no sweated persons in the community, and I thank God for it. If those waitresses are sweated, they have every opportunity of going as domestic servants, for whom there is a most pressing demand in comfortable homes. I cannot see any object in including boarding-houses in the definition of factory or shop.

Hon. A. H. PANTON: I cannot follow the logic of the Minister. He says a boarding-house is not selling anything, while a restaurant is. In a restaurant one purchases a meal served by a waitress. In a coffee palace, one hires a room and purchases meals served by a waitress. Precisely the same applies to a boarding-house, with the difference that in the boarding-house the girl is called a domestic servant, whereas in coffee palace and restaurant she is called a waitress. If "boarding-house" is to be struck out, coffee palaces and restaurants might just as well be struck out also.

Hon. J. DUFFELL: The term "boarding-house" is very elastic. There are many homes in the metropolitan area where it is necessary for people to take in a boarder in order to pay the rent.

Hon. A. H. Panton: So the landlord is sweating them.

Hon. J. DUFFELL: It may be that the occupier is trying to purchase that home through some building society. To enable the occupier to get the money necessary to do this she has to take in a boarder. That would become a boarding-house. Such a place cannot be classified with some other large house which is run solely as a boarding-house.

The MINISTER FOR EDUCATION: This amendment was inserted by the select committee. We have just agreed to the definition of a shop, from which it will be seen that it is any place where goods are sold or exposed for sale, etc. That does not apply to a boarding-house or registered club, but to other places that are mentioned. There is a danger in this particular paragraph. If the select committee had done its work thoroughly a definition of boarding-house would have been inserted. We should be improving the Bill if we struck out the words "boarding-house."

Hon. A. LOVEKIN: I move—

That the question be now put.

Motion put and negatived.

Hon. J. W. HICKEY: I wish to ask a question of Mr. Duffell, who is leading the opposition against this Bill, with regard to the definition of boarding-house. Does he consider that "Forrest House" would come within the scope of his definition of boarding-house?

The Honorary Minister: It is all in flats now.

Hon. J. W. HICKEY: I cannot dissociate a boarding-house from a restaurant or a coffee palace. If a "boarding-house" is struck

out of this paragraph it will have a vital effect upon the whole Bill. Were decent conditions of employment given in private homes there would be no dearth of domestic servants. It has been stated by hon. members that if they could get these words deleted it would bring people back into domestic employment. My view is that, if better conditions and better wages were given, there would be no question about domestic servants at all.

The Honorary Minister: You do not know what you are talking about.

Hon. J. W. HICKEY: Mr. Duffell evidently does not dissociate himself from restaurants and coffee palaces in this matter.

Hon. J. CORNELL: The Minister for Education says that these words were inserted by the select committee and that they are out of place. There are other words also out of place. The position would still be met by the mover of the amendment withdrawing the amendment and deleting all words except those which have reference to registered clubs. With this exception the paragraph is only a repetition of the Fourth Schedule. I will vote against it.

Hon. A. H. PANTON: The arguments are getting weaker. Mr. Duffell painted a pitiful picture of an unfortunate couple trying to pay off their house through some society by taking in a boarder, to attend to whom they had to engage a waitress. If they engaged no waitress there would be no one for them to worry about. I cannot see any boarding-house keeper employing a waitress to attend to one boarder, who is taken into the house to assist in paying off the debt owing on the house.

The Minister for Education: "Boarding-house" should be defined. What is a boarding-house.

Hon. A. H. PANTON: Within the meaning of the Bill it comes in the definition of "shop." That is sufficient for me. If we are going to alter the definition of "shop assistant," then we are going to impose unnecessary trouble on ourselves, because in every clause where "shop assistant" occurs it will be necessary to alter the word to what it is intended to convey.

Hon. A. SANDERSON: It is becoming evident that if another large section of the community are to be dragged into this Bill it will be my painful duty to communicate with the different parties whose interests are likely to be affected, and ask them to advise me how they are likely to be affected. Are not hon. members prepared to compromise on a perfectly clear issue? If we can agree to a compromise, our work, comparatively speaking, will then be easy. If no compromise is arrived at, then every line of the Bill will be fought.

Hon. A. H. Panton: There will be nothing left then.

Hon. A. SANDERSON: The hon. member brought up a number of people to-day and tried to impress us with one section of the community.

Hon. A. H. Panton: That is not so. I ask that the statement be withdrawn.

The CHAIRMAN: The hon. member must not impute motives. The statement must be withdrawn.

Hon. A. SANDERSON: I withdraw at once, but I can put it this way: I can say that there was a big demonstration here. Did they come up by themselves?

Hon. A. H. Panton: Do not blame me.

Hon. A. SANDERSON: The fact remains that one section of the community came up here to-day to impress us, I suppose, with their importance. We are also entitled to consider to the full those people who did not come here to demonstrate. If those hon. members, understanding the offer of the compromise, refuse to accept it and are going to insist upon including these other sections of the community, I can say without making any threat, that all those who represent those other sections of the community will be compelled to put up a strenuous opposition to the remainder of the Bill which at present they do not wish to do.

The MINISTER FOR EDUCATION: In view of the statement of the last speaker, I wish to make my position clear. I will not be a party to striking out "restaurants," but I shall be agreeable to the striking out of "boarding-houses," because a boarding-house is not a shop. Under existing legislation a restaurant is a shop.

Hon. J. CUNNINGHAM: It is my intention to vote against the striking out of the words. It would have been just as logical to include coffee palaces as boarding-houses. I cannot understand the position taken up by the leader of the House. Only a few moments ago he stated that a restaurant had been a shop for the last 18 years. If the records are looked up I have no doubt that we shall find that when the question was being debated, the efforts to exclude restaurants was just as strenuous as the opposition is to-night to boardinghouses. It is difficult to draw a line of demarcation between a boardinghouse and a restaurant. Many boardinghouses are advertised as coffee palaces. What object has the mover of the amendment in excluding coffee palaces? There may be a coffee palace in Murray-street and a boardinghouse in Beaufort-street and if the amendment were carried, there would be unfair competition. Mr. Sanderson's arguments were the same old ones that we have heard at this period every year during the last four years. I would remind him that we have all next year untouched and that it is not our fault that this measure has been delayed. The attitude of the Minister may be regarded as a sort of concession to the opposition.

The Minister for Education: Not at all.

Hon. J. CUNNINGHAM: In the interests of boardinghouse employees and employers, I oppose the amendment.

Hon. A. LOVEKIN: When I moved that the question be put, I had no intention of stifling discussion, but I thought that the matter had been definitely settled by the pronouncement of Mr. Panton that the employees of boardinghouses were domestics and could not come within the scope of the measure. I am not stone-walling the Bill, but I think that other members have continued a debate on a matter which, after the pronouncement of the hon. member, is not warranted. We are now endeavouring to define a boardinghouse and to draw the distinction between a boardinghouse and a restaurant. We have had some curious definitions this afternoon, and we now learn that shop means a cart and that a boardinghouse is a shop. When the session is over it might be worth while arranging for the preparation of a Parliamentary dictionary. The question is—are employees of boardinghouses domestic servants or shop assistants? If they are domestic servants, the reference to boardinghouses must come out of the Bill. On the declaration of Mr. Panton they are domestics, and the words should be struck out.

Hon. J. E. DODD: I have had little to say on this Bill because I am anxious that it should be passed. While politicians may not criticise judges, judges are often prone to criticise politicians. I think many of the definitions sought by the Chief Inspector of Factories are sought in order to circumvent decisions given by Supreme Court judges and the Full Court. In the New Zealand Act it is laid down that hotel means any premises in respect of which a publican's license is granted, and a restaurant means any premises other than a hotel in which meals are provided and sold to the general public for consumption on the premises, and whether or not lodging is provided, and includes private hotel, tea room and oyster saloon. Do boardinghouses come within that definition?

Hon. J. Nicholson: No.

The Minister for Education: Boardinghouses sell meals only to their lodgers; not to the general public.

Hon. J. E. DODD: There are scores of boardinghouses which sell meals to casuals. Surely boardinghouses are included in that definition. In 1912 we took the stand that domestics should not come under the Arbitration Act. Surely we are not now going to take the stand that they should not receive the benefit of any legislation at all. I hope boardinghouses will be retained in the clause.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	8

Majority for 7

AYES.

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

NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	Hon. H. Stewart
Hon. J. E. Dodd	Hon. A. H. Pantou
	(Teller.)

Amendment thus passed.

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

That in paragraph (b), lines 5 and 6, the words "or in the premises of a registered club" be struck out.

It may be said that whatever arguments may be used regarding boarding-houses, they will apply equally to clubs. A club is not a factory or a shop. We are told that a man's house is his castle. We may claim that a club—I have heard so from members who frequent clubs—is a fortress where a man may take refuge from his wife. I can see no reason for including these words and I think they should be deleted.

The MINISTER FOR EDUCATION: I take much the same view regarding clubs, as I took regarding boardinghouses. The reference to clubs was inserted by the select committee and I take this opportunity of drawing attention to an inaccurate statement that was made by one of the witnesses before the select committee. On page 54 George Dixon, secretary of the Hotel and Restaurant Employees' Union, stated in his reply to Question No. 1242, "I think club licenses should be included, as our industrial award covers club employees." I do not know whether that is a misprint. I do not accuse the witness of saying what was untrue. The fact is that the industrial award does not cover club employees. Exactly the opposite to what appears in the witness's evidence is correct.

Hon. H. STEWART: I think this paragraph could be much more definitely and clearly worded, to show the difference between shop assistants and other employees. If the provision had been framed so as to say that shop assistants were those in or about a business, and included any person employed in a shop as defined under the Bill, that would embrace all that was necessary. By a slight alteration regarding the definition of a shop, as affected by the businesses referred to in the fourth schedule, clubs could be made exempt from these provisions.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph (c), line 1, the words "in a shop or warehouse" be struck out and the following inserted in lieu: "in connection with the business of any shop or warehouse and in the building in which such business is carried on."

The desire is that clerks employed in connection with shops and in a shop, shall be included as shop assistants but not otherwise.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: I cannot understand the meaning of the proviso, which reads—

Provided that any person who is employed by the shopkeepers, when the shop is closed only, shall not be deemed a shop assistant.

The MINISTER FOR EDUCATION: That is the provision which is in the existing Act. It means that if a man is not employed there at any other time, he is not a shop assistant. A man may be engaged as an auditor, who is working there when the shop was closed and he will not be regarded as a shop assistant.

Hon. Sir E. H. Wittenoom: A domestic is a person employed by a shopkeeper when the shop is closed. Is she regarded as a shop assistant when the shop is open?

The MINISTER FOR EDUCATION: She would not be a shop assistant at any time. Only those employed in connection with the shop are covered by this proviso.

Hon. H. STEWART: The proviso would read more clearly if the word "only" was transferred so that it could be inserted after the word "shopkeeper." It would then read that any person who is employed by the shopkeeper only when the shop is closed, shall not be deemed to be a shop assistant.

Hon. J. J. HOLMES: I cannot understand the proviso as it is printed. As it stands, a domestic who is employed by the shopkeeper will be a shop assistant when the shop is open. It does not say that the person who is deemed to be a shop assistant must be employed by the shopkeeper in connection with the shop.

The MINISTER FOR EDUCATION: If the domestic was not employed in the shop she would not be included under the proviso. This is an excluding proviso. It does not bring anyone under the definition of a shop assistant at all. A shop assistant is a person employed in connection with the shop. A domestic is not employed in connection with the shop and therefore would be excluded under the proviso.

Hon. Sir E. H. WITTENOOM: I understand what the leader of the House states but the proviso as it stands does not convey what he is endeavouring to set up. There is nothing therein to show that the domestic, being a person who is employed

by a shopkeeper, shall not be deemed a shop assistant.

Hon. H. STEWART: The very class of person mentioned by the Minister for Education by way of illustration, namely an auditor, is the person to be provided for. I move an amendment—

That after the word "shopkeeper" in the proviso to the definition "shop assistant" there be inserted "only."

If this amendment is passed, I shall move the striking out of the word "only" at the beginning of line 3 of the proviso.

Amendment put and passed.

Hon. H. STEWART: I move a further amendment—

That in line 3 of the proviso the word "only" be struck out.

Further amendment put and passed.

Hon. H. STEWART: This definition of "shop assistant" seems to me to require further words to the effect that any person who is employed by the shopkeeper only when the shop is closed, and any other person not engaged in the business of the employer, or who proves to the satisfaction of the inspector that he is not engaged in the business of the employer, shall not be deemed a shop assistant.

Hon. J. DUFFELL: I move an amendment—

That after the definition "shopkeeper" there be inserted the following:—
" 'Small shop' means and includes any shop, building, or place, or portion of a building or place, at which goods are offered or exposed for sale at which no labour is employed after the prescribed hours for closing, except that of the husband, wife, child, stepchild, grandchild, brother, sister, nephew, niece, grandparent, or parent of the occupier: provided that at no time after the prescribed closing hours shall more than one person in addition to the occupier be employed at the same time."

I think this definition had better appear here than in Clause 102.

The MINISTER FOR EDUCATION: I hope the amendment will not be passed. I do not agree that this is the right place to put it, because small shops are subject to the provisions of the measure in the same way as other shops, except as regards their hours. Therefore the proper place to deal with small shops is when we come to the closing hours of shops. Apart from that, I strongly object to this definition of a small shop. The proposed definition means that a person could employ assistants all day long, and then, when everybody else was compelled to close, he could go on and keep his shop open with the assistance of a member of his family. The proposed definition would mean that every shopkeeper of a shop of limited size, say employing one or two assistants, could keep his shop open after

6 p.m. and continue to serve people. That would be a radical alteration of our whole system of early closing, and would lead to utterly unfair competition and enormous dissatisfaction.

Hon. J. DUFFELL: Not by the greatest stretch of imagination can I bring this definition within the four corners of the explanation offered by the leader of the House. Moreover, Clause 102, Subclause 2, provides that—

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, and is not employed in any other shop or in any factory.

One has to wade right through the Bill before one comes to that. A shop could not be considered a small shop if it employed three or four assistants during the day, and one assistant besides the owner at night. Such a shop would not be a small shop within the meaning of this definition.

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

Ayes	14
Noes	7
Majority for	7

AYES.

Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. E. Dodd	Hon. H. Stewart
Hon. J. Duffell	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	(Teller.)
Hon. A. Lovekin	

NOES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. E. M. Clarke	Hon. A. J. H. Saw
Hon. H. P. Colebatch	Hon. J. Mills
Hon. C. McKenzie	(Teller.)

Amendment thus passed.

[Hon. W. Kingsmill took the Chair.]

Hon. J. E. DODD: I wish to amend the proviso to the amendment we have just carried.

The CHAIRMAN: It cannot be done at this stage.

Hon. H. STEWART: I wish to amend the definition we have just passed.

The CHAIRMAN: It is impossible. The time to amend that was before it was put.

Hon. J. CORNELL: I move an amendment—

That in line 2 of the definition of "working day" the words "Good Friday or Christmas Day" be struck out,

and "public holidays as defined by this Act" inserted in lieu.

I cannot understand why Good Friday and Christmas Day should be inserted, since they are included in the public holidays. It implies that other public holidays are not to be observed.

The MINISTER FOR EDUCATION. A public holiday may be a working day, but Good Friday and Christmas Day are treated as Sundays. Hotels are open on many public holidays, but they cannot open on Good Friday or Christmas Day. That is all this means.

Hon. A. LOVEKIN: The Minister is not quite right. Under many of the Arbitration Court awards Eight Hours Day is not a working day.

The Minister for Education: No, it is a holiday.

Hon. A. LOVEKIN: It is like a Sunday.

The Minister for Education: Do not hotels keep open on Eight Hours Day?

Hon. A. LOVEKIN: Yes, but it is classified as not being a working day. I will support the amendment.

Hon. A. SANDERSON: Surely the Minister is right, and Good Friday and Christmas Day are only included as Sundays. This has nothing whatever to do with public holidays. I will oppose the amendment.

Hon. J. CORNELL: The only reason advanced against the amendment is the fact that Good Friday and Christmas Day rank as Sundays. Invariably on the Golden Mile the question is presented to the men whether they shall work on Easter Monday or on Good Friday. Sunday is a working day for many. Let us clearly set forth what is and what is not to be a working day.

Amendment put and negatived.

The clause as previously amended agreed to.

Clauses 5 and 6—agreed to.

Clause 7—Inspectors:

Hon. A. SANDERSON: It is rather important that the Minister is permitted to appoint these officers. Does this bring the inspectors under the Public Service Act? Do they become civil servants?

The MINISTER FOR EDUCATION: This would not make them civil servants, but if they complied with the conditions laid down in the Public Service Act they would become civil servants.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Inspector to have certificate of appointment:

The MINISTER FOR EDUCATION: I move an amendment—

That after "oath" in the last line of Subclause 2 "or affirmation" be inserted. This was omitted by an oversight.

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

Clause 10—agreed to.

Clause 11—Powers of inspectors:

Hon. A. LOVEKIN: I move an amendment—

That in paragraph (c) the following words be struck out—"and of all laws, regulations, and by-laws relating to public health and of all industrial awards and agreements."

It is no part of the duty of a factory inspector to deal with such questions as these. The inspector contemplated under this Bill is a jack of all trades and master of none, but nevertheless will be in the position to harass a factory owner and cause him to make provision for the slaughter of germs, the abolition of foul gases, and such like things. We are building up a set of new conditions.

The Minister for Education: They have existed for 16 years.

Hon. A. LOVEKIN: This Bill provides for an extension of the old conditions, otherwise there would be no need for it. If these conditions are wrong, now is the time to put them right. It is certainly wrong for a factory inspector to have anything to do with health or machinery matters.

The MINISTER FOR EDUCATION: The amendment proposed by Mr. Lovekin would inevitably lead to increased expenditure and duplication of work. Even since 1904 the factory inspectors have been charged with the duty of seeing that the provisions of the Health Act and regulations are carried out. These inspectors are given no arbitrary powers, but merely report matters to the local health authority. If these powers are taken away, the local health authority must necessarily appoint an independent set of inspectors to do this work. The factory inspectors are also required to look into matters relating to awards and industrial agreements. No good object will be served by striking out these words.

Hon. A. SANDERSON: I cannot support the amendment. I hope when next a Bill of this nature is brought before us those portions of the clauses which refer to the original Acts will be put into different type, so that members may be able to distinguish the old from the new.

Hon. A. LOVEKIN: It is not right that a factory inspector should be allowed to issue instructions on important matters affecting health.

The Minister for Education: This clause does not empower him to do anything of the kind.

Hon. A. LOVEKIN: Clause 62 comes within the scope of a factory inspector and deals with gases, vapours, dust, etc., as being injurious to health.

Hon. J. E. DODD: If the amendment were carried, it would mean the employment of three sets of inspectors and the building up of a huge department. Every factory in-

spector is a health inspector, and has been doing both health and factory work. There is no more competent set of men in the State to deal with industrial awards than factory inspectors.

Amendment put and negatived.

Hon. A. LOVEKIN: Paragraph (d) provides an antiquated method of gaining information that the inspector may require. It means that an inspector may take an employee into a private room and compel him to answer questions practically about anything. I move an amendment—

That the paragraph be struck out.

The MINISTER FOR EDUCATION: The powers contained in the paragraph are much the same as those conferred on an inspector in the present Act. He will have power to interrogate a person whom he believes to have been employed in a factory, shop, or warehouse.

Hon. A. SANDERSON: I do not like the paragraph and I am prepared to vote it out. It is possible, however, to improve it by reference to the Victorian or to the English Act.

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

Ayes	7
Noes	12
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Majority against	5
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AYES.

Hon. E. M. Clarke	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Sanderson
Hon. A. Lovekin	Hon. J. J. Holmes
Hon. J. Nicholson	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornuall	Hon. A. J. H. Saw
Hon. J. Cunningham	Hon. Sir E. H. Wittenoom
Hon. J. E. Dodd	Hon. C. McKenzie
Hon. J. W. Hickey	(Teller.)
Hon. R. J. Lynn	

Amendment thus negatived.

[Hon. J. Ewing resumed the Chair.]

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

That in paragraph (f) the words "or as may be declared by proclamation to be necessary" be struck out.

Amendment put and passed.

Hon. J. J. HOLMES: With reference to paragraph (h), which provides that an inspector may require the production of pay sheets or books, employers already supply this information to the Federal and State Taxation Departments, and under the Arbitration Court award to the Statistical Registrar. Therefore they should not be compelled to supply it again. I move—

That paragraph (h) be struck out.

The MINISTER FOR EDUCATION: If the paragraph is struck out I do not see how an inspector can find out whether the provisions of the Bill are being observed or not. The Taxation Department can only use the information supplied to them for their own purposes; they cannot disclose it to anyone else. This is proper information for an inspector to have.

Amendment put and negatived.

Clause, as amended, agreed to.

Clause 12—agreed to.

Clause 13—Occupiers to allow entry and inspection:

Hon. A. LOVEKIN: If inspectors are to observe secrecy, it is obvious that interpreters should also have to observe secrecy. I move an amendment—

That in Subclause (2) the words "an inspector" be struck out and "no inspector or interpreter shall" be inserted in lieu.

This will mean that neither an inspector nor an interpreter shall disclose any information which he may have acquired.

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

Clause 14—Powers of an inspector:

Hon. A. LOVEKIN: I suggest that the Minister report progress. Most of us are very tired and to adjourn now would meet with the general approval of members.

Hon. T. Moore: You wasted a lot of time this afternoon.

The MINISTER FOR EDUCATION: I have no wish whatever in the matter. When we reported progress on Thursday last I distinctly stated that it would be necessary to sit late to-night. I am entirely in the hands of the Committee. If a majority wish to report progress I shall move to that effect, but I desire to see the Bill passed.

Hon. A. SANDERSON: It is of no use the leader of the House saying he will leave the matter to us. He is in charge of the business and so far as possible I shall support him. His conduct of the business will have a very important effect on what is coming later.

Hon. A. LOVEKIN: To test the feeling of members, and without in any way wishing to interfere with the Minister's conduct of the business, if he has no objection—

The Minister for Education: None at all.

Hon. A. LOVEKIN: I move—

That progress be reported.

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

Ayes	6
Noes	13
<hr/>				
Majority against	7
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AYES.

Hon. J. Cornell	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	(Teller.)
Hon. J. Nicholson	

NOES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. E. M. Clarke	Hon. T. Moore
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. Cunningham	Hon. A. Sanderson
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. A. H. Panton
Hon. R. J. Lynn	(Teller.)

Motion thus negatived.

Hon. A. LOVEKIN: I move an amendment—

That all the words in Subclause (1) and the words in Subclause (2), down to and including "or" in line 3, be struck out.

A health inspector must be a qualified officer and every inspector under this measure is to exercise all the powers of an inspector under the Health Act. It would be ridiculous to put an unqualified man in such a position and give him such powers as these, especially when he will be able to practically override the local authority itself. It should be sufficient if the inspector notified the local authority to secure proper sanitary conditions in any factory, for the responsibility would rest on the local authority under the Health Act.

THE MINISTER FOR EDUCATION: The powers which the hon. member desires to take away from inspectors under this measure have been exercised by inspectors under the Factories Act ever since that law has been on the statute-book and the same thing applies in every State of the Commonwealth, in England, and, so far as I know, wherever factories legislation exists. A select committee sat in 1903 and the president of the Central Board of Health, and officers of the central and of local health boards and manufacturers were examined, and it was on their representations that this provision was put into the Act of 1904. Now the hon. member suggests that the inspector is given power to override local authorities. He has no such power. The Commissioner of Public Health may uphold, revoke, vary or alter the requisition of the inspector and the decision of the Commissioner shall be final. That is quite a proper provision. When this clause was being drafted the select committee had a conference with the Public Health Department in order to guard against any overlapping, unnecessary expense, or unnecessary harassing of owners of factories. All the inspectors under the existing Factories Act hold appointments under the Health Act and there is no intention that incompetent or unqualified inspectors should be appointed.

Hon. A. LOVEKIN: Doubtless it is not intended to appoint unqualified men, but I do not see how we can get qualified men at

the salaries being offered by the Government in these days. There is a considerable difference between this clause and Section 54 of the existing Act. If the words of Section 54 were included, I would have no objection to the clause. That section states that the inspectors shall act under the direction and control of the Central Board of Health. If these inspectors acted under the Commissioner of Public Health—

The Minister for Education: They do.

Hon. A. LOVEKIN: But the clause says that every inspector shall, in relation to factories, exercise all the powers of an inspector appointed under Section 11 of the Health Act. There is nothing to show that he is subject to the Commissioner of Public Health. It is plain that he can override the local authority for the clause states that he shall notify the local health authority to secure proper sanitary conditions and in such notification may specify a reasonable time within which the local authority shall enforce the provisions of the Act.

The Minister for Education: Read Subclause 4.

Hon. A. LOVEKIN: The inspector under this Act is a person who will give instructions to the local authority.

Hon. Sir E. H. WITTENOOM: I find great difficulty in voting for this provision because I cannot find any references in the margin, to show where it came from. We are exploring, and apparently all this is experimental legislation. Mr. Lovekin may be quite right, and there is a good deal in what he says regarding the mixing up of the authorities under the Health Act and the Factories Act respectively. There must be conflict between the two authorities. The Public Health Commissioner is the final authority under this portion of the Bill, and supposing there is an epidemic of some contagious disease within the State, he will have his hands full and will not be able to give attention to matters under the Factories Act. The result will be endless confusion. Mr. Lovekin has given considerable attention to this measure, but apparently he does not understand the real position.

Hon. T. Moore: There is quite a lot that he has dealt with to-day that he does not understand at all.

Hon. Sir E. H. WITTENOOM: The clause shows that we will give an inspector under one Act power to operate under another Act, and I do not see how this will work, for there will be continual conflict and trouble between the two authorities. The factories inspector has power to indicate to a local authority that certain things must be done, and he can prescribe the time within which they must be attended to. There is power to appeal to the Public Health Commissioner, who may review the whole position and perhaps reverse the decision of the factories inspector. The process is an interminable one, which will prove unsatisfactory. The clause actually gives the factories inspector powers over the health authority.

The Minister for Education: That is all the more reason why some such provision should be made regarding factories.

Hon. Sir E. H. WITTENOOM: Suppose the Commissioner of Public Health is absent from the State, everything will be hung up.

The Minister for Education: There will be someone acting for him.

Hon. Sir E. H. WITTENOOM: I can see endless confusion arising out of this.

Hon. T. Moore: You are proving that the Commissioner of Public Health has power over the inspectors under this Bill, which Mr. Lovekin says he has not.

Hon. Sir E. H. WITTENOOM: I cannot see how this provision will act at all.

The Minister for Education: It has worked for about 16 years without any trouble.

Hon. Sir E. H. WITTENOOM: It is an extraordinary conglomeration of work divided between the two departments.

Hon. J. J. HOLMES: This is a clause which requires considerable amendment, and it cannot be dealt with properly at 11.45 p.m. after a hard day's work. If the inspector under the Factories Act reported direct to the Commissioner of Public Health the latter could deal with it straight away, and it would simplify matters. We have heard a lot from the Minister about Acts of 1902 and 1904, but the Health Act was brought up to date in 1919. Under the Health Act we have a properly qualified officer controlling health matters. Surely the Commissioner is a man capable of dealing with an inspector under this measure, when the inspector says that something is wrong and requires attention, and he reports direct to the Commissioner. The provisions under the Bill is a roundabout way of trying to get at something which can be done directly. Although we brought the Health Act up to date in 1919 we now propose to rob the Commissioner of Public Health of some of the powers vested in him under that Act.

The Minister for Education: Nothing of the kind.

Hon. J. J. HOLMES: With the division of powers provided under the Bill there will be conflict between the inspector under the Factories Act and the inspectors under the Health Act.

Hon. J. NICHOLSON: Under the Health Act I understand there are provisions requiring that the inspectors shall be specially qualified, and that they have to pass examinations.

The Minister for Education: That is so.

Hon. J. NICHOLSON: If the inspectors under the Health Act require to be specially qualified, the provision seeking to vest the powers of qualified health inspectors in the inspectors under the Bill, who are not required to be specially qualified, needs considerable attention. The inspectors under the

Factories Act are supposed to carry out duties under the Health Act.

The Minister for Education: No, they are not.

Hon. J. NICHOLSON: It says that the inspector shall have all the powers under the Health Act.

The Minister for Education: Only in relation to factories, shops, and warehouses.

Hon. A. LOVEKIN: It does not say that.

Hon. J. NICHOLSON: Yes, it does, and those are some of the most important premises we have in the city. The amendment is of importance, and we should not be justified in giving an inspector authority to exercise powers under the Health Act unless some provision is made regarding the qualifications of inspectors under the Bill.

Hon. A. SANDERSON: Surely it is reasonable to allow an inspector under this measure to inspect and report with regard to all these health questions. If the Commissioner of Health steps in, it stands to reason that the factory inspector would do nothing without reference to him. How can the Committee be expected to support the amendment?

Hon. A. H. PANTON: The inspectors who will act under this Bill have for many years been responsible for health conditions in shops and factories. The inspectors are divided according to their specialisation. Some have specialised on industrial matters, some on health matters, and so forth. It is not for a moment to be assumed that the inspectors who will have charge of the work under this measure are inexperienced.

Hon. H. STEWART: If the amendment is not carried I shall seriously consider the advisableness of having the Bill recommitted, so that I may have an opportunity of further dealing with matters arising under the Health Act in this connection. Certainly the inspectors under this measure should be fully conversant with public health questions relating to shops and factories.

Hon. J. J. HOLMES: I think the position would be met by the insertion after "inspector," in line 1 of the subclause, of the words "who shall have all the qualifications of an inspector under the Health Act." The best course would be to allow Mr. Lovekin to withdraw his amendment.

The Minister for Education: This is not the proper clause on which to discuss a question like that.

Amendment put and negatived.

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

That after the word "inspector" in Subclause 1, line 1, there be inserted: "provided that he is qualified as an inspector under the Health Act."

Hon. A. LOVEKIN: I would suggest the insertion of the words "duly qualified under the Health Act, 1911-1919."

Hon. J. J. Holmes: I ask leave to withdraw my amendment in favour of that suggested by Mr. Lovekin.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That after the word "inspector" in Subclause 1, line 1, there be inserted: "duly qualified under the Health Act, 1911-1919."

The MINISTER FOR EDUCATION: I do not know whether this amendment is in order or not, Mr. Chairman. The effect of it would be exactly the same as that of the amendment which has just been defeated; that is to say, it would in effect strike out this portion of the clause. Without the amendment, any inspector qualified under the Health Act has power to do anything under the Health Act. The power under this clause has been given to factory inspectors everywhere, and has been exercised here all the time. Every care is taken in appointing inspectors under factory legislation. The amendment amounts to a stupid declaration that an inspector under the Health Act shall be an inspector under the Health Act.

Hon. J. W. HICKEY: The amendment is simply a piece of obstruction.

The CHAIRMAN: The hon. member cannot make a remark of that kind.

Hon. J. W. HICKEY: The remark may be out of place. The member who moved the amendment has had every opportunity to manufacture amendments, but he has put on the Notice Paper nothing whatever referring to this clause. The idea of moving an amendment on this clause has just occurred to him at midnight. The amendment appears nothing but a matter of obstruction.

The CHAIRMAN: The hon. member must not repeat that word.

Hon. J. W. HICKEY: I certainly oppose the amendment.

Hon. V. HAMERSLEY: I regard this clause as most important in the administration of the measure. The Bill proposes to arm the inspectors with enormous powers. They will have the right to order all sorts of expenditure to be incurred by the owners of factories. From time to time parties appoint their partisans to Government positions. It sometimes happens that appointments are made out of good fellowship, with a view to giving a pal a good, safe job. We should take the precaution of seeing to it that the inspectors are properly qualified.

12 o'clock midnight.

Hon. H. STEWART: I cannot support the amendment. While it is desirable that inspectors should be au fait with the Health Act as applied to factories, it is not necessary that they should hold all the qualifications of a health inspector. It is probable that special provision will have to be made

to the effect that the Commissioner of Public Health shall issue certificates certifying that certain men are qualified. However, the amendment is not worth anything at all, because under a provision of the Health Act the Governor-in-Council may appoint inspectors.

Hon. Sir E. H. WITTENOOM: I move—

That progress be reported.

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

Ayes	7
Noes	9

Majority against .. 2

AYES.

Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. Nicholson
Hon. E. Rose	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. A. H. Panton
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. T. Moore
Hon. R. J. Lynn	(Teller.)

Motion thus negatived.

Hon. A. LOVEKIN: If the inspector is to have all the powers of an inspector under the Health Act, he should also have all the qualifications of such an inspector. The Minister has misinterpreted the effect of the amendment. What the amendment says is that an inspector with the qualifications of an inspector under the Health Act shall have, in relation to factories, shops and warehouses, the powers of inspectors under the Health Act.

Hon. T. MOORE: I move—

That the Committee do now divide.

Motion put and a division taken.

The CHAIRMAN: I declare the Noes have it, there being an insufficient number of members voting for the Ayes. It is necessary that 10 should vote in the affirmative before such a motion can be carried.

Hon. J. NICHOLSON: I suggest to the mover of the amendment that he withdraw it with a view to inserting a new clause to follow on Clause 17.

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

Ayes	6
Noes	10

Majority against .. 4

AYES.

Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. J. Holmes
Hon. R. J. Lynn	(Teller.)
Hon. J. Nicholson	

NOES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. H. Stewart
Hon. A. H. Panton	Hon. T. Moore

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 15—Penalty for obstructing officials and similar offences:

Hon. A. LOVEKIN: Who is the "other official" mentioned in the clause? He may go into a factory without any certificate of authority or giving any evidence of his bona fides to the owner. There ought to be some definition of "other official." I move an amendment—

That in paragraph (d) the words "or other official" be struck out.

The Minister for Education: I do not mind the words being struck out.

Hon. A. H. PANTON: It is not advisable to strike out the words. Another official may comprise the Commissioner of Public Health or some other inspector or officer.

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

Clause 16—agreed to.

Clause 17—Obstruction of inspector:

Hon. A. LOVEKIN: Is not paragraph (e) rather vicious? Inspectors should not be allowed to examine secretly the employees in a factory. I move an amendment—

That paragraph (e) be struck out.

The MINISTER FOR EDUCATION: It is necessary that this paragraph should remain in.

Hon. A. LOVEKIN: Should not a factory owner be present during the examination?

Amendment put and negatived.

Clause put and passed.

Progress reported.

BILLS (4)—FIRST READING.

- 1, Lunacy Act Amendment.
- 2, Divorce Act Amendment.
- 3, Navigation Act Amendment.
- 4, Justices Act Amendment.

Received from the Assembly and read a first time.

BILL—CORONERS.

Assembly's Message.

Message received from the Assembly notifying that it had agreed to make amendments Nos. 1, 2, and 4, requested by the Council in the Bill, but had declined to make amendment No. 3.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Received from the Assembly.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [12.27]: I move—

That the Bill be now read a first time.

Hon. J. J. HOLMES (North) [12.28]: I should like a definite ruling, Mr. President, as to what is formal business and what is business that is introduced after 10 o'clock. I ask this because of the new business which has just arrived from another place.

The PRESIDENT: I consider this business is formal. If the hon. gentleman wishes me to administer Standing Orders strictly according to the letter then I say that this may be treated as new business.

Hon. J. J. Holmes: Let it go at that.

Question put and passed; Bill read a first time.

House adjourned at 12.29 a.m. (Wednesday).

Legislative Assembly,

Tuesday, 7th December, 1920.

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

QUESTION—NURSES REGISTRATION BILL.

Mr. JOHNSTON asked the Premier,—Is it the intention of the Government to re-introduce during this session the Nurses Registration Bill, which was ruled out of order in this House on a technical point?

The PREMIER replied: The matter is being considered.

BILL—DIVORCE ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.