

titled to sell the areas held by them and the question of cutting up those areas might be applied to later transactions. The men who have pioneered the pastoral industry and are getting up in years, should be allowed to enjoy a little of the comforts of life. If they are compelled to cut up their holdings and dispose of them, they will not, in many cases, get the return to which they are entitled or which they might otherwise receive. On the whole, I think this Bill is a very fair one. The reduction from five or six million acres, which it was possible to hold under the 1917 Act, to one million acres under the Bill, is a very large one, but I think it meets the wishes of most members of the House. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

*House adjourned at 11.22 p.m.*

## Legislative Council.

*Thursday, 9th December, 1920.*

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The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

### BILL—FACTORIES AND SHOPS.

In Committee.

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

Clause 52—No child to be employed without permission:

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

That in line 1 the word "a" before "child" be struck out and "any" inserted in lieu.

Amendment put and passed.

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

That all the words after "child" be struck out.

The clause will then read—"No occupier of a factory shall employ therein any child."

The MINISTER FOR EDUCATION: My sympathies are with the amendment and, after having considered the matter and discussed it with the chief inspector, I intend to support the amendment. There are about a dozen children, not more, under the age of 14 to whom permits have been given to work in factories. I am strongly of opinion that no child should be allowed to work in a factory. These permits have been issued only in exceptional cases and after careful inquiry. The inspectors are very strict; last week an occupier of a factory and the parents of a child aged 13 were fined for a breach of this provision. These permits have been granted because the necessities of the family make it necessary for the children to earn money. If they cannot work in factories, some other means will have to be found to meet the necessities of the families. Rather than pass a bad law to meet a few necessitous cases, we should find some other way to deal with these cases. Before a permit is issued the Education Department has to be satisfied and the child has to be exempted from attending school. I accept the amendment, realising that some other means will have to be found to meet the necessitous cases concerned.

Hon. R. J. LYNN: I am quite in sympathy with the mover of the amendment and the leader of the House, but I am anxious that no hardship should be inflicted in the cases where permits have been granted. I shall want an assurance that the children now employed will not be displaced. These children may be working to help to keep homes going. There must be extenuating circumstances or the permits would not have been granted. If these children can be placed in some other walk of life, or some equivalent can be offered, the amendment should be passed. I think that further consideration should be postponed until we obtain from the inspector particulars of any possible injustice which might be inflicted and an assurance that some other avenue of employment will be provided.

Hon. A. LOVEKIN: I hope the hon. member will insist on the amendment. It is wrong that any child under 14 should be called upon to earn part of its sustenance.

Hon. R. J. LYNN: I earned mine long before I was that age.

Hon. A. LOVEKIN: The future of these children is being sacrificed for the temporary necessities of the parents. If the parents cannot keep these children, it is incumbent on the State to assist, so that the children may enjoy their proper share of schooling and of child life.

Hon. J. NICHOLSON: I have the fullest sympathy with the amendment, but the fact that such a limited number of permits have been granted is evidence that great care has been exercised by the inspector. I would be in agreement with the leader of the House regarding the need for providing some other means to assist the people who require the

support of these children, if another measure were coming before us which would enable us to make provision for such cases.

The Minister for Education: There is the State Children Act.

Hon. J. J. Holmes: Then why did you permit these children to go into factories at all?

The Minister for Education: I will explain it later.

Hon. J. NICHOLSON: There are cases where people are struggling to make headway and require the aid of their children. In the drying of fruit in the busy season there is work of a character just as easy for a boy or girl as the bringing in of cows to be milked. The discretion of the inspector might well be allowed to be exercised until we see whether these cases can be met by some other provision. In factories where children are kept in a close atmosphere and may suffer in health as a result it is highly undesirable that they should be employed. In the country the help of the children is of benefit to the parents as well as to the children, in tutoring them in the life they may subsequently have to lead.

Hon. J. J. HOLMES: A woman and her daughter may be running a laundry and there may be two other children of school age. Why should not these children be allowed to collect the washing for their mother or take it back to her customers when finished? Under this Bill they would be prohibited from rendering that small service. To prevent that sort of thing is riding the principle to death. Some hon. members are going to further increase the labour monopoly by excluding such children from working. Presumably children are sent to factories because their parents are not able to earn enough to keep them. If the children are turned out of these places what is to become of them? I shall vote against the amendment.

Hon. V. HAMERSLEY: I am opposed to the amendment. If it be carried it will affect the private life of everyone in the State. Are the children of a blacksmith, for instance, to be prevented from leading a horse to their father's forge or taking it back to a customer who has left it to be shod? It is carrying things too far to say that people should be debarred from giving their children this kind of employment. The inspector would always see that the growth and health of the child were not interfered with.

The MINISTER FOR EDUCATION: In Victoria no child can be employed in any factory. A child is a boy under 14 and a girl under 15. The Victorian Act gives the chief inspector power to permit children to be employed in factories only in certain circumstances. In South Australia no child may be employed in a factory who has not passed the compulsory educational standard and has not obtained the approval of the chief inspector. In that State "child"

means a person under the age of 13. Our practice here is generally only to allow children to enter the factory who have not given much promise in their school work, and to whom a few months would not make much difference. It is also the practice to make payments to widows and people in necessitous circumstances at the rate of so much per head for each child under 14. This payment amounts to almost as much as a child under 14 would be able to earn in a factory.

Hon. J. Nicholson: Why should people have to receive charity?

The MINISTER FOR EDUCATION: That is an objection which may be raised, but is it better for people to receive charity in this way, or permit child labour in factories?

Hon. A. H. PANTON: Apparently some hon. members desire to issue from this Chamber in the year 1920 legislation for child labour in factories. Mr. Holmes's contention—based on the fact of 12 kiddies having permits to-day—that an effort is being made to turn the labour market into a preserve, is ridiculous and idiotic. If a widow has to send out her young child to work, it is no credit to this State. The wage paid to these children hardly ever exceeds 10s. per week; more frequently it is 8s. 6d. or 7s. 6d. Let us get away from that talk about "What I did when I was a boy."

Hon. J. CORNELL: We have defined a child to be a male person under the age of 14 years, or a female person under the age of 15 years. On what grounds would the chief inspector grant permission for a child to work? The ground given by the leader of the House, that a permit might be granted in the case of a child not showing promise at school, is a fallacious one.

The Minister for Education: I quite agree with you.

Hon. J. CORNELL: A child that has not shown promise at school up to 13 years of age should, for every reason of humanity, be given another year's trial. A child that is very defective in point of intelligence would hardly be able to obtain or keep a position in a factory. If the financial circumstances of the parents are such as to compel them to send a child to work before the child has reached the age for leaving school, it is not much credit to this State. Indeed, it is a satire on our administration that there should be a departmental clamour for raising the age of leaving school from 14 to 16 years, on the ground that these two years are the most receptive and most advantageous from the point of view of learning, while here it is proposed to allow children to be employed in factories before the age fixed elsewhere in this Bill. Such an onus ought not to be thrown on the Chief Inspector. As for children below the age in question who are now employed, I trust that by the time this Bill

becomes an Act they will have disappeared out of the picture.

Hon. J. MILLS: I am absolutely in accord with the principle that there should be no child labour in factories. The term "factory," however, has been so much widened by this Bill that hardship may result in country places, as instanced by Mr. Hamersley. Still, it is not to be supposed that this measure will be administered with undue severity in country districts. If ever there should be, in this connection, a flagrant case in a country district, that case will certainly attract attention and will certainly be dealt with.

Hon. Sir E. H. WITTENCOM: I am at a distinct disadvantage as regards this clause because I have not heard the views held regarding it by Mr. Panton, whom I look upon as an authority in these matters. However, I think we may have confidence in our Chief Inspector, who, if he is fit for his position, will not tolerate a child being at work if the child ought to be at school. The Chief Inspector will know the sentiments, not only of the Government but also of Parliament, and I feel sure he will not allow any undue advantage to be taken of this clause.

Hon. A. H. PANTON: The positions suggested by Mr. Holmes and Mr. Hamersley are not likely ever to arise, even under this measure. Suppose a widow and her daughter were running a laundry, as suggested by Mr. Holmes, they would not come within the definition of a "factory," because what may be termed a "family" factory must number at least four workers.

Hon. A. J. H. SAW: As regards practical application, it makes little difference whether the clause remains in or goes out. However, it had better go out, since the age for leaving school has been fixed at 14 years and the definition of a child for the purposes of factory legislation is here being fixed at under 14 years.

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

Clauses 53 to 58—agreed to.

Clause 59—Restrictions on employment of boys or girls under 16:

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 1, line 7, the word "the" between "by" and "medical" be struck out, and the word "a" inserted in lieu.

The subclause, as it stands, requires "a certificate signed by the medical officer of health for the district." As in the case of a large district this might mean a lengthy search for a particular medical officer, it would be as well to provide for a certificate signed by any medical officer. If this amendment is passed, I shall move a further amendment to strike out the words "for the district."

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That in Subclause 1, line 7 and 8, the words "for the district" be struck out.

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

Clauses 60, 61—agreed to.

Clause 62—Overcrowding, space, ventilation, heating appliances:

The MINISTER FOR EDUCATION: I move an amendment—

That the following be added to stand as Subclause 4: "The occupier of the factory shall be deemed to be responsible for any such contravention, and subject to Section 137 may be proceeded against accordingly."

Clause 137 reads—

Where any act or default constituting an offence against this Act, or a breach of any regulation thereunder, for which any occupier of a factory or warehouse, or shopkeeper is liable to a penalty has in fact been done or committed by some other person, such other person shall be liable to the penalties imposed.

By inserting this amendment the occupier will not be held responsible.

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

Hon. J. J. HOLMES: I had an amendment to the clause.

The CHAIRMAN: The clause has been put and passed. I am sorry that the hon. member is too late.

Hon. J. J. HOLMES: With all due respect Mr. Chairman, I think when hon. members have amendments on the Notice Paper the Chairman should not put the clause through without giving members an opportunity of moving those amendments.

The MINISTER FOR EDUCATION: I did not draw the hon. member's attention to the matter because I thought he was satisfied with my explanation last night.

Hon. J. J. HOLMES: The Minister stated that where an inspector was required to work under the Health Act he would be certified by the Commissioner of Public Health, but I want to provide that where a man has to do anything in connection with machinery, he shall be certified by the Chief Inspector of Machinery.

Hon. A. Lovekin: The Minister said that he would provide for that last night.

Hon. J. J. HOLMES: I did not hear the Minister say so.

The MINISTER FOR EDUCATION: I said that when the inspector required to work under the Health Act the inspector would hold a certificate from the Commissioner of Public Health, and that where he had to do work in connection with machinery, he would hold a certificate from the Inspector of Machinery.

Hon. J. J. HOLMES: In that case I have nothing to add. I will not move the amendments on the Notice Paper.

**Clause 63—Rules to be observed in factories:**

Hon. J. J. HOLMES: The clause sets out that the owner of a factory must provide a sufficient supply of fresh drinking water. How is that possible in Perth? The smell of the stuff is objectionable. Water, which had been boiled, had to be sent away from my own dining table last night. Unless I have some explanation from the Minister I feel inclined to move an amendment to strike out the word "fresh."

The MINISTER FOR EDUCATION: I am not prepared to give a definition of "fresh water."

Hon. J. Nicholson: It might mean fresh from the tap.

The MINISTER FOR EDUCATION: The intention is that the water shall be provided as fresh as possible.

Clause put and passed.

**Clause 64—Provision as to sleeping places at factories:**

Hon. A. LOVEKIN: I think that the clause should be amended by inserting the word "floor" after the word "substantial." It may be that people may use their premises for a factory downstairs and sleeping apartments will be upstairs.

The MINISTER FOR EDUCATION: If the word "floor" were to be inserted other words would have to be put in as well. In any case the word "partition" covers what the hon. member apparently seeks to achieve.

Clause put and passed.

Clause 65—agreed to.

Clause 66—Dressing rooms for women:

Hon. A. LOVEKIN: The provision that the request of the Chief Inspector that the occupier shall furnish dressing room accommodation for women "within the time limited in such request," is too vague and it would be clearer if the words "within a reasonable time" were inserted instead. In the case of a strike it would be impossible for an owner to carry out the work within the limited time.

Hon. A. J. H. Saw: He would have to be a miracle monger in these days.

The MINISTER FOR EDUCATION: The intention of the clause is to give effect to what the hon. member is suggesting. If there were a strike in progress it would be impossible for the request of the inspector to be carried out, and in such circumstances, no inspector would take proceedings. If hon. members imagine that inspectors will call upon people to do impossible things, then they had better tear up the measure and do away with inspectors altogether. The inspectors have been doing this work for 16 years. During the time I have been Minister, and Mr. Dodd's experience is the same, I do not remember a single occasion on which any complaint has been lodged against an inspector for making impossible conditions.

Hon. J. CORNELL: Mr. Lovekin is straining at a gnat and will probably swal-

low a camel later on. Even if proceedings were taken in the circumstances he suggests, no magistrate would inflict a fine on a person when the inspector has made unreasonable and impossible demands.

Clause put and passed.

Clause 67—Women not to be employed within four weeks before or after confinement:

Hon. A. H. PANTON: The marginal note mentions four weeks. The clause specifies six weeks.

The CHAIRMAN: There is a mistake in the marginal note. The provision for six weeks as appearing in the clause stands.

Clause put and passed.

Clauses 68 and 69—agreed to.

Clause 70—Persons employed at aerated water bottling machines to have faces and heads suitably protected.

The CHAIRMAN: Mr. Holmes has an amendment on the Notice Paper dealing with this clause.

Hon. J. J. HOLMES: I have other amendments as well, but in view of the statement by the Minister I do not intend to proceed with them.

Clause put and passed.

Clauses 71 to 73—agreed to.

Clause 74—Management of elevators:

Hon. A. H. PANTON: Can the Minister say whether there are any lifts such as are referred to in the clause which are exempt in the metropolitan area at the present time?

Hon. J. CORNELL: I move an amendment—

That after "factory" in line 3 "or shops" be inserted.

I do not see why a factory, but not a shop, should be penalised.

Hon. A. H. PANTON: I am in sympathy with the amendment, but it will not overcome the difficulty. Lifts in shops are mostly run by men. It is in large blocks of offices that we find lifts run by under-sized attendants.

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

Clauses 75 to 77—agreed to.

Clause 78—Assistants' health likely to contaminate articles of food:

The MINISTER FOR EDUCATION: I move an amendment—

That after "person" in line 2 of Sub-clause (5) "before such person has obtained the said certificate" be inserted.

Without the amendment it might mean that the occupier could not employ the assistant even after he had the certificate.

Amendment put and passed.

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

That after "section" in line 2 of Sub-clause (6) "which shall not exceed five shillings" be inserted.

Clause 59 provides for a fee of 5s. and I think that in this provision the fee should be similarly restricted to that amount.

**THE MINISTER FOR EDUCATION:** In the other instance the medical officer for health is the person from whom the certificate is obtained and he being in a sense a public servant the fee can be fixed. But in this case it is a medical practitioner who is concerned, and I do not know that we can fix the fees for a private practitioner.

Hon. J. J. Holmes: I only wish we could.

Hon. A. J. H. Saw: I wish you could make the people pay. I gave a certificate the other day and got nothing for it.

Hon. J. CORNELL: This is being done in the interests of public health, and so it should be a charge on the Public Health Department rather than on either the occupier or the assistant.

Hon. A. Lovekin: Is not this a reference to the Health Department?

Hon. A. J. H. SAW: This is more important in theory than in practice, because a large number of these people never pay anything, and therefore we need not worry about who is going to pay it. But are we in order in making a charge on the Public Health Department?

Amendment put and negatived.

Hon. H. STEWART: I move an amendment—

That Subclause (6) be struck out.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 79, 80—agreed to.

Clause 81—Rules to prevent accidents from fire:

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

That in Subclause (2) all words after "regulations" be struck out.

**THE MINISTER FOR EDUCATION:** The effect of the amendment would be to make it necessary to prescribe by regulation every form of fire escape. Buildings vary tremendously, and it would be most difficult to prescribe by regulations the fire escapes required. Under the existing provision inspectors frequently require property owners to alter their fire escapes, and the alterations are made without any undue difficulty. The amendment shows an unnecessary suspicion of the inspectors.

Hon. J. J. HOLMES: The information offered by the Minister is satisfactory. I will withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 82—agreed to.

Clause 83—Occupier may be required to cease to employ persons in factory pending structural alterations:

Hon. J. CORNELL: This puts an obligation on the occupier while structural alterations or additions are being carried out. I

suggest the clause be postponed until the question of whether the owner or the occupier is to carry out structural alterations has been finally considered.

**THE MINISTER FOR EDUCATION:** This has nothing to do with the carrying out of alterations. The occupier is the person to be held responsible for carrying on the work of the factory. The owner of the premises could not have any authority over the workpeople employed in a factory. The clause has been inserted largely because of an accident that occurred in connection with structural alterations to a factory, when a wall actually fell in. The employees in that factory had been continuously employed during the structural alterations, but providentially the accident occurred on a Sunday, when the factory was not occupied. All that this provides is that, if the chief inspector thinks it necessary, he can tell the occupier that the premises must not be occupied as a factory during structural alterations.

Clause put and passed.

Clause 84—Notice of accidents in factories:

Hon. J. J. Holmes: This puts upon an occupier the responsibility of reporting to the inspector under the Machinery Act and the Inspector of Factories the cause of loss of life. Surely this is a matter for the coroner to decide.

**THE MINISTER FOR EDUCATION:** The hon. member is mistaken. It is not the cause of loss of life; it is the accident which causes the loss of life. The intention is that in regard to all machinery which is subject to the Inspection of Machinery Act, we do not interfere. Where accidents occur in connection with machinery which is not governed by the Machinery Act it is necessary that the owner of a factory shall report to somebody. What we desire is that when an accident occurs with machinery which is not covered by the Machinery Act the matter should be reported to the Chief Inspector of Factories. I move an amendment—

That in lines 3 and 4 the words "by" and "in motion" be struck out.

Amendment put and passed.

Hon. J. J. HOLMES: We are putting the responsibility on the owner to state the cause of death. Should we not also strike out in paragraph (c) the words "the cause of death." I move an amendment—

That in paragraph (c) the words "the cause of death" be struck out.

The Minister for Education: The clause will have the same meaning.

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

Clauses 85 to 89—agreed to.

Clause 90—Clear space to be kept near engine:

Hon. J. CORNELL: I do not know that this clause is necessary. Does not the Machinery Act govern it?

The Minister for Education: The Machinery Act does not cover all classes of machinery.

Clause put and passed.

Clause 91—Inspector may attend inquests and inquiries:

The MINISTER FOR EDUCATION: I move an amendment—

That in lines 3 and 4 the word "by" and "in motion" be struck out.

This will make the clause conform with what has already been done. The intention is that the factories inspector shall have no standing whatever at inquests if death has been caused through machinery which comes under the Machinery Act.

Amendment put and passed.

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

That in line 5 after "applies" the words "the occupier or" be inserted.

The object is to permit the occupier as well as any inspector to attend an inquest and examine witnesses.

The MINISTER FOR EDUCATION: An occupier has an absolute right to do that at present, so that there is no need for the amendment.

Hon. J. J. HOLMES: I am only seeking for information. As I have already stated I do not intend to allow any of the clauses to pass unless I thoroughly understand them. I will withdraw the amendment.

Amendment by leave withdrawn.

Clause, as amended, agreed to.

Clauses 92 to 96—agreed to.

Clause 97—Certain laundries excluded from operation of Act:

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph (a) the word "prison" be struck out.

Already in the interpretation we have excluded prisons from the operation of the measure.

Amendment put and passed.

The MINISTER FOR EDUCATION: The Government have not been anxious to do any injury to anybody. The select committee examined witnesses from reformatory institutions, including the Home of the Good Shepherd. Since the report of the committee has been published persons interested have made certain representations to me, and hon. members will see from the Notice Paper that I intend to move an amendment to the clause, the intention being to exempt these institutions in regard to payment for over-

time. My attention has also been drawn to clause 32 which says—

On any holiday or at any time after one o'clock in the afternoon of the working day in each week on which a half holiday is to be allowed as hereinafter mentioned.

It has been pointed out to me that it is extremely difficult to keep the inmates in order when they have not some work to do, and that it should not be obligatory to observe holidays in these institutions. This aspect of the matter was not dealt with by the select committee. Clause 32 (a) provides that a woman shall not be employed at any time between 6 in the evening and 8 on the following morning. I have been asked to grant exemption to the institution. Personally I think it should be granted. These institutions offer no objection to inspection, but they say that these matters will interfere with the working of the institution. I move an amendment—

That in Subclause 2 after "thirty-two" the words "except paragraphs (c) and (d)" be inserted.

[Hon. W. Kingsmill took the Chair.]

Hon. A. H. PANTON: I oppose the amendment. If women are sent to a reformatory it should not be necessary to keep them at work without a holiday. I cannot agree with the Minister that it is impossible for the Home of the Good Shepherd to do its packing during the day. There is a large laundry at North Fremantle which probably sends out considerably more stuff than does the Home of the Good Shepherd and which has to comply with the law. If the law is good enough for people outside these institutions, it should be good enough for the people in the institutions.

Hon. J. CORNELL: As we have supported the pernicious system of exemptions another slight exemption will not hurt. Personally I would prefer to vote against the clause. Many of these exemptions are made for sentimental reasons and have little logic behind them. If a religious body or other institution conducts a laundry, it should be placed on the same footing as the laundries with which it is competing.

Hon. A. J. H. SAW: I hope the Committee will agree to the amendment. These organisations employ a large number of old and feeble people who do extremely little work, and their position is entirely different from that of the ordinary laundry employing able-bodied people.

Hon. R. J. Lynn: They compete.

Hon. A. H. Panton: And they have an advantage.

Hon. A. J. H. SAW: I do not think they compete unfairly.

Hon. A. H. Panton: Nonsense!

Hon. A. J. H. SAW: It should be remembered that they have their own holidays apart from the holidays laid down by statute. I have had a long experience with the organ-

isation for which the exemption is being asked, and I think it is entitled to consideration.

Hon. A. Sanderson: The Minister might help us by giving some information as to what is done elsewhere.

The MINISTER FOR EDUCATION: Victoria, Queensland, and South Australia all have provisions for the partial exemption of laundries of this description. Whether they coincide with this provision, I cannot say.

Amendment put and passed.

The MINISTER FOR EDUCATION: On looking further into the question we have just been discussing I find that Victoria excludes these places from the operation of the Act. That, however, is neither desired nor asked for here. I move an amendment—

That in Subclause 2, the words "thirty-seven" be struck out, and after the word "Act" in line 3 the following be inserted:—"and subsections (1) and (2) of Section 37 except that part of Subsection (1) which relates to the payment of persons for extended hours of employment."

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

Clause 98—agreed to.

Clause 99—Saving of existing proclamations, etc.:

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

That the words "or resolution duly carried and published in the 'Gazette'" be struck out.

Unless the clause is amended it will operate harshly where the closing day has been proclaimed. There has been a proclamation for Wednesday closing with respect to Northam and Beverley, and I understand that this clause will perpetuate it unless another proclamation is issued.

The MINISTER FOR EDUCATION: The effect of the amendment would be to do away not with the proclamation, but with the deliberate vote of the people, and the hon. member would be the last to suggest that. These people have decided by ballot and the intention of the clause is to protect their decision until they choose to alter it.

Hon. A. Sanderson: The public or the shopkeepers?

The MINISTER FOR EDUCATION: The public. The clause will merely protect the choice until some other decision is arrived at.

Hon. A. H. PANTON: This will not compel these shopkeepers to close on Saturday?

The Minister for Education: No.

Hon. A. H. PANTON: I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 100—Closing times:

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

That all the words after "until" in line 9 of Subclause 1 be struck out and the following inserted in lieu:—"the following day not earlier than five o'clock in the morning."

Under the clause a butcher's shop could not be opened before 8 a.m. unless by proclamation. Butchers' shops should be enumerated in the Fourth Schedule.

The Minister for Education: Why?

Hon. J. J. HOLMES: Because they deal with a perishable article of food which must be got ready in the early hours of the morning. The Arbitration Court award fixes the time at 6 a.m. for ordinary week days and at 5 a.m. for Saturdays. Either we must provide here that shops can open at 5 a.m., or we must include butchers' shops in the Fourth Schedule. Having fixed the hours which shall be worked, what can it matter what time a shop opens in the morning? It may be an oversight that butchers do not appear in the Fourth Schedule.

The Minister for Education: They do not appear in the corresponding schedule in any Australian Act.

Hon. J. J. HOLMES: In no other part of the world are butchers' shops prevented from opening until 8 a.m. Perhaps some Minister might refuse to issue the necessary proclamation, or might withdraw a proclamation which had been issued. Within the last 12 months a position was created in Perth and Fremantle resulting in the people becoming meat hungry, and the police had to be called upon to make queues at butchers' shops. Manual work cannot be performed unless one has meat for breakfast. If meat is killed overnight and not dealt with in the early hours of the morning, if one starts to cut it up at 8 o'clock in the morning, the purchaser will know when it arrives on his premises.

The MINISTER FOR EDUCATION: I hope the hon. member will not press this amendment, the effect of which would be that any shop, a grocer's shop or a baker's shop, would be able to open at 5 a.m. It is desirable that there should be a uniform opening hour. Butchers' shops will, in future, have the same protection as they have had in the past, and the additional protection that an award of the Arbitration Court would cover them even though it might not be consistent with this measure. If the hon. member desires that a special clause should be inserted to deal with butchers, let that be done; but let us not have confusion with regard to all other shops for the sake of butchers' shops.

Hon. J. J. HOLMES: Will the Minister agree to include butchers in the Fourth Schedule when we come to it?

The Minister for Education: No. They do not need to be included in that schedule.

Hon. J. J. HOLMES: Bakers are included in that schedule, and meat is as necessary for breakfast as bread is. Vegetable

shops and milk shops are also included in the Fourth Schedule. Why not include butchers' shops in it?

The MINISTER FOR EDUCATION: I will make inquiry whether there is any objection to including butchers in the Fourth Schedule, but this is not the place to deal with them. It may be necessary to insert a new clause for that purpose.

Hon. J. J. HOLMES: In view of the Minister's statement, I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That in the first proviso to Subclause (2) the word "municipal," line 4, be struck out.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That in the first proviso to Subclause (2) after the word "locality," line 4, there be inserted "not within the district."

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That the third paragraph of Subclause (2) be struck out.

I propose to deal with the subject of that paragraph in a comprehensive manner by means of a new clause, which appears on the Notice Paper, to stand as Clause 100.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That in the first proviso to Subclause (2) the words "district or," in line 5, be struck out and "specified" inserted in lieu.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That Subclause (5) be struck out. This subclause refers to protection of proclamations, which matter is already dealt with by Clause 99.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: This clause, to my mind, represents a very important alteration, inasmuch as it eliminates the late shopping night. I take it the clause has been inserted largely as a result of the sittings of the select committee of another place, and it has had consideration in another place and been carried there. No doubt those facts entitle the clause to very careful and favourable consideration here. But in a case of this kind there are three parties interested—the owner of the shop, the shop assistant, and the public. I will deal with the public first, and by the word

"public" I do not mean that class which has motor cars, or that which has so much time to visit shops during the day that a member of it ought to be ashamed to go into a shop on the late shopping night, but the class which is not able to take advantage of shopping hours during the day, and therefore looks upon the late shopping night as a privilege. There are large numbers of men and girls and boys occupied in shops until 5 p.m., and by the time they have got away home, or done anything else, they are not able to start shopping until half-past five. Everyone knows that there is on the part of shop assistants a general reluctance to do more than they can possibly help in the closing half hour of the day; and the consequence is that people who go shopping between half-past five and six o'clock do not get that attention which is given during other parts of the day. They are obliged to purchase articles not suitable, and therefore it is to them a great disadvantage. The other class are the workers. They look to go shopping with their wives one evening in the week. What opportunity will they have for this if the late shopping night is abolished? Then there are the sons of widows, and there are all those young men maintaining their parents. They get their wages on the Friday. The only opportunity they have to purchase things for their home folks will be taken from them by the abolition of the late shopping night. If that late shopping night is eliminated, the public will have no opportunity for doing their shopping. I am not considering the shopkeeper. He is there for the convenience of the public and so, too, are the shop assistants. They have five free nights each week and a half holiday, and so it cannot be any great hardship for them to put in one evening for the good of the public. From the public standpoint a great deal of inconvenience will be caused by the abolition of the late night. Nobody knows more about shop assistants than does Mr. Pantou. If we can get him and his supporters in the House to look at this question from both sides, we shall get justice. Personally, I am still open to conviction.

The MINISTER FOR EDUCATION: There is another phase of this question. Sir Edward Wittenoom has instanced the case of people in offices who do not get away until five o'clock and so have only an hour in which to do their shopping. The hon. member says we ought to consider everybody. If we consider those with only an hour to do their shopping, should not we give even more consideration to those with no time whatever for shopping? What about the grocer who has to attend to his shop until 6 o'clock? What opportunity has he for trading at a draper's shop? What about the assistants in the draper's shops. What opportunities have they for shopping at the grocers? It seems to me that if we are to consider everybody the only course open for us is to insert a proviso providing that no



shops shall close until two hours after every other shop has closed

Hon. E. M. CLARKE: I entirely support Sir Edward Wittenoom. In the South-West they are dead against the abolition of the late shopping night. If those who wish to close all shops at six o'clock would go into Bunbury and Collie they would find that a very large proportion of the late shoppers consist of working men. If we go on as we are doing we shall before long be dictated to about everything we do. I am getting full up of laws which interfere so much with the liberty of the subject. Bunbury and Collie want one shopping night in each week on which they can continue to shop until 9 o'clock. The same may be said of other little towns in the South-West. I will vote against the clause.

Hon. E. ROSE: I oppose the clause for the reasons given by Mr. Clarke. The outside provinces should not be included in the Bill. We have never asked to have our late shopping night eliminated. The requirements of the country districts are not by any means the same as those of the city. All country districts should be left out of the Bill until they requisition the Government to be brought in. The Bill threatens to do away with many conveniences which country people have enjoyed in the past. Greater consideration should be shown to the country towns.

Hon. Sir E. H. WITTENOOM: I tried to make it clear that I did not rise in direct opposition to the clause, but merely to state my views. The leader of the House tried to heap ridicule upon the question. Ridicule is no argument. I take it that at present this provision is confined to the city and its suburbs. We have here three members representing the metropolitan-suburban province. If they raise no objection to the clause, it is not for me to do so.

Hon. R. J. LYNN: After the remarks of Sir Edward Wittenoom I fully expected that he would oppose the clause.

Hon. Sir E. H. Wittenoom: I am waiting to be convinced.

Hon. R. J. LYNN: Mr. Panton is a representative of the West Province. I am sure the abolition of the late shopping night is not required in the West Province. In Fremantle, wages are paid between five and six o'clock on Friday evening, and it is argued that therefore it is necessary that the shops should remain open for the convenience of the wage earners. Friday is the night on which the wage earners of the West Province have money to burn, and I am afraid that unless opportunity is provided in Fremantle for that money to flow through legitimate channels on the Friday night, it may find other channels not advantageous to the wage earners. I will vote against the clause.

Hon. A. H. PANTON: I am rather surprised at the remarks of some hon. members. I thought there would be no opposition to this part of the Bill. The shop assistants

have been trying for seven years to get this early closing brought about. The public will find no difficulty in doing their shopping under the altered conditions. So far as men are concerned, it will be found that nearly all their clothes are purchased by the women.

Hon. A. J. H. SAW: What about single men?

Hon. A. H. PANTON: There are very few single men who have not a girl to do this for them. Most workers are now able to shop for themselves on a Saturday morning. In the matter of groceries, the public are well catered for. Grocery canvassers call at almost every house during the week, take the orders, and send the goods along. In spite of these facilities, people still come in on a Friday night, either go to the pictures or walk about the streets, and just before 9 o'clock go into Roans' or Foy's and order their groceries for the next day. The consequence is that a special shift of men has to be kept on till daylight in order to get the orders out. Most men in the metropolitan area can buy what they want after knock-off time. The men employed at the Midland Junction workshops have their Saturday mornings free, and other classes of workers are also able to do their week's work during the first five days. Hundreds of women visit the big emporiums on Friday night merely to look at the different materials, but because of the difficulty in matching colours by artificial light they buy nothing until the following day. Mr. Lynn has referred to the lumpers, and suggested that if they cannot spend their money in the shops on Friday night they will spend it in the public houses. I am quite prepared to classify hotels as shops and make them also close at 6 o'clock. This would get over Mr. Lynn's difficulty. Mr. Rose has referred to the workers at Collie and Bunbury. I would point out that the Collie miners never do work on pay day, and also that they cease work when they like. There is no need for any anxiety on the part of these people. A custom has grown up for this late shopping night in the country as well as in the metropolis. It is surely time that this custom was broken down. If we are to be bound by custom we shall never make any strides. No inconvenience, at all events in the metropolitan area, will be caused to the public by the 6 o'clock closing.

Hon. J. DUFFELL: I congratulate the Government on the step they are taking to bring about this desirable reform. Some 30 years ago, when I was behind the counter, we had to work long hours, and the greatest offenders were the workers who ceased work at 12 o'clock on Saturday, and who would carry on their shopping as late as 10 o'clock. These people have now realised that it is possible to get their requirements at an earlier hour. It is worth all we have gone through on this Bill to get this desirable innovation.

Hon. J. E. DODD: Provision is made that the majority of keepers of shops may petition for the substitution of any other day in the week than Saturday. There appears to be no provision in the Bill for a petition or poll of the electors, as is the case in Section 9 of the Early Closing Act.

Hon. A. H. PANTON: The point raised by Mr. Dodd is an important one.

The CHAIRMAN: I do not think it refers to this clause.

Hon. A. H. PANTON: Some such provision should be embodied in the Bill. Under the existing legislation a tenth of the electors on the Assembly roll may petition the Minister for a poll to be taken as to whether the shops shall close on Saturday instead of Wednesday. Under the proviso of this Bill the majority of the shopkeepers may revert back to Wednesday. The contention of Mr. Dodd is that the question should be decided by a poll under conditions operating at the present time. There is a provision for a poll in the Bill, but there is no provision for a petition to the Minister other than one from the majority of the shopkeepers. There is a missing link in order that the people's views should be brought under the notice of the Minister.

Hon. H. STEWART: My object to the early closing portions of the Bill is embodied in this clause. The seriousness of the matter is in its application to the country districts. I am not concerned regarding the metropolitan area. I am prepared to allow full scope for Mr. Pantan's contention regarding the breaking down of customs, but this Bill provides for a revolution in the present system. The Government could very well allow the country districts to look after their own affairs according to the necessities of the respective townships. I propose later to move a simple amendment which will bring about the desire expressed by Mr. Pantan. So far as the country is concerned, the position in Wagin is different from that in Katanning. At Katanning the shopkeepers met and decided that they would close on Saturday afternoon. That system is in operation at present. Years ago the traders in Beverley and Northam took the same step and found that it was so inconvenient to the producers in the surrounding countryside that they petitioned the Minister for authority to revert to the mid-week half holiday. We should not leave it to the shopkeepers because they might not consider the convenience of the public. In Katanning the position has been in vogue for hardly 12 months and the result of the alteration has scarcely had time to be felt. It is significant, however, that in the report of the select committee, which dealt with this Bill, Mr. Richardson, who owns one of the largest stores in Katanning, gave evidence before that body and stated that the present system was not giving the people outside the town a fair deal. I believe in deciding such a question by a poll of the people concerned. At Wagin the position

is interesting and the Minister has done his best to meet the wishes of the people in the outside districts. Some of the traders met and endeavoured to secure the Saturday half-holiday instead of having the half-holiday in the middle of the week. They were not unanimous, but the majority prevailed and the petition went forward to the Minister. Before a reply could come back, another meeting was called and the majority decided that they did not want the Saturday half-holiday. As a result, a further petition was presented and they requested that a vote should be taken of the electors in the municipal and road board district. The Act did not provide for a poll under those conditions, hence the amendment to the Early Closing Act which has been brought forward. After these further representations had been made, the Minister, in order to prevent the shopkeepers from forcing the position, declared the whole district to be a shopping district under the existing legislation. I commend the Minister for his prompt action. It is wrong to force the closing hour on the people of any centre against their wishes. Why can we not leave the people in these centres in the divisions affected to make representations to the Minister? We should have the right of self-determination throughout the whole community. When it comes to the question of keeping the shops open at night, I am not prepared to agree to any such provision but prefer the people to decide the question for themselves. There is evidence in the report of the select committee that a late shopping night is necessary in certain country towns because people have a difficulty in getting into the shops during the earlier hours of the day without unduly interfering with their work. A farmer very often has to work as long as he can see at night, in order to get the harvest in. He may be working short-handed and may not be able to send anyone to the town to do shopping for him.

Hon. T. Moore: You are stretching it a bit.

Hon. H. STEWART: Such a position is by no means uncommon in the country districts. It may be necessary to have a late shopping night in certain country towns, and as long as the assistants do not work more than a certain number of hours per week, the problem can be satisfactorily settled by those concerned in the industry affected. I desire to move an amendment to strike out the words "of the majority of the keepers of such shops" which appear in the proviso to the subclause.

The CHAIRMAN: The hon. member cannot move except to add words to the clause, because Subclause 5 has been struck out of the Bill. Anything he desires to move, must be added to the clause.

Hon. H. STEWART: I was out of the Chamber when that vote was taken and perhaps it may be necessary to recommit the

Bill. I fully realise that the Minister has already told me that provision has been made by which he can exempt any particular district. It should be pointed out, however, that the present Minister may not be the Minister of to-morrow and although he may exempt any particular district, he may also include a particular district. It may be better for us to recommit the Bill and make provision to maintain what has been in existence, and enable a district to decide by a majority the conditions under which they shall work.

The MINISTER FOR EDUCATION: "There are two questions, the abolition of the late shopping night and the question of the weekly half-holiday. It is the policy of the measure that the abolition of the late shopping night shall apply all over the State except in such places as the Minister shall specifically exempt. This clause was amended considerably in another place; and it is because of those amendments that I find it necessary, in order to make it thoroughly workable, to move the amendments which appear on the Notice Paper. One amendment which has an important bearing on the matter is the new clause to stand as Clause 100 which appears on the second page of the agenda paper. Under that clause the metropolitan district will be established and other districts may be established. In a number of places a decision has already been arrived at as to Wednesday or Saturday being observed as the half-holiday. There are a number of other districts which are not under the provisions of the Early Closing Act and they cannot be said to have arrived at any decision. To my mind the most satisfactory way of dealing with those cases would be to give them sufficient time in which to make a choice.

Hon. H. Stewart: It is simpler to leave it as it is.

The MINISTER FOR EDUCATION: What does the hon. member mean?

Hon. H. Stewart: Exempt the districts outside the metropolitan area.

The MINISTER FOR EDUCATION: At the present time a number of districts are included under the Early Closing Act. The question has been raised as to there being no provision for the demanding of a poll. Clause 104, Subclause (2), makes provision under which a Minister may order a poll, but it would make the thing more complete if we made an addition in similar terms to Subsection (8) of Section 9 of the existing Act. I intend to move an amendment which will give people the power to demand a poll.

Hon. A. SANDERSON: I intend to support early closing in the metropolitan district. I recognise it is going to cause hardship and loss to different sections of the community. At a time like this, when we are told we should work hard and save harder, we are going to work less and save less. Knowing something of the outlying districts, I consider the Government would be justified in submitting an amendment, the effect of which would be to throw the

responsibility on those districts. Surely Mr. Panton, who in his department is an authority we can recognise, must know that in the metropolitan area, where the climatic conditions are severe for four months in the year, serious hardships is caused, and in the country districts he must recognise also the people there are entitled to consideration, and that they themselves should be permitted to settle the question. I know the country fairly well. Go down to Albany, Bunbury, York, or Pinjarra, and it is like going into a delightful sleepy hollow. I notice a great difference in the various country districts and towns, and if I were permitted to speak on behalf of the country districts I would appeal to the House to support any fair and reasonable request that they might make.

Hon. A. J. H. SAW: I would have liked to look at this clause through the spectacles of my constituents, but I propose only to refer to the abolition of late shopping. My constituents are divided into three classes, the shopkeepers, the assistants, and the general public. The assistants undoubtedly want early closing. The big shopkeepers have given their tacit consent to it. The public, so far as I can gather, are dumb on the question: they are worse even than Balaam's ass, who spoke once. Then there comes the economic question, and my views on it may make the House dumbfounded, and may be regarded by my trading friends as rank heresy. So far as the ladies are concerned, no matter the hours during which a shop may be kept open, they will always trade. So far as the men are concerned, anything that they really want, if the late shopping hour is abolished, they will get at any other time. Then there comes—and this is where my heresy comes in—the question of superfluous things, those things which man does not want but which he is persuaded to buy. My contention is that anything a man does not want but is induced to buy, instead of which being an economic gain to the community, is an economic loss. Consequently, from the point of view of the shopkeepers, every superfluous article which is bought is an article of economic loss. This argument, of course, will not appeal to a majority of the House, consequently I have decided to support the abolition of the late shopping night.

Hon. T. MOORE: Mr. Sanderson advanced the argument that some people are bound to lose something by the abolition of late shopping, but he has not proved that they are going to lose. After all, the people only buy that which they require, particularly in these times. Regarding Mr. Clarke's arguments, how many people go into Bunbury on Saturday night to buy goods?

Hon. E. Rose: Hundreds.

Hon. T. MOORE: I know differently. The only mill near Bunbury is situated 20 miles out, and not many people from that locality would go into Bunbury to shop on Saturday night. Again, most farms are carried on

by families. I was born on a farm in Victoria—

Hon. J. J. Holmes: You know too much to follow that occupation.

Hon. T. MOORE: I am a farmer now. We never found it necessary to do our shopping at night time.

Hon. H. Stewart: I was only illustrating certain conditions.

Hon. T. MOORE: The hon. member was certainly not emphatic. I have received a circular from the Traders' Association of Geraldton asking that the late shopping night be retained. They mentioned that I would have noticed a number of horses and carts tied up in the street on Friday night. I do not attach much importance to that. Everyone who drives into a town does not do so for shopping purposes. Most of these people would come in for picture shows and other purposes. If the late shopping night is abolished people will continue to drive into the towns—

Hon. J. Cornell: It will only die with the present generation.

Hon. T. MOORE: The late night is more of a social event than anything else. The shopkeepers in the metropolitan area favour the abolition of the late night, knowing that it will not interfere with their business. At Bunbury and Geraldton there are many women and girls who start work in the shops at 8 a.m.

Hon. E. Rose: At 8.30 a.m.

Hon. T. MOORE: I know that many start at 8 a.m., and on one day each week they have to work until 9 p.m. I hope that these young women will not be asked to work the unreasonable hours which they work at present. If the late night is cut out traders will not be affected, the general public will get their requirements earlier in the day, and the shortening of the day's work will be a boon to the shop assistants.

Hon. H. STEWART: Can the Minister inform me whether the late shopping night at Northam and Beverley will be abolished under this clause?

The Minister for Education: Yes.

Hon. Sir E. H. WITTENOOM: The most reasonable way to decide the question is to extend the privilege of the ballot to the country districts, as in the case of the half holiday.

Hon. T. Moore: Why not in the metropolitan area?

Hon. Sir E. H. WITTENOOM: Because the hon. member himself was so emphatic that the shopkeepers of the metropolitan area wish to abolish the late shopping night.

The MINISTER FOR EDUCATION: Following on Mr. Sanderson's suggestion, I am willing to give the Committee an opportunity to arrive at what they desire. I cannot support the suggestion that throughout the State, with the exception of the metropolitan area, the late shopping night should be continued until abolished by a poll. I have handed to Mr. Stewart a draft amend-

ment to the effect that unless and until otherwise determined by a poll, the shops in other than the metropolitan districts should be allowed to remain open till 9 p.m. on one night in each week. The hon. member may move it in order to get the decision of the Committee, but I shall oppose it.

Hon. H. STEWART: I thank the leader of the House for the opportunity to take a vote on this question. I move an amendment—

That the following proviso be added to the clause:—"Provided that, excepting in the metropolitan shop district, shops may remain open until 9 o'clock on one evening in each week, unless and until the abolition of such late shopping night is determined upon by a poll of electors as hereinafter provided."

I presume that provision will be made in the Bill so that shop assistants in the country districts will not be penalised as compared with those working in the metropolitan area.

Hon. J. CORNELL: If we accept the amendment we shall be differentiating within the State.

Hon. H. Stewart: Which has been done many times.

Hon. J. CORNELL: In the metropolitan area I have not met an employer, an assistant, or a customer who has offered a word one way or the other regarding the abolition of the late shopping night, and I take it there is a consensus of opinion that the late night should be abolished. The cutting out of the late shopping night would be felt more keenly at Kalgoorlie and Boulder than in any other part of the State.

Hon. A. H. Panton: Why?

Hon. J. CORNELL: Because that is a sort of no man's land where there is nowhere to go. The late shopping night is the event of the week; yet I have not received a single protest from Kalgoorlie or Boulder regarding its abolition, and I conclude that there is no opposition. If the amendment is passed, some relief should be extended to those assistants in the country who would be affected by the late shopping night.

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

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

Ayes	..	..	..	11
Noes	..	..	..	8
<hr/>				
Majority for	..	..	..	3
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# AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. J. Duffell	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. Mills
Hon. R. J. Lynn	(Teller).

## NOES.

Hon. R. G. Ardagh  
Hon. F. A. Baglin  
Hon. H. P. Cofebatch  
Hon. J. Cornell

Hon. J. E. Dodd  
Hon. T. Moore  
Hon. A. H. Panton  
Hon. J. Cunningham  
(Teller.)

Amendment thus passed.

Hon. J. CORNELL: I desire to see this clause amended so that in districts where the late shopping night now operates the opening time for shops shall be half an hour later than in districts where there is no late shopping night.

Hon. A. H. PANTON: Why not an hour later?

Hon. J. CORNELL: Half an hour per day for six days of the week makes three hours per week. On recommitment I shall ask for that consideration to be given to the shop assistants which they merit in view of the carrying of the last amendment. Between now and the recommitment the necessary amendment can be drafted.

Hon. J. J. HOLMES: If the hon. member's desire is to continue the late shopping night until this measure comes up for amendment in some future session, he will accomplish that desire by getting the suggested amendment carried. Generally speaking, there is an objection on the part of people to rise early in the morning. To take a ballot on the question whether the shop assistants shall start work at 8 a.m. and finish at 6 p.m. every day, or start at 8.30 a.m. daily and finish at 6 p.m. with the exception of one night on which they will finish at 9 p.m., is quite unnecessary, because they will vote for the 8.30 opening every time.

Hon. A. H. PANTON: While appreciating Mr. Cornell's good intentions, I do not think he has gripped the position. To continue the late night in the country while abolishing it in the town makes no difference to the number of working hours per week. The existing law provides 52 working hours per week for men and 48 for women. The only difference between town and country will be as regards the distribution of the working hours. However, 48 hours are now worked in the metropolitan area, and most of the shop assistants there start work at 8.45. The 48 hours can be worked in with the abolition of the late night. However, it will be better to have a straight out issue as to the abolition of the late night.

Clause, as amended, put and passed.

Clause 101—Closing time for small shops:

Hon. A. LOVEKIN: Does not this clause require amendment in the fourth and fifth lines in view of the amendment which has just been carried? There are small shops in the country also.

The MINISTER FOR EDUCATION: I daresay some alteration is required; but it will be necessary to recommit the Bill, and I propose to have all amendments which are rendered necessary by amendments passed at

this stage, carefully drafted for submission during recommitment. Subclause 3 reads—

When any such shop is closed during the whole of any week day set apart in any week as a bank holiday or public holiday. . . .

I consider that in order to make the meaning clear the words "or is to be" should be inserted after the word "is" in the first line of the subclause. I move an amendment—

That in Subclause 3, after the word "is" in line 1 there be inserted "or is to be."

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

Clause 102—Registration of small shops:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 "and" be struck out and "or" inserted in lieu.

The contention has been put forward that if "and" remains in it will be necessary to find, not only that the keeper of a small shop is a widow or a physically disabled person, but also that there is great hardship; whereas the intention is to set up three classes of shopkeeper, namely the widow, the old and disabled person and the person in circumstances of great hardship.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That after "hardship" in line 5, the words "or if the shop is at the commencement of this Act registered as a small shop" be inserted.

I do not want hon. members to run away with the idea that the amendment means that any shop at present registered is entitled to be registered in future. Under the existing Act small shops have no right of re-registration. It is in the discretion of the Minister, and will still be so under the amendment. Except the amendment is carried, the present occupier of a registered small shop, unless a widow or a disabled person, will have to satisfy the Minister that he is in circumstances of great hardship.

Hon. J. J. HOLMES: This gives the Minister power to go behind the wish of Parliament. The Minister has told us that at present he can refuse the registration of a small shop. The intention of Parliament is that the existing small shop shall continue. Are we to give the Minister power to refuse re-registration?

Hon. J. E. Dodd: He has that power now.

Hon. J. J. HOLMES: But that was given before our eyes were opened.

The MINISTER FOR EDUCATION: I am at a loss to understand what the hon. member means by the wish of Parliament. The only expression of the wish of Parliament I know of is the law as it stands, which places these matters in the discretion of the

Minister, and the wish of Parliament as expressed by the only section of Parliament which has so far dealt with this measure. That section of Parliament desires that the present conditions should continue. There has been no vote in this House to suggest that it is not the wish of Parliament.

Hon. J. CORNELL: Early in the piece the returned soldiers' executive decided that, if the clause went through, the occupation of the soldier with a small shop would be gone. However, the shopkeeping soldier has awakened to the influences behind that decision. On behalf of the returned soldiers I ask the Minister that when they make application for registration, consideration shall be given to their physical disablement in relation to their pensions.

Hon. A. H. PANTON: The amendment will provide for the re-registration of the small shops already registered. Mr. Holmes should remember that in addition to the shops already registered, provision is being made for the future registration of a certain class of individual as a small shopkeeper. If the Minister is not to have discretion as to who is to be registered, who shall define the physical disability of the applicant?

Hon. J. J. HOLMES: But what about the present registered shops?

Hon. A. H. PANTON: The amendment provides for the re-registration of those already registered. If the discretion is to be taken from the Minister, I do not see who is to decide on the physical disability of those who may desire to be registered in future.

Hon. A. J. H. SAW: I am anxious to protect the rights of the existing small shopkeeper. But I understand that at present re-registration is dependent on the discretion of the Minister. In the circumstances I can see no hardship in the provision in the Bill.

Hon. J. E. DODD: The amendment gets over the objection raised by hon. members in support of small shops. It is a very good compromise. Existing small shops have to re-register subject to the existing law. It is not likely that any hardship will be inflicted under the provision.

Amendment put and passed.

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

That the words "and shall be at the absolute discretion of the Minister" be struck out.

If these words are retained, we do not want any qualifying words at all. In my opinion, one or the other should come out: either the description of who shall have the small shop, or the provision that it shall be at the discretion of the Minister. Even under the amendment the Minister will have power to say yes or no and, judging by what we heard from him the other evening, there will be plenty of noes. Having said so much, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. A. LOVEKIN: I am anxious that this Bill should be passed as quickly as possible. In the instructions to the Governor any Bill, the provisions of which appear inconsistent with the obligations imposed upon the Imperial Government by treaty, must be reserved for the royal assent. I am advised that if this Bill contains these provisions regarding Asiatics—and this will apply to the Japanese amongst others—it must when passed be reserved for the royal assent. That will mean hanging up the Bill for the sake of including a few Asiatics. Since the passing of the Act which contains these references to Asiatics, times have changed and new conditions have arisen.

Hon. T. Moore: You like the Asiatic better now?

Hon. A. LOVEKIN: No. I like the Bill better than to bother about a few Asiatics, if to do so will hang it up. There are at present strained relations between America and Japan. At the meeting of the League of Nations Japan claimed racial equality with the whites. A difficult position may arise. I, therefore, suggest the elimination from this clause of all reference to Asiatics.

The MINISTER FOR EDUCATION: There would have been a good deal in the point raised by Mr. Lovekin had it been brought forward when we were discussing Clause 35. I took steps this morning to have the matter investigated and find out where we stood. I do not think this clause applies in the way suggested, for we are merely continuing existing legislation. Under Clause 35, however, we have done something which did not exist before, and I am having inquiries made with regard to that particular clause.

Hon. A. LOVEKIN: I only used this clause as a peg on which to hang my remarks. I refer more particularly to Clause 35 as amended at the instance of Mr. Cornell.

Hon. J. J. HOLMES: There appears to be a doubt as to whether or not this will hang up the Bill. In view of the fact that we have given the Minister absolute discretion to refuse anyone, that no Asiatic has been registered, and that I do not think any Minister would dare to register one as a small shopkeeper, the House would be wise to delete this altogether. Is there a Minister who would dare to register an Asiatic as a small shopkeeper?

Hon. J. E. DODD: The whole question is left to the discretion of the Minister. If he refused to register a Japanese, doubtless the matter would be brought before the Japanese Government. My opinion is that, whether we are continuing existing legislation or not, this Bill will receive the Royal assent. The Bill of 1913, brought in by the Labour Government, was an amending Bill and was introduced for the purpose of overcoming this very difficulty. This, however, is an entirely new Bill, and I have no doubt it will receive the royal assent. This question was fought out by Mr. Seddon in New

Zealand years ago. He stuck to his guns and came out on top. I have no doubt Ministers will come out on top in regard to this Bill. The Imperial Government would not dream of refusing the royal assent to a Bill of this nature.

Hon. A. SANDERSON: When we are told that the British Government would not refuse the royal assent to this Bill, it is all the greater reason why we should deal carefully with these matters. The Committee would be well advised to follow Mr. Holmes' suggestion and leave it to the Minister to decide. We do not want a clause of this kind, which seems to me needlessly offensive.

Hon. J. J. HOLMES: If we strike out the clause it will remove the necessity for obtaining the royal assent. Let us assume that the Japanese Consul does report that we have done such and such a thing. All we have done is to give the Minister power to refuse to grant a license to Asiatics. He would have a perfect right to refuse a license to a Japanese.

Hon. A. H. PANTON: If this clause is likely to hang up the Bill, so will many of the other clauses. It would be a great menace to small shopkeepers if Asiatics were registered. Mr. Holmes says the Minister would not dare to register an Asiatic. On what grounds would he refuse, if the Asiatic suffered from any of the disabilities set out for persons who may be registered? The only reason that could be given is that he was an Asiatic. We may have Chinese, Africans and others all approaching their respective consuls because of the Minister's refusal to register them and we shall have repeated discussions over the matter. I cannot see what will influence royalty to withhold assent to the Bill so far as this clause is concerned.

Hon. J. E. DODD: This provision is in the existing Act.

Hon. J. CORNELL: There is a lot of theory being talked about where there is no necessity for it. It is peculiar that this line of argument should be taken up at this stage. I am not afraid of any racial conflict with the Japanese, for this principle was established at the Peace Conference. If there is anything that will stand to the credit of that conference, it is the establishment of that principle, namely, that the Japanese is not to be on the same footing as the Australian or the Britisher within Australia.

Hon. A. LOVEKIN: He is disputing that now.

Hon. J. CORNELL: Of course he will dispute it. Will you give in to him?

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

Hon. J. CORNELL: You will do as was done with the Hun. You will ask others to repel him. It is as well that it should be known that it is the established policy of this country that these people are not to be on the same basis of equality as British subjects and Australians. If that is so, we are perfectly within our rights in legislating as

to whether they should or should not be employed. It is like backing up a field gun to kill a mouse, to argue that the policy would offend the Japanese. If there is anything of that nature, we have already offended Japan and we must face the issue. This clause, as a matter of fact, places disabilities upon our own people. According to my interpretation of the clause, it will be absolutely at the discretion of the Minister and the principle which will guide him in the registration of a small shopkeeper will be as laid down in the Act, namely that the person applying must be a widow, an old man, a person physically disabled or suffering great hardship. Those are the determining factors and this clause not only cuts out Asiatics, but our own kith and kin. It is peculiar that this point is raised now, whereas the same provision has been in force for the last 14 or 15 years. If there is any point on which the measure may be held up for Royal assent, it is the discrimination which we make between British subjects. We have framed our policy and the only point on which the Bill may be held up is as to whether we are legislating within our powers and jurisdiction, when we differentiate in legislation between British subjects.

The MINISTER FOR EDUCATION: I have already informed the Committee that the clause which may cause trouble is the alteration to Clause 35. I am having that matter carefully investigated to ascertain whether it is likely to cause trouble. I will report on the matter later to the House if I find it is likely to have that effect. No good can be derived by arguing further under the present clause. There are two reasons why the clause is not likely to cause trouble. It simply continues existing legislation and, secondly, it merely extends special privileges to certain persons. No other nation could be offended because we provide special privileges to some of our own people. It is not discriminating against any other nation. These are the two reasons why this particular clause cannot cause trouble.

Hon. A. J. H. SAW: If this were a new provision I should certainly vote for its deletion, but as it is in the existing Act I can see no reason why it should not be continued. Although I am an advocate of a white Australia, I am opposed to any unnecessary pin pricks. As this is already the law, I cannot see that we are likely to do any damage by passing it.

Hon. A. LOVEKIN: The point is not as to whether we will make trouble with the Japanese, but whether it is a matter upon which the Governor may hold up the Bill. If the Minister has absolute discretion regarding registration of small shopkeepers, it is unnecessary to make special reference to Asiatics. I think it is the duty of any hon. member who discerns such a point to draw the attention of the Minister to it.

Hon. J. CORNELL: We have certain rights within which we can legislate. If the

Royal assent is withheld from this measure, we can contest the point then.

Clause, as previously amended, put and passed.

Clause 103—agreed to.

Clause 104—Poll of electors for alteration of days:

The MINISTER FOR EDUCATION: I move an amendment—

That Subclause (1) be struck out.

It is proposed to include a new clause to stand as clause 101 and to make a further amendment in this clause which will better provide for the poll.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 1 of Subclause (2) "locality so proclaimed" be struck out and "district" inserted in lieu.

The amendment will make the subclause uniform with the new clause.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That after "provided" in line 2 of Subclause (2) the words "and shall order such poll on receiving a petition in writing signed by not less than one-tenth in number of the duly registered electors who are entitled to vote at an election of a member of the Legislative Assembly in such district" be added.

The amendment is merely carrying out the provision of the present Act.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of Subclause 7 before "operative" the words "or become" be inserted.

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

Clause 105—Chemists' and druggists' shops:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of paragraph (a) the word "half-past" be struck out.

The original intention was that chemists' shops should close at six o'clock, but certain objections were raised. A poll was taken throughout the whole State, but that poll was taken of master chemists and not assistants. It resulted in a four to one majority in favour of the clause. The assistants were not given a vote. Several chemists in the metropolitan area, including Messrs. Arnold, Spencer and Scurlock, appeared before the select committee in opposition and by way of compromise half-past six was agreed on. Since then I have received a letter from those people which reads—

I consulted Mr. Arnold and Mr. Spencer, and we are of opinion that we do not want to stand in the way of the majority attaining the ideal of early closing. We are therefore agreeable to 6 p.m. as the closing hour on condition that the clause in reference to the supply of medicine by chemists after 6 p.m. should, in the interests of suburban residents, be given a liberal interpretation, and we suggest that the word "necessary" replace the word "urgent" because "urgent" can be construed as meaning a matter of life and death, whereas "necessary" implies distress only if not supplied.

Amendment put and passed.

[Hon. W. Kingsmill took the Chair.]

Hon. V. HAMERSLEY: I move an amendment—

That in line 3 of the proviso the words "in any emergency" be struck out with the view of inserting other words.

It is my intention, if the proposed words are struck out, to move for the insertion of the words "whenever necessary." That will mean that prescriptions may be dispensed and medicines and surgical appliances may be supplied whenever necessary.

Hon. J. CORNELL: I hope the Committee will not agree to the amendment. A medical practitioner decides the urgency of the medicine he prescribes and that is all we should aim at. A doctor gives the necessary instructions as to whether or not the medicine should be dispensed, so to speak, forthwith.

The MINISTER FOR EDUCATION: The phrase is exactly the same as that in the existing Act. There will be no restriction in the supplying of prescriptions; they may be supplied at any time.

Hon. A. J. H. SAW: The chemist may refuse lest he should be caught.

The MINISTER FOR EDUCATION: It would not do to strike out the words as Mr. Hamersley suggests, because that would mean that there would be no check whatever.

Hon. A. H. PANTON: I cannot see the necessity for the amendment. The clause says that a chemist may dispense the prescription and it goes on to say that medicine and surgical appliances may be supplied. Would people run to a chemist's shop for surgical appliances for fun? It must be a case of emergency when such appliances are needed.

Hon. A. J. H. SAW: The trouble is to catch your chemist after the closing hour; that is going to be the difficulty. If the clause is passed the chemist will close at 6 o'clock and he will only supply when knocked up. It may not be possible to get him even then. Only quite recently, in connection with an urgent case at Cottesloe during the night, it was not possible to get a chemist, and a life was nearly lost in consequence. It will be found that chemists' shops will close at 6 o'clock regardless of



the welfare of the public. I can see no objection to allowing a chemist to sell anything in his shop provided he does not keep his shop open.

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

Ayes	..	..	..	11
Noes	..	..	..	10

Majority for .. 1

#### AYES.

Hon. E. M. Clarke	Hon. J. Mills
Hon. J. Duffell	Hon. E. Rose
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. Sir E. Wittenoom
Hon. A. Lovelock	Hon. H. Stewart
Hon. R. J. Lynn	(Teller).

#### NOES.

Hon. R. G. Ardagh	Hon. T. Moore
Hon. C. F. Baxter	Hon. A. H. Panton
Hon. H. P. Colbatch	Hon. A. Sanderson
Hon. J. Cunningham	Hon. J. Cornell
Hon. J. E. Dodd	(Teller).
Hon. C. McKenzie	

#### Pair.

Aye, Hon. J. Nicholson; No, Hon. J. W. Hickey.

Amendment thus passed.

Hon. V. HAMERSLEY: I move an amendment—

That after "supplied," in line 3 of the proviso, the words "whenever necessary" be inserted.

Amendment put and passed.

On motion by Hon. V. Hamersley, Sub-clause 2 amended by striking out "an emergency" and inserting "a case of necessity."

Hon. H. STEWART: Sub-clause 3 appears to mean that chemists and druggists are exempted from further provisions. Is my interpretation correct?

The Minister for Education: Clause 112 has some reference to chemists' shops.

Clause, as amended, put and passed.

Clause 10G—Closing time for certain exempted shops:

The MINISTER FOR EDUCATION: I move an amendment—

That after "confectioners," in line 2, the word "and" be struck out and the word "vegetable" inserted in lieu.

As confectioners, milk and fruit shops now have special hours for trading, vegetable shops should be included.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That the following words in lines 5, 6, and 7 be struck out: "and every such shop shall be kept closed until the opening time of the week day next following."

There is no opening time for shops of that class and the words have no meaning.

Amendment put and passed.

The MINISTER FOR EDUCATION: My copy of the Bill has been wrongly marked and we have struck out words which should have been retained. I move an amendment—

That after "Friday," in line 5, the following words be inserted: "and every such shop shall be kept closed for the remainder of the day."

Hon. A. H. PANTON: The leader of the House intends to insert an opening time for these shops, but I suggest that it would be better to state the hour in this clause.

The Minister for Education: A subsequent amendment will make that clear.

Amendment put and passed.

On motion by the Minister for Education, clause further amended by striking out in line 11 after "confectioners" the word "and" and inserting "vegetable" in lieu.

Hon. J. CORNELL: I move an amendment—

That in line 12 the word "eleven" be struck out, and "ten" inserted in lieu. Ten o'clock closing represents a fair thing for shops selling confectionery and fruit and milk. The attendants should not be kept on till late at night just to serve people coming out of the theatres.

Hon. Sir E. H. WITTENOOM: They need not do it if they do not like it.

Hon. J. CORNELL: Most members of this House can go to a club when they come out of the theatre, but personally I am prepared to take on a public fountain.

Hon. J. DUFFELL: Many of these shops do hardly anything during the day.

The CHAIRMAN: Order! Hon. members must not converse.

Hon. J. CORNELL: The keeping open of these establishments so late merely means the ruining of many people's constitutions.

The MINISTER FOR EDUCATION: The Bill as drafted provided for 10 o'clock closing, but 11 o'clock closing was substituted by the select committee.

Hon. A. H. PANTON: Naturally, I support the amendment. Two staffs are not employed in these establishments; the girls are compelled, under the new agreement, to put in their 48 hours per week over a stretch of 72 hours per week. Many of the girls have to knock off two or three times between 8 a.m. and 11 p.m., and fully 60 per cent. of them live more than two miles out of town. The carrying of the amendment will mean a reduction of at least six hours in the weekly stretch.

Hon. Sir E. H. WITTENOOM: Here again the public are being entirely overlooked. Mr. Panton never seems to see more than one side of a question, and never seems to think of the public. If the public choose to have a little refreshment after coming out of an entertainment, and to pay for that re-

freshment, I see no reason why they should not have it. My experience, as against what has been stated by Mr. Panton, is that girls will not put up with any such inconvenience as he has described; in fact, I am sure they would not stand it for a week. If the girls work 72 hours per week—

Hon. A. H. PANTON: I have not said anything like that.

Hon. Sir E. H. WITTENOOM:—they get paid extra for it. If they do not like it, they can leave it.

Hon. A. H. PANTON: I hope Sir Edward Wittenoom and other members are not under the impression that I said the girls work 72 hours per week. Thanks to their having a union, they work 48 hours per week; but in order to work the 48 hours they have a stretch of 72 hours between Monday morning and Saturday night. A girl works for three or four hours, and then stops work for two or three hours. Sir Edward Wittenoom saw no reason to oppose the 9 o'clock closing of hotels, but he does raise objection to 10 o'clock closing for the benefit of these unlucky girls.

Hon. J. NICHOLSON: I agree that there are various parties to be considered, and I understand there is good reason why these shops should be allowed to keep open till 11 p.m., which enables them to serve light refreshments to people coming out of entertainments—this, in turn, enabling them to employ a considerably larger number of assistants than otherwise would be the case. If this Bill provided that all entertainments must close at 9 p.m., I would support Mr. Cornell's amendment. The hour from 10 to 11 p.m. represents the most profitable part of the trade of these shops; and if that part of the trade were cut off, many of the girls now employed would lose their positions.

Hon. A. H. PANTON: Albany Bell's shops are closed at 8 o'clock every night.

Hon. J. NICHOLSON: That is a very good thing; but, still, the needs of the public should be considered. Unfortunately, circumstances necessitate the keeping open of these shops until 11 p.m. The select committee of another place recommended 11 o'clock closing in this instance.

Hon. A. J. H. SAW: I am rather surprised that Mr. Cornell has not moved for 8 o'clock closing.

Hon. J. CORNELL: I would move for 6 o'clock if I could get it carried.

Hon. A. J. H. SAW: These shops are to be allowed to remain open until 11 p.m. in order that they may supply the needs of people coming out of the theatres after 10. If that need is not to be catered for, the shops might as well close at 8 o'clock. I fear that we shall have a very dull world after this Bill has got through.

Hon. J. CORNELL: Hon. members opposing the clause seem to think some calamity is going to happen. The only argument advanced is that people coming out of

entertainments should be catered for. But those girls have to work a spread of about 80 hours in the week. Dr. Saw asked why I moved 10 o'clock. I moved 10 o'clock, because 11 o'clock means 11.30 and even 11.45. Customers blow in at 11.15 and blow out again at 11.45.

Hon. J. NICHOLSON: And do not get served even then.

Hon. J. CORNELL: If the hon. member has been one of the transgressors, he did not deserve to get served. The Committee has shortened the hours for many classes of shops, but it seems we must allow these "bad-water" shops to keep open till 1 p.m. If the Committee negatives the amendment it will be conferring a boon on Greeks and Dagoes.

Hon. T. MOORE: These hours are altogether too long, especially when we remember that while the prescribed hour is 11 o'clock it usually means 11.30 before the girls escape. And if they attempt to get away at the prescribed hour they do not remain long in the service. Why should these unfortunate girls be asked to work a spread of 72 hours? For the most part they live at great distances from their place of employment. Moreover they are paid only 21s. 6d. per week. If the employer wishes to work them until 11 p.m., let him start them later in the day.

Hon. J. E. DODD: I will support the amendment. It has been said that the Arbitration Court shows a disinclination to give an award amending these late hours. That is quite true. But the Arbitration Court has camouflaged the position. Undoubtedly the court has the right to prescribe hours for the girls and to provide that they shall not work a spread of 72 hours in order to get in 48 hours.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	14

Majority against .. 4

#### AYES.

Hon. R. G. Ardagh	Hon. J. Mills
Hon. F. A. Baglin	Hon. T. Moore
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. W. Hickey	(Teller).
Hon. A. Lovekin	

#### NOES.

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

Amendment thus negatived.

[Hon. J. Ewing resumed the Chair.]

Hon. J. CORNELL: I move an amendment—

That the following proviso be added:—  
“Notwithstanding anything contained in this section no female shall be employed during any working day for a greater period than eight hours.”

Hon. V. Hamersley: What does that mean?

Hon. A. H. PANTON: The amendment will not overcome the difficulty. The agreement these people are working under, which has been made a common rule, provides for a 48 hours week. What we want to do is to lessen the spread of hours during which these hours shall be worked. Before last Christmas these girls worked 50 hours a week over a spread of 84. After the strike they were cut down to 48 over a spread of 72 hours during which they might be at the call of the employer. Many of these girls live over two miles from their work. Not one of these establishments provides a decent rest room for the girls when they are actually off duty. Some method ought to be found for reducing the stretch of hours.

Hon. R. J. LYNN: I realise what this spread of hours means. If the spread of hours is as indicated by the hon. member in the case of these girls, it is wrong. I will support any amendment or proviso that will make the spread of hours reasonable.

The MINISTER FOR EDUCATION: This is not the clause in which to insert the amendment desired. The proper place for it is in Clause 122, which sets out that the spread shall be 12 hours. That is the right place to discuss this question.

Hon. J. Cornell: I will withdraw my amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That in line 13 “kept closed for the remainder of the day” be struck out, and “until the time prescribed for the opening on the week day next following” be inserted in lieu.

The MINISTER FOR EDUCATION: The practice in the past has been to prescribe no time for the opening of these shops.

Amendment put and passed.

Hon. V. HAMERSLEY: I move an amendment—

That the following proviso be added: “Provided that railway, book-stalls and newsagents’ shops in the vicinity of country railway stations may open for one half-hour at any time after the arrival of a mail train.”

Many people who are travelling require to be able to see the news of the day or to purchase something to read on their journey.

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

Clause 107—Hairdressers’ assistants:

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

That in paragraph (a) “half-past” be struck out.

This will make the closing time 6 o’clock. These shops have been shut in the metropolitan area and Kalgoorlie for the last two years at 6 o’clock, and it is desired to continue the practice.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph (c) “opening time” be struck out, and “eight o’clock or such earlier hour as may from time to time be fixed by proclamation” inserted in lieu.

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

Clauses 108, 109—agreed to.

Clause 110—Canvassing or delivering goods after hours forbidden:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 5 “by” be struck out and “under” inserted, and “or by any proclamation made thereunder” be struck out.

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

Clause 111—Closing of exempted shops carrying on other trades:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 2 of Subclause 1 “that description of shop” be struck out and “any description of exempted shop” inserted in lieu.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of Subsection 1, after “shops” the words “in that district or locality” be inserted.

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

Clause 112—Provision as to closing shop selling goods of various kinds; power to suspend as to any shop.”

The MINISTER FOR EDUCATION: I move an amendment—

That Subclause 2 be struck out and the following new subclause inserted in lieu: Subject as hereinafter provided, the Minister may, whenever he shall think fit, by writing under his hand suspend the provisions of section one hundred and eleven and of Subsection (1) of this section, in any shop, to such extent and subject to such conditions as may appear desirable, and such suspension may be at any time revoked by notice under the Minister’s hand served on the shopkeeper. No such suspension shall authorise the sale, in the shop of any goods not appropriate to that descrip-

tion of shop, at any time when shops to which such goods are appropriate are required to be closed. No such suspension shall be granted or allowed to continue unless the Minister is satisfied that the shopkeeper has provided and will maintain a substantial partition of the prescribed description, which will be kept locked (with the key removed) so as to effectually bar communication between the part of the shop where the goods which the shopkeeper is for the time being not permitted to sell are situated and the part of the shop where those goods which for the time being he is permitted to sell are situated.

This subclause is designed to meet strong objection which was raised by the keepers of mixed shops to the clause as originally drafted.

Hon. R. J. LYNN: It is a reasonable compromise.

The MINISTER FOR EDUCATION: I went to a considerable amount of trouble to find out the position regarding these shops and I visited a large number of them. I was abundantly satisfied that the existing provision is not a fair and reasonable one, for they admitted of unfair competition. It is provided in the existing interpretation clause that where two or more descriptions of businesses are carried on in the one premises, they must be separated by "a substantial partition" and so on. A difficulty has arisen as to what is a "substantial partition." Looking over these mixed shops, I noticed that in some cases there were really substantial partitions which were locked up when one class of goods were not allowed to be sold, thus leaving the other portion of the shop free for business. In some cases, however, merely a blind was drawn down over the goods which should have been substantially partitioned off. It can readily be appreciated that with only a blind or curtain drawn over the goods in the manner I have indicated, ample room was left for unfair competition because people could easily sell goods under such circumstances where other shops had to be closed at an earlier hour.

Hon. A. SANDERSON: In order to save the time of the Committee I wish to tell the Minister that I reserve to myself the right to raise this question again if, after I have consulted with those people who are particularly interested, I deem it advisable to do so. I recognise the knowledge and care the Minister has shown in this matter, and if he will indicate that he will give me facilities for reconsidering this matter, I shall not detain the Committee at the present time.

Amendment put and passed.

Hon. V. HAMERSLEY: I move an amendment—

That in Subclause 3, line 4; "emergency" be struck out and "necessity" inserted in lieu.

The amendment is in keeping with the alteration we have already made in Clause 105.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 6 of Subclause 3 before "the last" the words "this and of" be inserted.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 9 of Subclause 3 the words "as if it were not a shop of that description" be struck out.

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

Clause 113--Effect of award under Industrial Arbitration Act.

Hon. J. J. HOLMES: The clause contains a most important principle and one upon which a previous Bill was wrecked. I think the last Early Closing Act contained a clause of a similar nature. The objection, which was taken to it on that occasion, went far towards defeating the Bill. In the first place it robs the legislature of its rights. When 30 members of Parliament have come to a certain decision, the clause would permit a judge of the Supreme Court and two assessors to upset that decision. The question involved is whether Parliament shall decide how a trade shall be conducted, or the Arbitration Court. When we come to the Arbitration Court, we find that the position is really reduced from 30 members of Parliament to one member of the court. Argue it as we may, the fact remains that one representative of the court views everything from the employers' standpoint; another looks at everything from the employees' standpoint and the judge gives his casting vote.

Hon. T. MOORE: Having all the evidence before him.

Hon. J. J. HOLMES: The judge of the Arbitration Court would probably admit that the gentlemen who appear as assessors should really appear in the court as advocates for either side rather than on the bench with him. These are the gentlemen who are to upset a decision of Parliament. Members will agree that Parliament should decide what the law should be and not the Arbitration Court. I will vote for the deletion of the clause.

Hon. A. H. PANTON: To say that I am astounded at the attitude adopted by Mr. Holmes is to put it very mildly. I have had it continuously pelted at me across the floor of the House that it is necessary that the workers shall go to the Arbitration Court. Now we find when we deal with a piece of industrial legislation which is really a partner of the Arbitration Act—

Hon. A. SANDERSON: A what?

Hon. A. H. PANTON: This Bill is really a partner of the Arbitration Act. At least it should be so. Mr. Holmes proposes to vote against the clause although compulsory arbitration is the law of the land. We

have to do justice to everyone. If we are going to say in industrial legislation of this description that certain hours shall be worked and a certain amount shall be paid—which is done in another part of the Bill—then we should wipe out compulsory arbitration. My experience has been that the Arbitration Court is always loth to make an award outside the Act. We are discussing a Bill now which may stand without amendment just as the last Early Closing Act has done for 18 years. Do hon. members say that because we are not prepared to amend industrial legislation of this kind every few months, the Arbitration Court, which is constituted to keep up with modern requirements, is going to be prevented from doing so by the laws we make here? We are given the right to go to the court and place evidence before the court to enable the court to arrive at a decision. The one thing that will bring about discontent is the fact that the people concerned are going to be prevented from getting justice from the Arbitration Court, and that is what the deletion of the clause will mean.

Hon. A. SANDERSON: This is the proper opportunity to ask Mr. Panton, and anyone else interested in the question from the employees' side, how far do they think they can go? My complaint against employees in this country is that you cannot tie them down to anything. I am told that, in order to impress this Chamber, the employees the other day simply walked out of their shops without even so much as "by your leave" in order to demonstrate before Parliament.

Hon. A. H. PANTON: It was the attitude of some hon. members here that brought that about. It was the first time it was ever done by the shop assistants.

Hon. J. J. Holmes: Will they be permitted to do that under an award?

Hon. A. SANDERSON: I ask the hon. member how far he thinks he or his supporters can go in these matters. My view is that we are rapidly approaching the time when employees, both those in the civil service and in private employment, will be dismissed wholesale. Everyone knows the present condition of affairs. Personally I would within reason, give as much protection as possible to the weaker section of the community. Parliament has handed over to the court the right to decide this matter, and at present I cannot see my way to support the hon. member. I would point out to the Minister that if he thinks he is going to get other Bills put through as we are putting through this one, he will not be able to count on my support.

Hon. A. H. PANTON: I regret that we have such a thin House on such an important question. If the Committee divide many members will be voting on a question of which they know practically nothing. If Boan's assistants got an award stipulating

certain hours, the assistants would work those hours, but the court would not say that the shop must be closed outside of the hours specified. Ezywalkin' employs 10 or 12 assistants, and in order to keep the shop open, it is essential to have some assistants in attendance. Breckler's shop, across the road, has a manager and three or four assistants. If the court provided that assistants should not work after six o'clock, Breckler's could still carry on business without assistants, to the detriment of Ezywalkin's, who could not. Two years ago we tried to get Easter leave from Thursday night till Tuesday morning. The bulk of the employers agreed, but in some instances shops were opened on the Saturday and the employers carried on without assistants. At one shop £50 worth of boots were sold on Easter Saturday morning. This was most unfair to the employers who did close. The people who will come under this measure are people who need protection. The shop assistants never had a stop-work meeting until the other day, and members of this House were responsible for that.

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

Hon. A. H. PANTON: Then I withdraw. The civil servants had a strike and I am sorry I cannot say what brought that about. The shop assistants went to arbitration in 1912, and were twice thrown out on technicalities which the employers would not have dared to raise against stronger unions. Since then we have met in conference and have established good relations between employers and employees. Outside of the metropolitan area this clause will apply only to Banbury, Geraldton, and Kalgoorlie. I have a copy of the Banbury agreement which has just been completed. It provides for 48 hours, starting not earlier than 8.15 a.m., and £4 10s. a week, and the employers have agreed to close at 6 o'clock on five nights of the week and at one o'clock on Saturday; yet Banbury has been exempted.

The Minister for Education: When did you receive that?

Hon. A. H. PANTON: To-day, and we are now seeking a similar agreement with employers at Wagin, Katanning, and Albany.

Hon. E. M. Clarke: What about the petitions?

Hon. A. H. PANTON: Among the Collic employers who signed the petition, not one employs more than three hands. If this clause is struck out employers and employees will be prevented from coming to an agreement.

Hon. A. Sanderson: The clause refers to an award.

Hon. A. H. PANTON: It provides for an agreement made a common rule or an award. Once an agreement is made a common rule it becomes an award under the Arbitration Act. I suppose there have been eight agreements for every award during the last 18 months. I was chairman of the Disputes

Committee and out of 38 disputes, we brought about 35 agreements, and there were only three strikes. These agreements were brought about by round table conferences. We should do all we can to encourage the settlement of disputes in this way.

Hon. J. J. HOLMES: I am not so much concerned about the employer or the employee as about the rights and privileges of Parliament. We have spent several days in fixing the times at which shops shall open and close, and now it is proposed to delegate power to the Arbitration Court to over-ride what we have done. The clause will give the court power to supersede Parliament in these matters and I cannot be a party to it.

Hon. A. SANDERSON: The more this clause is discussed the more apparent does its importance become. Mr. Panton has given us some valuable information. One can go to the Arbitration Court; one can get, apparently, a friendly meeting of employers and employees; and one can get a common rule which will bind someone else who has nothing whatever to do with the agreement. That is the way I found it, though I do not quite understand the common rule phase. In addition, we have this measure. Such legislation is simply a premium on industrial disorder and industrial strife. These particular employees may be the weakest section of the community.

Hon. A. H. PANTON: Not the weakest, but the most law-abiding.

Hon. A. SANDERSON: The hon. member just now appealed to the Committee for protection for these people on the ground of their weakness. The weaker sections of the community are frequently the less instructed sections, and can be guided by people who are much cleverer than they, and who use them as tools. That happens sometimes. The most skilled work is going on behind, to move one lever or another. A strike can be brought about at a moment's notice, and this will be so especially after all the small shopkeepers have been worked out.

Hon. T. Moore: Nonsense.

Hon. A. SANDERSON: It is certainly difficult, after sitting here for six or eight hours, to put one's points as clearly as one would wish. In any case, there are very few members here to listen. We do not wish any section of this Chamber to get a thing through by a snatch vote, or without all members understanding exactly what is the question. In the Arbitration Court the most pettifogging points are worked—points that a lawyer would blush to bring up.

Hon. T. Moore: The employers do that.

Hon. A. SANDERSON: I know it. The Arbitration Court has been turned into a court where the most pettifogging points are taken by both sides. However, the employer is compelled, by his financial position, to obey the orders of the court, whereas the employee is not. Legally trained advocates are excluded from the court, and, with the exception of the judge, the members of the court are not trained to know what evidence

is. If they did know, the Arbitration Act would not permit them to take advantage of their knowledge. The industrial outlook is black.

Hon. A. H. PANTON: It was never brighter. It is brighter here than in any other part of the world.

The MINISTER FOR EDUCATION: I cannot refrain from expressing surprise at the lengthy debate on the clause, for this reason, that the clause was the only undebated clause in a short Bill introduced in 1918 and subsequently withdrawn. Since then the select committee of another place has sat, and no objection or protest was made against this clause before that select committee. I have heard no protest against it or objection to it except from Mr. Holmes. The principle of the clause is this: When the Arbitration Court says that men engaged in a certain industry shall not work after a certain hour, the shops concerned must not carry on that industry after that hour. On the other hand, a man working in a shop by himself could carry on that industry, thus setting up unfair competition, which it is the object of this clause to prevent.

Hon. T. MOORE: Mr. Sanderson has allowed his imagination to run away with him. I believe he wishes to do the right thing, but he is rather easily led. He looks to one man in this Chamber to lead him—Mr. Holmes. Would Mr. Sanderson follow Mr. Holmes rather than follow the leader of the House? According to Mr. Sanderson, the Arbitration Court is an awful institution, a terrible institution.

Hon. A. Sanderson: Hear, hear!

Hon. T. MOORE: Yet Mr. Sanderson's associates are always telling the workers to go to the Arbitration Court.

Hon. J. J. Holmes: I would shut up the Arbitration Court.

Hon. T. MOORE: Mr. Holmes is always disposed to take drastic action, and Mr. Sanderson seems inclined to go the whole hog with him. I am surprised that while a principle which we are told to regard as vital is being discussed, so few members are present.

Hon. J. DUFFELL: They are all just outside, for fresh air; and they can hear what you are saying.

Hon. T. MOORE: The Governor's Speech referred to "encouraging prospects," and made mention of the need for goodwill among the people. The institution set up to prevent industrial trouble, thus bringing about goodwill, in the Arbitration Court; and that court has had a lot of mud cast at it here to-night. Do certain hon. members want the workers to strike? Do they want the workers to go against law and order, which those hon. members are always preaching to the party to which I belong?

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	7
Majority for	..	..	..	..	5

## AYES.

Hon. C. F. Baxter  
Hon. H. P. Colebatch  
Hon. J. Cornell  
Hon. J. Cunningham  
Hon. J. Duffell  
Hon. J. W. Hickey  
Hon. C. McKenzie

Hon. J. Mills  
Hon. T. Moore  
Hon. A. H. Panton  
Hon. A. J. H. Saw  
Hon. A. Sanderson  
(Teller).

## NOES.

Hon. E. M. Clarke  
Hon. V. Hamersley  
Hon. J. J. Holmes  
Hon. A. Lovekin

Hon. J. Nicholson  
Hon. E. Rose  
Hon. J. R. Lynn  
(Teller).

Clause thus passed.

Clause 114—Prohibition of auction sales during certain hours:

Hon. J. J. HOLMES: Many people retailing perishable goods buy them at auction at hours when the retail shops are not open. Is it intended to prevent this?

The MINISTER FOR EDUCATION: I do not think it is necessary to sell fruit and vegetables by auction when the retail shops are closed. The Victorian Act has an almost identical provision.

Hon. H. STEWART: Chaff is sold by auction at a very early hour and afterwards retailed in the produce stores. It seems that auction sales in the early morning will be prevented under this provision.

Hon. J. CORNELL: We have already passed several clauses on the understanding that the early kerbstone markets will be given full consideration. It is quite possible that those markets may be affected by this provision. I suggest the clause be passed on the understanding that it will be recommended.

The MINISTER FOR EDUCATION: Chaff appears to be the only commodity really affected. The clause could be passed and, if it is discovered that there is any difficulty in regard to chaff, it could be recommended.

Hon. A. LOVEKIN: I understand that fish are sold by auction at a very early hour.

The Minister for Education: But fish shops can keep open at any hours, and therefore this provision would not apply to fish.

Hon. H. STEWART: Farm produce, hay, cereals and the like should be considered with chaff.

Hon. A. H. PANTON: But farm produce includes many commodities.

The MINISTER FOR EDUCATION: A simple way of getting over the difficulty would be to include chaff in the proviso. The real object of the clause is to prevent the sale by auction of groceries, furniture, and the like on Saturday afternoons when the retail shops are closed. We could include cereals, hay and chaff in the proviso. I move an amendment—

That after "of" in line 2 of the proviso, "cereals, hay or chaff or of" be inserted.

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

Clause 115—Holidays:

Hon. J. CORNELL: I move an amendment—

That after "Friday" in line 2, "Anzac Day" be inserted.

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

Clause 116—Employment of assistants after closing hours:

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

That in line 4 the words "the expiry of one half hour from" be struck out.

It takes some time after the closing hour to clear the shop of the customers already in it. But I have it from the manager of Messrs. Boan's that they can clear their shop in 10 minutes. Therefore, the half hour allowance is unnecessary.

The MINISTER FOR EDUCATION: It would be a mistake to strike out these words. They occur in the existing Act and in the Acts of the other States. They are not availed of. Shopkeepers do not keep their employees back, but it is intended that they shall have some time in which to serve the customers in the shop.

Amendment put and negatived.

Clause put and passed.

Clause 117—agreed to.

Clause 118—Overtime to be paid:

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

That in Subclause 2 all words from "either" in line 3 to "or" in line 5 be struck out.

So far as I know, there are no shops which provide meals for their employees. Invariably tea money is allowed. One of the greatest causes of friction in the Old Country is the living-in system. The words which I object to are instituting something we have never had in Australia. It is proposed to ask the proprietors to provide a sufficient meal. The assistants are most anxious that this system should not be started.

Hon. J. NICHOLSON: What would be the position in regard to the restaurant keeper?

The MINISTER FOR EDUCATION: The only case in which it is thought it might apply is in a case in which the storekeeper might arrange with a neighbouring restaurant to supply the meals. They could not be supplied at less than 1s.

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

Clause 119—agreed to.

Clause 120—Half holidays in exempt shops:

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph 3, line 2, "one of the days" be struck out and "the day" inserted in lieu; and "are required to be closed" be struck out and "or the major-

ity of such shops are required to be closed at 1 o'clock in the afternoon in the district or locality" be inserted in lieu.

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

Clause 121—Meal hours:

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

That all the words after "tea" in line 7 be struck out.

It is not reasonable that shop assistants should be called upon to take their dinner during two periods of half an hour each.

The MINISTER FOR EDUCATION: I am not particularly enamoured of these words. They were inserted by the select committee at the request of the proprietors of several tea rooms.

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

Clause 122—Limitation of hours of employment of women and young persons:

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

That in line eight of Subclause 1 "eight" be struck out and "four" inserted in lieu.

The MINISTER FOR EDUCATION: When the Bill was drafted the time for the employment of adult males was 52 hours. The clause also made provision for women or persons under 16 working not more than 48 hours. The select committee then cut down the hours for adult males to 48. There is, therefore, no necessity for the two latter lines of the clause, unless Mr. Panton's amendment is agreed to.

Hon. A. H. PANTON: This amendment will conform to what we have done for the factory girls. There is no necessity to work girls 48 hours in the shops. It is very strenuous work for young girls.

Amendment put and passed.

Hon. J. CORNELL: With a view to reducing the spread of hours for persons who come within the cope of the Fourth Schedule, I move an amendment—

That in line 6 of Subclause 2 "twelve" be struck out and "nine" inserted in lieu.

It is unreasonable that an employer should be able to prescribe a spread of hours of 72 out of which to get 48 hours from his employees.

The MINISTER FOR EDUCATION: I hope the amendment will not be carried. I do not say that a spread of 12 hours is too long or too short, but nine hours would be unreasonable. We are not a competent tribunal to say what is right in the circumstances. The Arbitration Court should say what the spread of hours should be. All we want to do is to provide for the maximum spread.

Hon. J. CORNELL: I am given to understand by a member of the select committee

that this provision is an innovation and a dangerous one. There was no statutory measure providing for the spread of hours. The Arbitration Court in the cases that I am dealing with prescribes the maximum spread of hours. To make the spread 12 hours more than the Arbitration Court has by common rule established would be extremely dangerous. I ask leave to alter my amendment to read "10 hours" instead of nine.

[Leave given.]

Hon. J. Nicholson: Move to strike out the clause.

Hon. A. H. PANTON: I hope Mr. Cornell will not agree to the deletion of the clause.

Hon. J. Cornell: It is one thing or the other.

Hon. A. H. PANTON: The striking out of the clause would be more dangerous than the 12 hours condition. Outside the metropolitan area, and outside Kalgoorlie which is expecting an award to be delivered, there is no award or agreement to protect the employees, and it is quite possible there for an employee to be called on to work from eight in the morning until midnight without any intermission. If the hours are decreased to ten, the difficulty will be overcome. Twelve hours multiplied by the number of days in the week, seven, means a spread of 84 hours in order to get in the 48 hours' work. A spread of 84 hours means a long step backward from the position achieved last Christmas as regards tea rooms, restaurants, and so forth—a position to which the licensed victuallers gave in their adhesion in March last as the result of a strike extending over one and a half hours. The 10 hours daily would mean a weekly spread of 70 hours. The present agreement runs out at the end of the year, and there has been talk of a stoppage at Christmas time. Such a stoppage would not surprise me. If legislation is going to assist in lengthening the spread, there will be greater difficulty.

The MINISTER FOR EDUCATION: It has been mentioned that some of these places keep open seven days per week, but a great many keep open only on six. In the case of the latter the 10 hours would mean a spread of only 60 hours. I do not want to see the clause struck out, because there should be some protection for the employees outside the metropolitan area, who are not protected by awards or agreements.

Hon. A. LOVEKIN: I support the amendment. Young girls receiving a few shillings per week should not be asked to work—that is really what it comes to—for either 84 hours or 70 hours in order to get in the nominal 48 hours. The time has gone by for that sort of thing.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in Subclause 3 the words "and such five hours shall be worked within a



period of eight hours from the hour of commencing and the hour of finishing work on such half-holiday" be struck out.

What sort of a half-holiday is it when the employee has to be on the premises for eight hours?

The MINISTER FOR EDUCATION: The words which Mr. Lovekin wishes to delete are intended to be limiting words, and not permitting words. If they are struck out, the five hours might be spread over a still longer period.

Hon. A. H. PANTON: I agree with the Minister. A hotel housemaid, for instance, has two half-days or one full day off per week under the existing agreement. But she does not go off until 2.30 p.m., and very often she has to start work at 6 a.m. She does not work right through; she may work from 6 to 9 a.m., and then go off for a couple of hours.

Hon. A. LOVEKIN: There can be no half-holiday for an employee who puts in eight hours in order to do five hours' work. After eight hours, the day is gone. The spread should in this instance be eliminated.

Amendment put and negatived.

Clauses, as amended, put and passed.

Clauses 123 to 125—agreed to.

Clause 126—Records to be kept in shops:

Hon. A. LOVEKIN: The clause provides that a shopkeeper's record shall be entered up daily and shall be signed weekly if correct by each shop assistant. Is there any necessity for the statement to be signed by each assistant? It seems quite unnecessary, particularly when it is considered what it would mean in some of the big shops.

Hon. A. H. PANTON: The signing of such records weekly will be very difficult in the larger shops. The present Act does not require this to be done. In the case of Boan Bros., where there are between 500 and 600 employees, they "clock" themselves on each day when they start work but do not "ring off" at night. Regarding the payment of wages, each employee is given a pay docket the day before pay day; he fills it in and signs it, after which it is returned and he draws his pay next day. In big shops such as Boan Bros., difficulty was experienced in carrying out some of the provisions of the award, but it was satisfactorily arranged between the union and the employers so that no difficulty was experienced in that direction. Perhaps it would be better to give the inspectors discretion in this matter.

The MINISTER FOR EDUCATION: The difficulty might be overcome if we provide that the records must be signed if required by the chief inspector. I move an amendment—

That in line 20 of Subclause (1) after "shall" the words "if so required by the chief inspector" be inserted.

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

Clauses 127 to 130—agreed to.

Clause 131—Sanitation rules:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 2 after "observed" the words "by the occupier" be inserted.

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

Clause 132—In food and clothing shops

Hon. A. LOVEKIN: An error has evidently occurred in the drafting of this clause by the omission of the word "who" in the fourth line. As it stands now, it states that every person engaged in a warehouse is in a state of health which is likely to convey germs of disease, and so on.

The MINISTER FOR EDUCATION: A mistake evidently has occurred. I move an amendment—

That in line 4 after "fabric" the word "who" be inserted.

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

Clauses 133 to 136—agreed to.

Clause 137—Exemption of occupier from penalty upon proof of another being the real offender:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 2, Subclause (1), the words "or a breach of any regulation there under" be struck out.

The words are superfluous as regulations become part of the Act.

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

Clause 138—agreed to.

Clause 139—Abstract of Act, etc., to be posted in shop or warehouse:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 1 "shop or" be struck out. Those words are quite superfluous.

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

Clause 140—General penalty:

The MINISTER FOR EDUCATION: I move an amendment—

That after "failing" in line 2 "to observe any provisions of this Act which he ought to observe or" be inserted.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 "or by any regulation under this Act" be struck out.

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

Clause 141—Minimum penalty:

Hon. A. LOVEKIN: This might well come out. The offence might be a very trivial one, and we can safely trust the bench to fix the penalty.

The MINISTER FOR EDUCATION: I hope the clause will not be struck out; it is very necessary indeed. We have it in a number of Acts. Only the other day a man was fined 5s. for employing a child 13 years of age.

Hon. A. LOVEKIN: If the bench do not want to fine up to the minimum, they will not convict at all.

Clause put and passed.

Clause 142—agreed to.

Clause 143—Proof of nationality:

Hon. A. SANDERSON: Surely this is quite unnecessary.

The Minister for Education: There must be some means of deciding these things.

Hon. A. SANDERSON: But surely it ought to be proved in the ordinary way.

The Minister for Education: The provision in the present Act is much the same.

Hon. A. SANDERSON: Suppose you have a Chinaman who has married an Australian woman, and the offspring of that marriage is brought before the court. What is the nationality of the gentleman?

The Minister for Education: It would be for the court to decide.

Hon. A. SANDERSON: It is an extraordinary way of doing business.

Clause put and passed.

Clauses 144 to 146—agreed to.

Clause 147—Regulations:

The MINISTER FOR EDUCATION: I move an amendment:

That in line 4 "any penalty not exceeding £5" be struck out, and "a lesser penalty than that prescribed by Section 140" be inserted in lieu.

As the clause stands at present the penalty for subsequent offences would still be something less than £5.

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

Clause 148—Saving of provisions of Inspection of Machinery Act 1904:

The MINISTER FOR EDUCATION: This provides that the inspector shall not have any jurisdiction over any machinery or accidents caused by any machinery or boiler to which the Inspection of Machinery Act applies. I move an amendment—

That the following be added at the end of the clause:—"And no power conferred by this Act on an inspector in relation to machinery of any kind shall be exercised unless the inspector holds a certificate from the Chief Inspector of Machinery that in his opinion such inspector is competent to exercise such power."

I think that will meet the position.

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

Clause 149—Printing of records:

Hon. H. STEWART: This is an important provision. We should report progress and deal with this another time.

Hon. W. Hickey. Oh, get on with the business.

The MINISTER FOR EDUCATION: My intention was to report progress before reaching the contentious postponed Clause 1. However, if any hon. member desires it, I am willing to report progress now.

Progress reported.

## BILL—BAYSWATER DRAINAGE WORKS.

Received from the Assembly and read a first time.

*House adjourned at 11.47 p.m.*

## Legislative Assembly,

*Thursday, 9th December, 1920.*

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

## QUESTION—PASTORAL COMPANIES REGISTERED.

Hon. P. COLLIER asked the Honorary Minister: How many pastoral companies have been registered in the State since the passing of the Land Act Amendment Act of 1917, and what is the area owned by each?

The HONORARY MINISTER replied: Forty-nine pastoral companies have been registered at the Companies Office, Supreme Court. The following are the names and the area owned by each. Where the word "nil" appears such company is so far not registered either in the Land Titles Office or