

**Legislative Council,***Thursday, 17th November, 1927.*

Assent to Bill	...	...	...	...	Page
Bills: Closer Settlement, Report	...	...	...	...	1943
Land Tax and Income Tax, Assembly's Message	...	...	...	...	1943
Employment Brokers' Act Amendment, 2s.	...	...	...	...	1943

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

**ASSENT TO BILL.**

Message from the Governor received and read notifying assent to the Industries Assistance Act Continuance Bill.

**BILL—CLOSER SETTLEMENT.**

Report of Committee adopted.

**BILL—LAND TAX AND INCOME TAX.**

*Assembly's Further Message.*

Debate resumed from the previous day on the Message from the Assembly notifying that the Speaker had ruled affirming the illegality of further considering the request of the Council and desiring the concurrence of the Council in the Bill, and on the following motion by the Chief Secretary:—

That a message be sent to the Legislative Assembly as follows:—The Legislative Council acquaints the Legislative Assembly, in reply to Message No. 26 from the Legislative Assembly:—(1) That in view of the differences of opinion arising from time to time on the question of the right of the Legislative Council to press requests, the Legislative Council is of opinion that the matter should be referred through the proper official channel to the Judicial Committee of the Privy Council for decision, both Houses to have full opportunity of stating their case for presentation to that tribunal. (2) Meanwhile, having regard to the importance of the Land Tax and Income Tax Bill, and the adverse effect on the finances even if the Bill were only temporarily laid aside, the Legislative Council, without prejudice to its constitutional rights and privileges, is prepared to give the Bill further consideration if the Legislative Assembly will agree to its suggestion as to the means of obviating future disputes on the same point, and of determining the respective powers of both Houses in this connection.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: When progress was reported on the consideration of the Assembly's Message No. 26, there was a motion by the Chief Secretary before the Committee. I shall read the motion.

Hon. A. LOVEKIN: On a point of order. At this stage of the session, is it necessary to lose time by reading long motions that have already been before the Committee, and which appear on the Notice Paper?

The CHAIRMAN: It is customary to do so, but if it is not the desire of the Committee I shall not read the motion.

Hon. A. LOVEKIN: You have put it already.

The CHIEF SECRETARY: I ask leave to withdraw my motion with a view to moving another one.

Motion, by leave, withdrawn.

The CHIEF SECRETARY: I move—

The Legislative Council acquaints the Legislative Assembly in reply to its message No. 26, that, having regard to the importance of the Land Tax and Income Tax Bill, and the adverse effect on the finances even if the Bill were only temporarily laid aside, the Legislative Council, without prejudice to its constitutional rights and privileges, is prepared to give the Bill further consideration if the Legislative Assembly will agree with the Legislative Council—(a) to refer the matter at present subject of dispute, to the Judicial Committee of the Privy Council for decision; and (b) pending the determination by such tribunal of the respective rights of the two Houses, the Legislative Assembly will refrain from further persistence in the view now advanced by the Legislative Assembly that the pressing of a request is illegal. The Bill is returned herewith.

I think the motion will be more acceptable to the Committee than that which I previously moved.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly transmitted to the Legislative Assembly.

**BILL—EMPLOYMENT BROKERS ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 15th November.

HON. V. HAMERSLEY (East) [4.41]: The Bill includes some machinery clauses that represent an improvement upon those contained in the parent Act, but there are

some clauses with which I am not fully in agreement. The licensing bench is constituted differently from what it was when the Employment Brokers Act was passed originally. The present bench have been appointed to deal with the licensing of hotels throughout the State. That does not bring them into touch with avenues controlled by the Employment Brokers Act. They are not at fault with the requirements of people who wish to employ labour, nor are they cognisant of the labour offering in various centres. As they travel from one part of the State to another, it would be difficult for them to get in touch with applications received from brokers who may desire to register from time to time in districts infrequently visited by members of the licensing court. In that direction the provisions of the Bill furnish a distinct improvement that may overcome the difficulty. I sometimes wonder why it is necessary to register the undertakings of the various employment brokers. They are engaged in businesses that will grow according to the service they render to the community, in the same way as various businesses expand in different parts of the State. If a person establishes a small shop there is no necessity for him to secure a license. He merely starts his business and carries on. Should he give satisfaction to the community who realise that the business is to their mutual advantage, his operations extend until he is established on a much larger basis. I regret that it should have been considered necessary to attempt to curtail the operations of the employment brokers. I do not see why they should be subjected to treatment different from that meted out to other people starting in business, because they render a service to both the employer and the employee, and according to the efficiency of the service rendered, the brokers' business is destroyed or improved. They act really in a position of trust to the employer and the employee. I know men who have been employed through private registry offices from time to time, and have asked them why they went to those places and paid fees to secure an engagement when the door of the State Labour Bureau was wide open to them and they could there secure an engagement for nothing. I have been surprised at being told in reply that they much preferred to go to private brokers because they were generally more assured of securing a place that would give them more permanent employment. They said the employ-

ment brokers took great pains to keep a record of the people with whom they were dealing, and would not engage hands for employers who had a poor record in the eyes of the men who had worked for them. The employers find they get satisfactory treatment by engaging men through the brokers, because the brokers keep a record of the engagements to which men have been sent, how long they have remained in the position and whether they have given satisfaction. When employers send to an employment broker, they feel assured that their requirements will be carefully considered before a man is engaged. I daresay somewhat similar action is taken at the Government Labour Bureau, but I am satisfied that the private brokers would not succeed as well as they have done had the Government institution given equal satisfaction. It is ridiculous to suggest that the employee, as well as the employer, would pay private registry offices fees for engagements when it is open to both to go to the Government Bureau and get the service for nothing. The mere fact that the employment brokers have been able to increase their business is sufficient proof of the efficiency of the service, and bearing that in mind, we should be careful not to pass legislation that will unduly interfere with their operations. It seems that the Government, in embarking on activities of this kind, are apt to create a monopoly for the brokers already engaged in the business. I fail to see why we should help to create a monopoly for the few established brokers. It would be better to have no restriction whatever, so that others could be encouraged to engage in the business. They all serve a good purpose by doing their best to bring employer and employee into more satisfactory touch. The Government's desire seems to be to secure a monopoly in order that all the work may be done at the Government office. I know that some of the men employed in country districts belonged to labour unions at one time, but they objected to some of the rules and regulations, and went into the country purposely to get away from the control and interference of the unions. They naturally preferred to seek employment through a private registry office. From my own knowledge I am convinced that the care exercised by private offices in the selection of employees is not exercised by the Government bureau. That is probably due to the fact that some of the men, when they seek engagements, are not capable for the work.

I said to one of them, "How did you come to be engaged for this class of work when you know nothing about it? I have had to pay your fare here and you have put me to a lot of inconvenience. How did you come to be engaged?" The man quite openly acknowledged that he had said he was capable. He was really anxious to secure a job in the country, and having got there and away from the environments of the city, he was prepared to take the chance of the employer offering him other work.

Hon. E. H. Gray: Was he a tradesman?

Hon. V. HAMERSLEY: I have experienced less of that kind of thing when men were engaged through private registry offices than when they were engaged through the Government bureau. Probably the Government bureau officials do not keep the same careful records that the registry offices keep. For that there is a very good reason, because private registry offices would realise that their business was at an end if an engagement proved unsatisfactory to either employer or employee. In Committee I shall have something to say on several of the clauses. I hope some of them will not be passed because they are altogether too drastic in that they would permit of the exercising of severe control over employment brokers who are fulfilling a good purpose by bringing employers and employees together.

**HON. SIR EDWARD WITTENOOM** (North) [4.55]: On comparing the Bill with the Act I find it is nothing but an attempt to tinker with the law, without making any good or desirable alterations. The Act comprises only 28 sections and this Bill seeks to amend 19 of them. If that is not tinkering with an Act, I do not know what is. It would have been better had the Government introduced a consolidating measure, because then we could have understood exactly what was intended. The amount of industry required to compare the amendments in the Bill with the sections of the Act is considerable. I would not have minded the expenditure of the necessary energy had the results been satisfactory, but they have been exceedingly unsatisfactory. So far as I can understand, the object of the Bill is simply to drive all business into the Government Labour Bureau. Judging by the insinuations indirectly conveyed by the amendments, one would be inclined to think that the people engaged in the business were a very bad

lot. My experience is the reverse. It is difficult to find words to describe the intention of the Bill and therefore I shall quote a few observations made by a member of this House some time ago. He said that from the way the Bill then under consideration had been criticised, one would think it had come from Spielers, thieves, sharks and garotters. Judging by the Bill, that description would aptly apply to the Government's opinion of employment brokers. I believe the words I have quoted were ruled out of order and therefore I cannot use them, but they seem to convey the ideas of the Government regarding the people who will operate under this measure. By Clause 12 it is proposed to abolish the payment of fees by the person hired. While it might not be any hardship on the employer to pay the remuneration, it would be unwise not to charge the employee; otherwise any person employed would have no hesitation in leaving his billet as often as he liked. There would be no expense to him whatever. At present, however, he would lose half a week's wages if he continually moved from one place to another. In the circumstances it would be better to charge employees fees as at present, not because the amendment would be any serious imposition on the employer, but because it would be injudicious to exempt the employee. The charging of fees would be a further inducement for workers to remain in their positions rather than wander from one place to another. Clause 15 seeks to amend Section 25 of the Act. Section 25 states—

Every employment broker who knowingly by any false statement or representation induces any servant to enter into an engagement shall be liable on conviction to a fine not exceeding £50, or to imprisonment with or without hard labour for not exceeding six months.

No one takes any exception to that; at least I do not think any reasonable person would. It seems fairly drastic and severe. Let us see now what Clause 15 of the Bill says. It reads—

Every employment broker who knowingly by any false statement or representation—  
(a) induces or causes any servant to enter into any engagement or take any employment; or  
(b) induces or causes any person to seek or take steps to obtain any employment, engagement, or position which in fact is not available or open, and thereby causes such person to incur any expense or suffer any damage or detriment, shall be liable on conviction to a fine not exceeding fifty pounds or to imprison-

ment, with or without hard labour, for not exceeding six months.

I am not going to say that there are no employment brokers that probably do not misrepresent things a little. I know Mr. Cornell is likely to say there are. Probably there are some, but there are a great many that do not, and the clause is very severe. But it is equally severe a little further on. It says—

Any person who sends or delivers to any employment broker any written statement of fact, etc.

That is as it should be, but I do not think there is any necessity for it. Clause 16, I think, is the worst clause I have ever seen in a Bill. It is entirely new and reads:

Every employment broker shall retain in a registered place of business of such broker, for a period of not less than six months, all letters, telegrams, or other documents received by him in the course of or in reference to his business, and shall also make, and retain for the like period in such a place of business, copies of all letters, telegrams, or other documents despatched by him in the course of or in reference to such business, and shall permit any inspector to examine and take copies of or extracts from such letters, telegrams, documents or copies as any whenever such inspector shall require him so to do, and shall on the demand of an inspector produce and exhibit to him all such letters, telegrams, documents, or copies which are for the time being in the possession, custody or power of such broker, and shall answer truthfully and completely, to the best of his knowledge, information and belief, all questions which any inspector shall put to him touching any such letter, telegram, document or copy, or any matter mentioned or referred to therein.

Hon. J. Cornell: What is wrong with that?

Hon. Sir EDWARD WITTENOOM: How would the hon. member like an inspector to examine his letters and telegrams?

Hon. J. Cornell: I would not mind, if my business was honestly run.

Hon. Sir EDWARD WITTENOOM: I do not think anyone would like his business investigated in this way.

Hon. J. Cornell: The Taxation Department can do that.

Hon. Sir EDWARD WITTENOOM: They do not in my case, since I have nothing to tax.

Hon. E. H. Harris: You are very lucky.

Hon. Sir EDWARD WITTENOOM: I consider the clause nothing but impertinence. I admit that every care should be exercised; I admit, too, that the clause is exceedingly drastic. But here is something even worse

in Clause 18, which deals with the making of regulations. It says—

Section 28 of the principal Act is hereby amended by adding to Subsection (1) the following words:—"By such regulations the maximum fees to be charged by employment brokers shall be prescribed."

The section it is proposed to amend by that clause provides that the Governor may make regulations, and such regulations shall be published, etc. The clause sets out that the maximum fees to be charged by employment brokers shall be prescribed. Suppose the Government, in their zeal and anxiety to help the Labour Bureau, put up very high rates for the purpose of driving applicants for work to the Government institution.

Hon. J. Cornell: This House could disallow the regulations.

Hon. W. H. Kitson: The clause does not mean that.

Hon. Sir EDWARD WITTENOOM: No, but it could mean that. The Government may make the fees so low that the private officers would not be able to compete. The Government do not care whether the institution, like most of the Government institutions, pays or does not pay.

Hon. E. H. Gray: The Government would fix a maximum fee.

Hon. Sir EDWARD WITTENOOM: The Government always have the revenue of the State to fall back upon. With all these objectionable clauses in the Bill, is it any use considering it further? I am of the opinion it is not. I cannot see my way to support the Bill. One of the arguments used by the Honorary Minister which, by the way, is beside the question, was the enormous amount made weekly by some of the private bureaux, and he gave an instance that in one week a man, according to his advertisements, would have collected £79.

Hon. J. Cornell: I think the Honorary Minister was drawing on his imagination.

Hon. Sir EDWARD WITTENOOM: It does not matter. I am only repeating what he said. He declared that £39 was actually collected. Can we have anything to show us more plainly that these institutions are thoroughly popular? Instead of going to the Labour Bureau, where they can receive attention for next to nothing, applicants for work go to the private offices. That is proof that those offices give satisfaction. People do not pay if they are dissatisfied. I think these offices do a great deal of good. So why not let them alone? Why not allow the Labour Bureau to take its course and the private offices to go their own way?

It is a good thing to have private labour bureaux, and if the clients of those offices are dissatisfied then they can go to the State Bureau. I am told that before a man can obtain work from the State Bureau he must have a union ticket. I am informed, however, that that applies only in the case of those that are after Government employment. This, of course, may be only one of the yarns that are heard from time to time. At the same time we have the Labour Bureau in competition with the private offices, and the Government are trying to put those private offices out of the way by treating them most unfairly. I have a communication from one of the representatives of the Council of Employment Brokers.

Hon. E. H. Gray: Have they a union also?

Hon. Sir EDWARD WITTENOOM: They would be very foolish if they had not.

Hon. J. M. Macfarlane: It is about time they had one.

Hon. Sir EDWARD WITTENOOM: The communication states—

The passing of the iniquitous clauses in the Bill would put the existing private registry office out of business. Some of those offices have been in existence 25 years, and nearly all are carried on by middle-aged people, principally women, who have obligations to fulfil, leases of the premises they occupy, the care of aged or invalid relatives, and the education of children. These office-keepers have been performing a useful service to the State.

Hon. J. Cornell: Who signed that document?

Hon. Sir EDWARD WITTENOOM: The secretary of the Employment Brokers' Association.

Hon. J. Cornell: What is her name?

Hon. Sir EDWARD WITTENOOM: I cannot tell you, the writing is indistinct.

Hon. J. Cornell: Will the hon. member lay the letter on the Table of the House? He should give the authority.

Hon. Sir EDWARD WITTENOOM: I have told you the letter is from the secretary of the Employment Brokers' Association.

Hon. J. Cornell: What is the writer's name?

Hon. Sir EDWARD WITTENOOM: Why are you so curious? The name is hard to decipher.

Hon. J. Cornell: Will you lay it on the Table of the House?

Hon. Sir EDWARD WITTENOOM: Certainly, if it will convince you. The Bill

should certainly not be passed, and it is my intention to move an amendment in these terms—

That the word "now" be struck out, and "this day six months" added to the motion.

**HON. J. M. MACFARLANE** (Metropolitan-Suburban) [5.10]: I second the motion. I had intended voting against the second reading of the Bill, but as Sir Edward has moved an amendment I shall support it, because I do not feel that the Government are quite sincere in their proposal to regulate the business of employment broking. I have in mind the Bill that was before the House last year, when the Government clearly stated they wanted to create a monopoly of this business. Not having succeeded in the way they desired, they now bring forward a Bill which will cause the private offices to die of inanition by reason of the restrictions it is proposed to place upon them. I have a list that shows there are operating about 17 firms, some of which have recently been established. There are others, however, that have been in existence nine, 22, 25 and 28 years, and those businesses have had to suffer the competition of the State bureau for a considerable period. At the same time they have been able to survive. Having done that, I am convinced that the private institutions are useful to the community. As it is, they have to put up with heavy restrictions, and at the same time I do not believe 95 per cent. of the tales told about them any more than I would believe 95 per cent. of the tales related about the State bureau and its management. The unemployed are not at any time too logical or too definite in regard to their statements. Unfortunately they are definite in saying they do not get fair treatment. We can, however, excuse such statements made by those who require work at the earliest moment, and under the best conditions. I have no desire to repeat any statements I have heard, and I can assure members I have heard hundreds of them. I endorse what Sir Edward said with regard to the proposed amendment of Section 25, and its intention to restrict the private offices. It does not say that the Government bureau shall conform to the same conditions. Statements have been made against the Government bureau as to the manner in which they conduct operations, and I think it should clear itself of the aspersions cast on it in respect of the manner in which it treats those who endeavour to secure work through its

agency. Paragraphs (a) and (b) of proposed new Section 25 read—

(a) Induces or causes any servant to enter into any engagement or take any employment; or (b) induces or causes any person to seek or take steps to obtain any employment, engagement or position which in fact is not available or open, and thereby causes such person to incur any expense, etc.

These paragraphs place the employer in the hands of any employee who is prepared to make a statement that he has been victimised. It is easy for an employee to make a statement of that sort, because he has everything to gain and nothing to lose when the case is brought on. Paragraph (a) of Clause 25 provides for an inspection by any inspector. It does not specify a particular inspector, but leaves the thing open to inspection by anybody claiming to be an inspector.

Hon. J. Cornell: No, he must be an inspector under the Factories and Shops Act.

Hon. J. M. MACFARLANE: It does not definitely say so.

Hon. J. Cornell: Yes, in the interpretation clause.

Hon. J. M. MACFARLANE: I hope the House will agree to the amendment, for I believe the Government are not sincere in trying to regulate these people. There are 16 employment brokers. They have been operating for long periods, and apparently are doing good work for the community. They have dependants who would be affected by the destruction of the 16 businesses. I will second the amendment.

**HON. J. CORNELL** (South—on amendment) [5.17]: I hope the House will not agree to the amendment. The Bill has been totally misrepresented by the mover and the seconder of the amendment.

Hon. G. W. Miles: In what way?

Hon. J. CORNELL: I am not going to bring in the question whether or not private registry offices should be abolished, for the Bill makes no attempt to abolish them.

Hon. J. M. Macfarlane: Then what deduction is one to make?

Hon. J. CORNELL: That belief is only the deduction that one might draw by stretching his imagination. There is nothing in the Bill that will do away with private registry offices. So their future is not in doubt.

Hon. Sir Edward Wittenoom: The Bill will make it impossible for them to carry on.

Hon. J. CORNELL: I am not suggesting that the Bill should pass in its entirety. I admit there are in the Bill provisions open to question, provisions that the House could reasonably amend, leaving those other provisions that are essential to bringing up to date the machinery of the existing Act. One of the chief contentious points in the Bill is the question whether we shall abolish the prevailing position, which permits the employment broker to charge the applicant for work a fee. Surely that is a debatable question and can be reasonably discussed in Committee and even eliminated from the Bill if thought necessary. I am not going to enter into a long dissertation as to whether any impecunious person applying for employment should or should not be charged a fee, but I will say that when any Government are prepared to allow an employment broker to ply his calling under a measure prescribing that the person applying for work shall not be charged a fee because that person has a right to employment, the Government are sailing very close to the wind, and, to be logical, ought to find employment for that person. But members should not throw out the Bill on that point alone. I have gone carefully through the Bill, comparing it clause by clause with the parent Act. If any member will take the trouble to do the same, I think he will conclude, as I have concluded, that except for about five clauses, the Bill could be passed almost without question.

Hon. E. H. Harris: Which are the five?

Hon. J. CORNELL: The only debatable clauses are Clauses 11, 12, 13, 15 and 16.

Hon. Sir Edward Wittenoom: Not Clause 18?

Hon. J. CORNELL: No. I will deal with that later. I understand that under the parent Act the authority for granting licenses to employment brokers is, or was the old licensing board, and that since the advent of the new licensing court a sort of no man's land has been set up, for legally the new licensing court has no power to function in this sphere. That is one of the main reasons for the Bill. The Bill proposes to confer upon the new licensing court, or upon a police or resident magistrate, the functions of the old licensing magistrate. No exception can be taken to that course. Unofficially I am given to understand by the Chief Inspector of Factories, for whom all members have the utmost regard as a very fine officer, that a

machinery amendment should and must be made in order to allow the existing Act to function properly. I have dealt with the payment of a fee by the applicant for work. Whether or not the employer alone should pay the fee is another question, and one difficult of solution. If it may be wrong that a worker should have to pay a fee to secure work, it can be equally wrong that an employer should have to pay a fee for securing a worker who, perhaps, turns out to be not worth two bob a day. In my view, the employee should pay the fee in the first place, and the employer refund that fee to the employee after he has been in employment and given satisfaction over a stated period. I do not think any reasonable employer could object to that.

Hon. H. J. Yelland: The majority of them do that now.

Hon. J. CORNELL: But what the employer would object to is that he should send to a registry office for a worker, pay the necessary fee and the man's railway fare, and then find that the man was not worth it. Another point is that raised by Sir Edward Wittenoom under Clause 14, as to whether or not some provision should be made to penalise any employment broker who wilfully and falsely induces a worker to pay a fee for a job that is not there.

Hon. Sir Edward Wittenoom: That is provided in the parent Act.

Hon. J. CORNELL: But it is not sufficiently explicit in that Act. Obviously, any employment broker who would knowingly take a fee from a worker and send him into the country to find that there was no work available for him, ought to be punished.

Hon. Sir Edward Wittenoom: Yes, if he did it knowingly.

Hon. J. CORNELL: He could only do it unknowingly if the employer who asked him to supply a worker was acting falsely. If, in such circumstances, the employment broker could prove that the employer had misled him, what tribunal would convict the broker? The man who ought to be punished in such a case is the employer that was responsible for the broker sending out the man. I submit that this clause requires amending, and I understand that Mr. Nicholson is prepared to amend it. But I say it is only right that the employment broker should be under some control in this respect. It may appear to be drastic, but in practice all our laws are so drawn as to catch the unscrupulous. Should there be only one goat

among a million sheep, the net should be cast to catch the goat. Clause 16 sets up the question whether or not an employment broker for a definite period should keep a file in his office of letters, telegrams and documents received by him. Such papers can only relate to one thing, namely, the orders received from employers to engage employees. There is no hardship in asking a registry office keeper to do that.

Hon. Sir Edward Wittenoom: There is a good deal of hardship involved in the inspection of documents.

Hon. J. CORNELL: Any honest registry office keeper would do that, and does it to-day without any law on the subject. That would be their only protection if they were charged with abusing their privileges as registry office keepers.

Hon. A. Lovekin: They may be cross-examined too.

Hon. J. CORNELL: Any business man would allow this for his own protection.

Hon. A. Lovekin: He would not want to be cross-examined.

Hon. J. CORNELL: The Bill goes further and deals with the registry office keeper filing all these documents for a period of not less than six months. Is not that the practice of every business house to-day? If a man does not do it he does not know where he is.

Hon. A. Lovekin: He is not being cross-examined by anyone.

Hon. J. CORNELL: That is no hardship. Now I come to the power of the inspector to examine these documents.

Hon. E. H. Harris: These powers are pretty extensive, are they not?

Hon. J. CORNELL: What objection can there be to them? Suppose I conducted a registry office to-morrow and had all my correspondence in relation to the business carefully filed. What would there be to hide from the inspector? If one said to me he would like to peruse my papers, I would say, "What for?"

Hon. J. Nicholson: He would not be bound to answer.

Hon. J. CORNELL: Our inspectors would not be so stupid that they would not give a reason. If an inspector would not give a reason one would not permit him to see the papers, and would take the consequences of the refusal. I venture to say that if everything was gone into no decent tribunal would do other than exonerate a man for such a refusal. Hon. members must be drawing on

their imagination if they think an inspector would not give a reason for his request. He could have only one object in view. He must have it in mind that the employment broker was acting fraudulently, that he was evading and abusing the law. He could get information on that point only by a perusal of the documents. If a broker had not done those things, he would not refuse to allow the inspector to go through the documents. If he had done them he would find some way of protecting himself. The inspectors will be inspectors under the Factories and Shops Act. The Arbitration Court to-day delivers awards. What are the powers of a factory and shops inspector under these awards, and what are the obligations of employers? The employer must keep a time book and a wages book and other documents, and at any reasonable time the inspector may demand to see those records. The union representative also has that power. Have inspectors abused those powers?

Hon. Sir William Lathlain: They see only the time books. They do not see the correspondence.

Hon. J. CORNELL: Under this Bill no inspector would demand to see the love letters of any registry office keeper.

Hon. J. Nicholson: The Bill does not exempt love letters.

Hon. J. CORNELL: Registry office keepers must have come on a lot since I went to one, if they keep their love letters. Reasoning without prejudice, I say there can be no valid objection to the principle that is sought to be achieved by the Bill. Its ramifications will extend wherever Arbitration Court awards apply, or the Factories and Shops Act applies. We are not asking registry office keepers to do even as much as other business people are expected to do by the law. I do not want members to think I favour the phraseology contained in the clauses to which objection may be taken. There may be honest differences of opinion there, but I am sure that with the wisdom that is usually displayed in this House, any objectionable features of the Bill can readily be removed in Committee.

Hon. Sir Edward Wittenoom: All our arguments are honest.

Hon. J. CORNELL: There is no occasion to throw out the Bill. When our differences are honest, instead of shelving a principle on which we differ, we ought to settle those differences and endeavour to add another milestone along the road of progress and

keep our legislation up to date. Objection has been raised to the fees to be charged. By regulation the maximum fee may be fixed. I take it it is intended that this maximum fee shall apply only to the employer. I am opposed to that principle, but can there be any objection to prescribing the maximum fee that may be charged by a registry office?

Hon. A. Lovekin: It would be the means of wiping out every registry office.

Hon. Sir Edward Wittenoom: It might do so.

Hon. A. Lovekin: The fee may be fixed so that no one can live who is engaged in that occupation.

Hon. J. CORNELL: It might be so if the Government were so stupid as to dig their own graves, and fix a fee that no registry office could enforce.

Hon. Sir Edward Wittenoom: Except the Labour Bureau.

Hon. J. CORNELL: That charges no fee. If all employers went to the Labour Bureau, all workers would have to go there for employment; but all employers do not go there, and consequently other avenues are provided for finding employment. If people wanted only the Labour Bureau, the matter would be in the hands of the employers. If they desired, they need only give their business to the Labour Bureau. Only an insane Government would fix a fee that would wipe out the different registry offices. What is a reasonable basis on which to fix the fee?

Hon. A. Lovekin: You might have an insane Government desirous of wiping out all private enterprise.

Hon. H. A. Stephenson: There are some Governments trying to do both.

Hon. J. CORNELL: The only reasonable basis on which to fix the fee, either in the case of the employer or the employee, is the percentage basis according to the wages received, per week, per fortnight, or every month. It does not follow that the fee will be £5 or £10 if a percentage basis is adopted. No matter what fee is fixed it is embodied in the regulations which must be laid on the Table of the House. Either House can disallow the regulations, when all fees must of necessity be abolished for the time being.

Hon. A. Lovekin: The regulations may be in force six months before Parliament meets, and the registry offices will then have disappeared.



Hon. J. CORNELL: That is unlikely. I do not think registry office keepers are so impecunious that they cannot last for three months. That to which the Honorary Minister referred would certainly last out that time. No reasonable registry office keeper would object to a limit being prescribed to the fee that he could charge for his services. Some poor wretch—a case of the kind occurred to-day—is probably forced to seek employment through a registry office, and the registry office keeper charges what fee he pleases. That I do not consider fair.

Hon. Sir Edward Wittenoom: Do you know it for a fact?

Hon. J. CORNELL: There is nothing to prevent it from happening.

Hon. E. H. Gray: It happens, too.

Hon. J. CORNELL: There is nothing to prevent the keeper from fleecing the applicant. I am entering into this debate without the slightest feeling against registry office keepers. It is many years since I had to resort to one. If I became reminiscent, I could relate how I had to resort to a registry office a long, long time ago, and got a job at 15s. per week as groom and coachman in Melbourne. That happened in New South Wales. I came out of the registry office in a long coat, riding boots, and top hat.

Hon. Sir Edward Wittenoom: Minus 7s. 6d.?

Hon. J. CORNELL: Minus 15s.; the last 15s. I had. Needless to say I did not remain in the position longer than I could help. I remained for one month because it took me that time, leading a most penurious life, to accumulate the amount of my fare back to New South Wales. On the day that closed the month in question, I did something to irritate the good lady my employer, and she came across to give me a week's notice, in which respect, however, I anticipated her. As regards the charge made by the registry office keeper in my case, the position of many unfortunates to-day is similar. The reasonable registry office keeper—who is as honest as anyone else in the world—will not object to the fixing of a reasonable remuneration for him on a percentage basis of the wages earned by the employee who consults him. The only person who would object is the kind of person who is out for all he can possibly lay hands on. I hope that the amendment will be lost, and that the House, if it does nothing else, will at all events pass the machinery clauses of the Bill. I hope, further, that the Honorary Minister will accept those clauses, because

they are absolutely essential, the existing Act being obsolete for want of up to date machinery sections.

HON. J. NICHOLSON (Metropolitan) [5.49]: I have listened with interest, as I am sure every hon. member has, to the contribution made to the debate by Mr. Cornell. It will be generally conceded, I think, that there is a great deal to be said in support of certain clauses of the Bill, and very much indeed to be said against other clauses. Certain provisions of the measure are essential for the purpose of bringing the parent Act into line with present-day conditions. The essential clauses are particularly those having reference to the licensing of employment brokers. Much argument could be adduced against other clauses that have been alluded to; indeed, I feel sure members will be inclined to reject some of them in their entirety. That, however, would not justify the total rejection of the measure. The Bill, if carried into law as it stands, would mean practically putting out of business many of those now dependent on this calling for their livelihood.

Hon. W. H. Kitson: How is that?

Hon. J. NICHOLSON: The restrictions and the various burdensome conditions the Bill seeks to attach to the business would prove so onerous and harassing that existing employment brokers would in many cases decide to abandon the calling entirely. Any legislation calculated to destroy a calling or to deprive a man of his livelihood, or in other words to bring about the extinction of a vocation, is not desirable in the interests of the State. If it can be shown that some clauses of the Bill, which have been clearly indicated by a previous speaker, would produce that effect, then obviously it is our duty to see them either drastically amended or else entirely rejected. We should encourage and foster in every way we can whatever vocations exist, so long as they fulfil some useful purpose. The very fact that employment brokers' offices continue to exist despite the establishment of the State Labour Bureau many years ago, is indubitable evidence that they serve a highly useful purpose. We are entitled to do what we can for the people engaged in this business, and to assist them in continuing to fulfil the special purpose which they subserve. We have also to bear in mind that private employment brokers are assisting to provide rates for municipalities and taxes for the

Government. If their business is destroyed, municipal and State revenues will suffer. It may be true that some registry office keepers are not earning huge incomes, but if what Sir Edward Wittenoom said is correct, that one employment broker actually earned £79 in one week—I think the hon. member indicated that period—

Hon. W. H. Kitson: No. He quoted the Honorary Minister to that effect.

Hon. Sir William Lathlain: That must have been the man's Cup Week.

Hon. J. NICHOLSON: I think there must have been some special reason for the earning of so large a sum in the course of one week.

Hon. W. H. Kitson: Why not quote the figures correctly?

Hon. J. NICHOLSON: I think there must be some mistake.

Hon. J. Stephenson: That £79 was only on paper.

Hon. J. NICHOLSON: I did not hear the Honorary Minister make the statement. If it was only an estimation of what a broker could do, it cannot fairly be argued that that is such a broker's actual income. We know that attached to all these businesses there are various expenses. There is bound to be office rent, there may be the wages of an assistant; there would necessarily be a heavy charge for advertising; incidental expenses must arise. We have also to bear in mind that the argument depends wholly upon whether the cash is or is not received. To estimate fees on paper is one thing; the actual cash result is often a very different thing. Many of us have discovered a great disparity between a book estimate and the actual result achieved in the form of cash. Now may I turn for a minute or two to some clauses that have been mentioned. Clause 2 clearly needs amendment as regards the licensing magistrates. The original Act defines "licensing magistrates" as follows:—

"Licensing magistrate" means a licensing magistrate in court under the Licensing Act of 1911.

The Act also defines licensing meeting—

"Licensing meeting" means the sitting of a licensing court under the Licensing Act of 1911; and "quarterly licensing meeting" means the quarterly sitting of such court.

The Licensing Act has been amended, and a new authority has been created. Some new provisions to facilitate the granting of licenses is necessary, and therefore I ven-

ture to suggest that there is a sound reason why the six-months amendment should not be carried. If the Bill passes its second reading, we can easily pass the clauses which are essential and simply excise, if we do not amend, the other clauses. That would be a fair way to deal with the Bill. Arguments advanced by previous speakers have fully explained the position and we may regard Clause 12 as containing some of the main provisions to which objection may reasonably be taken. The proposal therein is to relieve the employee of any liability to contribute any portion of the fees chargeable. In the amending Act of 1918 it was provided that any fees should be shared equally between the employer and the employee. I still consider that is a fair proposition and when in Committee I shall endeavour to have that provision retained. Subclause 2 aims at the excision of that particular provision. Subclause 3 proposes to amend Section 15 of the principal Act by inserting the following:—

No payment or remuneration of any kind for, or in respect of any hiring or attempted hiring shall be directly or indirectly charged by any employment broker to or against any servant, and it shall not be lawful for any employment broker to accept any reward or gratuity whatsoever for or in respect of the services rendered by him as such broker to any person who has obtained or sought to obtain any position as employee through his intervention or with his assistance.

We have established a State Labour Bureau, to which anyone who chooses may go and seek employment without being charged any fee. On the other hand, if anyone, whether employee or employer, cares to seek the assistance of private employment brokers, surely it is only fair that whatever fee is chargeable shall be shared equally as between employer and employee. When the 1918 amendment was agreed to, the argument used against the proposal was that the employment secured was at the instance of the person seeking employment, and as that was a service rendered to the employee, it was fair and reasonable that the whole charge should be paid by the employee, as formerly. The question was thoroughly thrashed out and it was recognised that, as the employer sometimes sought the assistance of the employment broker to secure someone for him, then there was a service rendered to the employer as well as to the employee.

Hon. C. F. Baxter: That is done every day in the week, because they are more reliable. I speak as an employer. It is more

satisfactory to deal with the private employment brokers.

Hon. J. NICHOLSON: The position was recognised by Parliament when it was considered reasonable that the employer and the employee should share the payment of the fees. As that decision was arrived at so recently as 1918, it is rather unreasonable to suggest that the employer shall accept the full responsibility now.

Hon. C. F. Baxter: The payment by the employee is a guarantee of good faith.

Hon. J. NICHOLSON: Yes. If the private employment brokers were not rendering useful service, their businesses would undoubtedly cease to be carried on. There are certain other clauses that can well receive attention. When referring to Clause 15, Mr. Cornell said that I had suggested it required amendment. The clause provides for penalties for false representations and so forth. I do not think any decent employment broker would descend to making false statements. If there are men and women who seek to carry on such a business by means of false representations, and obtain money unfairly from people, then by all means let us make the law as stringent as we like and make such people pay the penalty for their actions. I regard the extraction of money from either employer or employee in such circumstances as one of those heinous crimes that should be punished severely. If the Honorary Minister deems it necessary, he can tighten up the provision and I do not think the decent body of employment brokers would offer any objection to that course. As to Clause 16, Mr. Lovekin interjected when Mr. Cornell was speaking, and I agreed with his opinion. It is highly offensive to think that an inspector shall be given the right to enter an individual's office and inspect his private letters, telegrams and so forth.

Hon. W. H. Kitson: But that has reference only to communications regarding employment.

Hon. C. F. Baxter: That has nothing to do with it. It is a matter of principle and it is wrong.

Hon. A. Lovekin: The inspector would have to search all the private papers to get those he required.

Hon. J. NICHOLSON: I look upon such a provision as one of unnecessary embarrassment and harassing to those engaged in this class of business. If such a provision is included in this legislation, it might be extended to other businesses as well.

Hon. J. M. Macfarlane: And fees would be fixed, too.

Hon. J. NICHOLSON: Much of this class of business is done by means of ordinary cards on the back of which is inscribed an introduction for a client or a brief request asking that someone should be procured for the purposes required. Is it to be suggested that employment brokers must keep copies of those cards for six months, and have them available for scrutiny by inspectors? Such a provision might necessitate the employment of extra clerks to look after the papers. The Honorary Minister is reasonable in most matters and I think he will see the reasonableness of my contention. Clause 18 provides an amendment to Section 28 enabling regulations to be framed setting out the maximum fees to be charged by employment brokers. As a matter of fact, should employment brokers choose to exact fees that are too high, their businesses will cease to exist.

Hon. W. T. Glasheen: It will be another instance of the survival of the fittest.

Hon. J. NICHOLSON: Exactly. These people cannot charge exactly what they like because competition will help to regulate the fees. I shall support the second reading of the Bill and will seek to have certain clauses amended when we deal with the measure in Committee.

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

On motion by Hon. A. Lovekin, debate adjourned.

*House adjourned at 7.32 p.m.*