

[SEVERAL MEMBERS: We knew that.] I am quite willing even now, if the Opposition will let this matter drop for a week until I am again in good health, and will consent in the meantime to allow the other business to proceed, to accept that position loyally, and I hope with satisfaction to the House and with satisfaction to the country. Members are aware of the reason I am not able at present to carry out the intention I first expressed. I have not had time to look up the various matters referred to, and I now intend to leave them to be dealt with by the several Ministers concerned. So far as the Stock Department is concerned, however, charges have been made against me in regard to that; and as I am the only person responsible, and I accept the full responsibility, I propose to do to-morrow what I am unable to do to-day. I move that the debate be adjourned.

Motion passed, and the debate adjourned until the next day.
The House adjourned at eight minutes past four o'clock, until the next afternoon.

Legislative Council,
Wednesday, 25th November, 1903.

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THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

QUESTION—RABBIT FENCE, SECOND LINE.

HON. S. J. HAYNES (for Mr. Piesse) asked the Colonial Secretary: 1, If, having in view the proved presence (and near approach to settlement) of rabbits, and the special facilities offered for their undisturbed and possible rapid breeding

in the immense area of unoccupied country intervening between the rabbit-proof fence and settled lands, the Government is considering the advisability of at once erecting a second fence skirting the settled and the easily accessible but now unsettled agricultural and pastoral lands of the State. 2. If not, what steps does the Government propose to take to protect same from the dreaded pest.

THE COLONIAL SECRETARY replied: 1. Yes. 2. Answered by No. 1.

SUPREME COURT ACT AMENDMENT BILL.

Read a third time, and passed.

WATER AUTHORITIES BILL.
IN COMMITTEE.

Resumed from the previous day.

Clauses 62 to 82—agreed to.

Clause 83—Rate book may be amended:

On motion by the COLONIAL SECRETARY, after "particulars" the following words were inserted: "Of any property which may have become rateable, or" also, the words "and otherwise amending the same," were added to the clause.

Clause as amended agreed to.

Clauses 84 to 90—agreed to.

Clause 91—Land subject to water rate:

On motion by the COLONIAL SECRETARY, the word "may" was struck out, and "shall" inserted in lieu.

Clause as amended agreed to.

Clauses 92 to 105—agreed to.

Clause 106—Premises may be sold for arrears of rates, etc., remaining unpaid for twelve months:

The words "said court," in subclauses 6 and 7, were struck out and "the Judge" inserted in lieu.

Clause as amended agreed to.

Clauses 107 to 158—agreed to.

Clause 159—Powers of water authority may be exercised by Minister for Works: Clause struck out.

Schedules—agreed to.

New Clause—Penalty for diverting water:

THE COLONIAL SECRETARY moved that the following be added as Clause 38:—

Any person who, without the authority of the Board, diverts water from any stream,

watercourse, or source of supply within any water reserve or catchment area, or does any act whereby such stream may be diverted or diminished in quantity or injured in quality or purity, shall be liable to a penalty not exceeding five pounds for every day during which such supply of water shall be diverted or diminished by any act done by or by the authority of such person.

This clause protected the rights of water boards, but the power was limited to streams within the water reserve or catchment area.

Question passed, and the clause added to the Bill.

New Clause—Rate for unexpired portion of year in case of new main or sewer:

THE COLONIAL SECRETARY moved that the following be added as Clause 94:

Whenever a main pipe is laid down or extended after a rate has been struck for the year, and notice thereof is published in the *Government Gazette*, a proportionate part of the rate shall thereupon become payable in respect thereof for the unexpired portion of the year from the date of such notice.

As the clause previously added protected a board, so this clause protected the consumer and provided that, should a main be put down after the striking of a rate, the ratepayers need only pay a proportionate part of the rate for the unexpired portion of the year.

Question passed, and the clause added to the Bill.

New Clause—Power of water authority may be exercised by Minister for Works or Minister for Mines:

THE COLONIAL SECRETARY moved that the following be added as Clause 159:

The Governor may authorise the Minister for Works or the Minister for Mines to exercise, within a water area, all or any of the powers conferred by this Act on a water board:

- 1, Until the constitution of a board; or
- 2, With respect to any works constructed before or after the commencement of this Act, until such works are transferred to the board.

The only difference between this and the clause struck out was that the Minister for Mines was also authorised to exercise jurisdiction over water boards. This was rendered necessary by a departmental step lately taken whereby the water supply on goldfields was handed over to the control of the Minister for Mines. It would be necessary where water areas were constituted on the

goldfields that they should be under the control of the Minister for Mines.

Question passed, and the clause added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

FACTORIES BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY, in moving the second reading, said: I have been led to believe, from remarks that have fallen from members during this session, that a Factories Bill is not in some cases at all events likely to be very sympathetically received by some of the members; but I think I may claim the indulgence of the House to exercise towards this Factories Bill a reasonable attitude, and to discuss it and see what the provisions of the Bill really are before they arrive at any decision with regard to it. The Bill is an old friend of this Chamber, if I may be permitted to use that expression.

HON. W. T. LOTON: An old enemy rather.

THE COLONIAL SECRETARY: To be more euphonious, we should treat it as an old friend.

HON. G. RANDELL: An old acquaintance.

THE COLONIAL SECRETARY: It embodies a principle now twice affirmed by another branch of the Legislature, and, I therefore maintain, a principle to which this House should pay some considerable attention. We have seen on the table of this House a petition against the Bill, and hon. members have found without the precincts of the House certain envelopes petitioning for the Bill; so that in the matter of petitions, one from the Chamber of Manufactures and the other from the Coastal Trades Council, the honours may be said to be fairly even. With regard to the manufacturers' petition, they of course are largely interested in the passage or non-passage of a measure such as is now before the House, and that being so I maintain that members should receive, with a considerable degree of caution, the statements and the prayer of the petition laid before them.

HON. G. RANDELL: And with respect as well.

THE COLONIAL SECRETARY: And, of course, with respect. This Bill is, I may claim, and truly claim, absolutely the least drastic of any factory legislation probably in the world, and that being so I do not think there are many provisions in the Bill to which exception could be taken. The question at once arises, why is this fear developed on the part of manufacturers? Is it possible they are infringing any of the proposed provisions of the Bill, and, if they are so infringing any of its provisions, which are those provisions? I request members to ask themselves, are they not provisions which tend to the good of the community? If that be so, any manufacturer or any body of manufacturers should not object, so long as those provisions tend to the good of the community, to have them passed into law. I have just referred to factory legislation as being of almost universal application. I think members will admit this is so. The factory legislation which exists throughout the British Empire had its origin, in the first place, in the Imperial Factories Act of 1878, and since that time there have been various amendments, up to the Imperial Factories and Workshops, Act of 1891, which has stood, unaltered, the test of time to the present day. It is claimed I believe—at all events it is claimed in this petition—that factory legislation is very apt to act in restraint of trade. I do not think this contention can be validly carried out, when we consider that Great Britain has had this legislation in force, as I have already said, since 1878; and seeing that in practically all the civilised countries of the world this legislation, or similar legislation—in many cases much more drastic—exists, how can we claim that legislation of this kind is calculated to act in restraint of trade? Coming to Australia, we find that in New South Wales, Victoria, Queensland, and South Australia this factory legislation already exists, and except perhaps in the case of Victoria—and I would like members to know that in the Bill before them there is not a jot or tittle of the Victorian legislation—in none of the other States has it been proved, and I do not think it has been maintained, that industries or manufactures have in the least suffered from this legislation. The position, the

health, and the safety of persons employed in factories must be materially benefited by the legislation existing in those States. The present Bill is founded on the latest models of factory legislation in the Eastern States. It is founded on the Queensland Act of 1900, and the New Zealand Act of 1901. There are occasionally places where the New South Wales Act has been called into requisition, and places where the South Australian Act has been applied, but in no case has that bugbear of the manufacturer, the Victorian Factories Act, had any of its provisions imported into this Bill. The question that has to be settled is this: Is it better for manufactures in Western Australia to grow up under a system which they must come to sooner or later—because whether this legislation is passed now or not, it is my opinion, and I think the opinion of everybody, that we must have it sooner or later—is it better for our budding manufactures to grow up under the system of, I will not call it restraint, but of care which they will have to meet sooner or later, or is it better for them to run riot for some years to come and then have perhaps a much more drastic form of factory legislation descending upon them suddenly, and in a form perhaps which would act in restraint of trade? I maintain there is not the slightest doubt as to which is the better system. It is better to train a plant in the way it should go, and that being so it is as well to take the plant young. With regard to the extent of our manufactures, we find several contradictory statements. When manufacturers are discussing at their annual meetings the importance of the manufacturing industries of Western Australia they wax very eloquent about the extent of those industries, the number of persons employed in them, and the magnitude of their operations; but when they are discussing the question of factory legislation they allude to the factories of Western Australia as being in the most embryonic state, and absolutely in their infancy. How can we reconcile those statements?

HON. G. RANDELL: They are only comparative.

THE COLONIAL SECRETARY: Quite so, and it all depends upon the aspect in which we look at the question.

HON. G. RANDELL: They were very small a few years ago, and they are growing.

THE COLONIAL SECRETARY: I am perfectly willing to admit that, and I think the argument should carry some weight in this House, that as they are growing they should grow in the course they must take sooner or later. It is impossible to suppose that this State can segregate itself in its legislation from practically the rest of the civilised world; and I maintain it is better for us and for the manufacturers to take now a mild form of factory legislation than perhaps have forced upon them later legislation of a much more drastic and more restrictive form. Some men think that we can do without factory legislation, and that practically all the subjects dealt with in the Bill now before the House can be dealt with and are dealt with by other Acts. That this is not so will be readily seen by any member who takes the trouble to read this Bill through. For instance, where things are dealt with by other Acts the fact is readily recognised. Members will find in the Bill clauses where reference is made to the two Acts which are principally put forward as supplying the place of a Factories Act. I allude to the Arbitration and Conciliation Act and the Health Act of 1898. Members will find that where it is possible to refer matters to those two Acts in the Bill we are now considering, that reference is made. One of the principal motives of this Bill is to provide sufficient protection for those people who need it most. I allude to women and children employed in factories. I would ask members if provision is made in any other legislation for that. Certainly not. With regard to the hours of work of adults, members will find in the Bill that this is left entirely within the jurisdiction of the Conciliation and Arbitration Act. The Conciliation and Arbitration Act does not deal with the hours of work of women and children, and I think nobody can deny that one of the most important things the State can undertake is efficient protection of its mothers and the children. That being so, if the Bill were confined to these clauses alone there is good reason for the House to pass it as it stands. Again, among other matters which are not dealt with by other legislation we

find the clauses relating to Asiatics. Again, we find the clauses referring to the efficient protection of factories from fire; and the last I will mention, and surely not the least, are those clauses dealing with sweating in factories. It is almost unnecessary for me to do more than run through the Bill very shortly, because I am sure that members, having considered this Bill now for two sessions, must be fairly familiar with its provisions. However, we find, going through the Bill clause by clause, the usual interpretation clause occurs. Part II. deals with the appointment of inspectors, and Part III. with factories and their registration. I am aware that in regard to this measure, and any measure where inspectors are appointed, it is always presupposed by the opponents of such measure that an inspector is naturally, and from the fact of his being an inspector, an arbitrary individual, whose one desire is to injure those persons whose premises he is supposed to inspect, and that he is not in the least guided by or even in the possession of any common sense.

HON. J. T. GLOWREY: That is generally correct.

THE COLONIAL SECRETARY: I should be very sorry to believe it. In my opinion that is an extremely unreasonable attitude to take up, and I venture to say that under the Health Act we have inspectors with very drastic powers. Is there one instance out of ten where those inspectors have misused the power imposed upon them? What I object to is the presupposition that by being appointed inspector one is rendered devoid of any discretion and any common sense. I venture to assert that in regard to legislation under which inspectors are appointed that supposition is not borne out by fact. One of the objections taken to the Bill in the petition is—

That your petitioners feel that the Bill as at present proposed will prove harassing to manufacturers, because of the inquisitive nature of many of its provisions.

I take it that "the inquisitive nature of many of its provisions" can only do harm to manufacturers by the publishing of the result of such inquisition, and special provision is made in the Bill in relation to that. If members will turn to Clause 16 they will see

it is proposed to penalise and heavily penalise inspectors for any breach of confidence relating to factories which it is their duty to inspect. Clause 18 provides for the keeping of records in factories and the posting of notices with regard to the name and address of the inspector for the district, working hours of factories, and holidays. In Clause 19 occurs the matter to which I have already alluded, that is the consideration of the hours of work in factories, and members will see that for adults, to which this Clause 19 refers, the hours of work in factories are left to the decision of the Conciliation and Arbitration Court, and the inspectors are simply charged with the duty of seeing that any awards which may be made by the Court are observed in the factories. In Queensland and New Zealand the hours of labour of adults in factories are laid down, and herein is one part of the Bill which is much less drastic than either the Queensland or the New Zealand Act. Clauses 20, 21, and 22 relate to the hours of women and boys, and I do not think any member of this House will get up in his place and say we should not protect to the utmost of our power those whom I have already alluded to as the mothers of our coming nation and their children. With respect to Clause 22, to remove any misconception which may crop up I would like to point out that the hours for overtime which may be worked relate only to women and children and not to adults, whose hours are left entirely to the decision of the Conciliation Board and Arbitration Court. In Clause 23 unfair competition by Asiatics in working particularly long hours is obviated. [Interjection by HON. S. J. HAYNES.] That is a sort of unfair competition which is bound to set up as a reactionary agent—the striving to work overtime on the part of other people—and I hope the hon. member does not wish it to obtain in this State. For my own part I do not. Clause 24 contains more special provisions with regard to women and boys. These are clauses which are included in all the Imperial and Colonial Acts. Clause 25 contains restrictions as to the age of persons employed in factories, and this part of the legislation is not contained in any other legislative provisions we possess at present. Nor is the subject of Clause

26, restrictions on employment of boys or girls under 16, contained in any of our legislation. Clauses 29, 30, 31, 32, and 33 deal with the sanitation of factories, and although to some extent this is already dealt with by the Health Act, still it is well I think to reiterate in their proper place the provisions needed for the proper sanitation of factories, so that all the laws with regard to factories may be easily get-at-able and obtainable in order that he who runs may read. Clauses 34, 35, 36, 37, and 38 relate to accidents in factories. To use another argument in favour of this Bill, and another reason why this Chamber should most undoubtedly pass it, allow me to state that, if it were not for the action, which I cannot help still thinking was injudicious, on the part of this Chamber in rejecting the Inspection of Machinery Bill, these clauses would not be necessary. It was thought, indeed it was decided, had that Bill been passed, to excise these clauses from the present Bill; but as the Machinery Bill was rejected by this House, somewhat hurriedly as I think, it is necessary to put these clauses in the Factories Bill. The rejection of the Machinery Inspection Bill in my opinion forms one of the strongest arguments why this House should accord a large measure of support to the Factories Bill which we are now considering. Clause 39 deals with the provision of proper appliances for the prevention of fires in factories. This is not dealt with elsewhere, and I think hon. members will agree with me that such provision is indeed necessary. Clauses 40 and 41 are taken from the New Zealand Act of 1901, and deal with the subject of sweating in factories. We know that in thickly populated countries, as all of us hope this State will be in time to come, sweating is a great evil, and that even in the large cities of the other States it has sometimes assumed proportions which it is a pity it has assumed in Australia. I think it will be well to adopt these provisions, which have worked well in New Zealand and elsewhere, to prevent as much as possible the sweating that has occurred elsewhere until stopped by factory legislation. Part IV. deals with the proper protection of lifts and elevators, and with the age of those persons who have to work them.

Clause 46, I understand, is likely to prove a bone of contention. It deals with the lining, if so required by an inspector, of a building which is used as a factory and which is constructed of iron, zinc, or tin, and also deals with the painting of such. In a climate which is fairly hot in summer, such as our climate is, I think it is necessary for the convenience, comfort, and good health of factory employees that some such special provision as we find here should be adopted. Clause 49 deals with the proper supervision and proper fitting up, from a sanitary point of view, of bakehouses. Clause 50 deals with the registration of Asiatics, and hon. members will see that it is not proposed to exercise any undue harshness towards those Asiatics who have, before the passing of this Bill, entered into business in Western Australia. It is simply proposed to stop the entrance into business of any more. No rights are taken away. It is simply proposed to stop any more entering into business.

HON. C. E. DEMPSTER: We make them pay much more for a license.

THE COLONIAL SECRETARY: Only £5, I think. Clause 51 provides for the stamping of goods manufactured by Asiatics.

HON. G. RANDELL: It is a very nice clause, to make any respectable merchant put up a sign!

THE COLONIAL SECRETARY: I think it is a very good thing. I do not see anything in the clause. If the merchant or tradesman who sells Asiatic furniture is not ashamed of the fact, there is no reason why he should not be asked to put up a sign. There is no loss of respect involved.

HON. J. D. CONNOLLY: Goods are stamped "Made in Germany."

THE COLONIAL SECRETARY: Quite so. In other countries wines and all sorts of manufactures have to be stamped as to where they are made, and when this provision is applied to furniture made by Asiatics, is it unreasonable unless tradespeople are ashamed to sell such furniture? If they are ashamed, of course it may be very disagreeable, but why should they be ashamed if they do? It is past my comprehension.

HON. G. RANDELL: It is intended as a stigma.

THE COLONIAL SECRETARY: I scarcely think so. Clause 55 provides for the protection of manufacturers. Owners or occupiers of factories, where it appears from *prima facie* evidence that any offence which they appear to have committed has really been committed by an employee, shall not be liable to the penalty. Clause 56 provides that the compulsory attendance officer under the Education Act has certain powers. No objection need be taken, as it is a proper clause. Clause 58 deals with the powers of inspectors. It has been pointed out to me, but not quite correctly, that under the Health Act of 1898 dual control will exist. I scarcely think that is so. If members read the clause carefully they will see that every inspector shall, in relation to factories, have all the powers of an inspector appointed under the Health Act, 1898, and the powers and duties of inspectors appointed under that Act shall, in relation to factories, be exercised by inspectors appointed under this Act under the direction and control of the Central Board of Health. Therefore in all matters relating to sanitation of factories inspectors under the Factories Act will be under the direct control of the Central Board of Health. The usual clauses follow dealing with penalties and providing that reports shall be furnished by the inspectors, and that an annual report shall be laid before Parliament. The last clause provides that regulations may be made under this Act, and that a penalty not exceeding £5 may be imposed in respect thereof. In moving the second reading I would like to remind hon. members that this is the second time of asking, and that the principle of the Bill has been affirmed twice by the other branch of the Legislature. Above all I would like to remind hon. members that practically all civilised countries with any pretensions to prosperity at all, some of them with much less pretensions than we have, already possess this legislation. We cannot expect to escape it for any great length of time. We should take the opportunity of guiding and training up the young plant while it is still pliant. It will be much easier for us to adopt a reasonable and mild form of factory legislation now, than perhaps to have an unreasonable and drastic form in years to come. I

would like members to take this into consideration, that one of the main motives of the Bill is the protection of women and children. That this is an honourable motive I do not think any member will be bold enough to deny, and I think it goes without saying. I would like hon. members to weigh these considerations, and even if they leave the sentimental aspect of the Bill altogether, and if they come down to grounds of expediency as many hon. members do, I would ask them to accept in the Bill the least drastic form of factory legislation that is existent so far as we can ascertain, rather than perhaps in years to come accept a Bill that is more drastic.

SIR E. H. WITTENOOM: Will the Colonial Secretary explain exactly what a factory is? Does it apply to hotels or to mercantile houses?

THE COLONIAL SECRETARY: You will find that in the interpretation clause, which says:—

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

I do not think this will apply to hotels unless their occupiers are engaged in the manufacture of liquor.

SIR E. H. WITTENOOM: They are engaged in the manufacture of food.

THE COLONIAL SECRETARY: They are only engaged in the preparation of food for consumption.

SIR E. H. WITTENOOM: Would it apply to mercantile houses?

THE COLONIAL SECRETARY: I do not think so; they are not engaged in manufacture.

SIR E. H. WITTENOOM: They are engaged in manufacturing certain articles for sale.

THE PRESIDENT: I think the proper time to discuss this is in Committee. It is irregular to do so now.

SIR E. H. WITTENOOM: I submit that the Bill may not pass the second reading if we do not get these explanations.

THE COLONIAL SECRETARY: It is not usual to ask questions which should come up in Committee.

SIR E. H. WITTENOOM: The Bill may not go into Committee.

THE COLONIAL SECRETARY: I hope the House will be reasonable enough to allow the Bill to go into Committee.

SIR E. H. WITTENOOM: That is why we want explanations; for we want to get the Bill into Committee.

THE COLONIAL SECRETARY: If the hon. member would have only given me notice of these questions I would have got legal opinion.

THE PRESIDENT: This discussion is out of order at this stage.

THE COLONIAL SECRETARY: I beg your pardon; but the hon. member will see in Subclause 3 of the interpretation clause that certain places are exempted. I move that the Bill be now read a second time.

On motion by **HON. G. RANDELL**, debate adjourned until the next Wednesday.

BOULDER TRAMWAYS BILL.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at 5:33 o'clock, until the next Tuesday.

Legislative Assembly,

Wednesday, 25th November, 1903.

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THE DEPUTY SPEAKER took the Chair at 2:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the **MINISTER FOR LANDS:** Breeding cows and store bullocks from East