85 per cent. of the corporate wealth of the United States is in the hands of 5 per cent. of the corporations—indicating that the control of American wealth is getting into fewer and fewer hands. We know that that has been the trend, in other parts of the world as well as in America. Western Australia has people in comfortable circumstances, but in the metropolitan area and in the farming districts many of our citizens are now living beggarly existences. Numbers of my constituents are rearing families in extremely difficult circumstances. While those things exist, the social system stands condemned. The period of acute unemployment through which we are passing is not the only difficult period of that kind. It has been computed that in Australia, even with prices at their peak, there are never less than 60,000 unemployed. It shows that many thousands of our men find themselves from time to time without employment. These are a few points which I have risen to mention on the Address-in-reply. The Government have set out to do their best on behalf of the people who elected them. In some directions they may have failed, but in the essential things they have done a good job on behalf of the workers.

On motion by the Premier, debate adjourned.

House adjourned at 10.10 p.m.

Legislative Council,

Wednesday, 21st August, 1935.

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

BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. W. MILES (North) [4.37]: We should be most careful in effecting any alterations to the Constitution. I am in favour of a select committee being appointed to give consideration to the Bill. It is necessary that some slight amendments be made to define the position of members of Parliament, and I hope that when the second reading is agreed to, the Bill will be referred to a select committee. I would like the Chief Secretary, Mr. Nicholson, Mr. Parker, Mr. Holmes and Mr. Cornell to comprise the select committee.

Hon. J. J. Holmes: You will get yourself into trouble if you make those suggestions.

Hon. G. W. MILES: The question has been raised as to where evidence could be procured. The members I have indicated could have a round-table conference to discuss the pros and cons, or they might be able to get some legal advice respecting the Bill as it is framed now. I do not care for it in its present form, for I consider it requires modification. I shall support the second reading on condition that the Bill is referred to a select committee.

HON. C. H. WITTENOOM (South-East) [4.39]: At the outset I did not consider the Bill was necessary, but, after listening to the speeches of various members, I have entirely altered my opinion, and I intend to support the second reading. I have endeavoured to recall definite occasions upon which members have been confronted with difficulty arising out of the application of the provisions of the Constitution, and I cannot remember any instances apart from the two that have been referred to during the debate. No doubt they were painful to the members concerned and, in one instance, it meant to him considerable financial loss. In common with other members, I recognise that when we attempt to interfere with the Constitution that has, generally speaking, worked well for years, we assume grave responsibilities. It is certainly a long time since the Constitution was last amended. When Mr. Holmes spoke, he mentioned that the functions of the Government had been considerably altered latterly, to an extent that the framers of the Constitution never contemplated. They did not dream that at any time a Government of this State would interfere with private enterprise as the present Administration are doing. Of course, the present Government are not solely blameworthy because when those who

hold political opinions contrary to theirs were in power, they did not do away with the State trading concerns and thus remove State interference with private enterprise. As the Constitution stands, members of Parliament are likely to find themselves in extremely awkward positions from time to time. They may run the risk of losing their seats because of breaches of the Constitution. It has been pointed out that they are technically debarred from participation in certain public utilities to the extent that is possible for other sections of the community. If it is an offence under the Constitution to enter into contracts with the Commissioner of Railways for the carriage of goods, or, as has been suggested, to travel on State ships, some alterations should be effected. Such a condition of affairs is not in the interests of Parliament. On the other hand, instances are extremely rare of members having been brought to book.

Hon. A. M. Clydesdale: But other members could have been brought to book if anyone had taken action.

Hon. C. H. WITTENOOM: That is so. For that reason, I support the second reading of the Bill because it is essential that the position of members of Parliament shall be clearly defined. As to the suggestion that the Bill be referred to a select committee, the measure merely deals with two sections of the Constitution. However, if members generally consider it advisable to refer the matter to a select committee, I shall support that move, but with two legal members in the House, I should not think that procedure necessary.

HON. V. HAMERSLEY (East) [4.43]: Generally speaking, I view the measure with much dread, because we are about to tinker with the Constitution. It has been suggested that members of Parliament in this State are in a different position from parliamentarians in other parts of the British Dominions, because the State has inaugurated a system of State trading that does not apply, for instance, in the Mother Country. If there is to be an alteration of the Constitution to deal with that phase, I feel rather inclined to say that we should do away with the State trading concerns. Why should we alter the Constitution? To alter the Constitution to enable members to start trading with the funds of the State, is an important and serious matter. It is likely to be far-reaching. I presume that the provisions under review were inserted in the Constitution because of experience in ancient days, when it was probably realised that the Act had to be made tight to prevent troubles from cropping up. Now we are asked to reverse that order. The moment we begin to open the door, no one can say what the consequences of our action will be. Probably many members have offended against the Act quite unwittingly. The Government, at one period, started State butcher shops and were buying stock, and I presume that a number of squatters and others who were members of Parliament were interested in stock that was sold to the Government. In thus trading with the Government, those members undoubtedly rendered themselves liable under the Act. Members who travel in State ships are under contract with the Government, but such action has never been seriously considered to be a breach of the Constitution. The same applies to travelling on Government railways. The fare charged to members is the same as that charged to any member of the public. Similarly with regard to State trading concerns. I have bought one or two poison carts and a plough or two from the State Implement Works, but the prices quoted to me were the same as those quoted to anyone else. Still, I believe that I rendered myself liable under the Act through making those purchases. Quite innocently one or other of us might get into such a difficulty. The right way to deal with this matter is not to alter the Constitution to enable members to start trading with the Government, but to get rid of some of the trading concerns operated by the Government. That would probably save the State from many of the pitfalls and difficulties such as have been experienced in the past, and would be conducive of great good by giving private enterprise an opportunity, of which it is not likely to avail itself while State trading continues. Private people would rather lend their money to the Government and let the Government take the risks and suffer the consequences. There is a noticeable tendency on the part of people throughout Australia to lend their money to the Government rather than embark upon enterprises themselves. If my suggestion were adopted, we would be putting our house in order, and it would bring greater

good to the country than our tinkering with the Constitution. I am in sympathy with the idea of referring the Bill to a select committee, but I sincerely hope that the select committee will walk warily, and will endeavour to keep the Constitution as sound as it is to-day. If any alteration proposed is likely to weaken the Constitution, it would be better for them to hold their hand. I shall support the second reading with a view to referring the Bill to a select committee, but unless a sound and satisfactory proposal can be recommended without opening the door too wide, I will not support its subsequent adoption. I doubt very much whether a select committee could satisfactorily alter the safeguards already provided, the retention of which safeguards I regard as being very necessary.

HON. R. G. MOORE (North-East) [4.51]: I am of opinion that the Government acted rightly in bringing the Bill forward. I do not think it was introduced with the object of tinkering with the Constitution. The whole object, I consider, is to make a rectification that is quite necesary. This is a measure with which we should make haste slowly. It would be better to err on the side of caution than to do something which might in future bring disrepute on members of Parliament. At the same time, a doubt exists in the minds of some of us as to where we stand under the Constitution, and that being so, steps should be taken to remove the doubt and let us know our position exactly. Members should be safeguarded as far as possible without doing anything to interfere with the sanctity of the Constitution. Some of the State trading concerns are very necessary, and are performing useful service. At times members of Parliament find themselves in the position of having to enter into contracts with those trading concerns, and there is no reason in the world why they should be debarred from entering into such contracts on the same terms as are available to the general public. We have State batteries which are very necessary and are doing useful work. If a member of Parliament happened to be interested in a mining show, there is no reason why he should not get his ore treated at a State battery. If he were debarred from sending his ore to a State battery, he might find it impossible to retain an interest in the show.

Hon. V. Hamersley: He could do it if he were a member of a company of a certain membership.

Hon. R. G. MOORE: The show might be a small one owned by the member himself, and there is no reason why he should not deal with a State battery. If a member wished to purchase timber for a house, why should he be debarred from purchasing from the State Sawmills? So long as he paid current prices, there is no reason why he should be debarred. A member of Parliament might jeopardise his seat by innocently entering into a contract, and that should not be possible. I approve of Mr. Parker's suggestion. The amendment outlined by him should be adopted. I also favour referring the Bill to a select committee who could thoroughly and slowly consider every aspect to achieve what is desired, without in any way weakening the Constitution or making it possible for members of Parliament to abuse their position. If we can accomplish that, we shall have done a very good job. I think Mr. Parker was right in saying that we could do what is desired without interfering with the sanctity of the Constitution.

HON E. H. H. HALL (Central) [4.55]: I am quite in accord with the proposal to submit the Bill to a select committee. Probably I would have taken no part in the debate but for the interjections offered while Mr. Holmes was speaking last week. Mr. Holmes was expressing doubt as to the wisdom of members of Parliament having been permitted to become clients of the Agricultural Bank. I am entirely in accord with Mr. Holmes in his expression of opinion, notwithstanding that other members might have considered, as indicated by their interjections, that he was talking nonsense. It is a pity that members of Parliament should have been allowed to have any dealings with the Government as clients of the Agricultural Bank. However, what has been done in that direction cannot be undone. If what we have been told by legal members of the Chamber is correct, that a member of Parliament is entering into a contract with the Government when he consigns goods on Government railways, the sooner the Act is amended in a commonsense way, the better it will be for all. I cannot believe that any commonsense person would construe the consigning of goods on a Government railway as a contract, notwith-

standing what the legal definition of a contract might be. The other instance mentioned of members of Parliament being debarred from purchasing timber from State sawmills is quite beside the point. Such a transaction, in my opinion, would not constitute a contract. I am definitely opposed to members of Parliament being permitted to tender for Government work. I believe the framers of the Constitution had that embargo in mind. May I instance something that occurred in a local governing authority within the last week or so. Applications were invited for a certain position and one of the councillors was an applicant. When the applications were considered, this particular applicant was not present, but the council appointed him to the position. That might be unobjectionable, but I am definitely opposed to members entering into a contract with a Government or semi-government body with which they are connected. I would bar any member of Parliament or of a local governing authority from being considered as an applicant for a position so long as he remained a member. I favour the proposal to refer the Bill to a select committee.

HON. G. FRASER (West) [4.59]: The tone of the debate so far has been to counsel the exercise of extreme caution when dealing with the Constitution, but for something like 40 years members of Parliament have been exercising extreme caution when dealing with the Constitution, to such an extent that to-day the Constitution is quite out-of-date and calls for alteration. Any other measure on the statute-book, when found to require alteration, is amended and brought up-to-date. To show the ridiculous position with which we are faced, we have only to take the speeches of some members who gave us illustrations of what might happen. One said that even if a member bought a pound of nails over the counter he would render himself liable to disqualification.

Hon. J. Cornell: That was only an assumption.

Hon. G. FRASER: It was suggested that that would be a contract. I agree with what Mr. Baxter said, that if a member became disqualified by any one of those actions mentioned in the course of the debate, that member could re-enter Parliament only by a re-election. It appears to me therefore that if we have reached a stage of this description, the sooner we alter the Constitution the better. There is no need to go into this question hurriedly; we have had many years in which to give it consideration, but from what has occurred during the last year or two, it is clearly time the law was altered.

Hon. J. Cornell: How do you suggest it should be altered?

Hon. G. FRASER: The present is quite a suitable time in which to deal with the question. The Bill as it stands appears to me to cover all the points that have been raised by members. It was suggested also that a member of Parliament could not become a client of the Agricultural Bank. It was intended evidently that a member should not have dealings with Government departments, but I cannot see anything wrong on the part of a member of Parliament in the course of ordinary business having dealings with Government institutions. If we are going to exclude a member of Parliament from becoming a client of the Agricultural Bank, not only shall we prevent him from becoming the bank's client, but we shall also prevent a large section of the community from nominating for a seat in Parliament.

Hon. J. Cornell: If you exclude him from having business relations with the Agricultural Bank, you will also exclude him from having similar relations with the Commonwealth Bank.

Hon. G. FRASER: That is how it strikes me. There are thousands of people in the State to-day who have become clients of the Agricultural Bank. Are we going to prevent them from nominating for a seat in Parliament? This appears to me to be wrong.

Hon. A. Thomson: Such a client of the Bank might be a safer asset if he were elected to Parliament.

Hon. G. FRASER: In view of the difficulties that a member of Parliament is liable to get into, we must make every effort to safeguard him, because it seems to me that we are likely to carry the position to such a farcical end that it will prevent the entry of individuals into either House of Parliament. I can see nothing wrong in a member of Parliament owning a farm and becoming a client of the Agricultural Bank. I have sufficient confidence in the officers of that institution to know that a member of Parliament would receive no more consideration than would an

ordinary individual, and that any application he might make would meet with the consideration it deserved and no more. In the course of the debate some members feared that a member of Parliament would use undue influence.

Hon. H. S. W. Parker: Might, not would.

Hon. G. FRASER: I have heard nothing in the course of the debate that has swayed me from voting in the direction I originally intended, and that is to support the second reading of the Bill. I consider that the time is long overdue for an alteration of the Constitution in the direction in which the Government propose to make the change. The Bill before us seems to me to meet the situation and therefore I shall support it.

HON. E. H. GRAY (West) [5.6]: During the past 12 years amendments of the character proposed have been advocated by practically every member of Parliament. If it were intended to effect drastic alterations, it would not be proper to introduce the Bill in this Chamber. There is no intention whatever on the part of the Labour Government to put up a Bill to effect material changes in the Constitution. What it is proposed to do is to make clear the original intentions of the framers of the Act in existence. I was much struck by the long address delivered by Mr. Nicholson yesterday. He must have gone to a great deal of trouble to provide for the benefit of this Chamber the information that he submitted. I should have liked him to go further by quoting what the position was in respect to the British Constitution Act.

Hon. J. Nicholson: I did mention it.

Hon. E. H. GRAY: The hon. member said it did not apply.

Hon. J. Nicholson: I said that all the activities regarding water supply, sewerage, etc., were not Government activities at all in Great Britain.

Hon. E. H. GRAY: The operations of the Imperial Government embrace the control of the Army and Navy for instance. The Imperial Government are also concerned in great works such as the Suez Canal in which they hold a controlling interest. Surely, in the British Constitution there must be a provision to safeguard a member of Parliament who might have business relations with those undertakings. If there were not, that member would be committing a breach of the British Constitution. If the Bill is referred to a select committee I consider the personnel of that Committee should include the legal members of Parliament and an investigation could be made of the position of British members some of whom must be shareholders in the thousand and one companies doing business with the Imperial Government. The object of the Bill before us is clear. It does not in any way propose drastically to alter the Constitution; it simply proposes to make clear the intention of the original framers of the Act. I shall support the second reading.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. CORNELL (South) [5.11]: A Bill of a similar nature to this came up for consideration last session. That Bill dealt with the registration of unions that had been found to be faulty, and it also specifically provided for the registration of the A.W.U., which body, so to speak, was statute barred under the existing Arbitration Act. The Bill before us so far as my research goes, does not cover or provide for the registration of the A.W.U. I hope the Minister when replying will make that clear, because I think it can be said that the defeat of last year's Bill was brought about by the fact that it sought amongst other things to effect the registration of the A.W.U. The position is that several unions are affected, one being the Amalgamated Engineering Union. The registration of that union was found to be faulty, and as a result the Minister brought down the Bill to which I have referred. I was surprised to hear from the Minister that the defeat of that Bill had a repercussion on industrial matters on the goldfields. If members will turn up "Hansard" they will find that that Bill came to us on the 12th December, and was then read a first time. The Bill was defeated on the last night of the session, the 20th December. The Court of Arbitration in Kalgoorlie on the 11th December, ruled the Engineering Union out of court. If members will turn to the "In-

dustrial Gazette" of the 30th December, 1934, page 224, they will find these remarks of the President of the court himself—

> The Engineers' Union of Kalgoorlie applied to have an award made, not only as regards their workers in the gold mining industry, but also such other and diverse industries as municipal councils, motor and cycle works, foundry work and others. When the constitution of this union was investigated it was found that practically all the large gold mines were excluded from the area which the union claimed to exercise jurisdiction over, and all the other industries which it claimed to have regulated were also excluded with the exception of the Yilgarn Road Board. When this position was ascertained the parties were called together, and by a mutual arrangement it was agreed that the award made in respect of the gold mines within the area covered by the union should be observed as regards the gold mining industry as a whole, any necessary steps to effectuate this agreement to be taken at a subsequent date. However, as regards the other respondents outside the gold mining industry, all of whom with the exception of the Yilgarn Road Board, as previously mentioned, were excluded by the rules of the union, no agreement as to the working conditions could be arrived at. The court, therefore, decided to eliminate from the award the Yilgarn Road Board without prejudice to its being regulated at a subsequent date, and as regards such other respondents to urge upon the parties to confer and endeavour to arrive at an agreement. If no agreement can be arrived at then, on the necessary steps being taken, the court will be prepared to deal with the matter in six months' time.

The court's process of reasoning applies to the boiler makers outside the mining industry, and the carpenters and the moulders, all excluded for the same reason—outside the mining industry. But within the mining industry it was agreed they should get an award, which was the basic wage plus 4s. 6d. per week, plus the usual margin, plus the industrial allowance of 12s. per week. That was done prior to the rejection of the Bill in this House, and therefore the loss of the Bill did not affect the situation at all. The union was ruled out of court so far as the foundry was concerned, and other similar industries. Subsequently by agreement the foundry agreed to extend to the employees, moulders, engineers, boilermakers and carpenters, the 44-hour week, but would not agree to extend it to cover the 12s. per week. This state of affairs also applied to the federated firemen, drivers and cleaners in the goldmining district, outside the industry itself. In April last in order that the engineers might follow the directions of the court they went to the court again, and strange to say the employers' representative again rose points and more or less backslided on the agreement which had been arrived at in the Arbitration Court. A further point was raised in the court on the 25th April last. I have here a long considered decision delivered by Mr. President Dwyer and agreed in by Mr. Bennett, the employers' representative on the Court of Arbitration, stating why the engineering unions could not be heard with a membership outside the mining industry. That meant that the engineers were totally out of court, and also that the federated firemen and cleaners would be out of court if they came along. This is what Mr. Somerville had to say on that occasion—

> The refusal of the union's application rests upon a point which has absolutely no scrap of merit. Even if in law it is well founded, the court would be quite justified in brushing it aside as of no importance. That it has the power to do so is to me clear by Section 67 and Subsection 8 of Section 69. Parliament has given every indication in the Arbitration Act of a desire to prevent the business of this court becoming cluttered up by time-wasting discussion on unimportant points regarding the accuracy of form and procedure. Nevertheless, they arise and promise to increase in the future. When they are as successful in preventing a union getting access to the court as they were in the wire-netting case, they become attractive. So long as all employers in the districts applying to be covered remain loyal to the undertaking given by Mr. Carter on their behalf, the union members will not suffer. But this is most unsatisfactory, so I desire again to direct the attention of unionists to the urgency of endeavouring to secure such amending legislation as will put in order the present confused mass of faulty registrations. It would appear that the registrations of very few, if any, unions will stand the minute examination to which some have recently been subjected. This regrettable state of affairs is neither the fault nor the responsibility of the unions. They have come to the registrar with their proposals as to registration and alteration of rules, and have followed the directions given by the registrar. But there have been several registrars, and varying constructions placed upon the sections in the Act concerning registration. The result is a mass of faulty registration, which makes it possible for an employer, who so desires, to block most unions from getting a hearing by the court. The unions cannot be expected to put up with such a state of affairs. If we are to escape costly and regrettable industrial turmoil, legislative action is very urgent.

That is the considered opinion of Mr. Somerville, and I agree with everything he says.

Hon. J. Nicholson: What application was that?

Hon. J. CORNELL: An application by the Amalgamated Engineering Union, Kal-

goorlie branch, for an extension of the operations of Award No. 5 of 1934. The President in a long statement said that although he regretted it he had no other course to adopt than that which he did adopt. We find that the Kalgoorlie branch of the Amalgamated Engineering Union was originally registered on the 23rd July, 1902, under the 1902 Arbitration Act for the Eastern Industrial District of Western Australia. That registration has stood ever since. On the 23rd August, 1916, the Amalgamated Society of Engineers Industrial Union of Workers' Kalgoorlie Branch, and the Goldfields Electrical Union of Workers were registered as amalgamated unions for Coolgardie, North Coolgardie, Yilgarn, Dundas, Phillips River, Broad Arrow and Mount Margaret Goldfields. Though the Kalgoorlie branch is only registered for the goldfields stated, the Court of Arbitration delivered an award covering Kalgoorlie on the 8th December, 1924, Award No. 8 of 1923, and again on the 21st December, 1928, the court delivered an award to the Engineers' Union covering the whole of the goldfields and also including the Kalgoorlie foundry and a number of private firms. That was Award No. 11 of 1927. So despite the faultiness discovered at a later date, we find that on a prior date and with exactly the same constitution as at present, the Arbitration Court sat and delivered that award covering the Kalgoorlie Branch of the Amalgamated Engineering Union. Now the same court says it cannot be done, because the registration of the union is faulty. To a lesser degree all this applies to several other unions. I do not think it is the desire of the House that technicalities should prevent a union from being heard in the Arbitration Court. It does seem to an extent ludicrous that in December of last year the Kalgoorlie Engineering Union should have been ruled out of court because of faulty registration. Subsequently, in April, on a new line of reasoning with further technicalities it was again ruled out of court and was not allowed to state a case for an award. Then shortly afterwards the president of the court went to Kalgoorlie and ordered a compulsory conference, because the men had resorted to the only channel open to them, namely to down tools and await the passing by Parliament of an indemnifying Act. It can be said for most of the unions affected that they are of a diversified character, in the nature of craft unions, and I do not think that a craft union can ever be singled out as being extreme in its views when dealing with an agreement. As a matter of fact, craft unions have often acted as a disciplinary force, because the members of such unions have a higher status and more to lose than have members of certain other unions. I support the Bill. It can be claimed that an indemnifying Bill might be put through. I think, however, we had better follow the line of reasoning adopted by the Honorary Minister. When he replies, I hope he will indicate to the House clearly and definitely that there is nothing in the Bill that will lead up to, or help towards, any union not registered to-day being registered. If he will give that assurance, I think the House will accept the measure. I am given to understand that the ex-Minister for Labour last session adopted the line of reasoning that he adopted on the Day Baking Bill, namely that he would have his way and would not listen to the advice of unionists.

Hon. C. F. Baxter: Are you referring to Mr. McCallum?

Hon. J. CORNELL: The advice of unionists at the time was that there was grave risk of losing the Bill as it contained features which Parliament could reasonably be expected to turn down. He had his way on the Day Baking Bill and lost it. I am pleased the Honorary Minister has taken the right course, leaving the question of the registration of the A.W.U. to stand on its own.

On motion by Hon. E. G. Moore, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.33] in moving the second reading said: This is another measure which, in the main, was dealt with by the House during the latter part of last session. It did not meet with the approval of this Chamber, but I trust will receive more consideration on the present occasion. The main features of the Bill are to amend the definition of the term "factory" as contained in the Act, so as to empower the Governor, on the recommendation of the Minister, to declare that any particular place, or class of

place, in which fewer than four persons are engaged in any handicraft, or in preparing or manufacturing goods for trade or sale, to be a factory or factories for the purposes of the Act; to provide that premises used as a dwelling and in which not more than four persons, all members of one family, are so engaged, and which are now exempted from the operations of the Act by paragraph "F" of the definition shall be a factory unless specially exempted by the Governor on the recommendation of the Minister. It is also intended to prevent evasions of the Act and awards of the Court of Arbitration by providing that any person who is employed at any time in a factory shall be deemed to be employed from the time he commences work until he leaves the factory, meal times excepted. The Bill also provides for removing all doubt concerning the intentions of Parliament in respect to the limitation of overtime that may be worked by women and boys in factories. Another amendment is to ensure that the woman who is over the age of 21, and is employed in a factory, shop or warehouse, shall be paid not less than the basic wage for females as fixed by the Court of Arbitration, unless authorised by the Chief Inspector. Another amendment is an addition to the Bill that was dealt with last session. It is intended to prohibit any person carrying on the business of hairdresser from taking a school or giving tuition in hairdressing except to properly indentured apprentices, in the building or any part of the building in which the business of hairdressing is carried on. The latter point is an important addition to the Bill as I introduced it last session. With a few exceptions that are set out in paragraphs 2 to 8 of the definition of the term "factory," all premises in which fewer than four persons are engaged in handicraft or in the manufacture of goods for trade or sale are exempted from the operations of the Factories and Shops Act, and the premises and persons engaged therein are not subject to the restrictions and supervision imposed by the Act on occupiers and workers engaged in similar industries where four or more persons are employed. It can be said that owing to freedom from these restrictions and the supervision of departmental officers, the manufacturer who employs fewer than three persons is able to enter into unfair competition with those employers who do employ three or more persons in the same industry. All members must know that, particularly during the years of depression, there has been a good deal of criticism of what are known as backyard factories. The owners of these small places have had an unfair advantage over others, because they are not called upon to comply with the same conditions that are laid down for factories and shops. They have an advantage over other concerns employing four or five persons, such concerns being compelled to carry out the provisions of the Act. It is well known to the department that in many of these backyard factories excessive hours are worked; that safeguards which are essential in larger establishments are taken no notice of in the smaller ones; and in general I think it is a fair statement to make that the competition is distinctly unfair, and can only be rectified by bringing these establishments within the scope of the Act, thereby ensuring that the unfair competition I speak of shall be abolished. There is one question I should like to refer to, namely, the observance of hygienic and healthful conditions in these places. Instances can be quoted from departmental records obtained during the last year or two revealing conditions which would not be tolerated if these places were subject to the supervision provided for under the Act. I could quote instances where I feel that no reasonable person would take exception to applying the law to such places. Some of these establishments are manufacturing foodstuffs, and others furniture, and I could include also the tailoring trade and dressmaking.

Hon. R. G. Moore: Cannot they be dealt with under the Health Act?

The HONORARY MINISTER: Unfortunately, no.

Hon. L. B. Bolton: They should be dealt with under some Act.

The HONORARY MINISTER: Yes. I do not wish to quote a large number of individual cases, but I assure members there is ample justification for the amendments contained in the Bill. In some centres women and young girls may be employed in dressmaking, millinery, tailoring or in any trade the employer desires to engage in. These people may be worked for as many hours per day or week as the employer desires, and may work under any conditions the employer cares to impose

without restriction, so long as not more than four persons are engaged, thus obviating the necessity for classifying these places as factories. Most members would imagine we had got away from such a state of affairs, particularly in the case of the employment of women and girls. There are sections of the Act which do not apply to them but only to workers who are employed in factories that are defined as such within the meaning of the Act. For instance, Section 32 deals with the working hours of women employees. Section 34 provides that certain meal hours shall be allowed; Section 37 deals with the question of overtime; Section 42 deals with the question of holidays to be allowed without reduction from wages; Section 43 deals with the half-holiday for women and boys; Section 45 deals with the minimum wage; Section 63 deals with overcrowding; and Sections 64 and 66 deal with meals and mealtimes for women and boys. These are all provisions applying in the great majority of cases, but not applying in the particular cases I have enumerated. We think the provisions should be applied to the other cases without any further delay. Doubtless the argument will be used that the individual should not be prevented from endeavouring to start in business on his own account. In my opinion the Bill does not contain anything which would prevent that. Its enactment will simply mean that places of the kind, provided they are brought within the scope of the principal Act, will have to comply with it as regards those essential things. Where a person is engaged in business with members of his family only, the passing of the Bill will have no effect other than to cause the general conditions I have mentioned to apply to the particular place he is using. In that case the enactment of the measure would not affect the hours that the man and the members of his family might desire to work in that particular establishment. It would, however, ensure that there shall be proper hygienic conditions prevailing in that place, especially if foodstuffs are being manufactured there. Dealing a little more fully with the case of a factory in which only members of the same family are engaged, I wish to point out that paragraph (f) of the existing definition section exempts from the operation of the principal Act private premises used as a dwelling house and also adjacent buildings or structures which are appropriated to the use of the household, if the number of persons employed does not exceed four and they are members of the same family and residing on the premises. Under existing conditions, a father and three sons, or four brothers, or any four members of the same family may engage in the manufacture of clothing or furniture, or jams, pickles and preserves, or carry on any other manufacturing industry on the verandah or in one or more rooms of their dwelling, and so long as they do not use any mechanical appliance or motive power exceeding one horse-power they are entirely free from any of the restrictions imposed on occupiers of factories either by the Factories and Shops Act or by awards of the Court of Arbitration. Consequently, as I said, they are afforded material advantages over their competitors in business who are not entitled to exemption for the reason that, although no more labour is employed, those engaged are not all members of the one family working at home, or it may be for the reason that the competitor uses a small motor in connection with his trade. I think it only right to point out that by the adoption of the proposed amendment the premises I have described will, unless declared by the Governor on the recommendation of the Minister not to be factories, automatically become factories and be subject to the same conditions, including those relating to hygiene, sanitation, and safety of employees, as the factories of competitors. There is a particular instance which I should like to mention, and which has quite recently been brought to the notice of the department, as illustrating the desirability of carrying the Bill. The incident arose from the fact that a fire broke out on certain premises in William-street, Perth, on the 27th November last. Apparently certain chemical compounds, including one called silverol, were being prepared and manufactured on the premises in question. Silverol, I understand, is something in connection with which extreme care should be used, more particularly where there is any danger of fire. On the occasion I allude to, the fire had the effect of creating dangerous fumes and gases; and it was more from good fortune than anything else that persons in the vicinity were not seriously affected by the escaping fumes. Only three

persons—namely, two partners and the wife of one of them—were associated with the business. Consequently the premises did not constitute a factory within the meaning of the Act, and were not subject to supervision by factory inspectors, nor to those provisions of the Factories and Shops Act which require precautionary measures to be taken. That is only one of numerous instances I have available here, but I think it shows the need for small factories, whether recognised as such by the Act or not, being adequately supervised.

Hon. J. J. Holmes: What was that chemical you mentioned?

The HONORARY MINISTER: Silverol.

Hon. J. J. Holmes: I think you will find it displayed on the counter in shops.

The HONORARY MINISTER: In the instance I have given, silverol was used in the manufacture of another product.

Hon. J. J. Holmes: The danger of fire would exist also in shops.

The HONORARY MINISTER: When silverol is in a container, there is no danger; but where it is being used in a manufacturing process, there should be adequate safeguards for the persons working on the premises, and also for other persons who might be affected by the fumes. Another amendment proposed by the Bill provides for the repeal of Subsection 2 of Section 32. The subsection provides that all women and boys employed in a factory shall, with meal times excepted, be deemed to be employed from the time they commence work until they leave the factory. It has application only to women and boys. Now, it is considered desirable to apply this principle generally to all employees, including adult males, in a factory. In order to effect that, it is proposed to insert a new section after Section 41 of the principal Act. This would necessitate the repeal of the subsection I have mentioned. Clause 4 proposes to insert the word "on" before "more" at the beginning of paragraphs (b) and (d) of Subsection 1 of Section 37 of the principal Act. Hon. members will, I think, agree that the intention of Section 37 appears, on the face of it, to be clear; but here again we come down to what may be termed technicalities, and apparently an amendment is necessary. Section 37 is intended to prohibit the employment of women and boys at overtime on more than two days in any week or on more than 52 days in a year. It has been contended, however, that the effect of the omission of the word "on" before the two paragraphs mentioned is to render the section contradictory and to permit of two whole days' overtime being worked in a week, and 52 whole days' overtime in a year. Members will agree that that was never the intention of the section. The intention is to provide that women and boys shall not be allowed to work overtime on more than two days in any one week, or on more than 52 days in any year. There is a big difference, of course, between working overtime on 52 days in a year, and working overtime to the extent of 52 days in a year. Owing to the latter interpretation having been placed on the section, the proposed amendment is considered necessary. The overtime that may be worked in one day is limited to two hours. As regards the proposed Section 41a, repealing Subsection 2 of Section 32, the idea is to give general application of the principle to all persons employed in factories, and not merely, as at present, to women and boys. The provisions of the principal Act relating to working hours, overtime, and so forth have been before Parliament on many occasions. However, they are easily evaded, particularly by persons who are found on factory premises during hours that a factory should be closed. When the inspector does call, a claim is made that such persons are not working, but doing anything except working—playing cards, or something of that sort. This applies particularly to the furniture-making industry, because Arbitration Court awards covering that industry prohibit overtime unless the employer has first notified the secretary of the union that it is intended to work overtime on any particular day or days specified. The factory inspectors who are charged with the duty of enforcing the award of the Arbitration Court have met with all sorts of opposition, and many obstacles have been placed in their way; so that, although they have been satisfied in their own minds that somewhat serious breaches of the award were being committed, nevertheless, in view of the Act as it now stands, there has been no possibility of proving the case in such a way as to prevent a repetition of the offence.

Hon. G. W. Miles: What is the idea as regards tuition in hairdressing?

The HONORARY MINISTER: That is about the only instance with which I desire to deal. I may refer to the question of the basic wage being paid to all women of 21 years and over. That is provided by Clause 6 of the Bill, which amends Section 45 of the principal Act. There again I think it is clear that the intention of the section is to prohibit the employment in a factory, shop, or warehouse of a woman of 21 years or over at a lesser rate of wage than the minimum rate prescribed for a woman of 21 years or over by any industrial award or agreement. A "woman," however, is defined by Section 4 of the Act as being "a female irrespective of age." Numerous awards and agreements provide for nominal rates of wages, much below the basic wage rate, for females of 15 years and upwards; and it is known that some firms have taken advantage of that definition of the term "woman" and are paying women of 21 years and over rates of wages much below the basic wage. The carrying of the amendment would ensure that no woman of 21 years or over would be employed in a factory, shop, or warehouse at less than the basic wage.

Hon. L. B. Bolton: In what industry?

The HONORARY MINISTER: In quite a number. This proposal will ensure that no woman 21 years of age or over will be employed in a factory, shop or warehouse unless she is paid the proper rate. With regard to the clause that deals with the hairdressing trade, I am advised that within recent years it has been customary for many of the ladies' hairdressing salons and beauty parlous to conduct what are described as classes, and to give tuition to pupils, for periods ranging from three to six months, on the premises and in the salons in which the persons concerned carry on their business as hairdressers. They charge premiums that range from £10 to £25 and it is assumed, of course, that these pupils are called upon to perform work that ordinarily would be performed by apprentices, if they were employed by the hairdressers. Under Arbitration Court awards apprentices are required to serve a period of five years under conditions that are laid down and in accordance with fixed rates of wages that are prescribed by the Court. In general, as in other trades, the interests of the apprentices are looked after to the extent, at any rate, that they must get a proper and thorough grounding in the trade that they are learning. I understand that the departmental officials have experienced extreme difficulty in proving that these so-called pupils are really in the employ of hairdressers, and on that account it has not been possible to compel these particular hairdressers to comply with the Arbitration Court award or with other conditions that are laid down in the Factories and Shops Act.

Hon. H. V. Piesse: Do the instances you have in mind occur mostly in ladies' hairdressing salons?

The HONORARY MINISTER: Yes. The Factories and Shops Act prohibits the payment, or receipt of, any premium in respect of the employment of any person in a factory or shop, and the Industrial Arbitration Act 1912-25 provides that no premium shall be paid to, or be accepted by, an employer for taking an apprentice. It is claimed that these pupils are not employees and the money that they pay as a premium is not paid to secure employment, but with the object of acquiring a knowledge of the hairdressing trade. The adoption of the clause in the Bill will not prevent pupils from being taught hairdressing and beauty culture if they so desire, but it will prevent their receiving that tuition on premises where the business of a hairdresser is being carried on. That is the only restriction that the clause will apply. In Victoria, I understand that last year it was found necessary to amend their Factories and Shops Act along somewhat similar lines to those proposed in the Bill. The Victorian Act provides that it is an offence for any person to require a premium or fee from a pupil who desires to be taught hairdressing, unless such person is the owner or occupier of a registered school. This does not apply where a contract for not less than two years' tuition was signed prior to the date on which the amending Act was proclaimed. In Queensland their applicable industrial award contains the following provision—

> Any person is prohibited from either directly or indirectly requesting or permitting any other person to pay or give, or from receiving any premium, bonus, consideration or payment, for employing, teaching, or purporting to employ or teach such person or any other person in any of the callings to which the hairdressers' award applies.

So, apparently, this is an obligation right through the Commonwealth, and I imagine

that this method of receiving pupils who pay premiums as I have described, must necessarily have the effect of preventing the employment of a large number of young persons who would be only too pleased to have an opportunity to be apprenticed to this particular trade.

Hon. J. J. Holmes: We will have to secure a permit to cross the street if we continue like this.

Hon. V. Hamersley: No one will be able to do anything.

Hon. G. W. Miles: You have not legislated yet for the type of sanitary paper employers should provide for their employees.

Hon. L. B. Bolton: It is very evident that you are not a manufacturer or you would appreciate a Bill like this.

The HONORARY MINISTER: There is another clause in the Bill that is essential if we agree to the amendment to which I have already referred. It is the clause that will empower the Governor, on the recommendation of the Minister, to revoke any declaration that he may have previously made declaring any premises in which not more than four persons being members of the same family and working at home, are employed, not to be a factory. It is thought that circumstances may arise subsequent to the declaration of premises of this description not to be regarded as a factory, which make it desirable that the Act should have application. In those circumstances it is considered that the Governor should, if recommended by the Minister, have power to revoke any such declaration previously made and to apply the provisions of the Act to the premises concerned. It is not desirable that a declaration once made should be irrevocable, notwithstanding what circumstances may arise. I think I have covered practically all the points dealt with in the Bill. It differs slightly from the measure that was introduced last year, and has one or two new features. I hope the Bill will be given every consideration by members because there has been such a large increase in the number of small concerns, which are to-day exempted from the operations of the Act, that they have become an absolute menace to the bona fide manufacturer, who may employ one or two more persons than are engaged in the smaller concerns. Because of the additional one or two employees, the bona fide manufacturers are subject to unfair competition and I do not think any member of the House approves of that sort of thing. If agreed to, the Bill will make a big difference to the legitimate employer. I move—

That the Bill be now read a second time.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [6.8]: I move—

That the House at its rising adjourn until Tuesday next.

Question put and passed.

House adjourned at 6.9 p.m.

Legislative Assembly,

Wednesday, 21st August, 1935.

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

QUESTION—MINING RESERVATIONS.

Mr. MARSHALL asked the Minister for Lands: What was the total number of reservations granted under the Mining Act for the purpose of gold-mining for the years ended 30th June, 1933, 1934, and 1935 respectively.

The MINISTER FOR LANDS replied: The total number of temporary reserves granted for the years ended 30th June, 1933, 1934, and 1935 respectively was—1/7/1932 to 30/6/1933, 22. 1/7/1933 to 30/6/1934, 36. 1/7/1934 to 30/6/1935, 48.