

undertaking. I believe the expenditure will prove profitable to the State. I support the second reading of the Bill.

On motion by Hon. P. D. Ferguson, debate adjourned.

House adjourned at 6.12 p.m.

Legislative Council,

Thursday, 29th August, 1935.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. C. F. BAXTER (East) [4.36]: All too frequently Parliament is requested to deal with restrictive legislation. We seem to be continually imposing further restrictions on individual effort and harassing the everyday life of those who attempt to use their energies in building up some progressive industry. The Bill is designed to prevent a large number of persons from making a living. The restricted trade of recent years has caused the dismissal of employees in various handicrafts, but it is pleasing to note that many of those employees had made savings which enabled them to use their ability in the direction of turning out products of their own crafts and thereby earning an independent living, instead of looking for Government assistance or charity. To carry out the work they were engaged in, a small capital enabled them to establish small concerns at their own homes. Assuredly, some of those people will eventually develop progressive businesses. There

is very little doubt that a fair quantity of the products produced by those people has been the means of replacing what otherwise would have been imported from outside the State. To such persons every credit should be given, for they deserve great consideration for the work they are doing, instead of being enrolled amongst those depending upon Government assistance. The existing Factories and Shops Act does not extend to those people, and does not want to interfere with them. Up to the number of three persons it does not apply, but if the Bill be passed without amendment it will apply to the smallest so-called factories, and practically 90 per cent., possibly more, of those people operating to-day will go out of business altogether.

Hon. H. V. Piesse: What business?

Hon. C. F. BAXTER: Small businesses. I think the hon. member's forebears started business in the same way, and the business thus created is to-day one of the most important in Western Australia.

Hon. H. V. Piesse: That was under the conditions obtaining in those days.

Hon. C. F. BAXTER: I do not intend to support the second reading, indeed I will oppose it. The proposed amendment, to become Section 41A of the Act, is most extraordinary and very drastic. It actually means that if after knock-off time a worker remains on the premises for any purpose whatever, he will be deemed to be in the employer's service during that period. There are many reasons why an employee might remain for a little while after knock-off time: he might wish to wash and clean himself up and change his clothes, or he may wait to meet a friend there, or he may be whiling away his time awaiting transport to his home. Yet under any of those conditions he will be deemed to be in the employer's service during the time he is waiting. If the wording of the Bill be adopted, a worker may occupy only 10 or 15 minutes each day at his meal and may remain for the balance of his meal-time, yet under the Bill he will be deemed to be employed for all the time other than that actually used in partaking of the meal. Section 38 of the parent Act provides that a record shall be at all times kept and shall be open to inspection. To add to that the proposed amendment 41A would be to impose unwarranted obligations on the employer. The Arbitration Act

makes full provision for policing awards of the court, mealtime, etc. Because a few employers may have been guilty of breaches of the award, surely it is not right that all employers should have these further restrictions placed upon them. Clause 6 of the Bill provides that females shall be paid the basic wage fixed by the Court of Arbitration. Under the Arbitration Act no person, unless covered by an award of the court or by an agreement registered at the court, is entitled to the basic wage. This proposal would alter that provision. It can be taken for granted that no industries still left without an award or an agreement are in a position to pay the basic wage and other margins fixed by the court. A good illustration is to be found in the vineyard, orchard and market garden industry. There the workers for the most part are paid reasonable wages, but are not subject to the basic wage, which the court has full power to deal with. If this amendment were passed it would take the matter out of the hands of the Arbitration Court. If Clause 7 is agreed to, no person can start a school of instruction on premises where a hairdresser is in business. Take the A.M.P. Buildings. This may contain a school of instruction in hairdressing. If a hairdresser commenced operations in one of the other rooms, the students at that school would have to get out of it. I know of a school of instruction in dressmaking. It does wonderful service to those who want to learn that business. It is necessary for every girl to learn dressmaking, irrespective of whether she wishes to take up the trade or not. If the principle is extended to the place where that school of instruction is established, and a dressmaker happens to take a room there, that useful institution would be closed. There are too many restrictions already, without encroaching upon the field.

Hon. J. J. Holmes: A dressmaker sometimes comes to my house and works there. Although only one person is involved, my house may be declared a factory.

Hon. C. F. BAXTER: Yes. When inspectors are put on to this work, they are going to see that all these places are brought within the Act, and will recommend to the Minister that they should be declared factories. These inspectors are energetic, and would be more so if this Bill were passed. The Minister has only his officers

to depend upon in any action he takes. Section 136 of the Act provides that the work of a factory must be going on before a person found in the factory shall be considered to be employed there. Surely that is sufficient protection. If the work is not going on, then the person on the premises cannot be said to be employed there. If the Act is amended, it should be in the direction of further liberality in the case of an employer who desires to work beyond the specified time. Session after session we pass legislation restricting people in every way. All the avenues of employment for people are being closed. The more we restrict them, the worse becomes the situation. If we go on doing these things, people who want to strike out for themselves and earn their own living, rather than fall back upon Government charity, will be unable to do so. Because some of these people have been successful, it is intended to amend the Act and put them out of business. Traders in a small way of business are not in the same position as the owners of a big factory, because they have not the same machinery. If we further restrict their activities, they will certainly have to close down. Surely Parliament will not pass legislation of this kind because these small traders are turning out goods of their own for sale. Let us not discourage them, as we shall be doing if this Bill is passed. I hope it will not be necessary to amend the Act in this direction, and that the Bill will be thrown out on the second reading.

HON. H. V. PIESSE (South-East)
[4.40]: I see no reason to alter the opinion I expressed upon this Bill last session, except that perhaps one or two clauses of it require further consideration and amendment. One clause gives the Minister power to declare as a factory such premises as he thinks should be so declared. If I remember rightly, I asked the Honourary Minister last year if the Government were prepared to reduce the number of persons constituting a factory from four to two, and I think he gave a favourable reply.

Hon. L. Craig: He would not have power to do that under this Bill.

Hon. H. V. PIESSE: The Bill could be amended to set out exactly and definitely what should be considered a factory. I think that is the proper way to proceed in this matter. I intend to support the second reading.

Hon. J. Nicholson: You did not do so last time.

Hon. H. V. PIESSE: I did so emphatically.

Hon. G. W. Miles: All manufacturers support this sort of thing.

Hon. H. V. PIESSE: They all do. I am not ashamed to be the managing director of a factory. Like Mr. Bolton, I claim to have a little more knowledge of the working of a factory in Perth than perhaps some other members have, although they are speaking forcibly against the Bill.

Hon. J. Cornell: That is assuming a lot.

Hon. H. V. PIESSE: I have a right to assume it. Mr. R. G. Moore contended that the working hours permitted under the Bill would not be long enough for women in the dressmaking trade. I do not think there is anything to worry about on that point. In most trades and factories in this State the working hours are long enough for the work that is required to be done. My particular business is a summer one. We sometimes have to exceed the hours in certain weeks, and in other weeks there is no overtime. No exception is taken in the case of the average industry when the hours are exceeded so long as the employers are not trying to work the hands to prevent the employment of other labour. Mr. Holmes seems to think the term "backyard factory" developed from Trades Hall. It has arisen because there are these backyard manufacturers. People have erected factories in their backyards, and that is how the name arose.

Hon. V. Hamersley: Why should they not do so?

Hon. H. V. PIESSE: I have no objection to that so long as the people concerned work under the same conditions as other factories. We in factories have to pay overtime. We can only work specified hours, from 7.30 a.m. to 5 p.m., and if we work one minute longer we have to pay time and a quarter rates.

Hon. A. Thomson: How much overtime are you working?

Hon. H. V. PIESSE: I have to work a little overtime to keep the pot boiling. Mr. Parker pointed out the Minister had power to declare any place a factory. I do not agree with that clause. The Bill should lay down definitely what is considered to be a factory, and all these cases should be specified. I should like to know from the Honorary Minister if any such legislation as this has been passed in the other States. Has he any reports concerning backdoor

trading manufacturers there? When I was in Victoria last year I was travelling about with one of the members of the Victorian Ministry. He informed me it was essential that legislation of this nature should be introduced, because so many small factories were springing up and coming into competition with larger factories. They were sweating labour, working day and night, and were able to sell their goods to such stores as Cole's and Woolworth's at a lower price because of the conditions under which the goods were produced. That is why legislation was brought down to deal with the situation. The labour employed was sweated labour, and all the hours possible were worked. Mr. Thomson said that every man should be able to create a position for himself. We know his honesty of purpose and his desire to help his fellows. I know of many cases where he has assisted people in my district to get a start in life. He must realise that in the case of large institutions there must be control. The conditions are such that union rates of wages have to be paid. We cannot possibly compete with factories that are being conducted by cheaper labour, and have a right to sell their goods at any price they like, without supervision. In the factory with which I am connected we have to work under the Act. All our goods have to be passed as fit for consumption. As pointed out by the Honorary Minister, unless the goods can be produced under proper hygienic methods, and distributed under proper supervision, it is not fair to the public. The alternative is to have a poorer class of goods produced and put on the market at cheaper rates.

Hon. A. Thomson: Surely the larger factories can compete against a small factory of three persons?

Hon. H. V. PIESSE: The small establishments can turn out goods at a cheaper rate?

Hon. A. Thomson: Why?

Hon. H. V. PIESSE: Because they are not paying the same wages, and there is not the same cost of upkeep; also longer hours are worked.

Hon. J. J. Holmes: There is no managing director to pay.

Hon. H. V. PIESSE: Quite right. The hon. member is also a managing director and understands the situation.

Hon. J. Cornell: And there is no consulting engineer.

Hon. H. V. PIESSE: No. There is another clause which should receive further consideration and it is that which deals with hairdressing. As Mr. Baxter said, if any building contained a hairdressing school, the clause would prevent any part of the building being occupied by a hairdresser.

Hon. C. F. Baxter: The whole of the building.

Hon. H. V. PIESSE: That clause can be altered in Committee. Last week I received a letter from a young lady who had gone to England to study a certain profession and through illness she could not go on with her work. She had paid a premium of £20 to learn beauty parlour work. This girl, I considered, was to be commended for her enterprise in going to England to learn a profession which she hoped to carry on on her return to Western Australia. The clause in the Bill would work unreasonably. Most people whether they become apprenticed or not, pay a premium to learn certain work and they have every right to expect to be taught it. As Mr. Thomson stated, apprenticeship is a dangerous thing. I can speak feelingly because of information I received a little time back regarding an apprentice in a motor garage. The firm conducting that motor business unfortunately struck depressed times and found it necessary to sell the business to a man who was working in the garage. Unfortunately they omitted to make any definite arrangement about the apprentice. The matter went before the court which ruled that the motor firm had to pay the apprentice, and carry him on, and they had to make arrangements to pay a fee to another garage owner to carry on the apprentice and teach him his trade. It will therefore be understood that to have registered apprentices in any trade to-day is a dangerous matter for the employers unless, of course, they are sure of being able to carry on their particular business. I support the second reading of the Bill.

HON. J. CORNELL (South) [5.5]: I voted for the second reading of a similar Bill last session, though I did not speak on it. The Bill before us is one that calls upon me to refresh my memory. I was raised on the land and when I came to the city I

formed the conception that a factory was something where a person employed an aggregation of workers. Now we come down to four workers constituting a factory, which reduces the position to an absurdity. Probably if we pass the Bill as it is, the number can be further cut down and the Bill can be applied to Turkey-lolly and ice-cream sellers, because there is no number specified. The Governor, on the recommendation of the Minister, may declare a factory a place where one man is working.

Hon. J. J. Holmes: Yes, automatically.

Hon. J. CORNELL: It is extraordinary how advocates of carrying things to an absurdity patronise the one-man concerns. In the street I live in a one-man baker got most of the customers in the street in competition with established firms. Why? Because he put up for the people just what they wanted. That has been so since time immemorial, and so it will go on under the Bill. I am prepared to debate whether the number shall be less than four, but there must be a specific number. I recognise also that there are shortcomings in connection with apprenticeship, but I happen to know many good tradesmen who have apprentices, any number of them. There is another provision in the Bill which I think is an innovation and a dangerous one. It is contained in Clause 7 and deals with tuition in a hairdressing saloon. We are aware what has happened in recent times in the world of ladies' hairdressing. It was thought at one time that a woman's hair was her crowning glory. To-day, however, that is not so. All men are not fortunate enough to have married women possessed of a permanent wave or have daughters born with a permanent wave. I am in the happy position of having married a woman who has a permanent wave, and I at times sympathise with the man who has a straight-haired wife and a straight-haired daughter. Let us take where you, Mr. President, and I come from, Kalgoorlie, a city that might be said to have grown up in a night.

Hon. G. W. Miles: When were you in Kalgoorlie last?

Hon. J. CORNELL: About three weeks ago. The position there is that at one time, and not so long ago, there were no women's beauty parlours or lady hairdressers. Although they are there to-day in numbers, they are not able to cope with the work

waiting for them. Every sane man would be glad to welcome the departure of the permanent wave, but I am not prepared to add to the burden of that unfortunate section of the community; I would afford them some relief. There is another new provision in the Bill that I would like the Minister to explain. Clause 6 did not appear in the previous Bill, and, by the way, I think all factories are subject to the Arbitration Act and its awards. I understand the position to-day is that where an industrial agreement is entered into an arrangement can be made between a union and an employer for the employment of the aged or infirm at less than the basic wage. As the Minister knows, under the Arbitration Act it is provided that where both parties are in agreement, an aged or infirm worker may work for less than the basic wage. I am pleased to know that this is going to remain. I have nothing further to add other than if the Bill goes into committee I shall not support any attempt to squeeze out the man who is trying to—

Hon. G. W. Miles: Make a living.

Hon. J. CORNELL: —do what Rockefeller did, that is, start on his own. I have no wish to see anything done that will hamper the enterprise of any individual. My advice to young fellows is, do not do what I did, but go out and work for yourselves. In those days a man had a pretty hard row to hoe. We are prone to view the one-man or two-man concern through glasses that were applicable to conditions 20 or 30 years ago. Society has advanced since then and those conditions no longer apply.

The Honorary Minister: In some instances the position is worse than it was 30 years ago.

Hon. J. CORNELL: In that statement I must join issue with the Minister. I cannot believe that there are any conditions operating to-day comparable with those of 30 years ago.

Hon. C. F. Baxter: And nowhere near, either.

Hon. J. CORNELL: The whole position has altered in that time. In legislating against thieves we must frame the law to catch them all, but by so doing, we do not hamper the operations of honest men. In framing a law like this, one that touches a man's livelihood, we should not treat all as being unscrupulous and thus injure honest

men. I hope that point will be kept in view. I support the second reading.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.17]: In considering this Bill I have to determine whether self-interest or my admiration for individual effort shall have the stronger pull. I frankly admit that, because I recognise the position of a good many employers who have to stand up to the competition of backyard factories. On the other hand, I realise the value to the country of the man who has a desire to make progress by his own efforts and without the backing or help of rich friends. I have met men who have started in business with limited capital but with experience as their main asset, and their object has been to provide a living for themselves and their families. During the last three or four years, conditions have been such that many people could not find permanent employment, and they have been thrown back on their own efforts to escape going on the dole. There is a possibility of such self-reliant men becoming a great force in the community if they are only given an opportunity to expand their operations. I recognise that my adoption of this view will be against my own personal interests, but I have always supported any idea that would give an individual a chance to advance himself. There have been many examples in this State of individuals having made good simply through their own initiative and industry. We must admire such men.

Hon. J. Cornell: Take Mr. Harry Boan, for example.

Hon. J. M. MACFARLANE: Yes, and I might also mention Hearn Bros. and Stead. I went to their premises with the Minister on one of his visits to factories, and they made a great boast of the fact that they had started in a small shed with a capital of only £30, and were now employing a good many hands and occupying premises that covered a large area. MacRobertson is another instance of a man who started making sweets in a small way and has become a great force in the community. That class of man is a decided asset to the country, and for us to stifle his efforts would be wrong. It is of course very necessary that the Act should be efficiently policed to prevent unfair competition, but I cannot go so far as to vote for a measure that will stifle individual effort. Four people with a one-horse power engine cannot do very much harm, but harm would result if such

a measure were given general application. I must oppose the second reading, because it will deny individuals an opportunity to gain advancement through their own efforts.

HON. J. NICHOLSON (Metropolitan) [5.21]: Some members, in giving their support to the Bill, have advanced the argument that the measure is necessary because of the competition that has been encountered by the larger factories from the so-called backyard factories. I feel at a loss to understand how well-established and up-to-date factories can claim that it is possible for such people, with all the disadvantages of carrying out certain handicrafts in their small places, to offer competition that can be regarded as being at all serious. I have always been opposed to anything in the nature of sweated conditions, but I am not in favour of repressing individual effort. I believe it is in the interests of the State to help the individual to the utmost extent, so that, through his progress and prosperity, the State itself will benefit. Instances have been quoted by Mr. Macfarlane of individuals who won success after starting in a small way, and I think Mr. Cornell mention Mr. Harry Boan. I recall the late John de Baun who, after encountering adversity at Broken Hill, came here and worked on the goldfields.

Hon. G. W. Miles: He sold hot pies, and good ones, too.

Hon. J. NICHOLSON: That man built up a business for himself which enabled him to regain some of the fortune that he had lost elsewhere. Why destroy such effort? Dozens of instances might be quoted in support of assisting the individual.

The Honourary Minister: This Bill will not destroy them.

Hon. J. NICHOLSON: It will repress and hold back a man from starting in a small way and gradually building up a business. Once he reaches a point beyond the very restricted limit imposed by the existing Act, he must comply with the law. It is perhaps desirable to record what the existing Act provides in the definition of factory, because we shall then understand the effect of the amendment proposed in Clause 2 of the Bill—

“Factory” means and includes—(1) Any building, premises, or place in which four or more persons are engaged, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale; but does not include any building in course of erection, nor any temporary workshop or shed

for workmen engaged in the erection of such building.

Then follows a list which includes any bakehouse, to which Mr. Cornell referred. The definition goes on to state what the term does not include. A factory does not include certain institutions, such as a prison, or any industrial or reformatory school. Various other places are excluded, such as any building, premises or place in which the occupier manufactures or prepares dairy produce from the products of his own herd. Any ship is also excluded. The whole idea has been to encourage the individual. A man making his own butter is not deemed to be operating a factory. To encourage such industry is right in the interests of the State as well as of the individual. There is an indication in the Act that individual effort should be encouraged and not destroyed. The Bill proposes to insert after “sale” the words “or any particular place or class of place in which less than four persons are so engaged.”

Hon. J. Cornell: If that amendment were agreed to, the other part of the definition could be knocked out.

Hon. J. NICHOLSON: I was about to point out the absurdity of the amendment. The existing definition states clearly that a factory is a place where four or more persons are engaged.

Hon. G. W. Miles: Why not leave it at that?

Hon. J. NICHOLSON: Precisely. The ingenious method contained in the amendment suggests that a factory shall also include any place in which less than four persons are so engaged.

Hon. A. Thomson: It might possibly mean one person.

Hon. J. NICHOLSON: It could mean anything. The amendment further provides—

which particular place or class of place the Governor, on the recommendation of the Minister, declares to be a factory for the purpose of this Act.

I think it was Mr. Parker who pointed out that Ministers are often-times guided by reports coming before them from inspectors and others. In some report a suggestion is made that something should be done this way or that way, and occasionally such a report goes forward to the Minister. If we pass this amendment we shall be passing something which, to my mind, would be far from a desirable amendment to an Act which

leads us to suppose that four or more persons must be employed in an establishment to make it a factory. We destroy the meaning of the first part of the definition, nullify that meaning entirely, by inserting the words proposed and leaving it to the Minister to declare a place to be a factory. The latter part also perpetuates this unwise type of amendment by declaring that the Governor, on the recommendation of the Minister, may declare some place not to be a factory for the purposes of the Act. Thus we have affirmatives in the first place, and negatives immediately following. What the clause really means to effect I do not know. I hope the House will not concur in it.

Hon. J. Cornell: Why not make it that the Governor may by proclamation declare any place to be a factory?

Hon. J. NICHOLSON: The method proposed is absolutely absurd. If the Government want to cut out the type of factory of four or more persons, why not declare in simple and permanent words what is a factory, instead of trying to make a patched-up, non-understandable section such as would result from the carrying of these amendments? I am commenting on the drafting of the Bill, and am also affirming definitely that I do not favour the repression of individual effort. I wish to encourage individual effort, and consider it the Government's duty to encourage the individual to prosper. That I regard as the proper course for the Government to take. Certainly we are enjoying a measure of prosperity from the goldmining boom, but that cannot last forever. We have seen days of depression in goldmining as well as in other industries. We should be only too glad to see other industries fostered and helped to grow stronger and stronger. When speaking on the Supply Bill I referred to the prosperity apparently attending some secondary industries, and I would remind hon. members of what I quoted from statistics and reports before me at the time. Those documents showed that in 1931-32 the number of factories registered was 1,499, but that in 1933-34 this number had grown to 1,606—a highly commendable increase. Realising the opposition encountered by reason of Eastern States dumping of goods, we should as a matter of principle refrain from doing anything calculated to prevent or hamper the establishment of factories here. The Bill, if passed, will destroy the

efforts of other individuals in building up factories in Western Australia. Additional statistics show that the number of employees in local factories during 1932-33 was 14,815, but that in 1933-34 the number had increased to 16,195. One is glad to note that increase. I should like to see still larger numbers employed in our factories.

Hon. G. Fraser: Support this measure and you will.

The Honorary Minister: On any conditions whatever?

Hon. J. NICHOLSON: I do not say, on any conditions. The present Act contains restrictions that are ample. Let me point out to the Honorary Minister that he is wrong in making such a suggestion. We must be reasonable in regard to these matters, and not destroy individual effort to prosper.

The Honorary Minister: I quite agree with that.

Hon. J. NICHOLSON: But the Honorary Minister would restrict everyone, would bring everybody under the rod of an inspector who is to control him and tell him whether his place is or is not a factory. The thing is absurd, absolutely. Materials used in our factories also showed a marked increase, and likewise the output, during those years. In 1932-33 the value of the output was £12,327,000, which in 1933-34 increased to £12,877,000. Returning to the question of factories, reference has been made to certain individuals who would have been charged with improperly carrying on a factory if such a law as now proposed were already in force. I have in mind a specific instance. Some members representing the South-West will know to whom I refer—especially Mr. Mann. In the South-West there is a man who does sheet metal work in his off-time. It might be said he amuses himself with that occupation after working on his land. He turns out excellent products in metal. I believe his brother does similar work. If this Bill passed, the premises of those two men would be deemed a factory, because, clearly, they carry on a handicraft. In order to be released from the definition of factory, they would need to seek the exemption suggested to be inserted in the latter part of the clause.

The Honorary Minister: There is no necessity for that.

Hon. J. NICHOLSON: There is necessity for it.

The Honorary Minister: Even if their place were held to be a factory, what disability would the men suffer?

Hon. J. NICHOLSON: They should be left unhampered to pursue their calling, just as other individuals should be permitted to pursue their various callings.

The Honorary Minister: Under any conditions whatever?

Hon. G. W. Miles: What is wrong with a man working in his own time to earn a little? The Bill would prevent him from doing that.

The Honorary Minister: Not at all.

Hon. J. NICHOLSON: The objection is that the Act as it stands is full of sections imposing restrictions of various kinds. If a place is a factory, the man can be over-run by inspectors and forced to do this, that, and the other thing—all interferences with a man who is trying to establish himself. And if hon. members will look at various sections of the Act, they will see that there are all kinds of restrictions upon the carrying-on of a factory. Anyone engaged in a factory knows what are the requirements and restrictions in connection with it, and how all these things have to be observed. That being so, it is not desirable in the case of a factory employing so small a number as four to impose the restrictions suggested by the Bill. I shall vote against the measure. I wish to emphasise certain things to which other members have drawn attention, especially the proposed amendment to Section 5. Clause 3 proposes to delete Subsection 2 of Section 32 of the principal Act. By way of substitution, we find in Clause 5 of the Bill that a new section is to be inserted referring to all persons, women and children as well as men, employed in factories. At present Subsection 2 of Section 32 refers only to women and children. If the Bill passes, then for the purposes of the Act any person employed in any capacity in a factory shall be deemed to be employed therein—I point this out especially to persons interested in factories at the present time—from the time when such person commences work until he leaves the factory, excluding, however, any time occupied in the partaking of meals. Suppose a man wilfully hangs about the factory and something happens to him while he

is indulging in some playing with other men. Suppose an accident happens. The man is still on the factory premises, and the result will be that the employer will be liable in respect of that man under various Acts, because the man would still be in the employment.

Hon. J. Cornell: Is not the hon. member stretching a bit there?

Hon. J. NICHOLSON: I am not stretching one bit.

Hon. G. Fraser: How many men are likely to stay after knock-off time for any purpose other than work?

Hon. J. NICHOLSON: I am pointing out what could be done and what might result.

Hon. L. B. Bolton: Men are always too anxious to get home.

Hon. J. NICHOLSON: I am pointing out the exact meaning of the clause. The provision carries with it a great responsibility. Under the Act as it stands, meal hours are excluded, but the exclusion is limited by the Bill to the time occupied in partaking of meals. If a man takes a quarter of an hour to partake of his meal, and, during the balance of the meal time, is about the factory, then the liability continues because the man is still in employment and on the factory premises.

Hon. L. B. Bolton: That clause could be amended by dealing with the time allotted for the meal.

Hon. J. NICHOLSON: I am pointing out these matters so that the hon. member can see that the Bill does not do all he thinks it does.

Hon. J. Cornell: Mr. Nicholson assumes that in his spare time the man would be on the planing machine.

Hon. J. NICHOLSON: I do not say that, because the power would probably be switched off during the meal hour. The point is that, in those circumstances, the man would still be about the premises and, therefore, would still be in employment.

Hon. J. M. Macfarlane: At one place the employees remained behind in order to finish off a quoits tournament, and one of the men was very severely injured by a quoit.

Hon. G. Fraser: One swallow does not make a summer.

The PRESIDENT: Order!

Hon. J. NICHOLSON: I do not think this legislation is justified, and those who are interested in factories should give more thought to these clauses.

Hon. C. F. Baxter: The position is well protected now.

Hon. J. NICHOLSON: In what way?

Hon. C. F. Baxter: By the present Act.

Hon. J. NICHOLSON: These matters are excluded now.

Hon. C. F. Baxter: That is so, and the position is quite all right without the necessity for this Bill at all.

Hon. J. NICHOLSON: Precisely. I have been pointing out some of the differences between the existing sections and the proposed clauses.

Hon. J. Cornell: What you have been dealing with is provided for in the Workers' Compensation Act.

Hon. J. NICHOLSON: That is so.

Hon. J. M. Macfarlane: And that Act will be of no use directly.

Hon. J. NICHOLSON: Clause 7, which deals with hairdressers, created the most discussion, and I realise that the Minister may have considered the provision necessary because of the actions of one or two persons. On the other hand, I agree with other hon. members who claim that the clause will be a hindrance rather than a help to progress. I do not see why, if a parent desires his daughter to have training in hairdressing but does not desire to have her apprenticed, the girl should be precluded from an opportunity to learn the business by paying a premium or making some other arrangement. An appropriate example was given by Mr. Holmes when he referred to dressmaking. I have not bothered to find out if the position is the same here, but in the Old Country it was quite common for daughters to enter dressmaking establishments and, by the payment of premiums, learn the art of dressmaking to enable them to undertake dressmaking necessary in their homes. In effect, it was a sort of homecraft activity.

The Honorary Minister: It has long since gone beyond that stage. That system is now obsolete, and I hope it will never return.

Hon. J. NICHOLSON: It may not be desired that the girl shall become an apprentice: all that may be desired is a knowledge of the art. Why should a girl be precluded from learning the art of hairdressing, which occupies the minds of so many women today?

Hon. J. J. Holmes: Occupies a good deal of their time.

Hon. C. F. Baxter: And takes a good deal of their money, too.

Hon. J. NICHOLSON: Why should people be precluded from learning hair-

dressings or dressmaking, in the circumstances I have indicated?

Hon. J. Cornell: You or I could start as opticians to-morrow without interference.

Hon. J. NICHOLSON: I was going to deal with that phase later on. I would draw the attention of the Honorary Minister to the position regarding commercial colleges. Those institutions train young people in various occupations. If we are to legislate in the manner suggested, we should apply the same principle to commercial colleges, and so on.

The Honorary Minister: You are not consistent.

Hon. J. NICHOLSON: Why so?

The Honorary Minister: Because the Bill provides that persons may be taught at schools for the purpose, and they are commercial colleges.

Hon. J. NICHOLSON: But those in charge of commercial colleges teach typewriting, shorthand, and so on. The Bill states that no person shall conduct a school or give any tuition in any premises, on which the business of hairdressing is carried on.

The Honorary Minister: That has nothing to do with it.

Hon. J. NICHOLSON: I will connect up the commercial colleges with my argument, for the benefit of the Honorary Minister. At those commercial colleges typing is taught, and yet the colleges will undertake typing work for anyone. That brings them into the same category as the person carrying on a hairdressing business. There is no difference.

Hon. H. S. W. Parker: If the undertaking represents a handicraft and there are more than three engaged, it becomes a factory.

Hon. J. NICHOLSON: Yes, if the Minister says so. I have not heard of any instances that sufficiently justify the adoption of such a clause. I oppose the second reading of the Bill.

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

BILL—BUNBURY RACECOURSE RAILWAY DISCONTINUANCE.

Returned without amendment.

House adjourned at 5.55 p.m.