

alter the procedure and practice which have existed over so long a term of years. We do not feel that we are entitled to take the responsibility of doing so, having regard to Western Australia's tremendous financial commitments. The liability of the Government under the Superannuation Act is well known with regard to railway employees, as it is with regard to other Government employees. There is no necessity for the appointment of a select committee to inquire into that phase. In the circumstances, I do not think the appointment of a select committee should be agreed to, nor do I think any select committee should be asked to undertake such a futile task, seeing that everyone knows the position.

On motion by Mr. McLarty, debate adjourned.

House adjourned at 11.2 p.m.

Agricultural Bank to relieve the position caused by fires and storm in the fruit-growing and dairying districts? 2, Which dairying districts were assisted, and to what extent? 3, Which fruit-growing districts were assisted, and to what extent?

The CHIEF SECRETARY replied: 1, At 30th June, 1937—Advances £1,269. 2, Denmark—£1,107, advances. 3, Bunbury—£162, advances; in addition, interest of £1,035 was remitted.

BILL—FEDERAL AID ROADS (NEW AGREEMENT AUTHORISATION) ACT AMENDMENT.

Third Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [4.35]: Since the previous sitting of the House I have had a discussion with Mr. Tuckey and explained the meaning of the Bill. It will be as well perhaps if I tell the House what is implied by the words to which the hon. member took exception. I repeat what I have already said, that the Bill will bring our Act into line with an agreement which was recently ratified by the Federal Parliament. This agreement was reached by all the States of the Commonwealth and by the Commonwealth Government as well. Until such time as the amended Act becomes law, this State will not be entitled to participate in the allocation of Federal Aid Road moneys, which for Western Australia this year are expected to amount to over £600,000. For July and August of this year we have not received anything, because of the fact that the Bill has not yet been passed by this Parliament.

Hon. J. Nicholson: It has to be passed in line with the other States.

The CHIEF SECRETARY: Yes. If there should be any amendment, any alteration of the wording at all, the agreement will not operate and cannot operate because the Federal Parliament has authorised the Prime Minister of Australia to sign an agreement containing the particular words which are included in this Bill. Members will recall that within recent months a debate took place in the Federal House when the agreement, which was ratified by this Parliament last year, was not agreed to by the Federal House. As a result the wording of the agreement was altered in accord-

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

QUESTION—AGRICULTURAL BANK.

Relief to Dairying and Fruit-growing Districts.

Hon. W. J. MANN asked the Chief Secretary: 1, What was the total amount of funds made available last year through the

ance with the words included in the Bill. Members may recall that under the original agreement drafted by the Commonwealth the proportion of the grant yielded by the extra halfpenny per gallon allotted to the States was to be earmarked for "construction, reconstruction, maintenance or repair of roads or other works or upon forestry as the State may think fit." This Parliament last session ratified the agreement which contained those words. Now it has become necessary to make the alteration to which I have referred. Amendments made to this clause in the Federal Parliament modified the purposes to which the extra halfpenny per gallon could be applied in the following words:—"Construction, reconstruction, maintenance or repair of roads or other works connected with transport, as the State may think fit." It will therefore be seen that the present agreement simply substitutes for the words "or other works or upon forestry" the words "or other works connected with transport" which is a much more stringent limitation. It was considered by the Federal Parliament when dealing with this measure that as the Federal aid moneys were derived from a tax on petrol, they should be allocated only for purposes associated with the provision of facilities for petrol-driven vehicles. It was argued for example that the provision of landing grounds for aeroplanes should certainly be considered before there could be any question of applying moneys to "other public works or forestry." The position now is that the amended agreement has been signed by the Premiers of the States and the Prime Minister of the Commonwealth, and so soon as Parliament amends the ratifying Act passed last session to bring it into line with the new agreement, moneys will be forthcoming for the current year. This is a very important measure and any further delay would become rather embarrassing. I am pleased to know that the hon. member, after having had an explanation given to him, does not propose to go on with the suggestion which he made yesterday to recommit the Bill in order to amend the wording. I do not know that I can say anything further in explanation. I can only reiterate what I have said that the agreement is the same for every State of the Commonwealth and the Bill must be passed or we shall not be entitled to participate in the funds derived under the Federal Aid

Roads Act. It would be a very serious matter to forego the sum of £600,000.

Question put and passed.

Bill read a third time and *passed*.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. WITTENOOM (South-East) [4.43]: We were given warning in the Governor's Speech that we would receive a number of industrial Bills during this session. Judging from the Notice Paper in this House and also in another place, that is going to be the case. The Government are to be commended for having brought down this legislation so soon, thus affording us time to give consideration to it. Had these Bills been brought down earlier last session, several of them might not have met the fate they did. They were put before us in the closing three or four weeks of the session and could not properly be debated. This Bill is much the same as the measure we considered last year. A few clauses have been added and a few have been taken away. That is a good thing. When the Bill was put to the vote last year I, like the majority of members, voted against the second reading. I recognise now that this is a very old Act. I do not know how old it is, but many alterations are required. In the circumstances I intend to vote for the second reading. I have read through the Bill very carefully and there is a large number of clauses which will receive my opposition when the Bill is in Committee. I am very pleased that there have been deleted from this Bill clauses that were included last year relating to garages and vendors of petrol. Those clauses were not in the interests of the proprietors nor would they have operated for the convenience of customers, and it was a step in the right direction to delete them. One of the main features of the Bill of last year was the attempt to close down small

factories known as backyard factories—establishments employing three, or where all the employees belonged to one family, four hands. Small factories of this kind have been in existence for many years and, though they do not come under the Act, have not given cause for complaint. This Bill contains a most extraordinary provision designating as a shop or factory an establishment where only one employee is employed.

Hon. A. Thomson: It would include the boss.

Hon. J. Nicholson: One person.

Hon. C. H. WITTENOOM: That is so. The wording suggests that there is a lack of control and that insanitary conditions exist in small factories. I remind members that in municipal and road board areas and in most towns and cities health inspectors are employed, and they are empowered to enforce the observance of proper conditions. I fully concede that small factories should be under proper control and that they should be conducted under hygienic conditions. At the same time there is no reason why we should adopt the provision in this Bill, which will throw hundreds of men, women and children out of work. The Bill contains quite a lot of good points that I hope will be approved, but the one to which I have just referred should not be accepted. I for one am prepared to help the Chief Secretary to make a good measure of the Bill, but it will be necessary for the Chief Secretary to meet members in a reasonable spirit. It must be recognised that the backyard factories cannot possibly stand up to the conditions imposed on large factories. Of course good conditions must be enforced in big factories where large numbers of men, women and children are working in the same building. In factories where the most modern machinery and labour-saving devices are installed, fewer employees are needed.

Hon. H. V. Piesse: They have to be paid the union rate.

Hon. C. H. WITTENOOM: Where four persons have been employed in a backyard factory, labour-saving devices might enable two persons to do the work. That would result in a large number of workers being thrown out of employment. It is certainly not reasonable to suggest that the small factories will be able to survive if the conditions proposed in this Bill become law. The passing of the Bill, too, will en-

courage strong competition from Eastern States manufacturers, and this would not be in the interests of our workers, whether they are working under the award or not. Last night I listened attentively to the remarks of Mr. Holmes, and he rightly said that the employees who were not now members of the union would be compelled to join the A.W.U.

The Honorary Minister: No.

Hon. C. H. WITTENOOM: I say yes. So far as I can judge, all employees will be compelled to join a union. The object of the Bill seems to be to get the workers congregated in or near the city of Perth so that they may be under the watchful eye of the Trades Hall. Members are asked to approve of 44 hours as the maximum working week. Let me be perfectly frank by saying that there are very few members of this House who are qualified to say offhand that all workers in factories and shops should have a 44-hour week. I cannot say whether they should; it is a matter that should be decided by the Arbitration Court where both employers and employees are represented. There are many forms of employment that are neither arduous nor harmful, and it is no hardship to ask the employees in those industries to work 48 hours a week. On the other hand there are avenues of employment where 48 hours would perhaps be too much. I believe that underground miners work 40 hours a week, and men employed on the mine surface 44 hours, but their hours are regulated according to the nature of the work. It is certainly wrong for Parliament to enact that every employee should be limited to a working week of 44 hours. Questions of this kind should be settled by those acquainted with the details and capable of coming to a proper decision. Later on I shall probably support the move, suggested by one or two speakers, to refer the Bill to a select committee for inquiry. Mr. Holmes told us that the average hours now worked per week was 45.3. I was already aware of that fact, but I do not know whether either employers or employees desire a change. The Bill is a large one consisting of 75 clauses. Mr. Holmes gave the House considerable detail, but I do not propose to speak at length.

The Honorary Minister: His deductions were wrong.

Hon. C. H. WITTENOOM: The Bill stipulates that employees must leave a factory on the sound of the whistle. This means that they would have to knock off at 4.45 p.m. in order to be out of the factory at 5 o'clock. Such a provision would not be to the advantage of industry or of the employees. Another clause provides for allowance for certain holidays falling on a Saturday when a factory works five days a week. Surely holidays are granted for rest and recreation, and why should the employer have to pay twice over for work on a Monday or give Monday as a holiday when a prescribed holiday falls on a Saturday? Surely that is wrong. It seems to me that the object of these stipulations about holidays is to enable employees to extract additional pay from employers. As regards the half-day closing the Bill endeavours to abolish the system of local option, which is important to country people. To deprive them of the right of choosing on which day the half-holiday shall be observed is wrong. Conditions vary in different localities, and Parliament should not be asked to make uniform provision for all. We have been told that a universal half-holiday on Saturday would be unsatisfactory. Various country centres have protested against the half-holiday proposal in the Bill.

Hon. A. Thomson: Kalgoorlie and Boulder are strongly against the Saturday half-holiday.

Hon. C. H. WITTENOOM: Yes, but conditions vary so much that what would suit one district would not suit another. The Bill also has its funny side. Fancy enacting that when a man is employed as a watchman, it shall be unlawful for him to sleep on the premises! Such a provision is entirely absurd. A lady who had been severely hit by the Mortgagees' Rights Restriction Act or in some other way might take in sewing and employ an assistant, but not only has the assistant to knock off work at 5 o'clock; the lady herself must do likewise. That is an extraordinary proposal. I have indicated a few clauses that will receive my opposition in Committee. The Government, in bringing down this Bill, have shown no desire to make their proposals more attractive. Presumably, if I were consistent, I would vote on this occasion as I did last year, but I am aware that several members intend to change their attitude to the second

reading. I do not like Bills of this kind at all. We have the same old Bills sent here time after time loading up the Notice Paper.

Hon. A. Thomson: If at first you don't succeed, try again.

Hon. C. H. WITTENOOM: Yes; but to present the same Bills year after year appeals to me as a reflection on the intelligence of members. The Chief Secretary has expressed the wish that the second reading shall be passed so that the Bill may be considered in Committee. I think members are prepared to assist him, and if he will agree to many of the objectionable features being eliminated, no doubt the measure will reach the statute-book. This House is regarded as a House of review; we consider ourselves reasonable men; and if the Chief Secretary will agree to the amendments that will be submitted, a useful measure should result.

Hon. G. W. Miles: He will have to.

On motion by Hon. H. V. Piessé, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. V. PIESSE (South-East) [5.0]: During the recess many threats were uttered by the Government as to what they would do if we did not give this Bill favourable consideration. As a member of this Chamber I have supported several of the present Government's industrial Bills. However, the longer one sits here, the more experience one gains. When one gives consideration to many of the actions of the present Government, one cannot but recognise the necessity for giving the most careful scrutiny to their legislative proposals. The Bill is introduced for the purpose, firstly, of amending certain sections of the principal Act. A serious proposal is that contained in Clause 2, to strike out the existing definition of "worker" and substitute the following:—

"Worker" means any person of not less than 14 years of age of either sex employed or engaged by any employer in connection with his business, trade, manufacture, handicraft, undertaking, or calling, and includes a domestic servant and an apprentice.

It must be admitted that this proposed amendment will place on foremen and managers of factories the responsibility for any fines or penalties which may be incurred. Surely we do not wish to load those employed by us with such a heavy responsibility. As regards the minimum age of 14 years, the time has arrived when we should reconsider the leaving age of school children. It should be raised considerably. Moreover, 14 years is an extremely youthful age at which to be employed in a factory. Further, domestic servants are to be brought under the principal Act. Boarding houses are a business, and domestic servants are employed in boarding houses, as well as in hospitals. Both these classes of domestic aid will be brought under the principal Act if the Bill passes, irrespective of where the place of business—boarding-house or hospital—may be situated. I fail to see why domestic servants should be brought under the Act if they are privately employed. For the sake of fair competition it may be necessary that domestic servants employed in boarding-houses should be brought under the Act, as otherwise persons accepting one boarder might be competing at an advantage with persons taking a larger number. On the other hand I should object forcibly to any private home being brought within the purview of the principal Act. Flats are being built all over Perth, and various members have stated that the reason for these flats is that bad transport in the country renders the erection of homes in our vast areas impracticable. The most important thing to young children is home life.

Members: Hear, hear!

Hon. H. V. PIESSE: If the occupation of maids is brought under the Arbitration Act, it will prove another deterrent to the private home. The result will be that people will go into flats, and we shall have more such buildings as London Court with flats consisting of one bedroom and a sitting-room. Paragraph (b) of Clause 2 further provides—

The term ("Worker") also includes canvassers for life and accident assurance or insurance whose services are remunerated wholly or partly by commission or percentage reward, and whose services are wholly or substantially devoted to the interests of one company or society.

In the course of conversation the Chief Secretary informed me that he knows these people are desirous of coming under the Act.

I can speak as one who has been an agent for a life assurance company.

The Chief Secretary: But you have never been an agent of this kind.

Hon. H. V. PIESSE: Not perhaps an industrial agent. I realise that the paragraph I have quoted represents the thin end of the wedge in relation to an amendment first submitted in 1925. That amendment proposed to bring under the principal Act anyone employed permanently by any insurance company. The fact is that the men now employed as industrial insurance canvassers are a community totalling 156 persons in the case of three insurance companies operating in the metropolitan area and country districts. Included among them are returned soldiers not in the best of health and therefore not capable of doing heavy work. These canvassers are permitted to carry on any other class of business if they so desire. Some of them even act as collectors for the Government of outstanding hospital accounts. If we pass the Bill with that provision, it will mean here, as it has meant in Queensland, that the services of numbers of the canvassers will have to be dispensed with. Another important factor is that hours of work are mentioned time and again throughout the Bill. From the point of view of an insurance agent, hours of work are when the work of other people is finished.

The Chief Secretary: Insurance agents are not affected by that provision.

Hon. H. V. PIESSE: They definitely are. Their present practice is to collect the premiums of 1s. or 2s. on Monday and Tuesday, and on other days of the week to deal with other aspects of agency. I speak of the matter with knowledge, as no doubt the Minister will do when replying.

Hon. G. Fraser: You are not speaking of the type of men whom the Bill seeks to cover.

Hon. H. V. PIESSE: I had a young man at Katanning whom I employed as offsideer. As the result of a chaffcutting accident he unfortunately lost an arm. To-day he is employed as an industrial agent by one of the leading insurance companies of Western Australia. Only a few days ago I gave him a sale as an auctioneer in Katanning. He is also a fire insurance agent. He collects his premiums on Mondays and Tuesdays at the business places and homes of Katanning business men.

The Chief Secretary: His case is not affected by the amendment.

Hon. H. V. PIESSE: Certainly it is. He is an industrial insurance agent in Katanning, and undoubtedly the amendment covers him. And there are many similar cases. To-day industrial insurance agents are also agents for frigidaires and wireless sets. The average earnings of these agents to-day, working how and when and where they like, are in the neighbourhood of £5 per week. The Government's proposal is to bring these men under the industrial legislation and fix hours of work for them.

The Chief Secretary: Nothing of the kind. Be fair!

Hon. H. V. PIESSE: The Bill says so. If the Government place these canvassers under the Arbitration Court, the services of numbers of them will be dispensed with. There is the evidence of the Queensland legislation, which reduced the employment of such canvassers by 33 per cent. Industrial insurance, I may point out, is a national benefit, and saves the Child Welfare Department from having to find money for widows and children. The proposal in the Bill is to put the canvassers on a basis which will allow of no control. If men are put on salary, they will not produce the same results as when working under the present conditions of these canvassers. There is another point. We have a Workers' Compensation Act Amendment Bill to deal with. At the present time the insurance companies are good to fire at, and if the Bill we are now considering is passed, how will it be possible for the employees to prove whether they are working for the companies or for other employers? The Chief Secretary surely realises that the life insurance companies employing those men would be fired at. Clause 3 of the Bill intends to bring in the Australian Workers' Union. We have heard many arguments about the A.W.U. When I first came into this House, five years ago, I used to look at my friend Mr. Holmes and considered that he was very harsh when speaking in opposition to anything. I also paid great attention to what the then Chief Secretary said in reply, but at the same time I could not help but be struck by the friendship that existed between those two gentlemen. All the same, on the floor of the House one never spared the other. Always, as a new member, I placed great reliance on what I was told by a Minister of the Crown. After five years' experience, however, whilst not belittling our Chief Secretary, whose

word undoubtedly is his bond, I cannot fail to realise that there are other forces behind Ministers, and that many promises are made in the House which are counteracted and not carried out when the party gets to work. That may not apply only to the present Government; it may apply to any party that happens to be in power. I cannot help but think that if the A.W.U. is brought in under the Bill before us, we do not know for what purpose the Government will use that organisation. We have the Arbitration Act under which the employer and the employee can get together. But we have been disturbed lately by the action of the Government with reference to the preference-to-unionists clause in contracts. On the 24th August the Premier informed another place that there had been a misunderstanding on the part of the Tender Board in connection with the insertion of that clause in contracts. I must, however, place before this House a letter I received a few days ago from a farming contractor engaged on a contract for the Railway Department. This man tendered for the job of ploughing firebreaks in the Katanning district. His tender was accepted by the Railway Department on the 25th August, and although we were told by the Premier that an error had been made by the Tender Board, the letter which I shall read to the House will prove that it was not only the Tender Board that had fallen into the error, but the railway administration as well, because the letter will show that that department also was pushing preference-to-unionists in its contracts.

The Chief Secretary: It is the policy of the Government.

Hon. H. V. PIESSE: Of course it is, and I am going to prove it.

Hon. C. F. Baxter: Every department had instructions to the same effect about preference to unionists.

Hon. H. V. PIESSE: The man to whom I am referring employed one boy and, like many others in the country, has had a very bad time through the depression. We are all aware what farmers have been through, and there was an opportunity for him to make a little money out of his tender to supply fireguards alongside the railway. As I have already remarked, the Premier, on the 24th August, stated that he was referring this question back to the Tender Board, and yet on the 27th August a letter was written

by the Railway Department to the farmer to whom I have referred, as follows:—

Further to my memo. of the 25th inst., enclosing piecework agreement for ploughing firebreaks. A further clause is necessary in this agreement, reading as follows:—

Preference shall be given to financial members of recognised unions. If other than financial members of recognised unions are engaged, such persons shall make application to join the appropriate union within 14 days of commencing work, and shall complete such application.

Upon receipt from you of the signed agreement, the above clause will be inserted, and the agreement will be again forwarded to you for your signature to the additional clause. It is understood that the particulars included in the above clause will not apply if you carry out the whole of the work yourself, but if it is necessary for you to engage labour to assist, the matter of preference to unionists must apply insofar as such labour is concerned.

That letter was signed by E. J. Stephens for the district engineer at Narrogin.

Hon. C. H. WITTENOOM: Was that sent to the man after his price had been accepted?

Hon. H. V. PIESSE: Yes.

Hon. C. H. WITTENOOM: Most extraordinary.

Hon. H. V. PIESSE: In the face of all this, are we going to trust the Government with a Bill such as the one now before us? The man's agreement had been accepted by the Government on the 25th, and the instructions must have reached the district engineer between the 25th and the 27th, because he wrote the letter to the farmer on the 27th. And we have the spectacle of the Premier telling us on the 25th that the Tender Board had misunderstood the instructions.

Hon. J. NICHOLSON: The farmer's offer has been accepted?

Hon. H. V. PIESSE: Yes.

The Chief Secretary: What has this to do with the Tender Board?

Hon. H. V. PIESSE: I am showing that the question of preference to unionists has run rampant. If we are to give a free hand to the Government under legislation such as that now before us, well, we will never know where we are going to get.

Hon. G. W. MILES: The instructions come from Beaufort-street.

Hon. H. V. PIESSE: Where, I would like to know, is the farmer to whom I have been referring likely to find a union that he can join, unless it be the A.W.U.? With a Bill like the one before us there is only one thing to do, and that is to refer it to a

select committee. Select committees are dangerous, but at the same time information is obtained and matters are ventilated in a manner not known in the Chamber. I was very much struck by Mr. Holmes's remarks yesterday, and all I wish to say is that in our Chief Secretary we have the best-tempered man in Western Australia. I intend to support the second reading of the Bill and I sincerely hope it will be referred to a select committee.

HON. G. B. WOOD (East) [5.25]: I do not see very much good in the Bill but nevertheless I intend to support the second reading. On a previous occasion, when with other members I voted against it, I stated my reasons, which were that it was brought down to us in a haphazard way after it had passed through another place, and I was one of the members who was roundly abused by the Chief Secretary because of my opposition to it. The threats that came from Mr. Fraser cut no ice at all with me.

Hon. G. FRASER: I merely gave you a friendly warning.

Hon. G. B. WOOD: They will make not the slightest difference to the manner in which I intend to vote. There are many undesirable clauses in the Bill but I disagree with Mr. Piesse on the domestic servant question. The time has arrived when domestic servants should be put on a different basis than that on which they stand at present. We have heard complaints about the shortage of domestics and we should try to rectify the position. I am rather suspicious of giving the Government too much power, but all the same I intend to support the second reading on this occasion so that the Bill may receive the consideration it deserves.

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

House adjourned at 5.27 p.m.