

# Legislative Council,

Tuesday, 17th November, 1936.

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

## MOTION—YOUTH EMPLOYMENT, VOCATIONAL TRAINING.

HON. A. THOMSON (South-East)

[4.33]: I move—

That, in the opinion of this House, it is the bounden duty of the State to provide immediately some efficient method of vocational training so that our youths shall have the opportunity to qualify themselves to engage in some definite trade or profession, and thus remove them from the present dead-end employment that the depression has forced upon them.

Some members may be inclined to regard this as a pious motion, but it deals with a matter that has occasioned me much thought over a period of many years. I decided to move such a motion rather than deal with the subject when discussing the Arbitration Act Amendment Bill, for in that debate remarks regarding the employment of youth would be smothered in the record of the general discussion. I felt that in the interests of the young men who for the last five or six years have not had a reasonable opportunity to fit themselves for a trade or profession, something definite should be done. I was agreeably surprised and encouraged when I noticed in Saturday's issue of the "West Australian" that the Prime Minister of the Commonwealth, Mr. Lyons, had communicated with the State Government asking for their co-operation and assistance with a view to relieving the employment situation of so many of the youth throughout Australia. In the circumstances, I offer no apology for my motion. When the present Government assumed the reins of office a little over 3½ years ago, the

then Minister for Employment, Mr. J. J. Kenneally, established what was referred to as the Council of Industrial Development, the object of which was to ascertain whether it was not possible to create more avenues of employment in the State. The representation on the council comprised half employers and half representatives of unions of workers. Shortly after that body was established, I wrote inquiring what it was proposed to do to promote the vocational training of young men who, owing to the depression, could not be apprenticed to trades. After much delay I received a reply to the effect that the matter was being considered. In a letter that appeared in the Press over the signature of Mr. William Somerville, the representative of the workers on the State Arbitration Court, there appeared the following statement:—

The Building Trades Apprenticeship Board is, and has been for a long time, very much concerned with the position; we have given much time to elaborating proposals which we believe would make things much better. These proposals have been forwarded to the proper authority and until we know their fate we can only wait and do the best we can.

The position is that these lads have been waiting for over five years, and they are without any hope of establishing themselves in trades or professions, whereas boys who are leaving school at present have a reasonable opportunity of securing apprenticeships and learning trades or professions. Under the laws of the land, and the provisions determined by the State Arbitration Court—I do not intend to attack either the laws or the court—it is absolutely hopeless for young men from 18 to 21 years of age to secure an opportunity to learn a trade of any description because, under the existing conditions laid down in awards or agreements, certain wages have to be paid to what is termed "junior labour." Therefore it means that those youths are outcasts; they have no opportunity to fit themselves to participate in any trade or profession. Last week I asked the Chief Secretary questions to ascertain how many single men were employed in clearing land in group settlement areas and what weekly average wage the men received. The replies showed that 579 single men were employed on the work indicated and that they were not permitted to earn more than 30s. per week. The Chief Secretary's reply also indicated that to the 31st October last the en-

ormous amount of £216,912 had been spent in that direction. Although that expenditure has provided sustenance for those young men, they are still only able to carry out clearing work. If portion of that expenditure had been made available for financing a proper system of vocational training, by now many of those young men would have been well on the way to earning a living wage and perhaps to accepting the responsibility of marriage and so increasing the population of the State. On the other hand, for the last 3½ years they have been doomed, under the existing conditions, to live in tents in the South-West, engaged on clearing work with no prospect of advancement in life. I know that the Government can reply that that is no fault of theirs. I want it clearly understood that I have no intention of attacking the Government. No doubt, from the State Government's standpoint, a certain proportion of the money has been returned to the State in the value of the work done and improvements effected. I desire to deal with the matter purely from the point of view of our youth. We thus have, during the period I have indicated, the anomalous position of these young men drifting along, satisfied to live under their present conditions and with practically no outlook or hope for the future. It is to be regretted that they have drifted into that condition. It has been stated that the farmers offer what are tantamount to slaves' wages. On the other hand, if these young men were to accept positions on farms, they would certainly have to work more than two days a week, but their conditions would be more comfortable, and in addition to their wage of 35s. they would be provided with food and other assistance available on farms. In those circumstances they would be much better off than they are at present. We are prone to criticise Hitler and his methods in Germany and those of Mussolini in Italy. On the other hand, there is no gainsaying the fact that, from the standpoint of manhood, the establishment of labour camps in Germany and the policy of compelling men to work, thereby making them useful citizens, is much more to be commended than the conditions obtaining in Western Australia today. The Prime Minister has asked for the State's co-operation, and I hope much good will result from the proposal he has submitted. As a result, I trust direct benefits will accrue from the standpoint of vocational training

for these young men. The Prime Minister is desirous of obtaining particulars from the Government regarding the Minister and the departments dealing with employment and vocational training. There is no vocational training in Western Australia, so far as I am aware. He also desires particulars regarding the work carried out in respect of unemployment relief, vocational training and technical education. I am sorry that technical education is merely a secondary consideration in our system of education in Western Australia. The Prime Minister also desires a list of Governmental and other organisations that are assisting in connection with the employment problem and training of youth, including vocational and rural training. He also desires a summary of the industrial conditions governing apprenticeship, and an estimate of the number of youths, in age groups, who are unskilled and unemployed. To my mind that is the most tragic part of the position we are facing to-day, namely, the large number of youths who are unskilled and unemployed. The Prime Minister went on to say it was also desired to have full particulars of vocational technical training, together with the number of students or trainees, etc. In this State recently we had the Youth and Motherhood Appeal for funds, and £25,000 was the amount the committee had to disburse as the result of that appeal. I am not criticising their actions in regard to the Technical School, but I made it my business to go to that institution and find out what class of men are employed and what are the conditions. It seems to me that the Government are rather one-sided in their assistance to these young men. Still, I do not wish to detract from the excellent work that the Minister for Mines has done. Of course the demand for gold has been helpful, but the Minister has done much in his endeavour to encourage prospecting and the search for gold, and to assist the mining industry generally. We find that part of the recommendation that the committee propose is the prospecting scheme, and we learn from the Press that no date has been fixed for commencing that prospecting scheme under which the youths will receive 15s. a week and be supplied with the necessary equipment. It was hoped to send out 100 youths in parties of ten, each under a competent adviser or director, but when the applications closed it was found that only

18 had been received. The trustees thereupon decided to go on with two prospecting parties in charge of experienced men who, of course, will have to be paid, which is only right. I want to draw the attention of the House and of the Minister and of the thinking public of Western Australia and of the parents interested, to the technical instruction which is to be given at the Technical School. Applications were called for and the Government and the trustees decided that two special courses in car and truck driving and in Diesel engine work should be given at the Technical School. When the trustees announced that during the week these classes would be started at the Perth Technical School next week, the enrolment for the two classes totalled 35. Also it was found that a number of the youths who had enrolled, several weeks ago had now withdrawn, having obtained either casual or permanent employment. When asked why they had not enrolled before, many of the applicants said that when the applications were first called they were in casual employment. This suggests that it is almost impossible to tell at any given time with any degree of accuracy how many young people are unemployed. I want to draw attention to the fact that because one of the Ministers was keen and sympathetic, 15s. per week has been made available to boys prepared to go out prospecting. Some will say it is not fair to send so far out into the country young boys who have to be fed and clothed. But the same thing applies to boys between the ages of 17 and 21, who also will have to be fed and clothed. Many of those boys are sons of artisans who probably are only in part-time employment. So, while I cannot move a motion that would make a charge on the funds of the State—for I would be quickly called to order—I want to impress on the Government that it is their duty to assist those boys to obtain some means of vocational training. Some people say that vocational training is a failure. But we know that at the close of the war a great many young men came back from serving their country—incidentally, the young men unemployed to-day are perfectly willing to serve their country by taking work if they can get it—there was introduced, with the assistance of the Commonwealth, a scheme of vocational training. The firm of which I have the honour to be at the head trained a number of

young men, and to-day they are competent tradesmen. As a matter of fact, two of them are actually in competition with me in the same class of business in Katanning. That shows that vocational training is capable of being made a success. Other men trained by my firm at Katanning have since come to the city and make good at working for themselves. So it seems to me that vocational training would be of assistance, and that we have been neglectful of our youths' technical education, and so we have been guilty of criminal neglect. By that I mean all Governments, past and present; we can rightly be accused of criminal neglect.

Hon. H. Seddon: Why criminal?

Hon. A. THOMSON: Because we have allowed the thing to slide.

Hon. L. Craig: It is a very strong word.

Hon. A. THOMSON: Yes, and it requires a strong word to make people realise the seriousness of the position.

Hon. L. Craig: There was plenty of work available at the time.

Hon. A. THOMSON: If so, how is it that there are so many boys under canvas down at the group settlements?

Hon. L. Craig: There is plenty of work at Manjimup for them.

Hon. A. THOMSON: But I am speaking of those who do not want to go on farms, but want to learn a trade, just as I and others, when young, learnt a trade. But no opportunity has been given to those youths. In view of the fact that we have compulsory education for all youths, it is essential that we should go so far as to say that a certain number of those young men shall have compulsory training also. The position in New South Wales shows the trend of thought. There is there a distinct shortage of artisans. That is undoubted. Here is what was proposed at the A.N.A. conference, which has as a plain objective the advancement and prosperity of Australia. The meeting decided, on the motion of Mr. S. W. Griffith of New South Wales, to support any scheme for the introduction from overseas of skilled artisans, particularly those familiar with the operations of manufactures not already undertaken in Australia. But the position to-day is that there is a definite shortage of artisans in the manufacturing industries that are already in existence, in Western Australia at all events. One section of the community is equally responsible

with other sections for the restrictions that have been imposed; that section consists of the workers themselves. The blame lies with them for having asked the Arbitration Court to restrict the number of apprentices in the various trades and callings. By that they have reduced opportunities for their own sons to learn trades. Therefore I say it is time they thought of the future of their own boys and girls. Mr. Griffith said that Australia's progress in recent years had been mainly due to her secondary industries, that there was not a great deal of land that could be more intensively developed than it was at present. Incidentally, I should like Mr. Griffith to come over here and have a look round in some of our districts. Immigrant artisans, he said, could be of use in engineering, shipbuilding, wool and cotton manufacture, and the making of transport requirements. I say there is no earthly reason why a large number of young men, who have not had opportunity to become apprentices, should not be given a chance to learn engineering, shipbuilding, wool and cotton manufacture, and the making of transport requirements. Therefore it seems to me we might with justice say, not only to the State Government but also to the Commonwealth Government, that they have a definite duty to perform towards the young men. At the conference of the Federated Chambers of Commerce in Narrogin recently—there is what is called a junior chamber—a young man, in the course of an excellent speech, proposed, and it was carried, the following resolution:—

That this conference, in the interests of the community, urges the development of the apprenticeship in vocational training systems in all branches of industry, and further urges co-operation between the Directors of Education and Technical Education, Arbitration Court authorities, Employers' Federation, youth organisations and other affected parties, in an endeavour to evolve a plan to stem the shortage of skilled labour, which is making itself felt with increasing acuteness. For this purpose, the Minister for Employment suggests the convening of a conference of the above parties at an early date.

We have had conferences and discussions and, as I quoted from the statement made by Mr. Somerville, they put forward certain proposals, but those proposals were held up until such time as their fate could be announced, and in consequence Mr. Somerville said that all that could be done was to wait and do the best possible in the

meantime. I should like to deal with one or two phases of Mr. Somerville's letter. I knew that gentleman long before he was a representative of the workers on the Arbitration Court. He was then a very skilful mechanic, and so he has expert knowledge. I have no doubt that as the result of his years of association with the court he has gained considerable knowledge of the training of youths. He states—

In technical education there is much leeway to make up. It has been starved up to the present largely because the public idea of education is strictly limited to what may be got out of books.

I agree with that statement.

The proper training of our future bricklayers and plasterers is quite as important as the training of architects and lawyers but this has not yet got into the public mind. If it had there would be a very substantial increase in the vote for technical education.

I agree also with that statement. Mr. Somerville has taken umbrage at a statement made by Mr. Lynch, superintendent of the Technical College. Mr. Lynch stated that there were certain trades where the period of apprenticeship could be considerably reduced. I agree with Mr. Lynch. I have a practical knowledge of the building trade. With six or 12 months' intensive training under proper tuition, quite a lot of young men would be able to earn much more than they can under present conditions.

The Chief Secretary: Would you call them tradesmen?

The Honorary Minister: Would you call them skilled craftsmen?

Hon. A. THOMSON: Everything depends on the trade and the individual. Highly trained work would require a longer period for the training. I have been connected with the building trade for over 50 years. It does not take five years for a man to learn how to make bricks, or to be a plasterer, a stonemason or average plumber. Anyone with a little ability, and such young men can be picked out, could be made very efficient in a short time. Although he would not be an expert tradesman he could be given the grounding in the trade, and could be permitted to work on various buildings. In Victoria there are improvers who work under that system. Whilst such young men would not receive the full amount of wages, they would be able to earn what they do get, and as time went on they would learn the trade thoroughly. It is not always a good thing to hold oneself up as an example. I did not

serve an apprenticeship of five years. I was learning only a portion of my trade when the crash occurred in Victoria. I then had to travel around and work for different employers in various parts of that State for two or three years as an improver. I consider I became a better tradesman than I would have been had I remained in the one employment all the time. That is my answer to those who say that the improver system is not in the interests of the worker. Everything depends on the man himself. There are many boys who have served a full period of five years, and yet they cannot be called competent tradesmen. This subject is a big one.

The Chief Secretary: Your statement was that after six or 12 months' training these young men would be capable in a particular trade.

Hon. A. THOMSON: They would be competent to go on to a building and carry out a certain class of work. That would overcome a difficulty due to the shortage of first-class tradesmen. These young men could do the heavier work whilst the more technical work, that is, the finishing, could be done by the experts. Meanwhile, however, the young men would be learning the trade, although they would be probationers for the time being. It is the duty of the Government to consider this question. The classes that are already being held are not a success because of lack of funds. The objects of the trustees of the Jubilee Appeal are laudable, and I commend them. Some financial assistance, however, is required to make a success of that scheme. Parents of boys of 18 to 21 years could not afford, out of their own resources, to have them trained intensively, and unless financial assistance was forthcoming I am afraid they would not be able to avail themselves of the opportunity offering. Mr. Somerville also says—

The difficulty might be overcome by a direct subsidy by the State to each apprentice, but this would be objected to first for its enormous cost, for obviously it could not stop with the building trades.

I agree with that statement. There is a demand for artisans. Surely our duty is towards those young men who are born and bred in the State. Let us assume that it will cost a certain amount to assist them during the probationary period. Any money spent on vocational training would be spent well and would provide a better return to the State than we are likely

to get from the £216,000 which has been expended on clearing land in the group settlement areas. I have discussed this matter very often with Mr. Drew, who knows what I think about the prospects that lie before our youths. I make no apology for bringing this question forward. It is one of vital importance to the rising generation, particularly to those boys and girls who during the past four or five years have had no opportunity to learn a trade.

The Chief Secretary: Have you any concrete suggestion as to how this can be done?

Hon. A. THOMSON: We should inaugurate a system of vocational training. This should be subsidised by the Government on lines similar to those adopted elsewhere. I framed my motion in the first place to read that the Government should provide a certain amount of money per week. Already they are paying 30s. a week to young men in the South-West.

The Chief Secretary: There are men aged between 30 and 50 working down there.

Hon. A. THOMSON: Unfortunately there are many young men who have also been compelled to take on that work. They have drifted into the system, and are carrying on with very little hope of improving their condition.

The Chief Secretary: I want to know what you think can be done.

Hon. A. THOMSON: Young men could be placed in every section of the building trade, and given a period of vocational training, which would lift them above the ranks of unskilled labourers. First we would require the consent of the Arbitration Court or the unions concerned, so that for a period the restrictions that are now imposed upon that sort of employment would be relaxed. Then the co-operation of the employers would have to be sought. I am sure many of them would be glad to employ these young men, but they could not be expected to bear the whole cost themselves. A reasonable sum could be arrived at as the cost of teaching these young people. The financial emergency legislation was brought down for the raising of money to overcome the unemployment trouble. I see no reason why a certain amount of the revenue derived from that source should not be earmarked for vocational training purposes.

The Chief Secretary: The employers will not take apprentices.

Hon. A. THOMSON: A small contractor, who can generally give an all-round knowledge to any young man, could not be expected to bind himself for five years to keep an apprentice when he has no continuity of work. He may have work for two or three apprentices for six months in the year, but after that may have to wait weeks before he gets another job. Only the large firms have continuity of work, such as the Midland Junction Workshops. In such places only is it possible for apprentices to be employed all the year round. Possibly some system could be devised whereby apprentices could be interchangeable between different employers.

The Chief Secretary: All these things show the great difficulties of the position.

Hon. A. THOMSON: I realise that, but it is no reason why we should not grapple with the task.

Hon. G. W. Miles: Could not the regulations governing apprentices be amended?

Hon. A. THOMSON: That is in the hands of the Arbitration Court.

Hon. G. W. Miles: We should not be dictated to by Beaufort-street.

Hon. A. THOMSON: The Government are in a difficult position, but the position is also a difficult one for our young men. It is sad that parents should find no opportunity for their boys to learn a trade. I hope this matter will not be dealt with from the Government's point of view only, and that the motion will receive consideration at the hands of the House.

On motion by the Chief Secretary, debate adjourned.

#### **BILLS (4)—FIRST READING.**

1. Financial Emergency Tax Assessment Act Amendment.
2. Bunbury (Old Cemetery) Lands Revestment.
3. City of Perth Endowment Lands Act Amendment.
4. Vermin Act Amendment.

Received from the Assembly.

#### **BILL—PETROLEUM.**

Read a third time and returned to the Assembly with amendments.

#### **BILL—FORESTS ACT AMENDMENT.**

##### *Second Reading.*

Debate resumed from the 12th November.

HON. W. J. MANN (South-West) [5.22]: Before I offer one or two brief remarks on the Bill itself, I should like to say that it is a matter of great satisfaction to the State that the timber industry continues to show very satisfactory progress. I am speaking of the timber industry generally. During the past year there has been about a 20 per cent. increase in the quantity of timber milled and hewn, and the sale of that timber has returned to the State a considerable amount of money, whilst at the same time it has provided employment for a type of man that is somewhat difficult to fit into other walks of life.

Hon. G. W. Miles: Has the margin of profit been satisfactory?

Hon. W. J. MANN: I believe that a fair margin of profit is being shown by reason of the fact that improved methods are being used in the industry. One regrets in a way the passing of the old horse teams whose place has been taken by tractors. Quite an appreciable saving has been effected by the use of tractors which find their way into places that were almost inaccessible in the past, by reason of the fact that the tractors go along with steel ropes and haul the logs over the roughest country. It was almost impossible to do this kind of work in the past. However, that is not the purpose of the Bill, but one is glad to know that the improvement to which I have referred was responsible last year for the production of something like £2,000,000 worth of marketable timber and also the finding of employment for a considerable body of skilled timber men. It is satisfactory to know that the returns from sandalwood show a slight increase, although we do not look for anything very great in that direction. It seems generally accepted that the sandalwood trade is steadily diminishing and is not likely to be resuscitated to any extent. One regrets the necessity for supporting the Bill because I believe that if it were possible to continue the satisfactory reforestation of sandalwood, it would be of advantage to the State. The Forests Department, however, and those in charge of the work appear to be emphatic in their opinion that it is useless to attempt to continue the work of the reforestation of

sandalwood. I hope the department will not persist in that idea, and that although for the present we are permitting this amount of £5,000 to be taken into Consolidated Revenue, the time may come when a good case can be made out for the regeneration of sandalwood. I consider that the idea of extending the term to 18 months is one with which we cannot find any fault. I shall support the second reading.

On motion by Hon. H. Seddon, debate adjourned.

## BILL—DIVIDEND DUTIES ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 11th November.

**HON. H. SEDDON** (North-East) [5.28]: On the face of it the Bill appears to be fair, as practically all the mining companies are complying with the conditions laid down. There are, however, one or two aspects that merit a little further inquiry. There is the question of retrospection and this House has generally opposed anything in that direction, especially when applied to finance. In the circumstances, therefore, we should carefully consider the question of allowing the Bill to be made retrospective to 1931. We have to recognise the fact that five years have elapsed since 1931, and if the particular company has been evading the payment of dividend duties the whole of that time—

Hon. J. Nicholson: No, they have not.

Hon. H. SEDDON: The point should have been raised before 1936. It would be interesting to know what explanation the Government have to offer as to why they did not bring in the Bill at an earlier date. For that reason and also for the reason that there may be other issues involved that the retrospective application might make very extensive, I for one intend to oppose the retrospective part of the Bill. I have made inquiries from various sources—I do not mean the companies that have been evading their responsibilities—from mining companies generally, and their attitude on the question of retrospection is an emphatic one. There are many companies that may have been in a position to pay taxation at the time, but may not be in the position to pay it to-day. Some companies, too, may have gone into liquida-

tion and so gone out of existence. Consequently, in those cases it would be impossible to recover anything. Again, shares may have changed hands and they may have increased considerably in value since 1931. Are we to ask the present-day shareholders to bear the responsibility which should have been borne by those who held the shares previously? But there is another aspect of the Bill which gives me serious concern, and that is the proviso laid down in Clause 2 relating to profits made from the sale of goods produced in mining in Western Australia. I must confess I was very concerned about this when the Minister was introducing the Bill, and the more I look into it the more I am concerned as to exactly what it means. In his remarks, the Minister was definite in saying that the proviso applied only to gold.

Hon. J. Nicholson: Why not insert "gold"?

Hon. H. SEDDON: Exactly. Why not insert "gold"? I think it applies to something more. The Bill refers to mining in Western Australia.

The Chief Secretary: What about the section amended—Section 6?

Hon. H. SEDDON: Subsection (1) of Section 6 appears to me to refer to companies generally, and where we are dealing with profits from the sale of goods produced in mining in Western Australia, we have to consider other minerals produced, some of which are exported and sold outside the State. In the newspaper this morning reference was made to the considerable amount of revenue being obtained from the export of several articles produced in mining. Arsenic is produced in Western Australia, and the value of arsenic for the first nine months of this year was £68,000.

The Chief Secretary: Is not that a by-product of gold production?

Hon. H. SEDDON: Now we are getting a little light on the subject. The point I take is that this Bill, which has to do with the production of gold, which was explained as dealing with gold, is now apparently intended to refer to other minerals produced by goldmining companies.

The Chief Secretary: There is no need to put a wrong construction on what I said.

Hon. H. SEDDON: I think I put a perfectly fair construction on it. There is

another matter. This company producing arsenic will shortly be producing antimony as a further by-product, and if the Bill is passed, the profits from the sale of antimony will be brought under its scope. The position should be made clear, so that if we pass the Bill, we shall do so with our eyes open. There are other products produced in connection with mining which may, in my opinion, be brought under the operations of the Bill. It is contended that the word "premium" limits the application. It may. On the other hand, it may not. We have to remember that since 1931 Great Britain has been off the gold standard, and the consequence is that all products sold in Great Britain would naturally be affected by the difference in the price occasioned by the currency being unrelated to gold, and the premium which is thus operating would have to be taken into consideration in regard to other goods besides gold. In the circumstances, I propose that when the Bill is in Committee we should delete the retrospective clauses, and I suggest to the House that it might be desirable to have a more complete definition of the words "goods produced in mining." If the proviso is intended to apply to gold, let it be stated, but if the intention is to extend it to other products, the clause may remain as it stands. When his attention was drawn to this matter during the discussion of the Bill in Committee in another place, the Premier made a reply which gave me the impression that the proviso was intended to apply to products other than gold. If hon. members will refer to "Hansard" they will see that for themselves. I intend to support the Bill with a view to submitting in Committee the amendments I have indicated.

**HON. C. G. ELLIOTT** (North-East) [5.35]: I intend to support the second reading of the Bill. It is for the purpose of amending the Dividend Duties Act, 1902-1931. All the matter in connection with the Bill is embodied in Clause 2. The first part of Clause 2 provides for the assessment of premiums on gold produced by mining companies operating in this State. I am given to understand it applies to all mining companies operating in the State, but one particular company declines to put in an assessment in connection with the premiums received. I agree with Mr. Seddon that the word "goods" is out of

place. I cannot see why the Bill does not state definitely that the proviso applies to gold, and thus simplify matters. In connection with the term "premium," that is recognised as being the difference between the price per ounce of fine gold before Australia went off the gold standard and the price of gold now obtainable by sale in the open markets of the world, in Australian currency. It means the difference between the price of an ounce of fine gold (£4 4s. 11d. an ounce) and the present price, which fluctuates between £8 10s. and £8 15s. There is an objection on the part of one company, I understand, to being assessed on that difference. The other part of Clause 2 has a bearing upon another company operating in this State—an Eastern States company. The Dividend Duties Act which came into force in 1924 provides that a mining company operating in this State is allowed to recoup all its liabilities in connection with mining for gold before it need be assessed, which, of course, is a very good provision and one which has assisted the mining industry considerably. But I understand the particular company I have referred to maintain that a large amount of capital has been issued since 1924 and has been put into ventures outside the State. That company consider that before they are assessed that fact should be taken into consideration. If all the other companies are paying their assessment, I do not see why these two companies to which I have referred should be allowed to go scot free, although I do not think there should be retrospective provisions. I am considerably concerned about those provisions, and I think they could well be amended in committee. The Act makes retrospective provision to 1931. The question is whether these companies were right in objecting to being assessed. If they were right and acted in accordance with the law, then, if we make this legislation retrospective, at a stroke of the pen we are going to put these companies in this position—

Hon. G. W. Miles: What about the companies who have already paid? Could they not take action to secure a refund?

Hon. C. G. ELLIOTT: Dealing with that particular aspect of the question the position seems to be peculiar. If those companies were entitled not to pay their assessment for the last five years in accordance with our present law, it seems to me that in passing the present Bill we are going



to say in effect, "You have been lawbreakers during that time."

Member: We have to amend the law to catch them.

Hon. C. G. ELLIOTT: Suppose those companies were within the law? There is nothing to prove they were not. Suppose they were entitled not to pay by the present law? We are going to put them now in the position of law-breakers.

Hon. E. H. Angelo: That is, those that have paid?

Hon. C. G. ELLIOTT: No. The companies that have not paid. The point is worthy of extensive consideration. I cannot understand why, if they were breaking the law, the Government did not take action against them.

Hon. J. Nicholson: They were not law-breakers.

Hon. C. G. ELLIOTT: If we pass the Bill we will be making them law-breakers. I am going to support the second reading of the Bill but consider that when in committee we shall have to do something with regard to the retrospective aspect.

On motion by the Chief Secretary debate adjourned.

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.45] in moving the second reading said: This Bill is a comprehensive measure embodying, in the main, proposals similar to those contained in Bills presented to the House on former occasions to amend the Factories and Shops Act, 1920. Members frequently say that a particular measure is essentially a Committee Bill because it lends itself more to discussion and argument in the Committee stage than on the second reading. That remark applies particularly to this Bill, more so than to many others, because a lot of small issues, if I may so term them, are involved when dealing with industrial matters that can only be properly understood and thoroughly explained when one is not restricted in discussion. While it was generally conceded at the time the original measure became law that the Act marked a definite advance in the provision of progressive industrial legislation, subsequent enact-

ments, not only in other States, but in other countries, have made it increasingly apparent that the legislation of 1920, measured by the standards and conditions of 1936, is definitely inadequate.

Hon. J. Nicholson: But have we factories to the same extent as have other places?

The CHIEF SECRETARY: I suppose the hon. member means in variety and size. That is quite immaterial; it is the principle that counts. Whether a factory employs 20 persons or 2,000 persons, we should have consideration for the conditions applying to the workers and the competition between factories. One or two additional amendments of importance have been embodied in the Bill. In bringing down this Bill an endeavour has been made to rectify the anomalies that exist in the wages and working conditions of certain employees engaged in factories, shops, and warehouses; to effect certain improvements to the machinery provisions of the principal Act; and to establish more equitable trading conditions between occupiers of industrial establishments. The main proposals of the Bill directed to these ends include provision for (1) the amendment of the definition of the term "factory" as set forth in Section 4 of the Act; (2) the limitation of working hours in shops and factories; (3) the payment of minimum rates of wages to adult and junior workers; (4) the promulgation of special regulations for the protection of life and health in dangerous trades; (5) the abolition of the late shopping night, and the observance of the universal Saturday half-holiday; and (6) the limitation of the trading hours of motor service stations. In addition the measure proposes—(1) to provide against evasions of the Act by occupiers of premises coming under its operations; (2) to prohibit the offer or receipt of premiums in respect to employment in any factory, shop, or warehouse; and (3) to prevent unfair competition in certain industries where employers have been able to circumvent the intentions of the Act by entering into partnership agreements with their employees, or by issuing shares to them. That explanation covers the amendments contained in the Bill. Members will realise that some of them are very important and that the provisions generally are comprehensive. The time has arrived when the Act should be amended in order that we might have in our legislation all those provisions which the

Government consider necessary for the proper conduct of industry and, in some instances, for the smooth working of industry. Now I wish to deal with the definition of "factory." At present, with certain exceptions set forth in paragraphs (ii) to (viii) of the existing definition of the term "factory," premises in which fewer than four persons are engaged in a handicraft or in manufacturing goods for trade or sale are exempted from the operations of the Act.

Hon. J. Nicholson: That is the home factory.

The CHIEF SECRETARY: I shall deal with that matter presently. The premises and the persons engaged therein are not subject to the restrictions and the supervision imposed by the Act upon occupiers and workers engaged in similar industries where four or more persons are engaged. Unfortunately, occupiers of such premises have abused the privilege by working their employees excessive hours, under bad conditions, and frequently at very low wages. Where the wages are affected, the people concerned have not been subject to any industrial award or agreement, and because they have not been brought within the scope of the Act, the employers have been more or less a law unto themselves and have taken full advantage of it. It is fair to say that this gives them a decided and unfair trading advantage over other persons engaged in the same industry who, because they employ more than the minimum number of workers, or have invested money in machinery, are subject to statutory restrictions, the observance of healthful and hygienic conditions, and departmental supervision. Many of those manufacturers find it difficult, and sometimes almost impossible, to compete with the exempted concerns. This condition has been particularly marked in the furniture trade, but the occupiers of factories engaged in the various branches of the clothing trades, such as dressmaking and order tailoring, are also subject to similar competition. A certain amount of protection in respect of wages, overtime, etc., is afforded under awards or industrial agreements to workers employed in the clothing trade in the metropolitan area and five of the larger country towns when such employees are engaged in premises which do not constitute a "factory." They are, however, deprived of the many other advantages to which they would be

entitled if the proposal in the Bill to amend the definition of "factory" to include any place where people are engaged in any manufacturing process were agreed to. The Bill seeks to abolish the exemption and provides that all factories where persons are employed shall be subject to the provisions of the Act.

Women and young girls engaged on premises which do not constitute a "factory" under the present definition, and which are situated in country centres other than the five I have referred to, may be worked under even more oppressive conditions than those elsewhere. Such employees are entitled to none of the privileges and advantages conferred by Sections 32, 34, 37, 42, 43, 45 (minimum wage), 63, 64, and 66 of the Act on those workers who are employed on premises which constitute a "factory," and may be engaged at any wages the employer chooses to pay, and under any industrial conditions he cares to impose. The time has long since passed when that state of affairs should be tolerated. I think every member will agree that there are certain conditions under which employees should work which should be laid down by statute, by the Arbitration Court, or by some tribunal established for the purpose. Nothing is laid down to govern the cases referred to, with the result that the conditions, in many instances, are very bad indeed. There is room for considerable improvement.

Hon. L. Craig: That is only in factories employing fewer than four people.

The CHIEF SECRETARY: That is so. The amendment has been framed to bring under the Act all workers engaged directly or indirectly in any handicraft, or engaged in preparing or manufacturing goods for sale. The Bill further proposes to empower the Minister to declare as a factory for the purposes of the Act any premises used as a dwelling place, in which four or fewer persons, all members of one family, are engaged in manufacture.

Hon. J. J. Holmes: Fewer than four might mean one.

The CHIEF SECRETARY: Yes. That was the point raised by Mr. Craig, where operations are restricted to a family.

Hon. J. Nicholson: If one man chose to undertake such work, he could be brought within the provisions of the Act?

The CHIEF SECRETARY: Provided his premises were declared by the Minister to

be a factory. Section 4 (f) of the Act exempts such premises from the operation of its provisions when the machinery used does not exceed one horse power. May I ask why the installation of a one-horsepower motor should make all the difference. To me it does not seem reasonable. Nowadays motors are used by all and sundry; very few people do not understand them, especially people engaged in manufacturing processes. The difference in question leads to certain manufacturers being afforded material advantages over their competitors in business. The occupiers of "backyard" establishments are entirely free of any of the restrictions governing hygiene, sanitation, and safety imposed on their competitors. The latter, although employing no more labour, are not entitled to exemption simply because either those engaged are not all members of the one family working at home or because a small motor is used in connection with the premises. As regards the proposal seeking to amend the definition of "factory," neither the question of destroying the enterprises concerned nor that of curtailing their legitimate activities can arise. No doubt some hon. members will say that the amendment, if carried, will have the effect of destroying those particular concerns or of curtailing the legitimate activities of an individual who wants to get out of the ruck, having a desire to rise above the level of the ordinary worker.

Hon. W. J. Mann: Is he not worth helping?

The CHIEF SECRETARY: He is worth helping.

Hon. J. J. Holmes: Did not MacRobertson start in a backyard?

The CHIEF SECRETARY: I believe so, and he made a great success. He now complies with far more stringent conditions, employing large numbers, than he complied with when he first started business. There is no reason why the provisions in question relating to hygiene and so forth should not apply in these cases.

Hon. H. S. W. Parker: Is not the Health Act of any value?

The CHIEF SECRETARY: It has absolute value, but unfortunately not enough value. The only effect of the adoption of the proposals in the Bill will be to place all factories on the same basis. The family type of enterprise will still continue. There is the question of the hours worked in these establishments. Hon. members will ask,

does not the Arbitration Court govern those hours of work? It does. The particular employees concerned have their remedy should they be called upon to accept less favourable conditions than those contained in the award. I do not think there is one case where it can be argued, either by the employers concerned or by members of this Chamber, that those establishments should not be brought into uniformity with other establishments engaged in the same industry. I am convinced that no member of this House believes in unfair competition. However, there are some hon. members who hold that because only two or three persons are engaged in a particular place which is also used as a dwelling, that place is entitled to some encouragement that would not be detrimental to business in general. Those hon. members feel—quite honestly, I believe—that conditions such as are here set out would prove detrimental to those establishments. I do not see how that can be so, having regard to the ordinary conditions applying to premises of the kind. An important feature of the proposed amendment is the measure of supervision it will give over the owners of establishments engaged in the manufacture of jams and kindred comestibles.

Hon. L. Craig: Does not the Health Act cover the manufacture of foodstuffs?

The CHIEF SECRETARY: To a certain extent, but unfortunately the Act does not go far enough. Quite a considerable proportion of the local output of jams, pickles, sauces and similar lines is produced in the homes of manufacturers who employ fewer than four persons. It is considered desirable that these owners should be required to observe the hygienic conditions deemed necessary in the manufacture of foodstuffs. As regards inspection, the inspectors appointed under the Factories and Shops Act are better able to deal with matters of this kind and premises of these types—

Hon. H. S. W. Parker: Surely inspectors pass an examination under the Health Act?

The CHIEF SECRETARY: Of course they do, and they are called upon to perform all sorts of duties.

Hon. H. S. W. Parker: But they are far better qualified than factory inspectors on questions of health and so on.

The CHIEF SECRETARY: I do not agree with the hon. member. As I indicated previously, many of the points raised in the Bill can be far better discussed in Com-

mittee than on the second reading. The hon. member raises one or two points while I am speaking. I wish to refer to those points only in a general way on the introduction of the Bill. I believe there will be quite a number of views on various points included in the measure. Hon. members will have an opportunity of expressing their views, which may be in opposition to those I am stressing. If the Bill does reach the Committee stage—I sincerely hope it will, as it is an important measure—there will be ample opportunities to discuss points which hon. members care to raise. The measure seeks only to ensure that enterprises of this kind shall be conducted on a legitimate basis, and under the same legislation as governs the conduct of other factories in Western Australia. The next amendment I desire to refer to is the abolition of the late shopping night and the observance of a universal half-holiday.

Hon. J. Nicholson: Under which clause is that?

The CHIEF SECRETARY: Clause 38. It is one of the main proposals of the Bill. There are in Western Australia 111 shopping districts. In more than half of these districts, 65, the statutory half-holiday is on Saturday. As regards the balance of shopping districts, 39 have the half-holiday on Wednesday, five have it on Thursday, one has it on Friday, and one on Tuesday.

Hon. W. J. Mann: How many of those shopping districts are in the metropolitan area?

The CHIEF SECRETARY: I cannot say offhand.

Hon. L. Craig: Does the Bill apply only to shopping districts?

The CHIEF SECRETARY: It applies to the whole of the State.

Hon. L. Craig: Does it apply to a little country centre with one store?

Hon. J. J. Holmes: It applies to the lot.

Members: Yes.

Hon. J. J. Holmes: The Bill also abolishes local option.

The CHIEF SECRETARY: And that is desirable. In three districts the late shopping night has been abolished, but in the others it still persists, operating on Saturday in 41 districts, on Friday in 63, and on Thursday in four. Hon. members know that under the present system each shopping district decides by ballot the day on which the half-holiday shall be observed. I suggest that one of the factors militating against the adoption of a universal Saturday half-

holiday has been the fear that if it is adopted in a particular district, some adjoining district will be placed at a trading advantage; in other words, that if one district agrees to Saturday afternoon closing and an adjoining district does not, the district not agreeing will reap an advantage of trade gravitating to it.

Hon. J. J. Holmes: That is a very weak argument.

The CHIEF SECRETARY: But it is one of the main arguments used by those in favour of the present position. I admit the point is one which may be controverted from the points of view of different members. Presumably hon. members will, like myself, have received communications from various parts of the State, many of them supporting the proposal.

Hon. J. Nicholson: Not many supporting it.

The CHIEF SECRETARY: Well, I have here quite a long list of communications in support.

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

The CHIEF SECRETARY: I was dealing with the provision in the Bill having reference to the institution of the Saturday half-holiday throughout the State, and had pointed out that one objection raised in various districts against the Saturday half-holiday was the fact that if an adjoining shopping district did not fall into line, there was a danger of loss of trade to the towns that did not accept that half-holiday. If the provision in the Bill be agreed to, that particular argument will be dispensed with. Most of the difficulty that used to be associated with shopping in the country districts in particular disappeared with the advent of modern methods of transport. People can now get about with considerable ease, and are able to visit their trading centres more than once a week.

Hon. L. Craig: What about the employees on the farms? They cannot do their shopping except on Saturday afternoons.

The CHIEF SECRETARY: That argument was also used with regard to shopping in the metropolitan area. It was argued that unless the shops were kept open between 5 o'clock and 6 o'clock, or unless shops were kept open until 9 o'clock on one night of the week or, alternatively, remained open on Saturday afternoons, many of the employees could not transact their

business. Since the Saturday half-holiday was adopted in the metropolitan area and other industrial centres, no inconvenience whatever has been suffered.

Hon. E. H. H. Hall: People in the city and towns can shop in the lunch hour, but that cannot be done in the country districts.

Hon. J. J. Holmes: Or employees can shop in the employer's time.

The CHIEF SECRETARY: At any rate, I feel sure that if this proposal is agreed to, then the employees the hon. members referred to will have ample opportunity to secure their requirements just as they have to-day. In some places the half-holiday is taken on Wednesdays or Thursdays, but so far as I am aware, it does not make much difference to the employees because they get to town more frequently than formerly. What difference will it make if the half-holiday is on Saturday rather than on Wednesday or Thursday?

Hon. L. Craig: Train facilities will affect the position.

The CHIEF SECRETARY: That does not apply in a case like this.

Hon. E. H. Angelo: Who will benefit by this change?

The CHIEF SECRETARY: First the business people and then the shop assistants and employees. I think that is sufficient justification for the clause. There is another phase we should consider. Everywhere Sunday is recognised as a day upon which shops should not be open for trade. If the weekly half-holiday is taken on Saturday afternoon, it makes it possible for employees to have a reasonable week-end off duty. On the other hand, if the half-holiday is taken in the middle of the week, the employees secure very little benefit.

Hon. L. Craig: Why not extend it and say that trams and trains shall not run on Sunday?

The PRESIDENT: Order!

The CHIEF SECRETARY: Those engaged in occupations of that description secure certain compensating privileges that are quite satisfactory from their point of view. There is another aspect. In the metropolitan area where the Saturday half-holiday is enjoyed, the employees of shops, factories and offices are able to indulge in sport and recreation.

Hon. L. Craig: I admit there is that advantage.

The CHIEF SECRETARY: In those districts where the Saturday half-holiday does not prevail, more often than not Sunday is used for the purpose of organised sport rather than any other day of the week.

Hon. H. V. Piesse: Only with the consent of the local road board.

Hon. W. J. Mann: Take Collie as an instance.

The CHIEF SECRETARY: I could take any number of places to illustrate what happens. Because of this, many of the churches have made representations to the Government. I put that forward as the view of a considerable section of the public of this State. I do not say that influences me to any great extent, but that section has just as much right to receive consideration as the views of any other section.

Hon. E. H. H. Hall: Quite right.

The CHIEF SECRETARY: Notwithstanding all that I may infer from the interjections of members, I feel that people in the country districts would not be put to much inconvenience if they accepted the Saturday half-holiday. To get back to the question of factories, one amendment in the Bill seeks to reverse the present system of factory registration. Under the Act, before registration is granted, an inspector must first make an examination of the factory in respect of which the application has been made, to ensure that the premises are not defective in any material particular. Registration is refused until any such defects are remedied and the issue of a certificate of registration is an intimation that the premises are not defective. The Bill contains an amendment that will make registration automatic following upon the receipt of an application. An inspector will then visit the factory and point out what is necessary to be done in order to make the premises comply with the requirements of the Act. If that is not done, then the registration will be withdrawn and provision is made for a refund of the registration fee. That amendment is necessary because there has been a good deal of inconvenience on occasions under this heading. Much delay has taken place in the past before registration has been granted. With regard to the conditions already embodied in the Act dealing with employees who work in factories and warehouses, the Bill contains a number of amendments to which I shall refer briefly. One deals with

the number of specified holidays per year, which will be made applicable to all persons engaged in factories.

Hon. E. H. Angelo: What day is Australia Day, which is mentioned in the Bill?

The CHIEF SECRETARY: I cannot tell the hon. member the actual date.

Hon. J. J. Holmes: The 26th January, and Foundation Day is the 1st June, Employees get both now.

The CHIEF SECRETARY: If Australia Day falls on the 26th January, the holiday will be observed on different days in different years. Provision is also made in the Bill for proper records to be kept of the hours worked by employees. The working hours of employees in restaurants, hotels and Fourth Schedule shops may be spread over 12 hours during each day.

Hon. H. S. W. Parker: But are not those hours fixed by the Arbitration Court?

The CHIEF SECRETARY: In some awards references are made to this matter, but if Mr. Parker will wait he will learn why this particular amendment has been included. It is necessary for employers to record the different periods during which their employees work each day. There is a record usually kept by all employers, but it is very often described as a "mechanical record" in that the hours recorded are those which the shop assistant or employee is supposed to work. Very often employees are asked to certify that the hours recorded are correct, whereas exactly the opposite is true. It is only when an employee leaves his position or is dismissed that complaints under this heading arise. The fact remains that they do arise frequently, and so the Bill contains an amendment that the actual hours of work, not those the employee is supposed to work, shall be recorded and certified to by both employer and employee.

Hon. L. Craig: How will that be done except by means of a recording machine?

The CHIEF SECRETARY: That is not what is meant by a mechanical record. Rosters are prepared and employee "A" may be expected to work from 9 a.m. till noon and from 2 p.m. till 5 p.m. Those hours are recorded and the employee is asked to certify that he has worked those hours, whereas he may have worked a considerable period of overtime in addition.

Hon. H. S. W. Parker: But the Arbitration Court awards provide for time of work being recorded.

The CHIEF SECRETARY: Yes, in some instances. I would point out, however, that there are a number of so-called factories that are not covered by Arbitration Court awards or even industrial agreements. There is another amendment in the Bill that deals with hairdressers who give tuition to persons other than properly indentured apprentices. When the previous Bill was before the House, members indulged in a long discussion on this question and I do not propose to spend much time on it now except to say that the amendment in the Bill is practically similar to that included in the previous measure. It sets out that hairdressing may be taught to properly indentured apprentices in any establishment, but that it shall not be taught to other than properly indentured apprentices except in schools established for that purpose. Then the question of receipt of premiums in respect of employment is a very important one. It is something that has grown up in recent years, and has been abused to a considerable extent, so the Bill makes it an offence to offer or accept a premium in respect of any employment in a factory, shop or warehouse.

Hon. H. S. W. Parker: Does that apply to sustenance workers?

The CHIEF SECRETARY: It would if there was a premium offered for the work.

Hon. H. S. W. Parker: What about £25?

The CHIEF SECRETARY: The hon. member can have his own opinion on that. Then the question of a uniform working week is also dealt with in the Bill. The provisions of the present Act governing the number of hours that constitute the working week were enacted many years ago. The Act came into operation in 1920. That Act provides that females and boys working in factories cannot be worked beyond the maximum of 8½ hours in any one day, or 44 hours in any one week. With regard to male workers, the Act provides a minimum of 8¾ hours and 48 hours respectively. A proposal in the present measure seeks to make working hours uniform so that the 44-hour working week will become general in all factories throughout the State. In the great majority of Arbitration Court awards to-day, the 44-hour week prevails, but there are still instances in which the 48-hour week is insisted upon.

Hon. L. B. Bolton: Did you say a maximum of 8¾ hours? Do you mean that no overtime shall be allowed?

The CHIEF SECRETARY: No, that was not my meaning.

Hon. L. B. Bolton: Well, you said the maximum hours to be worked in any one day were 8¼.

The CHIEF SECRETARY: But they will be entitled to work overtime.

Hon. L. Craig: I inferred that no one would be allowed to work more than 8¼ hours in one day.

Hon. L. B. Bolton: That is what I understood.

The CHIEF SECRETARY: The Arbitration Court awards provide for the working of overtime. I do not wish to imply that no employee shall be entitled to work overtime. There is also in the Bill a provision dealing with male workers engaged in getting up steam or in making preparation for the work to be carried out in a factory, and other persons employed in the trades referred to in the Third Schedule or in any other trades which may be specified by the Minister by notification in the "Gazette." Such workers shall be granted a working day of not more than 8½ hours and a working week of not more than 44 hours. They may, however, be employed both for an hour before the commencement of work by other employees in their factory or trade, and for another half hour after the usual closing time. The Bill also contains a provision dealing with the employees of shops and relating to the 44-hour week. At present male shop assistants over 16 years of age may be worked for a 48-hour maximum working week, while for all female shop assistants and male assistants under 16 years of age the 44-hour week is prescribed. And it is provided in the Bill that there shall be a 44 hours week for all shop assistants. Dealing with this same subject, there is that question of persons who are working in factories, being deemed to be employed from the time they commence work until they leave the premises. Under the present Act, women and boys are subject to that condition, but it does not apply to male employees, so it is desired by the appropriate amendment in the Bill to extend that condition to all employees of factories. It will be remembered that on a previous occasion I explained that, particularly in the furniture trade, there has been great difficulty in policing the hours and conditions of labour. All sorts of subterfuges have been resorted to by various employers, and in some cases

by employees, resulting in unfair competition against other firms. This amendment is designed to alter that position and apply the same conditions to male employees as are applied at present to females and males under 16 years of age. Then there is an important provision dealing with the payment of wages to workers in factories, shops and warehouses who are not covered by any award or arbitration agreement. At present the minimum wages are fixed by Section 45 of the Act. Those rates provide a graduated scale, beginning at 10s. per week for the first year and rising by yearly increments of 5s. a week to a maximum of 35s. It also provides that no woman shall be paid a lesser rate than the lowest rate prescribed for women in any award or agreement. Owing to the definition of the term "woman" as set forth in the Act, namely a female irrespective of age, many firms have been able to frustrate the intention of the Act, namely that a woman of 21 years of age or more should receive not less than the rate prescribed by an award for a woman of similar age. Thus, because many awards prescribe rates of wages for girls of 15 years and over much less than those prescribed in Section 45, employers may engage women of 21 years or more at wages of 10s. or 15s. per week. And, unfortunately, those employers have been quite within the Act in doing so, although that was never the intention of the Act. Consequently this provision in the Bill is intended to put an end to that state of affairs. At present the Arbitration Court has fixed the basic wage for women of 21 years or over at £1 19s. 10d. in the metropolitan area, and £2 7s. in the goldfields districts. Yet we find that in quite a large number of cases there are adult women who are doing a full week's work for wages considerably less than the basic wage prescribed for females. There are instances of women 21 years of age and over working for 15s., a week, and having no redress.

Hon. H. S. W. Parker: They would get more than double that in domestic work.

The CHIEF SECRETARY: But not all women are cut out for domestic work, and moreover domestic work is not always available to women. One point about this clause to which I would refer is that when the Bill was introduced in another place, the clause was in an entirely different form. It was amended in another place, and it now provides that junior females shall be paid at the same rates as junior males, while females

of 21 years and over shall be paid not less than the male basic wage. I do not know whether it was intended that that provision should be enacted in that form, but that is how it appears at present. If it were enacted in that form it would mean that women of 21 years and over would have to be paid the basic wage for a man. So I am considering an amendment that I will move in Committee which will get us back to the position desired when the Bill was introduced in another place. The clause also provides that every adult worker in a factory, shop or warehouse who does not come under an award shall be paid not less than the basic wage, unless the Chief Inspector of Factories authorises certain persons to work for less than the basic wage if such persons suffer from old age or infirmity. Another point is that which is designed to prevent unfair competition in certain industries by providing that all factories shall cease operations at the time prescribed for the cessation of work by employees engaged in those industries. This will apply more particularly in the furniture and breadmaking industries; because in many instances in those industries the employers have been able to circumvent the intentions of the Act and of awards and agreements by a very simple stratagem. The Act prescribes that where workers in a factory are subject to an award or agreement the occupier of such premises must himself cease work and cause the working operations of the factory also to cease at the hour when his employees finish their labours of the day. This section of the Act has been rendered largely inoperative by certain employers. Further, by entering into partnership agreements with their employees, or issuing them with shares, those who practise these subterfuges can claim that they no longer employ any workers subject to an award or to the provisions of the Act. These methods have been practised extensively in the breadmaking industry, with the result that unfair competition has taken place. Clause 28 deals with the promulgation of special regulations for the protection of health and life in dangerous trades. These were modelled upon the English Factories and Workshops Act. Provision is made whereby manufacturers will be enabled to object to any of the proposed new regulations. When any objection is raised the Minister may order an inquiry to be conducted by a competent person, with a view

to ensuring that the regulations shall be given special consideration before they are promulgated. That is a very necessary clause. We have in this State quite a number of new industries. This has necessitated the enforcement of very strict regulations in the interests of those who are engaged in such industries. Another clause that will lead to a good deal of discussion has to do with the limitation of trading hours for motor service stations. Provision is made for the limitation of the trading hours of those particular shops. I have received quite a number of communications on the subject, and heard quite a lot of criticism of this portion of the Bill. I have come to the conclusion that most people who criticise its provisions do not realise that, if the present Act were enforced, the service stations would have to close down at the ordinary hours at which other shops have to close. It is only because the Act has not been enforced that they have been allowed to trade as they are now doing. The Bill will give the people concerned a legal status such as they have not previously had. If we look at the matter from that point of view, we must admit that the proposal contained in the Bill is perfectly justified.

Hon. H. S. W. Parker: Or an amendment to the clause in question.

Hon. L. B. Bolton: That would be an amendment to the Factories and Shops Act.

The CHIEF SECRETARY: The proposal is worthy of the consideration of members. As I have said, we have not been enforcing the provisions of the Act in this particular case. Unless the matter can be put upon a sound and proper footing the department will naturally have to consider their attitude in regard to the existing sections of the Act. We have no desire to create more inconvenience than is necessary. We recognise that motorists constitute a large section of the community, and that they must have some facilities if they are to utilise the vehicles in their possession.

Hon. V. Hamersley: This legislation will help the thief.

The CHIEF SECRETARY: I should like to hear the hon. member on that point. It would have been possible for me to speak at considerable length but I do not propose to spend any more time upon the Bill just now. I might have referred to a number of minor amendments, but I have dealt with the more important ones. Whilst it would be too much to expect that every



member would agree to every proposal contained in the Bill, I think there is ample justification for all of them. Seeing that the Factories and Shops Act has not been amended for some time, and that certain important amendments are highly essential to many of our industries, I hope that members will give the Bill the consideration it deserves. Details of the proposals are available to the House. Whilst I have taken the opportunity to give only a rough outline of some of the amendments, I assure members there is ample justification in the records of the department for every one of those which some members may consider to be highly contentious. We are only endeavouring to bring our legislation into line with what is in operation in the other States and other parts of the world. Whereas in 1920 it could be said that our factories legislation would compare with anything anywhere else—I believe it was said we were taking the lead at that time—it could with truth be said that at present our factories legislation is a long way behind that which is in operation in other parts of the Commonwealth and in the Old Country.

Hon. G. B. Wood: This is a much younger country.

The CHIEF SECRETARY: Every member will have an opportunity to express his views on the Bill as a whole. I hope the second reading will be carried, and that, if members do not agree to some particular parts of the Bill, they will amend them to their liking, to an extent that we shall have a Bill that is more in keeping with the reputation this State used to enjoy in the matter of industrial and social legislation. I move—

That the Bill be now read a second time.

**HON. C. F. BAXTER** (East) [8.7]: For many years in this State there has been a vigorous campaign to advance local industries. Some progress has been made in the direction of increasing the use of local products by the people. The aim of Parliament should be to encourage expansion in this direction and in all legislative enactments to make the conditions suitable for the gaining of this objective. A study of this Bill shows plainly that the results will be detrimental to those engaged in industry, and will inflict upon them such conditions that the industries will suffer and production will languish. The stand taken by a learned

judge and a certain section of the community that "if an industry cannot carry certain stated conditions it should go out of existence" is a foolish one for a country like Australia. If we took up that stand it would give an opportunity to those people outside the State who are operating within it to do so under even better conditions, to supply our requirements, and receive moneys which would otherwise have given employment here. By the definition of "factory" in the Bill it is proposed to strike out the words "four or more persons" and substitute the words "any person or persons." Members will recollect that we have debated that point before. The proposed definition means that one person will constitute a factory. To get down as far as providing that a woman who makes a few cakes and disposes of them to a local shop as home-made cakes or pastry, shall constitute a factory, is going too far. As the Act stands, three persons working together do not constitute a factory, nor is a factory constituted when the power used does not exceed 1 h.p. The effect of the amendment would be that these small operators would have to cease operations because they could not live up to the conditions. A large number of these small establishments are composed of tradesmen who, during the depression, lost their employment.

Hon. L. B. Bolton: They started a long while before that.

Hon. C. F. BAXTER: The hon. member's father started long before that. I should be sorry to think he would support this type of legislation.

Hon. L. B. Bolton: I know the ill-effects of these small factories.

Hon. C. F. BAXTER: Now that the hon. member is secure, he does not want the other fellow to have a chance. During the time when they were employed, they were frugal enough to save money. When the depression hit them and they lost their employment, they began to manufacture goods on their own premises, perhaps in an old garage or a shed. They made a success of their enterprises and instead of going cap in hand to the Government and being supported by them, they made a good living for themselves and their dependants. That is the class of person we want to assist. There has been a great deal of talk about speeding up our local products. We have speeded up in that direction, but

not to a sufficient extent. We have speeded up our local products mainly through the very people to whom I have referred, the small factory owners. They have supplied our wants. This has been going on for the past six years. If this particular amendment is agreed to, these people will have to go out of business and will be thrown on the labour market.

The Chief Secretary: It does not mean anything of the kind.

Hon. C. F. BAXTER: It does; the Bill cannot have any other effect. Of course a large army of inspectors will be appointed, and they will visit these places day in and day out, and harass the people concerned.

Hon. J. J. Holmes: When they go on the dole the union will receive 25s.

Hon. C. F. BAXTER: Many of our well-established industries commenced as these particular people commenced. Had Mac-Robertson been placed in the position into which it is intended to put these people, he could not have made a success of his business, starting in the humble way that he did. If they had their way, controllers of large businesses in the city would govern everything. They would form a monopoly and exploit the people as much as they could. That is where the small man comes in, for to a large extent he prevents that exploitation. Parliament should protect such people and encourage them. The Minister stated that the employees of these small factories worked all sorts of hours and were underpaid. It would be interesting to know how many employees there are outside the awards of the court and under no control. There may be some, but there cannot be many. There is not a sufficient number to inflict any injury upon an established business. Paragraph (v) which is included in the definition of "factory" reads—

By adding at the end of paragraph (f) of the definition the following words, "Unless the Minister declares the same to be a factory for the purpose of this Act."

This is not only very dangerous, but no Minister should be placed in the position of having to decide whether he will inflict hardships on persons or not. This will give complete control to the Minister, and no doubt in the course of time every operation of the people will be subject to the Factories and Shops Act, and all will be harassed by an array of inspectors who will seriously interfere with those opera-

tions. Clause 11 of the Bill repeals Section 31 of the principal Act. This section controls the hours of work in factories, and the amendment, like others in the Bill, will interfere with the Arbitration Act. It is very undesirable to have Acts of Parliament conflicting? Even the Financial Emergency Act did not over-ride the Arbitration Act; it simply referred matters to the court for the court's decision. Here, however, we do interfere with the Arbitration Court, which is a very dangerous thing. Surely there are enough difficulties in existence without adding more. Parliament gave the Arbitration Court power to fix hours, and the court after the fullest consideration decided the question. That is the keynote. It is now proposed to repeal the section in the existing Act and to take away the rights held by the Arbitration Court, by prescribing 48 hours for special industries. Surely this will have the effect of preventing those industries being carried on. No Act should encroach or interfere with the Arbitration Act. The proposal will have a far-reaching effect, and if the Bill becomes law it will deal a heavy blow to many industries in the State, industries which the State has to depend upon to a considerable extent for its existence. Clause 12 will have the same effect, and Clause 13 will prohibit the extension of hours in special industries during rush periods. The intention of Clause 14 is to compel employees to take three-quarters of an hour for a meal. Under the present Act they are entitled to take this as a minimum time. Why make it compulsory on the employee to do so? Let those who desire to shorten the lunch hour and benefit by it, do so. Parliament has to say, "You shall take three-quarters of an hour; never mind whether it is better that you should have a quarter of an hour."

Hon. H. S. W. Parker: The shorter hour might give them indigestion.

Hon. C. F. BAXTER: Anyway, this is not a subject for jesting. Members should take it seriously. It is certainly a serious matter to interfere with the liberty of the subjects. Under Clause 18 another attempt is being made to encroach on the Arbitration Act. This clause reads—

A new section is hereby added after Section 41 of the principal Act as follows:—"For the purpose of this Act any person employed in any capacity in a factory shall be deemed to be em-

played therein from the time when such person commences work until the time when he actually leaves the factory, excluding, however, the meal-time prescribed under this Act."

Under this amendment the employer becomes responsible for employees outside of working hours. Surely employers have quite enough responsibility in controlling industry without being responsible in the direction of kicking employees off the premises within half-an-hour of their ceasing work.

Hon. G. Fraser: Do you know of anyone ever having been kicked off the premises?

Hon. C. F. BAXTER: A man may require to rest for a while after he has finished work, and he would prefer to remain there rather than walk about the streets. But no, he must not be permitted to remain on the premises. The employer must get him off the establishment!

Hon. J. Nicholson: You might require the services of a policeman to eject him.

Hon. C. F. BAXTER: That is so. This matter was thoroughly investigated by the Arbitration Court, and the decision of the court was against it. By the Bill, however, Parliament is to be asked to over-ride the court. Was not the Arbitration Court created for the purpose of dealing with questions such as this? It is wrong to attempt to do, and I hope what is proposed, this House, at any rate, will not sanction it. Under the present Act the granting of holidays was a matter within the jurisdiction of the Arbitration Court, and in every award made since 1925 the court has provided a complete system of holidays. Under Clause 19 holidays will be defined and a rule set outside the scope of the court. It is very necessary that the court should prescribe holidays to suit the various industries.

The Chief Secretary: You know that there are many employees who are not satisfied with the awards of the court.

Hon. L. Craig: Does the Bill propose to go outside the scope of the awards?

Hon. C. F. BAXTER: As the court has always favoured the granting of some form of annual leave, as well as certain public holidays, it is obvious that the amendment seeks to increase the total number of holidays decided upon by the court. The effect of Clause 26 will be to prevent employers from continuing their operations after working hours. The Bill should certainly be entitled, not the Factories and Shops Act Amendment Bill, but a Bill to restrict the operations of factories and shops. Can

anyone imagine Parliament preventing employers from attending to their own interests? The position will arise that an employer dare not enter his own premises after working hours.

The Chief Secretary: This provision applies at the present time.

Hon. C. F. BAXTER: This is what happens at the present time, and it happens night after night: An employee may not be able to make his purchases during regular business hours by reason of the fact that it is not possible for him to get away from his duties, and it is quite a common thing for an employer himself, outside working hours, to attend to the requirements of such a person. The amendment in the Bill will put an end to that kind of thing. I am aware of course that I cannot advance any argument on this question that will satisfy Mr. Bolton, because his mind is already made up.

Hon. L. B. Bolton: I should like to take you to some of these places.

Hon. C. F. BAXTER: I should also like to refer to the restrictive effect of Clauses 37 and 38.

Hon. J. Nicholson: Are you passing over Clause 20?

The PRESIDENT: I remind the hon. member that the details of the clauses can be thrashed out in Committee.

Hon. C. F. BAXTER: There are many other offending clauses of a similar nature but I am dealing only with the principal ones. Mr. Nicholson is quite right in drawing my attention to other clauses and particularly to Clause 20. As the Act stands at present, the closing time of all shops, except those mentioned in the Fourth Schedule, and small registered shops, are, 1 o'clock on one week day, and 6 o'clock on five other week days. The amendment in the Bill provides that one o'clock closing shall be on Saturday, thus definitely setting Saturday as the weekly half-holiday. Under the existing Act local governing districts can, by holding a referendum, decide on any day for the half-day closing. The Bill, however, will extend the Saturday half-holiday throughout the State. The position at the present time is that a referendum can be taken on the question, and the referendum is what the Government stand for. Now the Government propose to depart from one of their principles.

Hon. H. S. W. Parker: Anyone can change his mind.

Hon. C. F. BAXTER: Yes, but the Government cannot change the principles of their party so easily. Saturday closing is not a good thing as far as country districts are concerned. It is going to bring about centralisation in its worst form. People in the country are not going to break up their week. Their orders will come to the big emporiums in Perth. Among all the sheaves of requests concerning this Bill which I have received—

Hon. J. Nicholson: Have you had more than the Minister?

Hon. C. F. BAXTER: I hope the Minister has not had the same number as I have. I have had scores of letters and two only asked me to support this clause. They came from religious bodies, who no doubt consider that Saturday closing would favour religion. I know my fellow men perfectly well enough to be sure that if they have a half-holiday on Saturday it is not going to make them any more favourably disposed towards the church. It will merely extend their sporting hours, extend their long week-end. It is not going to benefit the churches as much as they think.

Hon. A. M. Clydesdale interjected.

Hon. C. F. BAXTER: I saw a petition with some names on it. It did not come to me, but went to another party in a country town within easy distance of Perth. The names included keen racing men who doubtless wanted the Saturday afternoon to attend Mr. Clydesdale's races.

The PRESIDENT: Order! I hope the hon. member will leave anything personal out of this discussion.

Hon. C. F. BAXTER: Very well, Sir. It is wrong of Parliament to interfere by Acts of this nature with the rights of the people. Why not give them the opportunity of saying what they want? Section 102 is repealed and that takes away the rights conferred on districts to fix their own early closing day and causes a state of chaos in country areas. As far as the country population is concerned, if Saturday afternoon closing is introduced, it will upset their week. It means that farmers will not be able to avail themselves of a half-holiday in the week. Except perhaps those on group settlements, they could not possibly split the week up. Certainly in the wheatgrowing areas there is no chance of splitting the week up and of the men doing their business on any other day but Saturday. They do their business on Saturdays and have their pleas-

ures at night as a rest from the toil of the week.

Several members interjected.

Hon. C. F. BAXTER: What applies to the city does not apply to the country.

The Chief Secretary: What about those districts where it does apply?

Hon. C. F. BAXTER: Take towns like York and Northam. It will have the result of those people suffering as the trade will be diverted to Perth. Did not Northam try Saturday closing and were they not glad at the expiration of the time to get back to the old system of a half-holiday in the middle of the week? They knew that the Saturday half-holiday would absolutely ruin them. Notwithstanding the fact that this Bill has been fostered by the member for Northam there is not one public body of note in Northam which has not circularised me in very strong terms to do my utmost to defeat Clauses 37 and 38 and some to reject the Bill altogether. Clause 39 has been mentioned by the Minister. Regarding the supply of petrol, the Minister says this can be controlled at the present time. Why ask Parliament to make this amendment? Why should visitors from outside districts be denied the right of being supplied with fuel, oil or spare parts if the necessity should arise?

The Chief Secretary: That is provided for in the Bill.

Hon. C. F. BAXTER: The Bill makes provision for parking, and everything else must be closed right up.

The Chief Secretary: That is not so.

Hon. C. F. BAXTER: Yes, it is.

The Chief Secretary: It is not. The hon. member should read the Bill.

Hon. C. F. BAXTER: I have read it.

The Chief Secretary: Then the hon. member does not understand it.

Hon. C. F. BAXTER: Clause 44 controls the hours of butchers' shops. Here again a move is made to interfere with an award of the Arbitration Court. Surely it must be conceded that the Arbitration Court from knowledge gained by dealing with these matters and from the fact that the court made exhaustive inquiries and heard all arguments regarding the hours, are the proper authorities to make a decision? They decided that the hours should be from 6 to 6. Now we as Parliamentarians are going above the body we appointed and say "No, your hours shall be from 7 to 6." Parliament is requested to ignore the court!

and decide the hours of an industry without material evidence being available to equal that supplied to the court. On what authority are we to do that? On what advice?

Hon. J. J. Holmes: The authority of the Minister.

Hon. C. F. BAXTER: What authority can override the Arbitration Court and its inquiries? I cannot conceive of this House usurping the rights and ignoring the finding of the tribunal set up to control industry. The Bill encroaches on the rights of people to such an extent as to become a danger. It will interfere to an alarming degree with the control of business by making Saturday closing mandatory. It will prevent employers from handling their own matters outside working hours. It will inflict hardships on the small tradesman by bringing him under the Factories and Shops Act. It will interfere with the hours of labour decided by the Arbitration Court and will make mandatory the minimum time for employees to have lunch. It will override the Partnership Act. In that respect the Minister dealt with the matter to some extent. I did not intend to deal with it, but I will not let it pass. I will give one concrete case. There is a certain firm handling provisions in Perth. These are required outside ordinary working hours. It is the essence of their business. Take that away and it would do away with the trade they have. They were faced with the position that if they did not supply outside these hours, the small one-man baker would supply, and take their trade from them. Therefore they formed a partnership. The partners they took in were paid a higher rate than the award rates.

Hon. G. Fraser: That is an exception.

Hon. C. F. BAXTER: They had to find a certain amount of money, and they got a bonus on the amount invested pro rata with the profits made. In that way, the requirements of customers were met outside the regulated hours. These persons are registered under the Partnership Act agreed to by Parliament. They are quite legitimate partners. Now it is proposed to override that Act and declare them not partners at all but workers.

Member: Which they are.

Hon. C. F. BAXTER: They are enjoying the profits of the business. The Bill will prevent people from procuring fuel, oil or spare parts for vehicles outside special

hours, and in the following clauses ignores the Arbitration Act and court. Clauses 11 and 12 ignore a decision of the Arbitration Court. Clause 13 prohibits the extension of hours in special industries. Clause 19 usurps the rights of the court to prescribe holidays. Clause 44 ignores an Arbitration Court decision which was only arrived at after exhaustive inquiries. The whole tendency is to take power from the court and give it to the Minister. The Bill will put such impositions on industry that instead of fostering it, as we desire to do, it will hamper industry towards the assistance of which all our efforts should be directed. Considering the liberties of which the people will be deprived and the hardship that will be inflicted upon industry, the House would be well advised to reject the Bill on the second reading. I shall certainly oppose the second reading.

HON. G. B. WOOD (East) [8.45]: I feel inclined to vote against the second reading because the Bill contains so many undesirable proposals. Certainly it is very much ahead of its time. In 1920, when the Factories and Shops Act was passed, we all thought it was at least 20 years ahead of its time, considering that Western Australia was such a young country in the matter of secondary industries. I consider that the Act of 1920 would meet the requirements of this State for at least another ten years without any amendment. I do not propose to deal with many of the clauses of the Bill—Mr. Baxter has spoken of many of them—but I should like to explain the point of view of farmers particularly and of residents of the country towns on a few of the provisions. The very drastic proposal for a Saturday half-holiday will represent a great alteration in the social life of the country people. I am surprised that the Minister should have introduced such a proposal, seeing that the Act contains provision for the people to decide the question for themselves. I have a resolution from the Northam Chamber of Commerce as follows:—

That this Chamber is of opinion that the proposed amendment of the Factories and Shops Act set out in Clause 38 of the amending Bill is not in the best interests of the Northam and districts community, and is in direct opposition to the recorded vote of the people.

Mr. Baxter explained the opportunities given to the people to express their wishes at

a referendum. At Northam the people decided for themselves by referendum, and I cannot understand why we should deprive them of that right by Act of Parliament.

The Chief Secretary: What was the franchise?

Hon. G. B. WOOD: The Ratepayers' roll, I think, I intend to give particulars of the referendum. On the 4th October, 1922, the proposal to alter the weekly half-holiday from Wednesday to Saturday was defeated by a majority of 397. The number of effective votes registered was 1,371. The position was not disturbed again for four years. In September, 1926, there was a reversal of opinion by a majority of 425 votes in a poll of 1,225. Thus the people thought they would prefer Saturday closing in 1926, and reversed their decision four years later. The Chamber of Commerce took no measures to defeat the referendum. They gave the people every opportunity to decide the question for themselves. It was thought that if the public desired a change it would be as well to allow them to decide it. Members will observe that the voting strength on each occasion was practically the same.

Hon. G. Fraser: That would not represent 50 per cent. of the population.

Hon. G. B. WOOD: I do not wish to stress the matter of the first two polls. Saturday closing was considered to be very detrimental to the interests of the town, and the matter was again placed before the electors in November, 1928. On this occasion, greater interest was manifested in the poll, and on a roll of 3,500 electors, 2,400 people voted. That was a very large vote for Northam. The result was a majority of 328 in favour of changing back to the present system.

The Chief Secretary: Was it 2,400 people or votes?

Hon. G. B. WOOD: That was the number of people who voted. I obtained the figures from the road board and also from the Chamber of Commerce.

The Chief Secretary: Did you quote voters or votes?

Hon. G. B. WOOD: I have already told the Minister.

The Chief Secretary: Are you sure they were voters?

Hon. G. B. WOOD: There were 3,500 electors and 2,420 people voted.

Hon. L. Craig: Or were 2,420 votes recorded?

Hon. L. B. Bolton: Was there any plural voting?

Hon. G. B. WOOD: I do not think there was.

The Chief Secretary: There must have been.

Hon. G. B. WOOD: I understand that the Assembly roll was used.

The Chief Secretary: A while ago you said the poll was taken on the ratepayers' roll.

Hon. G. B. WOOD: I am now telling the Minister that it was taken on the Assembly electoral roll.

Hon. J. J. Holmes: The fact remains that there was a substantial majority.

Hon. G. B. WOOD: That is so.

Hon. J. Nicholson: There was no plural voting.

Hon. G. B. WOOD: If the people wish to abolish the late shopping night, they have every opportunity to do so under the present Act. During the last six years, however, they have been quite satisfied, and no effort has been made to bring about a change.

Hon. L. B. Bolton: The Act provides that there shall be no plural voting on that question.

Hon. J. Nicholson: That is so. The vote has to be taken on the Assembly roll.

Hon. G. B. WOOD: The Northam Agricultural Society forwarded a resolution framed on the same lines as that of the Northam Chamber of Commerce. The Northam Road Board forwarded a similar resolution, and I have one also from Merredin, which is a fairly hot Labour centre, opposing Saturday closing. Another resolution was passed by a large body of farmers at Totadgin, who state that they view the proposal with alarm. A resolution to a similar effect was passed by the Primary Producers' Council at Bruce Rock, representing the views of 600 or 700 farmers. I have a petition from 100 per cent. of the traders at Moora, while the York Traders' Association protest against the Bill, as they fear it will cause centralisation. I wish to be quite fair by giving the other side of the question. I have two resolutions, one from the Church of Christ at Northam, and the other from the Methodist community at Meckering. They support the Bill because Saturday closing, they consider, would eliminate the

present excuse for Sunday sport. I have also a resolution from the Trades Hall at Northam.

The Chief Secretary: Is not the Meekering resolution in favour of closing?

Hon. L. Craig: That is what the hon. member said.

The Chief Secretary: The hon. member quoted the Methodist synod at Meekering.

Hon. G. B. WOOD: That is correct.

The Chief Secretary: I thought that represented the views of the Methodist community of the State.

Hon. G. B. WOOD: No, it came from the synod at Meekering, but does not reflect the views of Methodists throughout the State. I understand that there are synods at Northam, Geraldton and other places, so the representation is not as wide as the Minister thought. I have a counter-petition from Northam signed by a few people. Those are the only communications I have had in favour of the Bill. I give that side of the question to show that there is a little support in the country for the Government's proposals, but it is very little indeed. I want coastal and goldfields members to understand that it is absolutely impossible to have the same closing arrangements in country towns as are observed in the city. Even the position in various country towns differs. Bruce Rock, for instance, has a train on Friday afternoon, one on Thursday and so on, and on those nights the people look to have the shops open.

Hon. L. B. Bolton: It is mail day.

Hon. G. B. WOOD: Yes, and it is farmers' day. I do not know who wants the alteration. I have heard no agitation in favour of it. The shop assistants seem to be happy under the present arrangement. The Minister stated that some people have certain privileges. I would not be averse to giving shop assistants certain privileges to compensate for their late nights.

The Chief Secretary: Unfortunately, that does not rest with you.

Hon. G. B. WOOD: Mr. Baxter referred to the referendum. In York, Northam, Quairading and other towns the people have expressed their views as to the day they would like the shops kept open. I should not think this House would be a party to overriding an existing Act and depriving the people of their right to decide. I am surprised at the Minister trying to put such a proposition over us here. In fact, I am

rather disappointed in him for trying to abolish the wonderfully democratic principle of the referendum.

Hon. W. J. Mann: He might live to regret it; he is young as yet.

Hon. H. B. WOOD: A prominent farmer at Belka told me the alteration would cost him £30 a year. This is how he arrives at that figure: He and his family travel into Merredin on Saturday, do their shopping and attend the pictures in the evening. If Saturday closing is enforced, it will be necessary to go into town on Saturday morning, buy lunch, hang about all the afternoon, and buy tea before attending the pictures. Alternatively he was basing his calculations on the assumption that there would be Friday night shopping and he would have to buy his tea on that evening. That applies to many farmers. We should not deprive them of the right they already enjoy. I point out to the Minister that many farmers have not motor cars. Some run an old truck—

Member: And cannot get assistance because they have it.

Hon. G. B. WOOD: And some still drive an old horse and it is not easy to get about the country. Mention was made that the Methodist community favoured the alteration in the hope that it would do away with Sunday sport. I am not sure that it would make any difference to Sunday sport. We know that in the city Saturday closing has made no difference to Sunday sport. Foo' ball teams play their games on Saturday afternoons, go to the country on Sunday and make a general nuisance of themselves. Only recently at Toodyay footballers created a disturbance and the police had to be called in. A little while ago, the East Fremantle team visited Kellerberrin. Some of them went to Mr. Leake's property, removed the buggy from the shed and took charge of the whole show. The party had bottles of beer and some of the men were partly intoxicated.

The Chief Secretary: I should like the hon. member to withdraw that statement. I was present.

Hon. G. B. WOOD: What I said was the truth. It was not a reflection on Mr. Kitson. If he wishes me to withdraw the statement, I will withdraw it. I turned up at Mr. Leake's place on the Sunday, and saw a chap harness himself in the buggy and pull another fellow round. Mr. and Mrs. Leake were away at church. Upon their return

they were greatly annoyed at what had been done. If the Minister wishes me to withdraw the statement, I will withdraw it; but it is the truth, all the same.

The Chief Secretary: I would like the hon. member to withdraw the statement because it is not true. There was not one intoxicated member of the party, and there was not a bottle of beer in the party. I happen to be one of the leading officials of the club, and I was there on the occasion. The club members were there by invitation. I defy the hon. member to prove that any member of the party had a bottle of beer while on that property.

Hon. G. B. WOOD: I do not know what position I am in now. I was actually on the spot, and I saw the bottles of beer there. I do not say any special damage was done. The person's buggy was wheeled out in the yard, and the party generally took charge.

The PRESIDENT: I am quite sure the hon. member will accept the statement of the Chief Secretary, just as I am sure the Minister will accept the statement of Mr. Wood.

Hon. G. B. WOOD: The Minister said he was at Kellerberrin, but did not say he was at Mr. Leake's farm.

The PRESIDENT: The Minister has accepted Mr. Wood's statement.

Hon. G. B. WOOD: I cast no reflection whatsoever either on the team or its president. However, what I have said is the truth. I shall not touch on many of the provisions of the Bill, but I would like to say something about the restrictions on the sale of petrol on Sunday. I do a deal of travelling in the country, and know what inconveniences country people will suffer by the restriction on the sale of petrol on Sunday and also after 7 o'clock in the evening. I do not see why a man owning a bowser should not work as many hours of the day and night as he likes. In the case of a man employing assistance, the matter could be arranged by shifts. Parliament gave the Arbitration Court certain powers, and I do not see why those powers should not be enforced wherever necessary. As regards small factories, in a country like this, struggling to build up secondary industries, the fewer restrictions imposed the better. On the Armadale, York and Gingin roads one sees people eking out a meagre living by selling fruit and a little jam and a few pickles. Are they to be brought under the Act and registered? That would be iniquitous. As to the jam and pickles being

made under hygienic conditions, I do not wish for anything better than jam and pickles made in clean country homes. In any case, there is the Health Act to care for those aspects. Now as to hours of employment in shops. In remote country towns the shop assistants work only on Friday afternoon and in the evening. During the rest of the time hardly any customers come along. I fail to see how the hours proposed in the Bill could justly apply in those places. The position is quite different in Perth and towns like Northam and Toodyay. In small country towns the restricted hours will react harshly on shopkeepers and farmers. I hope hon. members will realise how dissimilar conditions in remote country districts are from the conditions in city areas. I am hardly able to make up my mind whether to vote against the second reading of the Bill. It is so over-loaded with irrelevancies that one feels inclined to adopt that course, to which generally I am opposed. The Bill is over-loaded with matters that should be left to the Health Department and the Arbitration Court, and the existing Act of 1920.

**HON. E. H. H. HALL** (Central) [9.6]: This is one of the Bills which do not call for much debate. We have had similar proposals previously, and most members know how they are going to vote. Therefore my remarks shall be brief. Only last week the Premier of this State said in another place—

A number of men previously employed by industries now cannot be employed, and the industries have handed them over to the Government and said, "Keep all these people."

Work must be found for them. If the Bill passes, industry will be justified in handing over more men to the Government to find work for. That is how I view the position.

Hon. J. J. Holmes: You are not far out, either.

Hon. E. H. H. HALL: Words fail me as regards the Bill, though I give the Government credit for honesty of purpose and good intentions. I am reminded that the way to a certain place is paved with good intentions. I cannot for a moment believe that in his wildest moments and his highest flights of imagination the Minister for Works ever expected this Chamber to pass the Bill. I fail to see that any member of Parliament or any Minister should concern himself with dictating to people in any part of the State what day they shall select for their half-holiday. Why interfere with



democracy in that respect? Every centre should be permitted to choose its half-holiday for itself. The Chief Secretary states that the laws do not cover inspection of food manufacture. Why not let us give the Health Department the necessary power?

The Chief Secretary: I did not say that there was not power.

Hon. E. H. H. HALL: Not sufficient power, then. The Bill is not even like the curate's egg—good in parts. The measure is pettifogging. It seeks to interfere with matters which are better left to the Arbitration Court, the tribunal specially created by Parliament to deal with them. Though not as a rule favourable to such a course, I shall vote against the second reading of the Bill.

On motion by Hon. L. Craig, debate adjourned.

## **BILL—PURCHASERS' PROTECTION ACT AMENDMENT.**

### *Second Reading.*

**HON. G. FRASER** (West) [9.12] in moving the second reading said: A few years ago, as the result of transactions of certain firms dealing particularly in the sale of land, it was considered necessary to introduce legislation whereby a measure of relief could be given to individual purchasers. At the time it was thought that the legislation then passed would cover the position, but during the last two years numerous instances have occurred showing that a minor alteration is needed in the Act. As a result we have this Bill before us. If hon. members will compare the principal Act with the Bill, they will find that the Bill does not ask for the insertion of a new section, but merely for the substitution of two or three lines for the corresponding lines in an existing provision. Hon. members might check this up before deciding on the attitude they will adopt towards the Bill. The usual procedure in selling land was to present a contract of purchase. Many of the people who entered into such contracts did so in good faith, believing that they would be able to pay off so much per month. At the time of signing the contracts they were quite genuine in their desire to purchase the properties. When bad times came, however, many of those purchasers lost their employment and were not able to

keep up their payments. There are numerous instances in which purchasers had paid as much as £100 off the purchase price. I have in mind one case where the purchaser bought three blocks valued at £80 per block, the total price being £240. He paid off £100, and then through loss of employment found himself in difficulties and could not continue the payments. He went so far as to request the land company to take back the land, offering to forfeit his £100. The company's reply was on the following lines:—

In reply to your letter of the 5th ultimo, which I referred to my clients, I have to advise that they are not prepared to release you from your contract and take back the blocks. Although they recognise you are in a difficult financial position, they desire you to enter into an arrangement whereby you make small payments off the amount owing which now stands at a considerable sum. If you are not prepared to do this, they will have no alternative but to take action against you.

That is the type of communication that has been sent to people who, in many instances, are in receipt of Government relief. This particular individual was at the time attempting to purchase his own home. Members will realise the position that man was in, particularly in view of the fact that he had a family of four children. He was prepared to sacrifice £100 if the company would take back the land. Legislation passed some years ago made provision to meet such circumstances, and set out that the land could be handed back to the vendors and the contract terminated. On requests being made along those lines, the purchasers met with a refusal. The result was that summons were issued against the individuals concerned, and judgment was given against them for the amounts claimed. Not only was judgment given in many instances for the amount claimed, but for water rates, municipal rates and other charges that were added. Thus the amount claimed was increased appreciably. I do not say that that was wrong, but it served to add to the difficulties of the persons concerned. Many of those who purchased blocks lived in various distant parts of the State, yet they were summoned to appear before the court in Perth. It was impossible for them to do so, and judgment was entered against them in their absence. The next step taken by the firms was to enforce the judgments and in some instances committal orders were granted. Some persons have actually been imprisoned because of the non-payment of money owing on

blocks of land. Three or four persons were in gaol at Bunbury at the same time for this class of offence, and had to undergo a month's imprisonment.

Hon. H. Tuckey: That cannot be done now.

Hon. G. FRASER: It can be done, but relief will be given them if the Bill be agreed to.

Hon. L. Craig: Would not the Tenants, Purchasers and Mortgagors' Relief Act apply to those people?

Hon. G. FRASER: No, because action was taken and imprisonment followed. It has been done in some instances, and it is likely to be done again. When the legislation was introduced in another place, it was thought that the clause would cover such cases, but it has been found that it does not.

Hon. L. Craig: The Bill will give the right of appeal.

Hon. G. FRASER: Yes, the right of appeal against action that has been taken by companies to enforce judgment.

Hon. J. Nicholson: It is retrospective.

Hon. G. FRASER: It would be useless otherwise. The contract were entered into some years ago, and unless the Bill covers them it will be useless to pass the measure.

Hon. L. Craig: Why could not the purchasers submit their defence when the vendor applied for judgment against them?

Hon. G. FRASER: I suppose the cost of entering a defence would be a factor in some instances, and other reasons probably influenced the purchasers. Probably some defences were submitted, but after judgment had been given against the purchasers they found it impossible to continue the payments. The Bill will enable the purchasers to appeal for an alteration in the court's decision, if the amount of the repayments is regarded as too high. I hope members will agree to the measure. I move—

That the Bill be now read a second time.

**HON. H. S. W. PARKER** (Metropolitan-Suburban) [9.22]: I do not quite understand what the Bill means. The existing Act seems to cover the position, from what I can make out. The Bill proposes to repeal Subsection 2 of Section 10 of the Purchasers' Protection Act by providing that any purchaser who is threatened with any such proceedings "as are mentioned in the preceding section" may have the right of appeal. Subsection 1 of Section 10, which is the pre-

ceding provision, sets out that the vendor can take action, and the purchaser can hand back the land and the court may make an order accordingly. The provision in the Bill also refers to persons who are threatened with execution or any other proceeding under a judgment, and sets out what can be done.

Hon. A. Thomson: What if the vendors refuse to take the land back?

Hon. H. S. W. PARKER: The court will decide the question, and the Bill proposes that any purchaser who is threatened with proceedings mentioned in the Act or is threatened with execution, may exercise the right of appeal. I do not know whether the Bill is to apply retrospectively to dates prior to the Act. It does not say so. If judgment is given against a man and he does not comply with the terms of that judgment, I do not know why the vendor should not issue execution, and why should there be further expense incurred in asking the court to alter the earlier decision.

Hon. J. J. Holmes: Does not the last clause make it retrospective?

Hon. H. S. W. PARKER: No, that is really in substitution of the subsection that is struck out, and is not retrospective in that sense.

On motion by the Honorary Minister, debate adjourned.

## **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.**

### *In Committee.*

Hon. G. Fraser in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Definitions:

Hon. H. S. W. PARKER: I move an amendment—

That in line 5 of the definition of "goods" "proclamation" be struck out, and the word "regulation" inserted in lieu.

My reason for the amendment is that I object to government by proclamation, because it takes all power out of the hands of Parliament. When it is by regulation, it is left with Parliament to disagree with any regulations brought in.

Hon. H. SEDDON: I do not like the amendment any better than I like the original provision. While the Government are given powers to declare the Act by procla-

mation, the effect of the amendment would be that they would bring in a regulation, probably when the House is not sitting, and that regulation would be in force until the House sits before the House could disagree with it, when the effect of the regulation would be accomplished.

Hon. A. M. Clydesdale: The proclamation would have the same effect.

Hon. H. SEDDON: Yes, I do not think we should have either proclamation or regulation. I **move an amendment**—

That in line 3 of the definition of "goods" all the words after Act be struck out.

Hon. H. S. W. PARKER: Actually this amendment will come before mine, so I will withdraw mine for the time being.

Amendment, by leave, withdrawn.

The HONORARY MINISTER: The amendment will cripple the Bill, for the public will be entirely misled while Parliament is in recess. I do not think Mr. Seddon wishes to cripple the Bill, for it is a very necessary measure and we should provide the proper machinery in it.

Hon. H. SEDDON: After all, as has been pointed out, we have gone on for many years without the Bill, and since the Government have not included any but four commodities in the Schedule, it is pretty clear that they have brought down the Bill before they were ready. But I object to the principle of present and past Governments endeavouring to govern the State by an act of the Executive Council instead of by Parliament.

Hon. L. CRAIG: I will support the Honorary Minister in this. He has said that the amendment if carried will ruin the Bill. It must be remembered that the Bill was introduced at the request of many wool growers.

Hon. J. Nicholson: Wool can be inserted in the Schedule.

Hon. J. J. Holmes: I have an amendment to meet the wool position.

Hon. L. CRAIG: It is a question of which is the lesser of the two evils, whether the Bill is to come in by regulation, which may be produced when Parliament is not sitting, or by proclamation. I think the regulation offers the lesser of the two evils and so I will oppose the amendment.

Hon. H. S. W. PARKER: I am in favour of the amendment. This is a very important Bill and no doubt it is very necessary. But we have in the Sched-

ule only four items. Whatever goods are set out in the Schedule there will be imposed on the trader a very serious obligation which should not be imposed even by regulation, although in my opinion the regulation is not as bad as the proclamation. However, we have been 107 years bringing in the Bill, so why the extraordinary urgency for having either regulation or proclamation? Surely we could put the Bill on the Statute Book for say 12 months, when Parliament will be in a position to extend the Schedule in August or September next. I do not think the amendment will kill the Bill.

Hon. H. V. PIESSE: I will support the amendment. Furniture, bedding, blankets and flannel are the only items in the Schedule, which I think could be extended. On the second reading I said I would vote against both proclamation and regulation.

The HONORARY MINISTER: Members should look at the Bill in proper perspective. In another place it was not treated as a party measure; indeed the Opposition gave considerable assistance to the shaping of the Bill. The fact that the Schedule is so small is evidence of sincerity on the part of the Government. They wanted to be quite sure of the position before increasing the Schedule.

Hon. E. H. ANGELO: I will support the amendment, although I realise the difficulty that may be created later if it be necessary to include further commodities. I suggest we might get over that by having another provision in the Bill, together with another schedule. Let the present Schedule be enlarged by the inclusion of as many articles as the Government think fit, and then let us have another schedule, with a provision that if the Government think it necessary regulations may be made.

Hon. H. S. W. Parker: That is provided for now.

Hon. E. H. ANGELO: But there is no second schedule. In that second schedule the Government could include half a dozen articles which they think might be necessary to legislate for later on.

Hon. J. J. HOLMES: As I said on the second reading, my objection to the Bill was the proclamation. I then said that we could give the Government power to do this by regulation, but now Mr. Seddon's amendment goes further and will not even allow the Government that power. The ad-

vantage of the regulation is that if the Government include something to which Parliament objects, Parliament can disallow the regulation.

Hon. H. S. W. PARKER: Regulations are the machinery by means of which an Act is put into force. The goods referred to here are only those that are sold by traders, and have nothing to do with the health of the community. Let us have something definite and solid before us, not anything flimsy, such as we have here.

Hon. E. M. HEENAN: If the amendment is carried, the definition of the word "goods" will be made very wide. This will defeat the intentions of the mover.

Hon. J. NICHOLSON: The amendment is a sound one. It will give Parliament an opportunity, when any amending Bill comes down, to say yea or nay to any proposal to increase the scope of the Act. To give the Government power to say at any time that the provisions of the measure shall apply to certain goods that it may be thought by Parliament should not be included in the Schedule, may lead to a great deal of harm being done. Let us put into the Schedule now such things as may reasonably be thought worthy of inclusion, and in that way test the position. The State Manufactures Description Act, which was passed in 1931, gives inspectors the same powers that are embodied in this Bill. All we need do here is to put into the Schedule certain outstanding lines which should come under the purview of the new Act.

Hon. L. B. BOLTON: I am disappointed that the Schedule contains so few items. It should have contained many more.

Hon. J. Nicholson: They can be included later.

Hon. L. B. BOLTON: Meanwhile I would support the substitution of the word "regulation" for the word "proclamation."

Hon. H. SEDDON: My idea in moving the amendment was to afford members an opportunity to enlarge the Schedule, which at present contains only four items. The measure could apply to a thousand items. The Government propose that all these additional items should be included by proclamation.

Hon. W. J. MANN: I support the amendment. It looks as if the Government have brought down the Bill before determining what goods should be dealt with. We should

frame a schedule that will include all those things we think should be in it.

The HONORARY MINISTER: The Bill was brought down to protect bona fide traders and careless buyers, and to safeguard local products from unfair outside competition. If the Schedule is drawn up in this Chamber without prior investigation, it may do a great deal of injustice to a number of traders. It will take some time to prepare a schedule on sound lines. If the Committee does substitute the word "regulation" for "proclamation," then Mr. Holmes's argument is sound.

Hon. J. M. DREW: Mr. Seddon's amendment would make the Bill worthless. I do not care whether the Schedule is framed by proclamation or by regulation. It would be farcical that the Government should have to approach Parliament every time it added an item to the Schedule.

Hon. H. SEDDON: The Schedule could contain hundreds of items. Amongst them may be some which are the product of small traders. It is proposed to give the Government power to throw people out of work and ruin them. Six months later Parliament may say the Government did the wrong thing. If it was done by proclamation, we would be unable to do anything, and if it was done by regulation, it might then be too late. I am not prepared to give the Government an open cheque in this matter. An extreme Government might hamstring half the State, if they so desired, under this kind of legislation. The Committee should be very careful about giving the powers set out in the definition.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	..	8
Noes	..	..	..	..	15
<hr/>					
Majority against	..	..	..	..	7
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AYES.	
Hon. V. Hamersley	Hon. H. V. Piesse
Hon. W. J. Mann	Hon. H. Seddon
Hon. J. Nicholson	Hon. G. B. Wead
Hon. H. S. W. Parker	Hon. E. H. Angell (Teller.)
NOES.	
Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. A. M. Clydesdale	Hon. G. W. Miles
Hon. J. Craik	Hon. A. Thomson
Hon. J. M. Drew	Hon. H. Tucker
Hon. E. H. Gray	Hon. C. H. Witterhorn
Hon. F. H. H. Hall	Hon. C. G. Elliott (Teller.)
Hon. E. M. Heenan	

Amendment thus negatived.

Hon. H. S. W. PARKER: I move an amendment—

That in line 5 of the definition of "goods," the word "proclamation" be struck out and "regulation" inserted in lieu.

I gave my reasons for moving the amendment when I spoke on the second reading. If the amendment is carried, it will be necessary to bring the remainder of the Bill into line.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the following words be added at the end of the clause:—"but shall not include goods acquired and not disposed of prior to the date of this Act coming into operation."

There are goods enumerated in the schedule as well as many other goods which are sometimes of such a nature that they are held in stock for a long time, and it will be impossible for any man to supply all the particulars required regarding those goods. It would not be fair to ask a shopkeeper to do so, and if he has such goods on his premises he must not attempt to sell them. No man engaged in business could supply the details that might be required.

The HONORARY MINISTER: There is ample protection in the Bill as it stands to properly protect all traders. If the Committee should be inclined to accept the amendment I suggest that it should read in this way, "The Act does not apply to the goods acquired and not disposed of prior to the date of the assent of the Act."

Hon. J. NICHOLSON: I would be prepared to accept that amendment in the place of mine. If the Minister will permit me, I will substitute it for mine.

The Honorary Minister: Very well.

Hon. J. NICHOLSON: With the permission of the Committee I will alter my amendment to read:—

The Act shall not apply to goods acquired and not disposed of prior to the date of the assent of the Act.

Amendment put and passed; the clause, as amended, agreed to.

Clause 3—agreed to.

Clause 4—Goods not included in the schedule may be declared to be goods by proclamation:

Hon. H. S. W. PARKER: I move an amendment—

That in line 2 of Subclause 1 the word "proclamation" be struck out and "regulation" inserted in lieu.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 2 of Subclause 1 after the word "that" the following words be inserted:—"As from a date to be specified therein being not less than one calendar month after the date of publication of such regulation."

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That all the words after "Act" in line 6 of Subclause 1 to the end of Subclause 2 be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5—Trade descriptions compulsory in certain cases:

Hon. H. S. W. PARKER: I move an amendment—

That paragraphs (a) and (b) be struck out.

In view of the definition of "goods" it is unnecessary to have paragraphs (a) and (b). "Goods" means goods in the first schedule and by regulation. I propose later to move also that all words after "goods" in line 9 of the clause be struck out because they are unnecessary.

The HONORARY MINISTER: It is reasonable to ask that when members require drastic amendments of this character they should be placed on the Notice Paper. I move—

That further consideration of Clause 5 be postponed.

Motion (postponement) put and passed.

Clause 6—Condition of sale:

Hon. H. S. W. PARKER: Paragraph (b) states that it shall be an implied condition of every sale or contract of sale for goods "that the prescribed trade description has been applied to the goods." "Prescribed" means under the Interpretation Act "prescribed by regulation." I do not think that is meant here. I think the word "prescribed" has crept in by error.

Hon. J. NICHOLSON: I think so, too.

The HONORARY MINISTER: The hon. member might be right. I will make inquiries. I move—

That the further consideration of the clause be postponed.

Motion (postponement) put and passed.

Clause 7—agreed to.

Clause 8—False advertisements:

Hon. J. NICHOLSON: There is an interpretation of chattels real, but not of

chattels, real. I suggest that the comma be struck out.

The CHAIRMAN: That can be done by the Clerk.

Hon. W. J. MANN: The penalty of £100 for a first offence should be reduced to £50. Under the provision it seems mandatory for the magistrate to inflict a fine of £100 for a first offence, irrespective of any extenuating circumstances. The production of a newspaper is a complex undertaking. Matter for publication has to pass through many hands. The defendant might admit having received the prescribed warning, but through mischance or a wrong impression on the part of one of the many units employed, the offending matter might be inserted. It is comparatively simple to determine whether reading matter is slanderous, libellous or untrue, but an advertisement is a different proposition, and a newspaper man would have great difficulty to determine whether an advertisement was true or whether it contained matter that should not be published. Where the defendant can prove that the appearance of matter in a newspaper was due to mischance or misapprehension, the magistrate should have discretion to inflict a fine to suit the circumstances.

The Honorary Minister: The Interpretation Act provides that that shall be the maximum penalty.

The CHAIRMAN: The penalty provision reads peculiarly. It states, "For a first offence one hundred pounds; for a second offence not less than fifty pounds or more than two hundred pounds."

Hon. W. J. MANN: I am concerned with the penalty for the first offence. I move an amendment—

That "one hundred" be struck out and "fifty" inserted in lieu.

The CHIEF SECRETARY: Section 29 of the Interpretation Act stipulates that the penalty provided shall be the maximum.

Hon. W. J. MANN: That probably applies to the reference "not less than fifty pounds." I shall adhere to my amendment.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That in line 2 of sub-paragraph (i) of paragraph (a) of Subclause 4 "an inspector" be struck out and the words "the Minister" inserted in lieu.

The proposal savours of censorship. An inspector giving warning will in a sense be acting as a censor. Such a warning should be issued by the Minister. Too much caution cannot be exercised. Warnings are not likely to be numerous, so we shall not be asking too much of the Minister. Some inspectors are rather arrogant, and people will feel more satisfied if the warning is issued by the Minister.

The HONORARY MINISTER: The only objection I have to the amendment is that it might prove impracticable of application in the country. It would throw a lot of work on the Minister and would entail expense.

Hon. W. J. Mann: I have another amendment later on.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That in Subclause 4, paragraph (a), after the word "section" there be inserted "such warning to be in writing signed by the Minister and delivered to the registered address of the newspaper; in the case of a daily, 12 hours before the date of publication, and in the case of a newspaper other than a daily 24 hours before publication."

I assume that the Government will have no objection to this amendment.

Amendment put and passed.

Hon. G. B. WOOD: I have a lengthy amendment to move to this clause, and desire to place it on the Notice Paper.

On motion by the Honorary Minister, clause postponed.

Clause 9—agreed to.

Clause 10—Powers of inspectors:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 1, paragraph (a), the words "at all reasonable times" be struck out, and "during usual working hours" inserted in lieu.

This amendment I regard as perfectly reasonable.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That in Subclause 1, paragraph (e), the words "whom he has reason to believe to be or to have been within the preceding six months employed or" be struck out.

The object of the paragraph is to compel a person who has been in the employ of another person to give evidence. Such a provision is highly dangerous, because the person employed may have been dismissed by the employer, or may have quarrelled with the employer, and be prepared to do

all sorts of things in order to vent personal animosity.

The HONORARY MINISTER: The amendment is objectionable. I cannot imagine an inspector approaching an employee if he knows that employee to have had trouble with his former employer. In ordinary circumstances the paragraph is desirable.

Hon. H. S. W. PARKER: The paragraph is highly dangerous. The inspector is to be empowered to go along and ask a discharged employee questions. The power to question is now possessed only by judges. The police cannot do with a murderer what this paragraph proposes. There is no objection to the employee being subpoenaed and taken to court. But here is a self-appointed tribunal empowered to administer, apparently, the third degree. I do not say the power would always be used in that way; but it could be.

The Honorary Minister: The paragraph provides that the employee shall not be required to incriminate himself.

Hon. H. S. W. PARKER: If the employee says, "I will not answer such and such a question because it might incriminate me," then the inspector says, "Very well; here is a summons for the offence." When a judge excuses a man from answering a question on the ground that it would incriminate him, he gives the man a certificate, and the man cannot be prosecuted.

Hon. J. M. DREW: I do not like the paragraph. I object to it on principle. It compels a man to be an informer. If he is a conscientious man, he will probably tell the truth and that will be a stain on him and his family. If he is a dishonest man, the inspector will not get much information from him.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in Subclause 1, paragraph (e) be struck out.

This is almost consequential.

Amendment put and passed; the clause, as amended, agreed to.

Progress reported.

*House adjourned at 10.56 p.m.*

## Legislative Assembly,

*Tuesday, 17th November, 1936.*

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

### QUESTIONS (3)—LOTTERIES COMMISSION.

#### *Audit of Accounts.*

Mr. HUGHES asked the Minister for Police: 1, Will he lay on the Table of the House reports of all audits of the accounts of the Lotteries Commission made by the Government Auditor? 2, If so, will he do so before the discussion of the Lotteries (Control) Act Amendment Bill is proceeded with?

The MINISTER FOR POLICE replied: 1, Yes. 2, I am now presenting them to the House.

#### *Employees as Unionists.*

Mr. HUGHES asked the Minister for Police: 1, Were instructions issued that persons employed by the Lotteries Commission had to become and/or remain members of an industrial union? 2, If so, when were the instructions issued, and by whom? 3, Have any persons employed by the Lotteries Commission refused to join an industrial union? 4, If so—(a) what are the names of such persons; (b) have their services been dispensed with; (c) if not, why?

The MINISTER FOR POLICE replied: 1, No. On the 10th May, 1935, the then Lotteries Commission in reply to a request from the Clerks' Union that all the employees should join the union, stated that that was a question between the union and the staff. 2,