cases that will arise under this legislation. There is much congestion now in connection with the local court work, particularly in the metropolitan area, due to the fact that there is a shortage of magistrates. Do the Government intend to appoint additional magistrates to deal with these cases? It is useless to pass legislation and then ask magistrates, who cannot cope with the work available now, to deal with additional hearings. No magistrate has been available for the Children's Court on two or three occasions recently. Is another magistrate to be appointed?

The MINISTER FOR JUSTICE: The Government will meet that position when it arises.

Hon. C. G. Latham: It has arisen now.

The MINISTER FOR JUSTICE: It has not. There is no congestion in connection with local court work.

Hon. C. G. Latham: There was no magistrate available to preside over the Children's Court on two or three occasions.

The MINISTER FOR JUSTICE: The magistrate in charge of that court has retired. We will have to appoint another magistrate in his place.

Clause put and passed.

Clauses 5 to 7—agreed to.

Progress reported.

House adjourned at 10.46 p.m.

Legislative Council,

Wednesday, 8th September, 1937.

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

QUESTION—WYNDHAM MEAT WORKS.

Eastern States Tender.

Hon. L. B. BOLTON asked the Chief Secretary. 1, When accepting the tender of a Sydney firm for the manufacture of certain pipes and fittings for the Wyndham Meat Works at a cost of £3,724, against the lowest local tender of £3,861, was the usual preference of 10 per cent. given the local tenderer? 2. If so, in view of the Government's avowed policy of preference to local manufacturers, should not the local firm have been given opportunity for revising their tender?

The CHIEF SECRETARY replied: 1, The matter of 10 per cent. preference was given due consideration, but there were other factors which made the Sydney offer more acceptable. 2, No.

QUESTION—GOLDFIELDS WATER SUPPLY.

Hon. H. SEDDON asked the Chief Secretary: Will the Government arrange for the full report, including tabulated statements, of the Goldfields Water Supply Department for the year ended June, 1937, to be made available for Parliament, as was done in 1925?

The CHIEF SECRETARY replied: A report for the last financial year together with necessary statements, will be tabled during the current session.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

Debate resumed from the previous day on the following motion by Hon. G. W. Miles:—

That the Regulations (Nos. 1 to 9 inclusive) relating to the Natives' Medical Fund made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" on 2nd July, 1937, and laid on the Table of the House on 10th August, 1937, be and are hereby disallowed.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.36]: It must be admitted by all who have followed the native question that very great progress has been made in handling the problem during recent years. Two years ago, for example, the residents of the North-West were absolutely panic-stricken at the rumours of disease, including leprosy, among the natives, and, as Mr. Holmes pointed out, the action of the Government in firmly grappling with that problem has made a very great difference to the North-West, conferring advantages upon white residents and natives alike. The Chief Secretary, when Honorary Minister, devoted years of study to the problem, and under his guidance the department and the Commissioner of Native Affairs, as he is now called, I mean Mr. Neville, prosecuted their work with very great success. The result was seen last session when the new legislation dealing with the administration of the natives was carried. The conference, representative of all the departments in various States handling native problems, which met at Canberra recently, expressed commendation on this legislation. That was a great compliment, not only to the Chief Secretary but also to the Commissioner, Mr. Neville. In Western Australia we have a public conscience and we are trying to grapple with the problem in vindication of the responsibility we are carrying in this State. The regulations now under review in this House are implemented from the new legislation, and will be of great benefit to the people of the North-West—natives and pastoralists alike. Recently a deputation waited on the Chief Secretary. It was representative of the pastoralists and the men of the North-West, all of whom now, seemingly, realise that these regulations are not only helpful to the natives but also to the employers in the North-West. It is a pity Mr. Angelo was not present during the earlier part of the debate, as he might have saved himself the trouble of referring to certain points that he raised last night. The first point was the amount of the contribution which the holder of a permit to employ natives is required to pay. As the Chief Secretary explained, every effort was made to discover the fairest possible basis for the charge, and after searching investigation the sum fixed, namely £1 for every native employed, was considered to be fair, and possibly sufficient to meet all claims on the Fund, though that of course remains to be seen. The representatives of the employers of native labour in the North have been consulted in this regard and are prepared to accept the rate named in these regulations. For casual employment up to a month, a refund of three-quarters of the rate is provided for, and other regulations are to be introduced shortly covering the casual employment of natives for lesser terms on an even lower scale; because it is apparent that something further is required to cover the occasional casual employment of natives throughout the State who, in ordinary circumstances, as workers, would require otherwise to be covered by insurance. This, I think, fairly meets the arguments used by Mr. Thomson last night. Incidentally I may say that Mr. Thomson's information was not correct. Next, Mr. Angelo wants a definition of the word "employee." Surely that is clearly defined in Regulation 4, which says that the fee of £1 shall be paid in respect to each and every native employed under the authority of the permit. Section 36 of the Act under which these regulations are made, implies that any native who falls ill or becomes diseased or who suffers any injury or accident, may be treated at the cost of the Fund. But if that were accepted literally, a very much higher fee than £1 would be necessary, as it would be unreasonable to charge the cost of treating indigents generally to the Fund and there is certainly no intention of doing so. Those who will receive the benefit of the Fund will be the workers themselves, their immediate dependants, and the pensioners maintained at the cost of employers. That, I think, is an effective reply to the remarks of Mr. Holmes, who visualises the happy families of natives on those stations. I think this explanation fully meets that hon. member's contention. The Fund will be confined to those immediately around the station as workers and their dependants. The third point Mr. Angelo makes is his disagreement with the onus of bringing in sick natives for treatment being

placed upon the employer. The Act does that very definitely in Sub-sections 2 and 3 of Section 36, and this is almost word for word contained in the oft-quoted Moseley Commission. The position in regard to those employees on whose behalf the fee is to be paid and for whom the benefits of the Fund are designed, is exactly the same throughout the State, with the exception that there is more casual labour in the South than there is in the North and, as has been pointed out, provision is already made to some extent for this under these regulations, and further provision is promised. As to Mr. Angelo's reference to the head of the department endeavouring to make his department payable, the influence of this fund in this respect is entirely negligible, because its benefits will be devoted only to the treatment of natives who have hitherto been the responsibility of the employer under his permit, and who will again be the responsibility of the employer to the fullest extent if these regulations do not become effective. It cannot be too strongly emphasised that the department will still have its indigents to attend to as heretofore, and they will not be charged to this fund. Members should realise that if these regulations do not go through employers of native labour will be in exactly the same position in respect to their obligation to pay for the treatment of sickness, accident, compensation, and such like, as they were before the passing of the Native Administration Act. Formerly, in anticipation of some such measure, the department, encouraged by the Minister, accepted much more financial responsibility than was really warranted in the circumstances. It may be that in the future, failing the establishment of the medical fund on the lines proposed, the employer will find himself saddled with the full expenses he will be required to meet under his permit to employ, the enforcement of which has not hitherto been a feature of the department's policy.

HON. G. W. MILES (North—in reply) [4.48]: I am content with the explanation of the Honorary Minister. My object in moving the motion was to satisfy employers of natives in the North, and arrange a conference between them and the Minister. That conference was held on Monday. The employers are satisfied with the interpretation the Chief Secretary has given them concerning the manner in which the regulations will be administered. The wording of the regulations is not exactly on all fours with what has been indicated by the Chief Secretary will be the method of administration, but those concerned are satisfied with the assurance that things will go on as in the past with respect to obtaining permits for natives. I and others appreciate what the department have done during the last year or two for the benefit of natives in the North. All members give credit to the Government for the action they have taken in improving the conditions for sick natives etc., by starting the leprosarium at Derby. I thank the Chief Secretary for receiving the deputation and ask leave to withdraw the motion.

Motion by leave withdrawn.

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

Third Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.50]: I move—

That the Bill be now read a third time.

HON. H. TUCKEY (South-West) [4.51]: The Bill should receive further consideration. Clause 2 sets out that all moneys shall be expended on roads and other works connected with transport as the State may think fit. This means that moneys can be expended on railways, tramways, trolley buses, etc. I feel there should be a definition here so that this money shall be expended on main roads at any rate until they are in a better state than they are in to-day. The other day Mr. Heenan complained of the section of road between Southern Cross and Coolgardie. We know it is the policy of the Main Roads Board not to declare main roads until there are sufficient funds and plant to put new works in hand. Seeing that we have many miles of roads yet to construct, it would be unwise to allow the money to be used for any other purpose. I ask the Minister to postpone the third reading until to-morrow, to enable proper notices of amendments to be placed on the Notice Paper to be considered on recommittal of the Bill.

HON. J. CORNELL (South) [4.52]: This is the Bill concerning which two or three members took a false step last night. Mr. Hamersley expressed doubt regarding

the same clause as that to which Mr. Tuckey referred. Mr. Tuckey approached me and said he would test the feeling of the Council unless a satisfactory explanation was given as to the retention of the words complained of. The Standing Orders do not permit him to do this, inasmuch as he did not put a notice on the Notice Paper intimating that he would move for the recommittal of the Bill for a certain purpose. On the report stage he could have moved for the recommittal of the Bill, but on the third reading stage the necessary notice must appear on the Notice Paper. If a doubt exists I think it should be cleared up.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.53]: Mr. President—

The PRESIDENT: I would remind the Chief Secretary that if he speaks now, he will close the debate, and that it will then be too late to move for the adjournment of the debate on the third reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.54]: This Bill merely ratifies the agreement between the Commonwealth and the States. There is no objection to the adjournment of the debate.

On motion by the Chief Secretary, debate adjourned.

BILLS (2)—THIRD READING.

1, Main Roads Act Amendment.
2, Main Roads Act Amendment Act, 1932, Amendment.

Passed.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st September.

HON. C. F. BAXTER (East) [4.56]: The Government are most insistent in their endeavours to influence the House to pass this Bill. If members of this Chamber were as inconsiderate as some leaders of the Labour Party are pleased to accuse them of being, the threats of reprisals, more especially by the Premier and others occupying responsible positions, may influence them to decline further to consider the measure. Why does the Premier use such cheap talk as reprisals or stoop to threats, both of which are empty and meaningless and are certainly not conducive to good legislation, and do not reflect credit on those occupying such high offices? This Chamber is at all times prepared to give every consideration to legislation which is of benefit to the State. But the present Government, in presenting Bills to Parliament, take advantage of the few clauses which may benefit the peoples of the State, and overload very many measures with sectional clauses which mainly are of very doubtful value even to those for whom they are provided. In this respect I mean that such amendments to the Act would be so stringent that they would hamper industry to the extent of forcing some to cease operations and thus reduce the number of persons employed, and consequently reduce the local production of goods which are so very important to progress. There is no doubt that the Government, in attempting to coerce members, are very desirous of such Bills as this passing the second reading in the hope that some of their sectional clauses will be passed either by members of this House agreeing, or probably later on by forcing the Bill to a conference, thus making gains by compromise. Under this Bill it is intended to define as a factory any place and any person engaged or employed in any place. For the protection of the legitimate employer there is no valid objection to all places including private houses, used as factories, being regarded as such for the purpose of registration and inspection of machinery used. The individual citizen is entitled to be master of his own actions as to the employment of his time and effort in his vocation. If he is unable to find work, he should not be prevented from practising his trade in this way. If workers are employed, then full effect should be given to the Act. Where partnerships properly drawn are in operation, they should be regarded in the same way as the individual working alone at present, and be permitted to carry on their work without interference, subject only to inspection and registration. If and when the partnership employs anybody, it should be covered as in a factory. It is intended under the Bill to remove the limit as to horse power that now obtains and, when read in conjunction with the preceding paragraph, will mean that a hand-truck, nail-

puller, crowbar or even a hammer would come under the definition. Paragraph V. of Subclause (a), if agreed to, will give the Minister complete power to declare a private house a factory. Consequently, the employment of a dressmaker in the home would constitute the home a factory. Paragraph (c) of Subclause 3 will have the effect of including motor showrooms which cannot be separated from the ordinary business that is carried on, and will include as well show ground displays, local products exhibitions and separate showrooms wherever situated. This is a most undesirable addition to the definition of "shops," as it will cover many wholesale and retail establishments whose basis of business will have to be completely altered to conform to the Act. At present the term "shop" governs retail businesses only. This is a method of extending it to wholesale businesses as well. The question arises: If this is the effect of the Act, what conditions will apply to the wholesale business covered by this definition, and also to the warehouse? The intention indicated in Clause 5 to strike out the word "wilfully" from Section 15, takes away all the protection afforded the employer in instances of unintentional error, and put the onus on him to disprove wilful misleading on his part, instead of, as under the Act, upon the inspector, to prove the charge he makes. The employer would be placed in an extremely dangerous position. The proviso means that every case would come under the heading of "carelessness," and there would be no defence against the penalties provided in the Act seeing that everything not regarded as "wilful" would be deemed to be "carelessness." The Bill seeks to bring the hours of employment for all workers to the basis of a 44-hour week. The State's standard is 48 hours, but the average hours worked in all industries of the State have been reduced greatly over past years by the Arbitration Court until now they stand at 45.3 hours per week. If workers who are not governed by awards are to be provided with a lower average than the average standard provided by Parliament, then the Arbitration Court bench would be bound to take cognisance of that fact in any decisions they make as to standard hours, for, in order to grant more than 44 hours to workers not previously governed by an award, the court would have to increase the standard hours. In other words, the employers' case would be completely prejudiced by this Act.

Hon. G. W. Miles: That would amount practically to a direction to the court.

Hon. C. F. BAXTER: It would be nothing less than that.

Hon. G. W. Miles: That is interference with the Arbitration Court.

Hon. C. F. BAXTER: Quite so. Shops assistants in Perth now work 48 hours per week under an award, whereas in practically all provincial centres throughout the State there are no awards or agreements operating. The Bill would immediately reduce the hours standard in country districts, which is known to be 48 per week, to 44, and thus seriously interfere with country business, because where agreements now exist in country districts they are based on a 48-hour week. There are many industrial agreements extant covering important industries, which have not been made common rules. The effect of the alteration in the hours provided for in the Bill will be to override the decisions of the parties themselves in making those agreements, and seriously to interfere with the industries that are carried on. Notable amongst these are food manufacturing and biscuit making in the metropolitan area, engine-driving in country lighting plants, which are generally run by local governing bodies or their contractors, ice-making, butter factories and so on. If Parliament is to decide the standard of hours, it should be done by means of a Bill that would have State-wide application, governing all industries apart from those particularly excepted. Until such positive action is taken by Parliament, the matter is in the hands of the Arbitration Court, and should be left there. Nothing should be done by Parliament in even a partial manner to influence the court. The limit of ordinary working hours under the existing Act is 8¾ per day for males and 8½ per day for women and boys. Under Section 33 of the Act the ordinary hours may be extended by the Minister to 10 for male workers and nine for women and boys. The amount of overtime to be worked by women and girls is restricted to these hours, but not so with regard to male workers. The effect of the Bill will be to limit the extended time to nine hours for all workers, excluding over-

time. There is no doubt about the intention under the Bill to wipe out completely any work done in any place where there is provision for living accommodation. Clause 18 will prevent an occupier of a dwelling in which a factory is being carried on, no matter how small it may be, from living on the premises and will prevent a worker waiting after hours for another worker or for an employee doing any task for himself. It often happens that an employer will allow a worker to remain on the premises in order to make some small article for himself in his own time. The Bill will increase the holiday provisions to 11 days whereas the prescribed number of holidays under the Act is eight. It will also add the King's Birthday as a fixed holiday whereas it was made alternative under the Act. The Bill also provides for Australia Day, Easter Saturday and Foundation Day as fixed holidays. Those are days not usually provided for by Arbitration Court awards. The members of the court should be left to arrive at their own determinations and should not be influenced by Parliament. The court constitutes the responsible body best competent to deal with a matter of this description. Provision is made in the Bill for the recognition of a Saturday on which a holiday falls, as a paid holiday. This is a distinct departure from the broad principle laid down by the Arbitration Court to the effect that holidays are given for rest and recreation and should not be utilised for the purpose of increasing the pay envelope. The court has ruled that a holiday falling on a Saturday in a five-day working week is not to be paid for. The intention of the Bill is to set aside that ruling of the court. A person having completed his work in five working days for which he has received payment, would be entitled under this provision in the Bill to be further favoured by being paid for an additional day, because it happens to be a holiday. Why should any person be favoured by being paid and yet give no return whatever for that payment? Has the State developed such thriving industries that the latter can afford to make payments for which no return is received?

The Chief Secretary: Do you suggest there should be no paid holidays?

Hon. C. F. BAXTER: No.

The Chief Secretary: It sounds like it.

Hon. C. F. BAXTER: I say that if a worker has worked for five days in the week and has been paid his weekly wage, there is no justification for his receiving extra pay for the Saturday merely because a holiday happens to fall on that particular day. That is my contention. The sound basis of adjustment of all wages should be in keeping with the basic wage, and the Bill attempts to make a departure from that principle. The difference in rates payable to employees in the South-West Land Division and those prescribed for other parts of the State is too great. The basic wage for the South-West Land Division at present is £3 15s. 10d and for other parts of the State is £4 7s., or a difference of 11s. 2d. per week. The difference in the rates payable to employees between 20 and 21 years of age is £1 1s. per week. In the Bill provision is made that the extra rate paid to females between 20 and 21 years of age, outside the South-West Land Division, shall be 8s., whereas at 21 years of age they receive the declared basic wage for adult females, when the difference is then only 6s. 1d. In any event, rates should be expressed in percentages of the basic wage instead of in cash amounts. This is the usual practice with parties who make industrial agreements and the Arbitration Court in making awards. The rates are too high. Taking the rates in the Bill, as indicated in the first column applying to the payment for males in the South-West Land Division, the percentages would be as follows:—

	Percentage of basic wage
Under 15 years	17
Over 15 but under 16 years ..	21
Over 16 but under 17 years ..	28
Over 17 but under 18 years ..	34
Over 18 but under 19 years ..	46
Over 19 but under 20 years ..	58
Over 20 but under 21 years ..	74
21 years and over	100

These percentages should also apply to the basic wage payable in other parts of the State. This would be more convenient to everybody affected, and more equitable in its application. All these points, however, deal with the Bill as presented to hon. members. The general feeling of employers is that the age basis of payment should be dispensed with, and wages fixed on experience, as provided for in the Act. This, of course, applies to persons under 21 years of age. The experience basis encourages the better education of youth in that it provides opportunities for youths of 17 and 18 years to secure

a footing in industry. The position regarding apprentices should be raised with the object of ascertaining whether the scope of the Bill is sufficiently wide. An inspector under the Act should have power to grant permission for the employment of apprentices starting at, say, 18 years of age at a lower rate than that prescribed in the schedule. The reason for that is very plain. The youth who commences in employment at 18 years of age is at a great disadvantage compared with the lad who entered the industry at 15 or 16 years of age. When the latter attains 18 years of age, he has two or three years of experience to his credit and will naturally have a greater opportunity to retain employment than the youth of 18 years of age will have to secure employment, unless there be some provision for the payment of a reduced rate that will be applicable until the lad is able to prove himself equal in efficiency to the youth in receipt of the higher wage. The amendment proposed in the Bill that will have the effect of raising to 17 years the age of those employed in laundries on ironing and pressing will nullify the efforts of such bodies as the Home of the Good Shepherd, the Salvation Army and many others in their reformative work with young girls entrusted to their care. Consequently, this particular provision in the Bill becomes objectionable. The whole of the proposed new sections included in Clause 28, which relate to health sanitation and safety, provide too much power for the Minister and the representatives of Trades Hall. The Minister is all-powerful and any appeal made will be from Caesar unto Caesar. The provisions for such an appeal by inquiry are not satisfactory. Under these proposed new sections, the Minister will be able to issue an ordinance, regulating the hours of work. Neither he nor his advisers may be competent to do that. In any case, the parties should be properly heard as at present before the Court of Arbitration in, say, the mining industry, where danger is a known factor and is provided against by the court's award. It is agreed that some processes may exist that present abnormal dangers to workers, but powers of regulation can be given without the additional powers asked for here. Such regulations should be limited to handling of dangerous products, etc., but should not go so far as the regulation of hours of work, etc., which should be retained as the province of the Arbitration Court. The present Government is the product of an organisation which has been most adamant in advocating the referendum, but apparently this is only meant to apply when it furthers the party's ideals. Clauses 37, 38 and 39 are all designed to abolish the local option polls now provided under the Act to allow districts to decide on the most suitable weekly half-holiday for that particular district. There are a number of proclamations now operating under the Early Closing Act, 1902, and should these amendments be agreed to the position will be that all such proclamations will be revoked. This would be a gross interference with the interests of the public generally and would operate to the detriment of the business people in country centres. When through a poll the weekly half-holiday has been decided in any given district, Parliament should respect such a definite mandate and this House should give scant consideration to legislation of such extreme nature and which so seriously encroaches on the liberty of the people. Every person will agree that Saturday closing in the metropolitan area is sound in its application, but country interests are in direct conflict, especially in our grain-growing districts, and to a lesser degree on the goldfields where many persons doficiled distances from centres use the Saturday to procure supplies instead of breaking the week and very seriously reducing their efforts. If the application compels some wheat farmer through force of unfortunate circumstances to break the week it will cause such a serious dislocation in his work as to have a very bad effect on his production. Very many more fortunately placed will do their business per mail order with the city, thus furthering the centralisation policy which is a curse in every country to which it has applied. Country shopkeepers look to the week-end business to keep them afloat. Apply Saturday closing and their business cannot be carried on, thus desolating our country towns, depriving farmers of the convenience of Saturday trading, enjoying association with his fellow beings and robbing those associated in country trade of their livelihood. Fully one third of country shopping is done on a Saturday. Restrictions are again attempted under Clause 43. This clause makes provision for a starting time and is quite a new idea of serious and far-reaching application which, if applied, will curtail the Arbitration Court award now operating. This clause fixes the start-

ing time at 7 a.m. whilst the award permits of operations at an earlier hour. As this clause applies to shops and as milk carts, bakers' carts, etc., come under the category of shops, it would prevent all early deliveries. Again in Clause 44 this Government through Parliament is attempting to interfere with an award of the court. As a fact, after carefully analysing this Bill, it does not appear that even though the Arbitration Act and Court are what might be termed a creation of the Labour Party, they are attempting through this Bill to override the conclusions of the tribunal which, after having considered the best evidence possible, arrive at a decision which Parliament (which has no opportunity of knowing the full position) is asked to set aside. The metropolitan butchers' award now provides that the hours of work are from 6 a.m. to 6 p.m. from Monday to Friday and 5 a.m. to 1 p.m. on Saturday. The clause referred to makes the starting time 7 a.m. Last session I referred to the disadvantages regarding this application to the metropolitan area and in addition drew attention to the fact that the clause goes much further. If agreed to it will apply to the whole State and, as in the previous clause, will cause confusion in country trading. There are many other clauses of a like nature to those with which I have dealt, but of a minor nature and which all tend to make the imposition of a Bill of this nature a menace to the well-being of the people of the State. There are some of the clauses necessary to bring the parent Act more in conformity with present conditions and which will be of assistance to the department in carrying out its duties. Therefore on this occasion I express the opinion that there being ample time to give the consideration necessary to such an important Bill, it would be wise to refer it to a select committee for a thorough investigation. In the meantime I will withhold any further action until other members have expressed themselves.

HON. J. J. HOLMES (North) [5.25]: I differ somewhat from the last speaker though he and I were on the same side on the previous occasion when we voted out this Bill on the second reading. I am not going to be influenced by threats from inside or outside this House. When moving the adoption of the Address-in-reply, Mr. Fraser threatened members of this Chamber as to what would happen if they did not pass this and other similar legislation. I think the hon. member, in his excitement, forgot that he was addressing members of the Legislative Council and believed that he was for the time being dictator at the Trades Hall issuing instructions to those assembled there.

Hon. G. Fraser: You have it all wrong.

Hon. J. J. HOLMES: Here we are, some of us I hope, free and independent, and we are not going to be bamboozled by threats, nor are threats likely to have any effect except perhaps to put a little more backbone into some of us. One hon. member pointed out the other day that Mr. Elliott, who last session voted consistently with the Government, was going to be officially opposed at the next Council elections. So much therefore for the threats from the other side of this Chamber. I am quite satisfied that the electors of the Legislative Council are convinced that the tighter we sit the more strength and the more support we shall acquire. The complaint has been made that there was not time last session to consider a Bill similar to the one we now have before us. I do not take up that attitude. I have taken the trouble to look up the facts. The Bill was introduced in the Assembly on the 22nd September and it came to this House on the 11th November. It took approximately seven weeks to consider it in the Assembly and the Council occupied three weeks over it. Then by almost the full voting strength of the House—26 members—eighteen voted against it and eight for it. Thus only about one-fourth of the House last session voted for the Bill. What has transpired since? We know that quite recently regulations dealing with the Aborigines Act were tabled showing that the Government were dominated by some outside force. We know that the regulations that should have been here were not here in connection with insurance. We remember the change-over in the Government that has taken place since Mr. Collier ceased to be Leader. Mr. Collier is a man of vision and was always able to see the far-reaching effects of legislation. The late Mr. McCallum was a man who stood firm for arbitration seven days a week. Then we had Mr. Drew, a monument of honour, and I venture to suggest that he went out of the Government because he was not disposed to put up legislation of this description.

The Chief Secretary: There is no adequate Parliamentary language in which to reply to a remark of that kind.

Hon. J. J. HOLMES: I do not know what the hon. member is talking about, but he is certainly out of order. The attitude those gentlemen adopted was that the Arbitration Court should settle all those disputes. In fact, after a conference on the Arbitration Bill extending over 19 hours—I shall not enter into details, but the Chief Secretary will remember—Mr. McCallum said it was the best measure that had ever been evolved and that it could not be improved upon. That measure gave the court power to deal with disputes, to settle wages, and to fix hours. Yet the unions, having got all that they were entitled to get from the court—it is impossible to satisfy some of them—now want politicians to be led into passing this Bill under a threat that if they do not pass it, somebody else will take their places. We have heard a cry about establishing secondary industries. There has been a great boom in the secondary industry business and it is only right that we should allow secondary industry to prosper. If we are going to penalise shops and factories in the manner suggested by this Bill, I am sure that secondary industries will not be advanced. We have to remember that Western Australian secondary industries can manufacture for local consumption only, and if we introduce into our shops and factories the job control set out in this Bill, I cannot see any encouragement for anybody to put fresh capital into our secondary industries. We are dependent upon local people to consume the products manufactured locally. I pointed out the other day that in Western Australia over a period of five years births exceeded deaths by 20,000, but the population of the State in the same period increased by only 16,000, showing that we had actually lost 4,000 of our population. So, even our secondary industries are losing customers for their goods.

Hon. J. M. Macfarlane: All due to the Factories and Shops Act?

Hon. J. J. HOLMES: No; but it is our duty to consider the factories and shops. If they are going to prosper, they have only local consumption on which to rely. Local consumption is limited, and yet, in spite of that disadvantage, they are to be harassed and annoyed by legislation of this kind. Mr. Fraser told us last year that there was nothing more important than the Bill then before us, a measure similar to this one. Important to whom, I would ask? Important to the welfare of the country, of the individual or of the Trades Hall? Certainly it can be of no importance to the country, and it is the country we have to consider. If the provisions of this Bill were enforced, it would mean that employers would have to submit to job control or get out of business. We had evidence yesterday of the nationalisation and socialisation of the agricultural industry. When we next see the platform of the Labour Party we shall find no reference to nationalisation or socialisation, because the attempt to nationalise the agricultural industry in this country has, as the Chief Secretary's figures showed, practically put us on the rocks. Great schemes are embodied in this Bill to eliminate the small traders, not only in the suburbs but in the country districts. The unions do not want employers conducting business in a small way in the suburbs and country. They want those employers to become employees in the big shops and factories; they want them all under one roof so that they can be controlled. They want to make those employees members of one union: they want to be put in a position to dictate to the principals, and as the principals pass on any increase to the public, the public will have to pay. One big union is the object of the Bill, and the elimination of small employers will assist in the attainment of that object. I have reliable information that one large retail firm in Perth subscribed no less a sum than £250 to the Labour Party. Why did they do that? Traders are not in business to dispense charity in that way; they are in business to make money. When we find such a thing as that occurring, one feels convinced that some of the big employers are in touch with the Labour Party and approve of this policy of eliminating the small man and making the big man bigger than ever. It is proposed by the Bill to enforce the Saturday half-holiday. This in a democratic country supposed to be governed by a democratic Government! I should like to hear Mr. Williams on that point. I imagine his remarks would be interesting. We have already provided facilities for the half-day closing that suit the people in the country,

but it does not suit the unions, who wish to drive the people of the country to trade with the big shops in Perth, for reasons I have already indicated. That is the big scheme at which they are aiming. If they succeed in compelling country shops to close on Saturday afternoon, the trade will be forced by mail orders into the big shops in Perth. In the country Saturday afternoon is recognised as the half-holiday. The people in the country go into the towns on Saturday to do their shopping and enjoy a little recreation in the evening, and they are entitled to it. They go back home on Sunday and get over their outing and are fit for work again on Monday. We who reside in the city have pictures available every night in the week, but the people in the country have only one opportunity, and that is Saturday. They make a holiday of Saturday afternoon and Saturday night, which helps to break the monotony of life in the bush. Why any combination in Perth should set out to upset the existing amicable arrangement I am at a loss to understand, unless it be for the reason I have already advanced. The Bill will also necessitate a distinct interference with the functions of the Arbitration Court. Existing legislation gives to the court power to deal with all these matters. Why did Parliament empower the court to deal with the questions of hours, wages and conditions in industry? Because the court would have the evidence before it which Parliament would not have. This Bill is an attempt to undermine the Arbitration Court. It proposes to give to persons employed conditions that the court has refused to concede. Let us consider one industry—butchering. An award governing the butchering trade came into force about the commencement of 1936. The wages were fixed on the 26th July, 1937, and yet in November of the same year a Bill, similar to the one now before us, was presented to Parliament seeking to upset the provisions of the award that had been fixed by the court after full investigation.

The Chief Secretary: It did nothing of the kind, and neither does this Bill.

Hon. J. J. HOLMES: The Chief Secretary, by interjecting, is out of order again. That award was to remain in force for three years, but if at the end of 12 months either party chose to go back to the court, an alteration might be made. The award provided that the starting time on week-days should be 6 a.m., and on Saturdays 5 a.m. The Bill before us last year, as well as the present measure, provided that the starting time should be 7 a.m.

The Chief Secretary: It does nothing of the kind.

Hon. J. J. HOLMES: Yesterday somebody was talking about going back to school; I think I had better go back to school. This Bill provides for 7 a.m. as starting time. That might be suitable for some shops. It is all right for gentlemen on the Treasury benches who have not to do manual labour. They can get their tea and toast for breakfast without any difficulty. But the man who has to start work at 20 minutes past 7 in the morning and do manual labour requires a meat breakfast before starting, and has to take a bit of lunch under his arm. He needs something more than tea and toast before beginning a hard day's work at shovelling sand or swinging the pick and shovel. The court took those matters into consideration when fixing the hour at 6 a.m. as the starting time. The court also fixed a working week of 48 hours. If this Bill were passed in its present form, we can be satisfied that the union will go back to the court and ask for a 44-hour week, because the measure will be an instruction to the court to grant 44 hours. If, on the other hand, the employers asked for a pro rata reduction of wages, there would immediately be a strike, or something of the kind The Bill is a distinct interference with the Arbitration Court. The court had all the facts governing the trade before it when it fixed the starting time at 6 a.m., and came to the conclusion that the starting time should be 6 a.m. Yet this Bill seeks to fix the time at 7 a.m.

The Chief Secretary: It does nothing of the kind. The hon. member should not repeat that statement.

Hon. J. J. HOLMES: The Minister should not persist in objecting to what I, at all events, believe to be the truth. As regards Clause 44, the hours during which butchers' shops may remain open on any day are to be between 7 a.m. and 6 p.m.

The Chief Secretary: That has nothing to do with the starting time of the employees.

Hon. J. J. HOLMES: Oh! The Bill makes it an offence for an employer to be on the premises before or after starting hours.

The Chief Secretary: Nothing of the kind.

Hon. J. J. HOLMES: Of course it does.

The PRESIDENT: The Minister will have an opportunity of replying later.

Hon. J. J. HOLMES: I hope the Minister will not make two replies, as he did on another occasion. When I drew attention to it by way of interjection, Mr. President, you let him go on. No one with any common sense can doubt that a reduction of hours must sooner or later be followed by a reduction in pay. I want to go back to Queensland for that. The Commissioner controlling the court in Queensland had before him some Labour advocate who spoke for two days on a proposed award but eliminated everything referring to reduction of hours. He made no reference whatever to the effect reduction of hours would have upon industry. Eventually the Queensland Commissioner said, "You can only get reduction of hours by reduction of pay." That comes from Queensland, and is one of the very few things coming from Queensland that has my endorsement. Still, I certainly endorse that utterance of that Queensland Commissioner. There is underlying this Bill a distinct provision that an employer shall cease work. We had this out last year. The Minister claimed that under the existing legislation he had the right in some cases to compel the owner to cease work when the employees ceased work. Last year the Minister said—

> Section 52 now requires work operations to cease in the factory at the hours fixed for the cessation of work by employees under any award or common rule or agreement.

The award or common rule or agreement fixes the time when the workers shall cease. The Bill deals with employees, not with employers; but the Minister wants to construe that provision to mean that when the employees shall cease, the operations shall cease, and that this shall govern the employer as well as the employees. We want to be very sure of our ground, because that will be the position if we allow the Bill to pass. Before the days of the Arbitration Court or any other tribunal governing wages and conditions, the employer was always a free agent. He was entitled to work when he liked, where he liked, and as he liked. It should remain so. The employer should remain in a position to better his condition if he so desires. The same thing applies to the employee: he should be in a position to better his condition if he can. The employee will never get out of the ruck if some of these provisions are allowed to become the law of Western Australia. The Minister told us last year—I do not know whether he told it to us this year or not—that there were numerous unions not coming under any award. I understand that at one time there was a shop assistants' award covering Geraldton, Bunbury, Albany, Wagin, Northam and many other places, which was allowed to die out. Those, probably, are the people who do not come under an award. Those are the people who, if the Bill passes, will work 44 hours per week in country shops, while employees in Perth shops will work 48 hours per week. Employees in Perth shops will work 48 hours only until the Bill passes, and then they will go to the Arbitration Court and say, "Parliament has declared that in country shops the assistants are to work 44 hours a week, so why should we in the metropolitan area work longer hours?" The reason why the unions in country towns were allowed to lapse was that all the employees might be brought into one big union. All the little unions went out, but their former members did not like the one big union idea. If I were a member of the Labour Party I would not like to be dominated from Beaufort-street, as Ministers and everybody else associated with the Labour Party appear to be to-day. The object of the Bill is to drag all those employees into one big union. What the one big union will be I do not know, but somewhere in one of these Bills there is something to bring the A.W.U. under this legislation. It has not been practicable to get the Arbitration Court to recognise the A.W.U. as a registered union, though I understand that many Ministers are members of that big union.

The Honorary Minister: You have a great regard for it.

Hon. J. J. HOLMES: I have a high regard for anybody who does his work properly, but I do not like scheming on behalf of the leaders. Any man who does his work has my admiration.

Hon. H. Seddon: You were a member of that union yourself once.

Hon. J. J. HOLMES: I had good cause to leave.

The PRESIDENT: Order!

Hon. J. J. HOLMES: Every man in the Labour Party with an opinion of his own was pushed out. Is it a matter for surprise that I was pushed out of the Labour Party? The Bill makes this legislation apply to any place and any person engaged or employed in any place. Let us just think that out. The Bill applies to any place and any person engaged or employed in any place. If we are not careful, private houses will become factories. I am not prepared to give Ministers of the day the latitude that we gave some of their predecessors. I have already explained the reason. If we are not careful, the domestic who does a bit of coffee-grinding in the morning with a machine will become an employee within the meaning of this Bill, and then my house will become a factory within the meaning of this legislation. I am not exaggerating. I know what Beaufort-street will do if it gets the chance. However, it will not get the chance if I can help it. The presence of any machinery in any house makes the house a factory.

Member: A meat mincer would be sufficient.

Hon. J. J. HOLMES: Yes. If a dressmaker is brought in to make a dress and sells it to the wife and if that dressmaker uses your wife's sewing machine your house becomes a factory. If there should happen to be a church bazaar and one of your domestics makes some cakes to be sold at the bazaar, your house becomes a factory under the Bill. Let us make no mistake about that. I know exactly what I am talking about. There is no definition of machinery in the Bill. A little mincing machine and a coffee grinder are machines. I know what some of these people will do if they get a chance. We have had experience of that already. The Bill empowers the Minister to declare a private house a factory under certain conditions. Are we going to empower Ministers to decide that the homes of members shall be treated as factories? If we do, hon. members will get all they deserve. The Bill empowers the Minister to forbid the use of any private premises by the owner even though he alone be using them. If the owner manufactures anything on his back verandah to be sold, his house will become a factory. If my reading of the Bill is correct, it provides a working week of 44 hours for all workers in factories and shops not governed by an award.

Hon. G. W. Miles: Would that include farm workers?

Hon. J. J. HOLMES: No. Twelve months ago there were in existence 38 awards and industrial agreements which provided for a week of 48 hours. I do not know how many awards and agreements of the kind exist to-day. This Bill provides 44 hours per week, and the passing of the Bill will be an instruction to the Arbitration Court to reduce the working week under all those awards and agreements to 44 hours, on the ground that such is the wish of Parliament. If that is to happen we will have one set of men working 48 hours under an agreement, and another set working under similar conditions but not parties to that agreement, engaged for 44 hours. Men have agreed to work 48 hours a week for the present rate of pay, but here we have a back-street method of trying to obtain a reduction in the hours. Those who framed this Bill know very well that men working 48 hours will rebel if others have only to work 44 hours under this Bill. If it is the policy of the party in power to bring about a reduction of hours to 44 or to 40 a week, let them introduce a Bill to that effect so that the country will know exactly where they are, and so that such a Bill, when it becomes an Act, will operate from one end of the State to the other. That is the proper method of giving effect to such a policy; but they dare not come into the open and suggest that; they try to sneak in a provision for shorter hours by means of this Bill. They are not going to do it, however, if I can prevent it. The Bill will have the effect of preventing a man who is out of employment from making something to sell on his own back verandah. It will prevent the occupier of a dwelling which is used as a factory from living on the premises. He will have to go somewhere else to live and come back next morning to carry on with his carpentry, or whatever the occupation might be.

Hon. J. Nicholson: Lipton started by sleeping on his own premises.

Hon. J. Cornell: MacRobertson had none at all; and he had a kerosene tin to work with.

Hon. J. J. HOLMES: The Bill provides that the services of an employee cannot be dispensed with if there is a holiday provided for within one week. What would happen in that case where a contractor had completed his contract, or where business had slumped? There is another provision here which is objectionable. I do not know

what the "Worker" will have to say about it. It prevents a newspaper from publishing any advertisement offering a premium for employment in any factory, shop or warehouse, so, if a young man wants to learn something about a wholesale business and is willing to pay a premium he cannot advertise the fact that he requires someone to take him and train him, because the Bill prevents such an advertisement appearing. And someone said something about Russia just now! The Bill also provides that a dressmaker, even though working in her own home—if the Minister's definition is correct—will have to finish at 5 o'clock at night, because the award fixes 5 o'clock as the time that work of that description shall cease. Mr. Baxter has referred to the effect of this upon those employed at the Home of the Good Shepherd, Salvation Army Homes and similar places. The inmates of those places have been taken off the streets and looked after, and they do a certain amount of work to assist towards their maintenance. Are they to be forced back on the streets because of the provisions of this Bill? Not if I can prevent it. The Minister is all-powerful in regard to matters of health under the Bill. He can issue proclamations and give decisions as to hours and conditions; yet all this has been done by the court, which is the proper authority to say, after making an inspection and hearing evidence, what provisions shall be made in respect of insuring the safety of the worker. Anything affecting the safety of the worker may be decided by the Minister under the Bill; even the hours he is to work may be so decided.

The Chief Secretary: I am wondering whether you have read the Bill.

Hon. J. J. HOLMES: Yes, I have. At the present time cleaners and caretakers in big shops in Perth go on duty at night. There is provision for them to have accommodation where they may rest. That provision was made in an award quite recently, but the Bill will prevent them from sleeping on the premises. A special structure will have to be built for them somewhere in the backyard because the Bill prevents them from sleeping on the premises, notwithstanding the recent award providing for it. There are a number of little shops in Perth. I do not hold any brief for de Bernales, but I believe that in the new arcade there are a number of these small shops, in this case single-room premises. The Bill provides that for an employee engaged in a shop of that sort a changing room will have to be provided. This means, of course, that the shop next door would have to be taken.

The Hon. Minister: There is not room for employees in those shops.

Hon. J. J. HOLMES: If there is room in a shop for a person to sit down and have a cup of tea it will be necessary that the individual who serves him with the tea must be provided with a changing room somewhere else other than in the shop. The Bill provides that no more than six hours' overtime may be worked in any one week, notwithstanding that there are rush times and peak periods, of which we all know, when longer hours of work might be necessary. I could go on indefinitely pointing out what I think would be the effect if we passed the Bill. The Bill is undesirable. It interferes with industry and I am prepared to vote against the second reading. If the Bill passes the second reading, I urge hon. members to look into it by means of a select committee. Then perhaps it will be decided whether the Chief Secretary or I am right in the definition of the different clauses of the Bill. I oppose the second reading.

Personal Explanation.

Hon. J. M. DREW: I should like to make a personal explanation in consequence of a statement made by Mr. Holmes in the course of his speech. I can scarcely believe that the hon. member was serious, but he stated that I would no longer remain in the Ministry, or words to that effect, because I could not introduce measures such as we are considering here this afternoon. I think that is what he said. That is not correct. The true reason for my severing my connection with the Ministry was given by me in this Chamber to the House and to the country.

HON. H. S. W. PARKER (Metropolitan-Suburban) [6.12]: I do not intend to take up much time discussing the details of the Bill. I agree with Mr. Holmes that this is a matter which should be thrashed out fully by a select committee. The details of the Bill are very conflicting and very confusing. If we look at the history of the legislation we will find that we are taken back to the early closing Act of 1902, and then the early closing Act of 1904, and so on until in 1920 there was a consolidation

of those various Acts. Since 1920 the Arbitration Court has advanced very considerably in its work, and very largely the matter that is covered in this Act and the Bill has been covered by the Arbitration Court awards. It is doubtful whether there is much in the Bill that is really necessary. There is a lot that on the face of it looks disturbing, but if Section 155 is considered it will be seen that where there is an Arbitration Court award then the provisions of this Act, where they override the provisions of the award, do not apply. There are, however, confusing matters such as that having to do with milk carting. I assume there is a milk carters' award. That award permits milk carters to go on their rounds prior to 7 a.m. Under the Act at present a milk shop, including a retail milk cart, has to close or stop work from 11 a.m. to midnight. But if this Bill is enacted the milk cart which is a shop cannot operate until 7 a.m. The award would allow a milk carter who is a wholesaler to continue in the ordinary way of the award.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. S. W. PARKER: The milk carter that I was mentioning is, under the award doing his work, if he is employed on a wholesale cart before 7 o'clock. If the Bill goes through it will affect the retailer, and the cart cannot operate. I think I can make my point clearer if I put this before members: Assume that the shop assistants' award allowed them to work 48 hours a week, but that the shops in a particular district were open for only 44 hours in a week. I think the Act would clearly prevent the shops being open for 48 hours a week, although the employees might be permitted to work 48 hours a week. And that is so in regard to the milkman. I may be wrong but, as I have already said, the Bill is so complicated that from my own point of view I should like to hear expert evidence on it from all sides. I have already heard different opinions expressed by different people. However, I should not like to say that I am right in my own ideas. I realise that there are many things in the Factories and Shops Act that require amending. I certainly disagree with many of the things in that Act. Another matter I may mention is that travellers go around the country and expose their goods for sale, taking them away up to North-West ports such as Broome. They hire a room and expose their goods there, so that people may come in and give them orders, and those goods are to be supplied from another source. That is exactly what the definition is in the Bill:—

> "any premises used as a showroom in which goods are publicly displayed with a view to obtaining orders."

That is specially aimed at the traveller. Up in those North-West ports, the time when people attend to their business is as a rule in the cool of the evening. And throughout the country districts, too, the traveller goes along and has his goods there and moves on again as soon as he can. That definition certainly seems to be aimed at the traveller.

The Chief Secretary: I will relieve your mind by saying that it is not so.

Hon. H. S. W. PARKER: Well, I am glad to hear it. I think the Act should be entirely re-cast to bring it up-to-date. Why some of us from time to time have voted against the Bill is because of the confusion that arises from the way in which it is cast. I should like to join with other hon. members who express the view that they are not going to vote because of threats thrown out by irresponsible persons who tell you what will happen if you do not vote this way or that way. For many years of my life it has been held up to me that if I do not do certain things, something will happen. I have not been long in active politics, but I have been long enough to know that whichever way one may vote a certain section of the community will tell one that he ought to have voted the other way. I have always endeavoured to act in such a way as will be for the good of the people at large, not merely for one section of the community. The Bill seems to have been framed to suit one section of the community. I am prepared always to vote to assist one section of the community if it will improve their conditions and be lasting for the benefit of the community at large. I cannot see that it is going to improve a young country, this bringing down of legislation imposing restrictions for the benefit of very few. Obviously we must not allow any sweating, but I cannot see any objection to a person endeavouring to make a small living in a small shop by keeping

the shop open at such hours as are reasonable to himself. There are in the suburbs a great many shops where people are eking out a living because they are unable to work at any laborious task.

The Honorary Minister: Does that refer to one alone?

Hon. H. S. W. PARKER: No, it refers to many. Even though they have long hours, those people are perfectly happy and are a convenience to the neighbourhood. It is farcical to have all these restrictions laid down and carried out; it sounds like something devised for starting price bookmakers. No doubt one can go to any suburban shop and buy a packet of cigarettes after 8 o'clock. And why should not one do so, since one can go to a hotel and in a perfectly legal manner buy a packet of cigarettes? In a suburban shop one sees an area of wire netting stretched over certain goods, but if one wants something from behind that wire netting, the person in charge of the shop pulls away the wire and serves one with what one wants.

The Chief Secretary: Where is that in this Bill?

Hon. H. S. W. PARKER: It is not in this Bill. I am now referring to all these restrictive laws generally. The whole system wants re-casting. One can go into a hotel in a country district on Saturday afternoon, but although one can there buy a drink, one cannot buy any food. It is about as logical as the betting laws. It is not unlawful to have a bet, but it is unlawful to use certain places for betting. This law wants re-casting, for it is ridiculous in its present incidence. Is it brought down to stop certain people from sweating their employees? That is a very wise and necessary precaution, but the Arbitration Court has full power to stop that sort of thing and if the Arbitration Court had not that full power I would gladly be one of those who would give it such power. I cannot see where there is any sweating in Western Australia at the present time except, perhaps, I am sorry to say, I think it does exist in the farming community amongst the farmers. Unfortunately that is brought about through our demanding more than the farmer can give us. And we are going further. All these restrictions cost money; someone has to pay and in the long run it is the farmer who pays. So to stop the alleged sweating in the city, we are forcing a far greater hardship on the farming community. I am not suggesting for a moment that our workers do not work, because of course they do put in a good day's work, although some of them never will work. There are in the Bill several provisions that no doubt are very useful. That is in connection with the health and general comfort of the workers in crowded factories. But I do not agree that a one-man show should be regarded as a factory and have all these restrictions imposed upon it. I trust that this matter will be gone into thoroughly in all its details by a select committee, so that we shall have every opportunity to consider the evidence. I will retain an open mind on the details of the Bill until I have heard expert evidence from people who really understand the whole subject and know what they are talking about. Until then I will keep an open mind on the details and will support the second reading.

HON. L. CRAIG (South-West) [7.45]: My remarks will be brief. This is rather a complicated Bill for me to understand. I think I called the Bill of last year a rotten one, and I have not greatly altered my opinion. This House has been accused of unfairness in its treatment of industrial measures. Consequently I have endeavoured to give this Bill as much consideration as I could. The more I read it, the more complicated it becomes to me, a layman. I would hate anyone to say that we were unfair in our treatment of any Bills. I am, therefore, going to vote for the second reading in the hope that, as a result of a full discussion in Committee, we shall be able to get the fullest information and to deal with the Bill in such a manner that even members of another place will say that we have at least given it fair treatment.

Hon. C. F. Baxter: Do you think it should go to a select committee?

Hon. L. CRAIG: I do not know that that is necessary. The principal Act was passed after a close examination by a select committee in 1920. The committee was composed of three members of the then Government party, and three members of the Opposition. They examined 106 witnesses, and travelled all over the State. The report was a unanimous one, so that apparently a careful investigation was made. I realise that

as the years go by conditions, and our methods of living, change, and that laws also require to be amended. Apparently the time has come for this particular Act, which is 17 years old, to be amended. As a layman it appears to me that the Bill attempts to usurp the functions of the Arbitration Court. I readily believe it does not in any way override any award of the court, but it does appear to take away from the court some of its functions.

The Chief Secretary: I do not think so.

Hon. L. CRAIG: Many of the provisions in the Bill could be obtained by appealing to the Arbitration Court. Is not that so?

The Chief Secretary: That is not strictly correct.

Hon. L. CRAIG: I am informed that it is so. If the Bill gets into Committee, we shall find out where we stand. Take the 44-hour week. That would apply, I presume, to all industries not governed by an award or an agreement which has been made a common rule. There may be an agreement for the working of an industry for 24 hours a day, and that may not be a common rule. If the 44-hour week were applied to that industry, it would interfere with the continuity of running.

Hon. H. Seddon: It would make the shifts awkward, but would not stop the industry.

Hon. L. CRAIG: That provision would interfere with agreements. Agreements are in force which have been made within the last two or three months.

The Chief Secretary: There is no provision that will interfere with any agreement that has been made.

Hon. L. CRAIG: If an agreement became a common rule, would not this measure override it?

The Chief Secretary: There is no provision that interferes with agreements.

Hon. J. Nicholson: But look at the effect upon them.

Hon. L. CRAIG: The Bill becomes more complicated as we go on. Another clause affects my province in that it deals with closing on Saturdays. Where possible, shops ought to close on Saturday if that can be done reasonably.

Hon. J. M. Macfarlane: Why?

Hon. L. CRAIG: So that the employees shall have the same privileges of Saturday afternoon sport as other people, provided it can be done reasonably. Where it is necessary for shops to remain open on Saturday—there is always the local option on the matter—and where it would interfere with the ordinary business of the community to close them, the lesser must give way to the greater. If all industries are closed on Saturday afternoon, why leave hotels open, and why allow trams and trains to run? This is done so that a majority of the people shall be served. The principle applies in country centres where the majority of people require to be served and, where necessary, shops should be kept open. There is to be a limitation of the number of employees who shall constitute a factory. In England the number is limited to two, but provision is made there for family industries which are exempt from the Act. I have not much knowledge of industrial matters but I promise to give this Bill fair treatment. I hope the fullest information will be given to us, and that in Committee every clause will be explained. I realise that conditions in industrial life must be made as healthy and pleasant as possible. The outlook of a person engaged in a factory is, to me, appalling. Almost would I prefer to stand looking at one sheep all my days. There is no outlook or any future before those people. We must not be unreasonable, however, and we must see that other people and other industries are not greatly interfered with. If this Bill does interfere with the Arbitration Court, which was appointed to deal with these subjects, and which has the requisite expert knowledge, then I say we should avoid doing that. We are so many laymen in this House, and have very little knowledge of the intricacies of industrial questions. I support the second reading.

On motion by Hon. C. H. Wittenoom, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd September.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.55]: This Bill is closely allied to the Factories and Shops Act Amendment Bill. It has caused me considerable difficulty. I realise that some amendments to the Act are necessary, but there are some clauses in this Bill to which I whole-heartedly object. The law provides for a president and two members to

constitute the Arbitration Court. Strangely enough, the framers of the law realise that what should have happened was that they should have had a president and two experts, one representing each side of the dispute. I have wondered why we should have two gentlemen sitting with the president who have to be jacks-of-all-trades. They are not experts in any one particular, but are supposed to have a knowledge of every trade. Would it not be better for the president if, for instance, he had a carpenter representing the employees and a master carpenter representing the employers, sitting with him? These gentlemen could be used by the president if and when he deemed necessary, but they would not take part in any judgment. At present we have advocates on the floor of the court, and advocates on the bench. That is most undesirable. Sub-section 10 of Section 9 of the Act provides that the court may direct that two experts, one nominated by the party or majority of parties on the one side, and by the party or the majority of the parties on the other side, shall sit with the court as assessors on the hearing of any dispute or other matter to aid the members of the court with their counsel. We could easily save the revenue a considerable sum of money, not only in salaries but in travelling expenses. I do not think either of the two gentlemen on the bench is really necessary. I am not saying anything personal about either of those who occupy that position. I have not heard any complaints about the Federal Arbitration Court because two laymen are not sitting with the judge who presides. With a court of three, a case will take much longer than a court of one. Certain delays would be avoided. If the services of the two gentlemen were not required, there would be a fund with which to provide another president. We could then have two courts sitting instead of one, and get through the work with fewer delays.

Hon. H. Seddon: A deputy president.

Hon. H. S. W. PARKER: A president and a judge or two presidents, whichever was desired.

Hon. T. Moore: You might have conflicting awards.

Hon. H. S. W. PARKER: I do not think that would happen, any more than we get conflicting laws in the law courts. There will always be conflict. We have had different presidents. At present there is an acting president of the court, and we do not anticipate conflicting awards. There is, however, always that possibility. The whole principle of the arbitration law is to deal with industries. That is the sole reason for the Act. Now an attempt is made to bring into the Act something foreign, namely the question of domestics. The home is the place where everyone desires to go when once he gets away from his industry. It would be rather a difficult proposition to expect the individual, as soon as he returned home, to engage in another industry—the domestic service industry. As soon as the business man returned to his home, he would be concerned with the problem of whether he had obeyed the award regarding this, that or the other. If we persist in such legislation, it will mean that people will be driven to living in service flats, where they will have nothing to do with domestics, and will not be bothered from that standpoint. Undoubtedly domestic servants do not enjoy a very rosy time, but I do not think that bringing them under the provisions of the Industrial Arbitration Act will assist them in any way. At present you cannot get domestics.

Hon. G. Fraser: No wonder!

Hon. H. S. W. PARKER: Why?

Hon. G. Fraser: Because of the conditions under which they are expected to work.

Hon. H. S. W. PARKER: What are those conditions? Has the hon. member ever been a domestic?

Hon. G. Fraser: It is not necessary to be a domestic to be acquainted with the conditions under which they work.

Hon. H. S. W. PARKER: I have had experience with domestics, and in my home the domestic has everything that the householder has. I cannot see anything wrong with the conditions in my home; I cannot speak for the hon. member's home. I do not know how the condition of domestics will be improved if we force them to join the A.W.U.

The Chief Secretary: Where do you find that provision in the Bill?

Hon. H. S. W. PARKER: I will come to that point in a moment. The underlying principle of the Bill has relation to the A.W.U. If we force girls to become members of a trade union, we will compel them to give up a certain proportion of their

wages. We will force them to be associated with political views that may not be agreeable to them, and certainly homes will be made extremely unpleasant if the domestics have an unpleasant secretary. Fortunately, I know of only one organisation that has an extremely unpleasant secretary, and if the domestics should have a secretary like the person I have in mind, it would be just as well for householders to get out of their homes. I cannot see the need for this particular provision. I have no objection to domestics forming an industrial union if they desire to do so, but I fail to see how "domestic service" comes under the heading of "industry." If it does, then I think the housewives, who do the bulk of the work in the homes, should themselves establish a union.

Hon. T. Moore: There is something in that suggestion.

Hon. H. S. W. PARKER: They are certainly the hardest working section of the community.

Hon. L. B. Bolton: Have they not already a housewives' association?

Hon. H. S. W. PARKER: The Chief Secretary has questioned me regarding my reference to the A.W.U. I am open to correction, but I understand the A.W.U. is an organisation that any person can join if he is not qualified to link up with any special craft union.

The Chief Secretary: Who gave you that advice?

Hon. H. S. W. PARKER: That is my impression; I may be wrong.

The Chief Secretary: You should change your advisers.

Hon. H. S. W. PARKER: I will, and I shall ask the Minister to make that point clear. I understand the A.W.U. covers every craft. Friction exists in industrial circles because the A.W.U. endeavours to grab persons eligible to join other unions.

The Chief Secretary: Wrong again.

Hon. H. S. W. PARKER: The Arbitration Act provides fully for industrial unions and enables craft organisations to be registered. Nevertheless, the Arbitration Court has not only refused to register the A.W.U., but applications for the registration of that organisation have been successfully opposed from time to time by other trade unions. I candidly admit that the Arbitration Court knows infinitely more about this matter than I do, and I shall not vote to register the A.W.U. as a union under the Arbitration Act when the Arbitration Court has declared that it should not be registered. I shall not set myself up as a court of appeal against the Arbitration Court. As the domestics have no union, they would be eligible to join the A.W.U. Should the A.W.U. be registered, that organisation will then gradually acquire the membership of other workers eligible to join the various craft unions, and so along will come the One Big Union. There is not the slightest doubt that every union desires to increase the number of its members, and that is a laudable objective. The A.W.U. will gradually absorb all the other unions, and that is the end to be gained. The result of that will be that there will be a very strong industrial organisation with the support of the present Government, if the latter carry on as they have indicated is their intention during recent weeks. It is impossible to secure a contract for Government work unless preference to unionists is conceded, which means preference to the A.W.U. Eventually, we will have one section of the community right up against the rest of the people, with the object of getting all it can for itself and its members. That is quite a laudable objective if pursued within reason. Unfortunately, when people attain power, they do not always act within reason. It is possible that we would find that this powerful organisation would virtually take control of the Government out of the hands of Parliament. In fact, the organisation would be so powerful that we would work in the long run towards a dictatorship. We do not want any One Big Union to lead in that direction, under the provisions of the law. I hope that is not the intention of the Government, yet I am forced to the conclusion that it is, because of another drastic change proposed in the Bill. Under the Act at present all awards are based on industries, and the alteration embodied in the Bill is with the object of having all future awards based on vocations instead of on industries. For example, carpenters are at present employed by Bunnings, Millars, and Whittakers, and they are paid a certain rate of wage based on full-time employment throughout the year. Carpenters, or perhaps I should say joiners, doing exactly the same work in the workshop of a big contractor, are paid a different rate of wage, which is slightly higher. Their wage is based on the assumption that the contractor may not

secure contracts all the year round, with the result that his carpenters or joiners may be out of work occasionally. Then, again, carpenters or joiners work on buildings for contractors and they receive a still higher rate because they are not engaged in permanent employment. There we have three sets of similar workers all doing identical work and yet paid different rates of wages, which are based on what the industry can stand. If those wages are to be determined on the basis of the vocation, one of two alternatives will follow. Either the vocation rate will be based on the pay at Whittakers, which is the lowest, or on the slightly higher pay earned by the men employed by the contractor. If the award is based on the lower rate, the higher-paid men will suffer; if it is based on the higher rate of pay, how will industry be able to carry on? The Arbitration Court has inquired fully into the problem and the members of that tribunal are satisfied that the rates prescribed are satisfactory, and represent what the industry can stand. We could get more striking examples of the position that may arise. If we follow that line of reasoning, it will mean that industries will have to go out of existence, or else the amount of wages paid to workers will have to be reduced. It will mean that the man who is fortunate enough to secure employment in a thriving industry will have his wage reduced to the level of that paid in an industry that is unable to afford the higher rate. The present system on the industries basis operates very well, and how on earth shall we get on if awards are based on vocations? That is one of the main alterations foreshadowed in the Bill. I am pleased to see that, according to one provision the measure contains, the Government realise the necessity for the right of appeal. At present there is no right of appeal against the decision of an industrial magistrate unless a fine of £20 or more is inflicted. That is wrong in principle. There should be an appeal in respect of any amount of fine inflicted. Very often test cases are taken, involving a technical breach of an award. A decision in such a case may have far-reaching effects. A nominal fine of 1s. only may be imposed, yet the magistrate's decision cannot be tested. Even a man convicted of drunkenness has the right of appeal, but no one can appeal under our Arbitration laws unless a fine of £20 or more is inflicted. There is a very generous gesture in the Bill that one can appeal. But to whom? The Arbitration Court? The one thing in the British Constitution that we are proud of is our judiciary. We have always regarded it as entirely above suspicion. Why is it that the Government are so afraid of allowing our judges to interpret the Arbitration Act? They can interpret every other Act, but not that Act.

The Chief Secretary: For a very good reason.

Hon. H. S. W. PARKER: I shall be pleased to know what that reason is. Is it that the Chief Secretary does not appreciate the wisdom of the judges? I feel quite sure it cannot be for any other reason. Surely it cannot be said that our judges do not know anything about industrial matters. If they are capable of judging on every other conceivable question, why should they not be able to declare whether an industry is being carried on within the four corners of the law? The Chief Secretary mentions that there is a very good reason. I should like him to answer me this question in his reply, or he can give me the answer now if he cares to do so. Why does he make this wonderful gesture that where the punishment inflicted is imprisonment, there is an appeal? Will the Chief Secretary tell me where it is provided in the Act that a person can be imprisoned, and in what circumstances, for a breach of the Arbitration Act? I may be wrong, but will the Chief Secretary deny that the principal employers are corporations and companies? Will he tell me how they can be imprisoned? How is it possible to imprison a company? There seems to be very good reason why there should not be an appeal to the judges who are entirely independent. On any question of punishment there should be an appeal. A man may be fined £500. Why should he not appeal? Is there anything to be afraid of in this law? If an ordinary citizen has the right of appeal generally why should not that right be given for breaches of an award. We are proud of our courts and I trust we shall always be proud of them. The judges have saved the Constitution time and again, saved it from the encroachments of Parliament, saved it from the encroachments of the Commonwealth; surely if our judges can be trusted that far they should be entrusted to hear an appeal on the question of a fine. And it might be a matter of very great importance. I trust that if the Bill goes to a select committee we shall be able to insert in it the right of appeal for every person who

is penalised under it. We do not want an appeal from Caesar to Caesar, but an appeal to an ordinary tribunal. It has been recognised for some reason or other that those who are qualified to present cases should not be permitted to do so in an industrial court. But it is permitted that anyone in jeopardy of penalty may have the assistance of a trained person and may also have the right of appeal to a trained mind.

Hon. T. Moore: What about the expense?

Hon. H. S. W. PARKER: A man need not employ a practitioner unless he cares to do so. When it comes to a question of expense I understand it is not a very cheap matter at all to go to the Arbitration Court on an industrial question. There is at the present time a Poor Law Act, and any man can seek the aid of that statute. He need not go to the expense of engaging a lawyer unless he cares to do so.

The Chief Secretary: There is a good reason why he should not at present.

Hon. H. S. W. PARKER: What is it?

The Chief Secretary: The arguments you are putting forward.

Hon. H. S. W. PARKER: At the present time if a man is convicted under the Justices Act and he appeals to a higher Court against the conviction he is not allowed costs against the Government in the event of the appeal succeeding. A man likes to exercise his right of appeal, especially if he thinks he has not committed a wrong. A person need not go to any expense, because he can always appear for himself, and the judge will always assist him in the conduct of his own case, that is, in a quasi criminal or criminal matter.

The Honorary Minister: And lawyers do not mind?

Hon. H. S. W. PARKER: I should not think that a lawyer would care two straws. If a man likes to defend himself he has a perfect right to do so. The Bill should go to a select committee with a view to being recast and brought up-to-date. It certainly cannot become a reasonable measure with all its present amendments entirely altering the whole principles of the Act, especially in respect of making vocational awards instead of industrial awards. I intend to support the second reading.

On motion by Hon. L. B. Bolton, debate adjourned.

House adjourned at 8.24 p.m.

Legislative Assembly.

Wednesday, 8th September, 1937.

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

QUESTION—MT. LAWLEY SUBWAY.

Mr. J. MacCALLUM SMITH asked the Minister for Works: In view of the great increase of traffic through the Mt. Lawley subway and consequent risk to human life, do the Government intend to undertake the widening of the subway in the immediate future?

The MINISTER FOR WORKS replied: Representations have been made by the local authorities concerned; these are being considered.

QUESTION—FEDERAL AID ROADS AGREEMENT.

Hon. W. D. JOHNSON asked the Minister for Works: 1, For what period did the Federal aid roads agreement allow the State to spend part of the sums received upon "other works" and "forestry" as distinct from roads. 2, What was spent, if anything, during the period, and what was the nature of work on (a) other works, (b) forestry? 3, What was the total sum that could have been used during the full period of the provision referred to.

The MINISTER FOR WORKS replied: 1, The agreement incorporating this proposal was never ratified and consequently it did not operate. 2, Answered by 1. 3, Answered by 1.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Report of Committee adopted.