Legislative Assembly.

Tuesday, 2nd December, 1913.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTION—WATER SUPPLY ON HIGHER LEVELS.

Mr. LEWIS asked the Minister for Works: 1, Is he aware that residents living on the higher levels in Maylands, Victoria Park, and Mount Lawley are already experiencing great difficulty in securing an adequate water supply? 2, What action does he propose to take to remedy this state of affairs?

The MINISTER FOR WORKS replied: 1, Yes. 2, Enlarge the mains as opportunity offers. A portion of this work is already in hand, inasmuch as a sum of £12,000 is now being spent for new mains in the metropolitan area.

QUESTIONS (2)—PERTH TRAMWAYS.

Sale of Tickets.

Mr. GILL asked the Minister for Railways: 1, Has he given further consideration to the question of the sale of tickets on the trams by conductors? 2, If so, with what result?

The MINISTER FOR RAILWAYS replied: 1, Yes; but it is proposed to continue the present system for a further period. 2, Answered by No. 1.

Appointment of Superintendent.

Mr. GILL asked the Minister for Railways: 1, Has a permanent appointment as superintendent of the Perth trams been made? 2, If so, who has received the appointment and at what salary?

The MINISTER FOR RAILWAYS replied: 1, A permanent appointment as Traffic Superintendent has been made. 2, (a) Mr. E. E. Shillington; (b) £360 per year.

BILL—EVIDENCE ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: This is a short measure introduced to amend a defect which was discovered during the hearing of a bigamy case recently. Under the old law up to 1906 the wife or husband of an accused person was a competent and compellable witness either for the prosecution or the defence at any stage or every stage of the proceedings in certain cases, such as for defilement, procuration, rape, assault on females, abduction, etcetera. By the Criminal Code, Chapter 64 (Sections 629, etc.) an accused person or the husband or wife of an accused person was made a competent but not a compellable witness at every stage of the proceedings, with a proviso that no accuesd person might be called on behalf of the prosecution, and that the failure of any accused person or the wife or husband of the person accused to give evidence, should not be made the subject of any comment by the prosecution. These provisions of the Code relating to evidence were repealed by the Evidence Act of 1906, and then a doubt was raised as to whether, except in those cases where the wife or husband is a competent and compellable witness, the wife or husband was a competent witness otherwise than for the defence. In the bigamy case recently tried, it was found that the second wife was able to go into the box and give evidence, but it was questionable whether the court could take the evidence of the first wife, the legitimate wife, of the accused person. Fortunately they were able to come to a conclusion by means of other evidence, but the point was taken to the Full Court, and there it was decided that undoubtedly the evidence of the wife could be taken, but that the

Act had inadequately worded that power. Consequently the Full Court suggested that there should be an alteration so as to make the matter clear beyond all doubt. It is in consequence of that we have brought down this measure at this stage The Bill, if it is passed, will make it so that a husband or wife of an accused person will be a competent witness, not only for the defence, but also for the prosecution. I want to draw attention to another amendment we have made in Clause 3. That clause amends Section 21 of the Evidence Act, which enables a hostile witness to be questioned as to previous statements in writing made by him, which are considered inconsistent with the testimony then being offered, on his re-examination. That can be done now on the examination in chief, but it is doubtful whether it can be done on re-examination. We propose, therefore, to alter Section 21 by inserting after "examination in chief" the word "re-examination." There is only one other alteration in the Bll, and that is where we propose to facilitate proof of public registers, so as to enable certified copies of the *Gazette* containing the same to be put in in evidence. I may mention as instances of where registers may be required the register of medical practitioners, of dentists, of veterinary surgeons, etcetera, or the register under the Pearling Act, the Valuation of Land Act and the licenses which are required to be held for a multiplicity of purposes. It is a simple amendment and only facilitates proof without working injustice on anybody. That is all the Bill contains, and I think he House will consider it a necessary one. I therefore move—

That the Bill be now read a second time.

Hon. J. MITCHELL (Northam): As far as I can see, there is nothing very much to object to in the proposed amendment. Certainly it is well to make the law clear in regard to the evidence of the wife or husband of an accused person. The addition of the word "re-examination" seems a reasonable and right amendment, but I am not quite so certain about the copy of the register. The Attorney General will realise that a register written up day by day is better than a copy of the register. In Committee we can ask the Attorney General some questions on that point. It may be that the register is not kept by an officer under the Government, but by a private practitioner, and whilst I suppose he must keep the register intact, there does seem to be a possibility that the copy will not answer quite the same purpose as the register itself. However, I do not wish to delay the second reading, because we can deal with that matter when we are in Committee. I realise that Bills of this nature are necessary, because our legislation must be kept up to date. and where omissions are made, it is the duty of the Government to rectify them.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Mr. McDowall in the Chair; the Attorney General in charge of the Bill.

Clauses 1, 2. 3—agreed to.

Clause 4—Insertion of new section 69a:

Hon. J. MITCHELL: The register would be written up when the events occurred, but on the other hand the Minister desired that merely a copy made by the person whose duty it was to keep the register should suffice. Would the copy be as satisfactory evidence as the register itself?

The ATTORNEY GENERAL: The register in many cases would be exceedingly voluminous, and instead of taking the whole of the register to the court, if the person authorised certified that a copy of the entries bearing on the case in hand was correct, that certification of correctness could be produced in evidence, or the *Gazette*, in which it was recorded, would be *prima facie* evidence of registration. At present it was necessary to produce the book and someone had to testify to the custody and there was a comparatively long formality before the evidence was admissible. This would make necessary evidence admissible without such trouble. It would not necessary to certify to the *Gazette* be-

cause the notices therein were printed over the signature of the responsible officer.

Clause put and passed.

Clause 5—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and transmitted to the Legislative Council.

BILL—MONEY LENDERS ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: This, too, is a measure upon which it is not necessary to speak at any length. Hon. members will remember that some time ago the member for Perth introduced a Bill for regulating the business of money lenders in certain particulars. That Bill was passed by this House and went to another place, where a certain alteration was made which is really expressed in this Bill. It was found to be necessary in a case which came before the Registra in Bankruptcy. This Bill simply provides that we shall restore the original provisions to the law. It chiefly deals with the definition of a money lender. In the measure which passed the Legislative Council and became an Act, we have left the provisions very loose. Only those persons who make money lending their principal business or occupation can come under the definition of money lenders. This Bill provides that whoever lends money at an interest of over 12½ per cent. shall come under the definition of money lender, whether he gets his living completely by money lending and makes this his principal or very occasional business. The man who lends money at an exorbitant rate of interest, at any rate over 12½ per cent. will be compelled to suffer all the difficulties and regulations which the law imposes on money lenders. I move—

That the Bill be now read a second time.

Mr. E. B. JOHNSTON (Williams-Narrogin): I would like to say a few words in regard to this Bill and to ask the Attorney General if its provisions will apply to those commercial houses operating in Western Australia who charge settlers and other people dealing with them interest at a much higher rate than 12½ per cent. on amounts overdue to them. For instance, I need only remind hon. members of the excessive interest charged by the firms who supply artificial manure to the farmers. As every hon. member knows, the two big firms, the Mount Lyell Company, and Cuming, Smith & Company, charge £4 7s. 6d. a ton for superphosphate and they also charge 1s. per ton per month interest for any portion of a month during which the account is overdue. That works out at something more than 14 per cent., which the farmer has to pay, while the firm supplying the manure runs no risk whatever in the majority of cases. I hope the operations of the Bill will apply to cases of this kind, so that relief may be given to the settlers from this iniquitous rate of interest. I would like to point out that the firms who supply agricultural machinery on terms to farmers also charge from 15 to 20 per cent. interest on overdue amounts. I have seen accounts repeatedly which show a difference between the cash price and the price charged on two or three years' terms of 15 to 20 per cent. per annum.

Mr. A. A. Wilson: They will be able to deal with the Government implement works.

Mr. E. B. JOHNSTON: I hope they will. I would like the Attorney General to say if this measure will apply to the cases I have mentioned in which the farmers are being charged excessive interest. If it will not, I hope the Government will amend the scope of the Bill accordingly and give relief to the settlers in this direction.

Hon. J. MITCHELL (Northam): While I have no desire that more than a fair price should be charged, I maintain that if a firm has a cash price and a price for terms, this measure cannot apply to that firm. In the

ordinary course of trade the man who pays cash gets the better deal. We have cash butcher shops where meat is sold at probably 14 or 15 per cent. cheaper than by butchers who give credit, and I think it will be found that the butcher who sells for cash makes more than the butcher who sells on credit. It is unfortunate that people should have to ask for credit but there are people who cannot get on unless they receive credit, and while the House will do its best to protect the buyer it must be admitted that the credit system is of advantage to some people.

Mr. E. B. Johnston: What about 1s. per ton per month interest on manure?

Hon. J. MITCHELL: That may be too much. It is an enormous amount to charge but I suppose it is fixed commensurate with the risk. It is a great pity that farmers are not in a position to pay cash. We have to be very careful not to legislate against the people who need accommodation. I am not saying that the charge is reasonable or fair; I know nothing of the trade.

Mr. E. B. Johnston: It is robbery.

Hon. J. MITCHELL: Firms must, of course, fix their prices, and they have one price for cash and another for terms. I believe that people in business would prefer to take cash rather than give credit. I should like to know how we are going to determine in every case what would be the reasonable price for the firm to charge above the cash price for credit. Of course where a man is lending money and taking security that is a different affair, and I agree that he should not be allowed to charge an exorbitant rate. At the same time, I would not be willing to protect any merchant who overcharges, but I think we should be reasonable, and unless some distinct amendment, apart from the Money Lenders' Act, can be brought forward, I do not think we can consider the question of people who deal in the manner referred to by the hon. member for Williams-Narrogin. I believe it is better for people if they can go to the Government for what credit they must have in regard to their crops and machinery. We know the Government will not charge more than a fair rate of interest. There are, however, many things in regard to which the Government cannot enter, and unless some means are made by which the Government can supply farmers' requests, I think it is impossible to do very much to protect the farmer against the prices.

The Minister for Lands: The terms cover more than interest.

Hon. J. MITCHELL: The additional price is not only to cover interest but the risk. I believe that if people would trade for cash they would all be very much better off. The hon. member for Katanning (Mr. A. E. Piesse) has an amendment to the Bills of Sale Amendment Bill which will enable people who sell fertilisers to get security, but I take it they will not want security and this high rate of interest as well. I think something should be done by way of legislation so that the man who wants credit shall be protected.

Mr. A. E. PIESSE (Katanning): The question raised by the hon. member for Williams-Narrogin opens up a very wide matter, and one which has engaged the consideration and attention of the people upon the land for some considerable time past. I am not altogether certain as to whether an amendment of this Bill upon the lines suggested by the hon. member is likely to be of much advantage or to remedy the difficulty which has been pointed out by the hon. member. I admit myself, as one using a good deal of fertiliser—perhaps on some occasions having to refer to this convenience—that it comes very hard upon those who have to pay that higher rate. The difficulty is that the two firms mentioned by the hon. member are not altogether the distributers and the blame can hardly be laid at the doors of the two manufacturers mentioned. There are numbers of distributers who sell this manure, and, as pointed out by the hon. member for Northam, the business is a very risky one. To be fair in these matters one must consider all the difficulties surrounding a business of this kind. Fertiliser, I suppose, offers the least security of any commodity that is sold, because once it is put into the

ground there is no asset left unless the person supplying has some security over the crop. The amendment suggested by myself in the Bills of Sale Amendment Bill now before the House gives a certain preference to people who are supplying fertiliser, and I think that when that amendment comes up for further consideration some limitation might be placed upon the rate of interest that could be charged where that preference is given. As I have already pointed out the business is very risky, and the fertiliser when once put into the ground is absorbed and gone.

Hon. J. Mitchell: The price is too high without this shilling a month.

Mr. E. A. PIESSE: I admit that. The question is how are we going to get over that in a measure of this kind. We cannot govern prices in a measure of this character. There is not the least doubt that there are difficulties, and during the past two years—I have some knowledge of the trade—I know many distributing agents would have been far better pleased had they never seen the fertiliser trade at all. There are hundreds of thousands of pounds standing on the books of some of the distributers of this fertiliser, and I am quite sure that these people who have had to resort to these higher charges in many cases would have been better pleased had they not seen the trade. I cannot suggest at the present moment how we are likely to get over the difficulty. I do not think an amendment as suggested for bringing these people within the provisions of this measure is likely to overcome the difficulty.

The ATTORNEY GENERAL (in reply): The subject is altogether irrelevant to the purposes of this measure. The point is that this is an amendment to the Money Lenders Act. We are not dealing with those firms who sell goods on terms, whatever the terms may be. This measure deals with money lenders. Some people make a professional business of money lending, and others do it from time to time, perhaps very occasionally, but whenever it is done at a rate exceeding 12½ per cent. it is "money lending," and is to be known specifically under that term. I fully appreciate the protest made against the exorbitant charges on the risks run and the business done by fertiliser firms.

Mr. Lander: No doubt they do it to protect themselves.

The ATTORNEY GENERAL: Yes, they have not the usual security and they have to run considerable risk as well as go to trouble and delay. The proposal which has been made would be perfectly relevant in regard to a Sale of Goods Amendment Bill, but I could not accept an amendment of the kind suggested by the hon. member for Williams-Narrogin at the present juncture, as it is entirely outside the scope of this measure.

Mr. E. B. Johnston: Could you not put in an amendment that only the current bank rate of interest shall be charged?

The ATTORNEY GENERAL: It could not be done in this measure.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment; and the report adopted.

Read a third time and transmitted to the Legislative Council.

BILL—CRIMINAL CODE AMENDMENT.

Council's Amendment.

Amendment made by the Legislative Council now considered.

In Committee.

Mr. McDowall in the Chair, the Attorney General in charge of the Bill.

Council's amendment — Clause 9 — Strike out:

The ATTORNEY GENERAL: This amendment was really the deletion of the new clause which was proposed by the hon. member for Williams-Narrogin, relating to bank clerks. The clause was included in the Bill in the Legislative Assembly and was deleted by the Legislative Council. He would feel inclined

on general principles to give his approval to the new clause and to resist the amendment of the Legislative Council, but when he reflected that it was not strictly relative to the purpose of the Criminal Code amendment, and that the matter might be introduced in another way, and meet with more hearty concurrence, he would advise the hon. member to bring down a Bill and he would promise him the support of the Government, and particularly his own support. It was desired to print the Criminal Code compilation, and if friction arose between the two Houses, the matter would be delayed, and that would mean an immense waste of time and money. He was anxious to bring the Criminal Code up to date and rather than risk not being able to do so this session, he would move—

That the amendment be agreed to.

Mr. E. B. JOHNSTON: It was to be regretted that the Attorney General had not seen his way to move in an opposite direction. The clause, as hon. members were aware, dealt with restraint of marriage, and it was designed to protect bank clerks and other employees of commercial firms from the oppression and injustice under which they were labouring because of the fact that their employers in the first place would not allow them to marry until they were in receipt of a salary of £200 per annum, and in the second place because they kept them in their positions for 10, 15, and in isolated cases, 20 years before giving the salary of £200 which it was necessary for them to be in receipt of before they could get married. When he presented the new clause to the House some weeks ago the member for Perth added Subclause 4 reading, "In proceedings under this section the averment of the complainant in the complaint or summons shall be deemed to be proved in the absence of proof to the contrary." He was quite willing to drop that part of the amendment to the new clause if the Government would then send the balance of the clause back to the Legislative Council. That was a reasonable compromise for the House to make and for the Legislative Council to accept.

Hon. J. Mitchell: Why do you not take the advice of the Attorney General and bring in a Bill?

Mr. E. B. JOHNSTON: Because we had already taken a stand on this question, and both sides of the House had concurred in a most gratifying manner in the inclusion of the clause in the Criminal Code. No one knew better than the member for Northam that if another measure were brought down on the same subject this session, the Upper House would rule it out of order because the subject had already been before them in this Bill. The Attorney General must realise that fact also, and that the Criminal Code was the measure in which to include this matter, and that now was the time. Not only did this clause pass the Legislative Assembly with an absolute unanimity of opinion, but when it went to the Upper House and was considered there it was actually approved of on a division by 11 votes to 7. When the clause was passed by the Upper House there was a remarkable concensus of opinion throughout the country in favour of it, and the *West Australian*, the leading journal in Perth and a conservative journal as well, applauded the Government and the Upper House in connection with the introduction of such a proposal. With the permission of the House he would like to read an extract from this article.

The CHAIRMAN: The hon. member could not read an article on a matter which had been discussed in the current session.

Mr. E. B. JOHNSTON: Perhaps he might be permitted to say that the article spoke in the highest terms of the proposed new law, which at that time had been accepted by the Upper House. Since then, however, something had occurred to cause members of another place to recommit the Bill and annul the first decision. He honestly believed the reason which actuated the members of another place in recommitting the measure and throwing out this clause was that they were told to do so by some of the financial magnates of St. George's-terrace.

The CHAIRMAN: The hon. member could not reflect on members of another place.

Mr. E. B. JOHNSTON: There was no desire on his part to do so, but he could not help remarking that it was a significant fact that he had been told in the city that the general manager of the Western Australian bank took the utmost exception to the fact that this new clause was passed by the Legislative Council, and that that gentleman was kicking up a great row about it. Then a few days afterwards the Legislative Council reconsidered the matter and reversed the first decision.

Mr. Moore: You had better tackle the manager and see what he says.

Mr. E. B. JOHNSTON: That was what he was doing now.

Mr. Moore: But I mean face to face.

Mr. E. B. JOHNSTON: It was a matter of common report that the manager of the Western Australian Bank took exception to the passing of this law by the Upper House.

Hon. W. C. Angwin (Honorary Minister): What is the use of sending only a part of the amendment back?

Mr. E. B. JOHNSTON: Then we could send it all back with the member for Perth's amendment included. On the second occasion it was rejected by the Legislative Council on the casting vote of the Chairman of Committees. Sir Winthrop Hackett who had supported it in his newspaper and had voted for it on the first occasion was absent when the second division was taken. It was certain, therefore, if the Bill were returned to the Legislative Council once more, and if that gentleman made it his business to attend, the new clause would be carried. It had been noticed in the newspapers lately that a donation of one guinea had been given to a certain hospital by the general manager of the Western Australian Bank. This represented the fee that that gentleman had received for giving evidence that bank clerks were not allowed to marry unless they were in receipt of over £200 a year. It was to be regretted that that money was not left in the coffers of the clerks' union from which it had been taken. It would have been truer charity if that had been done. If the Government sent the clause back they would show that they did not agree to being domineered by the financial plutocrats whose headquarters were in St. George's-terrace, and who were responsible for the denial to bank clerks of that liberty which was extended to every other section of the community.

Hon. J. MITCHELL: Did the hon. member think this amendment afforded the protection he wished to give to the officers in banks? Officers were transferred from one State to another.

Mr. Underwood: When they come to this State their shackles fall away.

Hon. J. MITCHELL: This provision would not be of any avail in its present form, except against the Western Australian Bank. Was it not possible that the other banks desiring to give effect to their regulations would transfer an official to another State if he intended to marry against their wishes? He would like to see every officer getting a reasonable salary and arriving at £200 a year fairly soon, but it was just a question whether that could be done.

Mr. Underwood: Dividends against morality.

Hon. J. MITCHELL: It would be preferable to see a higher standard fixed for all people in order that they might in a reasonable time reach a sufficient salary to enable them to keep a wife in comfort, but this provision would only apply to one institution out of the six operating in the State.

Mr. UNDERWOOD: The member for Northam was more illogical than usual. If any branch of a bank had a regulation in existence which was in restraint of marriage, that branch or the manager of it would be liable to the penalty clauses of the Bill. This House had often found itself in great difficulty, insofar as it threw away good legislation because another place had set its mind to block such legislation.

Hon. J. Mitchell: Let us go to the country.

Mr. UNDERWOOD: The Government would be willing to go to the country if

another place would go with them. The attitude of the Government was that by insisting on this clause they might lose something which was more desirable. The Committee had to consider whether it was desirable to risk the whole Bill for this amendment, or to accept what the Council would give. This was the most shameful and scandalous amendment ever passed in any legislature. The Council had simply laid it down that the banks might earn dividends at the expense of morality. There was no doubt that the managers of commercial firms—and he reiterated the names of Dalgety & Co. and Burns Philp & Co. because they were equally offenders in this matter—simply for the sake of putting money into the pockets of their shareholders, were encouraging the worst form of immorality. We had heard them mouthing tongue-rolling platitudes about filling up our empty spaces and about the necessity for immigration, and the previous Government had spent a considerable sum in encouraging immigration, and at the same time we found institutions and men who ought to be utterly ashamed to mix with decent people, supporting a most immoral system for the sake of a few pounds in wages. If the Attorney General thought it advisable to agree to this amendment, he would vote with him, but at the same time one could not but feel the utmost contempt for the action of the Legislative Council in this matter.

The ATTORNEY GENERAL: Whilst thoroughly in accord with the object aimed at by the hon. member for Williams-Narrogin he would remind the Committee that there was a very grave risk of losing the measure altogether if this amendment was agreed to. The Government had gone to considerable cost in compiling the Criminal Code and bringing it up to date, and they could not get the compilation printed unless this measure was passed through both Houses in time. They had to wait until this Bill was through before they could print the compilation and introduce it to Parliament, after which it had to pass through all its stages. If the requisite time was at their disposal, it would be well worth attempting to assert the will of this Chamber, but was it worth risking the whole Bill and nullifying the whole of the labours in connection with the compilation of the Code for the sake of the test?

Mr. Hudson: If we send it back now it will not mean the loss of the Bill.

The ATTORNEY GENERAL: If the Council insisted on the amendment there would be no time for the Government to get the compiled Criminal Code printed to submit to Parliament. Therefore, for the purpose of getting the Bill through, he proposed that the Council's amendment be agreed to, on the understanding that at the earliest possible moment legislation would be introduced to give effect to what the hon. member for Williams-Narrogin desired.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted, and a Message accordingly returned to the Legislative Council.

BILL—OPIUM SMOKING PROHIBITION.

Second Reading.

Hon. W. C. ANGWIN (Honorary Minister), in moving the second reading said: This Bill has been introduced at the request of the Commonwealth Government. A similar Act is already in force in all other States of Australia, and for some considerable time the matter has been under consideration in this State, at the request of the Federal Government. In 1909 a Bill was prepared, which I believe was word for word with the present one, for the purpose of presentation to Parliament, but unfortunately there was not sufficient time that session and the matter was allowed to go into abeyance. Later on Mr. Nanson took up a similar Bill and the same thing occurred. Last year at the close of the session the matter was brought before the Government and the time was not sufficient to enable us to deal with the matter, but this year the Commonwealth again requested that this State should pass a Bill such as is now before the Chamber. The Bill provides for the prohibition of the smoking

of opium and for other purposes. It is known that the Commonwealth Government have power to deal with the importation of opium. They can prohibit it, and they do try as far as possible to prevent opium being imported into Australia, but somehow the drug gets into the possession of several persons in the State, particularly the Chinese. There is some difficulty in dealing with the question once the opium has been imported, as there is no proof to show where the opium came from, and I believe that if a case was taken before the courts in regard to opium being in the possession of persons it would be impossible to obtain a conviction in regard to the same. So the Bill which is now before hon. members not only provides for prohibiting the smoking of opium but also to prohibit any person from having opium in his possession except under permit granted by the Colonial Secretary. In 1912 an international convention was held at the Hague and all the principal powers were represented. The British dominions were represented there, and an agreement was entered into whereby steps were to be taken to introduce legislation in all parts of the British Empire. The other powers present at the convention agreed to the results arrived at with a view to prohibit dealing in opium. Article 17 was as follows :—

> The contracting powers having treaties with China shall undertake to adopt the necessary measures to restrict and control the habit of smoking opium in their leased territories, settlements, and concessions in China, to suppress, *pari passu* with the Chinese Government, the opium dens or similar establishments which may still exist there, and to prohibit the use of opium in the places of entertainment and brothels.

This matter, as I said before, has been repeatedly brought under the notice of the Government by the Federal authorities for the purpose of carrying out what was agreed to by the contracting parties at the 1912 convention. I may state that this Bill is almost similar to what has been passed in every State in Australia. It is a necessary measure, and I do not think I need say any more in regard to it. I move—

That the Bill be now read a second time.

Mr. DWYER (Perth) : I think the House recognises that a Bill introduced in order to exercise a right which people thought the law already possessed should be passed without much comment. I will try and put the position as clearly and concisely as I can. The Commonwealth Government have what is known as the Customs Act and in that Act there are certain prohibited imports. Among the prohibited imports opium is mentioned and there are other prohibited imports, such as immoral pictures and certain other articles, but the constitutional aspect of the question is this: that while the Federal authorities can prohibit the landing of these, still, once these articles have been landed or acquire a home here the Federal jurisdiction ceases, and unless the State takes up the burden after that there is no law to prevent them being used, or smoked in the case of opium. It was thought that the Federal Customs Act would be sufficient to govern cases where opium was in the possession of a person, but after having been tested, it was found that under the Federal Constitution, a law cannot be imposed which would make it possible once the opium has found a domicile in this or any other State to say that its mere possession was illegal, the Federal jurisdiction as a matter of fact ending at the Customs house, and unless we have some State law which makes the possession of opium illegal people could possess opium, smoke it on their own doorstep, and defy the authorities in doing so. May I throw out a suggestion to the Honorary Minister that in this case possession would be a thing exceedingly difficult to get a conviction upon. In the Commonwealth law there is a provision that the averment of the prosecutor contained in a sworn complaint shall be deemed to be proved in the absence of proof to the contrary. I would point out to the Honorary Minister that unless he has some such clause as this the whole of this Bill may become

a dead letter, as he is dealing with very clever persons when he is legislating in regard to opium. For "ways that are dark and tricks that are vain" we know that the heathen Chinee is peculiar, and therefore unless a provision such as I suggest is introduced the measure might be of little use. To say that the complaint itself shall be evidence of the offence, and that the onus of proving innocence shall rest with the person charged is to some extent against the spirit of our law, but there are cases when it is necessary, and this should be considered one. The provision already exists in the Customs Act which is supposed to govern cases of opium possession, and for that reason I think a similar clause should be inserted in this Bill. I beg to support the second reading of the measure.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Mr. McDowall in the Chair; the Honorary Minister (Hon. W. C. Angwin) in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Permit for possession of opium:

Mr. B. J. STUBBS: Was it consistent to prohibit any person having opium in his possession while people were allowed to trade in alcoholic beverages. The other evening he had made a statement, and would quote from an authority to prove that opium was almost precisely the same in its effects as alcohol, and therefore, if it was not necessary to prohibit the absolute possession or use of alcohol, he wanted to question the wisdom of the absolute prohibition of opium. The *Encyclopaedia Brittanica* stated on the subject of opium—

> The acute poisoning presents a series of symptoms which can only with difficulty be distinguished from those produced by alcohol.

Mr. McDonald: Opium has other effects besides effects similar to those of alcohol.

Mr. B. J. STUBBS: Yes, but he was quoting now only what had any bearing upon his argument. The *Encyclopaedia Britannica* further said—

> So far as can be gathered from the conflicting statements made on the subject, opium smoking may be regarded in much the same light as the use of alcoholic stimulant.

If such an authority as the *Encyclopaedia Britannica* emphatically stated that alcohol had precisely the same effect upon people as opium, then he wanted to know why we were going to absolutely prohibit the possession of opium and still allow the possession and use of alcohol.

Mr. UNDERWOOD: The hon. member had only shown that opium possessed the vices of alcohol, but had not shown it possessed the virtues of alcohol. Why alcohol was permitted was on account of its virtues. Why opium was abolished was because it had no virtues, which was entirely different.

Mr. Wisdom: In other words, you cannot smoke alcohol.

Mr. Male: Opium has some virtues.

Hon. W. C. ANGWIN: If the hon. member was convinced that alcohol should be prohibited he should, knowing opium had worse effects, so far as time went, readily agree to prohibit opium, and adopt some future opportunity to deal with alcohol in a similar direction. Alcohol had not the same effect in so short a period as opium, and while one realised that those who took alcohol to excess were running a great risk, at the same time no person could say the drinking of intoxicating liquors had such a dire effect in a short period as the smoking of opium. In connection with this measure, every endeavour should be made to prevent the possession of opium.

Mr. B. J. STUBBS: No statement had been made by him that he was opposing the Bill. He wanted to get some explanation from the Honorary Minister. In reply to the hon. member for Pilbara he would like to say that opium had more virtues even than alcohol for medicinal purposes. While opium had even more virtues than alcohol from a medicinal standpoint, it had just about the same amount of harm in it as alcohol had. They were both of practically the same nature, and were both poisons. They were both valuable medicinally and both harmful

when used in other directions. But there was practically no difference whatever between the nature of the two drugs.

Mr. DWYER: It would be wise to provide that opium prescribed by a medical practitioner might be allowed in certain cases.

Hon. W. C. Angwin: That was provided for in the Pharmacy Act.

Mr. DWYER: If that was so he would not proceed further in the matter. But the Bill was absolute. If a doctor prescribed that it was necessary in certain cases for opium to be used it should be allowed in such cases. Perhaps the Honorary Minister might consider the matter later on and see if it was necessary that an amendment should be made.

Hon. W. C. ANGWIN: The point would be looked into, but provision was made in the Pharmacy Act dealing with the sale of poisons, and where opium could be held in possession. According to the schedule of the Pharmacy Act opium was considered a poison, but if it was used for medical purposes the Pharmacy Act provided all that was required. This provision had been adopted by all the other States of the Commonwealth.

Mr. DWYER: The clause provided that no person should have in his possesion opium not suitable for smoking, but yet might be made suitable. The second clause of the Bill was absolute, that no person should smoke opium. His idea was that in the case of a prescription by a medical practitioner and supplied through proper channels, opium might be supplied. The Minister should consider this matter.

Clause put and passed.

Clause 7—Record of opium kept or disposed of:

Mr. DWYER: The New South Wales Act provided that opium might be made up as a medicine. As the Minister would not consider this matter when he, Mr. Dwyer, spoke previously, he would be obliged to move an amendment.

Hon. W. C. Angwin: I said I would consider the matter.

Mr. DWYER: If that was so, it was satisfactory.

Clause put and passed.

Clause 8—Meaning of possession:

Hon. W. C. ANGWIN: The matter referred to by the member for Perth would be gone into with the Crown Law Department to see if what the hon. member had said was necessary.

Clause passed.

Clause 9—agreed to.

Clause 10—Penalty:

Hon. J. MITCHELL: There was a minimum penalty provided of £10 with a maximum of £200. The minimum should be left to the discretion of the magistrate.

Mr. Dwyer: The Federal Act had the minimum fixed.

Hon. J. MITCHELL: There was no reason that we should follow Federal legislation. We were a free people and could do as we pleased. The minimum penalty should always be left to the magistrate. The maximum penalty should be left at £200, but the minimum should be left out. It was useless to move in the matter, but he thought it was wrong.

Mr. LANDER: Any bench of magistrates could recommend to the Minister the reduction of a fine, and if good reasons were shown the Minister no doubt would reduce the fine.

Hon. W. C. ANGWIN: The smoking of opium was a difficult matter to deal with. Unless the penalties were decided it was difficult to prevent smuggling. In a Bill prepared by Mr. Nansen the penalty clauses provided for a minimum fine of £10 and a maximum of £200, also in a Bill prepared by Mr. Keenan.

Hon. J. Mitchell: Were these Bills introduced?

Hon. W. C. ANGWIN: No, but they were prepared. In the Bill prepared by Mr. Keenan the minimum penalty was £10 and the maximum £200. In fact the clauses of the Bill before the Committee were an exact copy of the Bill prepared by the Liberal Government. A similar Bill had been passed in South Australia, Tasmania, New South Wales, Queensland, and Victoria.

Clause put and passed.

Clause 11—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and transmitted to the Legislative Council.

BILL—FACTORIES ACT AMENDMENT.

In Committee.

Mr. McDowall in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Amendments of Sections 2, 28, and 37, interpretation:

Hon. J. MITCHELL: The clause dealt with bakehouses. As it was intended later on to consider the whole question of baking, it was not wise to discuss this now.

The ATTORNEY GENERAL: This was the proper place to discuss the definition. These definitions were requisite in view of the amendments to be subsequently introduced.

Hon. J. MITCHELL: The definition of employee was made to include any person working in a factory, whether for wages or not. That was to say, it would cover the case of a son assisting his father in a small business in which no other person was employed. Was it intended that such a place should be registered as a factory?

The ATTORNEY GENERAL: The definition had been inserted for the purpose of covering certain factories which hitherto had escaped the definition of "factory" under the existing Act, such as laundries worked by Asiatics, who claimed they were partners, or were not working for reward, and consequently had escaped supervision in the laundries where those conditions existed. It was difficult to reach those persons unless there was a general application of some principle which would include them, and therefore the definition of "employee" had been widened for that purpose.

Hon. J. MITCHELL: The explanation was satisfactory, so far as it went. But the definition would include a blacksmith and his son working at a place like Korrelocking, and would therefore inflict a hardship. In such cases the definition should not include the son of a man carrying on a small business. Under the definition a blacksmith working with the assistance of his son would have to be registered.

The ATTORNEY GENERAL: It was just as well that all such places should be registered, for any and all of these places should be fit to work in. Blood privileges did not exist in a measure of this kind. It was necessary to see that no employer permanently injured the health of the workers. A father and his son working in the circumstances cited by the member for Northam would have nothing to fear under the Factories Act; but if the case could be imagined of a father working his son from unearthly hours in the morning until ungodly hours at night it would be the duty of the State to step in and insist upon such a man treating his son as a human being. There were places in the City where men were working all hours of the day in a ruinous competition with white workers and to the injury of their own health and, through them, the health of the community.

Mr. MALE: It was to be hoped the provision that two persons should constitute a factory would not be passed. If it was necessary to declare two persons a factory, it would be as well to reach finality by declaring one person a factory. As for the particular instances suggested, if there were any, they should be dealt with in another way. Such cases could not increase in the Commonwealth, because Asiatic aliens were prohibited from coming here, and, as a consequence, they would, year after year, become fewer, until they disappeared.

Mr. B. J. STUBBS: It was not easy to understand the objection to making the Act apply to everybody in the community. Why should a person who happened to be working in a small factory be deprived of the benefits of factory legislation? A select committee appointed by the House in 1906 had said, in reference to this question—

> When it is remembered that owing to the Factories Act requiring, where

no motive power was used, six employees to constitute a factory, there remain fully 6,000 workers, many of whom are unprotected and unprovided for by any legislation, so far as wages and conditions of employment are concerned.

Why should those six thousand be deprived of the benefits of this class of legislation? It would be no hardship on anyone to see that the premises were kept in proper condition even if only one employee was engaged thereon.

The ATTORNEY GENERAL: The chief answer to the objection was that the measure was intended to bring the West Australian legislation into line with the legislation which had existed for years past in the Eastern States and in New Zealand. There had been no outcry there against the application of it; in fact it was an anomaly that we should be without it here.

Hon. J. Mitchell: Did two people constitute a factory in New Zealand?

The ATTORNEY GENERAL: That was so, and in the Eastern States also. The reason was obvious. Wherever one person employed another, the employee should not be excluded from the privileges, rights, or protection, as regarded holidays, overtime, and conditions of labour, stipulated by the measure, simply because he was the sole employee.

Mr. Male: Why confine it to two?

The ATTORNEY GENERAL: If it was confined to one there would be no sense in it. When there were two men we had the basis of a factory required to be registered. No one was excluded from the benefit of the law.

Hon. J. MITCHELL: The effect of this would be to compel small people starting in new agricultural centres to register their premises. If a blacksmith engaged a striker, or employed his son now and again, he would have to register his premises as a factory. In almost all cases fathers treated their children as they should be treated.

The Attorney General: Then there was nothing to fear.

Hon. J. MITCHELL: But this legislation would put people to considerable trouble and might work great hardship. We desired to protect the worker in the city where absolute cleanliness was imperative, but in the desire to embrace everyone the Government were going too far. It was of no use setting up restrictions unless they were necessary. Under the existing Act the number to constitute a factory was six and no argument had been advanced to show why the number should be reduced.

Mr. ALLEN: Under the definition of "bakehouse" it was provided that there should be places for the storage of material and later on provision was made for limewashing every 12 months. Was it intended that such storage places should be limewashed every 12 months?

The CHAIRMAN: It was customary not to go back, and the hon. member for Northam had been dealing with the definition of "employee," which was lower down than "bakehouse." Perhaps, under the circumstances, the Attorney General might explain the point to the hon. member.

The ATTORNEY GENERAL: All the appurtenances that properly came under the definition of a bakery would have to be inspected and must be kept clean.

Mr. ALLEN: It would not be necessary that the place where flour was stored should be limewashed every 12 months. Would this be left to the discretion of the inspector?

The Attorney General: If no harm will result from neglect it will not be insisted on.

Hon. J. MITCHELL: Why was reference made to "rack rent," and why was the owner of the land mentioned?

The ATTORNEY GENERAL: It simply meant that there could be no escape by the subterfuge that the person concerned was not the owner.

Hon. J. MITCHELL: If a person received only half of the net annual value he would escape.

The Attorney General: No, this definition is wide, as it stipulates not less than two-thirds.

Hon. J. MITCHELL: Why refer to rack rent at all?

The Attorney General: It is inserted here as a definition and is required subsequently.

Hon. J. MITCHELL: The definition of "owner" should be wider than the restricted meaning of this clause. No person should escape.

Mr. ALLEN: In regard to the definition of "week," workmen in some instances were paid on Friday night. Would not it be better to define the week as a certain period?

The ATTORNEY GENERAL: The definition was that the week commenced at midnight on Saturday and ended at midnight on the following Saturday. The wages could be paid at any time.

Hon. J. MITCHELL: In the definition of "boy" the age had been raised from 14 to 16. Was this wise?

The ATTORNEY GENERAL: It was wise for the purpose of giving the boys protection under the measure. The object was to prevent mere children working the long hours that men had to work. We must have some consideration for youth. The definition which raised the age of a boy to 16 years was not an innovation.

Hon. J. Mitchell: But there is a break of two years between the age of "child" and the age of "boy."

The ATTORNEY GENERAL: That did not affect the matter.

Hon. J. Mitchell: There is nothing in the definition to describe the boy or the child between the ages of 14 and 16.

The ATTORNEY GENERAL: It was not needed. Up to 14 restrictions were numerous, after 14 they were not so numerous, but until 16 one could not enter into general competition with others.

Mr. MALE moved an amendment—

That in line 1 of the proposed new Subsection 1 of the definition of "factory" the word "two" be struck out.

If every worker was to be protected we should strike out "two" and insert "one." The proposal in the clause would set up difficulties where two men might be working as partners, or where the father and son might be working together. There would be no need in such cases for registration. The existing Act provided for six, and he objected to the proposal in the Bill.

The ATTORNEY GENERAL: The amendment would be strenuously opposed. One of the principal reasons why the present Act was defective in its administration was because there was a considerable number of so-called factories where they employed four hands, who were not under the supervision of an inspector, and where, under existing conditions, they could be overworked and underpaid and refused holidays, and where they might be forced to work in rooms which were not fit to be occupied, and where they could, in many ways, evade all the provisions of the Act. There were such institutions in the State, and the proposal in the Bill was intended to prevent that sort of thing continuing. The object of the measure was not to annoy or injure people, but to benefit them. We wanted to provide that good relationship between employer and employee which should exist, and to provide also that there should be contentment throughout the community. If six could be inspected what argument was there against five or four or three or two.

Mr. Male: Or one.

The ATTORNEY GENERAL: If we had one then we would do away with the definition of factory, because every place where one man was would be a factory and that would be absurd. Every individual would constitute a factory in himself. Would that not be absurd?

Mr. Elliott: Two is nearly as absurd.

The ATTORNEY GENERAL: It had not been found absurd in the Eastern States and in New Zealand, where the provision worked well. It was our desire to be as much abreast here as in the other places.

Hon. J. MITCHELL: We had a Factories Act to control within reasonable limits the business of the manufactories, but he ventured to say that it was not being strictly enforced.

The Attorney General: That is one of the reasons why we want these amendments.

Hon. J. MITCHELL: It was not a good reason for the amendments if the Act was not being enforced. If that was the case how did we know that the amendments were needed? Since we could not provide that the conditions should be the same in the backblocks as in Perth, why legislate to bring practically every workshop of the smallest nature within the provisions of the measure? We knew well that the conditions surrounding the employment of men in factories in the country were perfectly fair and reasonable. In the city, however, the position might be totally different, and it had to be legislated for in a different way. He was not aware whether in Perth there were fewer than six who were working in factories where the conditions were not as they should be. He remembered visiting a good many factories some years ago and generally the premises which were inspected were found to be suitable and the conditions satisfactory. It should not be desired to impose unnecessary conditions against the employer, conditions which would operate harshly not only against the employer, but against people who were working together as partners. The amendment would receive his support because if we reduced the number to two he believed we should be doing harm to a good many. Members knew that many people in making a start had considerable trouble already without having to bear the burden of the provisions of this Bill in regard to registration and the other conditions which it imposed. We would do far more harm to the class whom the Attorney General sought to help if we reduced this number from six to two.

Mr. CARPENTER: The member for Northam, whilst expressing a desire to protect all classes would not extend consideration to those who needed it most. It was the small factory as a rule where the worst conditions obtained. It was the man who was starting to establish a business who cried out frequently, "Give me consideration, and do not put restrictions on me until I get a footing," and it very often meant that he was getting a footing at the expense of the health and comfort of those whom he employed. Then the larger employer asked why he should be compelled to incur a certain expenditure and provide certain conditions for the protection and comfort of his employees whilst another man could go scot free, simply because he employed four or five men. As the member for Subiaco had said, in 1906 on account of the definition being so high there were over 6,000 employees at that time who were not protected by the Factories Act, and it would not be surprising if by this time there were 10,000 factory employees who had not the protection of a Factories Act. He had seen in his own electorate places which were not fit for a dog to work in, and the Factories Act could not reach them because they had only two or three persons employed. Unless the amendment proposed by the Bill were made, that sort of thing would continue.

Mr. A. E. PIESSE: Did the definition of factory include the preparing and cutting of chaff on a farm? If so, the objection put up by the member for Kimberley was all the stronger, because a father and son might be cutting chaff on a farm for a few weeks in the year, and it would be ridiculous to compel that farmer to register his farm as a factory.

The ATTORNEY GENERAL: The definition of factory in the original Act specifically excluded places used solely for pastoral or agricultural pursuits. As to the contention of the member for Northam that we were going to injure the worker, the New Zealand Act had precisely the language of this Bill, and that Act had been in operation since 1908 without any outcry against it. The Victorian Act defined as a factory a place where "one or more persons" were employed in places where steam was used, and in all other instances "two or more persons." Where was the inconsistency and where the outrage in bringing our law into conformity with Acts that had worked well in other parts of the Commonwealth and New Zealand? It was a needless fear and a foolish fright to oppose the amendment which the Bill proposed.

Mr. MALE: The Attorney General seemed to be studying the Act as he went

along. At the outset the Minister had explained that the necessity for this amendment had been brought about by the fact that there were certain aliens who could not be got at under the existing Act. Yet the existing Act contained these words "any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged." That showed that the Attorney General did not know the Act and the very reason for which he was altering the number of employees from six to two fell to the ground.

The ATTORNEY GENERAL: One of the purposes of the Bill was to reach a certain section of the community. In order to reach that section we must be fair and put all on the same footing, and the purpose was, Chinese or no Chinese, where there were two or more persons employed in a building in the nature of a factory, that place was a factory and had to be registered. The alteration was also to give the protection of the law to those employed in small numbers in small establishments.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. MITCHELL: The hon. member for Fremantle had said that with the limitation of six persons there were 10,000 workers outside the operation of the Factories Act.

Mr. Carpenter: I said 6,000 in 1906, and it is reasonable to suppose that there are 10,000 now.

Hon. J. MITCHELL: If there were 10,000 workers now excluded under the limitation in regard to six persons, no doubt under this Bill there would be 2,000 more factories to inspect than there were to-day. It would involve greatly increased cost, and in some instances to put them under the Factories Act would seem ridiculous. The worker who attempted to start for himself in the country would be brought under the provisions of the measure, and would be put to nearly as much trouble as a big Perth factory, where they had a manager and a staff of clerks. It would be a pity not to encourage people who were making a start. There were many centres where we wanted a blacksmith's shop and a wheelwright's shop, but there would be less likelihood of getting them if they had to go to all the trouble that the Factories Act would entail upon them.

Amendment put and negatived.

Mr. ALLEN: The clause referred to the preparing of goods for sale. Would that apply to retail pastry shops if there was much done in the nature of preparing goods for sale, such as putting cream into pastry, as was done to prepare cream puffs, or putting the jam between sponge cake to prepare jam sandwich; would establishments where that was done be constituted factories under this clause?

The ATTORNEY GENERAL: Wherever two persons were continuously employed preparing goods for sale——

Mr. Allen: Surely not these retail places?

The ATTORNEY GENERAL: It did not matter whether retail or wholesale if they were preparing goods for sale.

Mr. MALE: No doubt a chemist would have to register as a factory if he prepared pills and other decoctions for sale.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Chief Inspector of Factories:

Mr. MALE: The clause provided that the Governor should from time to time appoint some "fit and proper person" to be Chief Inspector of Factories. The words "fit and proper" seemed rather unnecessary, as the Governor would not appoint anyone but a fit and proper person.

The ATTORNEY GENERAL: The point raised was not material.

Clause put and passed.

Clause 9—Inspectors:

Hon. J. MITCHELL: The clause provided that the Minister might from time to time "appoint and dismiss fit persons" of either sex to be inspectors of factories. Should it not be that the Minister might appoint fit persons and dismiss unfit ones?

The ATTORNEY GENERAL: There was not much in the hon. member's argument. The word "fit" would apply where they were fit persons to be dismissed.

Hon. J. Mitchell: Do you seriously suggest that you want power to dismiss fit persons?

The ATTORNEY GENERAL: The hon. member might be fit to be appointed to any post in life, but when he had been in it a little while he might prove himself absolutely fit to be dismissed.

Mr. ELLIOTT: As a layman one found it difficult to understand why the term "fit and proper person" were used in Clause 8, and only "fit person" was used in Clause 9.

The ATTORNEY GENERAL: There was nothing very peculiar about it. Although there seemed some redundancy in Clause 8, there was just a shade of difference, as Clause 8 referred to the appointment of the Chief Inspector of Factories, who would be more of an administrator than the other inspectors. The words "fit and proper" were certainly applicable in his case.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Powers of Inspectors:

Hon. J. MITCHELL: The Attorney General provided that the inspectors should ascertain whether industrial awards and agreements were being complied with. Was that part of the duty of an inspector now? The Arbitration Court was for unionists, and men having a union could protect themselves. Was it usual for the Government factory inspector to see that an award of the Arbitration Court was complied with?

The ATTORNEY GENERAL: It was part of the duty of every inspector who went around the factories to know not only the Factories Act, but to have a knowledge of the Early Closing Act, the Health Act, and what awards had been delivered under the Arbitration Act. The object was to enable us to see whether the law was being carried out in its entirety: although the unions had officers they had their other affairs to attend to. A union secretary could not be ubiquitous. It was part of the duty of the inspector of factories to know the laws and see to them being carried out.

Mr. MALE: The powers given to inspectors under this clause and the following one were very extensive. Had any new powers been provided in the Bill?

Hon. J. MITCHELL: Subclause 5 required the production of any certificate of registration held by the occupier, or any book or document which the occupier was required to keep. We were charging inspectors with the duty of seeing that Arbitration Court awards were complied with, and in Subclause 6 we required the inspector to exercise such other powers as might be necessary for carrying the Bill into effect.

The ATTORNEY GENERAL: We had practically added no special new powers to those already provided. We had brought the powers up to those in the New Zealand Act, and included our industrial awards, giving the inspector power to enforce those awards and take action. The inspector required to have those powers if his inspection was to be of any value.

Hon. J. Mitchell: The inspector will be charged with greater responsibility, because we include references to other Acts.

The ATTORNEY GENERAL: We had highly capable men and women doing excellent inspectorial work and to allow them to do their work effectively these amendments required to be made.

Mr. ELLIOTT moved an amendment—

That in line 2 of Subclause 4 the words "or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory" be struck out.

It would be arbitrary for an inspector to put a question to a man merely because he believed him to have been employed in a factory.

The ATTORNEY GENERAL: The hon. member ought to give a more definite reason for his amendment. The words were certainly serviceable, and imposed no injustice upon anybody. The provision was in the New Zealand Act and had worked in New Zealand without any exception being taken to it. It was merely claiming the right for the inspector to ask questions of one who had been engaged in a factory. No wrong could be done under the provision.

Mr. ALLEN: The whole clause was very far-reaching. Under it the inspector could compel the witness to sign a statutory declaration. It seemed to him the whole clause should come out.

Amendment put and negatived.

Clause put and passed.

Clauses 12, 13—agreed to.

Clause 14—Penalty for obstructing officials and similar offences:

Hon. J. MITCHELL: An owner would be required to answer any questions which the inspector might put to him, although the answer might be incriminating, and if he failed to answer the question truthfully he would be mulct in a penalty of £10.

The ATTORNEY GENERAL: The owner could only be lawfully required to answer questions. It would be unlawful to ask a question that would imperil the liberty of a man. The inspector could only do the thing as permitted by law. Therefore whatever he asked would be lawfully asked and being lawfully asked must be answered. He would not ask silly or trivial questions. If an inspector lawfully asked a certain question and the other party answered falsely a penalty was deserved.

Hon. J. MITCHELL: Naturally the inspector could not do other than act within the four corners of the law, and any question must be lawful. We were providing a stiff penalty in the case of a mistake being made.

The Attorney General: Not a mistake.

Hon. J. MITCHELL: A man would be apt to be prosecuted for making a mistake. While this provision was in the existing Act, it was doubtful whether in view of the wider powers contained in this measure it should be re-enacted.

Mr. ELLIOTT: The penalty was fixed at a sum of £10. That was exceedingly arbitrary. He suggested that the words "not exceeding" should be inserted.

The ATTORNEY GENERAL: Provision was made in that direction in the Interpretation of Acts Act.

Clause put and passed.

Clause 15—agreed to.

Clause 16—Application for registration:

Mr. MALE: Did Subclause 2 mean that the sketch plan had to be to the satisfaction of the inspector? Had the inspector a right to criticise and say whether a building would be suitable?

The ATTORNEY GENERAL: If the hon. member built a structure for the purpose of a factory and had the rooms so constructed that the ventilation was deficient, the inspector would not approve of the plan and would not grant registration.

Clause put and passed.

Clause 17—Inspector to examine factory:

Hon. J. MITCHELL: Trouble would be caused when the Government set about registering the 2,000 factories if the hon. member for East Fremantle was correct in his statement. How would the Minister get inspectors in the country? There would be dozens of applications for registration. The Minister should make provision to allow the people now in business to carry on until inspection could be made.

The Attorney General: This is only an instruction to the inspector.

Hon. J. MITCHELL: But the inspector would not register until he had made an examination, and the owner could not start until his premises were registered.

The Attorney General: It does not mean that work shall stop until the preliminary machinery is ready.

Hon. J. MITCHELL: There was a penalty if an unregistered factory was carried on. It would be unreasonable to stop operations. Provision should be made that the owners would not be subject to a fine pending registration.

The ATTORNEY GENERAL: If factory owners complied with the law they could not be subject to any penalty. This measure would render it compulsory for the owner of a factory to register.

Mr. Allen: How long will you give them to register?

The ATTORNEY GENERAL: There will be notice of the measure coming into operation. Was there anything to prevent an application from being made for registration the moment that the measure received assent?

Mr. Elliott: In the country they know nothing about it.

The ATTORNEY GENERAL: The moment they applied they would have done all they could to obey the law. If there was any delay it would be on the part of the department and the instructions were that there should be no delay in examining the premises, once the application had been been received. Therefore, the owners could not be penalised.

Hon. J. MITCHELL: The Minister's attention had been directed to the fact that he was passing legislation which could not be complied with.

The Attorney General: The person registering will have done all he can in compliance with the law by applying for registration, and therefore he can not be penalised.

Hon. J. MITCHELL: Under the law the owner of a factory must apply first, be registered afterwards, and then start operations.

The Attorney General: No.

Hon. J. MITCHELL: As we were including many workshops not now in the Bill, there would be many requests for registration and considerable delay would follow, and he wanted to be satisfied that there would be no prosecutions.

Clause put and passed.

Clauses 18 to 21—agreed to.

Clause 22—Fees payable:

Hon. J. MITCHELL: The fees should be as light as possible where a couple of men were employed, but fairly heavy where the number exceeded thirty. It was not desirable that we should charge more than was absolutely necessary to cover the cost of the registration. We wanted to encourage and not discourage factories.

The ATTORNEY GENERAL: The hon. member could not complain in regard to the fees; they could not have been made any lighter. Where the maximum number of persons employed did not exceed three the fee was 2s. 6d. a year, and the clause provided that not only could the registration take place for the full year but for whatever period it had to run in the year; for instance, if only one quarter had to run the fee would be only for that quarter. There was no excuse, on the score of cost, for declining to be registered.

Clause passed.

Clauses 23, 24, 25—agreed to.

Clause 26—Notice of closing factory:

Mr. MALE: Would the Attorney General explain the necessity for this clause?

The ATTORNEY GENERAL: It was desirable for statistical purposes. In other words, the object was to discipline the whole community in regard to the measure, therefore we put on the owners the onus of keeping the inspectorial staff in touch with them.

Mr. Male: Could you not obtain that object without seven days' notice?

The ATTORNEY GENERAL: That was not unreasonable time.

Hon. J. Mitchell: The Bill says he cannot close up his shop unless he gives seven days' notice to the Chief Inspector.

The ATTORNEY GENERAL: There was no more injustice in the clause than in compelling the hon. member if he brought about a change of ownership of his property to have that change registered. It was essential that we should know not only when a factory was closed but how many workmen were affected by that closing. It was not a hardship to give notice of the intention to close at the end of a certain time.

Hon. J. MITCHELL: The Attorney General talked lightly about interfering with the liberty of the subject, for that was what this meant. Why should not an owner close up without giving the seven days' notice if he wanted to do so? If he did not do so, we provided here that he would be subject to a fine.

Mr. Turvey: Why should not the inspector be notified if it is a registered factory?

Hon. J. MITCHELL: But the owner had to notify seven days before, which seemed an unnecessary period. The Attorney General should agree to the deletion of the clause because it was unnecessary, and unfair, and would in some cases work a hardship?

Clause put and passed.

Clause 27—Records and notices by occupiers:

Hon. J. MITCHELL: This was a clause that was going to prove an annoyance to workers who struck out for themselves, and established small workshops. It provided that they should keep a true record of the persons employed, their wages and their work and the age of every person under 21, that they should keep posted such information, together with the name and address of the chief inspector or inspector in the district and the holidays and working hours of the employees, and so on. All that had to be done by the village blacksmith. Was it a fair thing to ask a small business man to keep that return and send it in to the department or be involved in a penalty? Was that the way to encourage people to start out on their own account? Did the Attorney General think it at all necessary that this should apply throughout the State?

The ATTORNEY GENERAL: Nearly everything the hon. member was objecting to was the law of the land at the present time. The Factories Act of 1904 provided for the posting of a list of persons employed, their work, the name and address of the chief inspector or inspector in the district, and the holidays and working hours of the employees. It was true that this clause provided for some additional particulars, but as much of the work as the hon. member was objecting to had to be done at the present time. On the supposition of hon. members opposite that all factories were factories of two persons, where was the terrible hardship and work in requiring the owner to put down his own name and the name of his one or two other employees? If the factory was a factory of two persons compliance with this clause would be no trouble at all. The more the number of employees the greater the work.

Hon. J. MITCHELL: These people were put to unnecesary trouble and expense. Had this information been of any use so far?

The Attorney General: Yes, of constant use. The inspector can see at a glance all he wants to know when he goes on the premises.

Hon. J. MITCHELL: Surely the workers in factories knew what their wages and conditions would be. There was no necessity to compel the factory owner to keep information and submit the return every year. It was adding to the cost of the factory and serving no good purpose. This attitude of continual watchfulness on the part of the Government towards employers was altogether wrong. The men had their unions and were well able to look after their own interests.

Clause put and passed.

Clause 28—Hours of working in factories:

Mr. A. E. PIESSE: Certain industries such as jam factories, fruit canneries, fish curing and preserving works, and bacon factories, were exempt, and he would suggest to the Attorney General that wineries also should be exempt, because during the process of fermentation it was necessary to work more than eight hours a day for a certain period of the year.

The ATTORNEY GENERAL: If there was any good or special reason——

Mr. A. E. Piesse: Fermentation lasts for two or three days and has to be watched very carefully.

The ATTORNEY GENERAL: If it was any part of agricultural work it did not come under this measure at all.

Mr. A. E. Piesse: It is viticultural work.

The ATTORNEY GENERAL: That was horticultural.

Mr. A. E. Piesse: Would you extend the term agriculture to horticulture?

The ATTORNEY GENERAL: One took it that the term covered all matters of getting produce from the land.

Mr. A. E. Piesse: I suggest that when recommitting the Bill you should amend the previous clause.

The ATTORNEY GENERAL: The hon. member could accept a promise that if there was any need for the hon. member's amendment being put in to make the Bill complete and to do justice he (the Attorney General) would include it.

Hon. J. MITCHELL: One would think the Arbitration Court was the proper tribunal to fix the hours and conditions.

There was no need for a clause of this sort since we had the Arbitration Act which would apply to all these factories.

The ATTORNEY GENERAL: As he had said when introducing the Bill, one of the principal reasons for the measure was to cover those people who would not obtain the protection of the Arbitration Court. There were any amount of them who were not capable of forming a union. He had referred to women and girl workers.

Hon. J. Mitchell: This clause does not apply to them; it refers to male workers.

The ATTORNEY GENERAL: This clause might include women, and those men who did not of necessity belong to a union, and there was a certain section who would be brought under the operation of this measure who would under no circumstances come into the Arbitration Court or join a union. The hon. member knew which section of the community he was alluding to. We wanted to be able to get at them as well as all others, and, therefore, it was necessary to fix the matter in this Bill instead of leaving it to the Arbitration Court, which was, of course, the legitimate means of settling disputes among those who had their organisations and, therefore, a legal standing before the Arbitration Court. Those whom he had mentioned had no standing before that court, and, therefore, we had to bring in special legislation to deal with them.

Hon. J. MITCHELL: Where a man was running a business in the country he would be limited to 48 hours a week. A farmer bringing a horse in to be shod at the blacksmith's might be put to much inconvenience. The Attorney General was asking us to say a man should not exert himself in his own interests, for his own gain——

The Attorney General: Beyond his own good.

Hon. J. MITCHELL: If employers worked but eight hours a day there would not be much work for a great many people. Was it not permissible that a young, enterprising man who wanted to make his way in the world and who owned a small shop could not do as he liked?

The Attorney General: No man can do as he likes in a civilised community.

Hon. J. MITCHELL: One was beginning to realise that soon we should not be able to have a meal without permission. This clause was an attempt to limit the working hours, not of the men employed for wages alone, but of the owner of what would be regarded as a factory.

The Minister for Mines: Quite properly too; he would be competing with a man who works eight hours a day.

Hon. J. MITCHELL: Although a man might reasonably knock off after his eight hours the owner should be allowed to go on if he wanted to, and do work that was urgently required. It was against the man struggling hard to make a beginning that this clause would apply most harshly. It said a man should not be allowed to exert himself specially in his own interest for his own gain. Was that reasonable legislation?

The Attorney General: Yes.

Hon. J. MITCHELL: It seems impossible to make the Attorney General see how wrong it was to legislate against the freedom of the individual. The Attorney General would tell us this applied only to the town but it applied to the whole of the State, and would work against the interests of the man who owned a factory and certainly against those who wanted repairs done from time to time, such as, for instance, during harvest time in the country. The great principle involved was that we were asked to legislate to take away the freedom of a man to do what he liked for himself.

The ATTORNEY GENERAL: The principle enunciated here was one of the oldest known to history. The old Mosaic law regulated the days of labour, and we did not work now on certain days of the year by custom of the Church, and that was just as much an interference with individual liberty. A man who wanted to get on might say "What do I care for Sunday?" Another might say "Why should not I work on Christmas Day or Good Friday?" The hon. member for Northam said it was a generally admitted fact in modern times that eight hours was a proper day's work. Who then should

object to doing the proper thing? Now the hon. member said "Why should not a man do what he likes?" The hon. member could not do what he liked. Even in his domestic life if a child was born to him he must have it registered and attended to, and must send it to school, whether he wanted to do so or not. Were not those laws interfering with individual liberty? Even the hon. member, with all his attainments, was obliged to submit to these humiliating trammels of the law, and if anything happened to his children as the result of an epidemic, he would be required to put them into quarantine, and perhaps go into quarantine himself. The hon. member could not even get a lien over another person's property without placing it on registration; at every stage of his life the law came in on him. Where was the liberty? It was nonsense talking about liberty. There was not an iota of liberty but that which conformed with the general well being of his fellow citizens. This provision was nothing more or less than that.

Mr. HARPER: According to the Attorney General it was an injustice to allow a man to carry out his ordinary avocation as he pleased. It was a crime to work too much. All the laws we placed on the statute-book were to prevent people from being industrious and provident, yet complaint was made of the increased cost of living. Was it any wonder, seeing that we were placing restrictions on industry? Farm hands were to be prevented from working more than eight hours a day. It was a most harassing condition to place upon people trying to build up the State. No coach building factory or blacksmith's forge could carry on its operations and comply with the provisions of the clause. All our Acts were retarding the operations of the people and reducing their capacity. Every Act was designed to encourage the loafer, the indolent and those who wished to do less work.

Clause put and passed.

Clause 29—Working hours of women and boys:

Hon. J. MITCHELL: Again, this was a matter for the Arbitration Court. He was quite willing that women should work fewer hours than men, but it was much better to leave the question to the Arbitration Court.

The ATTORNEY GENERAL: This covered cases not touched by the Arbitration Act. These people were not organised. It was unorganised labour we were dealing with in the Bill, and the blessings that had accrued under the Arbitration Act we were carrying to those who could not appeal to the court for the reason that they had no organisation.

Hon. J. MITCHELL: There would be a union which would cover the workers in every branch of industry, and the Attorney General could have it made a common rule.

Mr. Taylor: You are quite wrong there.

Hon. J. MITCHELL: If it was good that the Arbitration Court should be reached by every one why not amend the Act? Why should it be a court for unions alone?

Mr. O'Loghlen: You refused to allow the rural workers to come under it.

Hon. J. MITCHELL: Because there had been no union.

Mr. Gill: What about applying the common rule to the rural workers?

Mr. Taylor: Where the Arbitration Court fails this Bill will reach the workers.

Hon. J. MITCHELL: Consistently had he objected to the Arbitration Act being reserved for unionists alone. When any body of workers asked to be brought under that Act their request should be granted. If a union was required let those people form a union.

Mr. Taylor: Why did not you say that in regard to rural workers?

Hon. J. MITCHELL: The Arbitration Act should be for everyone. We had compelled people to enter political unions before they could reach the Arbitration Court. We were not a competent body to fix wages and conditions. We had appointed a judge, who was a specialist, to take evidence and fix the conditions and wages for each industry as it came before him. Now we were asked to do under this clause what the Arbitration Court was appointed to do.

The Attorney General: It is not the first time that hours of labour have been fixed by statute.

Hon. J. MITCHELL: We were setting up conditions which would probably work hardship on those we were seeking to protect. He had no objection to limiting the hours of women. Probably 44 hours would be too much for them to work.

The Attorney General: Then move to reduce it and I will support you.

Hon. J. MITCHELL: It might be sufficient in some instances and too much in others. We were not competent to fix the hours in each industry in which women worked.

Mr. Taylor: If you think these hours are too long, move to reduce them.

Hon. J. MITCHELL: We could not determine the hours for every industry under a clause of this kind. The matter should be left to the court, which would take into consideration the character of the work and the conditions of labour. He protested against fixing arbitrary hours under this clause when we had an Arbitration Court to deal with the matter. If the men did their duty women would not have to work. Could the Arbitration Court fix less than 44 hours?

The Attorney General: Of course.

Hon. J. MITCHELL: Would the Attorney General say whether the Arbitration Court could fix less than 44 hours?

The CHAIRMAN: This was tedious repetition. The Standing Orders provided very distinctly for such repetition. The Attorney General had answered the question a dozen times this evening. If he allowed such repetition we would not get through the discussion.

Hon. J. MITCHELL: The Attorney General had not answered this particular question once.

The CHAIRMAN: The Attorney General had answered it a dozen times.

The ATTORNEY GENERAL: When a union took a case for the fixing of hours before the Arbitration Court, the court had full power to deal with it.

Hon. J. Mitchell: That is what we want.

Clause put and passed.

Clauses 30, 31, 32—agreed to.

Clause 33—Permit for overtime:

Mr. ALLEN: Before overtime could be worked by women or boys a warrant from the inspector was necessary. In the pastrycook and refreshment business it would not be known when a rush might occur. Such employment should be exempted from this requirement.

The ATTORNEY GENERAL: This was a necessary provision. If it was not made there were those who would take advantage of the ignorance of the department to employ their workpeople overtime and keep no record of it and the department would know nothing about the injustice done to them. They might do it periodically and also systematically and so the whole of the provisions might be avoided. We had made the means to get into constant touch with what was going on in the factories so that we might know when to take action for the protection of employees and employers.

Mr. Allen: I do not see much for the protection of employers in this Bill.

The ATTORNEY GENERAL: There was such provision. We need only compare countries which had factory legislation with those which had not to see the benefit to the community and to the employers. No employer should be permitted at such time to work his employees at the expense of their welfare.

Mr. Allen: If he gets an emergency rush he will have to shut his doors and the public will suffer.

The ATTORNEY GENERAL: That was an absurd argument.

Hon. J. MITCHELL: The Attorney General knew that in factories there were times when it was only reasonable that opportunity should be given to work overtime without setting up too many restrictions.

The Attorney General: We are only permitting so much overtime in the year.

Clause put and passed.

[*Mr. Male took the Chair.*]

Clause 34—agreed to.

Clause 35—Exceptions as to newspapers:

Hon. J. MITCHELL: Why had the Attorney General exempted newspapers?

The ATTORNEY GENERAL: There was no particular reason, except perhaps that they had the opportunity of going before the Arbitration Court.

Hon. J. Mitchell: And they can appeal to the people also.

The Attorney General: They did not appeal; they bossed the people.

Mr. ELLIOTT: The object of this clause apparently was to exempt printing offices and newspapers, otherwise they would draw attention to the inconvenience that the public were being subjected to. It was merely opportunism.

Clause put and passed.

Clause 36—agreed to.

Clause 37—Payment of wages:

The ATTORNEY GENERAL: In regard to this clause he was willing that its consideration should be postponed. There were two sides to the question of fixing the minimum wage in this measure. He therefore moved—

That the consideration of the clause be postponed.

Motion passed.

Clause 38—agreed to.

Clause 39—Certificate of employment:

Hon. J. MITCHELL: In this clause it might be advisable to add the words "and the manner in which he carried out his duties." The object was to see that an employee on engagement by a third person received wages which would not be less than those which had been fixed under Clause 37.

The ATTORNEY GENERAL: There were in the community employers who engaged girls at the low rate of 2s. 6d. to 5s. a week, and when they found occasion to dispense with the services of those girls they would go elsewhere and start again as beginners at 2s. 6d. a week. There was a tremendous amount of that going on in the community to-day. We wanted to avoid that sort of thing, and to show that each one, as he or she left the service, had reached a certain grade, a certain standard of fitness, and was therefore qualified to demand the wages due.

Clause passed.

[*Mr. McDowall resumed the Chair.*]

Clause 40—agreed to.

Clause 41—Line work when done by employees elsewhere than in factories:

Mr. MALE: It seemed to him that paragraph (a) of the clause would work rather harshly. A lot of these clauses were all right when a factory was a factory, but under the present definition of factory, in many instances they were not factories; they were merely men's workshops.

Mr. B. J. Stubbs: What are you objecting to in this clause?

Mr. MALE: The objection he had was to the whole Bill as it was constituted.

The Attorney General: Why are you so refractory?

Mr. MALE moved an amendment—

That paragraph (a) be struck out.

The ATTORNEY GENERAL: The reason for the introduction of this provision was to prevent women taking night work after having worked all day in a factory. This was often the case, and that could not be conducive to their health or to the welfare of their families.

Mr. Harper: Are the families to starve?

The ATTORNEY GENERAL: If they did not earn enough in the day they were not allowed to work at night, because it was a species of suicide or murder. There was some need for protecting those who did not take care of themselves in this respect.

Mr. ALLEN: Even if an employee in one of these factories wanted to take home his stock sheet to do some work he would be prevented from doing it. He had in mind the case of a woman and her daughter, who were working in a clothing establishment in the day time and worked overtime at home at night.

Mr. Lewis: Do you approve of that?

Mr. ALLEN: It was their wish. They were getting a home together, and the furniture they were paying for on time payment. By working overtime they were able to increase their earnings and thus pay for the home and the furniture. It was all very well to protect the health of the people, but this provision was in-

terfering with the liberty of the subject to too great an extent. Where sweating was being practised legislation must be introduced to prevent it, but if a mother and her daughter wished to work a little overtime in their home at night it was ridiculous to prevent them.

Mr. Dwyer: If you allow that sort of thing you countenance sweating.

Mr. ALLEN: Did not the hon. member go back to his office at night to study a brief if he could earn a little more money? We might just as well legislate to prevent any person going back to his work after five o'clock.

Mr. UNDERWOOD: Having worked in factories, he could say that the greatest curse in connection with factory work was that people, particularly women, were allowed to take work home. The woman or man who worked all day in a factory should be paid sufficient to enable him or her to live in reasonable comfort, and it was absolutely against the progress of any nation that a woman should be required to work all day in a factory and then take work home at night. A man who had worked in a factory for eight hours had done as much work as nature fitted him to do without suffering injury to his health. The study of a lawyer's brief or an auctioneer's stock sheet was only pastime compared with factory work. The fact that people could not pay their rent or buy furniture on the wages they earned in the daytime, but had to work overtime at night, showed the necessity for legislation to prevent that sort of thing and if possible bring about conditions under which the pay for a day's work would be such that those doing the work would be able to live in reasonable comfort, without having to slave at night as well. We ought even to aim at bringing about such social conditions as would obviate the necessity for women working at all. He strongly supported the clause because he had seen the evils that arose from home work. There was nothing more unjust or inhuman than that a woman, after working hard all day, should be working at night in bad light and bad air, under unhealthy conditions, in a bit of a humpy which she was endeavouring to pay for.

Mr. MALE: The clause might be necessary in the case of women but he objected to its being made applicable to conditions and to operations that were not factories at all. The only time a good Factories Act would be obtained in this State would be when the Act was made by women and not by men. He would remind the member for Pilbara that the definition of factory included not only those who did manual labour, but also those who did mental work.

Amendment put and negatived.

Clause put and passed.

Clauses 42 to 50—agreed to.

Clause 51—Certificates of fitness as to such boys and girls:

Hon. J. MITCHELL: Who would examine these young people and certify as to their fitness?

The Attorney General: A certificate will be given by the inspector.

Hon. J. MITCHELL: If a doctor was required to make the examination who would pay? Would a Government doctor be engaged?

The Attorney General: I think so.

Hon. J. MITCHELL: The Attorney general should look into the clause. It would be a hardship to thrust the expense on a young person desirous of entering a factory.

The Attorney General: The expense will not be on him.

Hon. J. MITCHELL: Nor on the factory owner?

The Attorney General: No. It is a benefit which even the employer gets.

Hon. J. MITCHELL: It was not a benefit to the employer.

The Attorney General: Yes, the employer will get proper and fit people without cost.

Hon. J. MITCHELL: The Attorney General's assurance was satisfactory.

Clause put and passed.

Clauses 52 to 56—agreed to.

Clause 57—Meals and meal times of women and boys:

Hon. J. MITCHELL: Did the Minister imagine that in the case of small

workshops separate rooms could be provided?

The Attorney General: The best of the factories are already complying with the provisions of this measure.

Hon. J. MITCHELL: The big factories.

The Attorney General: There is no necessity for the employees to live the whole of the eight hours in the workroom.

Hon. J. MITCHELL: In many instances it would be difficult to provide this accommodation. The provision might work some hardship now that people not previously included were being brought within the scope of the measure.

Clause put and passed.

Clauses 58, 59, 60—agreed to.

Clause 61—Women employed at machinery to have hair securely fastened and protected:

Hon. J. MITCHELL: The penalty was £20 and it would be impossible to compel women to wear nets. Out of sheer vanity some of them might refuse to do their hair as prescribed in the clause. It would be hard on the employer to be fined £20 if the women refused to wear nets.

Mr. Thomas: That is the maximum.

Hon. J. MITCHELL: Yes, but it might be taken by the court as a direction that the fine should be severe. He moved—

That "twenty" be struck out and the word "five" inserted in lieu.

Mr. ELLIOTT: Members were aware of the difficulty of enforcing regulations where ladies were concerned. We had had experience in connection with the requirement for wearing guards on hatpins. If the nets were not comely some women might refuse to wear them. The amendment would receive his support.

Mr. B. J. STUBBS: Very serious accidents had happened through girls working at machines having their hair hanging loose. A girl in Adelaide had her scalp torn off and lost her life through this cause. A heavy penalty was necessary to emphasise the seriousness of a breach of the provision. The employer had only to see that sufficient nets were provided.

Mr. WISDOM: The clause was an impossible one. The penalty would be on the women, and what woman would be able to pay £20? There was no alternative in default of payment. The Attorney General was making an impossible maximum and it would render the Bill ridiculous.

The ATTORNEY GENERAL: The penalty would fall upon the occupier of the factory. It was the duty of the occupier to see that what was required in the clause was observed, and not allow girls or women to work in close neighbourhood to a machine driven wholly or partly by mechanical power unless dressed in a particular way and having their hair protected by a net to minimise the danger. The penalty must be high. A maximum of £5 where human life was in jeopardy would be ridiculous.

Hon. J. MITCHELL: It would be utterly impossible for the factory manager to make these girls do all the Bill said must be done.

The Attorney General: Well let him sack them and get men if necessary.

Mr. WISDOM: The Attorney General contended that the onus was thrown on the occupier of a factory to see his employees did not get into any danger and were properly dressed as prescribed, but there did not appear to be anything in this clause to provide for that. It was right that proper precautions should be taken in factories, but the penalty provided in this case was impossible. It was just as important that the maximum should be kept within reasonable bounds as that we should provide penalties at all. As women workers might be fined under this clause the penalty should be kept within reasonable bounds.

The ATTORNEY GENERAL: If the law stated that work in a given place should be done in a given way then whoever had that place and ran that business was responsible for seeing this was done. There might be such reckless ignoring of the provisions of the measure that accidents and death would result, and £20 was not too much for the worst offence, and any lesser offence, according to degree, could have the penalty diminished down to £2. Of course an employer would not

be responsible for what he could not help. His duty was to supervise and see certain things were done.

Mr. Male: Does this clause lay any injunction on the factory owner to supply the dress prescribed?

The ATTORNEY GENERAL: No. It meant that the woman worker should not be dressed in flowing loose costume, with flying ribbons and so forth.

Clause put and passed.

Clauses 62 to 68—agreed to.

Clause 69—Notice of accidents in factories:

Hon. J. MITCHELL: It was provided that notice should be given of any accident incapacitating an employee for more than 24 hours. A very minor accident would incapacitate an employee for that time, and one would think that 48 hours would be a reasonable stipulation.

The ATTORNEY GENERAL: The provision was very necessary. We had practically the same in the old Act but the provisions of the old Act were repealed by the Machinery Act, and this wanted re-enacting.

Hon. J. Mitchell: It does not benefit the worker.

The ATTORNEY GENERAL: The provision would put everyone on the alert. It would put the staff who had to deal with factories in a position to intervene if there should be occasion.

Mr. MALE: Paragraph (c) provided that the cause of death should be stated. It might not always be possible to do that and it would perhaps be better if we inserted the "probable" cause of death.

The ATTORNEY GENERAL: This followed where there was an accident which caused loss of life. There would be no difficulty in stating the cause of death in that instance.

Clause put and passed.

Clauses 70 to 75—agreed to.

Clause 76—Bakehouses:

Hon. J. MITCHELL: Paragraph (g) provided that no bread should be baked between the hours of six in the evening and six in the morning, and it gave permission to bake bread until the hour of ten o'clock in the evening of any Friday or prescribed holiday. Did the Attorney General know what this clause would mean? Bread would be baked on Friday, delivered on Saturday, and the next fresh bread would be delivered on the following Tuesday. It seemed by this clause that we were providing for a new system by which there would be no work done in bakehouses except by day. The Attorney General knew that in a climate like ours bread soon became stale. Was the Attorney General quite sure that there would be any benefit at all except at too great a cost to those who had to eat the bread—he referred to the general public, including the workers. In some places he believed bread was baked by day, but it had been asserted wherever it had been tried it had had to be abandoned and night baking resorted to.

Mr. Carpenter: You are wrong.

Hon. J. MITCHELL: There was at Fremantle an establishment which baked by day, and if it had proved a success that would be some evidence in support of the Minister's case. We should consider well before we made this clause law. There was no doubt that the Arbitration Court would consider this question, but would the men readily agree to abandon night work for day work if it meant any difference in the wages they received? Everyone knew that higher wages were always paid for night work than for day work. He wondered, too, how this clause would work in the country districts. To legislate against baking altogether by night was going too far. This was a matter too that could be fixed by the Arbitration Court.

Mr. CARPENTER: It was not surprising to find that there was opposition to this clause, but the Committee should give it the consideration it was entitled to, and not reject it because it happened to be something which we had not had experience of before in Western Australia. It was true there were in Fremantle one or two bakers who were doing their baking by day. Five or six years ago the operative bakers, convinced that they could do their work in daylight hours without inconveniencing the public, had sought a conference with the master

bakers to try to bring about the system. The majority of the master bakers, while protesting their inability to agree, had suggested to the operative bakers that the only way to get it done was to have it made law. It was in accordance with that suggestion that the operative bakers' union had asked the Government to put the system into operation. For many years past in Charters Towers bread had been baked in daylight hours, and while the same objection had been raised there, namely, that it could not be done without inconveniencing the people, it was being done to-day, and there was no desire to go back to the old system. At present the federated bakers in the other States and also in Kalgoorlie were taking a ballot on the question of whether the day baking system should be adopted, and it was safe to affirm that if there was a big majority of the operatives in favour of day baking throughout Australia that system would be adopted before very long. A little while ago we had read of the bakers of Italy endeavouring to bring this same provision into operation, and while the master bakers there had opposed it the men were strong enough to bring the system into operation, and it existed there to-day. If the bakers of Italy could adopt it there was no reason why we in Western Australia should not do so. Something had been said about supplying stale bread. There was no fear whatever of anything of that kind being necessary. On the Friday night, the longest night the bakers worked, when they had to bake enough bread to supply the community until Monday, the operatives started at 6 o'clock in the evening and the first round of loaves was out by 8 o'clock and was delivered on Saturday morning. With that the public had to be satisfied until Monday. Thus far the public had not suffered by eating this stale bread at week-ends, and there was not much danger of the proposed new system hurting the public. To take the long night again, the last batch of bread was out between 2 and 3 o'clock on the Saturday morning, and was delivered during the forenoon. He had been assured by the operative bakers that at its worst if the day baking system was given a chance there would be no occasion to eat bread more than five hours out of the oven; so that if that was the only hardship to be faced he did not think the public would raise any outcry at all.

Mr. Allen: Did they start making the bread at 6 o'clock and get it out by 8 o'clock?

Mr. CARPENTER: That was so. He was talking of the actual baking.

Mr. Wisdom: The actual firing of the bread; what about the mixing of the dough?

Mr. CARPENTER: That did not take very long. With modern machinery it was indeed a quick operation. The member for Northam had asked whether the unionists at Fremantle were prepared to take the bread. As a matter of fact when the operative bakers tried to introduce the day baking system they had issued circulars to every union in and around Fremantle asking if they were prepared to support the innovation, and the reply had been unanimously in the affirmative.

Mr. ALLEN: The master bakers had stated that the compulsory day baking was going to be very difficult indeed. In regard to the Good Friday and Easter Monday holidays, the bread would be baked on Wednesday for delivery on Thursday; Good Friday being a holiday there would be no bread baked, consequently there would be no bread to be delivered on Saturday. There would be no bread baked on Saturday, because there was no delivery on Sunday; on Sunday there would be no bread baked, nor on Monday, because that would be another public holiday, consequently there would be no bread baked till Tuesday and the bread would be delivered on Wednesday, exactly one week after the previous delivery. How did the Attorney General propose to overcome that difficulty? We could put up with the inconvenience of getting bread a little stale if complete day work was possible, but he understood from the master bakers that it was going to disorganise their trade and that some of them could not

possibly bake sufficient bread in the day time to supply their customers.

The ATTORNEY GENERAL: Those who had given the subject study said that day baking was possible. The scheme was being considered in Melbourne, where the master bakers had met the men in conference on the subject. It had also been debated in New South Wales and had been considerably discussed in this State, where an understanding had been arrived at by which a practical scheme was considered possible. That scheme was on the following lines: Start at 6 a.m. and finish at 6 p.m., and on Fridays extend the time to 10 p.m. The first round of bread would be out of the oven inside three hours and ready for delivery within one hour later; the second round would be out at 12 noon, and the carts could then get out with the bread. The bread that came out in the afternoon would be delivered on the following morning, and by the time the carts came back a fresh round would be out. After the first day the old order of things would prevail. In Moore's factory, the largest in the City, the men often finished at 11 p.m. in summer, and the customers often received their bread 18 or 20 hours old. The bread packed away in the evening always kept moist, and would be in first class condition next morning. The difficulties mentioned by the member for West Perth (Mr. Allen) occurred now under exceptional circumstances, but he had no doubt the bakers would be able to meet the requirements of the public without calling for too great a sacrifice. He was assured the scheme was workable under ordinary conditions, and where tried had been a success. Even if it did make a temporary disorganisation, the ultimate benefit would be to the public and the men employed, and it was worth the experiment. He was acting upon the recommendation of those who had instructed him in regard to this Bill, the officers of the Factories Department.

Mr. WISDOM: There was apparently a misprint in Subclause (g), which contained a proviso, "provided it shall be lawful to bake to the hour of 10 o'clock in the evening on any Friday or prescribed holiday." Should that not be on the evening before the holiday?

The ATTORNEY GENERAL: If there was any difficulty or obscurity about effecting what was required by those who desired the day work, he would recommit the clause.

Mr. ALLEN: Pastry cooks would be affected very much more seriously. He was assured that it would be impossible for them to work under these conditions. Pastry must be fresh, and even now it was difficult to get it out in sufficient quantities on Saturdays and holidays. Had the Attorney General any expert evidence in regard to this matter?

The ATTORNEY GENERAL: There was no expert evidence in his possession except that supplied by the department. The department, he believed, had consulted the master bakers and the workers and every section of those engaged in the industry, and the result was that they, with perfect confidence, put forth this scheme.

Mr. WISDOM: It was extraordinary for the Minister to desire to pass drastic legislation on information which was insufficient to justify such far-reaching provisions. The House was entitled to very much better reasons. The member for West Perth had stated on the authority of those in the trade that these provisions would injuriously affect pastry cooks and the Attorney General had stated that the experts of his department, after consulting the trade, said that the provisions were quite practicable. We should require something further before we passed this legislation. The Minister should offer to make further inquiry.

The ATTORNEY GENERAL: It was not known to him whether the hon. member expected him to be an expert, but he could only rely on information supplied to him, and he had given the source of it. This information was supplied after inquiry and consideration by those who were responsible for the Bill and would have to administer it. What better information could be placed before the Committee? The substance of the drafting was the product after inquiries by the Factories Department. Under the circumstances it was not a flimsy matter

to place before the Committee, nor was it brought forward in a flimsy way. It was brought forward because those who were experts, and who would have to administer the measure had, after mature deliberation, come to the conclusion that the scheme would be a benefit, not only to the consumer but to the worker and to the employer. Every change created inconvenience though ultimately good followed. He objected to the imputation that this had been brought forward in an inadequate manner simply because he had told the Committee on what he was relying.

Mr. ALLEN: While the Minister stated that he had expert evidence, he (Mr. Allen) had expert evidence as well. The evidence he had given was on the authority of representative firms such as Albany Bell, who spoke for the pastrycooks generally, and who said it would be absolutely impossible to work under this scheme. He did not know whether any of those gentlemen were among the experts who had advised the Minister's officers, but if so it was rather peculiar that they should see members of this Chamber and make statements of that sort.

Mr. Carpenter: Does he say why?

Mr. ALLEN: That gentleman said the public would not buy stale pastry.

Mr. Carpenter: They will not have to buy stale pastry.

Mr. ALLEN: If it was desired to supply a party or a picnic on Monday how could it be otherwise? He believed those in the trade were making an effort to wait on the Minister to express their views to him. He would like to know if the Minister's experts had seen these gentlemen who stated that the conditions would be impossible.

The ATTORNEY GENERAL: Those pastry cooks who now found themselves confronted by a possible change were bound to say it would irritate. He had no objection to hearing their views so that justice might be done by this legislation and to give them an opportunity to approach him he asked that progress be reported.

Progress reported.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Supply (No. 3), £687,770.

2, Perth Improvement.

House adjourned at 11.13 p.m.

Legislative Council,

Wednesday, 3rd December, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: Health Act, 1911—By-law No. 30 and amendment of By-law No. 17 of the Municipality of Boulder.

SITTING DAYS AND HOURS, ADDITIONAL.

The COLONIAL SECRETARY (Hon. J. M. Drew) moved—

That for the remainder of the session the Council do meet for the despatch of business at three in the afternoon on all sitting days, and that, commencing with Friday, the 5th instant, the Council do sit on Fridays in addition to the days already ordered.

If Parliament was to close down before Christmas it would be necessary for hon. members to sit longer hours and sit on