For many years he had been accustomed to travel on such trains, and there was no restriction as to when a *bona fide* passenger should have refreshments. The express which left Calais for all parts of the Continent served meals to passengers who boarded the train direct from steamers, such meals being obtainable immediately the train was entered, even though it did not leave the station till half an hour afterwards.

HON. J. M. DREW: Better define a travelling train. Did it mean a train in motion?

THE MINISTER FOR LANDS: A travelling train meant one that travelled between two termini. At any point between these termini, whether the train were stationary or in motion, it was "travelling."

Clause passed.

Clauses 3, 4, 5—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 9·30 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 23rd September, 1902.

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THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1. Papers, Spark-arresters (Mr. Ewing). 2. Papers, Exchange of Railway Cars between Midland Railway Company and the Government (Mr. Wallace).

By the PREMIER: Papers, Appointment of James Foster Smith as Inspector of Midland Railway (Dr. O'Connor).

Ordered: To lie on the table.

QUESTION—RAILWAYS, EIGHT HOURS.

MR. HOLMAN asked the Minister for Railways: 1, What progress has been made in carrying into effect the desire of Parliament that the eight-hour system should apply to railway employees? 2, Whether the system will extend to all railway employees? 3, If not, who will be exempt, and for what reason? 4, Whether the porters and conductors are working more than eight hours at present? 5, When the eight-hour system will be in thorough working order.

THE MINISTER FOR RAILWAYS replied: 1 to 5, Good progress is being made. The matter is not an easy one to arrange, and will take some time to carry fully into effect. The whole question is receiving careful attention.

QUESTION—G.M. LEASE (KALGOORLIE), SURRENDER.

MR. RESIDE asked the Minister for Mines: Whether it is true that negotiations are proceeding between the Government and the Kalgoorlie Electric Light and Power Company for a conditional surrender of G.M. Lease No. 3863E.

THE MINISTER FOR MINES replied: A large portion of the surface of G.M. Lease 3863E was surrendered in June, 1901, as the outcome of negotiations commenced some time previously, and a special lease of the surrendered portion was granted under the Land Act. The lessees, while retaining all mining rights, now propose to surrender a farther portion of the surface of the G.M. Lease, to be included in the special lease, and to surrender a portion of the original lease under the Land Act, fronting Lane Street, which will be available for subdivision. No decision will be arrived at without parliamentary approval.

ROADS BILL, REPORT.

MR. HOPKINS brought up the report of the select committee appointed to inquire into the Bill.

Report received and ordered to be printed.

LEAVE OF ABSENCE.

On motions by the PREMIER, leave of absence for one fortnight granted to the member for Wellington (Mr. Teesdale Smith), on the ground of urgent private business; and to the member for North Perth (Dr. McWilliams), on the ground of military service outside the State.

CEMETERIES ACT AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

LAND ACT AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

PUBLIC WORKS BILL.

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

FACTORIES AND SHOPS BILL.

SECOND READING.

THE PREMIER (Hon. Walter James): In moving the second reading of this Bill dealing with factories and shops, I am treading on ground which must be familiar to every member of this House. It is, so far as it deals with shops, familiar to us because of our parliamentary experience in this State—and I personally take a great pleasure in the fact that Western Australia was the first State which adopted an Early Closing Act dealing with shops, and that since that time the Act has been copied in most of the other States of Australia. The experiment which we made by the passage of our first measure has, I think, amply justified itself not only by the experience in this State but by the experience elsewhere. When I deal with that part of the Bill which refers to factories, I am treading on ground familiar to members of this House, not so much because of local experience, but because it deals with a class of legislation that is familiar to us in view of the Acts passed in the sister States, and the legislation continued year by year in the mother country. Legislation dealing with factories is, I believe, a century old in the mother country. The first Act dealing with factories was passed in the year 1802. There was an Act passed last year (1901); and speaking on this point subject to correction, I believe there is an Act now passing, or has been passed, in the British Parliament this year. During the century, time after time there has been continued progress. I am not aware of any Bill that has reflected retrogression. There has been an ever-increasing recognition of the justice of this class of legislation, and an ever-increasing desire to extend its beneficial operation. The earliest Act of this character introduced was entitled, if I remember rightly, "An Act to deal with the Health and Morals of Apprentices;" and after all, all factory legislation is no more than an attempt to deal with the health and morals of those who are employed in factories; to preserve health and secure for them healthy conditions during their working hours in factories, and also as far as possible to prevent injury to the morals of the work-people which often happens when an indiscriminate number of persons come together, of different ages and different sexes, working in the same room or in the same factory. All legislation of this kind runs on very much the same lines. There may be, and in fact there are, certain States where provisions are made more stringent, more far-reaching than in other States; but as a rule the object aimed at is to secure the health, the safety, and the morals of those who are employed in factories; and those objects are so plainly impressed on legislation of this class that you will find it extended year after year to an ever-increasing number of people in factories. I do not think there can be any stronger commendation of factory legislation than the fact that while it was being dealt with in the old country and extended, it did so despite the very strenuous opposition from some of the most eminent men then occupying seats in the British Parliament. It was most bitterly opposed by the Right Honourable John Bright, a man whose liberal views are beyond question, but who opposed this class of legislation on the ground that it unduly interfered with

freedom of contract, that it somewhat choked the channels of trade, and tended to place an undue handicap on the factory-owner who was employing hands affected by this class of legislation. In spite of that eloquent and most persistent opposition, which I believe Mr. John Bright continued to the very last, this legislation in the old country, even during that period of strong opposition, kept marching on, always extending its area and always having for its beneficial operation an every-increasing number of factory operatives. You find in those Acts that provision is made for inspectors, and for the conferring on those inspectors the necessary power and control. We meet there, and perhaps we may meet during the progress of this Bill through Committee, the objection that the appointment of inspectors and the conferring on them of those powers which are deemed to be necessary, means the establishment of an inquisitorial power which unduly interferes with freedom of labour and of contract. That is an objection we shall hear urged in this House, and which perhaps has been urged in every House. Whenever one deals with a Bill in connection with which it is necessary to appoint inspectors, and to confer on those inspectors certain powers without which the inspectors themselves are absolutely of no use, one hears that objection urged. We heard it urged in this House in connection with such Bills as the Insect Pests Bill, we heard it urged in connection with the Stock Diseases Act, and we heard it urged in connection with the Early Closing Bill. Perhaps it may be raised or suggested in connection with this Bill also. I put it to the House, however, that the position is very simple. If once we recognise, as surely we must, that legislation of this nature, in order to be operative and effective, must be controlled by inspectors, if we convince ourselves that inspectors are necessary, then the logical conclusion is to insist that those inspectors shall have conferred on them sufficiently large powers to enable them to carry out those objects, for the carrying out of which alone they were appointed. In connection with such powers I urge the House always to bear in mind that it is easy to conceive extreme cases where powers might be used harshly, but that if we are to approach the consideration of this question in that somewhat hypercritical attitude, we shall never succeed in placing on our statute-book any piece of legislation which will attain the desired end. It is to be remembered too that we always have an admirable and indeed absolute check in the fact that these inspectors, or whatever may be the name of the officers on whose shoulders is cast the responsibility, are the servants of the State, that they are responsible to the Minister, who in his turn is responsible to Parliament, and that public opinion will very quickly make itself heard, and through this House make itself felt, if the public officers in question use their extensive powers in an arbitrary or unjust manner. Then it will be found that the measures of various countries, having dealt with the matter of inspection and the powers of inspectors, deal with the sanitary arrangements, and with the safety of workers and the safety of the public. There are also special provisions dealing with the employment of children, young persons, and women; provisions dealing with the meal times; provisions dealing with overtime; provisions dealing with certain classes of factories deemed to be dangerous and in connection with which special legislation is held to be necessary. Those are the heads which will be found in English factory legislation, and the same heads will be found in all the factory legislation of the sister States. I have already pointed out to the House that, although these are the heads to be found in all the Acts, it must not be assumed that in every State the same relative importance, or the same weight, is attached to these various heads as is the case in the old country. On the contrary, some of the States of the Commonwealth go farther than Great Britain, while others go a considerably less distance. The simplest Australian Act is the Act of South Australia, which is not so far-reaching as the present Bill. It is an extremely simple and short Act. The most drastic Act, perhaps, is that of Victoria. Now let me indicate to members how the legislation of the old country deals with the various matters to which I have referred, and members will then perhaps more readily understand

the exact purview of legislation of this class. I need not refer to the question of inspection, with which I have already dealt. Let me first indicate to the House how the old country deals with sanitary questions. The English factory legislation provides, for instance, that all gas and dust and impurities must be cleaned away, that adequate provision must be made for ventilation, by which the atmosphere in which employees work may be kept healthy; and whitewashing and cleaning generally are provided for in the great majority of cases. English legislation also provides for the ordering of sanitary requirements, and prevents over-crowding by providing that every worker shall have an allowance of at least 250 cubic feet, except during overtime, when it shall be 400 cubic feet. Next in dealing with the question of safety, there are provisions to prevent dangerous machinery being used unless fenced or otherwise protected, to prevent its being cleaned while in motion, and to prevent workers of less than a certain age cleaning any machinery whatever while in motion. There are also provisions dealing with fire. Then, in relation to women and children, it is provided that no child under the age of 11 years can be employed, nor can a child be employed in any case unless he or she has passed the school standard and attained the school age. Before a child of 16, having passed the senior standard, can be employed, a certificate of fitness from a doctor is required, or some satisfactory evidence that the child is fit for the manual labour he or she is to be called on to do. There are other provisions in the same direction, stipulating that children under the age of 16 and women shall not be allowed to work more than 12 hours; that women shall not be allowed to work within a period of less than four weeks after childbirth; that women and young children must have holidays on Christmas Day, Good Friday, and on the four bank holidays. There is also a provision that women and young people are not to be employed in certain factories of a dangerous nature. As regards meal times, we find that women and children must have their meals outside the workshop. We find also that they are not to be employed for more than four and a-half hours without half-an-hour's rest. In connection with overtime, it is provided that no child shall be allowed to work overtime at all, and that women are to work overtime only in certain cases and under special conditions; the only exception, I think, being in connection with certain factories, where there is a rush of work at particular seasons of the year, and also in connection with laundries. Members will see from this outline of the English Act that factory legislation is not nearly so dreadful as people are apt to think. There is an impression, and a very general impression, that factory legislation is something novel and dangerous. It is refreshing when such charges are made to turn to the old country, and find that the legislation of that community contains provisions largely similar to those which exist in all factory legislation throughout the Commonwealth of Australia and the colony of New Zealand. By this Bill, therefore, we are not attempting anything novel, but are simply adapting and applying to Western Australia legislation embodying principles which have been recognised in the mother country for upwards of a century, which have passed into numerous Acts of Parliament, and which, so far as I am aware, have commended themselves to those strong believers in free-trade and freedom of contract who none the less realise that there is need for special legislation of this nature to protect factory employees. We find that South Australia passed a Factories Act in the year 1894. There is the well-known Victorian Act, contained in the Victorian Consolidated Statutes of 1890, which has been followed by various amendments. There is the Act of New South Wales passed in 1896; there is the Act of Queensland passed in 1900; and there is the New Zealand Act passed in 1901.

MR. PIGOTT: The Victorian Act is not in force now, is it?

THE PREMIER: Not for the moment. It has lapsed on account of the dissolution, but——

MR. ILLINGWORTH: Was not that Act passed much earlier than 1890?

THE PREMIER: Yes; but I gave the date of 1890 so that members might have a reference to the volume which contains the Act. There have been far-reaching amendments of that Act since

1890. It is true that the measure has momentarily lapsed; but that will be rectified, since both parties in Victorian politics recognise that the Factories Act must be re-enacted, or else that another Factories Act must be adopted in its place. If members will look through the legislation of South Australia, Victoria, New South Wales, Queensland, and New Zealand for the years I have mentioned, they will find all the practical information necessary to enable them to grasp the meaning and extent of the Bill now before the House. I shall be glad if members will avail themselves of this invitation, so that they will be better able to discuss the Bill as it passes through Committee. The Bill of which I am now moving the second reading is not an exact copy of any existing Act. It differs from every existing Act in several particulars. I shall be glad, therefore, if members will make themselves acquainted with the various Acts, so that any departure from those Acts contained in the present Bill may be discussed and if possible justified. So far as factory legislation aims at protecting the health of workers, we have existing legislation which might, to a certain extent, attain that end. For instance, under the Health Act the local boards of health have power to prevent over-crowding, to prevent the occupation of cellars, to deal with dairies and bakeries, and to prevent nuisances arising from shops or factories not kept clean or well ventilated. Under that Act, boards of health can also pass by-laws making the consumption of smoke essential; and they have, of course, wide powers in connection with offensive trades. which include a great number of factories under the definition contained in this Bill. We have also in the Municipal Act of 1900 legislation dealing, to a limited extent, with factories and shops. Under that Act by-laws can be made which, although not aimed directly at factories, would none the less cover factories, because factories are buildings in which numbers of persons are employed. We have on our statute-book at present the Industrial Statistics Act of 1897. That Act, however, was passed not for the purpose of regulating the hours of labour or providing for any one of the objects dealt with by factory legislation, but for the purpose of collecting statistics. The definition of a factory given by that Act is a place where four persons are employed, or where machinery driven by mechanical power is used, or a mine which is being worked. The Act merely provides that in connection with factories within the meaning of the measure, returns shall be made. Now, returns have been made under that Act; and from the returns for 1900 I find that there are employed in factories, as defined by that Act, 10,261 males and 905 females. Of course the definition of "factory" as given in the Industrial Statistics Act includes timber mills, Government railway workshops, and one or two other classes of business in which the bulk of workers would be employed. From the returns for 1900, it farther appears that only 140 persons under 15 years of age are employed in factories as defined by that Act. Thus, 11,000 odd adults are employed in 622 establishments with pay-sheets amounting to £1,294,278. The factories referred to in those returns are such as tanneries, bakeries, flour mills, aerated water manufactories, breweries, boot and shoe factories, tailoring establishments, brick works, quarries, timber mills, furniture shops, boat building wharves, printing works, saddlers' shops, and gas works. Of course, there are several other heads; but I refer to the information to be obtained from the statistics returned under the Industrial Statistics Act of 1897 for the purpose of showing hon. members that we have here a body of workers sufficiently numerous — they aggregated in 1900 no less a number than 11,000—to justify the introduction of factory legislation on lines which have commended themselves to so many other States of the Commonwealth. I find also by that return the average hours worked are about eight, ranging from about 11 hours in flour mills, where work is at a high pressure in certain seasons of the year, to eight hours. In some instances the hours of labour are much longer, in some slightly longer, but the average works out about eight hours. If members will now turn to the Bill they will find we deal with the questions in the same way as they are dealt with in most places where factory legislation exists.

The definition of a "factory" is a building or place where two or more persons are employed, including the occupier, in working directly or indirectly at any handicraft. The number of two is small, but elsewhere, for instance in New Zealand, it is even less than that; but it appeared to the Government that if "factory" meant a building in which less than two persons were employed, it would be rather stretching the word to call it a factory; nor do we know, and perhaps that is the best practical test at this stage of the history of Western Australia, of any instance where it is necessary to adopt the interpretation of factory to include the employment of one person, to prevent the evils arising which the Bill is aimed to prevent. But when we come to deal with Chinese or persons of any Asiatic race, there we provide that any building, premises, or place in which a person or persons of the Chinese or any Asiatic race is or are so engaged shall be deemed to be a factory; so that members will see that while so far as Europeans or Caucasians are concerned, we say that a factory is a place where two or more persons are employed; when we come to deal with the Chinese or any other Asiatic race, we say that a building where one or any more persons are employed is a factory. That is a provision similar to that in existence in Queensland, and commends itself to the Government for the reason that it is not very difficult, when you are dealing with a factory where Europeans are employed, to earmark those who are there, but it is extremely difficult to earmark a Chinaman or an Asiatic. The member for Beverley suggests that it might be done with a punch. The hon. member's mind is evidently running in the same line as mine was in that connection, that we might brand them; but for the purpose of avoiding the Act, I have no hesitation in saying that Chinamen or Asiatics would earmark themselves or brand themselves. In that event we should not know who were employed in the factory. It must be borne in mind that the provisions of the Bill do not merely deal with the factory itself, the structure or the premises, but also with the persons employed in the factory.

MR. TAYLOR: Not with what is manufactured?

THE PREMIER: No. Coming to the question of exemptions, it will be found that amongst the exemptions is included any building or place where dairy produce is manufactured. At the present time we have no premises where dairy produce is manufactured except by hand. There is a factory, which I hope some day will become a large manufacturing place, at Busselton.

MR. YELVERTON: It is working now.

THE PREMIER: I am sorry that I trod on the toes of the hon. member. I say that I hope some day that factory will be a success, and I rejoice to know even now, if it is a success, that has arisen chiefly from the efforts of the hon. member and to the energy displayed by him. Exemption is made in connection with a mine or a colliery, because there is existing legislation in regard to mines and collieries. The Mines Regulation Act applies to gold and coal mines here. When we come to Sub-clause (*f*), we find that there is a provision that the term "factory" does not apply to any building in which any person not being of the Chinese or Asiatic race is engaged at home, that is to say in private premises used as a dwelling or in any adjacent building or structure appropriated to the use of the household in which no steam or any other mechanical power is used in aid of the manufacturing process carried on there, and where the only persons engaged do not exceed four and are members of the same family and are dwelling there. We exempt there the Chinese or members of the Asiatic race. We cannot accept the responsibility of administering the Bill if we pass an exemption under which Chinese could claim benefit because they belong to the same family as the occupier. If we could not identify them in consequence of their facial resemblance, it would be impossible to follow them if we applied the test of family connection. That exemption therefore I commend to the House. We do not desire to interfere with people who are carrying on ordinary domestic work such as dressmaking. People in this State, as in other States, are forced by circumstances to take up dressmaking. I know people, friends of mine, who have fallen on troublous times, who have taken to dressmaking to keep themselves alive,

and I should be sorry if we passed legislation to place increased burdens on such persons which would prevent them from earning a respectable livelihood. Provisions to stop sweating are dealt with in the Bill by separate provisions. I hope members will carefully look into the definition of "factory," because on that definition depends as a whole the value of the Bill so far as it refers to factories. I pass over Part 2 as being unimportant, dealing with the question of inspectors, which of course is departmental. In Part 3 members will observe by Clause 6 the Bill is to apply only where directed. That is, I submit, a necessary rule in connection with a State so wide as this is, so much scattered, and containing in some parts a fairly large industrial population and in other parts practically no industrial population at all. This is a law which exists elsewhere. In New South Wales, I think there are only two districts, the district around the metropolis and that around Newcastle. The operation of the Act, is limited to the industrial population around these two industrial centres. By Clauses 7 and 8 the Bill deals with the question of registration of factories. It is provided there shall be a period of three months after the Act has come into force in any particular district in which registration has to be effected. Applicants for registration have to give the names of the occupier, the nature of the work proposed to be carried on, the situation of the factory, the number of persons to be employed, and other particulars. The inspector will go to the building, see that it complies with the Bill, and if satisfactory, registration follows as a matter of course. By Clause 16 it is provided that in computing the number of persons employed in a factory, the occupier, or if the occupier is married, then the occupier together with the husband or wife as the case may be, shall be considered as one person so employed. Both industrially and matrimonially they are recognised as indissoluble. By Clause 17 it is provided where the operations of a factory are carried on in several adjacent buildings, enclosures or places, all are to be included as one and the same factory. By Clause 18 is conferred on the inspector the necessary powers to make inspections and inquiries. Clauses 19 and 20 follow from Clause 18: they are really supplementary. By Clause 21 provision is made for the keeping of certain records and notices in factories. For instance, the owner of the factory has to keep the names of the persons employed in the factory; their ages, and of those under 18 the kind of work they do and other particulars as prescribed by the regulations. In addition to that, the occupier has to keep the name and address of the inspector of the district; the working hours of the factories, the holidays, and the day on which women and boys are allowed a half-holiday, and other particulars which are prescribed. By Clause 22 it is provided that it shall be the duty of every inspector to ascertain that the provisions of any award of the Arbitration Court relating to any factory or any person employed therein are observed. That becomes desirable because, although under the Industrial Conciliation and Arbitration Act there is a power to proceed by way of contempt of court or in other ways for the purpose of having the award carried out, yet when the award deals with persons employed in factories, the inspector of the factory is the person who ought to see that the provisions of the award are carried out. He is on the spot, and can check any breaches that might arise in this way. Under an award of the court it may be directed that the hours of labour shall be, say, eight or eight and a half, or nine hours. The inspector will have power under the clause to see that the persons do not work longer than the time prescribed by the award of the court.

DR. O'CONNOR: Do you think it is likely they would work?

THE PREMIER: One would think that as this legislation is adopted for the benefit of those working in factories, there would be no need for an inspector; but we invariably find whatever legislation of this nature is made there must be inspectors to prevent abuses. I am glad to say that it is found not to be necessary in the great majority of cases, but in a minority of cases the law is broken. Inspection in these cases is required to prevent the majority of the honest factory employees being imposed upon. Members will see we do not pro-

vide any clause that lays down the hours of labour to be followed by persons who work in factories. We think it is desirable to have no legislation such as that, but as the question can be dealt with by the Arbitration Court we think it best to leave it to be dealt with by the court. In the New Zealand Act there is a provision defining a day's labour in a factory as a day of eight hours. On looking at our industrial statistics it is obvious we could not lay down a rule like that unless we place a hardship on those who are working longer than eight hours. That question is better settled by the Arbitration Court. I think I am right in saying that in no other State does the Factories Act itself fix eight hours as a day's labour; and I notice in the report of the Chief Inspector of Factories of New South Wales, he refers to a Bill dealing with the hours of labour prepared by him in the previous session, or which was then before the Parliament of that State, remarking that. in view of the increased adoption of the Arbitration Act, it appeared to him questionable whether it was desirable to proceed with the Act. But we do deal in this Bill with the hours of work as applied to women and boys, because we think there is something more important even than the amount of wages they earn. Women particularly, and boys, deserve every consideration from this House. We find in all legislation of this kind, special provision is made dealing with these two classes. I have already indicated some previous provisions, and members will find that Parliaments have always realised that some special protection is necessary to these two classes, every Bill of this kind giving extra protection. We provide that women and boys shall not be worked more than 48 hours in a week (excluding meal-times), nor more than eight and three-quarter hours in any one day, nor for more than five hours continuously without an interval of at least three-quarters of an hour for a meal; nor shall they be worked at any time after 1 o'clock in the afternoon of one working day in each week, nor (in the case of women) at any time between the hours of 6 in the evening and 8 the next morning, nor (in the case of boys) between 6 in the evening and a quarter to 8 the next morning. We provide, therefore, for the half-holiday; and if members will bear in mind that in Clause 21 the factory-owner is to keep a record of the half-holiday with other particulars as to the working of his factory, it will be seen that the workers are amply protected in this direction. Then in Clause 25 we deal with overtime as applied to women and boys. Then again, so far as men are concerned, we think they are strong enough and vigorous enough to look after themselves; but so far as women are concerned, they are not so industrially advanced by means of women's trade organisations as to be able to do so, even if we thought they had no special claim by virtue of their sex on our consideration. By Clause 25, overtime may be extended not more than three hours in any day, nor on more than two consecutive days in any week, nor on more than sixty days in any year; so that the maximum overtime to be worked would be 180 hours in a year. And we provide by Sub-clause (2) that where persons are employed during such extended hours, they shall be paid therefor not less than one-fourth as much again as the ordinary rate, and so get an increase of 25 per cent. for working overtime allowed by the clause. In Clause 26 we again come across Chinese and Asiatics. This clause I would like members to consider particularly, because I cannot find any similar provision in any other Act of this character. The difficulty in my mind is that we provide that the hours of employment so far as women are concerned shall be limited, we insist they shall work certain hours and certain hours only; but we also know that laundries are worked very largely by women, very few men being employed in laundries; and that the women employed in them, I mean the majority, if they had not that means of employment would find themselves in a position of not being able to earn a decent living. Even under present conditions they have to work very hard, and no one will say their pay is excessive. We know that in this State competing with laundries where women are employed are Chinese laundries; and it would seem an injustice to provide that the women should be handicapped by being allowed to work only a limited number of hours while Chinese should be allowed to work

as long as they like. We have this difficulty also in connection with them, that if we pass legislation as to hours of employment of women no woman could reasonably complain of a Chinese laundry being worked by men longer than eight hours; so that if women had a union of workers, and that they worked eight hours only, they could not object that Chinese over the way were working more than eight hours. All they could raise would be a dispute affecting themselves and not affecting anybody else; so their hours would be limited under this Bill, whilst the hours of Chinese laundries would not be limited, those laundries being worked by men. I submit that under this Bill we ought to insist where we find this class of trade carried on by women on the one hand and by Chinese on the other, that laundries of any kind shall not work longer than eight hours. We certainly could not allow the Chinese or other Asiatics to come into competition with women engaged in laundries, in order to obtain such a position of advantage that the Chinese could practically wipe out competition and monopolise the trade. It follows, I submit, as a necessary consequence from the provision that women's hours shall be limited, that we must insist in this particular case that the same limitation of hours shall apply to all others who are engaged in the same industry.

MR. HASTIE: Why not extend it to furniture manufacturers?

THE PREMIER: We do not deal here with the men but the women. In the case of a furniture factory, if the workmen are working longer than eight hours and want to secure an eight-hours day, they can secure that by means of appeal to the Arbitration Court, which has power to apply the finding of the Court to the whole industry. The member for Kaiowna asks, why not apply the same principle of limiting hours of labour by statute to the furniture trade? I reply that in the furniture trade those who are employed as workers, the factory hands, are men; and if the men complain of the hours of labour, they can go to the Court and have the matter rectified, and the means are provided by which the tribunal can see that the hours of employment for persons in the furniture trade shall be eight hours throughout the trade. Directly they do that, Clause 28 comes into operation, and it will then be the duty of the inspector to see that those hours shall be observed throughout that trade.

MR. TAYLOR: Arbitration would not affect a Chinese factory, where no union men are employed.

THE PREMIER: Yes; it applies to the whole industry under the Arbitration Act, whether the workers are unionists or not. Chinese would not be bound by it perhaps, because, as the hon. member says, they would evade it; but we want to prevent that evasion by inserting in Clause 22 that the inspector of factories shall see that the award of the Court is carried out.

MR. JOHNSON: Chinese can do as they like, irrespective of the Factories Act. That was so in Victoria.

THE PREMIER: I hope hon. members will not think that because certain things have been done in Victoria, under a different class of legislation, the same evils will arise under this Bill. The point I desire to make is that inasmuch as this Bill does deal with laundries, and as in connection with laundries it provides that only a certain limited number of hours shall be worked, therefore we must have Clause 26 to protect the workers in laundries. We do not limit the number of hours in this Bill as applied to men; consequently there is no need to put in, as to men, a provision similar to that which applies to women in Clause 26, as a complement to it. There is no provision like it that I can find elsewhere; and that is why I hope members will criticise this clause as far as possible, because it may be that the clause is not necessary, although to me it does appear necessary.

MR. ILLINGWORTH: The desire is to make it more effective.

THE PREMIER: When one argues it out, no doubt that thought might strike one; but bearing in mind that in the New Zealand Factories Act there is no such provision as this, it may be that the absence of it suggests that the need which I think exists is not so urgent as it appears to me. In Clause 27 we deal with special provisions for women and

boys. Throughout the Bill members will bear in mind that a boy is a male under the age of 16 years, as defined in the interpretation clause. We provide in Sub-clause (1) that the occupier of a factory shall not be entitled to make any deduction against a claim for wages, except to the extent of the special damage, if any, which he proves that he has suffered by reason of the unlawful act or default of the claimant in leaving the employment or being absent. The object of that is to prevent an employer saying "You have been insubordinate this week, and I will dismiss you now, and you must lose a week's wages." Under this clause all that the employer can claim is the actual amount of damage suffered, and he is not permitted to adopt the course of forfeiting the wages of his servants for the current week. Again members will see that this is simply a provision put in as regards women and boys. The law naturally regards men as able to look after themselves. Sub-clause 2 prevents women or boys from taking meals in any room in which any handicraft or manufacturing process is being carried on, while Sub-clause 3 enacts that a woman or boy shall not be permitted to do any work or to remain in any workroom during an interval for meals. Members will bear in mind that under Clause 8 an application made for the registration of a factory must show the situation of the factory, the nature of the work to be carried on, the motive power (if any) to be used, the maximum number of persons to be employed, and any other particulars; that the inspector will view the place to see whether the premises are suitable and in accordance with the requirements of the Act; and that it will be his duty, if it is proposed to employ women and boys, to see whether provision is made for their taking meals. Clause 28 restricts the age of boys and girls employed in factories. The clause deals with detail rather than principle, and to enter into it is not necessary. In any case, it must be borne in mind that a lad of school age cannot be employed unless he has passed the standard and obtained a certificate. Clause 29 provides that no boy or girl of 16 can be employed except with a certificate to show that the child is physically fit to do the work he or she is to be called on to do. Clause 32 deals with the question of sanitation, prevents overcrowding, and secures ventilation. Under this clause the factory proprietor may be required to erect fans or other efficient appliances to carry off and render harmless all gases, fumes, dust, and other impurities, and to maintain a reasonable temperature. The clause enacts also that the employer must allow an adequate space for every person working, must provide an adequate supply of fresh drinking water, and must keep the place clean and free from any smell or leakage arising from any drain, privy, or any other nuisance. Clause 33 deals with the case of bakehouses. Bakehouses are specially dealt with in all Factory Acts: in nearly every case these provisions, which are very old and very necessary, are made. I do not think I need go through the clause, which members will see is not a bit too drastic; indeed, I believe that of all the provisions of this Bill, those relating to bakehouses are the most necessary.

MR. DAGLISH: But they ought to apply to the bakehouses of all districts. You limit their application.

THE PREMIER: So far as bakehouses are concerned, the measure might apply all round. Clause 34 provides:—

> If any person employed in or in connection with any factory in the manufacture, handling, or delivery of any bread, meat, milk, confectionery, or other article for human consumption is in a state of health which, in the opinion of the inspector, is likely to convey germs of disease or other contamination to any of the said articles, the inspector shall forthwith report the same to the local board of health.

The inspector may require that the person suspected shall be examined, and the person has to cease work until he produce a certificate from a medical practitioner that his state of health is not such that he is likely to convey germs of disease. If he should work in contravention of this clause, he becomes liable to a penalty. Inasmuch as the operation of the clause is limited to factories dealing with articles for human consumption, no member I think will cavil at the provisions as being too stringent. Clause 35 provides power by which the Minister may extend the operation of the preceding clause to any

other class or description of factories. The necessity may arise in connection with clothing factories, for example, for the operation of such provisions. Small-pox might be prevalent, and so the provisions of Clause 34 would be required in connection with clothing factories. It may at times be necessary to provide that a clothing factory shall not work until it has been declared clean by a doctor, because the risk in connection with clothing factories would be extremely serious in the case of certain diseases. Clause 36, members will see, deals with nuisances on premises adjoining a factory. We may have a case of an owner of a factory keeping his premises clean and in good order, with all proper sanitary arrangements, whilst the man next door keeps his premises in a very unhealthy state, the consequence being risk of grave injury to those employed in the factory. The factory might become insanitary, and so its owner, through no fault of his own but through the gross neglect of his neighbour, might be placed in the unfortunate position of having his factory closed. In order to prevent such a contingency the Bill provides that where it appears to an inspector that any nuisance or sanitary defect in or in relation to any premises adjoining or contiguous to a factory is likely to render the factory insanitary, the inspector may require such nuisance or defect to be remedied. Members will see that if such were not the case, the factory owner might be placed in a position of great hardship through the failure of his next-door neighbour to observe the necessary rules and regulations relating to sanitation. Clause 37 deals with and extends a matter to which I referred a few moments ago. It contains provisions to prevent the spread of diseases by infection or contagion, and enacts that no goods or materials shall be worked up or received in a factory in which, to the knowledge of the occupier, there resides any person suffering from any infectious or contagious disease, or in which any such person has resided at any time during the previous 14 days. The clause gives power to the inspector to seize goods found in a factory where a person has been employed in contravention of this provision. Clause 39 deals with accidents in factories, with the fencing of dangerous parts of machinery, and the providing of safeguards. It empowers the inspector to affix a notice to any machinery which he considers unsafe, declaring it to be unsafe and forbidding its use until it has been put in order. By Clause 41 no male under 18 years of age, and no female is allowed to clean such parts of machinery as mill-gearing while the machinery is in motion, or to work between the fixed and traversing part of any self-acting machine while in motion. Under Clause 42 a report must be made to the inspector in the event of an accident; and, under the succeeding clause, the inspector, on receipt of such a report, has to proceed to the factory and hold an inquiry. Under Clause 44 provision is made for preventing bodily injury or loss of life through fire; but that provision is limited to factories where 25 persons are employed. That number, 25, requires consideration. In other Acts, the number is not to be found; but it appears to me that it would be an absurdity to maintain that a factory employing say three persons should have all these provisions against injury or loss of life through fire. We might have a factory comprised really in one room, but still a factory under the definition given by this measure; and is it reasonable to provide, in such a case, that efficient fire escapes shall be supplied for every workroom or floor above the ground floor, that every door, whether internal or external, shall be hung so as to open outwards, and so forth? I should think that provisions designed to prevent danger of bodily injury or loss of life through fire cannot apply to a factory employing only two or three persons. Where, however, a number of operatives is employed, and where there is danger in case of fire from a sudden rush or through loss of nerve, the provisions should apply. This danger will not arise in connection with small factories any more than it now arises in connection with private houses. Clause 45, dealing with sweating in factories, provides that the occupier of a factory shall keep—of course this applies only to work in connection with textile or shoddy material—a record of the names and addresses of every person to whom he lets out work, of the quantity and description of the work done, and of the nature and amount

of the remuneration paid. The clause also provides a penalty:—

> If the person to whom work is let or given out, directly or indirectly sublets the work or or any part thereof, whether by way of piecework or otherwise, or does the work or any part thereof otherwise than on his own premises, and by himself or his own workpeople to whom he himself pays wages therefor, he shall be deemed to have committed a breach of this Act.

Such are the provisions by which, in my opinion, sweating is to be prevented—making it penal that any person who receives work should sublet it, providing that if he accepts work he must either do it himself or do it by his own workmen to whom he pays wages. As I understand the position, the sweating evil arises not from the fact that the person to whom the work is sublet does it himself or by his own work people, but from the fact that he himself sublets it, and that by this process of subletting the profit is divided among a great number of intermediate employers, while those who actually do the work are sweated. If we can insist that work shall be done by the man to whom it is given, or by that man's workmen, then an end will be put to sweating.

Mr. Daglish: This provision, however, applies only to the clothing trade.

The PREMIER: Because clothing factories, I think, are really the only class of factories where the sweating evil arises.

Member: What about the furniture trade?

The PREMIER: Does sweating arise there so much as in connection with the manufacture of clothing? These provisions are copied from the Act of New Zealand, which, however, goes much farther than the present Bill. The New Zealand Act provides not only that the work shall be done by the person to whom it is given, or by that person's workmen, but that an article made under legal conditions shall have attached to it a label stating it has not been made under sweating conditions, and that the label in question shall remain on the article until it is sold. Personally, I see no justification for such a provision; because if this legislation provides that a certain act shall be prevented and punished, why go farther and say that a man to whom textile or shoddy material is given to work up, and who is bound to work it up himself or to have it worked up by his own workmen, shall in addition place on it a label stating that it is made up in accordance with the law? Such a provision is almost vindictive, and appears to me unnecessary. A reference to Section 28 of the Act of New Zealand will show the provisions existing in that colony. Clause 46 is of importance, because the sweating evil arises not only within factories but may arise outside factories. In view of that probability—for it is more than a possibility—the definition of factory is, for the purposes of this sweating clause, enlarged by Clause 46. Clause 46, for the purposes of the last preceding clause, provides:—

> For all the purposes of the last preceding section every merchant, wholesale dealer, shopkeeper, agent, or distributor who lets or gives out textile or shoddy material to be made up into garments or other articles for sale, shall be deemed to do so as the occupier of a factory, and the provisions, obligations, and penalties of that section shall extend and apply accordingly.

That, of course, is essential; because, if it were not so, the measure would not be effective. For instance, suppose we had not that clause, what would be the effect? The wholesale merchant who desired to have his goods made into garments would not be bound to keep the records provided by Clause 45, and the person who did the work would not come within the penalties of Sub-clause 2 of Clause 45, so that really the clause would become inoperative. I think I am right in saying that a very great deal of the textile fabrics and shoddy material is given out to be made up, not by factories, but by wholesale shopkeepers; and members will see that unless we adopt Clause 46, a great deal of the value of Clause 45 would be done away with, if it would be of any value at all. Those are the provisions which deal with factories. They are the main provisions of the Bill. The definition of "factory" is most important, and following that will come the other clauses. The question raised by the member for Subiaco is worthy of consideration, whether the provision relating to bakehouses could not be put in a separate part of the Bill, so that it might apply throughout the State.

Mr. Hastie: How can you deal with it if there is no inspector?

THE PREMIER: We shall have to provide for that if we make this a separate part. In dealing with the closing of shops, I do not propose to deliver a long speech. Those clauses which are materially the sections of the Act now in existence I do not think I need say a word at all upon, neither is it necessary to commend the general principle of this part of the Bill to members of the House. I want to refer to Clause 50, which deals with small shops. The main reason why the early closing provisions of the Bill are introduced is to secure fair hours of labour, and to prevent excessive hours of labour being worked by shop assistants. It has been suggested that the end would be better attained by a Bill to limit the hours of labour. Some members think that. In my opinion, that could not be done, because it would not be practicable. That is an objection which has been raised to the Early Closing Bill in all Parliaments where the question has been dealt with, and although that objection has been raised in all Parliaments, after full discussion, it has been recognised as impracticable. The only way to give shop assistants adequate protection is to insist on the early closing of the shops. That is the main object of this part of the Bill; but we are brought face to face with the position that a number of people are carrying on businesses who employ no assistants, and they, perhaps, have a logical right to complain of a law which is passed to apply to assistants, applying to them who employ no assistants. When the Early Closing Act first came into existence, there was an outcry for a short time in regard to the operation of the Act in relation to small shops, but the agitation appeared to drop out. We heard nothing of it, and when the amending Bill was before Parliament last year, the voice of the small shopkeeper was not raised very loudly in protest. After the Act came into operation, an agitation did spring up, and grew very strong. I believe, and I think a great majority of members believe also, that some provision should be made to meet the case of the small, *bona fide* shopkeeper. The argument that appeals to me is that if you insist on all shops being closed at six o'clock, large and small shops alike, that places very great disabilities in the way of small men who want to begin at the lowest rung of the ladder, and to mount up to the highest; the man who wants to open a small shop, and is prepared to work for long hours and to undergo extra hard labour to improve himself.

MR. MCDONALD: His wife, as a rule, does the major part of the work. Generally this is the man who is crying out for early hours.

THE PREMIER: I do think he is crying out now. I do think there is something in the argument of allowing some special privileges to these people who are desirous of building up a business for themselves, and we should not place obstacles in the way of a man working up a business. It does place obstacles in the way if we say there shall be limited hours of work. There can be no gainsaying the fact that the small shopkeeper does get a very great deal of small custom after six o'clock in the evening, when other shops are closed: it is the casual customer he picks up. We provide that the closing hour of shops shall be limited, and by means of that legislation, direct the shopping into certain channels, that it shall take place at certain hours. But there must be a certain amount of casual shopping which has been forgotten during the course of the day. To meet that class of customer, therefore, and to serve a useful purpose, I do not think it reasonable that we should insist on the small shops, defined by this Bill, being forced to close at the early hour. I think they should be allowed to keep open during extended hours, which will not cause any hardship to those who are bound to close at the earlier hour. It may be urged against the clause, "If you give this special privilege to the small shopkeeper, who employs himself and his wife only, why not give it to the man who employs only one assistant?" But the line must be drawn at some place, and when a shopkeeper gets a business which is so large that he and his wife cannot carry it on, and he has to employ an assistant, then he comes within the purview of the Bill, and must close his shop.

MR. HASTIE: Would that exclude the Asiatic?

THE PREMIER: We do not exclude the Asiatic by this.

MR. ILLINGWORTH: Can you not refuse to register the Asiatic?

THE PREMIER: If it is desired to do that we must provide for it. I thought it would be wise to put in an educational test, but some of the small shopkeepers thought that inadvisable.

MR. ILLINGWORTH: It might work both ways.

THE PREMIER: By Clause 51 an amendment is introduced. We provide by that clause that the shops mentioned in Part I. of Schedule 2 shall close at 10 o'clock on those nights when other shops close at six, and shall close at 12 o'clock when other shops close at 10 o'clock. If members will turn to Part I., they will find the shops mentioned in that part. The clause, therefore, is a distinct advance on present legislation.

MR. JOHNSON: Butchers' shops close at six.

THE PREMIER: Part I. of Schdule 2 gives:—

> Confectioners, butchers' shops, bakers' shops, fruit shops, vegetable shops, milk shops or dairies, newspaper and newsagents' shops, stationers and booksellers, railway bookstalls, florists, undertakers, tobacconists.

They are exempted under present legislation. We propose to exempt them from the closing hour of 6 o'clock, but we provide they shall close at 10 o'clock and 12 o'clock respectively.

MR. MCDONALD: Butchers' shops at the present time close at 6 o'clock.

THE PREMIER: If so, they will not come under the provision. Clause 52 contains an amendment providing that:

> The closing time for all hairdressers' shops shall not be later than seven o'clock in the evening of any day except Saturday, and of the week days next preceding Christmas Day, New Year's Day, and Good Friday, and 10 o'clock in the evening of Saturday and of the week days next preceding Christmas Day, New Year's Day, and Good Friday.

At the present time it is half-past six.

MR. TAYLOR: The hairdressers' assistants do not want this clause.

THE PREMIER: At present they close at half-past six. I think half-past six is too early for hairdressers to close.

MR. TAYLOR: If you were a hairdresser you would not think so.

THE PREMIER: I might have lots of different opinions then. These shops close at half-past six, and I think that hour too early. I think seven o'clock would be a fair time. I point that out as one of the amendments in the Bill.

MEMBER: What about their half-holiday?

THE PREMIER: They get their half-holiday just the same. Those are the alterations in connection with the early closing part of the Bill. In Part 5, supplemental, Clause 63 deals with elevators. It says:—

> *If an elevator or lift in a factory or shop is* considered by an inspector to be unsafe or dangerous to use, he may prohibit the occupier from using such elevator or lift until it is made safe to the inspector's satisfaction.

Clause 64 provides that—

> No boy under sixteen years of age, and no woman, shall be allowed to have the care, custody, management, or working of any elevator or lift in any factory or shop.

And Clause 65 provides—

> (1.) No person shall be employed in any building used as a factory or shop which is constructed of iron, zinc or tin, unless lined with wood or other material to the satisfaction of an inspector.
>
> (2.) The inspector may require any such building or any building roofed with iron, zinc, or tin, to be coated with white paint or whitewash or other cooling substance.

Clause 66 provides that in every shop or factory efficient means of extinguishing and escape from fire are to be supplied, and Clause 67 deals with lavatories in shops and factories. Clause 68 re-enacts 60 Victoria, No. 29, in regard to sitting accommodation in shops. That is not new. I am sorry to have trespassed so long on the patience of the House. I did not wish to be nearly so long as I have been, but I desired to make the provisions clear, so that we can understand them when in Committee. This is not an extreme Bill. It does not go the length of the legislation in force in New Zealand, and it is not desirable, when adopting a Bill of this kind, to go the length of that State by one bound, when the legislation of that State has been worked up by degrees. In this State we have very few large factories, I mean in the sense where there are large buildings in which are working great numbers of people. We have large numbers of people employed in factories, as defined by the Bill, such as timber factories; but if we had in our mind the evils against which factory legislation exists, we should not

define a timber mill as a factory under which those evils would arise, because the employees work in the open, or under sheds where there is plenty of ventilation, and practically in healthy surroundings. We want to adapt the Bill so as to apply to the conditions of this State; and although we may have preferences for the legislation of a certain State or legislation in a certain direction, yet I do think we should bear in mind what are the conditions and requirements of this State, that we have comparatively few factories which need legislation of this nature. I do hope that members will approach the consideration of this subject with a desire to pass a Bill which will commend itself to members of another Chamber, and which will deal with those evils not by aiming at perfection, but by seeking to produce a practical Bill. In conclusion, I commend this Bill, I hope without egotism, as a moderate measure. I have endeavoured to make it moderate because I know how widely prevalent is the feeling that factory legislation is a class of legislation that does injury to a State; and we have to bear in mind that this Bill has to go before another place, some members of which look upon this class of legislation with a great deal of distrust. This Bill I believe will remove that impression amongst moderate men on both sides; and if we can pass a Bill which will commend itself to moderate men, a Bill which will do a great deal of good in this State and reflect credit on us, we shall be placing on the statute-book a measure which, whilst moderate, will be a distinct advance on existing legislation, and which will be the only measure of this character we have a chance of putting on the statute-book because it is based on moderate principles. I beg to move the second reading.

On motion by MR. ILLINGWORTH, debate adjourned for one week.

WIDOW OF LATE C. Y. O'CONNOR ANNUITY BILL.

IN COMMITTEE.

Resumed from the 16th September, MR. HARPER in the Chair; the MINISTER FOR WORKS in charge of the Bill.

Clause 1 — Annuity to Susan L. O'Connor:

MR. DAGLISH: Having refrained from speaking on the second reading of the Bill, he must say now that this clause embodied a principle which he could not allow to be just, and against which he must protest, that of granting State assistance where there was no previous legal liability to do so.

MR. JACOBY: While regretting that he was not present at the second reading, he must take this opportunity of protesting against the principle, which he regarded as exceedingly dangerous, for it practically meant that the State must first pay officers high salaries, and if such officers died and left relatives dependent on them, the State must make special provision for those relatives. He did not object to this Bill, but hoped the Government would give an assurance that such a claim as this was not likely to come before this House again.

MR. ILLINGWORTH: While sympathising with expressions which had fallen from two members, he regarded this as an entirely exceptional case, and a kind of exception which he hoped would prove the rule that such provision ought not to be made and should not be expected. It should be remembered, however, that this was a case in which the late Mr. O'Connor was entitled to considerable length of leave, and if he had applied for it at a time when he felt that excessive strain and close attention to his duties had overstrained his mental powers, that leave would have been granted, and probably Mr. O'Connor would still have been with us, and might have continued in the service sufficiently long to make that provision for those dependent on him which the Bill now proposed on their behalf. While recognising this as an exceptional case, we should also recognise that this was a course not to be followed in any future case.

THE MINISTER FOR WORKS: In this case there was some degree of justice in the application put forward on behalf of Mrs. O'Connor. In moving the second reading he had pointed out that the money value of the leave of absence to which Mr. O'Connor was entitled was nearly £3,000; also that if Mr. O'Connor had retired from the service of the State on the pension to which he was entitled, he would have received £525 a year. Therefore, it did seem that there

were exceptional circumstances in this case; but the Government did not agree with the principle that it was the duty of the State to provide for the wife and children of an officer who had been receiving a fair amount of remuneration for services rendered to the State. In future it must be recognised that the State must insist on some provision being made, by compulsory insurance or in some other way, so as to obviate claims of this kind being made after the decease of a public servant. The Government would in fact welcome a resolution from the House which would lay down that it was the wish of Parliament that no compassionate allowance should be made in future cases.

Clause put and passed.

Clause 2—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

At 6·28, the SPEAKER left the Chair.

At 7·30, Chair resumed.

INDECENT PUBLICATIONS BILL.

IN COMMITTEE.

Resumed from the 21st August, on the amendment moved by Mr. Nanson, that in Clause 2, Sub-clause 7 [Publishes a newspaper containing any indecent or obscene advertisement or report], the last two words "or report" be struck out.

THE PREMIER: As had already been pointed out, this clause created no new offence, but merely provided a summary method of punishment for offences recognised at common law and by statute for a great number of years past. The objection to the words "or report" remaining was that the publisher of a newspaper was liable to be brought before two justices of the peace on a charge of publishing an indecent report by a person who might, perhaps, have been a party to the litigation or proceedings out of which the report arose, and who might therefore take a partial or strained view of what was or what was not an indecent report of the transactions in which he himself was so much concerned. A good deal might be said on the question whether indecent reports should be dealt with in so summary a manner. No one would controvert the statement that obviously indecent reports should be checked and their publishers punished: the whole difficulty lay in deciding what was an indecent report. In this connection, the farther question arose whether the publication of what might seem to some people indecent did not, on the balance of good and evil, incline more to do good in exposing existing wrongs and evils than it inclined to do harm by the mere indecency of the publication itself. Since the Bill was last before the House, a somewhat painful case had been tried in the Perth Police Court and in the Criminal Court, the case known as the Kalgoorlie abduction case. Certain lines in the Press report of this case struck one as being indecent, and such as might well have been eliminated. It might, however, be argued that although the publication was indecent, yet it did good by bringing home the evil disclosed, since while many of us knew of the evil because we were old in experience, yet a great number of people did not know of it, and the bringing home of the facts to those people tended to rouse public opinion far more effectively than would otherwise be the case. He would be inclined to trust the justices. The inclusion of the words might do harm, and they certainly would imperil the Bill. Apart from the inclusion of the words there was much good in the Bill. He would accept the amendment rather than that the Bill should be destroyed.

MR. JACOBY: The law was to be set in motion by the Attorney General or the Commissioner of Police. He was inclined to vote for the retention of the words if action could be initiated only by the Attorney General.

MR. DAGLISH: One very useful purpose the Bill might serve would be lost if the amendment were carried. A class of newspaper circulated in this country, and these papers came from outside the State. Their circulation should be stopped. He referred to such newspapers as the *Hawk* and the *Police News*, which were bad in both illustration and letterpress. If the clause were passed in its present form, it would enable the Government to stop the circulation of these newspapers, but if the amendment were carried he questioned whether the Government had power to interfere with the sale of such newspapers, which did far more harm than the advertisements

referred to. It would be better to wait until we had a Bill which would touch such newspapers as those he had mentioned than pass the clause with the words struck out. Newspaper publishers should provide for the editing of the reports appearing in the newspapers. He knew of a case recently in which the *persona grata* had an unfavourable appearance in a court, and in that case the daily newspapers suppressed the report because the man was moving in a certain class of society. Newspaper editors could be trusted to preserve what was necessary in order to comply with the law, if they could suppress the report of a case. The responsibility should be thrown on those conducting newspapers to insert only that which was fit for public reading. Reports of the evidence of such cases as the Hall divorce case would be better unpublished.

THE PREMIER: The Bill dealt with a great number of matters, and the publishing of reports was only one of those matters. The Committee might agree to the amendment to strike out the words "or report," not because he did not think the power was a good one, but because the Bill would be a useful piece of legislation. If the amendment were not carried there was a doubt whether the Bill would pass.

Amendment passed, and the clause as amended agreed to.

Clauses 3 to 5, inclusive—agreed to.

New Clause:

THE PREMIER moved that the following be added as Clause 6:—

In reference to any indecent or obscene matter or advertisement appearing in any registered newspaper, the following provision shall apply:—No person shall be prosecuted under this Act for printing, selling, publishing, distributing, or exhibiting any such newspaper unless—(*a.*) He has been first warned in writing by any police officer above the rank of corporal that he will be so prosecuted if thereafter he prints, sells, publishes, distributes, or exhibits any copy of such newspaper, whether published before or after such warning, containing the matter or advertisement complained of, or any matter or advertisement of a like nature or effect; (*b.*) Under the written authority of the Chief of Police or the Attorney General.

The provision was similar to a section of the Victorian Act, which almost exclusively aimed at the publication of this class of notices. The Victorian law provided that there should be a warning and written authority of the chief officer of police, which was required for the reason that certain objectionable advertisements get into a newspaper without the editor's knowledge, and if the editor was charged with publishing the indecent advertisement it was a very severe reflection on the newspaper itself, which was hardly fair when through the rush of publication an advertisement was inserted without the knowledge of the editor. One must bear in mind how widely the word "indecent" might be interpreted.

MR. JACOBY: Why was it necessary that the authority should be vested in the Commissioner of Police as well as in the Attorney General? It should be quite sufficient for the Attorney General to exercise this authority.

THE PREMIER: The desire was to prevent any officious police constable taking action. He thought the words "Attorney General" might be struck out, and leave the matter to the Commissioner of Police.

MR. JACOBY: The Attorney General ought to be made responsible.

THE PREMIER: The Commissioner of Police occupied a responsible position.

MR. JACOBY moved that the words "the Commissioner of Police or" be struck out.

Amendment negatived, and the new clause passed.

Title—agreed to.

Bill reported with amendments.

DROVING BILL.

IN COMMITTEE.

MR. HARPER in the Chair; MR. BUTCHER in charge of the Bill.

Clauses 1 to 9, inclusive—agreed to.

Clause 10—Drover to submit stock to inspection:

MR. WALLACE: The object of the Bill being to give the authorities every facility for watching the movements of stock from one district to another, it should be compulsory on any drover to produce his stock for inspection at every police station which he passed along the main route he was travelling. The words "on being requested so to do" should be struck out, because it should be compulsory and not optional for the drover to produce his stock when passing

within reasonable distance of a police station.

MR. BUTCHER: The amendment would make it a hardship on the drover, unless there was a police station near the route he was taking. In other cases, it should not be necessary to compel him to produce his stock unless called on to do so.

THE MINISTER FOR WORKS: This clause should be read in conjunction with the previous clause, and when so read it appeared unnecessary to make the amendment, as the clause would then have little if any meaning. Power was given to certain persons authorising them to inspect travelling stock; and this clause as it stood would carry out that intention more effectually than if amended as proposed.

MR. TAYLOR: It should not be left optional for the drover to produce his stock for inspection. Drovers did pick up straggling stock, as persons acquainted with the business must know; and drovers when travelling with stock should be required to produce the stock, so that the police should have opportunity of seeing whether the stock corresponded with the way-bill. If the police had opportunity to inspect the stock and chose not to do it, the authorities then took the responsibility.

MR. GORDON: The amendment, while superfluous, would cause drovers much unnecessary trouble. Clause 15 sufficiently protected owners of runs. The rule here might be, as it was in South Australia, that when a drover passed through a run the owner of the run should send one of his own boundary riders to accompany, and if necessary to count, the drover's stock.

MR. BUTCHER: This Bill might be considered as nearly perfect as possible, since it was the result of consultation with all the principal West Australian squatters, most of whom were large purchasers of stock and consequently drovers on a large scale. Clause 9 did all that the amendment sought to effect. In any case, what did the police know about stock?

MR. TAYLOR: The droving legislation of other States pressed heavily on the drover with respect to his horses and not in regard to his stock. In nine cases out of ten, when a drover was before a court the trouble was that he had purchased a horse from some unknown person.

THE MINISTER FOR WORKS: The contention of the Minister for Mines, that the adoption of the amendment would tend to inflict great hardship on prospectors, appeared to be correct, particularly in view of the definition of "horse" and "drover." Any prospector having spare horses, that was to say horses not working, would come under the definition of "drover" in the Bill. Clause 15 did not protect the prospector. The limitation as to number applied only when stock were approaching an inclosed run, or a homestead, or the head station on a run. Clause 10 was sufficiently severe as it stood. If drovers were to give notice at every police station they passed, much hardship would be inflicted on people who were not drovers of stock in the ordinary sense of the term.

SIR J. G. LEE STEERE: It was to be hoped the amendment would not be carried, since great hardship would result from it. Under the amendment, a drover would have to take his stock in every case to the nearest police station, or to a magistrate, or to some inspector, and this might mean that the drover would have to go miles out of his way. Moreover, the amendment was totally unnecessary.

MR. WALLACE: In spite of the opinions expressed by so many wiseacres, he still stuck to his amendment, the object of which was to give our police powers similar to those granted to the Queensland police. Under the Queensland law, any man following the calling of a prospector, or any other calling, was bound, if he travelled with more than three horses, to have a way-bill much on the lines of that contained in the First Schedule to this Bill, setting forth the number of stock, their description, the starting point, and the destination. Under the Queensland law, a drover was not compelled to report at police stations other than those on the main route. If such a law obtained here, the case of the man who "lifted" 42 horses in the Murchison district and drove them to Leonora could not have occurred, since he would have been compelled, before being allowed to travel at all, to apply for a permit to the police in the district in which the horses were mustered. That man would

under such a law, have been stopped and arrested as being in possession of horses reasonably believed to have been stolen. This Bill apparently had not been considered by more than half a dozen members, and certainly the majority of those who had spoken had not considered it at all. It would be better to inflict a hardship on one man travelling with a horse from one district to another than to allow thieves to travel from one part of the continent to another.

Amendment negatived, and the clause passed.

Clauses 11 to 14, inclusive—agreed to.

Clause 15—Drover to give notice before entering a run, and of approach to homestead, etc.:

MR. WALLACE moved that in Subclause (3) the words "horses, camels, and cattle" be struck out, and the word "stock" inserted in lieu. That would make the clause apply to donkeys or other animals which were worked in harness.

MR. TAYLOR: Would the word "stock" cover working horses or working bullocks, because working animals were not called "stock"?

THE MINISTER FOR MINES: The definition clause gave the meaning.

Amendment passed.

MR. BUTCHER moved that in Subclause (3) the word "twenty" be struck out and "seven" inserted in lieu.

MR. WALLACE: In the North-West, 16 horses were worked in a team, and in the Mount Magnet district as many as 20 donkeys.

MR. BUTCHER: They would be *bona fide* used for saddle, packing, or draught purposes.

MR. WALLACE: If the amendment were passed, a teamster having 20 animals in a team would have to give notice of 13 of the animals, while the other seven could get through without notice. If the amendment were passed a man could not have more than seven animals in a team.

THE TREASURER: The clause was very clear. If a man had 50 teams of bullocks of 20 in each team, notice would not have to be given.

MR. BUTCHER: Animals *bona fide* used for draught purposes were exempted from notice.

MR. GORDON: One portion of the clause applied to droving and the other to working animals.

Amendment passed, and the clause as amended agreed to.

Clause 16—agreed to.

Clause 17—Sheep and cattle returning to same district to pay a travelling charge:

MR. BUTCHER moved that after the second word "run," in line 2, "of the same owner" be inserted. A person might be travelling stock to market, and meet a purchaser on the road. If that purchaser belonged to the same district he would have to pay for the sheep when returning them, although he was a *bona fide* purchaser. By inserting the words proposed the purchaser would be exempt from the charge.

THE MINISTER FOR WORKS: It seemed the owner would still have to pay the charge.

MR. BUTCHER: The clause was to prevent cattle being travelled for grass, as was often done.

MR. PIGOTT: It would be a hardship to charge the owner of sheep twopence per head in the case of a number of sheep being lost and finding their way back to the station. In one instance he knew of this season, a lot of 6,000 sheep was started, and before the sheep had been gone a month, more than 2,000 were lost, straying all over the place, and some of them finding their way back. To charge that man twopence a head for his sheep, besides the loss of many of them, would be an extreme hardship.

MR. BUTCHER: It was not possible to provide against a case of that kind. This clause was to prevent sheep from being travelled for feed over other people's runs, travelling a certain distance and then returning by another route. This clause covered all that was necessary.

Amendment passed.

MR. BUTCHER moved, as a farther amendment, that in Sub-clause 2, after "section," there be inserted the words "and Section 16." The amendment was intended to meet the requirements of the southern districts, where farmers had a shearing station probably as near to a railway station or a seaport as possible, and their sheep would be sent to the back station perhaps 50 miles away, and be brought down for shearing. This pro-

vision would save owners the necessity of branding their stock when in wool with the letter "T."

MR. GORDON: The southern districts might be made an exception in the Bill, as a simpler way than amending the clause.

MR. TAYLOR: Sheepowners on the south coast, having two properties, frequently drove their sheep from one to the other to be shorn. In such circumstances, to compel owners to brand sheep with tar was unfair, as it injured the wool.

THE COLONIAL SECRETARY: The hon. member had overlooked the fact that under Clause 16 sheep might be branded with some suitable composition, and need not be branded with tar. If necessary, instances could be given of sheep being travelled in the North-West over a distance of 100 miles to be shorn, and then being travelled back again. Those sheep travelled through runs practically all the way, and therefore should undoubtedly be branded. Accidents would happen when sheep travelled several hundreds of miles, and the adoption of the amendment would tend to increase the number of accidents.

MR. HAYWARD: This measure was certainly not required for the southern parts of the State, where to brand sheep as proposed would result in hardship. It was his intention to move an amendment that the Bill should not apply to any portions of the State say south of Dongara.

THE TREASURER: The branding of travelling stock was a measure for the security of the owners through whose runs the sheep travelled, as much as for anybody else's. Consequently, if sheep travelling from one station to another belonging to the same owner were exempted, and if those sheep travelled through the runs of other owners, additional opportunity would be afforded for those sheep to increase on the way. The amendment struck at one of the principles of the Bill.

MR. BUTCHER: The main object in branding travelling sheep with the letter "T" was that they might be recognised as travelling sheep. People with back stations ought to be exempted, in order that the wool of their sheep might not be injured by branding with tar or with a composition of oil and paint, both being equally injurious.

THE CHAIRMAN: The amendment suggested by the member for Bunbury (Mr. Hayward) would have to be moved as a new clause, since it would apply to the whole Bill.

Amendment (Mr. Butcher's) passed.

MR. BUTCHER moved that after the word "pasture," in Sub-clause 2, line 3, "or for the purposes of shearing" be inserted.

Amendment passed.

MR. PIGOTT moved that the following be added to Sub-clause 2: "Provided also that this section shall not apply to travelling stock which may have been lost on the road." Both cattle and sheep where frequently lost on the road, and it would be unfair to compel their owners to pay extra fees in order to get them back.

MR. BUTCHER: The object of the amendment was not apparent. Stock lost would already have been branded.

MR. PIGOTT: But the desire was that the owners should not be compelled to pay extra fees. A drover frequently lost part of his mob, when it would not pay him to set out immediately to look for them. Hundreds of cattle and sheep were lost in travelling, because the stock routes of this country were not fit to travel. Mobs of cattle had been sold in the West Kimberley district to be driven to the Perth market. After the cattle had been driven two or three days, some stock had got away from the drovers and been lost. If the amendment were not carried, the owner of the stock would have to pay the fee on these cattle on being returned to the station.

MR. BUTCHER: The Committee should not make any provision against the risk which the member for West Kimberley spoke of. No one expected a drover to pay a fee on stock which were *bona fide* lost.

MR. GORDON: It was very unlikely drovers would lose stock. If they missed any, they would immediately muster the mob.

MR. TAYLOR: It was impossible for a drover to lose stock: he might miss some for a few hours. Drovers did not lose stock without knowing it.

MR. PIGOTT: It was not fair to make a man pay fees for stock which had been lost.

MR. BUTCHER: A similar provision to this was in existence at the present time.

Amendment negatived, and the clause as previously amended agreed to.

Clauses 18 to 20—agreed to.

New Clause:

MR. HAYWARD moved that the following be added as Clause 21:—

The operation of this Act shall not extend to any portion of the State south of the 29th parallel of latitude.

MR. BUTCHER: Why should not the Bill apply to districts south of the point indicated?

MR. HAYWARD: There could scarcely be said to be such a thing as droving in those districts. The branding of sheep was most objectionable. Some owners had runs a good distance from their head station, and at shearing time the sheep had to be driven to the head station. According to the Bill, the owner would have to brand the sheep before driving them to the head station.

MR. GORDON: If the sheep were moved for shearing purposes, it would not be necessary to brand them.

MR. BUTCHER: The hon. member was ignorant of the fact that a provision similar to the one in the Bill was in existence at present, and the hardship had not been felt as yet.

New clause by leave withdrawn.

Schedule, Title—agreed to.

Bill reported with amendments.

TRANSFER OF LAND ACT AMENDMENT BILL.

IN COMMITTEE.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of S. 4 of 36 Vict., No. 14:

THE PREMIER moved that after "amended by," in line 2, all the words be struck out and the following inserted in lieu: "Inserting before the word 'years,' in line 23, the words 'any term exceeding 21.'" The effect of the clause as it stood was to provide that the owner of land other than fee-simple would not be able to obtain a certificate of title; but it was thought desirable in the Titles Office that in the case of a long leasehold, say for 21 years, there should be power for the holder to obtain a certificate of title showing his leasehold interest. A leasehold of 21 years was considered to be a substantial interest, such as would justify the issuing of a title as such.

MR. ILLINGWORTH: Was it intended to issue titles to freehold land under lease?

THE PREMIER: Yes. At present there was power to apply for a title to land held under lease, irrespective of the term of the lease, but such power had not been availed of in any case. It was now considered desirable that in abolishing the power to apply for certificates of title for leasehold land, an exception should be made in the case of a leasehold for so long as 21 years, that being a substantial interest which would justify exceptional treatment.

MR. ILLINGWORTH: If a person holding a lease for 21 years, say a building lease in Hay Street, failed to pay the rent at the end of two years, he could carry away the title for the whole 21 years.

THE PREMIER: The title would then be waste paper, as the conditions of the lease would not have been complied with; and the course then would be for the owner of the land to apply to have the leaseholder's title destroyed.

MR. ILLINGWORTH: It was desirable to cancel the right of obtaining a title to leasehold land, no matter what length of term the lease might have to run. The existing practice was to register the lease. What kind of certificate was it intended to issue under this Bill?

THE PREMIER: The certificate in the case of a leasehold for 21 years would be subject to the conditions indorsed. The landowner would grant a lease to another person, and to enable that lease to be reported against the title of the landlord, it would have to be registered. The lessee might then say he would like to have a separate title in respect to his leasehold interest, in which case he would be enabled to obtain a title under this Bill, subject to the conditions of the lease. If the terms of the lease were not carried out, the certificate of title would become waste paper. This clause abolished the right to apply for certificate of title in the case of a leasehold interest,

and the amendment proposed an exception in the case of a lease for 21 years.

MR. QUINLAN: Banks were satisfied at present to take leases as security, especially building leases for long terms. It would not be wise to provide for continuing the existing right of applying for a title to a leasehold interest, unless the Government intended to make revenue by granting titles in such cases. It would be better not to issue a title in the case of leaseholds.

Amendment by leave withdrawn, and the clause passed.

Clause 3—agreed to.

Clause 4—Amendment of Section 8 of 56 Vict., No. 14:

MR. HOPKINS: Under the existing law there was no limit to the number of transactions which might be indorsed on a certificate of title. This, of course, was wrong; but the certificate afforded ample room for 10 indorsements. The real object of the clause would be attained by adding "Provided that not more than 10 transfers shall be indorsed on any one certificate of title," to Section 86 of the principal Act.

THE TREASURER: The object of the clause was to prevent the existence of such a certificate of title as the one he now exhibited to the Committee [holding up a document], which was simply covered with indorsements, and which meant two or three hours' hard work to anyone wishing to discover what number of blocks covered by the certificate remained unsold. The Registrar of Titles had stated that titles of this description were frequently misleading, since they could still remain in the possession of the original owner, who might own no more than the roads shown on the plan. The objections to the clause would be met by such an amendment as suggested by the member for Boulder (Mr. Hopkins).

MR. ILLINGWORTH: The practice in Victoria was to rule off on the back of a certificate of title sufficient spaces to record the necessary transfers. The system here adopted was absurd. A microscope was sometimes required to read the indorsements. If a new title were to be obtained every time one allotment out of perhaps 40 or 50 was sold, the expense would be serious. The amendment suggested by the member for Boulder met the case.

MR. FOULKES: The difficulty might be met by inserting in Section 86 of the principal Act, after "transferor" in line 9, the following words: "Provided always that in no case shall the Registrar after registering the transfer indorse on the certificate more than ten memoranda cancelling the same partially." Thus, matters would be greatly simplified. Under the amendment, 10 transfers might be entered on a certificate, but no more.

THE PREMIER: Section 86 of the principal Act read:—

> If the transfer purports to transfer the whole or part of the land mentioned in any certificate of title, the transferor shall deliver up the duplicate certificate; and the Registrar shall, after registering the transfer, indorse on the certificate a memorandum cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part of the land; and the duplicate of any wholly cancelled certificate shall be retained by him; and the duplicate of any partially cancelled certificate shall be returned, indorsed as aforesaid, to the transferor. . . . .

The Bill before the Committee proposed that if a title were only partially cancelled, a new certificate should issue; and some hon. members considered that this was going too far. He moved that in line 6 the word "wholly" be struck out, and "certificate" inserted in lieu; also that in line 3 the words "or partially" be struck out, and "or of any certificate on which are indorsed the memoranda of 10 transfers" be inserted; also that all words after "by," in line 3, be struck out, and the following inserted in lieu, "adding after the word 'cancelled,' in the eighth line, the words 'on which are indorsed less than 10 memoranda as aforesaid.'"

Amendments passed, and the clause as amended agreed to.

Clauses 5 and 6 (to be renumbered)—agreed to.

New Clause, 6—Land included in certificate by error in survey may be vested in proprietor:

On motion by the PREMIER, new clause added as follows:—

> If in any certificate of title issued before or after the passing of this Act a piece of Crown land not included in the grant from the Crown is, in consequence of an error in the survey, included in the certificate of title, the Governor may, on the recommendation of the

Surveyor General, order that such piece of land shall be deemed to have been included in the grant.

New clause, 8—Right-of-way on subdivision to be easement appurtenant:

On motion by the PREMIER, new clause added as follows:—

Every right-of-way shown and marked as such upon any map or plan deposited with the Registrar, under the provisions of Part Eight of the principal Act, on the subdivision of any land shall, unless the contrary is stated, be deemed an easement appurtenant to the land comprised in such map or plan and abutting upon such right-of-way, and not a public way or thoroughfare.

Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 10 minutes past 10 o'clock, until the next day.

Legislative Assembly,

Wednesday, 24th September, 1902.

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THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

EXPLORATORY TRIP, MR. HILL.

THE MINISTER FOR MINES (Hon. H. Gregory), in presenting certain papers connected with the exploratory trip of Mr. Hill, moved for by the member for Dundas (Mr. Thomas), informed the House that these papers did not include the original papers submitted by Mr. Hill to the Mines Department. In consequence of the absence of those original papers, but little opportunity was afforded to members for determining whether or not the Mines Department had acted properly in the matter.

MR. THOMAS, as a personal explanation, said that in the debate on the motion for these papers the Minister for Mines had stated he would like the original documents submitted by Mr. Hill to the department to be laid on the table. Thereupon he (Mr. Thomas) stated he was not Mr. Hill's keeper, that he was in no way connected with Mr. Hill, who had merely been an employee of his two and a half years ago, and that therefore he could not guarantee that Mr. Hill's original papers should be included among the documents laid on the table. At the same time, he promised that he would do his best to obtain the papers, so that they might be available for the inspection of members. He did endeavour to obtain the originals, but had not succeeded. He wished it to be most emphatically understood that he had no connection whatever with Mr. Hill. From various statements made in the debate, hon. members might have derived an impression that Mr. Hill and himself were working in concert in this matter; therefore to such inference he wished to give the most emphatic and unqualified denial.

OTHER PAPERS.

By the MINISTER FOR WORKS: 1, Papers relating to Giles's Patent Axle Box and Drawing, No. 156 (ordered 10th September). 2, Copy of Alteration to Railway Classification and Rate Book relating to ores, wharfage rates on pitch, and carriage of gas liquors.

Ordered: To lie on the table.

PAPERS—G.M. LEASE (KALGOORLIE), TRANSFER.

MR. J. RESIDE (Hannans) moved:—

That all papers in connection with the land (near Boulder City) held by the Kalgoorlie Electric Light and Power Company be laid upon the table of the House.

The company owned a good portion of land near Boulder, part of which was under lease, and portion was a gold-mining lease. It was understood that negotiations were proceeding between the company and the Government for the