

The practice is to adjourn the House over the Wednesday of Royal Show week. In asking members to adjourn over an additional day, I am actuated by two reasons: one being that the Notice Paper lends itself to that course, thanks to the energy of hon. members, and the other being the fact that the Leader of the House is, unfortunately, far from well at present. It is hoped, however, that the Chief Secretary will be able to meet the House on Tuesday next in his usual good health. May I take this opportunity of thanking you, Mr. President, and the Chairman of Committees and hon. members for the kindness and courtesy extended to me, especially to-day.

Question put and passed.

House adjourned at 8.48 p.m.

Legislative Assembly,

Tuesday, 4th October, 1927.

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

QUESTIONS (2)—ELECTRIC LIGHT AND POWER.

Mundaring Service.

Mr. SAMPSON asked the Minister for Railways: Will he advise: 1, The approximate cost of the extension of electric cables for light and power to Mundaring. 2, The

consumption of current necessary to ensure the proposition proving satisfactory from a business standpoint?

The MINISTER FOR RAILWAYS replied: 1, Approximately £13,000. 2, The consumption of current, estimated on a liberal basis, 10,000 units per annum, would return £200 per annum. This sum would not of itself pay half the interest charge on the cost of the construction—apart from generating costs and costs of maintaining the line.

Nos. 1 and 2 Pumping Stations.

Mr. SAMPSON asked the Minister for Water Supply: In view of the advantages offered by the provision of electric power generally, including the opportunity which would thereby be afforded in the establishment of new industries in the districts concerned, will he advise what the cost is likely to be in connection with change over from steam to electricity in connection with the Nos. 1 and 2 pumping stations at Mundaring?

The MINISTER FOR RAILWAYS: The estimated cost of the change over is £16,500.

QUESTION—EGG CONTROL.

Mr. SAMPSON asked the Honorary Minister (Hon. H. Millington): 1, Have voting papers promised by the poultry farmers' organisation of Western Australia, as cast by the egg producers, been received by the Minister? 2, Has a decision regarding the proposed egg control been arrived at? 3, If so, when is it intended to introduce the required legislation?

Hon. H. MILLINGTON replied: 1, Yes. 2, The matter is at present receiving consideration. 3, Answered by No. 2.

QUESTION—CLAREMONT-COTTESLOE SEWERAGE.

Mr. NORTH asked the Minister for Works: 1, Has he had a request from any local authority in the Claremont-Cottesloe district to extend deep sewerage to that area? 2, If so, is it his intention to take any steps in that direction?

The MINISTER FOR WORKS replied: 1, Yes. 2, It is considered that no portion of the area from North Fremantle to Claremont

is sufficiently settled to make it practicable to instal a payable sewerage system at the present time. A tentative scheme of sewerage for the area, North Fremantle to Subiaco, has been prepared. The estimated cost is, roughly, £530,000 for the immediate future, and a further £100,000 to complete as the area develops. A plan is being prepared showing the areas that would be reticulated under this scheme with a view to estimating the revenue.

QUESTION—FREMANTLE HARBOUR AND BRIDGE.

Mr. SLEEMAN asked the Minister for Works: 1, Has he received the report from the Engineer in Chief regarding the railway bridge for Fremantle and the harbour extension? 2, If so, when is the report likely to be made available to the House?

The MINISTER FOR WORKS replied: 1, Yes. 2, Shortly.

ASSENT TO BILLS.

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

1. Northam Municipal Ice Works Act Amendment.
2. Judges' Salaries Act Amendment.
3. Agricultural Lands Purchase Act Amendment.
4. Permanent Reserve.

LEAVE OF ABSENCE.

On motion by Mr. North leave of absence for one month granted to Mr. Teesdale (Roe-bourne) on the ground of urgent private business.

BILLS (2)—FIRST READING.

1. Railways Discontinuance.
Introduced by the Minister for Railways.
2. State Children Act Amendment.
Introduced by Hon. H. Millington.

BILL—TRUSTEES ACT AMENDMENT.

Read a third time and passed.

BILL—EMPLOYMENT BROKERS' ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th September.

HON. SIR JAMES MITCHELL (Northam) [4.41]: I do not think we need take up much time in discussing the motion for the second reading of the Bill. For some reasons it may be desirable, but in Committee let us be prepared for a very strenuous time. The Minister seems to think that the employment brokers serve no useful purpose. I believe they do. Whether some of them do their work as well as we should like, I am not in a position to say, not having had direct evidence on that point.

The Minister for Works: You have never had to look for a job.

Hon. Sir JAMES MITCHELL: I know the employment brokers do a considerable amount of work for people in the country districts. It is work that probably could not be done by the State Labour Bureau. We know the position of some employees, but there is an Act in operation and the best thing to do is to amend it. We cannot rescind it, and to-day we are asked to consider some extremely drastic amendments. One of them, in my opinion, goes too far because it will give the Minister the right to fix the scale of charges to be levied under the provisions of this legislation. The Minister will thus control all employment brokers throughout the State. There are other provisions that may well be objected to. I do not know that work is so plentiful to-day that this is an opportune time to introduce such a Bill. This morning I saw a great many people reading carefully the advertisements in the "West Australian." They were standing in the right-of-way adjoining the "West Australian" office, where copies of the paper are displayed for the public. Obviously the men were looking for jobs. Members will readily agree that people in the country must have some means of getting into touch with the workers other than through the Labour Bureau. The Minister is much concerned, and probably the majority of members agree with him in his objection, that workers should not have to pay any part of the fees incurred in connection with employment gained through the private bureaus. I respectfully point out to the Minister that the organisation to which he belongs, when a man wants work, is concerned that he first

produces a union ticket, which costs far more than the fee charged by employment brokers. The man has to pay the fee if he is to be employed on Government work obtained through the State Labour Bureau. The union fee is just as much a charge upon him as is the charge made by the employment broker under this measure. Perhaps in Committee the Minister will explain why, on the one hand, he supports the imposition of a fee in return for a job and, on the other hand, why he is so strenuously opposed to any fee being paid by the worker himself. I do not know what fee is charged or what the position is; I suppose the employer in fact pays the fees very often.

The Minister for Works: Very seldom.

Hon. Sir JAMES MITCHELL: In some cases he does; I know of instances in which he has paid.

The Minister for Works: The law at present says that he must pay.

Hon. Sir JAMES MITCHELL: The important consideration is to bring the worker into touch with the work. If people are sent out to jobs that are non-existent, it has a disastrous effect, and the House would not object to the infliction of severe penalties for such an offence. I cannot imagine that that would often happen. I can understand that a job that was open may be filled before the employment broker had time to communicate with the employer, but I cannot imagine that anyone would be so callous as to send workers into the country to non-existent jobs. The Minister may know of one or two cases, but I think it seldom occurs, so seldom that, to use the Premier's expression, not much harm would result if we included fairly severe penalties in the Bill. Still, we must remember that while it is not always possible to get a conviction, a misunderstanding might easily arise and it would be easy to prosecute a man who had acted in good faith. I have a strong objection to wrongdoing, and I have a strong objection also to the risk of prosecution and consequent trouble occasioned when a charge is laid owing to a misunderstanding. Under the Bill there is a chance of that occurring; it is more likely that that would occur than that any employment broker would fraudulently take from a worker money for a job that he did not get. The Bill is one that might well be considered in Committee. I hope that such organisations as the Pastoralists' employment

bureau will not be interfered with, but will be permitted to continue their work.

MR. THOMSON (Katanning) [4.50]: One must commend the Minister for his tenacity. He certainly must be of Scottish origin. Once he makes up his mind to accomplish something, he tries first of all by direct attack and if unsuccessful, he tries a flank attack. He is trying by a flank attack to abolish employment brokers. The Minister will find that I shall stand to what I said last Parliament when we dealt with a similar measure. I am quite agreeable to the employer paying the fee and to the employee being relieved from payment. The Bill will enable the Minister to accomplish what he desires, namely to wipe out private employment brokers. The conditions laid down in the Bill would empower him to fix the fees at such a rate that it would not be profitable for any employment broker to carry on the business.

The Minister for Works: I did not say that.

Mr. THOMSON: I am judging by the demeanour of the Minister when he moved the second reading of the Bill. The Minister stated his anxiety to protect the employee from exploitation, and, judging by many of the Minister's remarks in this House, one can only assume—I hope I am not doing him an injustice—that he was speaking jocularly. That is how I took his remark, because I interjected to that effect when he was dealing with the provision in question. I should like to know whether it will be possible for a private employment broker to pay the expenses of rent, staff and postages under the conditions that may be laid down. I hope the Minister will tell us the cost of running the State Labour Bureau. The Bill reminds me of the old fairy tale about receiving new lamps for old. We are to have a free labour bureau, which is an impossibility. If the Minister's intention is given effect to, he will have accomplished by a flank movement what he was not able to obtain by direct attack when he brought down a measure for the abolition of private employment brokers. The State Labour Bureau incurs expense for staff and postages, and rent should also be taken into consideration. I have no objection to the State Labour Bureau, but the present Government have insisted that no worker should receive employment on Government

work, even through the bureau, unless he first became a member of a certain union.

The Minister for Works: That is entirely wrong.

Mr. THOMSON: It is not wrong. The Honorary Minister in another place is president of a certain organisation and he admitted that that condition did apply.

The Minister for Works: Nothing of the sort.

Mr. THOMSON: Then I should like the Minister, when replying to the debate, to inform us how many men are employed on Government work of any kind that have not a union ticket.

The Minister for Works: That has nothing to do with your previous statement.

Mr. THOMSON: It has.

Hon. G. Taylor: You said, "a certain union." The principle is that an applicant for employment must be a member of a union.

The Minister for Works: You also said that a man must be a member of a union before he gets a job, which is wrong.

Mr. THOMSON: The Government graciously concede that a man may work for a fortnight before joining a union.

The Minister for Works: That is the difference.

Mr. THOMSON: It is a distinction without a difference.

Mr. Marshall: That has nothing to do with the Labour Party.

Mr. THOMSON: It is one of the conditions enforced through that organisation, and is one thing that makes me hesitate about this Bill. The provisions of the measure are certainly very drastic. If an employment broker contravenes any of the provisions of the measure, he will be liable to a penalty of £25. If he fails to keep copies of all letters and telegrams for a period of six months, he will be liable to a penalty of £25. The Minister has gone out of his way to make the business as unattractive as possible for those engaged or desirous of engaging in it. In Committee I hope the Minister will agree to several amendments, though I am not hopeful of being able to get any amendments carried. We can only judge the Minister by his previous utterances on the subject. If any employment broker deliberately sent a man to the country and the man found there was no work for him, I agree that the maximum penalty should be imposed. On the other hand, I daresay plenty of men have received their

advances and have not fulfilled their engagements. Probably there have been faults on both sides. I will support the proposal to place on the employer the responsibility for the payment of fees. I have no desire that men, when looking for work, should be exploited. Perhaps I know more about looking for work and failing to find it than do some members opposite. I know how disappointing it is to men who are genuinely desirous of getting work. I know of nothing more tragic than a man, having a wife and family dependent upon him, searching for work and being unable to find it. Anything that can be done to bring the employer and employee together will have my hearty support. I am not altogether enamoured of some of the clauses of the Bill. The Minister will be able to fix the fees that are to be charged. I do not know whether it would be possible to have these fees included in a schedule to be approved by Parliament. That would be the most satisfactory way of dealing with the matter. I should like the Minister to include the fees it will be permissible to charge against the employer. Evidently it is the intention of the Government to build up one huge labour bureau in the metropolitan area, but that does not appeal to me. No doubt it is possible for favouritism to enter into the matter, when a man is compelled to go to one particular office to find employment. Recently the Waterside Union took strong exception to the conditions for picking up. There was a strike in Queensland recently when there was a fight for the rotary system, so that the men might, in turn, be able to take their positions for employment upon the wharves. It was alleged that a considerable amount of favouritism occurred there. We require as many employment bureaus as possible, provided we safeguard by law any section from exploitation. I am not very worried about the Minister's anxiety to see that the employers are not exploited as to the fees to be charged. The Minister should indicate to the House what in his opinion is a fair, reasonable and just charge to place upon the employer, who is desirous of securing the services of some person through the agency of a private employment broker. If there are means by which we can make employment easier for those who want it, I shall be glad to

support the proposals. I hope before the Bill passes the Committee stage, the Minister will submit a schedule of charges to be levied by the brokers upon employers. Perhaps there has been some exploitation of employees, but we could also produce instances showing that there has been exploitation of employers. The Minister himself was in the unfortunate position of having supplied tools to certain men by whom they were sold. These were dishonest employees. I know the Minister had the law to protect him, so that the men could be dealt with in the proper way for theft. If an employer advances money through a broker to some man to become engaged to him, and pays all expenses, and the man does not turn up at the job, there should be some remedy for that employer.

The Minister for Works: There is.

Mr. THOMSON: Not in the Bill, but the employer may take action under the Police Act. If the man has nothing, what can be done with him?

Mr. Chesson: How would the position be improved if a clause governing the point was inserted in the Bill?

Mr. THOMSON: If a man offends against the rules and regulations of his union he is debarred from getting a job. When I was in Queensland I saw a statement in the "Brisbane Courier" to the effect that a member of the Meat Workers' Union had been fined £2 because he broke a rule of the union, and applied to the foreman for a job instead of to the union secretary.

Hon. G. Taylor: That was a rule of the union.

Mr. THOMSON: Yes.

Hon. G. Taylor: He should have obeyed it.

Mr. THOMSON: He broke the rule, and was compelled to pay the union a fine of £2.

Hon. G. Taylor: He should not have broken it.

Mr. THOMSON: No.

Mr. Panton: I suppose, if the truth were known, he helped to make the rule.

Mr. THOMSON: It does not say much for the liberty of the workers that they have to apply to the secretary of the union in order to get a job. A man may be a desirable employee from the point of view of the manager.

The Minister for Works: Will you not get back to the Bill?

Mr. THOMSON: From the point of view of the union, he may not be desirable.

Mr. Panton: Have you ever heard of a member of the employers' union being penalised? If not, I could give you quite a lot of instances.

Mr. THOMSON: The case I have referred to appeared in the public Press. If a man goes to the State Labour Bureau, or a private broker, and receives an advance for the payment of his fare and expenses, and if he spends that money without turning up at the job, he should be severely dealt with. If a man has nothing, the employer can do nothing against him, but there should be some provision in the Bill to deal with such cases.

Mr. Kenneally: Do you want him to be hanged?

Mr. THOMPSON: I do not suggest that, but the hon. member is at liberty to move for the insertion of such a clause in the Bill. I hope the Minister will show a certain amount of sweet reasonableness in dealing with this measure.

The Minister for Works: I have never been known to do otherwise.

Mr. THOMSON: Judged by the light of the past, the Minister must have changed. I have a vivid recollection of the time when we were not permitted to dot an "i" or cross a "t."

The Minister for Works: You are quite wrong there.

Mr. THOMSON: That is a matter of opinion. The Minister has not shown the sweet reasonableness we would like him to display. In the hope that it will be beneficial to those who are desirous of getting employment, I will support the second reading of the Bill, but I hope the Minister will put forward a schedule of what he considers to be a fair and reasonable charge to levy upon the employer. The penalties proposed are very drastic. We will accept the statement that the Minister is sincere in his desire to amend the Act and not to abolish private brokers. I have, however, my doubts about the sincerity of the Minister on that point.

HON. G. TAYLOR (Mt. Margaret) [5.10]: We welcome an amendment of the Employment Brokers Act. Only one principle of note is involved in the Bill. I am satisfied that the employer should pay the fee. No doubt a lot of hardship has been

inflicted upon applicants for work. There are also instances where the employer has not been too successful in his dealings with employment brokers' offices. Very often a broker could interrogate an applicant concerning his qualifications for the position, but does not always go to that trouble. Very often, too, a person who is sent to an employer at a distance, is found not equal to the calling for which he has been engaged. On the other hand, an employee may be sent to an employer with whom it is exceedingly difficult for that person to get on. There is no use disguising that fact. These are details that can be worked out in Committee, and need not be discussed on the second reading. The Minister is asking for too much power in the case where he has the right to veto any charges that the brokers may impose upon the employer. I think the Minister was smiling when he said he was looking after the interests of the employers. There is no doubt he is trying to get too much power. This is an amending Bill and no principle, other than that to which I have referred, is involved. I am in favour of the employer paying the fee, and not the employee. I support the second reading of the Bill.

MR. SAMPSON (Swan) [5.12]: The work of employment brokers has always been subject to criticism. I question whether the principle of making the payment by the employer obligatory is a wise one. It seems strange, when one considers the principle involved in the measure, that those who want work should not pay, but that those who have work to give shall, in addition to paying the wages, also meet all the charges that may be prescribed or approved for the employment of the persons concerned. In every big city there is unemployment at certain times during the year. The best thing to do would be to adopt such measures as would encourage the employment of those who are in need of it. The unskilled worker is a particularly different proposition. The requirements of the country can never be faced with unskilled workers. We all know the strictures of the system with regard to the quota of apprentices allowed in different industries. It should be possible to exercise sufficient control over employment brokers in regard to the conduct of their business without the imposition, as it were, of a system which will prevent payment by the employees for securing a job. Those who desire to become employment

brokers and are of questionable character will not be allowed to run the business. That is very proper. The point is determined by the magistrate. If a person carrying on the business is one of probity and uprightness, he should be allowed to carry it on without the restriction imposed by a clause which prohibits the payment of fees by persons who are seeking work. I realise that from the Government's standpoint the provision of work for those desiring it is one of the most important problems to be faced. However, I am certain that the non-payment of fees by those seeking work is unwise. To ask that the whole cost of engagement should be borne by enterprising people who have work to offer is unreasonable.

Mr. Kenneally: There is a split in your party.

MR. SAMPSON: No. There is much in the Bill that is to be commended as regards control and discipline of persons carrying on the business of employment brokers, but it should be possible to secure that regulation without the introduction of a principle which denies to those carrying on the business of employment brokers the right to levy a reasonable charge—a charge, moreover, which could be determined by Parliament—for services rendered.

Mr. Kenneally: You would make a man pay for the right to work.

MR. SAMPSON: Yes, so that he may bear some part of the cost of carrying on the business of registry offices. Would the hon. member suggest that the employer should pay not only the prescribed wage but the fees necessary for the organising of employment brokers' offices and carrying on the work of placing labour?

Mr. Kenneally: The employer wants the work performed.

MR. SAMPSON: Yes, and he should be encouraged to employ as many workers as possible. The difficulty is not to find workers, but to find employment for those desiring work. Therefore anything that tends towards the employment of greater numbers should certainly be encouraged.

Mr. Kenneally: And you would take more money out of their pockets for the right to get work.

MR. SAMPSON: Anyone who requires anything has generally to pay something for it. The fees, as I have said, could be determined by Parliament. That is a reasonable way of looking at the matter.

Hon. G. Taylor: Parliament has other things to do besides fixing such fees.

Mr. SAMPSON: The Bill will make it mandatory on those desirous of employing men to pay the whole cost of engagement. This may not be a serious matter, but the principle is not right, and represents an innovation, so far as my knowledge goes, with regard to any Parliament in the world. I shall support the second reading; but I hope that the principle of throwing the whole of the responsibility of carrying on these businesses, which exist to assist workers to obtain employment, will be varied by the Minister when the relative clause is reached in Committee.

MR. BROWN (Pingelly) [5.20]: In my opinion the Bill is long overdue. In engaging men through registry offices I have had many unsatisfactory experiences. I fail to see, however, how the measure will overcome the difficulties that exist, seeing that it is impossible for the employer to find out exactly what are the qualifications of a man applying for work. Frequently an applicant tells the registry office keeper that he is capable of doing certain work, but he proves utterly incapable on the job. I have had experiences of that sort. Men sent to me from registry offices with apparently good qualifications have turned out absolute duds. When stuck for men I tried to teach those who were sent to me, but I found that when they had been taught a little they left. Recently I went to a registry office to engage a man, and was told there that they had available a splendid man, a man much above the average. I set him to work, and he proved a complete dud. While I was at the registry office a telephone message came from some private house, to the effect that a woman was wanted to do a day's washing. I heard the registry office keeper say, "I have in the room here at present a splendid woman, a Scotswoman, an absolutely honest woman, trustworthy to the extent that you could leave your money on the dresser and be sure that it would be there on your return. I can thoroughly recommend her. Shall I send her down to you?" Evidently she was requested to send the woman along. After hanging up the receiver she turned to the woman waiting for the work and said, "There is some cleaning to be done as well as washing. It is supposed to be only a

day's work, but you take my advice and wangle it a bit and make two days of it." On another occasion I went to the Government Labour Bureau for a man. About a hundred were there, but not one of them would go into the country at £2 per week and found. They simply remained waiting around the bureau. The manager told me that there was not one of those men whom he could honestly recommend. I must say the manager was frank in that instance. A registry office will sometimes send forward any sort of man, simply to make a little money out of his engagement. It seems absolutely wrong that the employer should be asked to bear the expense of engaging a man who turns out a complete dud. What guarantee has the employer that an applicant is fit for the work he is engaged to do? I fail to see how the keepers of registry offices can know the qualifications of applicants. In Australia men are not required to have credentials, and in any case the credentials desired by the farmer are proof of capability in actual work. A farmer need only put a man at work for a brief period in order to know whether the man is capable of doing it.

Hon. W. D. Johnson: But, of course, there are farmers who would not know, farmers not capable of judging.

Mr. BROWN: Possibly, but there are not many of them. The farmer has to pay the money.

Hon. W. D. Johnson: The case you suggest is the exception.

Mr. BROWN: No. Any farmer who has engaged men will bear me out in my statement that registry offices send dozens of duds into the country, men without any knowledge whatever of the work they are engaged to do.

Hon. W. D. Johnson: I know there are farmers who do not know good men when they get them.

Mr. BROWN: There are not many Australian farmers who do not know whether a man is doing a man's work and understands his job. Most of our farmers have had a lifetime's experience and are reasonable men. I have put up with absolutely incompetent but willing men when I have been stuck. Very often such men do not know when they have done a day's work. Suppose one gives an incompetent man a team of horses and tells him to do a day's work. With a 4-furrow plough and a team of horses during a day in the field such a man

will plough a couple of acres, as against perhaps five acres done by a competent man.

Hon. W. D. Johnson: How many plough four furrows with six horses?

Mr. BROWN: Any number. Sometimes five horses are used.

Mr. Thomson: The hon. member must be used to sandplain.

Mr. BROWN: If the land is heavy, six horses, or even more, are required.

Hon. W. D. Johnson: My suggestion is that you need eight.

Mr. BROWN: Possibly, but in a 4-furrow plough we use six horses. In fact, year after year I have used only five. I should like to know how the Minister proposes to overcome the difficulties I have indicated with regard to private registry offices. If all engaging is to be done through a Government bureau, the same difficulties will crop up again. A man goes to the manager of the Government bureau and says, "I am a capable farm hand." Of course he has no credentials, but credentials are not looked for in Australia. The man goes out to the job and proves absolutely incapable. How will the Bill prevent that? The employer is to be called upon to pay all expenses even if the man remains only for a day or two. I can come to no other conclusion than that the system of employment brokers is loose, and should be tightened up. How the Bill is to achieve that I do not know. To a certain extent I agree with the measure, believing it will do some good; but the clause which calls upon the employer to bear all the expenses of engaging when the man remains only a day or two should be altered, and I hope the Minister will accept an amendment.

MR. DAVY (West Perth) [5.28]: Certainly the Minister either has modified his views since 1925 or has bowed to the inevitable, because this is a very different measure from that then introduced.

The Minister for Works: Some of the papers accuse me of being milk-and-watery.

Mr. DAVY: Rather a good way of putting it. In my opinion it is a pity that the Minister will not disclose the strength of his drink when he first offers it to us.

The Minister for Works: I would sooner have whisky with milk, than water with milk.

Mr. DAVY: I do not quite follow you.

The Minister for Works: I have been accused of being milk-and-watery.

Mr. DAVY: The Minister might have saved us from having the Bill before us again if he had been prepared in 1925 to listen to what we naturally called the voice of reason. He has given way now, after two years; and I suggest that he who gives way quickly gives way twice. The Bill contains 19 clauses, and to 16 of them I can take no objection whatever; but ever since I have been in this House the Minister has had a habit of concealing the real sting of a Bill in a few innocent-looking provisions. Of the 19 clauses in this measure three contain partly-disguised stings. The first principle which the Minister seeks to import into the law controlling employment brokers is that the Court shall be entitled to refuse to a thoroughly suitable person an employment broker's license for any reason which the court deems sufficient, or—another entirely vague power—because in the court's opinion the requirements of the district do not justify the establishment of an employment broker's office. It has always seemed to me that if we are going to give the licensing authorities power, practically at their discretion, to refuse licenses for any reason, we will find it very difficult to draw the line. We license quite a number of occupations. What justification is there for refusing a license to a suitable person? We do it in respect of hotels for reasons entirely different from any that could be advanced in relation to any other form of license. But if the court is going to hold an inquiry as to whether the requirements of a district justify another employment broker's license, I cannot see why we should not have a court to decide how many grocers' shops there should be in the district, or how many butchers' shops, or how many lawyers or doctors or other persons who hold out offers to the public to render certain services. The introduction of that principle into the Bill is to me most objectionable. The next clause containing a sting is that directing that the whole of the payment made to an employment broker shall be made by the employer. I confess that from one angle there might be something to be said for that. But the attitude I cannot get over is why a person who goes to an employment broker and asks that broker to secure work for him, should get that service for nothing. I find that question extremely difficult to answer. The Minister, of course, says it is immoral

for anybody to pay anything for a job. I cannot see the immorality. I can see no distinction between a man paying for one kind of service or another, if the service is rendered. If I were out of a job and unable to secure one by going to the allegedly free State Labour Bureau, I should certainly go elsewhere; and if somebody else could get for me what I wanted, I cannot imagine myself feeling aggrieved at having to pay a reasonable sum for it. If it is immoral for a man to pay an employment broker for securing him a job, how is it not immoral for a man to have to pay the annual fees of a union before he can get a job? What is the distinction? If a man must join the A.W.U. before he secures a certain class of job from the Government, why is that not immoral, if it be immoral that he should have to pay an employment broker for a job? I submit it is a great deal more immoral to compel a man to finance an organisation of whose methods and actions he may not approve than for him to pay somebody for a service he thinks that person has rendered. The next objection I have to the Bill is the proposal of the Minister to establish himself an authority to fix charges. Efforts have been made to insert similar provisions in other Bills. When the Dried Fruits Bill was before the House it was proposed that the Minister should be in a position to check the charges of the Dried Fruits Board. To me the principle that a Minister, however competent in the duties he is supposed to perform, is to regard himself as competent to fix fees charged for services rendered, is apparently bad. I should never agree to the Minister having that power. As a matter of fact I do not think he very much wants it, for he indicated to the House the other day that if there were any objection to it he would not press it. Finally, there are one or two small items in another clause of the Bill giving inspectorial powers of inquiry. That might well be modified. But the other 16 clauses are purely machinery clauses representing a distinct improvement, and in order to get those 16 clauses I am prepared to vote for the second reading, hoping to be able when in Committee to amend some of the vicious principles embedded in the other provisions.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 4:

Mr. THOMSON: It is here provided that if in the opinion of the clerk the premises in respect of which application for registration is made are not suitable, he may refer the application to the court. Will the Minister tell us why the clerk should be given such power in respect of the unsuitability of an office? It is very drastic power to give to any clerk of courts.

The MINISTER FOR WORKS: All the power the clerk will have is to refer the application to the court. The usual thing is for the police to make an inspection, and under this, if the clerk considers the premises unsuitable, he may refuse to register the premises, and refer the application to the court.

Mr. Thomson: It means unnecessary delay.

The MINISTER FOR WORKS: Delay perhaps, but not unnecessary. For some years I was on a licensing court. In those days we frequently had applications for the registration of little back rooms entirely unsuitable as employment brokers' offices. However, in those days we had no power to refuse an application on such a ground.

Mr. SAMPSON: This provision will give opportunity for harassing and irritating applicants for registration. It might be argued that even the State Labour Bureau is not all it should be, that the area is insufficient and the accommodation also insufficient. If it were not a Government bureau, its application might be referred by the clerk to the court, and the question there considered whether the business should be permitted to continue. I do not understand why we should have special legislation for employment brokers. Of course, all such places should be up to the requirements of the Health Department, but why should employment brokers be specially selected and brought under an irritating and harassing provision? It is conceivable that a clerk of court, deciding that the premises of an employment broker

were unsuitable, might throw upon that broker such added expense in the renting of other premises as to force him out of business. I see no justification for this provision.

Clause put and a division taken with the following result:—

| | | | | |
|--------------|-----|----|----|----|
| Ayes | .. | .. | .. | 24 |
| Noes | ... | .. | .. | 18 |
| | | | | — |
| Majority for | .. | .. | 6 | |
| | | | | — |

AYES.

| | |
|-------------------|-------------------|
| Mr. Chesson | Mr. Marshall |
| Mr. Collier | Mr. McCallum |
| Mr. Corboy | Mr. Millington |
| Mr. Coverley | Mr. Munie |
| Mr. Cunningham | Mr. Pantou |
| Mr. Heron | Mr. Rowe |
| Miss Holman | Mr. Sleeman |
| Mr. W. D. Johnson | Mr. Troy |
| Mr. Kenneally | Mr. A. Wansbrough |
| Mr. Kennedy | Mr. Willcock |
| Mr. Lambert | Mr. Withers |
| Mr. Lamond | Mr. Wilson |

(Teller.)

NOES.

| | |
|--------------|----------------------|
| Mr. Angelo | Sir James Mitchell |
| Mr. Barnard | Mr. Richardson |
| Mr. Brown | Mr. Sampson |
| Mr. Davy | Mr. J. H. Smith |
| Mr. Ferguson | Mr. Stubbs |
| Mr. Latham | Mr. Taylor |
| Mr. Lindsay | Mr. Thomson |
| Mr. Maley | Mr. C. P. Wansbrough |
| Mr. Mann | Mr. North |

(Teller.)

PAIR.

| AYE. | No. |
|----------------|--------------|
| Mr. Clydesdale | Mr. Teesdale |

Clause thus passed.

Progress reported until a later stage of the sitting.

BILL—CONSTITUTION ACT AMENDMENT.

Third Reading.

THE PREMIER (Hon. P. Collier—Boulder) [5.47]: I move—

That the Bill be now read a third time.

MR. THOMSON (Katanning) [5.48]: I do not suppose that anything I may have to say will make any difference to the division, now that the Government have their majority present. At the same time, I think it is playing with the rules of this House

that the Government should have postponed the Committee consideration of another Bill to a later stage of the sitting to permit of the third reading of the Constitution Act Amendment Bill being taken at the present time. Then as soon as that division has been recorded, members on the Government side of the House will again withdraw from the Chamber. I have never heard of such a procedure during the whole time I have been in this House.

Mr. Wilson: You have not been here very long.

Mr. THOMSON: More than a year or two.

The Minister for Lands: On a point of order, is the hon. member in order in criticising the rules of the House? The rules permit the course that has been followed and if the hon. member desires to take exception to what has been done, he must do so by way of motion.

Mr. SPEAKER: The hon. member may not criticise the conduct of the House. If he wishes to take that action, he must do so by way of a special motion.

Mr. THOMSON: I am objecting to the third reading of the Bill being taken in this manner.

The Premier: You are not; you are criticising the conduct of the House.

Mr. THOMSON: We were discussing another Bill in Committee and we had the amazing spectacle of that discussion being stopped and progress being reported to permit of the third reading of the Constitution Act Amendment Bill being put through.

Hon. G. Taylor: It is a most important Bill.

Mr. THOMSON: That may be, but we are playing with the rules of the House. I intend to oppose the third reading.

Question put.

Mr. SPEAKER: As an absolute majority of the House is required to pass the third reading of this Bill, and there having been "Noes" called as well as "Ayes," I direct that the division bells be rung, so that I may ascertain whether or not there is an absolute majority present.

Division taken with the following result:—

| | | | | |
|--------------|----|----|----|----|
| Ayes | .. | .. | .. | 26 |
| Noes | .. | .. | .. | 18 |
| | | | | — |
| Majority for | .. | 8 | | |
| | | | | — |

AYRS.

Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Coverley
Mr. Cunningham
Mr. Heron
Miss Holman
Mr. W. D. Johnson
Mr. Kenneally
Mr. Kennedy
Mr. Lambert
Mr. Lamond

Mr. Lutey
Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munroe
Mr. Panton
Mr. Rowe
Mr. Sleeman
Mr. Troy
Mr. A. Wanebrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOSS.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Davy
Mr. Ferguson
Mr. Latham
Mr. Lindsay
Mr. Maley
Mr. Mann

Sir James Mitchell
Mr. Richardson
Mr. Sampson
Mr. J. H. Smith
Mr. Stubbs
Mr. Taylor
Mr. Thomson
Mr. C. P. Wanebrough
Mr. North

(Teller.)

Mr. SPEAKER: I declare the question carried by an absolute majority.

Question thus passed.

Bill read a third time and transmitted to the Council.

BILL—TRAFFIC ACT AMENDMENT.

Received from the Council, and on motion by Mr. Davy, read a first time.

BILL—EMPLOYMENT BROKERS' ACT AMENDMENT.

In Committee.

Resumed from an earlier stage of the sitting.

Clauses 4 to 7—agreed to.

Clause 7—Amendment of Section 9:

Mr. DAVY: I move an amendment—

That in lines 6 to 8 the words "or that the reasonable requirements of the district do not warrant the granting of the license" be struck out.

The words provide the court with power to refuse to grant a license on the ground that the reasonable requirements of a district do not warrant the granting of it. I can understand that the inclusion of the provision will be acceptable to existing employment brokers just as the ire of existing publicans would be raised if it were suggested that there should be an open field for people in

the liquor trade. The clause as it stands will tend towards a monopoly for the employment brokers already in business, and I cannot see that it should be the business of Parliament or any other authority to regard as proper the reduction of competition and the granting of a monopoly in any particular class of business. I suggest to the Minister that the principle of giving courts power to restrict the number participating in any particular trade or profession should be regarded with the greatest possible suspicion.

Mr. SAMPSON: The clause as it stands will kill competition, although competition should be of advantage to the public, tending to improve the services rendered. If people desirous of embarking upon this particular form of business were allowed to do so, that very fact would prove a corrective to those already in business.

The MINISTER FOR WORKS: If employment broking were the same as an ordinary business, I would agree with the member for West Perth, but I do not think for one moment it could be classed as such. Employment brokers are handling human lives.

Mr. Mann: You have a good deal of what you are asking for in Clause 3.

The MINISTER FOR WORKS: That is so.

Mr. Mann: Well, why repeat it?

The MINISTER FOR WORKS: Because Clause 7 will provide the courts with wider powers. Members in both the Assembly and the Legislative Council agreed that there should be better control and that tightening up of the employment brokers' business was necessary.

Hon. Sir James Mitchell: But this clause will not help.

The MINISTER FOR WORKS: Yes, it will. If the requirements of a district are already met, and there is no necessity for an additional registry office, the application of the powers outlined in the clause will certainly make for better control. If there is sufficient business for the brokers already operating, control will be easier than if there are permitted a greater number of brokers who have to struggle for a living. Instead of the arguments of the member for Swan, that more competition would lead to better service being rendered, being correct, the real position will be entirely the reverse, with the result that brokers will stoop to illegitimate business. That is the curse of employment broking at present. I have given instances

before of complaints that were made by the police. The member for Swan, when he was Colonial Secretary, received the complaints.

Mr. Sampson: They were prior to my term of office.

The MINISTER FOR WORKS: If employment brokers have to scratch for themselves, illegitimate operations are undertaken.

Hon. Sir James Mitchell: But what can be done in that direction?

Mr. Davy: The same thing might be said of every other class of business.

The MINISTER FOR WORKS: Not at all. What harm can be done if a man sells hats or jam that can compare with the harm that may be done by employment brokers who are dealing with human beings?

Mr. Sampson: But these people are doing a service to the community.

The MINISTER FOR WORKS: In conducting illegitimate business? I contend that, instead of competition in this business being of benefit to the public, it will tend towards undesirable activities.

Hon. Sir James Mitchell: But the magistrate is not obliged to grant licenses.

The MINISTER FOR WORKS: When we were dealing with the Act the member for West Perth argued with me that, once a license had been granted, there was an implied right to a renewal.

Mr. Davy: No, an expressed right.

The MINISTER FOR WORKS: No, an implied right, and that is the view taken by the bench when, at the end of the year, the renewal of a license is regarded as merely a formality. I think it is wrong, but that course was adopted because it was the law. I wish to grant powers that are as wide as possible. I do not ask for the powers for myself; that is what seems to be regarded by some hon. members as the nigger in the woodpile! These matters will be dealt with by the police magistrates, who are not likely to refuse licenses if there is legitimate business to be done. I have had opportunities, not enjoyed by most members, to know what goes on in connection with the employment bureaus. I desire the best control that can be obtained.

Hon. Sir James Mitchell: You do not want them at all.

The MINISTER FOR WORKS: I am frank when I say that I tried to get my way but found I could not. Now I want to get the best procurable. I disavow any idea of forcing State control. I would not attempt to

do it under the Bill, for it would be dishonest to do so. Now I am seeking to obtain what is outlined in the Bill, although I consider this is a class of business that should not be run for profit. It should be controlled by the State apart from any question of money. It should be one of rendering service to people who cannot afford to pay.

Hon. Sir James Mitchell: But why should the State do it?

The MINISTER FOR WORKS: I realise we could not expect these people to do the work without fee or reward. I want the magistrates to have power to say whether or not they should grant a license, and I do not desire the court to regard licenses as matters that have to be granted formally. In this way we will have far better control and those concerned will not have the excuse that enables them to say they are forced to do things that they would not otherwise stoop to, because they have to get a living in the face of keen competition. The clause merely seeks to secure more clean and wholesome business in registry offices than obtains now.

Mr. THOMSON: I am sorry the Minister will not accept the amendment. He said that members agreed as to the necessity for tightening up this business, and I agree we were prepared to support him in that direction. On the other hand, we do not ask the powers outline in Clause 7 in respect of any other class of business.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMSON: Why should the Government be concerned if a man of good repute applied for a license? Surely the conditions and penalties are severe enough! The number of butchers, bakers or grocers that may engage in business in a particular centre is not restricted. What would it cost if the whole of the employment business were conducted by the State? Many districts are without police or other public officials and it might be advantageous for the district to have an employment broker. The Minister said that this class of business deals with the lives of men and women, but it is purely voluntary on the part of a worker to go to an employment broker. A worker should not be compelled to contribute to the funds of a union before obtaining employment.

The CHAIRMAN: That has nothing to do with the clause.

Mr. THOMSON: If a man is of good character and complies with the law, he should be entitled to receive a license.

Mr. DAVY: The whole history of monopolies is that they tend to create abuse. Yet the Minister is trying to convince us that abuse will be stopped by monopoly. It is an exaggeration to say that employment brokers deal with men's lives, but if the Minister's argument is sound that employment brokers should be limited on that account, the case applies a fortiori to doctors and lawyers. When on the previous occasion I suggested compensation should be paid to people who were deprived of their businesses, the Minister argued that they had no security of tenure. Now that we are attacking the question from a different angle, he admits they have security of tenure. So they have, provided they are persons of good repute. The powers given to the magistrate are wide enough and, if the provisions of the Act are complied with, they should be sufficient.

[Mr. Panton took the Chair.]

Mr. SAMPSON: It is difficult to imagine any business that does not deal with human lives. When the question of taxis on the Perth-Fremantle-road was under discussion the Minister said, "Let them all come." He might well have claimed that human lives were at stake, and that to grant licenses to additional taxis might be dangerous, but he did not mention the human element. A thoughtful man might concentrate on the problem of unemployment and seek opportunities to bring unemployed in touch with work. Under the Bill an undesirable monopoly would be established. We know that there is a limitation upon output, and a limitation as to the number of apprentices who may be engaged; on the other hand there is no limitation as to the number of persons who may become doctors and nurses.

The CHAIRMAN: The hon. member should connect his remarks with the Bill.

The Minister for Works: We are not dealing with doctors or nurses.

Mr. SAMPSON: Doctors treat malignant growths. We have a malignant growth in our midst to-day, in the shape of unemployment. If we limit the number of employment brokers, we shall be doing something to make easy the further extension of this malignant growth of unemployment. A good employment broker will do much towards al-

leviating distress due to lack of work, for he will assist people to get work for his own sake. Nothing should be done to limit the number of those who take up this particular calling.

Mr. MANN: The Minister will never bring about a better state of affairs by limiting the number of licensed brokers. Would it be argued that the public would derive any benefit from reducing the number of pawnbrokers or house and land agents?

The CHAIRMAN: The hon. member must confine himself to the amendment.

Mr. MANN: I am doing so. The only legitimate reason for refusing a license would be that the applicant was of bad character. If a person is of good repute he can do no harm by carrying on the business of an employment broker. If it is not remunerative he will drop it. The clause will have the effect of giving a monopoly to the few, to the general disadvantage of unemployed persons. One of the leading Labour bureaus is that associated with the Pastoralists' Association. It is a well conducted organisation and charges no fee. Under the Bill it would be possible to refuse it a license.

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

| | | | | | |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 18 |
| Noes | .. | .. | .. | .. | 21 |

Majority against 3

AYES.

| | |
|--------------------|----------------------|
| Mr. Angelo | Mr. Mann |
| Mr. Barnard | Sir James Mitchell |
| Mr. Brown | Mr. Richardson |
| Mr. Davy | Mr. Sampson |
| Mr. Ferguson | Mr. J. H. Smith |
| Mr. Griffiths | Mr. Taylor |
| Mr. E. B. Johnston | Mr. Thomson |
| Mr. Latham | Mr. C. P. Wansbrough |
| Mr. Lindsay | Mr. North |

(Teller.)

NOES.

| | |
|-------------------|-------------------|
| Mr. Chesson | Mr. Marshall |
| Mr. Corboy | Mr. McCallum |
| Mr. Coverley | Mr. Millington |
| Mr. Cunsingham | Mr. Munsie |
| Mr. Heron | Mr. Rowe |
| Miss Holman | Mr. Troy |
| Mr. W. D. Johnson | Mr. A. Wansbrough |
| Mr. Kenneally | Mr. Willcock |
| Mr. Kennedy | Mr. Withers |
| Mr. Lambert | Mr. Wilson |
| Mr. Lutey | |

(Teller.)

PAIRS.

| AYES. | NOES. |
|-----------------|----------------|
| Mr. George | Mr. Sleeman |
| Mr. Teesdale | Mr. Lamond |
| Mr. J. M. Smith | Mr. Clydesdale |

Amendment thus negatived.

Mr. THOMSON: I move an amendment—

That all the words after "license" in line 8 down to the words "under this Act" in line 13 be struck out.

Under this clause the Minister would have power to say that in his opinion the premises occupied by a particular employment broker were not suitable for the carrying on of that particular business.

The Minister for Works: Do you suggest that I would direct the court in such a matter?

Mr. THOMSON: We know that magistrates may sometimes as a matter of policy endeavour to interpret the wishes of the Government.

The Minister for Works: That is a wrong thing to suggest. A man in your position ought not to say such a thing.

Mr. THOMSON: It is done in other directions. The Commissioner of Railways is appointed under a special Act, but unfortunately he and his department are, what may be termed, subsidiary to the policy of the Government.

The CHAIRMAN: Order! The hon. member must not discuss the position of the Commissioner of Railways under this clause, but must adhere to the amendment before the Chair.

Mr. THOMSON: But one may be permitted to draw comparisons.

The CHAIRMAN: The hon. member may not under this clause discuss the Commissioner of Railways and the Act under which he is appointed.

Mr. THOMSON: The Bill does not prescribe what are to be considered "suitable premises." An interpretation of "suitable premises" could be argued by the Committee. I view the clause from the country standpoint. In country towns there are land and estate and commission agents who also do some employment broking, and in this last respect especially, represent a great convenience to farmers 20 or 30 or 40 miles out who may suddenly need assistance by reason of a man leaving without notice. The Government might easily gazette regulations which would prevent country agents from engaging in the business. Moreover, the conditions under

which a license may be granted are severe enough without these words.

Mr. SAMPSON: To use a sporting metaphor, if a horse gets away from the barrier it is to be caught at the hurdles or in the ditch. Evidently the Minister has no love for employment brokers, and is determined to catch them somehow or other. In spite of the beneficial work of these brokers, remarkable distinctions are set up by the Government in regard to the carrying on of the business. Again, strict legislation regulating shops and factories already exists, providing fully for rigorous inspection and for the best conditions from a health aspect. Then there is the Health Department.

The Minister for Works: What has all this to do with the Bill?

Mr. SAMPSON: I wish to show that already a good deal of careful examination and inspection of structures is provided for. Why, then, should it be made impossible for an applicant for an employment broker's license to succeed in the event of his premises being deemed unsuitable under this measure? There is also the control exercised by local authorities. Why should there be an adverse distinction applying to employment brokers? I have the greatest respect for courts, but courts have been known to exercise their discretion very widely, and sometimes there has been a lack of discretion. Why should powers be transferred from the local authorities to the court? I hope the amendment will be carried.

The MINISTER FOR WORKS: The reasons advanced by the member for Katanning have no application to the Bill. The measure contains no provision for the framing of regulations as to what shall be considered suitable premises. It does provide that the police magistrate shall decide what premises are suitable and what premises are unsuitable.

Mr. Davy: That is objectionable.

The MINISTER FOR WORKS: The Bill could not provide for the framing of regulations by the Government. The mover of the amendment cannot have read the clause or he would not assert for a moment that it empowers the Government or the Minister to decide what are suitable premises. To cast reflections on the magistracy by saying that they would interpret the Gov-

ernment's policy in regard to premises is utterly unjustifiable. Has the hon. member no confidence in the courts?

Mr. Davy: We need not ask the courts to make laws for us.

The MINISTER FOR WORKS: The member for West Perth right through has argued against the policy of limitation.

Mr. Davy: Different courts would decide on entirely different principles.

The MINISTER FOR WORKS: What is wrong with that?

Mr. Marshall: Do we not find different lawyers giving different opinions?

The MINISTER FOR WORKS: If a Kalgoorlie magistrate decides that for certain reasons an applicant shall not have an employment broker's license on the gold-fields and if a Fremantle magistrate decides that those reasons are not sufficient for the refusal of a license in Fremantle, what is wrong with that? The provision is necessary for the people conducting the business. The member for West Perth does not know or understand what it is to seek a job.

Mr. Thomson: That does not affect the premises.

The MINISTER FOR WORKS: If that hon. member had had to do so, he would understand what the provision means to the man seeking employment.

Mr. Davy: How is that man affected by the premises, so long as they comply with the health by-laws?

The MINISTER FOR WORKS: When I was on the bench, several of these offices in Perth were approached down a long narrow corridor, at the end of which one found a tiny little room, in which the business was carried on. All the other rooms along the corridor were occupied by other businesses. The employment office advertised for men, women and girls; and there would be a flock of applicants. Other people in the building could not carry on their business because of the crowd in the passage, and so the whole place was in confusion. Then, although arrangements are made for the employers to meet the prospective employees at these places, there is nowhere to sit down and wait for an interview. There should be an anteroom in which such interviews could be held.

Mr. Mann: Are you arranging for one at the State Labour Bureau?

The MINISTER FOR WORKS: I think there are several such rooms there. If the bureau were carried on in some of the premises occupied by private brokers, there would be a general outcry. The other point is as to giving the court discretion.

Mr. Thomson: They have that under the existing Act.

The MINISTER FOR WORKS: No, the provision is quite different. Why should we not give the bench discretion in dealing with this business, which is entirely different from any other kind of business? When last we had the Bill before us all members agreed that there should be a tightening up of control; yet here to-night they are opposing every clause that makes for better control. If we were seeking additional powers for the Minister I could understand it; but the power sought is for the court.

Mr. Mann: Do you know of any other Act in which such powers are given to a magistrate?

The MINISTER FOR WORKS: Yes, this provision is taken almost word for word from the Traffic Act. Members opposite protest their willingness to give more effective control, but how can they accomplish that if not prepared to allow the court the jurisdiction provided in the Bill? I want effective control for the court in dealing with this business, which is a hateful business. That a man or a woman should have to pay money in order to get work seems to me repulsive. One member said that no Parliament had ever been asked to pass a law such as this. When last the Bill was before us I showed that in this respect the Parliament of Western Australia was behind all other Parliaments.

The CHAIRMAN: The Minister is getting away from the clause.

The MINISTER FOR WORKS. Last time I asked this Parliament to do what other Parliaments had already done. This time I am not asking nearly so much, notwithstanding which I cannot satisfy members. They say they favour more effective control; but still they object to every clause giving that control. We only ask that the court be given discretion. As it is, our magistrates have it in their discretion to send a man to gaol. It is in their discretion to say whether or not a man is guilty of the offence of which he is charged.

Mr. DAVY: Only on the evidence can they do that. The discretion the Bill proposes to give to the magis-

trates is not a discretion to be exercised on a given set of facts, but a discretion to make the laws of the land. It is proposed to give the magistrate discretion to decide what in his opinion are suitable premises. One magistrate sitting to-day and another sitting the next day may have entirely different ideas on the point. The Minister can produce no precedent from any legislation giving such wide discretion except, perhaps, the liquor Licensing Act. Yet he would give the court the power to take away the livelihood of the employment broker. There is not going to be discretion as to a finding on facts. Nothing will have to be alleged, but the magistrate for some reason of his own will be able to refuse the application. At the present time the two principal magistrates in Perth are merely acting, with no security of tenure. It is not as if this proposed discretion was proposed to be exercised by a judge of the Supreme Court; it will be exercised by any magistrate who happens to be on the bench. The Minister twits us with having agreed that some tightening up was necessary, and now objecting to what he puts before us. But surely we are entitled to some view as to whether he is tightening up in the proper way. In the Bill he has substituted a new clause defining, much more rigidly than before, certain offences. I will support that new clause. If the Minister can suggest any other malpractices that employment brokers indulge in, they can be made offences, and if he will add such offences to the Bill I shall support him, but I cannot agree that it is the proper thing to hand over to a magistrate a function that should be exercised by this House and another place. We should define the kind of premises in the Bill, and not leave it to the whim or the idiosyncrasies of a particular magistrate on the bench whose views may be very different from those of another magistrate.

Mr. MANN: Even in connection with the Licensing Bench we find that those gentlemen acquire a view of one district and try to give effect to that view in another district. In Derby a little while back the Licensing Bench wanted to know why in a certain hotel there were not hot baths. The reply they got was that it was difficult to get cold ones.

Mr. Thomson: They insisted on septic tanks being built in a place where there was no water supply.

Mr. MANN: If we get a magistrate on the bench possessing extreme views, we may get something of the same kind. We may get a magistrate who may desire a room to be furnished with a certain kind of suite or a carpet with a certain design. No appeal would lie and the magistrate would not be called upon to give a reason. He would simply say, "I refuse this because in my opinion it should not be granted."

Hon. G. Taylor: You never want to give a reason.

Mr. MANN: A magistrate should give reasons. If he is unable to do so, his judgment is not sound. I would have liked to hear the Minister criticise the clause from this side of the House. He would have done so very ably from our point of view.

Mr. THOMSON: The Minister asked whether we were afraid to trust the court. Our desire is to give the court a certain direction. Other Acts contain definitions that we ask should be inserted in this Bill. The Minister, however, prefers to leave it to the discretion of a magistrate to say what are suitable premises. It is not a matter of trusting the magistrate. The magistrate is placed on the bench to interpret the wishes of this House and to interpret the law. We should insert in the interpretation a definition of "licensed premises." In the Health Act there are all the required definitions and it is the same in the Factories and Shops Act. If the Minister was anxious to get his Bill through he should have set out the intentions of the Government, and declared on what conditions the magistrate should grant or refuse a license for premises. A magistrate might say, "I do not know what is the intention of Parliament regarding premises." Then he might write to the Crown Law Department and ask whether there was any indication in the course of the debate in Parliament as to what would be a proper type of premises that Parliament had in view. The Crown Law Department might ask the Works Department to provide something in the nature of a model set of by-laws for the guidance of magistrates. I appeal to the Minister to be reasonable and to accept the proposal to delete the clause.

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

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 18 |
| Noes | .. | .. | .. | 21 |

| | | |
|------------------|----|---|
| Majority against | .. | 3 |
|------------------|----|---|

AYES.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Davy
Mr. Ferguson
Mr. E. B. Johnston
Mr. Latham
Mr. Lindsay
Mr. Maley
Mr. Mann

Sir James Mitchell
Mr. Richardson
Mr. Sampson
Mr. J. H. Smith
Mr. Taylor
Mr. Thomson
Mr. C. P. Wansbrough
Mr. North

(Teller.)

NOES.

Mr. Chesson
Mr. Corboy
Mr. Coverley
Mr. Cunningham
Mr. Heron
Miss Holman
Mr. W. D. Johnson
Mr. Kenneally
Mr. Kennedy
Mr. Lambert
Mr. Lutey

Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munster
Mr. Rowe
Mr. Troy
Mr. A. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

PAIRS.

AYES.

Mr. J. M. Smith
Mr. Teesdale
Mr. George
Mr. Stubbs

NOES.

Mr. Clydesdale
Mr. Lamond
Mr. Sleeman
Mr. Collier

Amendment thus negatived.

Clause put and passed.

Clauses 8 to 11—agreed to.

Clause 12—Repeal of Section 15 and substitution of new section; List of charges to be posted, no fees to be exacted from employees:

Hon. Sir JAMES MITCHELL: I hope the Minister will agree to the deletion of the clause. The section sought to be repealed provides all that is necessary. The Minister will reply that the clause will give him an opportunity to supervise the fees to be charged by employment brokers.

Mr. Sampson: That is price fixing.

Hon. Sir JAMES MITCHELL: We should not give the Minister the power he seeks. If he wishes to abolish employment brokers he should ask us to do so straight out. By means of the clause the Minister will be able to dictate and exercise absolute control over them, saying whether they will be able to conduct their businesses or not. That is what it amounts to. If there were a weakness in the scale of charges regarding Government employment, it would be different, but there is no such weakness. A man cannot get a Government job unless he makes a payment not to the Government, but to a union. He must buy his union ticket, which represents a considerable sum to a man who is out of work. In that instance, it is not sug-

gested that the employer shall pay, but the man who wants a job must pay for the union ticket. Under the clause it is the employer who must pay, and not the employee. I would again remind the Minister that the registry offices do a considerable amount of work for the people in the country and it is essential that their businesses shall continue. Nothing is so necessary to many people at present as employment. In the preparation of Bills lately we are drifting into the habit of including extraordinary provisions such as the one under discussion. It is useless arguing with the Minister; he has made up his mind and he has an obedient following that will vote as a man.

Mr. Kenneally: Does that annoy you?

Hon. Sir JAMES MITCHELL: Yes, because every member should exercise his own judgment.

The CHAIRMAN: Order! I ask the hon. member to speak to the clause.

Hon. Sir JAMES MITCHELL: I ask the Committee to give serious thought to the results that will follow the passing of the clause. The Bill will not help employment, but may have the reverse effect.

Mr. Kenneally: You want to make the worker pay for employment.

Hon. Sir JAMES MITCHELL: The hon. member's organisation sees that a man cannot get work unless he pays for it by buying a union ticket. Payment to a union or to an employment broker is precisely the same to the man who wants work.

Mr. Kenneally: But you want the worker to pay twice.

Hon. Sir JAMES MITCHELL: I would be pleased to see everyone get work, and not be compelled to buy either a union ticket or pay for his position through an employment broker.

Mr. Kenneally: That is why the hon. member wants to compel him to pay for his employment now.

Hon. Sir JAMES MITCHELL: I have said nothing of the sort. I have no power to compel a man to pay for his employment, such as the hon. member, through his organisations, has been denying an individual the right to work unless he buys his union ticket.

The Minister for Works: That is absolutely wrong.

Hon. Sir JAMES MITCHELL: No, a truthful man told me that he could not get Government work unless he bought his union ticket.

The Minister for Works: I do not care who told you that; he was telling you an untruth.

The CHAIRMAN: Order; The clause has nothing to do with payments to unions.

Hon. Sir JAMES MITCHELL: I am anxious that the worker shall secure employment without having to pay for his job, either through the union or through an employment broker.

Mr. THOMSON: I cannot see any necessity for repealing Section 15 of the original Act unless it be that the Minister desires, under proposed Subsection (4) of the new Section 15, to have the right to disapprove of charges levied by employment brokers. Clause 12 is virtually the same as Section 15 of the Act. If one may judge by the numbers in the House, the clause will be carried, and so I do not propose to risk losing an amendment I propose to move. The Minister has told us we must trust the court. I am going to place him in the position of having to support my amendment, for I propose to move the deletion of Subclause 4, providing that the Minister may disapprove of the scale of payments chargeable by the employment broker and may require the scale to be amended, and the broker shall forthwith comply with the Minister's requisition. I could understand the Minister insisting upon that subclause if it affected the man seeking employment; but it does not affect him in any way. I move an amendment—

That Subclause 4 be struck out.

Mr. DAVY: If the Minister insists upon this provision remaining he will be able under it to wipe out the employment brokers just as if Parliament had passed an Act abolishing them; for he has only to insist upon the fees being altogether too high or too low and out the brokers must go. This provision will place the employment brokers entirely in the hands of the Minister. Moreover it will give him power to fix prices, to fix the fees to be charged. In my view the Minister, being neither an accountant nor a judge of business affairs, is not a competent authority to do this. I hope the subclause will be deleted.

Mr. ANGELO: I trust the Minister will accept the amendment. It has been suggested that he is trying to drive all this business into the State Labour Bureau. However, we have had his own assurance that all he wants is to clean up the employment

brokers' business. Still, the Minister must realise that this subclause puts very arbitrary power into the hands of the Minister. Of course, the Minister we know is quite satisfactory to us all, but another Minister may arise whose objective would be to drive all private employment brokers out of business. Under this provision he would be able to do that.

The MINISTER FOR WORKS: Two years ago when we had this Bill before us members opposite had something to say about the fees to be charged. I want to remind them just what they said on that point. The member for Katanning said—

If the Minister had introduced an amending Bill to prevent the recurrence of any abuses I would have felt more inclined to support him If any abuses have occurred and people have had to pay more than a fair thing, let the Government have the law amended and a fee prescribed Why do not the Government introduce a Bill stating that no employee shall have to pay any fees, and that if an employer desires to use a registry office for the purpose of obtaining an employee he alone shall pay the fee?

I asked him would he support that, and he said yes, it was a fair proposal to amend the Act in that direction. The member for Murray-Wellington said—

I cannot see why it is not possible to prescribe in the Bill a reasonable scale of fees for private agencies I should like the Government to permit the employment brokers to carry on their work on a scale of fees fixed by the Minister in such a way that evasion will be impossible.

The member for Claremont said—

Surely it is reasonable to suggest that rather than form a State concern, as we have done in other matters, we should regulate this particular industry, prescribe the fees to be charged, and the general conditions under which it should be run.

The member for Toodyay said—

If the private bureaux are charging too much, the matter should be looked into I agree with the member for Katanning that the Act should be so amended as to require the employer, not the employee, to pay the broker's fee.

The member for West Perth said—

The Minister said it was immoral that a person applying for work should have to pay for his job. Without discussing the morality of the position, that difficulty can be overcome by an amendment to the Employment Brokers Act, providing that any fee payable shall be paid by the employer only Any employer with commonsense would recognise that it was worth paying £1 or £2 to get a suitable employee. That would wipe out the whole

objection raised against private employment brokers.

Compare that with what he said to-night.

Mr. Davy: What did I say to-night?

The MINISTER FOR WORKS: That it was wrong to make the employer pay the whole of the fee, and that the employee on being rendered a service should pay a fee for it. Then the Leader of the Opposition moved an amendment to the clause. He said—

I do not understand why the Government want a monopoly when they themselves do the work for nothing and the other people make a charge.

He moved an amendment explaining that its object was that people who could be better served by agents than by the State bureau and who were willing to pay for the service should have the right to do so. The members for Wagin, for Gascoyne, and for Katanning supported that amendment.

Mr. Lindsay: We are now trying to meet you half way.

The MINISTER FOR WORKS: I am taking you at your own words, spoken in the House. You declared the employee should not be called upon to pay any fee. On the same point equally strong opinions were expressed in the Council. The only part of the clause to which I think exception can be taken is that providing for the fee chargeable to the employer to be fixed by the Minister. I thought that would be a safeguard against labour offices charging employers unreasonable fees. The member for Katanning may laugh, but that was the reason why it was inserted. The hon. member always looks for an ulterior motive. I try to be open with members, and the trouble is I am too candid. If I had any intention of using this power to close private labour exchanges, I would say so. In the past I have told members what was in my mind, and I have never gone back on any assurance I have given them.

Mr. Davy: You cannot assure us of what might be in the mind of your successor.

The MINISTER FOR WORKS: No. I am willing to provide that the fees be prescribed by regulation.

Mr. Angelo: That is an improvement.

The MINISTER FOR WORKS: I do not wish that the Minister should be set up as a Czar to fix fees from which there shall be no appeal. I suggest that further discussion of the subclause be postponed to en-

able me to have it redrafted on the lines have indicated.

The CHAIRMAN: Then the amendment must first be withdrawn.

Mr. THOMSON: I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR WORKS: move—

That the further consideration of Subclause 4 be postponed.

The CHAIRMAN: The Minister cannot move that.

Hon. Sir JAMES MITCHELL: Subclause 4 is the most objectionable part of the clause. It will be necessary to postpone the whole clause and then, when it comes up again for consideration, we can deal with the amendment to Subclause 4.

The MINISTER FOR WORKS: move—

That further consideration of Clause 12 be postponed.

Motion put and passed.

Clause 13—agreed to.

Clause 14—Insertion of new section after Section 22:

Mr. THOMSON: Under the proposed new Subsection 2, any licensed employment broker, who refuses or neglects to produce his license, shall be liable to a penalty of £20. If a man refused to produce his license the penalty might be justified, but if he merely neglected to produce it to the court when a case was being heard, the penalty would be too drastic.

Hon. Sir James Mitchell: The court would give him time to get it.

Mr. THOMSON: I move an amendment—

That the words "or neglects" be struck out.

Mr. SAMPSON: The amendment is reasonable. Under the clause there would be no alternative to the magistrate imposing a penalty if a man neglected to produce his license.

Amendment put and negatived.

Clause put and passed.

[Mr. Lambert took the Chair.]

Clause 15—Repeal of Section 25 and substitution of new section:

Hon. Sir JAMES MITCHELL: An employment broker who by fraud sends a man to a non-existent job should be punished,

but under the wording of the clause it would be easy for an employment broker to send a man to a job that, between the time of his getting the letter and sending the man, had been filled.

The Minister for Works: The clause says "knowingly" by any false statement or misrepresentation.

Hon. Sir JAMES MITCHELL: While a conviction would be unlikely, a prosecution might easily occur. I should like to see the clause altered to protect an innocent broker. I cannot understand a licensed broker being guilty of such conduct, nor can I understand his license being renewed if he were guilty. An employment broker is not in a happy position in that employers and men may make misrepresentations to him.

Mr. ANGELO: The proposed new subsection provides a penalty for any person who sends or delivers to an employment broker any written statement of fact which is false to the knowledge of that person. I suggest that the Minister agree to insert after "statement" the words "purporting to be one."

Mr. DAVY: The draftsman probably meant a written statement of fact as opposed to a written statement of law. There is no ambiguity about the words employed. The words, as they are, mean exactly what the hon. member desires, so that an amendment is unnecessary.

Mr. ANGELO: As we have had the opinion of our legal authority on this side of the House, I will not move an amendment.

Mr. DAVY: I see no reason why there should be a distinction between the punishment meted out to the employment broker who makes a false statement and the person who makes a false statement to the employment broker. I suggest that the penalty should be the same in the case of the employer as in the case of the broker. I therefore move an amendment—

That in Subclause 2 the words "twenty-five" be struck out, and "fifty" inserted in lieu.

Amendment put and passed.

Question put and passed.

Mr. DAVY: I move a further amendment—

That the following words be added:—"or to imprisonment with or without hard labour not exceeding six months."

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

Clause 16—Insertion of new section after Section 29:

Mr. ANGELO: An inspector is to be permitted to enter an employment broker's office and take copies of his correspondence. In some offices letters are received which deal with the business of previous employees. In the case of the pastoralists' bureau, letters deal with matters that should not be made public. In order to safeguard the position, I move an amendment—

That in proposed Section 25a, after the word "therein" in line 20, the following be inserted:—"If an inspector in the discharge of these duties shall disclose to any person any private matter that may be contained in any correspondence so examined, and which matter does not affect the engagement of any employee he shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding £25."

I have been asked to move this amendment by a bureau that it will protect, as well as numbers of persons who employ a great many men through the instrumentality of this bureau.

The MINISTER FOR WORKS: Factory inspectors are sworn to secrecy when appointed to their position. They have to inspect many books and documents belonging to the public. This amendment would mean that they might be brought before the court, and if convicted they would lose their jobs.

Hon. Sir James Mitchell: Quite right, too.

The MINISTER FOR WORKS: Yes. The amendment would only emphasise the oath of secrecy they take when appointed to the position. There cannot be any serious objection to it. If an inspector breaks his bond he is not fit for his post.

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

Clauses 17 to 19—agreed to.

Progress reported.

ADJOURNMENT—ROYAL SHOW.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [9.45]: I move—

That the House at its rising adjourn until Tuesday, the 11th October.

House adjourned at 9.46 p.m.