

Mr. SPEAKER: If the member for Pingelly referred to the member for Fremantle as an agitator and exception is taken to it, I ask for a withdrawal of that statement.

Mr. HICKMOTT: Certainly I will withdraw. I did not intend to hurt the hon. member's feelings and do not desire to cause any bad feeling between other members and myself. I am sorry that I made that statement. I am not going to detain the House at this early hour of the morning by making a speech. I had intended to make references to several other matters. I support the second reading of the Bill. Regarding the price of wheat, we have not agitated for it. We are simply taking what is offered for a commodity which is grown by us, and the better the price the producer can get for his product, the better it must be for the general community. The producers do not hoard their money. They circulate it freely, and the more money that is circulated, the better it must be for both the producer and the consumer. We want to pull together and work more harmoniously instead of fighting each other all the time. We should work together for the benefit of each other and for the State as a whole.

Question put and passed.

Bill read a second time.

## BILLS (2) RETURNED.

- 1, Licensing Act Amendment Continuance.
- 2, Sale of Liquor Regulation Act Continuance.

Without amendment.

House adjourned at 12.55 a.m. (Thursday).

## Legislative Council,

Thursday, 2nd December, 1920.

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

## QUESTION—MARLING SCHOOL.

Hon. H. STEWART asked the Minister for Education: With regard to the school at Marling, near Williams, 1, How long is it since the schoolmistress, Mrs. Woldridge, tendered her resignation? 2, Is he aware that the school has been closed for about six weeks owing to arrangements not having been made for another teacher? 3, Could the matter not have been more effectively dealt with?

The MINISTER FOR EDUCATION replied: 1, A letter was received on 16th October, tendering resignation from 31st October. 2, The late teacher had her own trap, and drove a distance of  $4\frac{1}{2}$  miles to school each day. She was at once asked about accommodation for a successor. She stated that a teacher could get accommodation  $4\frac{1}{2}$  miles from the school, but said nothing about conveyance. A letter was then sent to the family with which it was proposed that the teacher should live, asking if she could be driven in. A reminder has been sent, but no answer has been received to either letter. Consequently the school has remained closed for nearly five weeks. 3, It is impossible for the Department to send a teacher to a home  $4\frac{1}{2}$  miles from the school unless arrangements can be made for her to drive to the school. If letters remain unanswered for a month, it is impossible to make the necessary arrangements here.

## BILL—EARLY CLOSING ACT AMENDMENT.

Leave to introduce.

Hon. A. LOVEKIN (Metropolitan) [4.35]: I move—

That leave be given to introduce a Bill for "an Act to amend the Early Closing Act, 1902, and for other relative purposes."

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

Ayes	..	..	..	11
Noes	..	..	..	10

Majority for .. 1

## AVES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. Duffell
Hon. J. Mills	(Teller.)

## NOES.

Hon. R. G. Ardagh	Hon. A. H. Panton
Hon. C. F. Baxter	Hon. A. J. H. Saw
Hon. H. P. Colebatch	Hon. H. Stewart
Hon. J. E. Dodd	Hon. J. Cornell
Hon. E. H. Harris	(Teller.)
Hon. T. Moore	

Question thus passed.

Bill introduced and read a first time

## BILL—INNKEEPERS.

Read a third time and passed.

## BILL—FACTORIES AND SHOPS.

Order of the day read for the consideration of the Bill in Committee.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.38]: Before you leave the Chair, Mr. President, I would like your permission to read to the House a letter which I have received on the subject of the Factories and Shops Bill from the Western Australian Employers' Federation.

The PRESIDENT: The hon. member may proceed.

The MINISTER FOR EDUCATION: The letter reads—

Dear Sir, From the report in this morning's "West Australian" of the discussion in the Legislative Council last night on the above Bill the public may be led to believe that the employers, members of this federation, are responsible for the opposition presented to the passage of this Bill in the Upper House. I am directed by the president, Mr. A. J. McNeil, to state that since he appeared before the select committee, and then conveyed the views of the employers on the Bill in its then form, neither the federation nor any member of its council has in any way sought to either oppose the passage of the Bill, or to influence the matter in any way whatever. I am to request you that you will be good enough at the earliest convenient opportunity to make this point quite clear. Yours faithfully, (sgd) F. S. Andrews, Secretary.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—Short title and commencement:

Hon. A. LOVEKIN: I move an amendment—

That the words "Factories and" in line 1 be struck out.

I am taking this course to enable me to make an appeal to the Minister and to hon. members to see whether a compromise cannot be effected in view of the state of the House in regard to the Bill. As the Bill has been brought down at such a late hour of the session, and as there are so many amendments to be moved, I am going to suggest that the Government should drop the whole of that part of the Bill up to Part VIII., which deals with factories. Then, before next session begins, the whole measure could be considered by those interested, and hon. members like Mr. Dodd, representing labour interests, and others, might confer with the view of making the factories portion of the Bill worthy of the legislature. The Bill could be brought in in the early days of the

session, when we have little to do, and when the fullest consideration could be given to it.

The MINISTER FOR EDUCATION: I am sorry that I cannot see my way to fall in with the hon. member's suggestion. As I pointed out yesterday to do so would be to refuse to consider any amendments to the Factories Act which was passed in 1904 and which has not since been interfered with. It is entirely wrong for members to suggest, as some have done, that this Bill has been drafted purely in the interests of the employees. The select committee approved by the Assembly devoted days and days to the hearing of evidence on behalf of the employers. Many sections of employers have waited on me with regard to the Bill, and when the President of the Employers' Federation was before the select committee, the select committee so far strained the usual procedure as to allow him to have counsel in order that the various questions might be thoroughly discussed. The amendments made by the select committee were in accordance with the views expressed by the employers. I fail to see any reason why we should not now proceed to consider the Bill.

Hon. A. SANDERSON: Can the Minister tell me whether in any other of the Australian States the Factories and Early Closing measures are combined in one Act?

The Minister for Education: Yes, in two States.

Hon. A. SANDERSON: In how many States do two people constitute a factory?

The Minister for Education: In three States. I gave all that information before.

Hon. A. SANDERSON: From what I have heard, the representatives of small shopkeepers do not appear to have had an opportunity to put their case before the select committee.

The Minister for Education: They did, but they did not avail themselves of it.

Hon. A. SANDERSON: It is rather significant that they were not organised before they saw this Bill, and it is rather unlikely that they as a class had an opportunity to put their case before the select committee. I am informed that only one representative gave evidence and that he was qualified to speak only on his own behalf.

Hon. A. LOVEKIN: The Minister has read a letter from Mr. McNeil, who represents Millar's.

The Minister for Education: No, from the secretary of the Employers' Federation.

Hon. A. LOVEKIN: The gentlemen who compose that federation are engaged in a big way of business. A few extra clerks to keep books would not make much difference to Millar's, but the smaller factories will be heavily penalised by this measure, and it is the smaller factories which I wish to protect. Therefore I suggested that the Minister should deal with only the vital question of the abolition of the late shop-

ping night in this Bill and give us the recess in which to arrange a Bill which would meet the wishes of members generally.

Hon. Sir E. H. WITTENOOM: I regret that I cannot support Mr. Lovekin. Having arrived at this stage, we should consider the Bill in Committee and make the best we can of it. We have shown very strongly our disapproval of the manner in which the Bill has been sent to us, and have detailed many of the provisions with which we do not agree. A majority of the House has been against us, and there is now nothing to do but to proceed with the Bill and do our best with it. Regarding the letter from the Employers' Federation, it simply says that the Employers' Federation dissociate themselves from the action taken. It does not say that they were not in accord with the views of those who took the action.

Hon. J. CORNELL: I am pleased to hear the remarks which have fallen from Sir Edward Wittenoom. He, at least, is amenable to reason and has shown a fair sense of justice. The hon. member who is leading the charge has shown neither of these qualities.

The CHAIRMAN: The hon. member must not impute motives.

Hon. A. Lovekin: I do not mind.

Hon. J. CORNELL: His action can only be characterised as subterfuge and can only be construed as an indication that he is not prepared to give any consideration whatsoever to our factories legislation. We should consider the Bill now and if it is not acceptable, we can vote it out. Mr. Lovekin, who has risen as a leader of thought and of men—

The Hon. Minister: A heaven-sent genius.

Hon. J. CORNELL: If he aspires to lead the assault not from behind but from the front, he will have to mend his ways and employ better tactics. His sole asset so far has been his obstinacy. The only honest course we can take is to consider the Bill. I shall not vote to kill the Bill with another stone differing only in variety from that which failed to succeed on the former occasion.

Hon. H. STEWART: Mr. Lovekin said the question of the abolition of the late shopping night was the important question of the Bill. The hon. member is not considering the State as a whole. If the portion of the measure which satisfies him applied only to the metropolitan area it would be a different question. Some members do not wish that outside portions of the State should be made to conform with conditions regarding which they have not been consulted, simply for the sake of passing a short and convenient measure.

Amendment put and negatived.

Hon. A. SANDERSON: This Bill will give enormous power to the Minister and to the department. Why cannot we stipulate

when the measure shall be brought into operation instead of leaving it to proclamation? We could stipulate three, six, or twelve months. It would be extraordinary to hand over the control of these important matters to the Minister and to the inspectors.

The MINISTER FOR EDUCATION: The clause is the usual one; most of our Bills are brought into operation by proclamation. The clause is necessary because, after the passing of the measure, it cannot be brought into operation until the machinery is ready. There is power to exempt any portion of the State from the operations of the Bill for any particular time, and the Minister would undoubtedly exempt some portions until the people had an opportunity to decide on which day they would observe the half-holiday. I have no objection to the insertion of the date, but it might cause difficulty and complication.

Hon. A. SANDERSON: If we accept the suggestion that it will depend upon the Minister as to the portions of the State in which the measure will operate, it will not matter very much what we put in the Bill. I can hardly expect the Minister to see the point because he has to slog the Bill through Committee as best he can. To hand over these things to the Government would be—well, look at the mess they have got this country into, and I for one am not prepared to continue to pass Bills handing more power over to the Government.

Hon. R. J. LYNN: They would not have had the Bill but for you.

Hon. A. SANDERSON: I am prepared to justify my action. I realise that I am not going to get very much support from the Minister or from the other side, but that will place me in a very strong position. I am considering this Bill impartially and I am anxious to see that the people outside get a fair deal. The Minister and his successors are to decide which portions of the country shall be exempted from the operation of the measure. That being so, what is the use of passing the Bill? What is the use of debating any clause if we know that the Minister can suspend its operation irrespective of what we may desire? I hope the Committee will take it out of the power of any Minister to suspend the operation of the measure.

Hon. J. J. HOLMES: In order to test the feeling of the Committee, I move an amendment—

That the words "a date to be fixed by proclamation" be struck out, and "the first day of July, 1921" inserted in lieu.

Everything is being done by proclamation now. I am not at all concerned about what the present Minister may do, but we know the country districts are against Friday night 6 o'clock closing. Assume that next session another Ministry is in power, a Ministry representing the Country party; then the Bill might never come into force at all, unless we fix a date for its commencement. A Coun-

try party Government might never issue the necessary proclamation.

Hon. Sir E. H. WITTENOOM: I regret exceedingly the tone which is being introduced into the debate. Hon. members should bear in mind that any Government would have a sense of responsibility. This clause is a usual clause, appearing in nearly all Bills. Moreover, it is distinctly advantageous that the Government should have power to make the Bill apply to different parts of the State at different times. We should not be so mandatory on any Government as to pin them down to every detail. If we cannot trust them to administer legislation in a discretionary manner, they are not fit to be in power. The clause might well be left as it is.

Hon. J. DUFFELL: I cannot support Mr. Holmes's amendment. If we can get the Bill through in an amended form, I should like to see it come into operation on the 1st January, 1921.

Hon. J. J. Holmes: Insert the 1st January, 1921, then.

Hon. J. DUFFELL: But by the time we have finished with this Bill we shall be pretty close up to the 1st January, 1921. How long would it take the Government department concerned to provide the necessary machinery for putting the measure into operation? In the absence of that knowledge, I cannot suggest a date. However, we ought to fix a date instead of leaving that matter to be done by proclamation. The Federal Parliament has passed various Acts to come into operation by proclamation, and some of them have not yet been proclaimed. Let hon. members call to mind the delay in bringing the Navigation Act into operation.

THE MINISTER FOR EDUCATION: I have no hesitation whatever in giving the House my assurance that if the Bill is passed it will be brought into operation as quickly as possible. However, consideration must be had for all interests. The operation of the Bill in the metropolitan area need not be delayed because of any necessity for delaying the operation of portions of it in other parts of the State. I can only regard Mr. Holmes's amendment as designed to make the Bill impossible, because logically it means that all portions of the Bill shall apply all over the State at the time mentioned.

Hon. A. SANDERSON: I hope Mr. Holmes will press his amendment to a division. We have to consider the convenience not only of Ministers and shop assistants, but also of small shopkeepers who regard themselves as affected or threatened by this Bill. Those small shopkeepers have a right to reasonable and specific notice.

Hon. J. Duffell: They will be all right by the time we have finished with the Bill.

Hon. A. SANDERSON: In that case, what is the objection to inserting a date? Surely the Minister can find out in half an hour from his well organised department how long it will take, once the Bill is through, to have everything ready for the

measure to be brought into operation. It would not be an exaggeration to say that a great deal of our trouble in this country is due to our having handed over so much discretionary power to Ministers. Let the small shopkeepers have 12 months' notice, or let the Bill come into operation on the 1st July, 1921.

Hon. H. STEWART: Probably when the Bill is through Committee we shall know what will be its effect, and the small shopkeepers will know, and the people in the country districts will know. No one knows as yet what the vital features of the measure will be. If the Minister would give an assurance that in the event of the Bill passing in something like its present form, and conditions in regard to shops being reversed by the Bill, he will stay his hand in regard to country districts, one would be more inclined to support him.

The Minister for Education: I have given that assurance twice.

Hon. H. STEWART: I am very pleased to have it again. There has been so much indefiniteness in regard to certain clauses, that to have a definite assurance from the Minister is perhaps helpful. At any rate we should be quite in order in considering this matter again after the Bill has been carried.

Hon. J. J. HOLMES: All the assurances by a Minister in respect of an Act of Parliament count for nothing. Ministers are here to-day and gone to-morrow. The courts must take the Act as it stands, and not the assurance of the Minister. The Act relating to factories was assented to on the 16th January, 1904, and it came into operation, not under proclamation by the Minister, but as fixed in the Act, on the 1st July, 1904. Surely in the interests of the community the Committee might say what should or should not be done. We are entitled to say when the Act shall come into force. It will take at least three months for people in the North to learn that the Bill has been passed. So, too, if a proclamation issues, those people will know nothing of it until three months later.

Hon. Sir E. H. WITTENOOM: Whilst recognising that there is a great deal in the contention that the date should be fixed, it appears to me it would be a most difficult matter to administer the Bill on a fixed date. I question whether it could be done.

Hon. J. CORNELL: When the ordinary procedure is departed from there must be some special reasons for the innovation. I am not prepared to offer an opinion as to whether the Bill should come into operation by proclamation on assent, or at a given date; for the reason that we are not in a position to know how the Bill will finally leave the Committee. The proper stage at which to determine whether or not the ordinary procedure shall be departed from is when the Committee has finally disposed of the other clauses of the Bill.

Hon. J. NICHOLSON: The mover of the amendment said that people in far back country districts might be unaware of the passing of the Bill until they got the announcement of the proclamation. The objection might be met by providing that the Bill shall not come into operation until, say, three months after the date of proclamation. It is only fair that such a Bill should not come into operation until people have had due notice of it. I would support such an amendment as I suggest, but I cannot support an amendment fixing a definite date. With so many details to arrange, the Government simply could not bring the Bill into operation until some time after it had been assented to.

Hon. A. J. H. SAW: Knowing nothing whatever about factories and very little about shops, I propose to listen carefully to the arguments adduced and then use what common sense God has given me. I am met by a difficulty on this first amendment. Mr. Duffell, a commercial authority, would like certain portions of the Bill brought into operation on the 1st January. Mr. Sanderson, an authority on almost all matters, would like the Bill brought into operation in about 12 months time.

Hon. A. Sanderson: Nothing of the sort.

Hon. A. J. H. SAW: Then Mr. Holmes would like it brought into operation on the 1st July. The only surprise is that Mr. Holmes should be prepared to see it come into operation on any date at all.

Hon. A. SANDERSON: We are voting on a matter of principle. If Mr. Cornell, or any other member wishes to postpone the discussion on this important principle until we have finished with the remainder of the Bill, I will agree. The insertion of the 1st July does not mean anything, except that it shows the Government we are not going to continue the system of government by regulation. That is the issue. We had from the Minister just now a flat contradiction that he had used the words "Parliamentary authority." By chance I am able to refer him to "Hansard" of the 19th September, 1916. This is what the Minister said on that occasion—

The intention of the present Government in regard to finance, is to restore full Parliamentary authority in dealing with the State's finances.

The Minister for Education: I did not deny having said that. That is not what you accused me of saying.

The CHAIRMAN: We are not discussing finance.

Hon. A. SANDERSON: No, but we are discussing the question of whether we shall hand over to the Minister the control of the country by proclamation. We desire to restore the full authority of Parliament. If the present discussion is postponed, we shall have to tackle it later. It is of the utmost importance. We shall scarcely find in the Bill any clause of greater importance than this. The division will be on the

question of whether we are going to vote for the benefit of the people as to when the Bill shall come into operation, or leave it to the Minister to proclaim it.

Hon. Sir E. L. WITTENOOM: Is the Minister for Education going to administer this Bill when it goes through?

The MINISTER FOR EDUCATION: The Minister for Public Health administers the existing legislation under the Factories Act and the Early Closing Act. He and the Minister for Education happen to be the same person at present. Whoever is Minister for Public Health will administer the Bill.

Hon. A. LOVEKIN: The first question we have to decide is whether these words shall stand as part of the clause or not. Mr. Holmes will, in the event of the words being struck out, move that some other words be inserted. The Minister has suggested that Mr. Holmes had in view by his amendment the possibility of jeopardising the whole Bill. We should give one another credit for the best of intentions in all our actions. Hon. members usually put before the House their proposals because they believe them to be in the best interests of the country. I strongly object to members being charged with having taken a course through some unworthy motive. When the Minister for Education follows that line of conduct, I am justified in drawing attention to it.

The MINISTER FOR EDUCATION: I said that the hon. member's argument, followed to its logical conclusion, would take away from the Minister all discretion, and that would mean that the Bill would apply to the whole State.

Hon. V. HAMERSLEY: That could not apply to the 1904 Act.

The MINISTER FOR EDUCATION: To take away that discretion from the Minister would undoubtedly prejudice the Bill in the minds of many people who would otherwise support it.

Hon. J. J. HOLMES: There is an important principle at stake throughout the Bill, namely that of leaving everything to the Minister to perform by proclamation. I am not concerned about the date, but I do object to government by regulation or proclamation. If the Bill, when we have finished with it, does not suit the Minister, unless we fix the date when it shall be proclaimed, it will never be proclaimed. It is the principle I am attacking and not the question of date.

Hon. J. E. DODD: I suggest to Mr. Holmes that the proper place to argue this question is at the end of the Bill, after we have decided what the Bill shall be. Parts of the present Act of 1904 are brought into operation by proclamation, and I cannot see how this Bill can be brought into operation other than by that means.

Hon. A. LOVEKIN: Immediately we have passed this clause, we are bound by it, unless further consideration of it is post-

poned. This is the first opportunity we have had of testing the principle of proclamation. I intend to support the amendment to strike out certain words, but I am not inclined to agree to the words that it is proposed to insert afterwards.

**THE MINISTER FOR EDUCATION:** I draw the attention of Mr. Holmes to the fact that under the Factories Act, 1904, and the Early Closing Act, 1902, the position has obtained all through that the Minister may proclaim the North-West as coming under the provisions of those Acts. No Minister, however, has thought of doing that, because discretionary power has been given in the matter.

**Hon. Sir E. H. Wittenoom:** And wisely too.

**THE MINISTER FOR EDUCATION:** It would be competent for the Minister to-morrow to proclaim that these two Acts shall come into operation in the North-West. I am not aware that the discretionary power enjoyed by the Minister under those Acts is in any way extended by this Bill.

**Hon. A. SANDERSON:** The reason why we are asked to leave this to the Minister is that the Government are frightened by the Bill and do not know how it will work. They want the Bill passed through and to be able to administer it as they like. Had the Bill been thoroughly considered in every aspect, there would have been no difficulty about the date being put in. Mr. Dodd suggests that we should postpone the discussion on this clause. We are going to be so exhausted and confused before we have finished with the Bill that it is highly probable we will not desire to go back to this clause. If we once decide that the Minister is going to proclaim the provisions of this Bill, and put it into operation in different parts of the country as he thinks fit, the part that I shall play in the subsequent discussion will be very small. It is not worth while discussing a Bill the administration of which is to be handed to the Minister in this way. We should definitely decide as to the principle at once. Not one reason has been advanced against the amendment except that we should postpone the discussion, and that it has always been done before. It is most exhausting at this stage to deal with such a complicated Bill as the one before us, and pay attention to the different interests covered by the measure, enabling us to turn out a creditable bit of work in the end. I make no apologies whatever for detaining members at some length on this question, because to me and possibly to many people outside who may be desirous of establishing a factory it is essential to know not only what the intentions of the Government are, but the effect of the departmental administration as well. There has been no reason whatever put forward in support of the suggestions of the Minister. It may be convenient to Ministers to have slovenly legislation put through. It throws everything over to them and vests so much more control

in them. If the affairs of the country were in a satisfactory state, it would not be so bad, but the fact is that we are getting more and more into the mire.

**Hon. J. Cornell:** We will rid ourselves of ourselves if we go on.

**Hon. A. SANDERSON:** That is very probable. The indignation of the public at finding that we were handing over more power and discretion under the Bill would be unbounded. The public would adopt the attitude that if we had not sufficient intelligence to endeavour to find out the position regarding many aspects of the measure and to decide accordingly, we would not be satisfying those who sent us here. Without putting up a strenuous fight I could not go back to my electors and say, "I have handed over the question to those incompetent Ministers." I am not prepared to do that and, as to postponing the discussion, if Mr. Dodd will guarantee that we can get a discussion and a decision on this question, I am prepared to agree to the postponement. There is no possible chance, however, of going back on our tracks if we postpone this clause. The Minister knows that very well. The fact of the matter is that the present Government are being run by the Labour party and the Country party, and the Minister's followers are there getting hints on this point from the past master who the Minister so severely chastised when that hon. gentleman was sitting on the Treasury benches with Mr. Drew. The Minister has stated that the measure may be proclaimed but that the date cannot be fixed. Why cannot we take the responsibility of fixing a date? Unless we do that, we may just as well go away.

**Hon. J. J. HOLMES:** I have no desire to detain the Committee at this stage but it is due to me to explain that the leader of the House, unintentionally of course, misrepresented me when he referred to my remarks that the people in the North-West would wake up one day only to find out that the Bill had been passed without their knowing it had been introduced. I merely made that statement for the purpose of illustration. I said that the issue was : government by Parliament or government by proclamation. The Minister did not speak about that principle at all, but side-tracked the argument on to the North-West point. The point is whether we, as legislators, shall decide what is to go into the Bill or leave it for the Minister to do by way of proclamation. The Minister stated that he could apply the existing legislation to the whole of the State to-morrow, and he has not done so. Is that the position, that he can apply it to the whole State from Wyndham to Eucla? Can he do that merely by proclamation? Is it a matter entirely in the hands of the Minister?

**The Minister for Education:** That is the position.

**Hon. J. J. HOLMES:** Then it is wrong. The Minister says that the power was given 16 years ago. We will assume that 16 years ago we had statesmen running this country.

What is the position to-day? We have politicians in charge. The difference between statesmen and politicians is that when some difficulty crops up, the statesman says, "How will this affect the State?" What does the politician say? He looks at the difficulty and says, "How will this affect me and my party?" It is to such Ministers that we are to leave the power and authority over the matters under review! It does not matter to me what happened 16 years ago. The octopus which is spreading out its tentacles to control capital and labour did not exist in those days. The men in 1904 did not see any "nigger in the fence." He is here to-day and he is supporting the Minister. That is the position now. Mr. Baglin is supporting the Minister in this Chamber and we know of one occasion—

The CHAIRMAN: We are not discussing Mr. Baglin.

Hon. J. J. HOLMES: I am illustrating my point that in 1904 the system was very different. We had statesmen controlling the country who did not care one iota for outside influences. I was not there in those days and if I had been, I would probably not have seen the "nigger in the fence." I can see the "nigger" to-day, and if the Committee are wise, they will fix the date and not leave it to the Minister to do it by proclamation. The Legislature should decide what shall be in the Bill and when it shall come into force. If we do not do so but leave the Minister to fix the date by proclamation, the date may never be fixed at all and the Bill may become a dead letter.

Hon. J. NICHOLSON: I intend to move that the consideration of this clause be postponed until after we have dealt with Clause 157.

Hon. A. Sanderson: For what reason?

Hon. J. NICHOLSON: It will enable us to decide exactly the form in which this clause shall be passed by the Committee. We will know by then what the provisions of the Bill are to be, and we may possibly secure an amendment which will even appeal to the leader of the House. I move—

That consideration of the clause be postponed.

Motion put and passed.

Clauses 2, 3—agreed to.

Clause 4—Interpretation:

The MINISTER FOR EDUCATION: Although the motion which has just been carried regarding Clause 1 did not appeal to me, because I hold the same views as those expressed by Mr. Dodd, I think the Committee might very well consider the interpretation clause, when we have dealt with the rest of the Bill. It is obvious that the clause depends largely on the rest of the clauses which are passed, and, in the circumstances, I am agreeable to the clause being postponed until after consideration of postponed Clause 1. I move—

That consideration of Clause 4 be postponed until after consideration of postponed Clause 1.

Hon. A. LOVEKIN: I suggest to the Minister that he does not insist upon the postponement of the clause. It is desirable, whatever may be the case with other Bills, that we should deal with the Interpretation clause before proceeding with the rest of the Bill, because many words are used throughout the measure and it is essential that we should know what meanings to attach to those words. As an instance, I would cite the word "owner," in Clause 22.

The CHAIRMAN: The hon. member cannot refer to that clause.

Hon. A. LOVEKIN: I merely mentioned that clause by way of illustration. If we postpone Clause 4 and deal with the rest of the Bill, when we pass Clause 22, we shall innocently agree to the inclusion of the word "owner" under the impression that it bears the ordinary meaning. In point of fact, the word "owner" is given a special meaning for the purpose of the Bill, and into the meaning of the word "owner" is imported reference to rack rents. There is also a special meaning given to the words "rack rent," which has to be read in conjunction with the definition of the word "owner." I consider that we should deal with the clause before we proceed further.

Hon. Sir E. H. WITTENOOM: I am sorry that I cannot fall in with the wishes of the Minister. It will be seen that the interpretation to be placed on the word "factory" provides that it covers a place where two or more persons are engaged.

The CHAIRMAN: The hon. member cannot refer to the clause but only discuss it generally.

The Minister for Education: I am quite willing to go on with the clause if members so desire.

Motion put and negatived.

Hon. J. DUFFELL: I move an amendment—

That in the definition of "employed" the words "whether for pay or not" be struck out.

If the clause is allowed to stand as it is, all that a person need do will be to step inside where work is going on, and he can then be claimed to be a part of that concern. If we strike out the words we shall understand where we are.

The MINISTER FOR EDUCATION: I do not know whether it would matter very much if the words were struck out, but what, I ask, is the hon. member's objection to them? The words make it quite clear that the number of persons is the number actually engaged, whether as wages men, proprietors, or part proprietors.

Hon. Sir E. H. WITTENOOM: We may as well be guided by the leader of the House, who says that it does not matter whether

the words are retained or not. Therefore let us strike them out.

Hon. F. A. BAGLIN: It is important that the words should remain in the definition. One of the things that guided the select committee in connection with the framing of the definition was the existence of Chinese factories. One Chinese proprietor had quite a number of employees, but those employees were in the factory as partners, and were not paid wages. That is to say, they were not paid wages in the true sense of the word.

Hon. A. LOVEKIN: Does the hon. member suggest that two persons as partners could work an establishment under this clause? If the definition is required to prevent what he suggests in connection with a Chinese factory he should say so, but it would be wrong to prevent two people working as partners.

The Minister for Education: We are not stopping anybody.

Hon. H. STEWART: Mr. Baglin did not make it clear how those words were necessary and what evil would arise if they were deleted. He might explain just what the trouble is.

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

Ayes .. .. .	10
Noes .. .. .	11

Majority against	1
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#### AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. R. J. Lynn
Hon. J. Mills	(Teller.)
Hon. E. Rose	

#### NOES.

Hon. F. A. Baglin	Hon. T. Moore
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. E. H. Harris
Hon. C. McKenzie	(Teller.)

Amendment thus negatived.

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "employed" after the word "not" in line 2, the words "other than the work of preparing buildings, plant or machinery" be inserted.

We know that in factories and workshops the work of repairing machinery takes place after the operatives go away.

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

Hon. A. LOVEKIN: The amendment will not meet the case. An employed or engaged person includes the occupier as well as the employee, and it might be necessary for the name of even the owner of the factory to be posted and notified to the

inspector. If the occupier engaged in building his plant after hours, should he be subject to all the penalties provided in the Bill?

The MINISTER FOR EDUCATION: I do not think that Mr. Lovekin quite appreciates the point. If in subsequent clauses there are restrictions which are considered to be undesirable or unnecessary, those clauses should be amended, but there must be a clear definition of what is meant by a person employed or engaged. The subsequent paragraph makes it plain that persons employed in the work of building shall not constitute a factory, and I am sure it is not intended that any person making additions or repairs should be regarded as being engaged or employed in the factory. The amendment will make clear the intention of the measure.

Hon. A. Lovekin: The owner of the factory should not be considered to be one of the employees.

The MINISTER FOR EDUCATION: But the hon. member is discussing something which follows the proposed amendment, and which can be dealt with when the particular clause is reached.

Hon. J. CORNELL: There is little or no need for the amendment. An outside engineering firm would probably do the work described, and the employees of that firm would not be the employees of the occupier or owner of the factory. Ninety per cent. of the repairs would be done by engineering firms at fixed prices. The amendment might accomplish this much: that where the occupier of a factory keeps a tradesman to effect repairs, such tradesman would not be prevented from doing the work outside of the stipulated hours. We should not unnecessarily load up the clause.

Hon. J. NICHOLSON: Mr. Cornell is wrong in saying that most of this work is carried out by contract. It is quite a common practice for repairs and adjustments to be made to machinery after the ordinary work of the day is finished. Therefore, I wish to eliminate from the definition of employed or engaged, men who may be doing such repairs or adjustments. Unless the exception is inserted, any man engaged in the factory after hours would be responsible under the measure.

Hon. J. CORNELL: The amendment would exclude the employees of outside firms, but it may lead to an abuse which the definition as printed would prevent. Employers should not be permitted to run machinery so long as it will hang together, and then take advantage of prohibited hours in which to effect repairs. To stop a machine during working hours means dead loss to the employer, and if this safeguard is provided, the employer may effect all repairs after hours.

Hon. J. NICHOLSON: I do not think that the amendment would have the result which Mr. Cornell suggests. If a break-

down occurs during the afternoon, it may be necessary for men to work long after the closing hour in order to get the repairs effected for work on the following day. Under the definition as printed, men employed to effect the repairs would be employed "in work of any kind." The object of the amendment is to obviate undue stoppages.

Hon. J. CORNELL: If the amendment is made to exclude any employee of the occupier of the factory, it would meet the case.

Hon. J. Nicholson: I am agreeable to that.

Hon. A. SANDERSON: It is very difficult to follow this matter without having the amendment before us. Surely we could have such amendments—which are moved without notice—typed and handed round among the Committee. I do not find in this Bill what we always have in other Bills, namely, references to the corresponding Acts in other States. The conditions in South Australia, say, are practically on all fours with the conditions here. Why cannot we be assisted by having references to the South Australian Act given, which would enable us to compare the various interpretations?

The CHAIRMAN: An hon. member moving an amendment which has not been placed on the Notice Paper will greatly facilitate matters if he has his amendment typed in triplicate, one copy for the Chairman, one copy for the hon. member himself, and one for the Minister in charge of the Bill.

Hon. A. SANDERSON: The references to which I allude would assist us materially in coming to sound conclusions.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in the definition of "employed" or "engaged" the words "and includes in its application occupier and employee," after the word "machinery," be struck out.

The word "machinery" has just been inserted.

Hon. Sir E. H. WITTENOOM: If the words proposed to be struck out are retained, two people would constitute a factory. A little further on the clause provides that "factory" means any place, building, or premises in which any two persons are engaged. Thus, if I am doing a little carpentry in an outhouse and someone is helping me, we are a factory, and shall have to make all the hundredfold returns required under this measure. Let us try to make this Bill as good an Act as we can, and for this purpose I solicit the assistance of members like Mr. Pantou and those associated with him. It will always have to be borne in mind by all of us that there are two sides to every question.

The MINISTER FOR EDUCATION: I cannot accept the amendment. It is necessary to be able to determine exactly the num-

ber of persons constituting a factory. If hon. members object to two persons constituting a factory, that is good ground for moving that the number should be more than two. If the words proposed to be deleted are struck out, the occupier would be excluded from the term "engaged." Then half-a-dozen people in one place could be all owners or proprietors, and the place would not be a factory.

Hon. Sir E. H. WITTENOOM: That would be an evasion.

The MINISTER FOR EDUCATION: Yes, and a very simple evasion. There might be half-a-dozen, or even 20, persons in partnership, and all of them might be occupiers and owners; and then the place in which they worked would not be a factory.

Hon. Sir E. H. WITTENOOM: Such an evasion would never be sustained.

The MINISTER FOR EDUCATION: Indeed it would not be an evasion; it would be a carrying out of the letter and the spirit of the measure. We must have a clear definition of the term "engaged." A man may be a proprietor and not take any part in the business, and then he is not engaged in it. But if he is so engaged, he should be counted in the number, whether the number is two, or six, or 20.

Hon. A. LOVEKIN: I think the clause requiring returns of numbers engaged provides that the occupier shall not be included.

The Minister for Education: We do not want to drag him in unnecessarily.

Hon. A. LOVEKIN: Then it is not necessary to include him here.

The Minister for Education: Yes, it is.

Amendment put and negatived.

Hon. J. DUFFELL: In the definition of "employee" I wish to delete the words "whether" and "or not."

The CHAIRMAN: The hon. member should move the striking out of "whether" first.

Hon. J. DUFFELL: I move an amendment—

That in the definition of "employee" the word "whether," in line 3, be struck out.

If "whether" is struck out and the words "or not" are also struck out, then this part of the definition will read, "any person who works in a factory for wages."

The MINISTER FOR EDUCATION: The same issue has already been decided on a previous amendment.

Hon. J. Duffell: No, nothing of the kind. In this case I am leaving in the words "for wages," and that makes it a different thing altogether.

The MINISTER FOR EDUCATION: Perhaps the matter is clear to the hon. member, but to my mind it seems that the amendment previously decided implies that the words "whether for wages or not" should be retained in this definition. The idea is that all persons employed, whether there as co-partners or anything else, are engaged on the premises.

Hon. J. DUFFELL: I shall at the proper time move to have Clause 4 recommitted, in order that the previous definition may be amended

as I think it should be. I do not intend to let the present definition pass as printed if I can help it. The amendment I have moved makes a great difference in the interpretation. No doubt the leader of the House knows very well what is at the back of this matter.

Hon. A. H. PANTON: I am not satisfied with the word "wages." I should prefer the word "pay" because a considerable amount of piece work is done in factories in the metropolitan area, and the man or girl on piece work is ruled to be not on wages. Under the amendment if carried, all those engaged on piece work or contract will not be employed in a factory, because they are not on wages.

Hon. J. DUFFELL: I will agree to have piece work included.

Amendment put and negatived.

Hon. J. CORNELL: I move an amendment—

That in line 3 "wages" be struck out and "pay" inserted in lieu.

This will bring it into line with the definition of "employed" or "engaged."

Amendment put and passed.

Hon. J. CORNELL: I move an amendment—

That the following be added to the end of the clause—"But does not include any contractor or employee of a contractor engaged in the work of repairing any building, plant or machinery."

That is consistent with the exemption granted in the definition of "employed" or "engaged." To be fair, we cannot say that the employee of an engineering firm which has contracted to effect certain repairs can legitimately be called the employee of the owner or occupier.

Amendment put and passed.

Hon. J. DUFFELL: I move an amendment—

That in the definition of "factory," Subclause (1) be struck out and the following inserted in lieu:—"(1.) Any building, premises, or place, in connection with which six or more persons, including the occupier, are engaged in working directly or indirectly at any handiwork, or in preparing, working at, or manufacturing articles for or in connection with any trade or for sale, and including any laundry."

The MINISTER FOR EDUCATION: I submit it is not the simplest way of achieving the result desired by the hon. member. For instance, it is quite superfluous to say "including the occupier," because in the previous paragraph the occupier is included amongst those engaged. Also it is a pity to strike out a necessary provision in regard to buildings in course of erection. The hon. member would arrive at what he wants if he struck out "two" and substituted "six." The present position in the several States and in New Zealand in regard to the number of persons constituting a factory is as follows:—Western Australia six, Victoria four, New South Wales four, New Zealand two, Queensland two, and South Australia two. That is to say, three of those places are confined to two, two of them are confined to four, and Western Australia alone has six.

I will support the retention of "two," and if that is deleted I will support "four."

Hon. A. LOVEKIN: The Minister spoke of unnecessary words. The amendment is an exact copy of Subclause (1) of the definition of factories in the Act of 1904.

The Minister for Education: But in that Act there is no definition of "engaged." In the Bill "engaged" is defined as including the occupier.

Hon. J. DUFFELL: I accept the suggestion made by the Minister. I will withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. DUFFELL: I move an amendment—

That in line 1 of Subclause 1 "two" be struck out and "six" inserted in lieu.

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

Ayes ...	...	...	9
Noes ...	...	...	10

Majority against 1

#### AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. Mills
Hon. J. Nicholson	(Teller.)

#### NOES.

Hon. F. A. Baglin	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. R. G. Ardagh
Hon. E. H. Harris	(Teller.)
Hon. C. McKenzie	

#### PAIRS.

For: Hon. E. Rose. Against: Hon. C. F. Baxter.

Amendment thus negatived.

Hon. J. DUFFELL: I should like to move that the word "two" be struck out with a view to inserting another word.

The CHAIRMAN: The hon. member cannot do that. The Committee have already decided to retain the figure two.

Hon. H. STEWART: I had given notice to strike out the word "two" and insert the word "four."

The CHAIRMAN: The Committee have decided to leave in the word "two." The hon. member can only effect an alteration on recommendation.

Hon. A. LOVEKIN: In the definition of "factory" and in the second part of subparagraph (1) I should like to move an amendment with regard to the number of persons engaged not exceeding four.

The CHAIRMAN: The hon. member cannot move a direct negative.

Hon. A. LOVEKIN: The Committee have decided that "in any building premises, etc., in which two or more persons are engaged" shall stand, but the amendment I propose comes in after the words "but does not include any building in course of erection, etc."

The CHAIRMAN: I cannot accept the amendment.

Hon. A. SANDERSON: What does sub-paragraph (2) with regard to Chinese or other Asiatic race mean? If we have allowed these people to come here we must treat them reasonably. I was pained by Mr. Panton's reference to them the other night. The fact that they are objectionable to the rest of the people of this country may be a good reason for expelling them, but so long as they remain here we should not load them up like this. In this Bill we are picking them out for special treatment. It may be that the Medical Department have done so on the score of health, or it may be on the score of education that they have been singled out.

The MINISTER FOR EDUCATION: The sub-paragraph referred to is an exact copy of the existing Act, which has been the law for the past 16 years. Clause 25 of the Bill does prejudice the Chinese as compared with the existing law, but I will deal with that later. In this particular the Chinese are not prejudiced to the same extent as under the existing law, for the number of Europeans who shall constitute a factory has been reduced, whereas in the case of the Chinese it has remained the same right through.

Hon. A. H. PANTON: I am just as willing to give justice to the Chinese as anyone else, provided they abide by the laws of the country. It is almost impossible to administer a factory in which there are Chinese. We should not force a European to close at a certain hour and allow Chinese to remain open all night. Most of the Chinese in factories are engaged in furniture-making and laundry work. In the case of the latter there are usually from one to three Chinese engaged. The inspector may make a visit of inspection at 11 o'clock at night, and find Chinese working there although the European laundry close by has been closed. When he asks why a Chinaman is still working there he is told that he is only a cousin of the man who was working during the day. The Chinese are not prepared to work in conformity with the conditions our own race have to work under. I hope the paragraph will be passed as printed. On Sundays the Chinese furniture factories are generally at work, which is not fair to the firms conducted by our own race.

Hon. A. SANDERSON: The hon. member who has just spoken has proved too much in his statement. I am anxious that the industrial conditions should be improved, but he has shown us that we have been working under this particular clause since 1904. He has shown us what has taken place and it obviously proves that the whole question involved is one of administration. We should try to get a good Bill, but we should understand what we are doing. I am agreeable to assisting people in both shops and factories to help themselves. To that end, I am perfectly willing to assist Mr. Panton to give effect to any scheme he can devise whereby the Chinaman will be made to conform to the law.

Hon. J. J. Holmes: This provision has been in force since 1904 and yet they have not been able to stop the Chinese.

Hon. A. SANDERSON: We should see to it that we pass laws which we can administer. I

will assist Mr. Panton to put in any clause which will get over the Chinese difficulty.

Hon. A. H. Panton: I wish we could get some clause like that.

Hon. A. SANDERSON: It is to be regretted that the hon. member cannot make a suggestion to stop this evasion of the law on the part of the Chinese.

The MINISTER FOR EDUCATION: It is not a question of evasion of the Act, although in some cases there may be impersonation. The trouble is that the Chinese are acting in accordance with the law. If Clause 35 is agreed to later on, the provisions contained therein will probably have the effect of stopping this practice. At the present time, however, it is perfectly legal, although one Chinese constitutes a factory—and a laundry is a factory—he can work all day and night. It is intended to stop that by the provision in the Bill I have referred to. It is against this point that the petitions from the Chinese are directed, and not so much against what constitutes a factory.

Hon. H. Stewart: How will this difficulty regarding the identification of Chinese, which has caused so much trouble, be got over?

Hon. J. J. Holmes: Clause 33 will stop that.

Hon. A. H. PANTON: I hope members will appreciate the fact that if more than one Chinese are working in a laundry very great difficulties exist regarding identification. At present they are able to work at all hours through the day and night. If members make a factory a place where two or more are employed, as is the case with Europeans, all that will happen will be that the Chinese will work shifts. The Chinese will evade whatever legislation is proposed if they can possibly do so. There is no section of the trades union movement in which so much difficulty has been experienced regarding Chinese labour, as in the furniture trade. I have had the same difficulty in securing a reasonable wage for the female laundry workers on account of the Chinese opposition. My advice has always been that the Chinese should be brought into the trades union movement in order to endeavour to make them conform with our methods of industrial life. I have been to a great extent alone in that contention.

Hon. J. Cornell: They have been too long on earth for that.

Hon. A. H. PANTON: The rules of most trades unions stick closely to the European or naturalised Britisher, and they are opposed to admission of Chinese. From what I can read the Chinese are some of the greatest trades unionists in the world. It is not a case of stop work meetings with them. They simply clear out and stay out till they get what they want. Of course it would be a menace to the trades union movement in Australia if the Chinese were allowed to teach us those tricks.

Hon. J. E. DODD: We cannot get away from the fact that the Chinese methods are very different from our own. It was Bret Harte who said that the ways of the Chinese were peculiar. It would require more than the ingenuity of a factory inspector to make the Chinese comply with the provisions of the Bill. This principle has been fought right throughout the Australian States. In New Zealand it was dealt with by the late Richard Seddon and it is rather late in the day to come along with a

proposal to alter it now. If we allow these Chinese to come into unrestricted competition with white people, who are not in a position to protect themselves, as in the case of female workers, we will go back rather than advance, in our legislation. We cannot raise any reasonable objection to the subclause which is in operation throughout Australia.

Hon. J. NICHOLSON: We should be indebted to Mr. Panton for the views he has expressed to us this evening. This is an international question and one which is more than ever important at the present time. The suggestion he has advanced seems to be the only way out of the difficulty. The select committee which was appointed in another place, did not apparently take any evidence dealing with this important question. It is a pity the matter was not investigated by the select committee and a solution arrived at. Had that been done, there would be no necessity for this discussion to-night. I concur in the views expressed by Mr. Sanderson and with those of Mr. Dodd regarding the habits of the Chinese. In a later portion of the Bill I notice that the Jewish people have been exempted from the operations of the Bill, and I think we should consider whether that exemption should not be embodied in this definition clause.

**THE MINISTER FOR EDUCATION:** Under the New Zealand Act it is provided that any place in which an Asiatic is directly or indirectly employed, constitutes a factory, although it takes two Europeans to achieve a similar result. In New Zealand it is provided that any place where one or more Chinese are engaged shall be a factory, and in Victoria, one or more Chinese only are required, as against four Europeans, before the place where they are working is regarded as a factory. In all these instances a place where one Chinese is engaged constitutes a factory.

Hon. Sir E. H. WITTENOOM: We are only wasting time in discussing the position of the Chinese now.

Hon. A. SANDERSON: On the other side of the page hon. members will see what a factory does not include. It does not include any building, premises, or place used exclusively for pastoral or agricultural purposes. Apparently, therefore, we do not mind the competition of the Chinese gardener.

Hon. J. CORNELL: We will make a Chinese garden a factory.

Hon. A. SANDERSON: I am anxious to see that all classes of the community are treated properly and fairly. Apparently the Labour people and the Government have done everything to protect their supporters in the town by making a place where one Chinaman is employed a factory, but so far as Chinamen working all day, all night, and all Sunday, against the struggling settler, are concerned, the present Government, supported by Official Labour party, have not done anything. How are they going to protect themselves in this respect?

**THE CHAIRMAN:** The hon. member must confine himself to the definition of "factory."

Hon. A. SANDERSON: We turn one Chinaman into a factory in the city, and then let us look at the other side of the page.

Hon. A. H. PANTON: We have not reached that yet.

Hon. A. SANDERSON: On the other side of the page we specially exclude any place used for agricultural purposes.

Hon. T. MOORE: The hon. member at first stands up in defence of the down-trodden Chinaman and then finishes up by attacking him.

Hon. A. J. H. SAW: That is not unusual.

Hon. T. MOORE: If hon. members will turn to page 49 of the select committee's report, they will read there the evidence given by Frank Green at Geraldton on the subject of Chinese competition. He says, -

A shop was built by a Chinese firm many years ago purposely to evade the Early Closing Act; that is being done every day. I am speaking of Sydney Fong & Co. The shop was built especially to evade the Act. They keep fruit and vegetables, and that sort of thing, and there are doors made in the wall that they can go through to the grocery shop. We find that the Chinese are especially hard on the other traders. The general public help them and we see that the Chinese can build to sell groceries under the cover of a vegetable shop.

The Chinese seem to be able to evade almost every Act. It has been said that the Chinese has more brains than a European, and from the discussion here this evening, I am inclined to think that such is the case. Special legislation is really necessary to deal with the Chinese.

Hon. J. CORNELL: Mr. Sanderson touched the only new point. It was that the definition should be so enlarged so as to apply to a Chinaman in his capacity as a market gardener, and make a market garden a factory. In that respect I am with him.

Hon. Sir E. H. WITTENOOM: And make him work five hours a day. You will have to do the same with a white man's garden.

Hon. J. CORNELL: The question is not a matter for the interpretation clause in this Bill, nor is it a matter for legislation. It is a matter for ourselves to arrange.

Hon. A. LOVEKIN: I move an amendment -

That after "appliance" in line 2 of Sub-clause (3) the words "not exceeding one horse power" be inserted.

The clause is certainly very wide as it stands. Following the Machinery Act, which recognises mechanical appliances under one horse power as more or less harmless, we might exempt a private house and allow it to have, say, its own sewing machine motor.

**THE MINISTER FOR EDUCATION:** I have no objection to the principle of the amendment, but the hon. member is doing exactly the opposite of what he wishes. This is a definition of factory, not an exemption, and the words he suggests will mean that a place with such machinery will be a factory, and that a place with machinery of 10-horse power will not be a factory. The word "not" should come out of the amendment.

Hon. A. LOVEKIN: I see the point and with the permission of the Committee I will amend my amendment accordingly.

Amendment as amended put and passed.

[Hon. W. Kingsmill took the chair.]

Hon. H. STEWART: Subclause 8 sets forth that any clay pit or quarry worked in connection with and occupied by the occupier of any pottery or brick yard shall be a factory, but paragraph (e) exempts from the term "factory" any mine or colliery or any place in which machinery is used about a mine or colliery. This conflicts with existing legislation. The Mines Regulation Act of 1906 includes the following definitions--

"Mine" means a place within a mining district where any operation for the purpose of obtaining any metal or mineral has been or is being carried on, or where the products of any such place are being treated or dealt with. "Mining" or "to mine" means to disturb, remove, cart, carry, wash, sift, melt, refine, crush, or otherwise deal with any rock, stone, quartz, clay, sand, soil, or mineral by any mode or method whatsoever for the purpose of obtaining gold or any other mineral therefrom.

Hon. A. H. PANTON: That is the point-- "for the purpose of obtaining gold or other mineral."

The Minister for Education: That only applies to a mining district.

Hon. H. STEWART: This Bill applies to the whole of the State and there are mining districts all over the State. If this is the position--

The Minister for Education: But it is not.

Hon. H. STEWART: The Minister seems to be very sure about it, but I am not prepared to accept his assurance. I move an amendment--

That Subclause 8 be struck out.

Hon. J. CORNELL: Is this provision contained in the existing Act? If not, it should be expunged and either the Mines Regulation Act should be amended or the men working in clay pits and quarries should be protected by special legislation. There is a close analogy between work in clay pits and quarries and the open cut system of mining. It would be quite wrong to bring a clay pit or quarry within the definition of factory.

Hon. A. H. PANTON: I do not agree with Mr. Cornell. The definition read by Mr. Stewart makes it clear that mining therein defined is for the purpose of obtaining gold or other mineral.

Hon. H. STEWART: What is a mineral?

Hon. A. H. PANTON: By no stretch of imagination could it be argued that a man would be occupied in a pottery or a brick yard for the purpose of obtaining gold or other mineral. The Mines Regulation Act applies to mining districts, and the bulk of our brickyards and quarries are in other than mining districts and are not covered by the Mines Regulation Act. They, however, should be covered by this measure, and therefore Subclause 8 should be retained.

Hon. J. E. DODD: It would be a great mistake to take the paragraph out of this measure and place it in the Mines Regulation Act. I have not a copy of that Act at hand, but the measure certainly does not apply to manufactures. The paragraph is quite right here.

The MINISTER FOR EDUCATION: In answer to Mr. Cornell, the provision in question does not appear in the existing Act. Perhaps the matter was intended to be covered by paragraph 3, which would bring quarries within the meaning of the measure as it now stands. The

reference is only to clay pits and quarries used in connection with potteries and brickworks, and I think it desirable that such clay pits and quarries should be within the scope of this Bill. I cannot agree with Mr. Stewart that a clay pit is a mine. Even if that were so, mines are exempted. I do not think it can be demonstrated that a clay pit is a mine.

Hon. H. STEWART: I am satisfied that there are plenty of legal gentlemen in this State who could prove that under existing legislation a clay pit is a mine. The word "gold," on which Mr. Panton laid stress, is merely an alternative term. Clay for pottery works or for brickmaking is a mineral. Possibly some hon. members are confused between metal and mineral. Mr. Panton has in mind the quarries and brickworks which are situated adjacent to the populous areas and employ a good many men. But I have in mind the distant parts of the State, say the North-West or the farming areas, where the practice is to engage a man to make bricks on one's place. The man digs a hole to get clay, and then that hole becomes a factory under this measure. The people in the more thickly populated areas of the State do not perceive that legislation applicable to their particular circumstances may not be suitable to the circumstances of the people outback. Where clay of the right quality is to be found, country residents generally make their own bricks; but under this Bill a man could not proceed to do that without first registering himself as a factory. Mines and collieries are exempted from this Bill; and similarly, if a case were fought, clay pits might be exempted. In the case of the Mt. Lyell and Broken Hill mines millions of tons of ore have been extracted purely by quarrying work.

The Minister for Education: Those mines do not make bricks, and cannot come under this clause.

Hon. H. STEWART: I realise that; but they are mines not doing underground mining. I fail to see that there is any sense in the Minister's suggestion to let the words stand. Undoubtedly we have here a conflict of terms.

Hon. J. NICHOLSON: There is a good deal in Mr. Stewart's argument, and there does seem to be a conflict as he suggests. A process of mining is employed for the purpose of extracting clay from the ground. Mining for clay is just as much mining as is mining for minerals or metals. Take the case of a pottery. The pottery would probably not be immediately adjoining the area where the clay was obtained, but might be at a considerable distance from it, though the clay pit was worked in conjunction with the pottery. In such circumstances the clay pit would be a mine. The brick works at Bellevue and Midland Junction, for instance, should hardly come within the strict definition of an ordinary factory. Such an interpretation would work hardship, especially in the country districts, as indicated by Mr. Stewart. Under this clause a farmer finding suitable clay for making bricks and wanting to make bricks would have to register himself as a factory.

The Minister for Education: All the things in this clause are factories to-day.

Hon. J. NICHOLSON: There should be exemption in such cases. That is where the

mischievous comes in of creating two or more persons a factory.

The Minister for Education: The hon. member is now discussing another point.

Hon. J. NICHOLSON: Paragraph 8 is a mischievous provision, and might well be eliminated.

Hon. A. H. PANTON: I can quite understand the latter part of Mr. Nicholson's argument, but I fail to understand why pottery works and brickworks, perhaps employing 20 or 30 men, should not be considered factories. In the case of such works the clay obtained is manufactured either into pottery or into bricks, and the clay pit or quarry is part and parcel of the manufacture of bricks and pottery. Eighteen years ago at Peak Hill I worked in an open-cut similar to a clay pit. But we were there to get another mineral, and we were under the Mines Regulation Act. People in clay pits are not under that Act, and certainly they should be protected by the factories legislation.

Hon. A. SANDERSON: Is this a new clause? Is it novel? If it is not in any of the Factory Acts of the other States, why introduce it here? And I want from the Minister an indication of how he works out this: Here is a brick yard where men shovel the clay into a shed to make pottery; then here is a vineyard where we have the same process of carrying the raw material into a shed to make wine. The Minister specifically excludes all these workers in the vineyard from the so-called benefits of the Bill. In the first place is this provision novel?

The Minister for Education: No.

Hon. A. SANDERSON: Well, why exclude one section of employees? I want the Minister to explain the amendment.

The CHAIRMAN: I do not think the hon. member would be in order in giving an explanation of the amendment.

The MINISTER FOR EDUCATION: I will merely answer the first portion of the question. The Victorian Act has exactly the same words as are found here.

Hon. A. LOVEKIN: The Minister has been to Korrelocking. In that interesting village at the present time two boys are digging a hole and taking clay to make bricks to be dried in the sun with a view to building a house. Will those two boys be running a factory under the clause?

The Minister for Education: No, they have not a brickyard.

Hon. J. CORNELL: I move an amendment—

That after "quarry" in line 1 the words "situated in the Perth-Fremantle district and" be inserted.

The CHAIRMAN: I am afraid the hon. member will not be able to move his amendment. It is not as if this were a clause. It is only a paragraph, and the amendment before the Chair is to strike out certain words previous to those which the hon. member wishes to insert.

Hon. H. Stewart: I am not against pottery works or brick yards of sufficient magnitude being brought under the Bill. I admit the amendment is too far-reaching, but I have not any more suitable amendment.

The Minister for Education: Potteries and brick yards are factories at the present time.

Hon. H. STEWART: In certain areas.

The Minister for Education: All over the State, with the exception of the North-West. All that the subclause does is to extend the definition of "factory" to quarries operating in conjunction with brickyards and potteries. It could not apply to any mine.

Hon. H. STEWART: In various portions of the State small parties do quite well at times by getting out parcels of special clays and consigning them to different manufacturers.

The Minister for Education: This would not apply to them.

Hon. H. STEWART: The Minister says that all pottery works and brick yards are factories at present. But the position is going to be difficult in outlying areas. The Minister is wilfully not recognising the position which I am endeavouring to put up.

The MINISTER FOR EDUCATION: I object. I readily confess that I am absolutely unable to understand the hon. member, but I object to his saying that I wilfully fail to understand him.

Hon. H. Stewart: I withdraw the statement. It was an unfortunate one. I am sorry I cannot make my attitude plain to the Minister. At the same time, he has been not able to make me appreciate his attitude in the matter.

Hon. J. MILLS: The subclause is perfectly clear. The Minister has told us it does not refer to any private person making a few bricks for his own home in the back country.

Hon. T. MOORE: Usually Mr. Stewart has some logical argument to advance, but after having listened to him beating about the bush for half an hour, I must confess he has not on this occasion convinced me. He has tried to make out that a man who desired to make some bricks with which to build a house in the North-West would have to register as a brick yard.

Hon. H. Stewart: Where two people are engaged.

The CHAIRMAN: Order! The hon. member should not interject.

Hon. T. MOORE: The Bill, however, exempts such persons in a trade of that kind. The clause is quite clear to me.

Hon. H. STEWART: What I want is definite legislation on this point. If these words are not struck out there will be a conflict between this sub-paragraph and paragraph (c) further on. In modern brickworks to-day it is very often not clay that is mined but rock, which is then pulverised and made into bricks.

Hon. J. E. DODD: The cases mentioned by the hon. member are already provided for. He is straining at a gnat and swallowing a camel.

Hon. J. CORNELL: If it is essential to amend the Bill to include clay pits or quarries worked in conjunction with brickyards or a pottery, some attention should be paid to the bottle making and glass blowing industry.

The Minister for Education: That is a factory.

Hon. J. CORNELL: There is nothing in the Bill to say that the hole from which the sand comes shall be a factory.

Hon. J. NICHOLSON: I think the paragraph was inserted owing to an omission from the Mines Regulation Act. One cannot conceive that a clay pit or quarry is a factory in the ordinary sense. A factory is a place where something is manufactured from certain raw material, and

as a rule we find such factories within four walls. A clay pit or quarry produces certain clays for the manufacture of pottery ware or bricks. The factory, therefore, is the pottery or the brick yard. If pits or quarries are to be dealt with in this way they should be dealt with under the Mines Regulation Act. To cover the question of potteries and brick yards, all we need do is to retain in the sub-paragraph the words "any pottery or brick yard," and strike out the remaining words.

**Hon. A. SANDERSON:** The probabilities are that clay will be brought from some distant place, where the substance is the best that can be had for pottery, and that the material will be brought to Perth where the potteryware will be made. It is nonsense to say that a brick yard or a pottery will be turned into a factory.

**Hon. A. H. PANTON:** Under the paragraph, the clay hole has to be occupied by the occupier of the pottery or brick yard. If we are to define a factory as a place within four walls, very many places in Western Australia will be outside the scope of this measure. The clause does not go far enough. Hundreds of men who are engaged in burning lime do not come within its scope, yet I would like to see them included.

**Hon. J. NICHOLSON:** I did not confine myself absolutely to a factory which was contained within four walls. I merely used the reference to four walls by way of illustration. All places from which material comes cannot be regarded as factories in themselves any more than a wheat field is a factory.

**Hon. H. STEWART:** I consider that there is no necessity to leave the words "brick yard or pottery" in the definition at all as the definition of a factory covers the position. So far as the contention that the agricultural areas are protected is concerned, I think it will be agreed after a perusal of the clause that they are not provided for. There is no definite ownership of a clay pit specified and if it is worked in conjunction with the business of a man who is running a pottery, then the pit or quarry must come under this clause.

**Hon. T. MOORE:** There is a danger in agreeing to the evolution of these words. If we eliminate from the operations of the clause men working in clay pits or quarries, then they will be absolutely unprovided for so far as legislation is concerned.

**Hon. H. Stewart:** We can put in a new clause.

**Hon. T. MOORE:** It has been pointed out that in many instances there has been an evasion of the Health Act, and in bringing these clay pits and quarries within the scope of the Bill, we will assure the provisions of the Health Act being carried out.

**Hon. J. E. DODD:** I cannot follow the arguments which have been advanced against the subclause, for the same arguments can be advanced against many of the other clauses, equally as much as we can apply them to a clay pit. I cannot see any reason in the arguments which have been advanced.

**Hon. J. CUNNINGHAM:** We should have some further explanation with a view to clearing up a misunderstanding which appears to exist regarding a quarry and clay pit respectively. No member has stated what he considers is meant by a clay pit or quarry. In some instances, men have to drive 200 or 300 feet through a

tunnel before they reach clays which are of value for pottery work. Would such a place be a quarry or a clay pit? Whoever was responsible for putting in this subclause knew his business pretty well. We have to read Subclause 8 in conjunction with part 6 of the Bill which provides for sanitation. In the past, not sufficient attention has been devoted to health matters affecting clay pits and quarries.

**Hon. J. J. Holmes:** What has the Minister for Health been doing?

**Hon. J. CUNNINGHAM:** I do not know. Perhaps he has not the machinery available to carry out the provisions of the Act.

**Hon. A. Lovekin:** What guarantee have you that the factory inspectors will do better?

**Hon. J. CUNNINGHAM:** That has nothing to do with it. So long as we get this provision through and it becomes law, we will then have a guarantee in the measure itself. It was pointed out by Mr. Nicholson that a factory is a place in which some product is manufactured. Mr. Stewart referred to the position regarding mining. Ore is broken in the mine and taken to the surface where it is put through the batteries and turned into sands and slime. Taking the remarks of Mr. Nicholson and Mr. Stewart together, it would be interesting to know whether they would contend that the battery which is generally included within four walls should be brought under the operation of the Factories Act. To do that would be just as logical as to suggest that we can separate the pottery and brick works from the pit in which the clay is dug for carrying on those businesses. I merely desire to bring under notice the absurdity of the hon. member's argument. I fail to see in what way it will be beneficial if we delete the paragraph because I know it has been placed there in the interests of the men working in clay pits and quarries.

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

Ayes ...	...	...	...	...	9
Noes ...	...	...	...	...	10

Majority against ... .. 1

#### AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hammersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. Cornell
Hon. J. Nicholson	(Teller.)

#### NOES.

Hon. F. A. Baglin	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. E. H. Harris
Hon. C. McKinnell	(Teller.)
Hon. J. Mills	

#### Pairs.

For: Hon. E. Rose. Against: Hon. C. F. Baxter.

Amendment thus negatived.

[The Chairman resumed the Chair.]

**THE MINISTER FOR EDUCATION:** I move an amendment—

That in paragraph (a) the words "or any industrial or reformatory school" be struck out.

The purpose of the Bill is to entirely exclude prisons, but industrial or reformatory schools are included. Clause 97 sets out in what way it is intended to include these schools, and it is entirely inconsistent to exclude them and then drag them in again. In the same way a prison is brought in quite unnecessarily. This is merely a matter of drafting.

Hon. A. LOVEKIN: Why should not a female prisoner working in the laundry at the Fremantle gaol have the same protection and benefits as women working in laundries outside?

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment:—

That in paragraph (b) the words "from the products of his own herd" be struck out.

A man makes butter and buys milk from his neighbour. His place then becomes a factory because the milk was not the product of his own herd.

The MINISTER FOR EDUCATION: The amendment moved by the hon. member would mean that every butter factory in the State would be excluded from the operation of the measure. Is that what the hon. member desires.

Amendment put and negatived.

Hon. V. HAMERSLEY: I move an amendment—

That in paragraph (d) the word "or" in line 2 be struck out and after "agricultural" be inserted.

Hon. A. H. PANTON: Will the amendment have the effect of excluding a place where several hands making wine might be employed?

Hon. V. HAMERSLEY: In orchards we know that fruit packing has to take place during early hours as well as late at night. The same thing happens in vineyards. It is not intended that these places should be regraded as factories.

Hon. A. SANDERSON: In the near future we shall have fruit drying and preserving, jam making and bee-keeping industries, and I should like an indication from the Government as to their attitude. Will they be compelled by some of their supporters to exclude these industries, or will they be compelled by others of their supporters to include them?

The MINISTER FOR EDUCATION: I take no exception to the amendment because I regard these industries as already included in the exemption for agricultural purposes. It has no reference however to manufacturing processes in connection with orchards and vineyards and would not exclude them.

Hon. A. SANDERSON: We ought to insist on making this clear. In connection with factories legislation we have a natural collision of interest between the official Labour party trying to get the people employed under control, regulation and inspection, and the Country party resisting these attempts on the ground that such interference would seriously affect these industries. Unless the people are told what the attitude of the Government is, we can hardly expect these industries to be undertaken to the extent they should be.

The MINISTER FOR EDUCATION: All that I can tell the hon. member is that it is not the intention of the Government to include a garden or orchard under the definition of factory. If the hon. member wishes to know the opinion of the Government with regard to legislation on different matters, he should ask a question and I shall endeavour to answer it.

Amendment put and passed.

Hon. J. J. HOLMES: I move an amendment—

That in line 2 of paragraph (f) the words "not being of the Chinese or other Asiatic race" be struck out.

The pearling industry is carried on by the Asiatic race. During the lay-up season, which lasts about three months, the men go to Broome, pull up their boats, and engage in repairing the boats or making new masts and sails. It is proposed to exempt any building, premises, or place in which the person is engaged at home, but not to exempt it if any one of the Chinese or Asiatic race is employed. I would like some information on the point.

The MINISTER FOR EDUCATION: This clause is similar to the section in the existing Act with the exception that the number in the Act is limited to six in conformity with the number which constitutes a factory. The number is limited to two under this Bill. Some difficulty might arise just as difficulty would arise if the present Factories Act were applied to the North-West, but I do not think that any sane Minister would apply the whole of the existing provisions to the North-West. This is an important reason for giving the Minister discretion so that the circumstances may be taken into account.

Hon. J. J. HOLMES: The present Act provides that the measure shall be applied to only certain portions of the State, but I understand that this measure will apply to the whole of the State from Wyndham to Eucla.

The Minister for Education: Except as exempted by the Minister.

Hon. J. J. HOLMES: It may be that when we have finished with the Bill, nothing will be reserved to the Minister or to proclamation.

Hon. A. H. PANTON: That will be all the worse for the North-West.

Hon. J. J. HOLMES: Then the question arises whether we should legislate differently for the North-West. I suggest that this would be an opportune time to report progress.

The MINISTER FOR EDUCATION: To carry the amendment would remove every Chinese factory and laundry from the provisions of the Act. These people mostly work at home.

Hon. J. J. HOLMES: The people I refer to work at home: the boat is their home.

The MINISTER FOR EDUCATION: It would mean that every Chinese working in a laundry at home in Perth would not come under the Act.

Hon. A. H. PANTON: I would support Mr. Holmes if he could attain his object in another way, but I hope he will not attain it by deleting these words. It might be possible to add a proviso.

Hon. J. J. HOLMES: I thank Mr. Panton for his suggestion. I think a proviso might be

drafted, but after a heavy sitting such as we have had the Minister might now agree to report progress.

The MINISTER for Education: You will have another opportunity.

Amendment put and negatived.

The MINISTER for EDUCATION: The amendment of which I have given notice makes no alteration except to render clear a matter that otherwise might be rather confused. In the expression "so engaged at home," in paragraph (f), the word "so" is intended to mean "engaged in any one of the occupations previously referred to." After the occupations referred to, there are paragraphs (a), (b), (c), (d), and (e); and it might be contended that the word "so" referred to one of those paragraphs. I therefore move an amendment—

That the word "so" in line 3 of paragraph (f) be struck out and "in any trade, operation, or process mentioned in paragraphs 1 to 8 inclusive of this definition" be inserted after the word "home."

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That in paragraph (f) the word "two" after the word "exceed" be struck out, and "four" be inserted in lieu.

Hon. J. CUNNINGHAM: The hon. member has given no indication why the word "two" should be struck out, which seems a singular procedure on his part.

Hon. H. STEWART: Possibly the hon. member was not here earlier in the evening, when a discussion relative to this matter took place. If the word "two" is struck out, I shall move that the word "four" be inserted in lieu; which would mean that more than four people working in private circumstances would be required for the purpose of constituting a factory under this Bill.

The MINISTER for EDUCATION: At the present time six persons would constitute a factory. Where the privilege is extended to a family, six do not constitute a factory. I do not see anything inconsistent in now increasing the number in the case of a family. Personally I do not intend to oppose this amendment.

Amendment put and passed.

Hon. J. DUFFELL: The hour is very late, and I have further amendments to move in connection with this clause. Will the Minister move to report progress?

The MINISTER for EDUCATION: We have made very little progress.

Hon. Sir E. H. Wittenoom: But we have been sitting a long time, and we are all very tired.

The MINISTER for EDUCATION: So long as hon. members understand that we must sit late for the remainder of the session, I do not object to adjourning now.

Progress reported.

### BILLS (3)—FIRST READING.

- 1, Hardsman's Lake Drainage.
- 2, Mining Act Amendment.
- 3, Workers' Compensation Act Amendment.

Received from the Assembly.

### BILL—BUILDING SOCIETIES.

Message received from the Assembly notifying that it had agreed to the Council's amendments.

### BILL—CITY OF PERTH ENDOWMENT LANDS.

Message received from the Assembly notifying that it had disagreed to the Council's amendment, and giving reasons.

House adjourned at 10-58 p.m.

## Legislative Assembly.

Thursday, 2nd December, 1920.

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

### QUESTION—WHEAT, INFERIOR GRAIN AND COST OF BOARD.

Mr. JOHNSTON (for Mr. Griffiths) asked the Premier: 1, What was the total dockage for inferior wheat for the 1919-20 wheat season for wheat handled by the Westralian Farmers? 2, What is the approximate cost of the wheat board organisation, excluding labour at depots and ports?

The PREMIER replied: 1, The total amount docked by the Wheat Scheme for inferiority is £10,197. 2, £7,876, or 1/5th of 1d. per bushel.

### QUESTION—RAVENSTHORPE SMELTER.

Mr. TROY asked the Minister for Mines: 1, When does the lease of the Ravensthorpe smelter expire? 2, Does the Mines Depart-