

I have kept the faith." I beg to move that the House do now adjourn.

MR. S. C. PIGOTT (West Kimberley), in formally seconding the motion, said: The words which have fallen from the Premier will, I am sure, be indorsed by every member of this House. Sir James Lee Steere was considered by all of us as the father of the House, and we mourn his loss as a family mourns the loss of its beloved head. Though Sir James Lee Steere is dead, his memory will ever remain cherished in the hearts of those over whom he so long and so ably presided.

MR. R. HASTIE (Kalgoorlie): In supporting the motion before the House, I wish to join the Premier and the leader of the Opposition in expressing the loss this House and the State have sustained by the death of Sir James Lee Steere, and also as far as I can to indorse every word of the very eloquent tribute we have just heard paid to his memory by the Premier. This State has lost one of its best and most distinguished citizens, and this House has lost one of the fairest and most courteous-minded of men. It has been my lot to take part in various assemblies of men in all parts of the world, under different conditions; but never yet did I meet with one who came so close to my ideal of a fair chairman as did Sir James Lee Steere. He has finished his good work, and we can only pay to his memory that respect which is due.

HON. F. H. PIESSE (Williams): I think it would be well, on behalf of the older members of the House, if I also refer to the sad loss we have sustained by the death of Sir James Lee Steere. As one of those who came in with the inauguration of Responsible Government, I have, during the years I have sat here, had the able assistance and advice of our departed friend; and I may say that on all occasions I have found Sir James Lee Steere of great assistance to members who have had to do duty in this House. I join with the Premier and others who have preceded me in mourning the loss of our departed friend, and in expressing my deep regret and my sympathy with his family in the bereavement they have sustained. We in this House have suffered a great loss: they have suffered a loss which is irreparable; and it requires no word of mine to express our

condolence and sympathy with them in their great trouble.

Question passed (members standing).
The House adjourned accordingly until the next evening.

Legislative Council,

Wednesday, 2nd December, 1903.

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THE PRESIDENT took the Chair at 7:30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Alterations to Railway Classification and Rate Book.

Ordered, to lie on table.

PETITION—FACTORIES BILL.

HON. J. A. THOMSON (Central) presented a petition from the Coastal Trades and Labour Council, praying for the passage of the Factories Bill.

Petition received and read.

WATER AUTHORITIES BILL.

Read a third time, and returned to the Legislative Assembly with amendments.

BOULDER TRAMWAYS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: As members will see, this is a Bill to confirm a provisional order

authorising the construction of tramways in the municipality of Boulder. Most members are so well aware of the circumstances which regulate the transit conveniences of persons living on the fields that I do not anticipate any opposition to the Bill. The measure provides for the construction of tramways within the municipality of Boulder, tramways which I think and hope will act as feeders to our Government railways, and will in no way by their operation hamper the business aspect of those railways. All the local authorities affected are strongly in favour of the Bill; and members who read the clauses and the schedule will observe that the interests of those concerned are duly protected. I beg leave to move the second reading.

HON. C. E. DEMPSTER (East): I should like to know whether this Bill will interfere with the Government railway traffic. I consider one of the greatest mistakes the House ever made was made when we approved of the first Boulder tramline to run in opposition to the railway. This was bad policy on the part of the Government, and has resulted in great loss to the country. No doubt it is desirable that the existing tramline should be extended as proposed in the Bill, to meet the requirements of the Boulder public; but I cannot help saying that I have ever since blamed myself for not voting against, and doing everything else I possibly could do to prevent, the construction of the original tramway.

HON. T. F. O. BRIMAGE (South): I did not intend to speak on the second reading, but I trust the House will support the Bill. I agree with Mr. Dempster that the existing Kalgoorlie tramway system has somewhat affected the traffic on the Government railway; but the tramline proposed in the Bill before us will, I think, materially assist the railway revenue, inasmuch as one branch of tramline will run from the Boulder Block to the Boulder railway station; and in other respects the new tramline will help to swell the revenue of the department. The Bill is very similar to the Kalgoorlie Tramways Bill; and I feel sure that the populousness of the district warrants the construction of the work.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

MINING BILL. POSTPONEMENT.

Motion made by HON. Z. LANE, that the second reading be farther postponed.

THE PRESIDENT ruled that the hon. member could not make such motion, he having at the preceding sitting moved the adjournment of the debate, and this could not be done twice running by the same member.

On motion by HON. J. T. GLOWEY, debate farther adjourned till the next sitting.

EARLY CLOSING ACT AMENDMENT BILL. ASSEMBLY'S AMENDMENT.

One amendment (new clause) made by the Legislative Assembly, and insisted on, was again considered by the Council in Committee; the amendment affirming, in effect, that the early closing principle should apply equally to all parts of the metropolitan district as defined.

THE COLONIAL SECRETARY: When another place desired to extend the operation of the Bill so as to compel all shops in the metropolitan-suburban area to close at nine o'clock, he thought that proposal rather stringent; but since the other House had accepted the Council's amendment providing that shops should close at ten instead of nine o'clock on Saturday night, much of the objection to this new clause had disappeared. The original proposal as explained to him was that the proclamation by the Governor-in-Council should issue on a petition from any of the various districts affected, and not otherwise; therefore, if petitions were not presented from all the various districts enumerated here, shops on one side of the street might be allowed to keep open at will, and shops on the other side compelled to close at a fixed hour. Such a position would be absolutely anomalous. Now that the closing hour on Saturday was fixed at ten o'clock instead of nine, no great hardship would be inflicted by a uniform law proclaimed for the metropolitan and suburban area. He moved that the new clause be agreed to.

HON. Z. LANE: Several deputations had waited on him as to the amendment, pointing out that it would inflict great hardship on small shopkeepers who had no assistants after ordinary hours, who themselves looked after their own businesses, and who in many instances did most of their trade between six and nine in the evening. Some hairdressers said they did absolutely no business except between six and nine p.m., because most of their customers were working men who could not come earlier. Nearly all the municipalities covered by the clause were in his province; and they had asked him to oppose strongly the Assembly's amendment.

THE COLONIAL SECRETARY: About 80 per cent. of the shops in the districts affected would come under the "small shops" clause; in other words, they would be able to keep open till 10 p.m. if working without assistants. Thus no great hardship could be inflicted; and uniformity would have to be observed in the various districts mentioned in the new clause, a uniformity which would conduce to the welfare of all the shops within each district. It was unreasonable to expect the shops on one side of a road to be closed by the clause, and the shops on the other side allowed to remain open. As the time of closing had been changed from nine to ten there was every reason for accepting the Assembly's amendment.

Question passed, and the Assembly's amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

FACTORIES BILL.

SECOND READING.

Debate resumed from 25th November.

HON. G. RANDALL (Metropolitan): I am sorry to have to keep members to-night after the somewhat tired day we have had, but I will do my best to place my views before the House. I would like first to congratulate the Colonial Secretary on the way he introduced the Bill to the notice of members. I think he did so in a very nice and proper way, without exaggerating anything or imputing motives or anything of that kind; and he deserves the thanks

of the House for the way in which he moved the second reading of the Bill. This is an important measure, and I think is understood by all members, whether they belong to the metropolis or districts other than, at any rate, the metropolis and Fremantle—I mean the more populous districts of the State. As we were told by the Colonial Secretary a Bill was introduced last year, but I think some alterations have been made, although I have not compared the Bill of 1902 with this measure to see what the alterations are; I think, however, there are some alterations. The Minister referred to the fact that legislation of this kind exists in various parts of the world, and he used that as an argument why we should have similar legislation in this State; but I venture to think the circumstances have to be taken into account. The circumstances of this State are very different from any of those places to which the Colonial Secretary referred when moving the second reading of the Bill. No doubt for a considerable number of years factory legislation has existed, and there is very little doubt that factory legislation was needed in the old country and was introduced because a state of things had grown up there which has not grown up here, and I do not think has grown up in any of the States of Australasia. The Colonial Secretary takes the dictum of a certain class of persons, and I think the Government as a whole are inclined to take the statement of the case put forward by the class referred to and adopt it without making any inquiries into the necessity or otherwise for legislation of this kind. I think there is a feeling in the country, and that feeling is growing, against legislation of this nature, and it would be as well if the Government took note of it when they are pressed from certain quarters to introduce legislation of this kind, which is generally called social legislation, but which is really legislation for the restriction of trade and which is objectionable in very many respects. I do not think it is contended for a moment that the workers in the Australian States have much to fear from the oppression of their employers. We know at present that the workers are in the enjoyment of certain legislation which gives them certain protection and certain privileges,

and they are in a position almost to dictate terms to their employers. That is the case especially in this State. When factory legislation was introduced into Victoria it was after factories had existed there for 15 or 16 years. The factories had established themselves thoroughly in a population much larger than we have in Western Australia at present. I suppose the legislators of the day saw the wisdom of leaving the industrial institutions alone until they had established themselves on a very firm foundation, otherwise the industries that exist in Victoria at present would have never come into existence. I am told with regard to Victoria that efforts are being made, which probably will be successful, to alter very radically the factory legislation of that country, and I am told, on what I think is good authority, that the factory legislation there has been productive and is producing very great disadvantages and loss to the community at large, not to say to the employers and owners of factories. I understand there is a proposition on foot for Victoria in the very near future to retrace the steps taken and alter the legislation so as to make it less oppressive than at present and less injurious to the industries in that State.

THE COLONIAL SECRETARY: This is not the Victorian Factories Act.

HON. G. RANDELL: I know that, but the hon. member cited Victoria, and took credit to himself for not having adopted the stringent law that prevails in Victoria. That is why I refer to it. This Bill is compiled, I see, from the laws of Queensland, New South Wales, and South Australia. I have not examined the Acts of those States, neither do I think it is necessary, because I do not admit the premises that we are ripe for factory legislation in this State. The fact is, and the Minister ought to know it, that factories have existed here for a very short time, and it is the duty of the Government and of Parliament to assist these industrial institutions to establish themselves without unduly harassing them or bringing forward vicious provisions to increase the cost of carrying on establishments which tend largely to produce employment for labour.

THE COLONIAL SECRETARY: No.

HON. G. RANDELL: The hon. member says "no." I am giving the opinion expressed in the petition presented to the House by the Chamber of Manufactures; and it is an opinion very clearly expressed in a letter which had been handed to individual members previously, and which contains a statement by Judge Backhouse at the bottom of the document showing that the factory legislation established in the other States has not met with the success which was anticipated from it. I will not approach this question from the conditions of the other States, for they are far more advanced than we are. They have had factories for many years, while we have just begun, and I consider in the interests of the State it is advisable to encourage industries to the utmost of our power. To go beyond the restrictions in regard to health and sanitation and a few other matters I think will be an interference which will be injurious to the persons engaged in business.

HON. J. A. THOMSON: Then you advocate insanitary conditions?

HON. G. RANDELL: I have no objection to the sanitary clauses of the Bill, except that they already exist in the Health Act and can be carried out. There is only one particular I am told—it is given in the evidence—in which the Health Act has failed; that is in reference to trap-doors. There is no provision for them.

THE COLONIAL SECRETARY: What about the age limitation?

HON. G. RANDELL: I think there is a Conciliation and Arbitration Act in existence.

THE COLONIAL SECRETARY: That has nothing to do with it.

HON. G. RANDELL: There is a Conciliation and Arbitration Act in existence; the hon. member does not dispute that fact?

THE COLONIAL SECRETARY: No.

HON. G. RANDELL: There are also tailoresses' unions existing which can bring any matter before the Arbitration Court, and we know there are certain individuals who have taken on themselves to be the protectors of all and sundry, who are very ready to urge the establishment of unions and bring cases before the Arbitration Court. I do not admit for a moment that there are any evils

existing, although statements have been made that there are. I do not think anyone can point to an instance where evils exist amongst the factories of the State; and if there are, there is plenty of machinery in existence to put an end to them. Besides, there is public opinion itself, which will prevent anything like the evils which are said to exist from arising. At any rate public opinion will prevent evils existing for long. There are many arguments that might be adduced in regard to the Bill itself, the ground it covers, and the interests it affects. The different industrial institutions which exist are all apparently classified under the one head of factories; no provision is made to separate them. I know there is a provision for regulations to be made, but these regulations are to be left in the hands of the inspector and the Government of the day, and I think it is very unwise for the Legislature to intrust this power to the Government of the day, acting on the recommendation of inspectors. Our factories have existed only for a very short time. They are employing now a considerable number of hands, and I think on the whole they are increasing, but just now the industries are passing through a troublesome and difficult time. No profits have been made in many businesses which are carried on in Perth, and under the harassing legislation which I say this Factories Bill is, mild as the Minister described it compared with the Victorian law, profits will be much less, and the tendency will be to induce employers to see if they cannot invest their capital and employ their time and talents in some places where there are different conditions from those which obtain here. The Minister has laid great stress on the question of sweating. I was invited the other day by a large employer of labour in the tailoring trade to inspect his factory and to inspect his wages-book, and I did so. I found the prevailing conditions satisfactory, and the wages-book showed that he was paying from 35s. to 50s. a week to tailoresses—that was for expert workwomen—and down to 10s. per week to apprentices; and when I tell members that the wages in Victoria for the same class of individuals is £1 per week for expert workmen and 2s. 6d. per week for apprentices—the £1 a week is for expert workmen—

HON. J. A. THOMSON: This Bill does not deal with wages.

HON. G. RANDELL: The hon. member must remember there is one portion of the Bill dealing with sweating, and sweating I believe is generally understood to be the limiting of wages and the working of long hours. The gentleman to whom I have referred is described, and he did not object to the term, as the champion sweater of Australia. If that is sweating, I do not understand the term.

THE COLONIAL SECRETARY: Most of the sweating is done outside the factory.

HON. G. RANDELL: Does the Minister know that of his own knowledge? I have no reason to think it is so. I think a vast amount of good is effected by giving work to be done outside factories to those who cannot go to the factory, but who wish to try and eke out a livelihood or an existence by taking work home. This Bill to a large extent will stop that.

THE COLONIAL SECRETARY: "Eke out" is good.

HON. G. RANDELL: I think the Bill in this respect is very unjust. I was told of the case of a civil servant who married a factory girl, if I may so call her, or a workwoman from a factory. This woman had an aged mother whom she wished to assist without trespassing on the income of the husband. But if this Bill were made law, she could not do that because she would have to register; and if she registered, her husband would probably be called to account, and might have to relinquish his position. With such people the Bill would seriously interfere. I do not think sweating exists in this country; and members may safely dismiss that consideration from their minds. I hope they will proceed on the broad principle of giving every facility and encouragement for the establishment of factories in our midst. The Bill will have a very bad effect in preventing the settlement in this State of persons who now contemplate coming here to establish small factories. The other day I saw a sample of some locally-manufactured goods in the nature of wickerwork; and I thought them highly creditable to the maker. But if a Factories Act had been in force prior to his coming here, he would not have established his factory;

and there are many other potential factories the establishment of which would be profitable to the owner and to the interest of the community at large. Another clause provides that the owner shall keep a certain set of books which shall be open to the inspector. I am told by factory owners that this would necessitate the employment of an extra clerk, whose time would be almost wholly occupied in keeping these books, at an additional expense of perhaps £3 a week. All can perceive that this would be a severe tax on the factory owner. I would point out also that the materials which the local manufacturer has to make up are much more expensive to him than to his fellow in the Eastern States; and the local man is thus handicapped by having to pay not only higher wages but higher prices for raw material. I cannot conceive how any Government desiring to develop this country's manufactures as well as its agriculture can overlook these points and can deliberately hinder the establishment of factories. It is very well to say, "We can import goods"; but that involves a loss of money to the community, does not provide employment for our people, does not build up a nation, and tends to keep us always subservient to the outside importer. True, we cannot do without imports; but our desire should be to reduce them to the lowest possible minimum, and thus to increase the population of the country. The Bill, if passed, will affect not only factories but farmers, and can even be made to touch newspaper offices. I believe it is much wider in its scope than the Minister thinks. There are some words in the definition clause which, to my mind, can be construed exactly as the court or the inspector likes to construe them. I am certain that if it were desired to stringently enforce the Bill, a great many more industries than we are now contemplating could be brought under its operation. I believe it would affect the importer, the man who deals in imported goods, the man who packs them, and the man who carts them. But I think the great argument against the Bill is that we are not ripe for it; that it is not wanted; and that there are no evils existing here which justify the Legislature in passing any such Bill into law. This week I saw in a Perth news-

paper a report of an interview with an eminent man who visited us on Monday last; and his words should convey to our minds much food for thought. He is reported to have said that "Australia is a magnificent country, suffering"—I hope the Minister will take notice of these words—"suffering perhaps from a little too much legislation." Those words are very important, are full of meaning, and show us what a keen, hard-headed outside observer has concluded with regard to our social legislation. I repeat that we are getting tired of such legislation; and I hope the Legislature will forsake this path before irreparable injury is done to the State. What I say as to this State applies to other States of the Commonwealth. Our legislation is, if I may use a vulgar expression, in many respects an offence to many persons in the old country. This we know from most undoubted sources; and it behoves us, if we wish to make that progress which every true Australian outside the ranks of a certain party desires——

THE COLONIAL SECRETARY: Which party?

HON. G. RANDELL: The Minister knows. I do not wish to mention the name. I refer, not to a party in this House, but to a party existing in the State. In this House are no parties.

THE COLONIAL SECRETARY: That is why I wondered at the expression.

HON. G. RANDELL: The hon. member must exercise his own common sense. I will give him the name privately. The gentleman I have been quoting proceeds: "With steady, safe, and sound government for a few years, Australia will go ahead rapidly, for it has unlimited possibilities." Do not let us restrict those possibilities. Let us find employment for as many persons as we can.

THE COLONIAL SECRETARY: How long has the gentleman been here?

HON. G. RANDELL: He has been in Australia for some two years, during which he has occupied a high position. He is a man of undoubted ability, and of far-reaching and even world-wide knowledge. Is the Minister now satisfied?

THE COLONIAL SECRETARY: No.

HON. G. RANDELL: We should hesitate long before we in any manner obstruct the development of the State's resources. The local manufacturer can

work up for consumption many different kinds of locally-produced raw material. This is desirable in itself; hence we should encourage him, and not put hindrances in his way.

THE COLONIAL SECRETARY: Will the Bill hinder him?

HON. G. RANDELL: It will absolutely and entirely cripple him. It is so vexatious, so inquisitive, and so oppressive in its provisions, that it will inflict great injury on our manufacturers. Let me ask the Minister, why should we single out factory owners for this restrictive legislation? Why does he not deal in a like manner with other employers? Why should a man who is trying to make a living and to find employment for others in a factory be harassed and oppressed by such legislation? I say the Government might turn their attention to something more profitable and more beneficial to the country. The Minister himself will yet come to that conclusion, especially if the Bill passes into law; for the day will not be far distant when we shall find the State industries seriously injured. I am quite certain the wages paid in our local factories are good; they are much in excess of wages paid in other States; hence there is no ground for a charge of sweating, and the prevention of sweating is one of the principal arguments used in favour of the Bill by the Labour leaders. Those gentlemen have constituted themselves the universal critics of the State, and the persons who are to put everything right. [**HON. S. J. HAYNES:** Professional agitators.] Professional agitators—I think the hon. member is about right. I am sorry to say the Government are too ready to listen to such men, and will not look at the other side. Why should we conclude that the factory owner will sweat, oppress, and rob his workpeople, and commit all the other offences mentioned in this Bill?

THE COLONIAL SECRETARY: If he does not commit them, the Bill will not hurt him.

HON. G. RANDELL: Why should we conclude that he will? The Minister asks, why consider that inspectors will always endeavour to magnify their office and to do their best to annoy and injure the factory owner whose factories they inspect? I repent: why should we think that the factory owner will be less

scrupulous than the inspector? The inspector will have to show a reason for his existence and for drawing his salary, and will have every inducement to make out a case against the employer. The Minister must look at the Bill with that point in view. In present circumstances the factory owner cannot treat his workpeople improperly; and I believe they are treated properly as a general rule throughout the State. I am advised that every precaution will be taken by the local and the central boards of health to insure regulations as to sanitation, ventilation, etc., the necessity for which we all admit, are properly enforced. I do not know what may be the fate of this Bill—whether it will share the fate of its predecessor. I think it would perhaps be well if it does, though it is not my intention to move that it be read this day six months. I believe I cannot do so after making a speech. But I shall certainly support such a motion if made, unless we hear some better arguments than the Minister's, although he introduced the Bill in a speech of great moderation, and I think in a manner somewhat free from prejudice. For that I give him credit. Doubtless he had to make the most of the Bill. Whether in his heart he believes that such legislation will be for the good of the country I cannot say. If he does, we will give him credit for conscientiousness in the discharge of his duty to the Government of which he is a member. I do not know that there is need for me to labour the question. I appeal with confidence to the common sense and good judgment of members. I am sure they will give the Bill their earnest consideration; and if they do, they will perceive that for the present and for years to come there is and will be no necessity for such stringent legislation, which is characterised by the Minister as "mild." I will not detain the House long over this matter; but I have not yet placed before members all the points I desire to do. I can indicate my views much better by going through the clauses as the Colonial Secretary did, and thus show what my intentions are if the Bill gets into Committee. It will be gathered from the clauses *seriatim* where I think the Bill is injurious and oppressive. Beginning with Clause 2, which I think is inconsistent with if not contradictory to Clause

26, I find that the interpretation of the word "boy" is "every male under the age of 16 years." A boy cannot be employed until he is fourteen according to our Education Act, and why should a boy under sixteen be restricted from working in a factory without an inspector's certificate? The inspector will not be a medical man, but if a boy under sixteen wants to be employed he has to get a certificate that he is fit to be employed. I think the best judges of the fitness of a boy for employment are the owner of the factory and the boy's parents. We may safely not interfere in this respect.

HON. J. A. THOMSON: This matter is restricted in England.

HON. G. RANDELL: Yes; and I wish it restricted here to the age of fourteen. I think the boy who wastes his time from 14 to 16 years of age is wasting the most precious portion of his time, especially where he is one of a family.

THE COLONIAL SECRETARY: It depends on what we are going to make of him.

HON. G. RANDELL: If boys are fit to be employed in a factory, it is very useful discipline for them, and their services are very useful to the parents. The hours of labour are not so long that a boy cannot get more knowledge in the evenings, and it will be a stimulus to the youth to get the technical education which at great expense we are providing. I propose to strike out "sixteen" and insert "fifteen." In Subclause 1 of the definition of a factory I propose to strike out the word "two" and insert "six." [MEMBER: Make it "ten."] I desire to be extremely moderate in regard to this Bill, and I want the number to be as low as I think right. If we get into Committee the hon. member can have the opportunity of making it "ten," and I will support him. In the same subclause I propose to strike out the words "dealing with." I think they are rather comprehensive, and might be interpreted to mean a great deal which would unnecessarily interfere with the occupation, business, and trade of the country more than the hon. member who introduced the Bill thinks. I do not quite under-

stand the grammatical force of the words "for sale" in the same subclause; but some hon. member may find it out. I also propose to strike out in this subclause the words "including every laundry"; and I do not wish any hon. member to feel alarmed about the proposal. The proper place for the words is in the next subclause, which is "Any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged." This subclause amply provides for dealing with Chinese coming under the provisions of the Act. I quite agree with that principle, for I do not think Chinamen should work longer hours than white men. It is improper competition with the white men. If Chinamen have the power of endurance to work longer hours, I think they should be restricted, and I quite agree with the Bill that far. In Subclause 3 the words "dealing with" occur again. I think they are too comprehensive and are really objectionable. I can see no reason why industrial and reformatory schools should not be subject to inspectors. It is true they are under a certain amount of supervision; but I do not think the little extra supervision, of which the Government seem to be so fond, would at all hurt the reformatory or industrial schools. In paragraph (f) of Subclause 3 there is a consequential amendment. I think the number should be raised from four to six, in accordance with what I propose in the earlier part of the clause. I propose to strike out Clause 6. It reads: "This part of the Act shall only have effect in such districts as the Governor may from time to time by notice in the *Government Gazette* declare," etc. I have strong objection to legislation of this description, putting in the hands of the Government of the day power which I think should not be given to them, unless we have it expressly provided for in the Act. These matters should not be left to the caprice of a Minister or the Government, if the Minister gets the other Ministers to agree with him. I hope the hon. member will not object to the word "caprice."

THE COLONIAL SECRETARY: Yes; I do. Cannot the hon. member use the word "judgment"?

HON. G. RANDELL: That word does not quite convey my meaning; but I am

quite willing to accept it if the hon. member will feel comforted.

THE COLONIAL SECRETARY: Very much comforted.

HON. G. RANDELL: Then I will use it. The Government may act hastily, and the Act may from information received be applied in some districts unjustly, or to discriminate between factory and factory. That is why I object to the clause and why I propose that it should be struck out. Exemptions should be set forth in the Bill. I hope I am not wearying hon. members, and I trust they will follow me and see in what respects I think the Bill is oppressive or restrictive. In Clause 7 I propose to strike out the words "After the expiration of three months from the application of this part of this Act to any district, no person shall within such district," and insert in lieu: "Six months after the passing of the Act no person shall." The clause will then read:—

Six months after the passing of the Act, no person shall occupy or use as a factory any building, enclosure, or place unless the same is registered as a factory under this Act.

HON. J. A. THOMSON: And we might kill a good many people in the meantime.

HON. G. RANDELL: I propose to strike out Subclause (f) of Clause 8, in accordance with my views expressed on Clause 6. These words are, "Such other particulars as are prescribed." This is too indefinite, and a matter which I do not think we should leave to be dealt with afterwards. If we are to have the Bill, let us have it as perfect as we possibly can. In Clause 9 I propose to strike out the words "as soon as practicable," at the beginning of the clause, and to insert in lieu, so as to prevent any undue delay, the word "immediately." The clause would then read: "Immediately after the receipt of the application an inspector shall examine the factory and satisfy himself that it is suitable for the purpose for which it is to be used," etc.

THE COLONIAL SECRETARY: Would you define "immediately"?

HON. G. RANDELL: It means "within reasonable time." I do not think the inspector should jump out of his bed at night-time, or that he should do the thing the same day, but he should do it as soon as possible afterwards.

THE COLONIAL SECRETARY: A good amendment.

HON. G. RANDELL: In line 2 of Clause 10 I propose to insert the word "material" between "any" and "respect." The clause would then read, "If the inspector is of opinion that the factory is defective in any material respect," etc. I once inserted this word "material" in the Boilers Bill with very good results. It restricts the powers given to the inspector. I may mention that Subclause 2 of Clause 10 refers to the provisions of Clause 57 relating to appeals. I intend to move that the words "exceeding ten pounds" be struck out of Clause 57, for I do not see why power of appeal should not be given for a sum under that amount. Clause 18 I propose to strike out. This clause says: "The fees for registration specified in the schedule shall be payable on every registration." The leader of the House will see it is a very drastic amendment, inasmuch as it deprives the Government of the fees of registration; but if we are so anxious to inflict registration on factories I think it should be done at the public expense and not at the expense of the factory owner. When the last Bill was before the House I pointed out that the factory owners would be compelled to pay nearly £1,000 in fees provided for in the Bill. I have another objection to these fees. They discriminate. They start from 5s. and go to £2 10s. for the same thing. Why should a man who has a large factory pay 50s. while a man with a small factory pays only 5s.? The same duty is cast upon both factory owners to register their factories, and why should the man with the larger factory be mulcted in a higher sum? If we are to have registration, let the country pay for it, and not the persons who are affected in the carrying on of their businesses. In Clause 15 the first subclause provides that every inspector may "Enter, inspect and examine a factory at all reasonable hours by day and night when he has reasonable cause to believe that any person is employed therein." I think that is very difficult to understand, and therefore I propose to insert the words "at the time" before "employed." The clause will then read: "When he has reasonable cause to believe that any person at the time is employed

therein." That is to remove any doubt that may arise. In Subclause 4 I propose to strike out all the words from "factory." The clause reads in this way: "Every inspector may . . . examine and question, with respect to matters under this Act, every person whom he finds in a factory," etc. These are the offending words I propose to strike out: "or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory." The only description I can give to that clause is that it is inquisitive, immoral, and unjustifiable. Why should the inspector inquire from any man who has been dismissed, to get incriminating evidence against the owner of a factory? It does not matter where the provision comes from; it is unjust and an improper provision to have. An inspector may go to a factory and question all the employees if he likes, but he should not go farther.

HON. C. SOMMERS: Is the inspector to pay for the loss of time?

HON. G. RANDELL: Good care is taken that the inspector pays for nothing. I need not refer to the books which have to be kept by the owner of a factory. I have already done so. It is an unnecessary burden on him. I propose to strike out Clause 18 with reference to the notices in factories.

THE COLONIAL SECRETARY: Why strike it out?

HON. G. RANDELL: I think it is particularly unnecessary; it is a hardship on the owner of a factory.

THE COLONIAL SECRETARY: I think the hon. member would save time if he pointed out what he does not intend to strike out.

THE PRESIDENT: The Bill is under discussion, and the hon. member has a right to speak on every clause if he likes.

HON. G. RANDELL: I do not think the Minister was objecting; he was only trying to have a little bit of fun at my expense. I draw the attention of members to Clause 19, which says: "It shall be the duty of every inspector to ascertain that the provisions of any award of the Arbitration Court relating to an industry carried on in any factory, or any persons employed therein, and whether made before or after the passing of this Act, are observed." We read sometimes about

having drag-nets in the river and at other places which have so small a mesh that they gather in large and small fish alike. It seems that with many clauses of this Bill, and this clause in particular, great care has been taken that there shall be no escape for anybody. I want to point out that this clause provides that the inspector shall look after the members of a union. I have already indicated that I think officers of labour unions are sufficiently alert to bring every little infraction of the law to the notice of the powers that be, and to urge an application to the Arbitration Court; so it seems superfluous to ask that an inspector shall look after the unions. I am sorry to say there is in this country a very wide disloyalty at times which is very distressing—it is to be found in Government offices and in private employment—disloyalty to the proprietors, or it may be disloyalty to a Ministry in existence at a certain time; and so we find cropping up and published in some newspapers certain things that are to my mind very distressing. I would not seek to hide anything which is wrong or improper in any department or service, but I think this proposal goes too far. I do not propose any amendment there, but only draw attention to the provision. In Clause 24 I propose to add at the end of Subclause 1 these words: "Provided, however, if the occupier proved that the work is improperly done or the material spoiled he may recover to the extent of the damage." The phraseology of the clause is somewhat vague. I am not in a position to say what is clearly meant by the clause, yet I think we must protect the occupier a little farther. It does happen that men have performed a certain amount of work and profess that the work is finished. The occupier, as he is called in the Bill, or the factory owner, finds that the work is badly done or improperly finished. I heard of a case in which some material had been utterly spoiled; I think it was a coat which had been made and had been spattered all over with spots; it was utterly unsaleable. The coat could not be supplied to the person for whom it was made. There should be some remedy in the Bill for this sort of thing. Very likely the factory owner had a remedy at common law, but we might as

well provide a remedy in this Bill. I propose to strike out Clauses 26 and 27, and in Clause 28, line 15, to strike out the word "sixteen" and insert "fourteen" in lieu. That is only a consequential amendment. In Clause 29 I propose to strike out Subclause 3 and insert in lieu, "Reasonable measures shall be taken to guard against extreme heat."

HON. J. W. WRIGHT: That will come under the Health Act.

HON. G. RANDELL: I believe the Health Act provides for nearly everything in this Bill in regard to sanitary matters. I propose to strike out Subclause 4 and insert the words: "A factory shall be efficiently ventilated." I think that will meet every objection if the Bill becomes law; it will meet all the necessities of the case. The subclause reads:—"Adequate measures shall be taken for securing and maintaining a reasonable temperature so as to guard against extreme heat." I advise the owners of newspapers to keep a lookout in regard to this clause if it is passed, but I propose to strike out the clause and insert, "A factory shall be efficiently ventilated." Certainly it will be impossible to carry out the subclause, which says:—

Without limiting the operation of the last preceding subsection, the inspector may, by requisition to the occupier, require the occupier to supply fans or other efficient appliances to carry off and render harmless all such gases, fumes, dust, and other impurities, and to maintain a reasonable temperature.

I wonder what class of factory that refers to? Would it be foundries? It would not I suppose be a sewing machine factory?

THE COLONIAL SECRETARY: Boot factories.

HON. J. A. THOMSON: Bedding and flock factories.

SIR E. H. WITTENOOM: Hotels.

HON. G. RANDELL: I think it would apply to hotels. I propose in line 7 of Clause 31 to strike out "a time" and insert "such reasonable time as may be named in the requisition." I think that will meet all the circumstances of the case, and will be more reasonable than as the Bill stands. Clauses 34 to 38 inclusive, and Clauses 40 and 41 I pro-

pose to strike out. Clause 39 relates to the prevention of fires, and I think it is a proper clause to have in a Bill of this description. Regulations as to fires are provided by the Perth City Council, and the provision here to a certain extent is unnecessary, but this Bill makes them more readily provided for, and it will inflict no hardship on the factory owners.

HON. S. J. HAYNES: Clauses 32 and 33 are provided for by the Health Act.

HON. G. RANDELL: In Clause 46 I propose to strike out the words "inspector," in lines 1 and 4, and insert "Minister" instead. It will be seen I have some faith in the Minister, and I intend to add a new clause to stand as Clause 3, but I will not answer for the wording of this. I may alter it by and by, but at present it reads as follows:—"Provided that the occupier shall be heard in reply to the recommendations of the inspector." I am assuming that the Minister will not act without the recommendations of an inspector. I do not think it is right that the Minister should act on the *ipse dixit* of an inspector, who may act in an arbitrary way. An inspector is only human like the rest of us, and he will magnify his office, and I expect in some actions he may err. We should put a check on him so as to make him more careful and examine things more carefully. Clause 47 I propose to strike out, because it is provided for in Clause 39; it is absolutely unnecessary. Clause 48 is provided for in the Health Act. In Clause 49 I propose to strike out the word "Minister" and insert "Governor." I am rather sorry to do this, but it will cause rather more attention to be given if we insert the word "Governor." I think I shall have the support of Dr. Hackett in this case, because he always is desirous of seeing important matters referred to the Governor. I propose to strike out Clauses 51 and 52. In Clause 57, Subclause 4, line 14, I propose to strike out "exceeding £10." I can hardly see why an inspector should be able to order certain things to be done when the cost does not exceed £10. The order may be just as oppressive and wrong, therefore the occupier should be allowed to appeal. From Subclause 6 strike out all the words from "appeal," and take in the words of Subclause 7. It will then read, "On the hearing of the appeal the magis-

trate may, by order, confirm, reverse, or modify the requisition as he thinks fit." Strike out from Subclause 6 the objectionable words, "the requisition of an inspector shall be deemed reasonable until the contrary is proved by the appellant." The burden of proof should not be laid on the occupier. In Clause 60, after the word "continues," in line 20, add the words, "if, however, the occupier closes his factory, no conviction shall take place." I think that is a simple protection. If one finds that the disabilities under which he labours are of such a character and will lay such a heavy weight upon him that he will have to close down his factory and cease operations, magistrates should be prevented from inflicting a fine of £5, when that course has been adopted. My amendments affect the Bill very strongly, and I think that if the measure goes through as it will be left if my amendments are passed, it will not act oppressively or harshly perhaps upon the owners of factories. Otherwise it will.

THE COLONIAL SECRETARY: Add a clause giving them bonuses, and it would be all right.

HON. G. RANDELL: We do not want to give them bonuses. I did think of putting a clause at the end to the effect that the operation of the Act should be limited to one year, but I do not press that. Of course I wish to strike out the schedule. I have dealt at some length with this matter, and simply and particularly because I was wishful for members to know my views, and I believe I have the concurrence of representatives of the Chamber of Manufactures. I will not mislead members. It is not from the information furnished to me by the occupiers of factories that I have taken these objections to the provisions of the Bill, but I have gone through the measure carefully again and again, and these are conscientious convictions at which I have arrived, and I have secured the approval of representative members of the Chamber of Manufactures. I hope I have not trespassed too long. I feel that this is an important measure, and it will certainly require the careful consideration of members before it passes into law, because I predict from it the most injurious effect upon the industries of this State.

HON. C. A. PIESSE (South-East): The hon. member who had just sat down was very careful in beginning his remarks to give special praise to the Colonial Secretary for the manner in which he introduced this Bill. I desire to give special praise to the hon. gentleman who has just sat down for the excellent manner in which he has pulled it all to pieces. Evidently the remarks of the hon. member met with the approval of members of the House, and I desire to test the feeling of the House in regard to the Bill, therefore I move an amendment to the effect

That the Bill be read a second time this day six months.

HON. C. E. DEMPSTER (East): I hope members will bear in mind the very striking facts brought before the House by Mr. Randell; and I am sure that if they have listened attentively they can have come to only one conclusion, and that is that the Bill is a very undesirable one. I went through it carefully, and certainly came to the conclusion that it was a pity so much good labour should be wasted. I think it desirable in the interests of the country and those likely to establish factories in the State to put this Bill by for six months; indeed for six years, because I am perfectly sure that instead of doing good it will do a great deal of harm. We are at a time in the progress of the State when it is necessary to do all we possibly can to endeavour to start industries and to afford employment to the unemployed, and open out the vast resources of the State; but what man possessing common sense or spirit would start a factory if he would be brought under the provisions of such a Bill as this and be subject to the annoyance of a number of inspectors? We must have a chief inspector and a number of other inspectors, including health board inspectors. We should be subject to numerous annoyances. I dare say many members will agree with me that all these restrictions are having a very bad effect upon the State at the present time. There is scarcely a man in the State who will enter into any kind of industry, because he knows it will bring about so much trouble, injury, and risk. These working men are quite capable of looking after themselves; and what with working men's unions and one thing and another the employers

always have the worst of it. Instead of our encouraging employers all we possibly can to start industries which will give work to the unemployed, it is always the employer who must be got at in every possible way, no encouragement being given to him. That is not at all calculated to advance the interests of this State, and I say it is unfair. One side should be considered as much as the other. We should at all times consider the interests of the employer, who has to find the money and afford employment. I do not say it is not the duty of the employer to consider the interests of those who serve him. The employer always will do that. He will always endeavour to make the duties of those he employs as light as possible, as long as the employees are worthy of their hire. Legislation of this nature has been carried out to a great excess, and is doing a great deal of harm right throughout Australia, I may say.

THE COLONIAL SECRETARY: Where?

HON. C. E. DEMPSTER: Every part of Australia. At the present time there are few men who are able to do any kind of work. You will find a man utterly useless, and you part with him and get another. Such men do not know how to do anything. They like to loaf about the towns and go to public-houses and theatres, and all that sort of thing, and when one gives them a job they will soon chuck it. I think the wisest thing we can do with this Bill is not to endeavour to carry the whole of the amendments suggested by Mr. Randell, but to decide that the Bill should be read this day six months, and I therefore second the amendment.

THE COLONIAL SECRETARY: This day six years?

HON. C. E. DEMPSTER: I would rather say six years than six months, for in its present form I am sure the Bill is undesirable.

HON. T. F. O. BRIMAGE (South): I trust the Bill will not be read "this day six months," for I think we have a right to consider these things. I certainly do not think the time is ripe for us to have a Factories Bill before the House, but I do not like to see Bills thrown out in a peremptory manner. Rather I think it is our duty to consider them, and if we do not agree with the sentiments expressed

in this Bill we can throw it out. However, I am not at all in sympathy with the Bill. I repeat that I think the time is not ripe for it; moreover, the number of factories at present in Western Australia does not warrant the extra cost of the appointment of inspectors. No doubt we shall require quite a dozen to administer this measure; one in most of the districts; and I do not think that the Bill is necessary; in fact I do not think we have factories enough for such a Bill as we have before us. [Interjection.] A good number of us regret throwing out the Machinery Bill. I have listened with a good deal of interest to Mr. Randell, who I certainly think has voiced public opinion; and in regard to the interpretation clause, I would support the proposal that a factory should consist of six persons. I think that two is quite too small a number. A shoemaker and an apprentice should not constitute a factory. The Bill is a little improvement on the last, but not very much, and seeing that we have the Health Act and the Arbitration Act at the present time, I would vote with Mr. Randell in striking out those clauses which relate to those Acts. We have heard a great deal about sweating in Perth, but personally I do not think there is such a thing at the present time. In my opinion the labour unions are far too diligent to allow such a thing to occur, and I think, too, that the feeling amongst citizens to-day is very different from that which existed 10 or 15 years ago. To-day no citizen will hear of his fellow-men being sweated, and I believe the people would support any outcry to assist legislation against sweating, if such a thing prevailed in a country like this. I quite agree with the remarks of that gentleman Mr. Randell referred to in relation to Press opinions. I think there is a great deal too much legislation in this way, and I trust the Government will take a hint in relation to what Mr. Randell has said, that until we get the population and the factories and other things going —

THE COLONIAL SECRETARY: How many factories do you think there are in Perth and Fremantle?

HON. T. F. O. BRIMAGE: If two constitute a factory, I dare say there are a couple of hundred, perhaps a couple of thousand; but I do not think there are many of what I call factories—perhaps 20

or 30. Certainly I do not think there are enough factories in the State to justify the cost of the supervision needed to administer a Bill of this kind. I trust the second reading will pass, that we shall consider the Bill in Committee, stamp on it the opinions of this House, and hand it back to the Government.

HON. E. M. CLARKE (South-West) : Notwithstanding all that has been said against the Bill, I shall unhesitatingly support the second reading. Mr. Randell handled the measure well, and I thought he intended to treat it mercifully; but he pulled it all to pieces. Though I opposed the last Shops and Factories Bill, I must say this is a vast improvement on that; for this Bill contains many good clauses. Without labouring the matter I will support the second reading, with a view to amending in Committee two or three clauses for which I do not care. I think that in justice the Bill should go into Committee.

HON. C. SOMMERS (North-East) : I am inclined to vote for the amendment. Certainly this Bill is an improvement on the first; but I think that if we wait another year we may get an even better Bill at the third time of asking. I maintain that as long as the provisions of the Health Act are enforced—and there is no reason why they should not be—the clauses of this Bill relating to other matters are unnecessary. In this State the hours of labour are practically settled, for all admit that eight hours constitute a fair day's work. Public opinion will prevent the employment of boys under a proper age; in fact, our Education Act prohibits the employment in factories of boys under 14. In a State like this, where we are endeavouring to induce people to embark their capital in various industries, it is a step in the wrong direction to start penalising them as the Bill proposes. Fancy calling an establishment employing two persons a factory. Two women taking in washing would then constitute a factory; and that is too absurd to be seriously considered. Of the real factories we have in this State I do not suppose the generality average more than 15 employees. The power given to the inspectors is altogether too great. Take Clause 46 :—

The inspector may require any building used as a factory which is constructed of iron,

zinc, or tin to be lined with wood or other material to his satisfaction.

It would be a pretty large contract if many factory owners were called on to line large buildings, to satisfy a fad of the inspector. The inspector must justify his appointment by doing something. We may well wait, not perhaps for six years as Mr. C. E. Dempster suggests, but at least another year or two, before passing such a measure; for by waiting we shall encourage those persons willing to embark their capital in factories, and will give them a better opportunity of getting on their feet. The Bill is far too harassing in its nature, and may well be read this day six months.

HON. J. M. DREW (Central) : When the Colonial Secretary moved the second reading he informed the House that in his opinion the Bill would not apply to mercantile establishments. No doubt he has since had ample time to consider the matter, and I feel convinced he has come to the conclusion that mercantile establishments are within the scope of the measure. The interpretation clause plainly states that any premises where two or more persons, including the occupier, are engaged in dealing with articles in connection with any trade, or preparing articles for sale, are subject to the operation of the Bill. As to "dealing with articles in connection with any trade," do we not speak of the trade of a merchant? A merchant carries on trade; therefore he comes within the provisions of this interpretation clause. Then as to "preparing articles for sale," articles are prepared for sale in mercantile establishments; hence such establishments come within the range of the measure. And if the Bill does not apply to mercantile establishments, I maintain that much of its utility is lost; for it is in large mercantile establishments that many of the evils at which the Bill is aimed are likely to arise. Last session, when a similar measure was presented to this Chamber, it met with a short, swift, and sudden fate; but I trust that will not be the issue on the present occasion. That there is something to object to in this Bill I do not deny; but there is much to commend. The object of the Bill is undoubtedly praiseworthy. It aims at the regulation of factories; and that is a matter which should be in the interests of

humanity receive due attention. Nevertheless I contend that care should be taken that the measure is not made an engine of oppression. The Bill as it now stands seems to me too far-reaching in its range. It applies to every workroom in the community where one person besides the employer is engaged. It applies to every tinsmith, every cobbler of old shoes, every carpenter, every washerwoman. Is it really necessary that the measure should go so far? Do the more thoughtful among the workers of the community really require that it shall go so far? I can scarcely think so; because if it does, it will be killed by its own deadweight. A large army of inspectors must be appointed; and I am sure that no Government would incur the expense incidental to their appointment. In many cases the inspectors would be police officers. There is an old song which recommends us, if we want to know anything, to ask a policeman. Any inspector under this Bill must be a walking encyclopædia of knowledge; he must understand and be able to deal with the sanitation of factories, prevention of fire in factories, prevention of sweating; deal with hoists, elevators, bakehouses, stairways, etc., be able to interpret the Health Act. The lot of a policeman inspecting under the Bill can scarcely be described as a happy one. Clause 51 states:—

Every cabinetmaker and dealer in furniture who sells or offers for sale goods manufactured wholly or partly by Asiatic labour, and whether imported or manufactured in Western Australia, shall stamp such goods in the prescribed manner with the words "Asiatic labour," and keep securely affixed outside his shop facing a main thoroughfare a notice on which shall be legibly painted the words "The goods sold in this shop are made (or partly made, as the case may be), by Asiatic labour."

I have no sympathy with Asiatic labour; I have always been opposed to it, and am opposed to it now; but the question is, will this clause have any direct effect? The other day I had a conversation with one of the leading furniture-dealers in Perth. He was totally opposed to Chinese labour; but he said this clause would prove one of the best advertisements the Asiatic ever received; it would give the public an impression that Asiatics sold cheap furniture, and the public, no matter what their views on politics, general economics, or on the

coloured labour question, would patronise the man who would sell them the cheapest furniture, otherwise the Asiatic. Consequently the Chinese shops would be dealt with in preference to the European. Then he farther said: "Every furniture-dealer must hang out a sign, 'The goods sold in this shop are made (or partly made, as the case may be), by Asiatic labour.' The very chair you are sitting on was made in Singapore. A large proportion of the other furniture in my shop was made there. All those cane lounges and these cane chairs are made in Singapore, and we must stock them or our customers will go elsewhere. The result will be that every furniture-dealer in Perth will stock them, or he will lose business. The clause will therefore have no practical utility." My informant was totally opposed to Chinese. He wished to see Chinese furniture manufacture extinguished; but he said this clause would not effect its purpose. As to the amendment, I sincerely hope it will not pass. Last year a Bill almost exactly identical with this was rejected here. We must recollect that this is the second occasion on which such a measure has come down from another place, and we should be sufficiently courteous to another place to treat with a certain respect the measures sent to us, and not deal with them peremptorily.

HON. C. A. PIESSE: Is there any need for the Bill?

HON. J. M. DREW: I say there is need for it; but its operation should be restricted. If the term "factory" were defined as "a workroom employing not fewer than half a dozen persons," instead of "one person besides the occupier," I think the difficulty would be removed; for the interpretation clause is the only feature of the Bill to which I seriously object. I consider it unnecessary to go so far; and that if we do go so far the object of the framers of the measure will not be achieved. I trust the Bill will be taken into Committee, and such amendments made as will bring it into conformity with members' ideas.

HON. S. J. HAYNES (South-East): After listening attentively to Mr. Randall's speech on this Bill, I have come to the conclusion that he dealt very fairly with the measure, and gave good reasons for what he said. Practically

Mr. Randell objected to the whole of the Bill with the exception of the title. Some of the clauses, he said, were not required, because they already found a place in the statute-book, and the others were mischievous; therefore he practically disagreed with the Bill. Personally I heartily concur with every word of the hon. member, and I think his speech should carry weight in the House, because he has had wide experience. He is a metropolitan member; he knows the conditions under which our factories work; and he has made personal inquiries as to the so-called sweating. Undoubtedly the keynote of what the hon. member said, and the keynote of every subsequent speech, was that the Bill is premature. I unhesitatingly say it is premature, and shall therefore support the amendment; and in so voting I think I shall be voting in the interests of the employees. We hear repeatedly in this and other States the question, "What are we to do with our boys?" We hear that question raised, and the difficulty parents have is, what shall the boys be put to? If we have restrictions on the statute-book when factories are in their infancy they will certainly aggravate the position. Judging from what I have seen in this State, and I have been through some of the factories, there is no sweating. I am sure that the tendency of employers at the present day is to treat their employees with every degree of humanity. It has been mentioned that this factory legislation is in vogue in the old country; but it is requisite there where there is a dense population with cheaper labour and greater competition. However, when factories are in their infancy, as they are in this State, every encouragement should be given to them, and measures of this class are a deterrent to capital coming to this State, and prevent the starting of these factories. In the circumstances I shall, as I think I did last year, vote for the amendment "that the Bill be read this day six months."

SIR E. H. WITTENOOM: I move that the debate be adjourned.

Motion put and negatived.

THE COLONIAL SECRETARY (in reply as mover): If no other member wishes to speak, I have just a few words to say on the amendment which has been

moved by Mr. Piesse, and which was attempted to be moved, I noticed, by Mr. C. E. Dempster. I must sympathise with that hon. member who, it appears, has a great predilection for and takes a large measure of delight in throwing out measures of this sort.

SIR E. H. WITTENOOM: I called for a division on my motion.

THE PRESIDENT: I only heard one voice. Under the Standing Orders a division cannot be claimed in that case.

SIR E. H. WITTENOOM: I am exceedingly sorry my ears deceived me.

THE PRESIDENT: The hon. member should have raised the point before. It is too late now.

THE COLONIAL SECRETARY (continuing): I will also extend to Sir E. H. Wittenoom the sympathy I was offering to Mr. Dempster. With regard to the Bill I listened with a great deal of interest, and I may say at times with a great deal of pleasure, to the extremely able speech the Hon. G. Randell made against the Bill. I was pleased to see he took up an attitude not altogether antagonistic to the measure, and I must say in some cases his amendments will I think prove acceptable, and that in all cases the amendments which he wishes to move are susceptible of argument; but I really cannot understand the attitude of hon. members who wish that this Bill should be read this day six months, and that this State should stay in the condition of isolation which, in regard to this class of legislation, it occupies at the present time. I suppose hon. members do not think that a country like Russia for instance is over-burdened with this legislation which has been classed as socialistic—a term which I regret to observe has assumed a significance almost condemnatory in the eyes of some members. Yet what do we find? We find that, in addition to other civilised countries of the world where factories are carried on, Siberia has an Act providing for the hours and work of women and children, for the condition of factories, and that factories shall have attached to them hospitals, reading-rooms, and provisions of that sort for the comfort of employees. This is in Siberia, which hon. members will look upon more or less as an uncivilised country; yet in Western Australia we propose to rob employees in

factories of provisions given to them in a despotic country like Russia. The attitude taken up by many hon. members in wishing to read this Bill six months hence is absolutely unworthy of a deliberative Chamber like this. One hon. member reiterates time after time: "Show us the need." I said, when introducing the Bill, that the importance of West Australian factories rendered the Bill necessary at the present time. As I said then, if any hon. member who enjoys the hospitality of the Western Australian Chamber of Manufactures at the time their annual dinner is being held would take notice, he would find that the chamber represents a very large industry, employing a great number of persons, and that the number of factories is daily—nay, I might almost say from the optimistic tone of the speeches at that dinner—hourly increasing; but when it is proposed to place not restrictions but regulations on the conduct of these factories, we find that this same body says: "You must not oppress the growing plant—nay, not the growing plant, but the sprouting seed. These restrictions which you are going to place upon us will kill the industry." No hon member so far throughout the debate (and there are hon. members who have got on their feet with the desire to say the hardest possible things against the Bill) has been bold enough to say that any of the provisions of the Bill are unjust. I have pointed out that it is well that we should train up the young plant, or as the W.A. Chamber of Manufactures says the sprouting seed, in the way it should go. If none of the provisions of this Bill—and hon. members do not wish to say they are unjust—are being contravened by any persons owning factories in Western Australia now, the Bill cannot possibly act oppressively towards them; but if they are being contravened—and it is admitted by members they are not unjust—is it not high time that some legislation was introduced to stop that contravention? As I expected that during the course of this discussion some hon. member was sure to get up and instance the Victorian Factories Act as the bugbear of the manufacturing industry, I was careful to point out in introducing the Bill that this measure is in no way founded on the

Victorian Factories Act. On the other hand the provisions of the Bill are taken, as I pointed out, from the legislation which is existing and has existed for some time past in New South Wales, South Australia, New Zealand, and Queensland, and in none of those places have there been any systematic, continued, or even isolated complaints about the operation of this legislation. Why then fear it here? I would like to reiterate the argument I used when introducing the Bill, that it is far better for us to train up this budding industry in the way it should go, than to let it run wild at its own will for some years to come and then to descend upon it—and it is bound to come to pass, as it has come to pass in other civilised countries—with a measure which may restrict trade somewhat in a way in which I think I can certainly claim this Bill will not. I hope the Bill will be read a second time. I feel confident it will, and I promise that any amendments moved will be met with every consideration.

SIR E. H. WITTENOOM: I moved one that had no consideration.

THE COLONIAL SECRETARY: I am sorry for the hon. member. There is one thing I would like to remark. When I introduced this measure I said that one of the cardinal points of the Bill was that it provided safe protection for the working hours of women and children. Strange to say, some of the few clauses which the Hon. G. Randell omitted—and there are very few in which he did not suggest amendments—were those which embodied what I consider one of the cardinal principles of the Bill, the regulation of the hours of work of women and children. I would like to correct the Hon. C. Sommers, who stated that this Bill interferes with the hours of work. Most distinctly it does not. The only interference is in the hours of work of those who are not dealt with by the Arbitration Court. In clause 19 it is explicitly stated that the hours of work of adults shall be regulated by the Conciliation and Arbitration Act. I regret to find that the Hon. G. Randell wishes to strike out the clause dealing with accidents in factories. These clauses are, I maintain, rendered imperatively necessary in this measure by the fact that this Chamber rejected to its sorrow, or to the sorrow of

the majority of members, the Inspection of Machinery Bill.

SEVERAL MEMBERS: No.

THE COLONIAL SECRETARY: I hear four members say "No," but I honestly believe that these clauses have an absolute claim to be retained in the present measure owing to the action taken by the House some little time ago in refusing to pass the second reading of the Inspection of Machinery Bill.

HON. G. RANDELL: We have these provisions already. This is only a re-enactment.

THE COLONIAL SECRETARY: We have certain provisions dealing with boilers in the present Boilers Act, but the efficient protection of machinery is a subject upon which we want more definite legislation than we have now. We have also an Employers' Liability Act, but I would like to point out that this Bill, or any legislation in this respect, is calculated to protect the employer just as much as the employee. I hope, and I think I may say that I almost feel confident, that the second reading will be carried, and I hope also that hon. members will not adopt the course, which I am led to believe in the past history of this House has been adopted, of placing on the face of the Bill amendments which render it impossible that another place will accept them. I hope this will not be done.

SIR E. H. WITTENOOM: It has never been done.

THE COLONIAL SECRETARY: I accept Sir E. H. Wittenoom's assurance that it has never been done in the past, and I hope at all events it will not be done in the present instance. I feel confident that the good sense, and that sense of fairness appealed to by the Hon. G. Randell, on the part of hon. members of this House will prevail, and that the second reading will be passed without a division.

Amendment (six months) put and negatived.

Question put, and passed on the voices.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9:47 o'clock, until the next day.

Legislative Assembly,

Wednesday, 2nd December, 1903.

Election of a Speaker PAGE 2416

The House met at 7:30 o'clock, p.m.

THE CLERK ASSISTANT (*ad interim*) stated and put questions.

ELECTION OF SPEAKER.

THE PREMIER (Hon. Walter James): Mr. Grant, owing to the death of our Speaker the obligation now falls upon the members of this House to appoint a successor. By Section 15 of the Constitution Act of 1869 it is provided that the members of the Assembly shall, in the case of the death of the Speaker, again elect one of their number to be Speaker. By our Standing Orders provision is made, as members will see in the orders from No. 8 onward. By these Standing Orders a proposition is made to the House that a certain member do take the Chair, and it is then open for any members who desire to propose a member other than the one proposed to place their nomination before the House; and then by Standing Order No. 13 a ballot is held and the question is settled. In dealing with this question, we have to bear in mind that we are now on the eve of the termination of this session and the dissolution of Parliament. The Speaker who is now appointed will hold office, as far as members here are concerned, for the matter of a few weeks, and it will rest with the new Parliament when it meets after the elections to choose a Speaker to hold office during the term of that Parliament. Owing to the fact that in the past Sir James Lee Steere has commended himself so unanimously to members of this House, there has been no need to have an election, because as Parliament after Parliament has met we have recognised so unanimously his pre-eminent qualifications for the Chair that we have placed him in it without the least opposition, or the least suggestion of opposition. The duty devolves upon me of placing a motion before the House, and I now have very great pleasure in moving in accordance with Standing Order No. 8,

That Mr. Harper do take the Chair of this House as Speaker.