Legislative Council.

Tuesday, 23rd November, 1920.

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

PETITIONS (2)—FACTORIES AND SHOPS BILL.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.32]: I desire to present a petition from the Chung Wah Association of Chinese subjects, containing 80 signatures, with regard to the Factories and Shops Bill; also a petition from various Chinese laundrymen, containing 27 signatures. These signatures bear the Clerk's certificate that they are in conformity with the Standing Orders of the Council. They contain no language which is disrespectful to the Legislature. I move—

That the petitions be received and read.

Question put and passed; petitions received and read, and ordered to lie on the Table of the House.

BILL—GUARDIANSHIP OF INFANTS.

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

BILL—OPTICIANS.

Second Reading.

Debate resumed from 18th November.

Hon. J. NICHOLSON (Metropolitan—in reply) [4.34]: I gather that hon. members are satisfied so far as the debate on the second reading of this Bill is concerned. Certain questions have been raised and criticisms made in the course of the debate. I recognise that the main opposition has been directed by Dr. Saw, who emphasised an attitude quite in keeping with that adopted by the Australian branch of the British Medical Association. That attitude is also in accord with that adopted, so far as I can gather from a perusal of the report, in connection with the select committee, which took evidence regarding the Opticians Bill which is now law in Queensland. While I appreciate the attitude adopted by Dr. Saw, one can recognise that there is a certain amount of hostility being evidenced by the British Medical Association against any legislation being passed in any State of Australia or elsewhere, which would confer any rights or benefits, such as it is proposed should be conferred by the Bill. It should be clearly understood that I make that remark with the greatest respect to the British Medical Association, because the services which have been rendered by the members of that body to humanity at large are not to be gainsaid. We must have the greatest respect at all times for the members of such an august organisation as the British Medical Association. At the same time, it must be recognised that doctors often differ, and doctors will readily admit—as I have evidence to show—that they are not free from making mistakes. In opposing a measure such as the Opticians Bill, they are, I think, committing one of those mistakes. They are committing a mistake in opposing the Bill on the ground that it would be detrimental to the public that opticians should be registered, or gain in status as is proposed in the Bill. While that may be said on the part of the medical man, members as a whole have to consider whether the principle behind the Bill is a wise one or not. The one principle underlying the whole Bill is: should the public be protected against unregistered men and is it not better in the interests of the public that only men who have certain suggested qualifications should be authorised to practice this profession. If hon. members think for one moment that it is desirable to fix the status of the examination prescribed in the Bill, on some more definite footing, it will be possible to do so in committee. The Bill is for the benefit of the public and not for the opticians primarily. The Bill is not prompted alone in the interests of the opticians. If members approve of the principle of the Bill, they can confirm it by supporting the second reading. Having the interests of the general community at heart, we can, if necessary, protect them in the fullest possible way when the Bill is in Committee. I referred to the fact that a select committee had taken evidence in Queensland, and I suggested that members would have an opportunity of seeing the report of that Select Committee and the evidence which was taken before that body. I mentioned that certain medical men had given evidence. One of the doctors who was called was Dr. J. L. Gibson.

Hon. A. J. H. Saw: Did he approve of the Bill?

Hon. J. NICHOLSON: No, he did not. That is exactly what I said. Dr. Gibson, in conformity with the attitude which has been adopted by the British Medical Association, opposed the Bill. His evidence was very much on the lines of the speech which was delivered by Dr. Saw in this Chamber. In fact, in dealing with various questions he gave answers almost in accordance with the statements of that hon. member. The other medical man who gave evidence was Dr. W. W. Hoare, ophthalmic surgeon of Brisbane, who spoke on somewhat similar lines. Dr. Gibson I understand is one of the leading

practitioners and eye specialists in Brisbane. In dealing with the element of mistakes, he was asked and replied to questions as follows:

> Do you know whether the optician that prescribed the glasses for that man had a diploma?—Every diploma you have mentioned. You see it up on his signboard now.
>
> Would you believe that I know one of the leading oculists in Australia, and that he kept a patient or an applicant for a pair of glasses for eight days, and then gave him a prescription, and the glasses that were made in conformity with the prescription were not so good as those he had been wearing for years?—That is quite possible.
>
> That cuts both ways—we all make mistakes?—We all make mistakes. I am not above making mistakes myself.

These extracts appear on page 85 of the report of the Select Committee. Here Dr. Gibson admits that he makes mistakes. Not one of us is infallible, and Dr. Saw would be the first to admit that he was not infallible. At the same time, doctors are following a profession in which they are imbued with the highest motives, and I am convinced that the opticians are acting with the same high motives as actuate members of the medical profession. If we were to contend as medical men contend, that it is better to go on as at present, we would find that we would still have unqualified men pursuing their vocation, which would not be possible if we were to pass this measure. If we adopt the other course, and pass the Bill, we would assure to the public some standard of qualification, and afford the public a certain amount of protection. If the medical profession were consistent, the proper attitude to adopt would be for them to bring in some measure which would aim at prohibiting all opticians from practising here as at present.

Hon. A. J. H. Saw: Would you support it?

Hon. J. NICHOLSON: No, I would not, because such a measure would be against the public interests. It would be most detrimental. One reason I would advance offhand, if the hon. member desires to prohibit these men from carrying on their calling——

Hon. A. J. H. Saw: No one wants to.

Hon. J. NICHOLSON: The hon. member says he does not want to prohibit them. The position then is in keeping with that adopted by Dr. Gibson and Dr. Hoare before the Select Committee in Queensland, when they said in effect: "Let them go on as at present and keep injuring the public as long as possible." Is that wise? Is that in the interests of the public? I say undoubtedly that is not. If we prohibit these men from prescribing glasses and carrying out the powers asked for here, the position would be that the public would be confined for advice absolutely to the ophthalmic surgeons, and eye specialists who are practising here. A general medical practitioner does not as a rule take up the study of the eye. It is a special organ and requires special study. I am sure Dr. Saw will acknowledge that fact. The ordinary medical practitioner is not able to prescribe for the eye unless he has had experience, and without that experience he is about as great a menace to the public generally as these other unqualified people we have been discussing. If the medical practitioner has experience and knowledge, it is all very well; but if we prohibit the optician from practising and carrying on his avocation as he does at present, we would be confining the general public for advice to four ophthalmic surgeons in Western Australia.

Hon. A. J. H. Saw: I think that is the number here.

Hon. J. NICHOLSON: Those four specialists are practising in, or about, the metropolitan area. What would be the position of the man in the back country? He would have to go to the store and buy glasses which probably would do him incalculable injury. It is not every man who can afford to come to town to get the best advice, and even if such a man could come to Perth there is no saying when he would get an appointment. At the present time, I am informed, the ophthalmic surgeons are as busy as they can be. If that is the case, how can the general public receive the attention that they require from four men only? We would be in a hopeless position. In the interests of the public, therefore, that very position lends additional support to my argument that we should legislate for opticians so that they may have the qualifications that we prescribe in this measure, in order that the public may have a guarantee of efficiency. In the course of the debate Dr. Saw also alluded to the question of drugs and, by way of showing that doctors differ, I will refer to another book called "The Optician's Manual," compiled by C. H. Brown, M.D., who is a graduate of the University of Pennsylvania, Professor of Optics and Refraction, formerly physician of the Philadelphia Hospital, a member of the Philadelphia County, Pennsylvania State and American Medical Societies. It is specially provided in the Bill that opticians shall not use drugs. Dr. Saw stated that it was considered by leading ophthalmic surgeons that the use of drugs was absolutely necessary even to diagnose a case of refraction.

Hon. J. Cornell: Or squint.

Hon. J. NICHOLSON: Quite so. Dr. Brown states—

> The use of atropine discountenanced. - The employment of atropine belongs largely to the province of the physician or oculist, but we advise against its use by the optician.

In this Bill we provide against its use by the optician.

> It produces a most alarming disturbance of vision in hypermetropic eyes, which in

some cases has so frightened the individual, even where he was advised in advance of its probable effect, that he has refused to submit to a second instillation of the drug, and either tried to get along without glasses or sought them elsewhere.

Hon. A. J. H. Saw: An hallucination

Hon. J. NICHOLSON: That is what I have said. Dr. Brown continues—

Many persons have consulted the writer, and have attributed, whether justly or unjustly, much of their trouble to the atropine that had been dropped in their eyes, and have declared with the greatest positiveness that their sight has never been as good since the drug was used as it had been before. In view of the possibility of such an experience it would scarcely be policy for the optician to run the risk of injuring his reputation in this way. Nor indeed is it really necessary in a majority of cases.

Hon. A. J. H. Saw: What about the other cases?

Hon. J. NICHOLSON: He continues—

We repeat the statement that almost any cases of hypermetropia can be corrected without the use of atropine, at least tempararily. The writer does not employ the drug nearly so much as he did in the earlier years of his practice. He has frequently found that the glasses that were indicated by the preliminary examination were the same glasses that were prescribed after repeated examinations under atropine, because his experience had taught him that the total error could not all be neutralised; and this experience has occurred so often that he was led to look upon atropine as almost superfluous in the detection and correction of the majority of cases of optical defects, because the result of a careful examination without atropine indicates glasses about as strong as they can be borne even after the use of the drug.

This quotation is sufficient to support what I have said with regard to this matter. In the course of the debate Mr. Sanderson directed attention to the fact that certain references to other statutes had been omitted from this Bill. I agree that it has been the practice for some time to append to the Bill some memorandum explanatory of the measure and in the marginal notes to make references to the Acts from which the sections had been drawn, but there is absolutely nothing in our Standing Orders which requires this to be done. It is merely a practice which has been in vogue for some time. The latest Bill placed on members' files dealing with the Factories and Shops is one to which I would refer as being open to the same complaint that Mr. Sanderson directed against the Opticians Bill. If he refers to the Factories and Shops Bill, he will find that in not one instance do the marginal notes refer to the Acts from which the clauses are drawn.

Hon. J. Cornell: The Industries Assistance Bill and the Wheat Marketing Bills are other instances.

Hon. J. NICHOLSON: Quite a number could be mentioned. There is no established rule. While I should have been pleased to see these things included for the convenience of members, I would point out that I did not draw the Bill and that I had nothing to do with its preparation. I must therefore excuse myself from having been in any way responsible for these omissions. Another matter which was referred to by the hon. member was the question of the success or otherwise of the experience gained from the Acts in force in Queensland and Tasmania. If the hon. member had referred to the debate which took place in the South Australian Parliament, he would have found that when the Chief Secretary, Hon. J. G. Bice, introduced the Bill into the Legislative Council on the 2nd October, 1919, that gentleman referred to the working of the Tasmanian Act which had been in force for six or seven years. He said—

The Tasmanian Act, to quote the words of a leading ophthalmic surgeon of Hobart, "worked well and proved an undoubted benefit to the public and everyone concerned."

There is an experience which I would lay before members. In view of the remarks made by Mr. Sanderson I took the trouble to have inquiries made direct from both Tasmania and Queensland and I have the replies to them. From Queensland I received the following—"Opticians Act working satisfactorily. W. Gall, Under Secretary, Home Department." Though we have the evidence to which I have referred regarding the working of the Act in Tasmania, I obtained a direct communication from Tasmania as follows—"Informed Opticians Act giving every satisfaction. Parliamentary Draftsman, Hobart." What more assuring statements could be offered to members than these from States in which similar legislation is giving satisfaction? When introducing the Bill I mentioned that legislation dealing with opticians was in force in various countries. It is in force in 44 out of 48 States in America as well as in several States in Canada. I think that the experience there should assure us that such legislation is for the benefit of the public, and so long as we provide a reasonable standard of qualification, no member can doubt that this measure will be to the advantage of the people of Western Australia. I do not know whether members desire me to enter into further detail with regard to other clauses to which reference has been made. It occurs to me that, with the experience I have mentioned, I have probably said sufficient to convince members who may have doubt as to the wisdom of passing the measure that it is a most desirable Bill and a most desirable principle to legislate for, a principle entirely in the interests of the public.

If there are any clauses which require special explanation I shall be prepared to fully deal with and explain them when the Bill reaches the Committee stage. I hope that members will see their way clear to support the second reading.

Question put and a division taken with the following result—

Ayes	13
Noes	6
Majority for	7

AYES.

Hon. F. A. Baglin	Hon. J. Mills
Hon. E. M. Clarke	Hon. T. Moore
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. R. J. Lynn	Hon. H. Stewart
Hon. C. McKenzie	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. J. Duffell
Hon. J. J. Holmes	(*Teller.*)
Hon. A. Lovekin	

Question thus passed.

Bill read a second time.

BILL—FACTORIES AND SHOPS.

Second Reading.

Debate resumed from the previous sitting.

Hon. A. H. PANTON (West) [5.15]: I support the second reading of the Bill, and agree with the leader of the House that it is the most important legislation which has come before the Legislative Council during this session. I consider that, in view of the times of industrial unrest through which we are passing, it is essential that Parliament should accept the responsibility of meeting the workers' demands for legislation, or at all events going some distance in that direction. The existing factories and shops legislation is obsolete, and almost impossible of administration by the inspectors. Some years of experience of our inspectors, both health and factories and shops, enables me to say that we have a very conscientious set of inspectors. However, owing to the many appeals from convictions in the lower courts and decisions given by the full court, the conscientious work of the inspectors has been rendered practically fruitless. Hence the need for amending legislation. I think hon. members will agree that the employees concerned in this measure are principally women and young lads. The opinion gaining ground amongst the workers generally is that the beneficial legislation to be obtained from Parliament depends largely upon the militancy of the organisation of an industry. When we consider that the Early Closing Act was passed through the Legislature in 1902, and the Factories Act a little later, and that next to no amending legislation has been brought forward until the introduction of this Bill, the circumstances lend countenance to the idea that it is only a militant organisation that can bring about beneficial legislation. Personally I think this measure a distinct advance on existing legislation. In view of the fact that the employees to be brought under the operation of this measure are, as I say, principally women and young boys, there is all the more reason why this House should give special attention to its various provisions. There are several clauses of the Bill with which I am not particularly enamoured. Having some considerable experience among shop and factory employees, more particularly during the last couple of years owing to industrial disputes, I know of what is going on in some shops and factories. An alteration which I would like to see is in the definition of shop assistant. I am not quite satisfied that the clerical workers are properly catered for in this Bill. Under the existing shops legislation clerical workers, although deemed to be shop assistants, are practically not so under a ruling of the Full Court. That ruling was given as the result of an appeal made by Messrs. Sandover & Co. and it establishes, at all events, to the satisfaction of the employers, that a clerk working in a place like Sandover's does not come within the provisions of this legislation. The ruling was practically that if a clerk works in a place which is partitioned off from the goods displayed and sold, he is not a shop assistant within the meaning of the Act. The definition of shop assistant in the Bill before us reads—

> "Shop assistant" means any person (whether a member of the shopkeeper's family or not) who is employed in or about the business of a shop, and includes—(a) any person in the shopkeeper's employment who is engaged in selling or delivering or packing his goods, or canvassing for orders for his goods, whether such person is at any time actually employed inside the shop or not.

The definition then proceeds to say what shall be deemed a shop. If the Government intend, and I think they do, that clerks in places like Sandover's and Boan's should come within the provisions of this Bill, then I must express my belief that the very first appeal against a conviction for a breach of this measure will result in a declaration by the Full Court or the High Court that clerks fenced off from goods which are exposed for sale are not shop assistants. I draw the Minister's attention to the matter so that he may find out for certain whether this measure will extend to clerks. The definition of "factory" in this Bill is a decided improvement on the existing definition, which restricts it to a factory where five or more assistants are employed. This Bill extends the definition to factories where two assist-

ants are employed. I welcome that alteration, because it is quite easy to have a large number of factories each employing less than five workers, with a result very much to the disadvantage of the employees. In the manufacture of goods requiring machinery, it is just as essential that two or three lives should be protected as that five or six should. The leading feature of the Bill to me is the provision of a 44 hours week for women and lads employed in factories. The select committee of another place, who are chiefly responsible for the present form of the Bill, must have got sufficient evidence from both employers and employees to convince them of the necessity for imposing a 44 hours week in this connection. I shall appeal to the House to amend Clause 122 so as to provide a 44 hours week also for women and boys employed in shops. I fail to see why a girl working in a shop should have to work 48 hours as against 44 hours worked by a girl in a factory. Forty-four hours is quite sufficient for a girl in a shop, who is practically on her feet from the time she starts work until she stops. The majority of girls working in factories are seated during their work. This Bill provides for seats in shops, one for three assistants; but if there was a seat for every girl employed, still the girls would not sit down for long because just a glance from the employer or the shop walker, without anything being said, would be sufficient to bring a girl to her feet again. If it is possible to provide a 44 hours week for girls working in factories, where possibly large numbers of men are working 48 hours and are dependent on the work of the girls, then the more practicable should it be to provide a 44 hours working week in shops, since the men there employed are not dependent for their work on the girls behind the counter. Those girls are engaged merely in their own particular line of selling. Therefore I contend that a 44 hours week for women and lads employed in shops would be no detriment to the employers. I venture to say that in the large shops of Perth to-day very few girls work more than 44 hours, because very few of them come to work before 9 a.m. The concession for which I ask will be a great advantage to the girls and no disadvantage to the employers. Clause 45 is one which I welcome, because it will go a long way to obviate the sweating which exists in so many country centres. The clause provides for a wage of 10s. for the first year, 15s. for the second year, £1 for the third year, and an annual increase of 5s. per week until the wage of 35s. per week is reached. I am given to understand that this clause will apply only where there is no arbitration award. The measure provides that an arbitration award shall supersede anything contained herein. That is a matter with which I will deal further directly. However, I shall be glad to have an assurance from the Minister, when replying, that that is so. To-day, although provision is made for 10s. per week for the first year, junior males employed in the clothing trade and junior females employed in the dressmaking and millinery trades are paid for the first six months 15s. and 12s. 6d. per week respectively, these rates increasing until 75s. and 45s. per week respectively are reached. Shop assistants start off, as regards males under 15 years at 14s., and as regards females at 11s. One rate applies under an arbitration award and the other is the result of an agreement between employers and employees which has been made a common rule throughout the metropolitan area. The Bill provides for only 10s. per week in such cases, but the higher rates I mention have respectively been imposed by the arbitration court and agreed to between employers and employees. If the Bill definitely provides that the arbitration award shall be the deciding factor irrespective of anything contained in this measure, I have nothing more to say on the matter. However, that clause will be a great advantage in the country districts where there are no arbitration awards, and where the workers have not yet become organised in industrial unions. The provision will afford protection in such cases. A few weeks ago, when in Kalgoorlie in connection with Arbitration Court proceedings, I ascertained from employers in the witness box that they were paying as low as 2s. 6d. per week to junior shop assistants for the first six months. I do not think any hon. member will say that that is anything like reasonable remuneration in Western Australia. As regards Clause 45, I have to express my disapproval of paragraph (g), reading—

> No woman over the age of 21 years shall, except with the permission in writing of the chief inspector, be employed in a factory, shop, or warehouse at a lesser rate of wage than the lowest minimum rate prescribed for a woman in any award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912, and for the time being in force.

Section 84 of the Arbitration Act provides—

> The court may by any award—(a) prescribe a minimum rate of wage or other remuneration with special provision for a lower rate being fixed (by such tribunal or person in such manner and subject to such provisions as the court may think fit to prescribe in the award) in the case of any worker who is unable to earn the prescribed minimum by reason of old age or infirmity. . . .

Every award delivered by the State Arbitration Court has a long clause dealing with workers who, by reason of old age or infirmity, are unable to earn the minimum wage, and providing a method by which any such employee who wishes to work for less than the minimum rate prescribed by the court may be permitted to do so, conditionally on his disability arising out of old age or infirmity. Paragraph (g) does not

provide anything of the sort. If I read it correctly, it will only apply where there is no award. Consequently we should insist on the chief inspector giving permission only where the disability arises from old age or infirmity. I have the greatest respect for the present chief inspector, but it is not fair to throw on him the onus of saying whether this or that person shall be permitted to work for a lesser rate of wage than that prescribed in any award. I have a decided objection to Clause 52, which provides that no occupier of a factory shall employ a child without permission of the chief inspector. In the definition clause it is prescribed that "child" means a male person under the age of 14 or a female under the age of 15. Parliament should delete that clause and accept the responsibility of saying that no child shall work in a factory. It is a question of principle, which the House should determine. If hon. members are of opinion that no child should be employed in a factory they should say so, and not leave in the Bill a clause which postulates somebody asking for permission and throws on the inspector the onus of saying whether or not a child shall work in a factory. It may be put forward as an illustration that a widow in poor circumstances has a child whom she wishes to send out to work. In such a case it is the duty of the State to look after that widow and give the child the full benefits of education, just as any other child has. I hope to see that clause struck out. I should like some explanation of Clause 97, which provides amongst other things that no laundry in which the persons employed are inmates of an institution conducted in good faith for religious or charitable purposes shall——

The PRESIDENT: While not wishing to stifle debate, I point out for the guidance of hon. members that it is laid down by "May," although not alluded to in our Standing Orders, that it is not regular, on the occasion of a second reading debate, to discuss in detail the several clauses. It would shorten the debate considerably if hon. members would confine themselves to the principles contained in the Bill rather than discuss the various clauses.

Hon. A. H. PANTON: I am sorry if I have been transgressing, but it is very hard, when one wants a lot of information from the Minister, to discuss a Bill of this nature without touching upon the clauses.

The PRESIDENT: The proper place to obtain information is in Committee.

Hon. A. H. PANTON: I will do my best to comply with your request. I should like to know from the Minister if, as provided in the Bill, it is intended to pay overtime in laundries conducted for charitable or religious purposes, how that is to be provided for.

The Minister for Education: It will need an amendment. I have already seen that.

Hon. A. H. PANTON: I understand from the evidence presented to the select committee that no payment whatever is made in any of those particular institutions; consequently, I was wondering how they were going to pay overtime. One of the principal innovations in the Bill is the provision for the closing of shops at 6 o'clock, in other words, the abolition of the late shopping night. A few years ago there would have been a good deal of opposition to this innovation, but from a perusal of the evidence submitted to the select committee I can find only one witness who has any objection to it; and his objection was that the small shops, by keeping open, would divert trade from the bigger shops. However, even that objection is met in the Bill. The abolition of the late night is not new. It has obtained in Queensland for over three years. In order to find out how it was working in Queensland, I wrote to Mr. McDonald, M.L.C., an employer of some 300 workers, whose opinion therefore ought to be worth having. I have here a letter from Mr. McDonald, which any hon. member may read if he wishes to, pointing out that the abolition was brought about by the employers and employees establishing a wages board. Mr. McDonald says he would not revert to the late shopping night. He finds that the volume of business is better distributed throughout the week, that the assistants are more efficient, and that the customers have a better opportunity for seeing the goods in the daylight, in consequence of which there is less argument as to the quality or colour of the goods. Mr. McDonald, speaking as the president of the Traders' Association of Queensland, says no trader in Brisbane would go back to the late shopping night. Probably one of the most contentious points in the Bill is that of closing on Saturday at 12 o'clock. Under the present Act the question of whether the holiday shall be on the Wednesday or on the Saturday in any particular locality is left to the shopkeepers, the assistants, and the public.

Hon. J. J. Holmes: You mean 1 o'clock, not 12 o'clock.

Hon. A. H. PANTON: Yes, 1 o'clock. At the proper time I want to move to make it 12 o'clock, and I suppose that hour is running in my head. However, under our present legislation the question is decided on a vote taken on the Assembly roll. I understand that the provisions in the Bill will make Saturday the holiday throughout the State. There is not to be any particular shop district in the Bill, which is State-wide. Consequently, on the Bill coming into force, the half holiday will be general on Saturday from 1 o'clock. But provision is made that a majority of the shopkeepers may petition the Minister to revert to Wednesday. I have no objection to a reversion to Wednesday in the country districts, but I have a most decided objection to the question being left to a majority of the shopkeepers and the Minister. If in the past it has been

good enough for a poll to be taken, the system ought to be good enough for inclusion in the Bill. I hope that in Committee we shall be able to amend that clause to provide for additional petitions from the shop assistants and from the public, and for a poll to be taken, as in the past. Probably the question of the registration of small shops will be keenly debated. As one with considerable experience among small shops, I should like to place before the House the position from the point of view of the workers and the shop assistants. In my opinion it was never intended in the present Act that anybody should be registered as a small shopkeeper irrespective of his disability. Yet we have an organisation of small shopkeepers 1,400 strong. The other night the Minister said the number registered in the metropolitan area was 259.

The Minister for Education: The 1,400 includes exempted shops.

Hon. A. H. PANTON: It means that the small shopkeepers have been running around, making a noise, writing to the newspapers, and bombarding members of Parliament with letters about something which they did not really understand. As the Minister pointed out on the second reading, the small shopkeeper will be at no greater disadvantage under the Bill than he is at present. Probably a few of them will not obtain registration. But then I know a few who should never have had registration. Not 300 yards from my own place are three small shops. One is kept by a widow with a young son and a daughter. They comply with all the conditions of the Early Closing Act and close at 6 o'clock every night. After the widow started the shop, a carpenter and his wife came along and opened in opposition. The carpenter was earning from 16s. to 18s. per day, and when his day's work as a carpenter was over he ran the little business till all hours of the night until it grew to such an extent that he was able to knock off carpentering and devote his time exclusively to the shop.

Hon. J. E. Dodd: What sort of people can you have living around there?

Hon. A. H. PANTON: I do not know. Personally, I patronise the widow. It is only typical of a large number of the 1,400 shops we hear so much about The outstanding point which they have been hammering at is the disability of the returned soldier and what the returned soldier is going to do if this legislation is brought into force. It is obvious that any disabled soldier can obtain registration. He will suffer no disability at all because the Bill provides for the registration, and in fact it will be a continuation of what has been going on for some time. Several small shopkeepers who are in exempt shops are holding up the returned soldier to me as one who is going to suffer. It is a remarkable fact, however, that those who are making the most noise about the returned soldiers and the suffering that they are likely to endure, are those who might have been returned soldiers themselves. I hope hon. members will not be influenced by the numerous letters which have appeared in the Press within the last few days, dealing with the position of the small shopkeeper, and the manner in which the returned soldiers will be affected. We are satisfied that the returned soldier will not suffer any disability at all. A lot of the trouble in connection with the small shops has arisen in this way: A man or a woman may have started in business in a small way by selling fruit and perhaps soft drinks. After going on for a month or two the small shopkeeper would perhaps secure £50 worth of groceries. Under the existing legislation they are supposed to have a substantial partition separating the groceries from the fruit and soft drinks, but it has been found to be almost impossible to administer the Act, because the court has ruled that there is nothing to prevent the shopkeeper putting his hand through the partition to get whatever goods he requires at any hour of the night. That is the reason now why the proposed legislation seeks to confine small shops to a particular section of the community, and I hope hon. members will look at the small shop business in a fair light. I am satisfied that no hon. member wants the man who is employing a large staff, or even only two or three people, to be put to a disadvantage because someone across the road does not happen to be employing anybody, and on account of which he is able to keep open to all hours of the night. There are many businesses in North Perth, and, in fact, in other places as well, where two or three people are employed, and where the conditions of the Early Closing Act have to be complied with, and these places are being run to the detriment of the man who has to pay his employees. Hon. members, I am sure, will not stand for unfair dealing. Another section of traders was mentioned by the leader of the House, namely, druggists. It is proposed under the Bill that they shall keep their premises open until 6.30. It is unnecessary for me to go into details in regard to the position of druggists, because hon. members have received a letter from that organisation asking that all shops should be compelled to close at six o'clock. If we read the clause which deals with druggists, and then read Clause 112 in conjunction with it, we will find that this section of shopkeepers will have to close at six o'clock, because almost invariably druggists keep an assorted stock of goods, and most of them have lines to dispose of which will compel them to close at six p.m. Under Clause 112, if a druggist carries on a mixed business, he must perforce close at six. Therefore I contend that there is no need for the 6.30 provision in the Bill. The same thing should apply to hairdressers. I desire to remove from the minds of hon. members any misconception

that may exist in regard to the position of the hairdressers. The hairdressers in the metropolitan area have been working under an agreement with their employers for a considerable time, and under that agreement it is provided that they shall cease work at six o'clock. The hairdressers are now in the position that they have retired from their agreement with the view of approaching the Arbitration Court. Unfortunately, there is no possibility of securing a sitting of the Arbitration Court before March or April of next year. There is no award in existence at the present time which declares that they must close at six, and if the hour of 6.30 is inserted in the Bill, it will mean that hairdressers will revert to the old order of things. On the other hand, if they approach the court, with the closing hour in the Factories and Shops Act fixed at 6.30, experience leads us to suppose that the court will be disinclined to make an award and include the closing hour which will be different from that provided in an existing Statute. That was the position of the shop assistants in 1912. They asked for 48 hours, and the then existing legislation provided that they should work, the men 56 hours, and the women 52 hours. In that case it was only by an agreement with the employers that the shop assistants secured the 48 hours. The unfortunate position is that the court wishes to keep up with the demands of both sides and to give an award in accordance with the evidence, but it is met by the obstacle that it has to work under laws which are obsolete, that is to say, that because of the manner in which we are moving, the laws are not in keeping with the times. I sincerely hope that the closing provisions, so far as hairdressers are concerned, will be made six o'clock, so that they shall not go back to the original state of things. I desire to refere to that particular clause in the Bill which proposes to permit shop assistants to work for half an hour after six o'clock. If that is to remain in the Bill, it will mean that it will frequently be the case that shops will close half an hour later.

The PRESIDENT: I can hear a conversation being carried on in the Press gallery in a loud tone. If it is not stopped I shall have to take steps to have the Press gallery cleared.

Hon. A. H. PANTON: Evidently it was the intention of the select committee, if they are responsible for this proposal, that half an hour's grace after closing time should be given to shopkeepers to get their customers out of the building. It is an established fact in big places like Boan's or Foy & Gibson's that it is possible to clear the building of its employees in less than ten minutes. The proposal in the Bill would simply mean that if the half hour's grace is to be given, the public will get to know that it will be possible to shop until that hour, and they will not be slow to take advantage of it. We know how rapidly customs grow. At one time people shopped until 10 o'clock, when the shops were permitted to remain open until that hour. Then the closing time was fixed at nine o'clock and the people shopped until the very last minute. If the closing hour is fixed at six, shopping will again be done up to the last minute, and if we permit the half hour's grace to exist the public will not lose the opportunity of availing themselves of the additional period instead of doing their shopping at an earlier hour. It is my intention, when the Bill is in committee, to endeavour to strike out that provision. I would point out with regard to the 44 hours for females and the 48 hours for males, that the shop assistants have been working under an agreement with the employers and that agreement has been made a common rule. The hours in retail shops are from 8 a.m. to 6 p.m. on four days of the week; from 8 a.m. to 9 p.m. on Friday; and from 8 a.m. to 1 p.m. on Saturday. With the abolition of the late shopping night, it will mean that the hours will be reduced from 8 a.m. to 6 p.m. on five days a week, while on the Saturday the hours from 8 a.m. to 1 p.m. will remain. The agreement which the shop assistants have with their employers covers the metropolitan area from Midland Junction to Fremantle, and if the half hour is to be added, overtime will have to be paid for it at the rate of time and a-half, and until the court can be approached again there will be a possibility of a conflict between the employers and the employees. The employers having agreed with the employees that the latter shall work certain hours, we should fall into line with that agreement, and we should mould our legislation to conform with what has been done. The Minister in introducing the Bill dealt with record books, but he seemed to be somewhat hazy on the subject. The proposal in the Bill will be difficult for a number of firms to carry out. Take Boan's. The employees, instead of signing a record book, sign on a clock which registers the time of starting and finishing. Foy & Gibson's employ a different system. Every department has a time sheet and employees sign either above or below a red line according to the hour at which they start or finish. The Bill provides that every assistant shall sign a record book. I venture to say it would be far better for the employees and the employers if the method to be adopted were left to the discretion of the inspector. In an Arbitration Court award there is always a clause which gives the union official power to inspect the record book. It was found that to insist on that record book being kept, meant a big disability in the case of some firms if the employees had to sign off and sign on. If such a thing were done at Boan's, for instance, it would mean that many of the employees would not leave the establishment until perhaps 6.45 p.m. If this particular matter were left to the discretion of the inspector, I am convinced the difficulty could be overcome. The idea of

having a uniform record book is an excellent one. Secretaries of trade unions have found that there is a different scheme adopted in almost every shop. One set of employers reads the Act in such a way that they draw up one class of books, and the others read it in a totally different way. The result is that there are many different books now in use. Everyone was getting out a book at a different price. We arranged with the shop assistants that we would print a uniform book, and most of the employers adopted this. If, however, a book was printed at the Government Printing Office at a reasonable price, I think it would be welcomed both by the employers and those people who are looking after the trade unions. I suggest that the Chief Inspector of Factories confer with the secretaries of unions with the object of getting out a record book that would be uniform in character and would apply both to awards and the present Bill. This would at all events save the employers from keeping different sets of books. The Bill provides for the posting up of rosters, but should go further in this respect. Under the agreement for hotel and restaurant employees a roster has to be kept. The girls employed there work 48 hours a week over a spread of 72 hours. They have to come in the morning and work for three or four hours, go off duty for two or three hours, and then go on with their work again. We have decided by agreement that a roster has to be kept. It would be well if one were kept in accordance with the Bill, for not only would the officials be looking at it, but the inspectors employed by the Government would also be doing so. I welcome the provision contained in the Bill with regard to rest rooms for tea room and cafe employees. During the struggle last Christmas with regard to the waitresses it was found that they had to work for 48 hours over a spread of 72 hours, which meant constantly ceasing work and starting again. Taking the 208 girls employed in Hay-street and the other three streets making up the block, we found that nine per cent. lived within half a mile of their work, 23 per cent. lived within a mile, 16 per cent. lived within two miles, and that 52 per cent. lived over two miles away from their work. These figures show the necessity for rest rooms. If these girls are to be at the beck and call of their employers over a spread of 72 hours, the employers should be compelled to provide reasonable rest-room accommodation where the girls can rest while they are waiting to take on their shifts. We found it was the common practice for girls in many of the restaurants to be obliged to change in the kitchens. Provision is made for change and rest rooms in factories, and in the Bill for similar accommodation in tea rooms and restaurants, but I can find no trace of any provision for rest or change rooms for girls or men in shops. It is just as essential that girls in these latter places should not be called upon to suffer disabilities in this respect as it is for girls employed at the other places. Where large numbers of girls are employed, provision should be made for a suitable place where they can take their meals. In one business I know of, the girls had to take their meals in the basement, but after a while they were ordered out of this because something was missed. It is always the workers who are blamed, and because of this they were told to go elsewhere. The employees now have to take their meals outside, say, under a shady tree, but whereas that might be all very well during the summer time, the position will be very different in the winter. I hope some concession will be made to shop girls so far as lunch and change rooms are concerned. As I have said, it was the common practice for girls to have to change in the kitchens where men were working. They were forced to change because they had to wear a uniform. Almost without exception the employers in restaurants and coffee palaces insist upon the girls wearing uniform. Some wear blue and others red, whilst others wear some other coloured uniforms. The girls have to buy their own uniform. The only thing I regret about the Bill is that it does not abolish the necessity for uniforms being worn. The wearing of uniforms is a tradition which has been handed down from the dark ages. Evidently it was desired to show the public that a certain section of the community were menials. If the employers are going to insist that their girls shall wear a uniform of a particular colour, they should be made to provide them and also provide a place in which the girls can change. With regard to the question of the employment of Asiatics as night-watchmen, I hold the view that an Asiatic is no better looking and smells no sweeter because he is a British Asiatic, and not some other kind. The only reason why this question was introduced into the Bill is that the returned soldiers' league some 18 months ago, at the time when I was an active member of that body, put up a fight with the object of enabling partially disabled returned soldiers to take the positions of night-watchmen now occupied by these British Asiatics. The fight came to nothing because those patriotic business men, who, at the time when the men were going away waved the flag highest and longest, were not prepared to fulfil their obligations when the soldiers returned.

The Minister for Education: Did not the returned soldiers drop the matter?

Hon. A. H. PANTON: Yes, because the only way of overcoming the difficulty would have been to publish a black list of the employers who refused to accede to their request. The publication of black lists of that nature usually leads to a trip through the Supreme Court gardens.

Hon. J. Nicholson: Did not the British Asiatics fight?

Hon. A. H. PANTON: I do not care whether they did or not. They did not at all events go away with the A.I.F.

The Minister for Education: These particular fellows did not.

Hon. A. H. PANTON: The employers concerned, from every platform in Western Australia, made promises as to what they were going to do for the soldiers when they returned, and this is how they have kept their promise. We now have a proposal in the Bill compelling the employers by law to carry out the obligations entered into by them and their promises made to the men when they went away. If, however, the official organisation of the returned soldiers has dropped the matter, I will have nothing more to say about it.

Hon. J. Cornell: It was dropped because the employers could not be induced to put off these watchmen and replace them by returned soldiers.

Hon. A. H. PANTON: I know the fight was raging at the time I left the returned soldiers' league. I am not going to worry myself much further about it, but if Mr. Cornell on behalf of the returned soldiers is prepared to carry on the fight I will join forces with him.

Hon. J. E. Dodd: What about the disabled miners?

Hon. A. H. PANTON: Have they not got the Old Men's Home and the sanatorium to go to? The miner never gets any more. There are many clauses in the Bill which I will endeavour to have amended in Committee. One of the clauses provides that if an employer works an employee overtime he shall supply him with a meal or 1s. with which to buy it. I have no objection to the payment of 1s. although I expect the employee would have to add another sixpence before he could buy a meal. I do object, however, to introducing the question of living in, for this is what the practice will lead to. In Great Britain a fight has been waging for years between the shop assistants and the employers on the question of what is called the living-in system.

Hon. J. Duffell: This is quite a different matter.

Hon. A. H. PANTON: It is probably the thin edge of the wedge. I went through the organisation of the shop assistants in England, and listened to the arguments put up there by the executive officers, and I have no desire to see inserted even the thin end of the wedge in Western Australia so far as supplying meals on the premises is concerned. In the case of barmaids and barmen, we insisted on the dry pay system. Every worker is entitled to the amount he earns, and to be at liberty to spend it where he likes.

Hon. J. Duffell: And so he can under this Bill.

Hon. A. H. PANTON: No, it gives the employer the right to say whether he shall supply a meal or give 1s. to the employee.

Hon. J. Cornell: It should be the other way about.

Hon. A. H. PANTON: I am opposed to the introduction of such legislation in this State. Another clause to which I have objection is that which gives the employer the right to give his employee an hour off for lunch in two half-hourly instalments. He can send the man out for half an hour and bring him back, and then send him out for another half-hour to finish his lunch hour. The employees would sooner have, say, three-quarters of an hour for lunch and have done with it. The other system is senseless and unreasonable. I hope to amend that clause in Committee. I would remind members that they are under this Bill dealing with a measure controlling thousands of women and young boys. If there is any section of the community that should appeal to the House, it is that section which makes up the potential mothers of future generations of this State. I support the second reading of the Bill.

On motion by Hon. H. Stewart, the debate adjourned.

House adjourned at 6.15 p.m.

Legislative Assembly,

Tuesday, 23rd November, 1920.

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

QUESTION—HIRE-PURCHASE LEGISLATION AND MACHINERY.

Mr. JOHNSTON (for Mr. Griffiths) asked the Attorney General: Has any decision been arrived at as to whether the asked for amendment to hire-purchase legislation, relating to machinery, will or will not be introduced this session?

The ATTORNEY GENERAL replied: A Bill will not be introduced this session.