

not be operated serious difficulties are likely to be created. I am not ignoring the remarks of the hon. member, and assure him that his requests will be given consideration. I hope he will not have any cause for complaint this time next year.

Division put and passed.

*Divisions—State Implement and Engineering Works, £63,842; State Quarries £12,138—agreed to.*

*Division—State Shipping Service, £196,600.*

Hon. C. G. LATHAM: I drew the attention of the Minister some time ago to what I considered an unnecessary expense in connection with the State Shipping Service. Recently the Department opened an office in a building in St. George's Terrace. Another building is being used for the same purpose in Forrest Place. A concern that is making such a tremendous loss should be able to transact all its business through the Tourist Bureau and its own office. It is an unnecessary expense to establish another office in the Terrace. That office cannot be rented for nothing. The Service will have only four boats when the new vessel is acquired.

The Premier: I am told that it is a great convenience for customers to be able to interview the manager in the new office.

Hon. C. G. LATHAM: The officials will put up any excuse they think the Premier will accept. In contrast with this, for years we tried in vain to obtain a parcels receiving office in connection with the Railway Department which does nearly a million times more trade than does the State Shipping Service. If the Premier looks into the matter carefully he will discover that the provision of that new office is an unnecessary expense. I have had good reason to complain privately about the management of this concern but evidently my complaints have not been considered worth while inquiring into. The results of the inquiry have not been made known, at all events. I protest against the expenditure of a lot of money by a State Trading concern which is losing so much.

Division put and passed.

*Divisions—State Saw Mills, £617,937; Wyndham Freezing Works, £305,000—agreed to.*

This concluded the Estimates of the Trading Concerns for the year.

Resolutions reported.

*House adjourned at 12.36 a.m.*

## Legislative Council,

*Thursday, 2nd December, 1937.*

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

### ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Road Transport Subsidy Bill.

### QUESTION—PENSION, MR. C. A. MUNT.

Hon. C. F. BAXTER asked the Chief Secretary: 1, What salary was Mr. C. A. Munt receiving at the time of his retirement from the position of Under Secretary of the Department of Public Works? 2, Did Mr. Munt hold any other salaried position

or positions, and if so, what was the salary thereof? 3, What is the amount of Mr. Munt's pension? 4, On what basis is such pension calculated?

The CHIEF SECRETARY replied: 1, £1,000 per annum. 2, Chairman, State Transport Board. Up to date of commencing long service leave, remuneration was £500 per annum. 3, £909 5s. 11d. per annum. 4, 40/60ths of average amount of salary and emoluments for three years next preceding the 11th September, 1937. As Under Secretary, the classification was £1,500 per annum. The salary included position of Chairman, Transport Board. Prior to retirement, the Under Secretary was on long service leave at a salary of £1,000 per annum. From 11/9/34 to 31/12/35 his salary was £960. Remuneration Transport Board £450.

#### **BILL—HIRE PURCHASE AGREEMENTS ACT AMENDMENT.**

Read a third time and returned to the Assembly with an amendment.

#### **BILL—TIMBER INDUSTRY REGULATION ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the previous day.

**HON. H. TUCKEY** (South-West) [4.38]: It would appear that some hon. members do not look upon this Bill as being of any importance. However, I do not share that view, and I hope the measure will receive due consideration. To some extent I agree with the views of the Government, but I cannot support the Bill in its present form. It has been said in both Houses that the reason for the introduction of the Bill is because an accident happened at Manjimup on an unregistered mill. But many accidents have happened on large and well-conducted mills, and I do not think the accident at Manjimup would justify all the inconvenience that this Bill is capable of bringing upon, not only the owners of small mills, but upon land owned in remote timber areas. I would agree to the registration of small mills, but I cannot see why they should be compelled to abide by special regulations that would apply to the larger mills. My experience has led me to believe that if the Government and the larger timber concerns had their

way there would be no spot mills. In 1929 there were only 48 spot mills, but to-day the number has increased to 84. I have been wondering whether the activities of those small concerns have had anything to do with the proposed legislation. There are many areas of timber that the larger mills could not reach, and I consider that nothing should be done to prevent small mills being erected in those districts. Small mills might be compared with small factories, and they should be given some consideration. I do not say that the same number of men should be employed in such a mill as would be employed in a factory, but that could be adjusted. If that were done, the Government would receive the support of every member of the House in this regard. Mr. Mann said that these small mills were only a passing phase. That is so to a certain extent, but it will take a long time to cut out the timber on which those mills are operating to-day. Moreover, for the matter of that, all sawmills, large and small, can be said to be but a passing phase. It is the regulations that concern me most. Under the Bill, regulations may be made to control the industry, including the small mills, and some of those regulations may have far-reaching effect. When we know that these concerns have not been wanted in the past, it is as well to be careful to see that they are given a fair deal in the future. I do not altogether blame the Government for the effect the Bill will have, because the Government has advisers in the State Sawmills, and we know that the small mills work at a cheaper rate than do the larger concerns, which means that the small mills are able to sell the timber at a lower rate. The fact remains that the timber put out by them is quite good, and that the State Sawmills take the opportunity to buy timber from some of the small mills. Several of the small mills are cutting in districts right away from the recognised jarrah forests. In so doing, they not only make use of the timber which would otherwise be ringbarked or destroyed, but they also help the people who own that land to derive some benefit from the asset. Parliament should do all it can to assist those small mills. Small mills desiring licenses to cut on forest reserves should be dealt with just as are the other mills. I do not know what assurance the Minister can give the House in regard to the proposed

regulations; I do not suppose he can give any assurance at all, except that the regulations, when issued, will have to pass this House. There is always the danger of regulations being issued that should not become law. Perhaps in Committee something can be done to provide protection for the small mills similar to that which is afforded to shops under the Factories and Shops Act.

**THE HONORARY MINISTER** (Hon. E. H. Gray—West—in reply) [4.46]: I am surprised at the attitude adopted by Mr. Tuckey towards this measure. The object of the Bill is to protect workers who are employed in small sawmills. There is no suggestion of any influence being brought to bear upon the legislation by the big timber combines.

Hon. H. Tuckey: I am prepared to assist in protecting the employees.

The **HONORARY MINISTER**: This is not a question of insurance, but a question of supervising the mills generally, and seeing that they are erected properly with a view to the safety and protection of the men employed in them.

Hon. H. Tuckey: What about the specifications for the buildings?

The **HONORARY MINISTER**: The regulations would apply only to the registration of mills and to the specifications of the mills themselves. That is all set out in the Bill. The measure will not empower the Government to issue regulations to control other phases of the timber industry, but will only have to do with the registration of mills, their place of business, etc., and with the receipt of plans and specifications before the mills are erected.

Hon. W. J. Mann: That means the structure, the bench, etc.?

The **HONORARY MINISTER**: Yes. It will not be necessary for an architect to draw up the specifications. We desire to protect the lives of the men who are engaged in the mills. There is no intention to restrict the spot mill industry in any way, but we think the Bill will have a big effect upon preventing future accidents amongst the employees.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Read a third time and *passed*.

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

*In Committee.*

Resumed from the previous day; Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Postponed Clause 2—Amendment of Section 4:

The **CHAIRMAN**: The question is that the clause stand as amended.

The **CHIEF SECRETARY**: It was suggested that this clause did not meet the position, and that if it could be redrafted along certain lines it would probably be agreed to. The Solicitor General has now drafted an alternative, which appears to meet the position. I, therefore, move an amendment—

That in paragraph (c) all the words after "definition" in line 2 be struck out and the following inserted in lieu:—"and any premises used as a showroom or for the public display of his wares by a vendor or the servant or agent of a vendor who in the ordinary course of business sells such wares by retail to purchasers buying the same by retail with a view to obtaining orders from such purchasers, notwithstanding that the orders obtained are fulfilled from stocks kept elsewhere than in such premises."

The select committee agreed it was necessary to have some provision covering the premises referred to, where the goods are displayed for sale, with prices, etc., attached, but where the goods in the shop are not sold but the sales effected from stocks held elsewhere. The amendment will show that the clause will apply only to the retail trade, and will cover any objection that has been raised.

Hon. J. NICHOLSON: This matter has been considered. The amendment, however, would need some slight variation to overcome the existing difficulty.

The **CHAIRMAN**: No one besides the Chief Secretary and Mr. Nicholson has been furnished with a copy of this amendment. I have no copy myself and do not know how members can follow the amendment.

Hon. J. NICHOLSON: Certain firms in Perth, in the ordinary course of business, are selling goods both by retail and by wholesale.

The CHAIRMAN: Does Mr. Nicholson accept the amendment?

Hon. J. NICHOLSON: Not wholly.

The CHAIRMAN: Then let us get down to business. I have to consider "Hansard."

Hon. J. J. HOLMES: I understand that these amendments have been formulated only within the last half hour or so. I suggest therefore that we go on with some other business and come back to this measure.

The Chief Secretary: These amendments are 48 hours old.

The CHAIRMAN: I ask members to place the Bill before them and to follow the amendment as I read it.

Hon. J. NICHOLSON: It will be noted that the amendment includes the following words:—"who in the ordinary course of business sells such wares by retail to purchasers buying the same by retail." Certain firms sell by retail and also by wholesale. A builder or contractor can go to such a firm and buy his requirements wholesale, whereas a private individual can also go to that same firm and purchase what he requires by retail. In such circumstances, it would not be right to include the words I have referred to. The deletion of those words would require two or three other alterations, and with a view to making the position perfectly clear, I move an amendment on the amendment—

That after "vendor" in line 6 of the amendment, the words "who in the ordinary course of business sells such wares by retail to purchasers buying the same by retail" be struck out; that after "with a view to" in lines 8 and 9 the words "effecting the sale by way of retail of any such wares or" be inserted, and after "orders" in line 9 the words "from such" be struck out and the words "on a retail basis from any" be inserted in lieu.

If the amendment on the amendment be agreed to, the situation to which I have referred will be protected.

The CHIEF SECRETARY: I shall not raise any objection to the amendment on the amendment, but I cannot see the slightest difference between the amendment as I submitted it and Mr. Nicholson's proposals.

Hon. G. Fraser: Tweedledum and Tweedledee!

The CHIEF SECRETARY: The further consideration of the clause was postponed in order to make sure that the position of wholesalers was safeguarded, so that the pro-

vision would not apply to wholesale but only to retail houses. It was pointed out that certain wholesale houses sent representatives about the country displaying their wares in rooms at country hotels and that they might be brought within the application of the original clause in the Bill. I pointed to the definition of "warehouse" as precluding any such possibility, but, in deference to Mr. Nicholson, I agreed to have the clause redrafted. Now Mr. Nicholson has redrafted the redrafted amendment. As I am anxious to get on with the business, I do not intend to oppose Mr. Nicholson's proposal, although I do not think it makes any difference whatever.

Hon. J. Nicholson: It will make a difference.

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

Clause as amended, agreed to.

Postponed Clause 22—Amendment of Section 45:

The CHIEF SECRETARY: This is one of the most important clauses in the Bill. In paragraph (g) of Section 45 of the Act we find the word "woman," but owing to the interpretation of that word it has been possible to pay women of 21 years of age and over the lowest rate of pay provided by the Arbitration Court award for a woman defined as meaning a female of any age. Consequently there are numerous cases where women of 21 years of age and over are being paid very low wages, in one instance 11s. 3d., and in many cases £1 a week.

Hon. L. B. Bolton: In what industries?

The CHIEF SECRETARY: I cannot tell the hon. member offhand, but I am stating a fact. The clause was postponed so that we might get an amendment that would be satisfactory to the Committee. With regard to other parts of the clause, it was made clear by the select committee that they would not be agreed to because it was said that they meant the fixing of wages. The amendment that has been prepared by the Solicitor General to meet the point is as follows:—

Delete from Subclause 1 of Clause 22 paragraphs (a), (b), (c) and (d) and insert in lieu thereof paragraphs as follows:—

(a) By inserting a paragraph (g) of the section after the word "woman" in line 5 of the said paragraph the words "over 21 years of age."

(b) By inserting in paragraph (g) of the section after the word "force" in line 8 of the said paragraph the words "or where there is no such award or industrial agreement in force at a lesser rate of wage than the amount of the basic wage declared for females and for the time being in force."

These paragraphs will cover the point raised when the clause was postponed at a previous sitting. The clause will then read as follows:—

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 over 21 years of age in any award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912, and for the time being in force, or where there is no such award or industrial agreement in force at a lesser rate of wage than the amount of the basic wage declared for females and for the time being in force.

That will be the completed clause if the amendment be agreed to.

Hon. J. NICHOLSON: Will you, Mr. Chairman, be good enough to take the paragraphs separately? There were certain instances advanced in the course of a previous discussion that showed the reason why what was provided might prove harmful or work a hardship. It is the desire of the select committee to approve of paragraph (a).

The CHAIRMAN: I do not know where we are going to end. The Chief Secretary desires to move the two paragraphs as an amendment and Mr. Nicholson wants something else. If we follow Mr. Nicholson's suggestion, we cannot follow that of the Chief Secretary.

The CHIEF SECRETARY: I am submitting these amendments very much against my grain. I am doing it to meet the wishes of the members of the select committee who decided that they could not agree to the greater part of the clause, though they agreed to meet the wishes of the chief inspector who gave evidence before them. Perhaps the difficulty can be overcome by first moving to delete paragraphs (a), (b), (c) and (d) as they appear in the Bill. I move an amendment—

That paragraphs (a), (b), (c) and (d) be struck out with a view to inserting other paragraphs.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the following be inserted in lieu of the words struck out:—“(a) by inserting in paragraph (g) of the section, after the word ‘woman’ in line 5 of the said paragraph, the words ‘over twenty-one years of age.’”

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

Postponed Clause 23—Amendment of Section 46:

The CHAIRMAN: The question before the Chair is to strike out paragraph (d).

Amendment put and passed.

The CHIEF SECRETARY: This provision was agreed to by the select committee with the exception of the latter portion. It has to do with the insertion of advertisements in a newspaper inviting or soliciting premiums in respect of employment. The clause was postponed to get an amendment that would meet with the approval of members of the select committee. I move an amendment—

That the following be inserted in lieu of the words struck out:—“(d) by adding new subsections as follows:—“(3) No person shall procure the insertion in any newspaper of any advertisement or notification inviting or soliciting any premium in respect of the employment or proposed employment of any person in any factory, shop or warehouse. (4) Where any person seeks to procure the insertion in any newspaper of any advertisement or notification mentioned in Subsection (3) of this section, the proprietor or publisher of such newspaper shall not receive such advertisement or notification unless the person seeking to procure the insertion aforesaid furnishes his name and address to such proprietor or publisher. (5) No person seeking to procure the insertion in any newspaper of any advertisement or notification mentioned in Subsection (3) of this section shall give to the proprietor or publisher of such newspaper a name and address which is false in any particular. (6) Where any advertisement or notification mentioned in Subsection (3) of this section appears in any newspaper, the proprietor or publisher of such newspaper shall, upon request by the Chief Inspector, furnish to such inspector the name and address as obtained by him of the person who procured the insertion of such advertisement or notification in such newspaper.”

Hon. G. W. MITES: I hope this will not interfere with the freedom of the Press.

Hon. W. J. MANN: No. The amendment is a great improvement on the original provision, and will assist the department in tracing people who seek to offer premiums and thus evade the law. There is one defi-

nite departure, namely the disclosure of the source. I do not know of any other case in which that has been done. I am satisfied with the clause, and I think the department will also be satisfied.

Hon. G. W. MILES: Members were entitled to hear from Mr. Mann that he was satisfied. I support the amendment.

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

Postponed Clause 25—Amendment of Section 28:

The CHAIRMAN: The question before the Chair is to insert a paragraph at the end of the clause as follows:—“(b) by adding at the end of the section a proviso as follows:—‘Provided that nothing herein contained shall apply to any student or pupil at a university or technical college or school, or an apprentice in any trade who may attend at a factory for the purpose of gaining practical knowledge in connection with the working of any plant, process or machinery.’”

Hon. J. NICHOLSON: I ask leave to withdraw the amendment to permit of the moving of another amendment.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: The clause was postponed to permit of the drafting of a clause that would provide safeguards against abuse. If such safeguards were not provided, it would be possible, in view of recent experiences, for pupils of a school to be used really as employees, to the detriment of workers ordinarily employed. I move an amendment—

That all the words after “amended” in line 2 be struck out, and the following inserted in lieu:—“as follows:—(a) by deleting the words ‘All women and all males under 18 years of age’ in lines one and two of the section, and inserting in lieu thereof the words ‘All persons (except the occupier)’; (b) by adding at the end of the section a proviso as follows:—‘Provided that this section shall not apply to any student or pupil attending a university, or a technical college, or a bona fide school, or to an apprentice in any trade who attends casually at a factory in the capacity of a student or pupil or apprentice as aforesaid, for the purpose as an incident of his studies of gaining practical knowledge in connection with the working of any plant, process or machinery and not for the purpose of doing the work of an employee in such factory.’”

The amendment covers the point I raised, and I believe it will meet with the approval of the select committee.

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

Postponed Clause 35—Repeal of Section 94:

The CHAIRMAN: An amendment has been moved that after the word “furniture” in line 2 of the proposed new section there be inserted “other than secondhand furniture.”

The CHIEF SECRETARY: The clause was postponed for the purpose of framing a definition of “secondhand furniture.”

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the following be added to the clause:—“For the purpose of this section ‘secondhand furniture’ means furniture which when purchased by the first purchaser thereof was for his own use and not for re-sale and has been used by such first purchaser prior to the subsequent sale of such furniture by such first purchaser.”

The CHIEF SECRETARY: I raise no objection to the definition.

Hon. T. MOORE: This is a peculiar definition. I feel sure that nine-tenths of the members of this Chamber do not understand it. Therefore I hope it will not be carried. In my opinion there is no need for a definition of secondhand furniture at all. If a case came before a magistrate, he should be allowed to use his common sense in deciding what is secondhand furniture, instead of having all this claptrap.

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

Postponed Clause 43—Amendment of Section 108 of the principal Act:

Hon. J. NICHOLSON: I move an amendment—

That all the words of the clause after the word “hereby” in line 2 be struck out, and the following inserted in lieu:—

“108. The closing time for all shops mentioned in Part I. of the Fourth Schedule, except confectioners’, vegetable, fruit, and milk shops, shall be not later than eight o’clock in the evening of every day except Saturday, and the week days next preceding Christmas Day, New Year’s Day, and Good Friday, and every such shop except bakers’ shops and shops as hereinbefore mentioned shall be kept closed until six o’clock in the morning of the next following day, or such earlier hour in the morning of the next following day as may from time to time be fixed by proclamation: Provided that in the case of bakers’ shops the same shall be kept closed during each Sunday and also until the said hour of six o’clock in

the morning of each day from Monday to Friday inclusive, and until the hour of five o'clock in the morning of each Saturday or such earlier hour on such respective days as may be fixed by proclamation.

The closing time on Saturday and the weekdays next preceeding Christmas Day, New Year's Day, and Good Friday shall not be later than ten o'clock at night.

The closing time for confectioners', vegetable, fruit, and milk shops shall be not later than eleven o'clock in the evening of every day, and every such shop shall be kept closed until six o'clock in the morning of the next following day, or such earlier hour in the morning of the next following day as may from time to time be fixed by proclamation: Provided that railway bookstalls and newsagents' shops in the vicinity of country stations may open for one half-hour before and after the arrival of a mail train."

Hon. J. NICHOLSON: When this matter was before the Committee previously the Chief Secretary pointed out that the amendment in its present form might result in some inconvenience to the public inasmuch as shops mentioned in the Fourth Schedule would be unable to supply bread on Sunday. With a view to overcoming that difficulty I suggest that the following might be added after the word "proclamation" in the first paragraph:—

Nothing contained in this proviso shall be deemed to prohibit the sale of bread or other goods in confectioners', vegetable, fruit and milk shops, in which the same may be lawfully stocked or kept and which shops may be lawfully kept open after the said closing hours.

Hon. H. SEDDON: The proviso is dangerous. The difficulty at present is that there is unfair competition by those bakers who supply some of the shops with hot bread on Sunday, which bread the public prefers to buy.

The CHIEF SECRETARY: As I have pointed out, if the suggestion of the select committee had been adopted the small shops which have been able to sell bread on Sundays, thus meeting the needs of housewives who have to entertain visitors for whom an inadequate supply of bread has been obtained, would be affected. Those shops would not be allowed to sell the bread, because for the purposes of the Act they would be bakers' shops. It was thus necessary to have a proviso which would have the effect of prohibiting bakers' shops, including bakers' carts, from selling bread on Sunday, but which would allow the smaller shops to have that privilege. The Solicitor General has provided a draft proviso which is more in keeping with the idea behind the amendment

suggested by Mr. Nicholson. I am not going to quibble about verbiage. Both suggestions mean the same thing, but the proviso I have here makes the position particularly clear. It is as follows:—

Provided further that a shop kept mainly for the sale of confectionery, vegetables, fruit or milk shall not be a baker's shop within the meaning of that term as used in the next preceeding proviso merely for the reason that bread not made by the occupier of such shop is sold in such shop by the said occupier, and the next preceeding proviso shall not apply to such shop.

The HONORARY MINISTER: The position now is that certain bakers—not too many, but enough to disturb the trade—bake bread on Sunday and they have a free run with no inspectors to chase them up. They always bake the bread three or four ozs. underweight, and the public is robbed to that extent. A number of small shops take advantage of the opportunity provided by those people to secure fresh bread on Sunday and go back to the ordinary baker on Monday.

Hon. H. Seddon: Sometimes they keep on with the special baker.

The HONORARY MINISTER: Sometimes. The point is that they take advantage of the opportunity to get the hot bread which they can buy from the snide bakers on Sunday.

Hon. J. J. Holmes: Is there no inspection on Sunday?

The HONORARY MINISTER: Inspections are carried out by the municipal health inspectors and generally there is no inspection on Sunday. I am glad that the select committee has recognised the existence of illicit trading in the baking industry.

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

The CHAIRMAN: Which is it to be, the Chief Secretary's proposal or Mr. Nicholson's proposal?

The CHIEF SECRETARY: I should prefer the one drafted by the Solicitor General. It covers the point and is practically in accordance with what Mr. Nicholson desires.

Hon. J. NICHOLSON: I am not going to refuse to accept it.

The CHAIRMAN: Very well, then. The words to go in after the word "proclama-

tion" at the end of the first paragraph are these—

Provided further that a shop kept mainly for the sale of confectionery, vegetables, fruit or milk shall not be a baker's shop within the meaning of the term as used in the next preceding proviso merely for the reason that bread not made by the occupier of such shop is sold in such shop by the said occupier, and the next preceding proviso shall not apply to such shop.

Those words are now embodied in Mr. Nicholson's amendment.

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

Postponed Clause 45—Repeal of Section 109 of the principal Act and insertion of new section. Closing time for hairdressers' shops:

The CHIEF SECRETARY: This clause was opposed principally on account of its reference to Easter Saturday as a holiday. Now that we have determined in another clause that Easter Saturday shall not be regarded as a holiday, it is necessary that paragraph (c) of the clause be deleted. I move an amendment—

That in paragraph (c) of the proposed new section 109, the words "except Easter Saturday" be struck out.

Amendment put and passed.

The CHIEF SECRETARY: It now becomes necessary to delete the first paragraph of the proviso, which also deals with Easter Saturday. I move an amendment—

That paragraph (i) of the proviso be struck out.

Amendment put and passed.

The CHIEF SECRETARY: It now becomes necessary to bring back into the Bill the two subsections of proposed new Section 109, for we have deleted all reference to the Saturday half-holiday.

The CHAIRMAN: Where do you propose to put your amendment?

The CHIEF SECRETARY: I want the two subsections inserted in the same relative position as they appear in the Act.

The CHAIRMAN: Well, proposed new Section 109 will have to be further amended.

Hon. J. Nicholson: No, it is repealed. This is a new section.

The CHIEF SECRETARY: I move an amendment—

That there be inserted at the end of the clause the following new subclauses:—

2. In any district or specified locality in which the Governor has by proclamation under subsection two of section one hundred and two

substituted another day for Saturday, the day so substituted shall by force of the proclamation be also substituted for "Saturday" in paragraph (c) of this section, as regards the district or locality affected.

(3) In any district or specified locality in which it is lawful for shops to remain open till nine o'clock on one evening in the week, pursuant to subsection five of section one hundred and two, it shall be lawful for hairdressers' shops to remain open till that hour on that evening.

Since we have decided that there shall not be a universal Saturday half-holiday, it is necessary that we retain these two subsections. They make provision for a half-holiday for hairdressers' shops, and without them the half-holiday would have to be held on the Saturday. The two sub-clauses we have been dealing with are contained in Section 109 of the Act. It will be necessary to bring them back into the Bill, because by means of the original amendment we deleted the whole clause and substituted the verbiage of the clause as it now stands. Last night we postponed the clause dealing with a district taking a poll to determine on which day it would prefer to have half-holiday other than Saturday. At present the half holiday is either on Wednesday or Saturday, but some districts may want Thursday or Friday. When we arrive at that clause, if the Committee agrees to the proposal contained in the Bill, it will be necessary to include the proviso in that clause with which we have just been dealing. For the time being, the clause is in order.

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

Postponed Clause 62—Amendment of Section 136 of the principal Act:

The CHAIRMAN: The question is that paragraph (a) be struck out.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That paragraph (b) be struck out.

The CHIEF SECRETARY: Clause 18 is to be recommitted so that it may be re-drafted. For the time being it will be necessary to delete paragraph (b), as well as paragraph (a), as consequential amendments. If the clause is agreed to, it may be necessary to re-insert portion of those paragraphs. I will therefore agree to the deletion of this paragraph for the time being.

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



Hon. J. J. HOLMES: Will not the Schedule of the Act have to be amended?  
New clause:

The CHIEF SECRETARY: I move—

That a new clause be inserted to stand as Clause 70, as follows:—"The Seventh Schedule to the principal Act is amended as follows:—(a) by deleting from the form in the Seventh Schedule the word "Wednesdays," and inserting in lieu thereof an index letter with a blank space thereafter as follows:—(a)..... (b) by inserting in the margin of the said form, opposite the question in such form, an index letter and words as follows:—" (a) insert the name of the weekday in respect of which the poll is to be taken."

This new clause will be necessary only if the other clause I have referred to is agreed to by the Committee on recommitment.

The CHAIRMAN: The Committee can accept this now, and recommit the new clause when Clause 18 is recommitted.

New clause put and passed.

New clause:

The CHIEF SECRETARY: I move—

That a new clause, to stand as Clause 64, be inserted as follows:—

64. A section is inserted in the principal Act, after Section 138, as follows:—"138A. Where a person is employed by the same employer in both a factory and a shop, then for the purpose of computing the total number of hours in any one day during which any such person shall be employed on such day, such person shall be deemed to be employed in the factory only and the provisions of this Act shall apply to such person accordingly."

It will be remembered that it was desired to provide that, where a person was employed in both a shop and a factory, he should not be called upon to work more than the weekly hours during any one week, and if he were called upon to work more than those hours he should be recompensed for it. While there have been some minor instances of that being done, there is one particular case in which employees worked 80 hours in one week, 40 being worked in the shop and 40 in the factory. The select committee desired something to be done to obviate such a possibility, and the proposed new clause has been drafted to meet that position.

Hon. V. HAMERSLEY: I do not know that we should say that an individual must not be employed by more than one individual. Surely if a man is strong and capable enough, and desires perhaps to double his weekly earnings, he should be allowed to

work the ordinary hours for one employer and then work for another employer. Why debar any individual from earning more money if he so desires?

Hon. J. Nicholson: But the new clause refers to employment by the one employer.

Hon. V. HAMERSLEY: I am asking for information.

The CHIEF SECRETARY: Half an hour was spent on this particular clause the other night, and I thought it had been thoroughly thrashed out. The new clause provides that the worker must not be required by the one employer to work such hours as I suggested, where in one instance an individual was called upon to work 40 hours in a shop and 40 hours in a factory in the one week.

New clause put and passed.

New clause:

The CHIEF SECRETARY: I move—

That a new clause be inserted as follows:—"Section 34 of the principal Act is amended as follows:—(a) by deleting the word 'child' in line 8 and inserting in lieu thereof the word 'boy'; and (b) by deleting the words 'and a half' in line 9."

This will replace Clause 14, which has been deleted.

Hon. J. NICHOLSON: I move an amendment—

That the proposed new clause be amended by deleting paragraph (b).

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

The CHIEF SECRETARY: I move—

That a new clause be inserted as follows:—"18. A new section is inserted in the principal Act, after Section 41, as follows:—

41A. For the purposes of this Act any person employed in any capacity in a factory shall be deemed to be employed therein from the time when such person commences work until the time when working operations cease for the day, and thereafter until the expiration of a reasonable time sufficient to enable such person to prepare himself for leaving, and to leave the factory without loitering or remaining in the factory for his own purposes, excluding, however, the mealtime prescribed under this Act."

Clause 18 was struck out and the select committee gave as the reason for recommending its deletion that the clause would have a more far-reaching effect than was contemplated. It was understood that a new clause would be drafted to meet the objection raised by the committee. It was pointed out

that in some modern factories tennis courts or some other facilities might be provided for the employees, and if any of the workers were found there after hours, for the purpose of the Act they would be "on the premises." It was also suggested that if an employee desired to have a wash and change his clothing, even though he might be delayed for a few minutes after the hour specified in the Act, he would commit a breach of the legislation. In my opinion, of course, those suggestions were very extreme and could hardly be applied to the administration of the department as we know it. The new clause has been drafted by the Solicitor General to meet those objections.

Hon. J. NICHOLSON: There are certain words in the Minister's proposal that could with difficulty be reconciled with other conditions that are to apply. In order to make it clearer, it has been suggested that there should be added after "person" in the second line the words, which should appear in brackets, "other than the occupier." Later I propose to strike out the words from and including "thereafter" to "leaving and to," and to insert in their place "and every such person shall forthwith after such cessation of work unless lawfully working on overtime." The addition of those words will clarify the position.

The CHAIRMAN: We will take the hon. member's amendments stage by stage.

Hon. J. NICHOLSON: Very well. I shall submit the first. I move an amendment—

That after "person" in line 2 the words "other than the occupier" be inserted in brackets.

Hon. L. B. BOLTON: Working operations very often in large factories cease only in some branches. Very often it is necessary to work one, two or more hours overtime in one, two or more branches. I am rather anxious about other employees remaining on the premises. It would be all right in a large factory, and unless there was a time clock on the premises there would be disagreement if an employee remained on the premises. The amendment suggested by Mr. Nicholson will overcome the difficulty.

The CHIEF SECRETARY: I have no serious objection to offer to the amendment, but at the same time I would have preferred the clause to go through as I submitted it.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That all the words after "and" in line 7 down to and including "and to" in line 10 be struck out, and the following inserted in lieu:—"Every such person shall forthwith after such cessation of work unless lawfully working overtime."

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

New Clause:

The CHIEF SECRETARY: I move—

That the following new clause be added to stand as Clause 19:—"Section 42 of the principal Act is amended as follows:—(a) by deleting from 'he said section the words 'boy and every woman' in line 2 and inserting in lieu thereof the word 'person';

(b) by deleting the whole of the proviso to the first paragraph of the section.

(c) by deleting from the third paragraph of the section the words 'woman and boy' in line 3 of the said paragraph and inserting in lieu thereof the words 'person employed in a factory.'"

This will bring all persons employed in a factory within the purview of Section 42 of the Act.

New clause put and passed.

New Clause:

The CHIEF SECRETARY: I move—

That the following new clause be added to stand as Clause 20:—"Section 43 of the principal Act is amended by deleting the words 'woman and boy' in line 2 of the section and inserting in lieu thereof the word 'person.'"

This is really a consequential new clause.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

#### *Recommittal.*

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 26, 28, 39, 41 and 62.

#### *In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 26—Repeal of Section 52 and insertion of new section:

Hon. J. J. HOLMES: The proposed new section provides that factories must cease working at the time prescribed for the cessation of work by employees under an award. I am sure there was a misapprehension in

the minds of some members when the vote was taken on this clause. I do not think that the Minister, in the wildest flights of his imagination, expected to get the clause passed.

The Chief Secretary: Why not?

Hon. J. J. HOLMES: The Arbitration Court was established to control the hours, pay and conditions of labour. This clause, which has been cunningly constructed by a master mind, brings the occupier, the owner, within the Act. Suppose there were three persons in bona fide partnership employing no labour, under the clause they would be compelled to cease operations at the hour stipulated by the court for factory operations to cease, while their competitors employing men could work overtime. Take the motor business: a man has a breakdown that he wants repaired at once. If he took it to the genuine partnership I have instanced they would have to cease work at 5 p.m., but the competitor on the other side of the road employing men could work as much overtime as he liked so long as he notified the union of his intention so to do. Surely it should be the right of every subject to earn his living in his own way provided he does not interfere with anyone else. The Chief Inspector told us that in the Eastern States there was no similar provision except in New South Wales, where it applied only to the furniture business in which Asiatics were employed. When the official was asked the effect of the provision on industry, he replied that he did not know. We have provided legislation to ensure that employees receive a fair deal. Now it is proposed to bring under the provisions of the measure a man who cannot be called an employer, since he employs nobody. Those who employ labour are to be allowed to work overtime; but that man and his partners, not employing labour, must cease work at the hour fixed by the Arbitration Court. The clause is a distinct interference with the liberty of the subject. A good deal has been said about bogus partnerships. The partnership deeds could be produced to the Chief Inspector of Factories for him to ascertain whether the partnerships are genuine or not. If two or three people, or possibly more, are evading the Act, that is no reason why honest men, who perhaps would sooner work for themselves than join a union and become employees, should be hampered in this way and all the partnerships in the country attacked. The clause should be struck out.

The CHIEF SECRETARY: I thought we had got past the stage of arguing in support of a clause like this. We spent considerably more than an hour on the clause, and now we have Mr. Holmes, who happened not to be present at the time, suggesting that the provision should be deleted. At this late stage the hon. member might well let the matter slide.

Hon. J. J. Holmes: You have not let much slide to-night.

The CHIEF SECRETARY: The whole of this evening I have been doing work that should have been done by other people. In various Australian States there is provision—limited, I grant—for dealing with what have been described by Mr. Holmes as bogus partnerships. I have described them as nominal partnerships, because in law, I understand, they are perfectly sound. The clause prevents persons who have formed nominal partnerships in order to defeat the Act, from defeating it. It was agreed to without amendment, and at this late stage should pass as it stands. There are members of this Chamber who could speak feelingly in support of the clause.

Hon. L. B. BOLTON: As on previous occasions, I shall support the clause as it stands. I agree with the Chief Secretary's contention, and am perfectly satisfied that the clause is in the best interests. It affects only two industries, those two in which overtime is restricted—the furniture and baking trades. We have decided that an individual does not constitute a factory.

Hon. J. J. Holmes: I spoke of partnerships.

Hon. L. B. BOLTON: Mr. Holmes made quite a lot of an individual, or a partnership of two.

Hon. J. J. Holmes: I never used the word "two."

Hon. L. B. BOLTON: The inference was, only one man.

Hon. C. F. BAXTER: Unfortunately, when this clause came before the Committee and a division was taken on it, I happened to be outside the Chamber and had not the opportunity of voting. I have previously opposed a similar provision, and I shall now vote against the clause.

Hon. J. NICHOLSON: I am glad Mr. Holmes has brought the clause up, because many members have been under a misapprehension as to its effect. I think Mr. Bolton overlooked a vital feature. Sub-

clause 3 provides that the term "award" includes an industrial agreement which has been made a common rule under the provisions of the Industrial Arbitration Act and its amendments. Subclause 1 of this clause speaks of "any award now or hereafter in force." The effect would be that any award made hereafter would extend not merely to one or two trades, but to every award coming within the scope of the clause, and to every agreement or award made a common rule. The vital point is that the employer himself is brought within the scope of the Bill. The Chief Secretary says that is for the purpose of getting at people who are thought to be evading the Act. If there were one or two cases of that sort—and the select committee had difficulty in finding any—that should not be used as an argument to prevent men from using their best efforts to make progress. Individual enterprise should not be stifled, but on every possible occasion should be encouraged. Under the clause the occupier of a factory must cease work at the same time as his employees. The clause blocks the bona fide employer who wishes to work by himself at some little job on, say, a Saturday afternoon or a Sunday morning, a job for which he would not think of bringing a man back to work overtime. The bona fide employer cannot go into his own factory after hours unless he has employees. The clause will retard the progress of the country.

The CHIEF SECRETARY: The clause would at the present time apply to only two industries, baking and furniture, those being the only two industries in which overtime is prohibited.

Hon. J. Nicholson: But it may be prohibited in other industries.

The CHIEF SECRETARY: In the baking industry it is prohibited entirely. In the furniture industry it is prohibited only to the extent that it is necessary to notify the organisation when overtime is to be worked. There is nothing in the clause to prevent Mr. Bolton from doing what he suggested might be desirable in some cases simply because the award covering his industry does not prohibit the working of overtime. An Arbitration Court award would override this measure. There are one or two members who seem to forget the fact within a few minutes of having been told. No reasonable employer can have any objection to this clause. Mr. Holmes

suggested that I was surprised to find I was able to secure the passing of this clause the other night, but I would have been surprised, after having heard the debate, if the clause had been deleted. Now I suppose he feels that, with the present state of the Committee, he has an opportunity of doing what other members could not succeed in doing the other night when he was not here. The clause is one of the most important in the Bill and I hope the Committee will not reverse the decision of a previous committee.

Hon. J. J. HOLMES: This will be a permanent piece of legislation. We are told that only two industries are covered. What is to prevent the Arbitration Court from prohibiting overtime in other industries from time to time? The Arbitration Court can make as many awards as it likes, to cover any industry. The clause may only cover two industries for the time being, but it will not be long before the Act is amended to rope in all other industries.

Hon. L. B. Bolton: We have to pass amendments before they can become effective.

Hon. J. J. HOLMES: The hon. member knows that once this clause gets into the Bill, he will never be able to get it out.

Hon. L. B. Bolton: I do not want it out.

The Chief Secretary: We do not want it out.

Hon. J. J. HOLMES: I do not want it in. The Chief Secretary said there was a similar clause in Acts in the other States, but the Chief Inspector told the select committee that in the Acts of the Eastern States the owner and occupier was not regarded as one of the factory, and that the only Act in which a clause of this description occurred was that of New South Wales, and then it applied to furniture factories only.

Hon. J. Nicholson: Chiefly where Asiatics were employed.

Hon. J. J. HOLMES: Notwithstanding all the talk about establishing our own industries here, there are men who started in a small way and have now become big men.

Hon. L. B. Bolton: You should have said men who were started by their fathers.

Hon. J. J. HOLMES: I will say what I want to say in spite of the hon. member's interjections. Men who started in a small way and have become big men now want to prevent their friends from doing the same thing.

The CHAIRMAN: I hope that remark is intended to apply to persons outside the Chamber.

Hon. J. J. HOLMES: If you, Sir, want it interpreted that way, I will interpret it that way.

Hon. J. M. MACFARLANE: I agree that it will not be long, if this is passed, before an attempt is made to rope in other industries. The only way for some men to defend themselves against the inroads of labour to-day is to get rid of their employees and run their businesses in the form of genuine partnerships.

The CHIEF SECRETARY: If what is suggested by Mr. Holmes and Mr. Macfarlane comes to pass, it will be brought about as the result of decisions of the Arbitration Court. Those members have been telling us year after year that if the Arbitration Court makes a decision, it should not be interfered with.

Hon. J. J. Holmes: We are not preventing the Arbitration Court making decisions.

The CHIEF SECRETARY: The hon. member is endeavouring to prevent the putting into operation of conditions which are prescribed by the Arbitration Court and is lending his support to the large number of people who are not of Australian birth or nationality and who are using the legal processes of this State for the purpose of entering into partnerships to defeat the legitimate manufacturer who is prepared to conduct his business on Australian principles and in accordance with Australian standards. If the hon. member wants to support that state of affairs it is his business, not mine. I do not stand for that kind of thing. If the industry with which the hon. member is associated were threatened in the same way as the two industries to which I have referred, he would be the first to ask for the protection of this Chamber.

Hon. J. M. MACFARLANE: I resent the statement that I am standing for the foreign element in our community.

Hon. L. B. Bolton: That is what it means.

Hon. J. M. MACFARLANE: I am not doing anything of the sort. I have not found many foreign names in the list which was supplied, and I am beginning to doubt whether the statements made about the large number of foreigners are as true as they are declared to be. What I stand for is the broader principle of enabling the individual employer to meet the inroads of labour to-day.

The HONORARY MINISTER: I do not know much about the furniture trade but I know a lot about the baking industry, and no decent employer would engage in competition on the same basis as that on which some of these men are conducting business to-day. The reason for the need to prohibit overtime in the baking trade is that there is an army of men living on casual work because of the effects of foreign competition in the industry. Evidence was put before the select committee concerning one of the bogus partnerships. One man who was supposed to be a partner was receiving £3 a week on the goldfields, where the wage is £6 1s., and was working 14 to 16 hours a day and sleeping in the bakehouse. That is only one example. It is impossible, because of these illicit partnerships and unfair competition, for employment to be found for apprentices in the industry. Mr. Nicholson spoke about stifling enterprise. This sort of thing is stifling enterprise. The baking industry is threatened with ruin because of unfair competition.

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

Ayes	..	..	..	7
Noes	..	..	..	11
Majority against				4

#### AYES.

Hon. A. M. Clydesdale  
Hon. J. M. Drew  
Hon. G. Fraser  
Hon. E. H. Gray

Hon. W. H. Kitson  
Hon. H. S. W. Parker  
Hon. L. B. Bolton  
(Teller.)

#### NOES.

Hon. L. Craig  
Hon. V. Hamersley  
Hon. J. J. Holmes  
Hon. J. M. Macfarlane  
Hon. W. J. Mann  
Hon. G. W. Miles

Hon. J. Nicholson  
Hon. H. Seddon  
Hon. H. Tuckey  
Hon. G. B. Wood  
Hon. C. F. Baxter  
(Teller.)

#### PAIRS.

AYES.  
Hon. H. V. Piesse  
Hon. E. M. Heenan  
Hon. T. Moore

NOES.  
Hon. C. G. Elliott  
Hon. O. H. Wittenoom  
Hon. A. Thomson

Clause thus negatived.

Clause 28—New sections (as amended):

Hon. J. NICHOLSON: I will not offer any further amendment.

The CHAIRMAN: The clause is useless as it stands.

The CHIEF SECRETARY: Proposed Section 62D has been struck out. That is the vital part of the clause, providing for regulations being made. If there is not the necessary power to prohibit anything, the clause cannot be of very much use. The clause was provided to protect people and

not lay them open to any danger. The hon. member has tried to convince us that he is prepared to do all he can to support those workers who are compelled by circumstances to engage in dangerous industries. Yet by declining to retain this provision he is saying he will agree that those men should work in dangerous circumstances. It is on a par with the attitude he has adopted in regard to one or two other clauses. I move—

That proposed new Section 62D previously struck out be re-instated.

Hon. J. NICHOLSON: I am sorry the Chief Secretary should have said what he has said. His remarks were quite unjustified in regard to the select committee, no member of which had any desire to do anything that would cause any risk either to the health or to the bodies of the workers. But it was felt that there was full power for the making of regulations given in an earlier clause. In Subsection 2 of proposed Section 62A it is provided that the Governor may make such regulations as appear to him will meet the necessities of the case in a dangerous trade. It is undesirable to extend the power of legislating by regulation. Paragraph (c) of proposed Subsection 62D provides that any special regulations for any class of factories may be modified or extended. Such a power should only be granted under restriction, for without restriction it is so wide as to be dangerous. Paragraph (c) should not be included.

The CHIEF SECRETARY: If the previous subsection goes out, there is no reason for any objection to proposed Subsection 62D. Practically the whole of this Clause 28 is taken from the English Act of 1901. Yet here, 37 years later, when such a clause has been in operation in the Old Country for the whole of that period, we are wondering whether we should have the same clause here. The hon. member says there is no necessity for this subsection, and that paragraph (c) should not be left in the Bill. Let me read the opinion of the Solicitor General, which of course I have to accept, as follows:—

It seems to me that if proposed new section 62A is to be inserted in the Bill, proposed new Section 62D must also be inserted in the Bill, otherwise without the powers which will be conferred by Section 62D regulations made under Section 62A will probably prove to be completely nugatory and ineffective.

The powers which will be conferred by Section 62D will enable sanctions to be imposed by the regulations necessary to control employers to take those measures necessary to

remove the evil which has been found to exist in their factories.

Unless there is this power to prohibit, the same conditions will be permitted to continue; but if we have power to prohibit, and regulations can be issued to provide that certain things shall be done, those things will be done as quickly as possible. There is no need for me to say more. If the hon. member is keen to see paragraph (c) struck out, I do not know that I shall raise any strong objection, though I cannot see the logic of deleting it.

Hon. J. NICHOLSON: I move an amendment—

That paragraph (c) be struck out.

Amendment put and passed.

Proposed new section, as amended, put and passed.

Clause, as amended, agreed to.

Clause 39—Amendment of Section 103 of the principal Act:

The CHIEF SECRETARY: This is consequential upon Clause 41 dealing with the taking of a poll.

Hon. J. Nicholson: I think this is all right.

The CHIEF SECRETARY: Section 106 deals with the form of question to be submitted to the electors as to the closing time. If a poll is taken the decision must be either for Wednesday or Saturday afternoon. Some districts may desire some other day. A clause has been drafted to meet that position as follows:—

Section 106 of the principal Act is amended as follows:—

(a) By deleting Subsection (3) and inserting in lieu thereof a subsection as follows:—“(3) At every poll a resolution shall be submitted to the electors in the form of a question as follows:—

Do you vote that shops generally throughout the district shall close at one o'clock on . . . . .?”

Such question shall be completed by inserting in the space left blank for the purpose the name of the week-day to be submitted to the vote of the electors, and the voting shall be according to the form in the seventh schedule.

(b) By deleting from Subsection 4 the word “Wednesday” in line eleven of the said subsection, and inserting in lieu thereof the words “on that day in every week which has to be determined by the voting at the said poll.”

(c) By deleting from Subsection 5 the word “Wednesday” at the end of the said subsection, and inserting in lieu thereof the words “that day in every week so determined by such resolution.”

(d) By deleting from Subsection 6 the word "Saturdays" in line twelve of the subsection and inserting in lieu thereof the words "on that day in every week upon which immediately prior to the said poll being taken the closing time then in operation was one o'clock after noon."

(e) By deleting from Subsection 6 the word "Saturday" at the end of the subsection, and inserting in lieu thereof the words "that day in every week upon which immediately prior to the said poll being taken the closing time then in operation was one o'clock after noon."

This clause has been prepared so that country districts may determine for themselves on which day in the week they shall enjoy a half-holiday. In the meantime, I think further consideration of this clause should be postponed until we have dealt with Clause 41.

Further consideration of clause postponed.

New clause:

The CHIEF SECRETARY: I move—

That in lieu of Clause 41 deleted by a previous Committee the following new clause be inserted:—

Section 106 of the principal Act is amended as follows:—

(a) By deleting Subsection 3 and inserting in lieu thereof a subsection as follows:—“(3) At every poll a resolution shall be submitted to the electors in the form of a question as follows:—

Do you vote that shops generally throughout the district shall close at one o'clock on . . . . ?”

Such question shall be completed by inserting in the space left blank for the purpose the name of the week-day to be submitted to the vote of the electors, and the voting shall be according to the form in the seventh schedule.

(b) By deleting from Subsection 4 the word "Wednesdays" in line eleven of the said subsection, and inserting in lieu thereof the words "on that day in every week which has been determined by the voting at the said poll."

(c) By deleting from Subsection 5 the word "Wednesday" at the end of the said subsection, and inserting in lieu thereof the words "that day in every week so determined by such resolution."

(d) By deleting from Subsection 6 the word "Saturdays" in line twelve of the subsection, and inserting in lieu thereof the words "on that day in every week upon which immediately prior to the said poll being taken the closing time then in operation was one o'clock after-noon."

(e) By deleting from Subsection 6 the word "Saturday" at the end of the subsection, and inserting in lieu thereof the words "that day in every week upon which immediately prior to the said poll being taken the closing time then in operation was one o'clock after-noon."

New clause put and passed.

New clause:

The CHIEF SECRETARY: I move—

That in lieu of Clause 39 deleted by a previous Committee the following new clause be inserted:—Section one hundred and three of the principal Act is amended by deleting Subsection 2 and inserting in lieu thereof a subsection as follows:—

(2.) Where, as the result of a resolution carried at a poll of electors under the provisions of Section one hundred and six of this Act, a week day other than Saturday has been determined as the day upon which shops in the district shall close at one o'clock afternoon, the day upon which the small shops aforesaid shall close at one o'clock afternoon shall be the day determined by such resolution as aforesaid, or Saturday, according to the choice of the shopkeeper, to be made on registration as hereinafter provided.

New clause put and passed.

Clause 62—Amendment of Section 136:

The CHIEF SECRETARY: I move an amendment—

That paragraphs (a) and (b) be reinstated.

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

Bill again reported with further amendments.

*Further Recommital.*

On motion by the Chief Secretary, Bill again recommitted for the purpose of further considering Clause 45.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 45—Repeal of Section 109 of the principal Act, and insertion of new section: Closing time of hairdressers' shops:

The CHIEF SECRETARY: I move—

That after proposed new Subsections 2 and 3, inserted at a previous Committee, the following proviso be added:—

Provided that the foregoing provisions of this section, whilst such resolution as is set out in the Seventh Schedule is in force in any district, be read and have effect in such district so as to give effect to such resolution.

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

Bill again reported with a further amendment, and the report adopted.

# **BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.**

## *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [9.53]: I move—

That the Assembly's request for a conference be agreed to; that the managers for the Council be Hon. H. Seddon, Hon. L. Craig, and the mover, and that the conference meet forthwith in the President's room.

Hon. L. CRAIG: I think it undesirable that I should act as a manager at the conference. I do not think I quite represent the views that are expected of me.

The PRESIDENT: If more than three managers be nominated, there must be a ballot. I understand Mr. Craig does not wish to act as a manager. Are there any other nominations?

The CHIEF SECRETARY: I have nominated three managers, including myself, and as Mr. Craig has indicated his desire to withdraw, I shall nominate Mr. Baxter in his stead.

The PRESIDENT: I shall put the question with Mr. Baxter's name in lieu of that of Mr. Craig.

Question put and passed.

*Sitting suspended from 9.55 p.m. to 1.15 a.m. (Friday).*

# **BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.**

## *Conference Managers' Report.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [1.15]: I desire to report that the Managers met in conference and agreed that Clauses 2 and 3 be deleted, that Clause 4 be agreed to, and that the Title be amended accordingly.

Report adopted and a message accordingly returned to the Assembly.

## **BILLS (5)—FIRST READING.**

1. Loan, £1,227,000.
2. Land Tax and Income Tax.

3. Appropriation.

4. Fremantle Gas and Coke Company's Act Amendment.

5. Perth Gas Company's Act Amendment. Received from the Assembly.

# **BILL—INCOME TAX ASSESSMENT.**

## *Assembly's Message.*

Message from the Assembly received and read notifying that it had considered the amendments made by the Council to the Bill and had agreed to Nos. 1, 2, 4, 7, 8 and 10, had disagreed to Nos. 3 and 6 for the reasons set forth in the schedule annexed, and had agreed to Nos. 5 and 9 subject to further amendments in which further amendments the Assembly desired the concurrence of the Council.

## **ADJOURNMENT—SPECIAL.**

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [1.24]: I move—

That the House at its rising adjourn until 5 o'clock this afternoon.

Question put and passed.

*House adjourned at 1.25 a.m. (Friday).*