the matter. I do not want Parliament to go into recess without anything having been done.

The Premier: A decision will be arrived at before the House rises.

Vote put and passed.

Votes—Roads and bridges, public buildings, etc., £194,528; Sundries £317,144:—agreed to.

Resolutions reported and the report adopted.

House adjourned at 10.37 p.m.

Legislative Council,

Tuesday, 30th November, 1937.

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

QUESTION—DAIRY HERDS INSPECTION.

Abattoirs Slaughtering.

Hon. G. W. MILES (for Hon. J. J. Holmes) asked the Chief Secretary: 1, Are all bulls and milking cows in registered dairies within and without the metropolitan area regularly inspected and subjected to the tuberculin test? 2, Is the qualified staff of the Government Veterinary Department adequate to ensure the testing of stock in all registered dairies? 3, What number of cattle slaughtered at the metropolitan abattoirs was condemned for some form of tuberculosis during the period from October, 1936, to October, 1937? What assurance has the public that farm-killed meat is slaughtered and conveyed to market under even fair hygienic conditions? 5, Is the Chief Inspector of Health satisfied that his officers can definitely detect a contaminated carcase (particularly a pig) by gland inspection only, and without viscera?

The CHIEF SECRETARY replied: 1, All dairy cattle within the metropolitan area are regularly inspected, but only in suspicious cases is the tuberculin test applied. 2, No. 3, The period named in the question is a broken period for statistical purposes. The following are the figures from the 1st January, 1936, onwards:—1/1/36 to 31/12/36—Whole carcases 198, part carcases 307, organs 320; 1/1/37 to 31/10/37—whole carcases 160, part carcases 205, organs 296. 4, It is obvious that no such assurance can be given. Farmers who regularly kill are expected to provide a small killing outfit, of a reasonably hygienic nature. By-laws specify certain conditions which should be complied with in regard to transport, but close supervision cannot be maintained to see that these conditions are always met. 5, The only thoroughly efficient inspection is that carried out on the killing floor at the time of slaughter, when the viscera is available. When inspecting a dressed carcase (particularly a pig) at a place other than the place of slaughter, and with no viscera available, it cannot be definitely guaranteed free from tuberculosis, particularly if the disease is in the incipient stage.

BILL—TIMBER INDUSTRY REGULATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.37] in moving the second reading said: The purpose of the Bill is to ensure a greater measure of safety for workers employed in small timber mills, by providing that sawmills shall be registered under the provisions of the Timber Industry Regulation Act, 1926. At present, the Forests Department imposes certain conditions on mills operating under departmental permit. Plans and specifications have to be submitted to the department and registered prior to the erection of such sawmills. Until registration has been effected, they are not permitted to operate. Under

our present legislation, however, there is no power to enable the imposition of similar conditions in respect to mills operating on private property. Attention was directed to the necessity for such by a fatality that occurred in the Manjimup district this year. This particular case concerned the death of a mill hand, who met with an accident while working in an unregistered timber mill. In returning a verdict of accidental death, the acting coroner stated that provision should be made for the registration of all mills in order to ensure against accidents of the kind that had cost the deceased man his life. At the time when the coroner issued his verdict, it was hoped that the position of the private mills could be covered by gazetting a regulation under the Timber Regulation Act. It was found, however, that this course could not be followed, as the principal Act, apparently by an oversight, makes no provision for the registration of any sawmill. At present, of course, regulations may be made under the Act dealing with the ventilation of mills, the prevention of dust, safety provisions, and a number of other matters which relate to the safeguarding of workers from accident. It seems desirable, therefore, that provision should be made for the registration of sawmills. To this end the Bill provides that all sawmills shall be duly registered under, and in accordance with regulations it will be competent to make under an amendment proposed in respect to Section 23 of the principal Act. That amendment will enable the issue of regulations dealing with any matter associated with the registration of a sawmill, including the furnishing of plans and particulars by applicants for registration. The Bill also provides that owners of unregistered mills already operating shall apply for registration within one month after the commencement of the proposed new section. In the interim such owners will be permitted to continue the use of their sawmills. It is further provided that where such sawmills comply with the regulations, registration shall be automatic upon application being made in the prescribed form. Registration of a sawmill under this Act will automatically register those premises as a factory for the purposes of the provisions of the Factories and Shops Act, 1920. By virtue of Section 29 of the principal Act, none of the provisions of the factories legislation has application to the timber industry, with the exception of certain sections empowering the inspectors of the departments to enforce awards and industrial agreements, and certain other sections dealing with industrial conditions. Section 29 of the Timber Industry Regulation Act provides that certain provisions of that Act and any regulations made thereunder shall apply to the timber industry in lieu of the provisions of the Factories and Shops Act relating to similar matters. The Bill does not propose to alter that condition. I understand that to-day it sometimes happens that inspectors under the Timber Industry Regulations Act only have knowledge of the existence of some small sawmills when they learn of a serious accident that has occurred on the premises. The enactment of this measure will remedy that condition, and will, I feel sure, result in better safeguards being made for the protection of workers throughout the industry. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

In Committee.

Resumed from the 23rd November; Hon. J. Cornell in the Chair, Hon. J. Nicholson in charge of the Bill.

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

The CHAIRMAN: Progress was reported on this clause, the question before the Chair being the insertion of a new provision.

Hon. J. NICHOLSON: The select committee is of opinion that this clause should be deleted.

The CHIEF SECRETARY: This clause was inserted mainly to prevent the formation of nominal partnerships that are entered into to avoid the relationship of master and servant, and thus get outside the restrictions imposed by the court in respect to working hours. The baking trade is particularly affected by this kind of thing. The department has found it necessary to take proceedings in some instances. Evidence was given by the Chief Inspector to the select committee showing that a provision of this sort is in operation in other States. The select committee was advised of those States in

which this legislation is on the statute-book. In Tasmania there are no restrictions. In South Australia there are restrictions applying only to factories where Chinese are employed. In New South Wales the restrictions apply in respect to Chinese and other factories, but the Minister there has power to suspend the operations of the Act for a period not exceeding four weeks. In Victoria the Act relates to the limitation of working hours in factories where Chinese are employed or where furniture is made. In Queensland Section 59 of the Act relates to working hours in bakeries. It can thus be seen that other States have recognised the need for restrictions of the kind embodied in this clause. In this State the baking and furniture trades are particularly affected. I do not agree with the recommendation of the select committee and must oppose the deletion of the clause.

Hon. L. Craig: You would not want to alter a properly drawn up partnership agreement, would you?

The CHIEF SECRETARY: In some instances it would be difficult to prove whether a partnership was entered into as a subterfuge or otherwise. Men do form themselves into companies, all except one having no monetary interest in it, with the object of avoiding the conditions laid down in awards. That has frequently taken place.

Hon. L. Craig: It is only a matter of putting a little capital into a company. This clause will not prevent that.

The CHIEF SECRETARY: We must have restrictions that will prevent the subterfuges I speak of. Other States have found it necessary to pass legislation of this kind. It should not be beyond our ingenuity to frame a clause to suit the Committee as a whole.

Hon. J. NICHOLSON: This clause is too far-reaching. It extends not merely to the instances referred to by the Chief Secretary but covers every trade and calling. It has a wholesale effect. It will not meet the situations that have been mentioned. We know these elusive partnerships have been going on for some time. If we pass this clause with the idea of making it apply to the baking industry, we shall also cause it to apply to every other industry, and to restrict individuals who are trying to get on in life. The select committee devoted a great deal of thought to this clause. Had it been possible to bring forward a recommendation dealing with it, we would have done so. If we say that such-and-such a partnership is a true partnership, but another is not a true partnership, we shall interfere with every trade and industry and with the development of the State. The clause provides for the cessation of work at certain times. If a man owns a factory and desires to work in it by himself, he will not be entitled to do so after certain hours. That is a most unwise provision.

The Honorary Minister: Is that your legal interpretation of the effect of the clause?

Hon. J. NICHOLSON: Yes. The effect of the clause will be that the owner of a factory will not be entitled to work, as I have indicated.

The Honorary Minister: It does not mean that at all.

Hon. J. NICHOLSON: Then my interpretation does not agree with that of the Honorary Minister. To impose such restrictions would not be wise. In view of the decisions of the Committee, particularly with regard to the definition of a factory, the clause should be rejected. We should give further consideration to the partnership problem as it affects the baking industry. If we do not pursue that course, far more extended effects may follow than we anticipate at the moment.

Hon. E. M. HEENAN: The clause is one of the most vital in the Bill and attempts to deal with a situation that has arisen because some employers and employees will always look for some means to evade the law or an Arbitration Court award in order to secure unfair advantage over others. Without referring specifically to statements made to the select committee, there was ample evidence to satisfy me that there are bogus partnerships that are a menace not only to particular industries, but to the happy working of industry generally. The indications are that the chief offenders are foreigners who come from countries where the standard of living and the conditions of employment do not correspond to those operating in Western Australia. It is our duty to see that those foreigners are not allowed to break down our standards, but are required to comply with them. Evidence tendered by Messrs. Nielsen and Hodsdon, who are union secretaries, and therefore in a position to speak with authority, showed that in the baking trade, for instance, foreigners banded together for the purpose of evading the Act. The principal knows quite well that he must

pay the prescribed rate of wages and comply with award conditions, but that does not satisfy him. He therefore secures alleged partners who probably do not know what they are entitled to or may even be parties to his mal-practices. Thus he is able to operate unfairly in competition with honest employers. We had evidence regarding some of these alleged partnerships. The documents were drawn up by reputable firms of solicitors and, from a legal point of view, they were quite binding. By having six or seven alleged partners, all sorts of hours could be worked when in other factories operations would be prohibited, and yet no prosecution could be brought against them because the individuals concerned were not employees. Thus the efforts of Parliament and the Arbitration Court to give everyone engaged in industry equal opportunities and similar conditions, have been defeated. I honestly believe the clause contemplates the only way by which the situation can be coped with.

Hon. L. Craig: Will the clause cope with that position?

Hon. E. M. HEENAN: The clause will prohibit employers from working, and how many want to work more than the usual hours?

Hon. A. M. Clydesdale: Quite a number.

Hon. W. J. MANN: The clause deals with an important principle and is aimed to prohibit an employer from entering his own shop or factory and engaging in his avocation either before or after his employees are permitted to work. It has been suggested that no employer wishes to work longer hours than those of his employees. It is nonsense to suggest that business can be conducted on those lines, because in many instances it is absolutely essential for the employer to be on the premises for an hour or more in order that he may plan the work for his employees for the day. I know quite a number of businesses in which that has to be done very frequently. If the employers did not do that, the work could not continue. If we agree to the clause, that practice will not be permitted. We would be neglectful of our duty if we agreed to such a provision. As to the partnership problem, I agree that the evidence disclosed that there were bogus partnerships, but, as far as I could gather, they applied to one phase only. The names of those concerned in the partnerships I have in mind were mostly those of Greeks. Some of the partnerships did not last for long, but as one partnership was broken, another seemed to be formed and at times the same names appeared in the list. If I can help the Government to prevent that sort of thing, I will be prepared to do so; but I cannot agree to a clause such as that under discussion, which will make all partnerships suspect. To agree to that would be going too far. It is quite true that in some instances one partner may put up the money while the other provides the technical knowledge.

Hon. J. Nicholson: Many partnerships have begun that way, and the man with the knowledge has ultimately become the sole proprietor of the concern.

Hon. W. J. MANN: That is so. I cannot agree to a clause that will prevent an employer from entering his premises before the time for the commencement of work by his employees, or remaining behind to do work in his own time. I shall be glad if the Honorary Minister can show me how we can adequately deal with bogus partnerships.

Hon. L. B. BOLTON: I have a lot of sympathy with the Government regarding the clause, but I am afraid it goes a little too far for me to support it. We might overcome the trouble by keeping foreigners out, but that would be a difficult matter. If agreements are legally drawn up there will be difficulty in stopping that sort of thing. If there were no interference with the individual I would support what is proposed, but I have endeavoured to make it clear that I have no wish to interfere with the individual at any time. The individual, for all the work he himself can do, and I do not care what class of work it may be that he undertakes, is not a menace to an industry. If the report of the select committee is right, the clause will prevent an individual working in his own factory longer hours than those provided for in an award.

Hon. J. Nicholson: Then he will require to have an employee with him.

Hon. L. B. BOLTON: Not necessarily. I am speaking of an individual who has no employees. I may give an illustration in my own industry. It does occasionally occur that ten minutes work requires to be done on the following day, for instance, Saturday, and that ten minutes work may be needed to complete a job which cannot

be completed on the Friday before. Sometimes that work could be done even on a Sunday morning, and perhaps it is work that the employer himself could do since it would take not more than about ten minutes. The clause, however, would prevent him from doing it, and under the award if he brought in an employee to do the work he would be compelled to pay that employee for two hours' work. The clause is a good one and if we can prevent bogus partnerships, we should do so.

The HONORARY MINISTER: It was the duty of the select committee to put up an amendment to overcome the difficulty. Let me quote the baking industry, where there are so many partnerships. The position to-day is that many who were apprenticed to the trade are thrown on the unskilled labour market. That is the result of unfair competition on the part of numerous partnerships. Those partnerships have undermined the baking trade. Surely members will not say that they are powerless to deal with aliens, for instance, who are prepared to work under the worst possible conditions. There are cases where aliens work for 18 hours and sleep the remainder of the 24 in the bakehouse, and probably there are hundreds of people in the metropolitan area eating bread baked under those conditions. It is our duty to stop that, and we ought to be able to do so by the Bill before us. The competition is unfair and many modern bakeries are not able to use their plant to the fullest extent because of that competition. How is it possible for a progressive baker, say on the goldfields, to compete against men who perhaps are working a hundred hours a week and are receiving £3 a week in wages? That is what is taking place in bakeries conducted by aliens.

Hon. H. S. W. Parker: And who eats that bread?

The HONORARY MINISTER: I hope the hon. member does not. We hope to stop that kind of thing.

Hon. J. Nicholson: The Bill deals with all factories and shops.

The HONORARY MINISTER: The same conditions apply to the furniture trade.

The CHIEF SECRETARY: I would be sorry to lose the clause altogether, because it is highly desirable we should have something of the kind. After listening to Mr. Mann I cannot help thinking that there should be a way out. Even if the clause be agreed to it will not provide for the setting aside of partnerships, but it will prevent people working under conditions such as those that have been referred to. The clause will not apply to all factories; it will apply to those factories governed by an award of the court or by a common rule.

Hon. J. Nicholson: There are few that are not.

The CHIEF SECRETARY: As the hon. member knows from the evidence that was given to the select committee the furniture trade is one of the industries where overtime is prohibited except by permission. Baking is another. We should be able to say that those people who have formed partnerships in circumstances that have already been referred to should not be allowed by subterfuge to compete unfairly with other employers by working during hours when others are prohibited from carrying on operations. I should imagine from what we have heard that provision could be made whereby an individual in business for himself and not employing labour could be exempted from the operations of the clause. If members are satisfied that there is something in factories that should be corrected, if they consider that by subterfuge work is being carried on to the detriment of other employees who have to abide by awards, it is up to us to try to evolve something by which the position can be met. Could we not so amend the clause that it would at least make an attempt to deal with an undesirable state of affairs? The position has been met in various ways in the other States.

Hon. E. H. Angelo: What would you suggest?

The CHIEF SECRETARY: We might exempt a single individual, the person who is in business for himself. Even then that would only apply to the particular industry where overtime was prohibited. The clause does not apply to industries generally; it applies only to those industries where the court is determined there shall be no overtime, and that if it is necessary to work overtime permission will have to be sought.

Hon. L. B. Bolton: Who will grant it?

The CHIEF SECRETARY: Application could be made to the Chief Inspector or to the Arbitration Court.

Hon. L. B. Bolton: When a factory wants to work overtime it is a question of urgency.

The CHIEF SECRETARY: Then application can be made to the department.

Hon. L. B. Bolton: The baking industry would want a reply within four hours.

The CHIEF SECRETARY: There would be no difficulty at all. In the furniture trade application to work overtime is made a few days or a week beforehand and is dealt with expeditiously. If members are satisfied that something unfair is occurring, they should amend the clause and protect the honest employer who abides by the conditions of the court.

Hon. J. NICHOLSON: I hope the recommendation of the select committee will be adopted. We are not dealing solely with the baking industry. That has merely been mentioned as an instance.

Hon. T. Moore: A good one, too.

Hon. J. NICHOLSON: If there are certain evils in the baking industry, let them be the subject of a special measure, but members should not be carried away to the extent of departing from principles that we as a Committee have already adopted. If the clause be accepted, we shall be violating an important principle.

Hon. H. S. W. PARKER: The argument seems to have proceeded on the basis that the definition of "factory" in the Bill has been adopted. We have decided that in future, as in the past, a factory shall consist of four or more persons.

The CHIEF SECRETARY: I emphasise that the clause could apply to only two industries, baking and furniture-making, because they are the only two in which the court has prohibited the working of overtime. If the court prescribed no overtime in a certain industry in a certain area, it would apply only to factories within that area, but it would apply to all in the industry. That is where the question of partnership comes in. If several men had entered into a partnership agreement, they would be prevented from working overtime. The clause would not have the general application mentioned by Mr. Nicholson.

Clause put, and a division called for.

The CHAIRMAN: Before appointing tellers, I give my vote with the ayes.

Division resulted as follows:—

Ayes	14
Noes	12
Majority for ..	2

AYES.

Hon. E. H. Angelo	Hon. E. H. Gray
Hon. L. B. Bolton	Hon. E. H. H. Hall
Hon. A. M. Clydesdale	Hon. E. M. Heenan
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. J. T. Franklin	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. V. Piesse (*Teller.*)

NOES.

Hon. L. Craig	Hon. J. Nicholson
Hon. C. G. Elliott	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. Tuckey
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. G. B. Wood
Hon. G. W. Miles	Hon. A. Thomson (*Teller.*)

Clause thus passed.

Clause 27—Females under 17 not to be employed at ironing or pressing, etc.:

Hon. J. NICHOLSON: The select committee deemed the clause unnecessary and I hope it will be deleted.

Clause put and negatived.

Clause 28—New sections:

Hon. J. NICHOLSON: This clause is recommended for approval subject to certain amendments. I move an amendment—

That after "publish" in line 2 of Subsection 2 of the proposed new Section 62A, the following words be inserted:—"in a newspaper circulating in the district or districts where such factories as aforesaid exist and."

The CHIEF SECRETARY: The proposed amendments were submitted to the Crown Law officials who have drafted them in slightly different terms. This one reads:—

After "publish" the words "in a newspaper circulating in the district or districts in which the factories aforesaid are situated and" be inserted.

Hon. W. J. Mann: That is the same thing in other words.

The CHIEF SECRETARY: Yes.

The CHAIRMAN: I take it that Mr. Nicholson moves his amendment in that form.

Hon. J. Nicholson: Yes.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That after "such" in line 2 of Subsection 2 of the proposed new Section 62A, the word "other" be inserted.

Hon. J. Nicholson: That is the recommendation of the select committee.

Amendment put and passed.

The CHIEF SECRETARY: I should like Mr. Nicholson to state the select committee's reasons for desiring to substitute its next proposal for the proposal in the clause. The Bill suggests certain methods whereby an owner or occupier of a factory disagreeing to regulations made can have his objections heard and a decision arrived at. The select committee suggests an appeal to the Minister on the lines of Section 21 of the Act, which should be satisfactory, being practically in accordance with English factories and shops legislation.

Hon. J. NICHOLSON: Section 21 refers to requisitions made by an inspector on the occupier, and gives a right of appeal to the magistrate of the local court. Under the clause, when the Minister is satisfied as to danger existing, regulations may be made, and those regulations have to be published, and objection may then be made to them within 21 days. Seeing that the Minister makes the regulations, it is thought better to give a right of appeal in the same way as would be done in the case of a requisition by an inspector. In appealing there is opportunity to bring forward evidence which is sometimes difficult to set out in objections lodged with the Minister against regulations he himself has promulgated.

The CHAIRMAN: The regulations would have to be laid on the Table.

Hon. J. NICHOLSON: Only after they have been gazetted and brought into force.

The CHAIRMAN: The hon. member's suggestion seems to be that the Interpretation Act should be amended.

Hon. J. NICHOLSON: That is not the intention.

The CHAIRMAN: What the hon. member desires is that draft regulations should be made available and objections lodged before the regulations are gazetted.

Hon. E. M. HEENAN: I suggest that the precaution proposed by Mr. Nicholson means carrying precaution altogether beyond reason. The Chief Inspector of Factories, in speaking of the proposals in the clause, gave the following evidence before the select committee:—

> Under these proposals the manufacturers and others will be given an opportunity to object to any or all of the proposed regulations. The objections will be investigated, and if necessary the Minister shall order an inquiry to be held by a competent person. Any special regulations which it has been found necessary to promulgate will be carefully considered before being given effect to. It is considered necessary to provide for certain dangerous industries and processes. The Solicitor General has given an opinion with regard to certain proposed regulations dealing with electric arc welding, which is recognised as a dangerous process.

That will be the position existing if the clause is passed as printed.

The CHIEF SECRETARY: Proposed regulations will affect special industries of a dangerous character. They may affect only one individual factory used for the manufacture of something of a highly dangerous character from more points of view than one. Electric arc welding might be affected. Again, spray painting is highly dangerous. Dangerous also are industries in which chemicals are used to a great extent. The provision in the Bill whereby the Minister is empowered to refer the matter to a competent person or persons to conduct an inquiry if the occupier of the factory objects to a proposed regulation is a far more practical method than that of giving a right of appeal to a magistrate who cannot be expected to have a knowledge of such things. In the Old Country numerous regulations have been gazetted from time to time under the corresponding clause, covering a variety of industries. In this State a regulation might affect only one factory dealing with a particular commodity. On the other hand, a regulation may affect an industry in which several factories are engaged. The right way is to let people having a proper knowledge of the industry be the people to determine, after inquiry, whether regulations desired by the department are reasonable or not. The clause is lengthy and, in order to obtain an understanding of how it will operate, should be read in its entirety. A magistrate should not be required to determine questions of an industrial character.

Hon. W. J. MANN: One of the chief objections to the clause is that the appeal from the Minister's decision would be to the Minister himself. The preferable course would be to revert to Section 21 of the Act insofar as it provides that an appeal may be made to a resident magistrate. A Minister is hardly likely to reverse his own decision unless extraordinarily strong evidence is adduced. A manufacturer would be much better satisfied if the appeal were to some

other person or tribunal. There is no desire to insist that men shall work in dangerous avocations without adequate safeguards.

The CHIEF SECRETARY: I refer Mr. Mann to Subclause 5, which provides—

Where the Minister does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous), he shall——

—not "may"—

before recommending the Governor to make the regulations direct an inquiry to be held in the manner hereinafter provided.

The manner is as follows:—

When so required by Subsection 5 of Section 62A of this Act the Minister shall appoint a competent person to hold an inquiry with regard to the draft regulations and to report to him thereon. The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath. The regulations made under the foregoing provisions may be made to apply to all the factories in which the manufacture, plant, process or description of manual labour, certified to be dangerous, is used (whether existing at the time when the regulations are made or afterwards established), or to any specified class of such factories. They may provide for the exemption of any specified class of factories, either absolutely or subject to conditions.

What could be fairer than that? The Minister in the first place is advised by the department. He does not do these things of his own knowledge. Eventually he agrees to the draft regulations submitted to him. The Bill says that these regulations shall be submitted to the employers concerned, who shall have the right to object provided their objection is lodged within a certain time. If that objection is not considered frivolous by the Minister he shall order an inquiry by a competent person.

Hon. W. J. Mann: His own nominee.

The CHIEF SECRETARY: Undoubtedly it would be his own nominee but surely the hon. member's experience of the working of Acts of this kind under which the Minister is given power to do this kind of thing should be such as to enable him to realise that the Minister not having a knowledge of the subject will appoint some person with knowledge. The alternative is to say that a magistrate who possibly has had no industrial experience whatever should be the man to determine whether the objection raised is a valid one and whether the Minister should or should not proceed with the regulations. There is a safeguard for factory occupiers in that when the regulations come before Parliament Parliament has the right to dis allow them. The Bill contains sufficient safeguards and it is a more logical procedure to adopt the course provided in the Bill than to leave the matter to magistrates who, in ninety-nine cases out of a hundred, have no knowledge of the subject. From time to time there are started in this State new industries which have been shown to be dangerous elsewhere, and it is only right that we should have a provision to deal with matters of that kind. I agree with the select committee that the appointment of a magistrate to determine whether an objection to a regulation is valid or not is one way of dealing with the question. The select committee does not desire that there should be no provision at all, but considers that its idea is better than that in the Bill. I hope, however, that members will agree to the Clause as it stands. I have asked the Crown Law Department to draft a provision that will meet the proposal of the select committee.

Hon. J. NICHOLSON: The select committee had no desire to place the Govern ment in an awkward position in regard to this matter. Probably the better course might be to pass the clause as it is and, if it is considered desirable by any hon. member, it might later be recommitted and the suggestion of the Crown Law Department examined.

The CHAIRMAN: If recommendations (4), (5) and (6) are not involved in the consideration of recommendation (3), I would suggest that those recommendations be dealt with and (3) could be considered on the recommittal of the clause.

Hon. J. NICHOLSON: I move—

That proposed new Section 62D be struck out.

The CHIEF SECRETARY: I am afraid the hon. member is making the position much worse; not under any consideration could I agree to that proposal. That is the vital part of the clause. It is essential that the department should be able to make regulations dealing with the matters referred to in proposed new section 62D. Otherwise we might just as well do without the clause altogether. I suggest that in view of the position we have reached, recommendations (5) and (6) might be dealt with, leaving the balance of the recommendations to be dealt with on the recommittal of the clause.

Hon. J. NICHOLSON: The proposed new section 62D seems vital, because it is a proposal to give the Minister power to make regulations to "prohibit the employment of or modify or limit the period of employment of all persons or any class of persons in any manufacture, plant, process or description of manual labour certified to be dangerous," whereas the previous part of the clause deals with the process.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: Proposed Section 62A provides that the Governor may make such regulations as are necessary to meet dangerous conditions or conditions injurious to health. But this proposed Section 62D provides for the making of regulations to prohibit the employment or to limit or modify the period of employment of all persons in any manufacture, plant, process or description of manual labour certified to be dangerous; to prohibit or limit the use of any material or process or to modify or extend any special regulations for any class of factory contained in this Act. That is a wide and far-reaching provision, and we do not know where it is going to extend.

The CHAIRMAN: It only amplifies 62A.

Hon. J. NICHOLSON: No, it goes much further. We should limit the regulations to what is set out in the earlier part of the clause, not bring in an all-absorbing provision. This proposed Section 62D is perfectly dangerous, so the select committee decided it should be struck out.

The CHIEF SECRETARY: The proposed subsection is perhaps the most important part of the whole clause. I am advised that unless we have such a provision, regulations that may be made under proposed Section 62A may be completely ineffectual. It is admitted that these regulations, if made, will be pretty drastic in their effect in certain cases. On the other hand, no regulation of this kind will be made unless, in order to be effective, it be necessarily drastic. There are ample safeguards against this provision being used in a way in which it should not be used. Under the Bill there is provision for an inquiry to be made by a competent person, and under the amendment that has been postponed there is provision for an appeal to a magistrate. Then, of course, there is always an appeal to this House when the regulations are tabled. So I cannot see any harm whatever in our having this proposed Section 62D. One can rest assured that if any person is dissatisfied after the hearing of his appeal against a proposed regulation, he will be able to get some member of the House to take up his case in this Chamber.

Hon. E. H. Angelo: Parliament may not be sitting at the time.

The CHIEF SECRETARY: I can assure members that no regulation will be made without due investigation of the facts.

Hon. J. Nicholson: Strike out paragraph (c) of 62D.

The CHIEF SECRETARY: Why? Surely we should give the right to amend or modify a regulation if the department thinks that regulation too stringent. If it be necessary to have regulations at all, surely there should be power to modify them if necessary.

Amendment (to delete proposed new Subsection 62D) put and a division called for.

The CHAIRMAN: Before appointing tellers, I give my vote with the Noes.

Division resulted as follows:—

Ayes	16
Noes	8
Majority for	8

AYES.

Hon. E. H. Angelo	Hon. J. M. Macfarlane
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. L. Craig	Hon. J. Nicholson
Hon. C. G. Elliott	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Tuckey
Hon. E. H. H. Hall	Hon. C. H. Wittenoom
Hon. V. Hamersley	Hon. H. S. W. Parker
	(Teller.)

NOES.

Hon. J. Cornell	Hon. E. M. Heenan
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. H. Seddon
	(Teller.)

PAIR.

AYE.	NO.
Hon. A. Thomson	Hon. A. M. Clydesdale

Amendment thus passed.

Hon. J. NICHOLSON: In accordance with the recommendations of the select committee, I move—

That in line 5 of proposed new Section 62E "fifty" be struck out and "twenty" inserted in lieu; also that in line 7 "five" be struck out and "two" inserted in lieu.

The CHIEF SECRETARY: I strongly oppose the amendment, mainly because of the vote that was taken on the previous amendment. The Committee has decided

that the department shall not have the right to make regulations to prohibit employment in cases where it is satisfied that such employment is dangerous to health and life. We are now asked to agree to a modification of the penalties where the regulations are not carried out by the factory occupier. Unless the penalty is made sufficiently severe, the occupier will say, "It is worth £2 to me to defy the regulations for a certain period." The factory, on the other hand, may be dangerous for those who are employed in it.

Hon. L. Craig: Surely no one would do that.

The CHIEF SECRETARY: The hon. member cannot be well acquainted with industrial conditions. Apparently the Committee does not want to be too hard on the employers.

Hon. L. B. Bolton: We should not be too hard.

The CHIEF SECRETARY: We cannot be hard enough in cases of this sort. People should not be allowed to incur risks of this kind merely for the lack of the necessary regulations to safeguard their interests. The penalties contained in the amendment would not meet the case at all.

Hon. J. NICHOLSON: Proposed new Section 62A is wide enough to cover all the regulations referred to by the Chief Secretary. If employment is dangerous to life or limb the Minister may pass any regulation that he thinks will meet the case. No one wants people to do anything that will be dangerous to them. The select committee considered that the penalties provided in the clause were too severe, and accordingly recommended this reduction.

Hon. H. S. W. PARKER: Under the Act the minimum penalty is 10s. I see no reason why there should not be a severe penalty for severe breaches of the Act. We can trust our magistrates not to make the penalty out of tune with the offence.

Hon. J. Nicholson: The 10s. minimum goes by the board.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in line 7 of Subsection 2 of proposed Section 62E "ten" be struck out and the word "two" inserted in lieu.

The CHIEF SECRETARY: The same arguments apply here as applied to the last amendment. The penalty of £10 is provided to meet the case unless the occupier can prove that he has taken all means possible to enforce the regulations.

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

Ayes	12
Noes	9
Majority for	3

Ayes.	
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. L. Craig	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. H. V. Piesse
Hon. V. Hamersley	Hon. H. Tuckey
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom (*Teller.*)

Noes.	
Hon. E. H. Angelo	Hon. T. Moore
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. M. Heenan	Hon. G. Fraser (*Teller.*)
Hon. W. H. Kitson	

Pair.	
Aye.	No.
Hon. A. Thomson	Hon. A. M. Clydesdale

Amendment thus passed.

Hon. J. NICHOLSON: I move an amendment—

That in lines 8 and 9 of proposed Subsection 2 the words "and to the best of his power enforcing" be struck out.

The owner of premises cannot do more than he is enabled to do in the carrying on of his business, and he would naturally be eager to see that his business was carried on properly.

The CHIEF SECRETARY: Having decided to minimise the penalty to be imposed on the occupier of a factory, we now say that all we will call upon the occupier to do is to establish the fact that he has displayed the regulations that have been made. We are not calling upon him to take any steps to see that the regulations are enforced beyond the mere posting up of the regulations. Apparently we are to have regard for the monetary penalty to be imposed on the employer and, in effect, are to have no regard for the other fellow. That is the only inference to be drawn.

Hon. J. Nicholson: No.

Hon. E. M. HEENAN: Instances were mentioned to the select committee of masks or guards being provided for the workers in order to protect their eyes and faces when oxy-welding and arc welding. The onus is

placed on the employer to see that the men wear those protectors. Surely he should be required to enforce the provisions of the Act; otherwise, having drawn attention to the regulations, his responsibility would end there.

Hon. L. Craig: What if the men will not use the protectors?

Hon. E. M. HEENAN: If an inspector should find men at work and not using the protectors, the employer would be absolved from responsibility if he had published the regulations in his factory, had instructed his men to use them, and had done all in his power to see that they used them.

Hon. L. Craig: Surely if the employer provided the apparatus, that should be sufficient to fulfil the obligation upon him.

Hon. J. M. Macfarlane: And if he directed grown men to use them.

Hon. C. F. BAXTER: I cannot accept Mr. Heenan's construction, because who is to determine the construction to be placed on the words "to the best of his power"? At the same time, I do not think the amendment is altogether satisfactory because I think the two words "and" and "enforcing" should be left in the subclause so that it would provide that the occupier of the factory should be liable to the penalty "unless he proves that he has taken all reasonable means by publishing and enforcing the regulations to prevent the contravention or non-compliance."

Hon. H. SEDDON: Probably the clause would be more effective if it were amended to read similarly to a corresponding provision in the Mines Regulation Act, under which responsibility is placed on both the employer and the employee.

The CHIEF SECRETARY: If Mr. Seddon reads the first few words of proposed Subsection 2 he will see that it refers to "any person other than an occupier," which will cover employees. If the amendment be agreed to, it will mean that all that is necessary will be for the employer to post on the walls of his factory a copy of the regulations, and it will not matter how long that copy has remained there, or how illegible it may have become.

Hon. L. Craig: But he will have to provide the equipment.

The CHIEF SECRETARY: In 99 cases out of a hundred that will be so, and in their own interests the employees should be prepared to use that apparatus.

Hon. L. B. BOLTON: I am interested in the clause from the practical standpoint. In factories similar to my own, it is necessary for employers to provide respirators in the duco and spraying rooms. It is only with the greatest difficulty in the world that the employees can be made to use them, because they do not like them. How would members like to work with respirators on throughout a hot day? Although the employees know it is necessary for them to use the apparatus, they fail to do so. I know of instances in which both employers and employees have been fined because the men had not made use of the respirators or masks. One of the most dangerous, although quite innocent-looking, machines in many factories is the emery grinder. Goggles are provided to protect the eyes of men who use those grinders. Not only have I notices posted on the wall, but over each emery wheel I have a notice in my factory setting out that any man failing to use the goggles will be liable to instant dismissal. If I carried out that threat, I would have to sack half the men in my factory. Where does the employer's liability end? He uses every possible means to protect the men by providing goggles, respirators or other apparatus, and does his best to see that the men use them. It is utterly impossible for the employer always to be standing over his employees to see that they use them.

Hon. J. M. MACFARLANE: I support the amendment and the attitude adopted by Mr. Bolton. The clause as it stands represents an imposition that should not be placed upon the employer. An employer provides the necessary equipment for the protection of the workman and when the inspector comes along he notices that the equipment is not being used and so the men are breaking the law. That, however, is not the fault of the employer. I was at certain works yesterday where men were spraying. The equipment was there and I said to one man, "You are a bad man because you are breaking the law; why are you not using the respirator?" His answer was that is was agony to wear it. The employer has his own work to do; he cannot be wandering about the whole time to see whether the employees are wearing the protective equipment provided for them. It is wrong that the employer should be fined £10 as against the employee's £2. The employer deserves sympathy, not punishment.

Hon. H. V. PIESSE: In the industry with which I am connected, the manufacture of aerated waters, masks, gloves and other media for the protection of the men engaged there are provided; but I have only to walk through the factory to notice how seldom the equipment is used. Are we to be forced to see that the protectors are used by the employees? We provide the conveniences, but I do not see why we should be brought to book if the employees refuse to use them.

The CHIEF SECRETARY: All the arguments are in favour of the retention of the words. I cannot admit it is sufficient to have the regulations published in the factory. They might remain there for ten years and no one would know what they were about. If what Mr. Bolton states is a fact, and I believe it is, and if the experience of Mr. Piesse is also correct, and I believe it is, there should be no difficulty in showing that both those members have taken all steps possible to endeavour to enforce the regulations. Consequently they would have nothing to fear. We have to protect the men against themselves and the employer can reasonably be expected to take whatever steps are open to him to have the regulations enforced.

Hon. L. B. Bolton: They do.

The CHIEF SECRETARY: Then they have nothing to fear. But in some cases the employers are careless or deliberately refuse to do what the regulations provide.

Hon. J. M. Macfarlane: I do not believe that.

The CHIEF SECRETARY: This particular regulation has been in the English Factories and Shops Act for 36 years, and it surprises me to find that to-day objections are raised to it.

Hon. H. S. W. PARKER: The clause is quite reasonable. I have had some experience in dealing with this particular Act and places are not unknown where occupiers of factories provide all the necessary equipment, while notices were displayed for the benefit of the inspectors. I am not suggesting that all employers are of that type, but unfortunately we have to legislate not for the good employer but for the bad.

Hon. J. NICHOLSON: The experiences that have been detailed by members are just in accordance with certain experiences given to the committee. It was found that whilst employers sought to provide everything for the safety of the employees, the safeguards were not being used. The words "to the best of his power, enforcing" meant that a man would require to stand there and give directions and watch that regulations were being carried out. Of course he had no power to fix the gear on a man.

Hon. H. SEDDON: Perhaps the difficulty might be overcome by substituting the words "by all reasonable means."

The CHAIRMAN: The words are already there.

Hon. L. B. BOLTON: I move—

That the amendment be amended by striking out the words "and" and "enforcing."

Hon. E. M. HEENAN: The words "all reasonable means by publishing" must be read in conjunction with the succeeding words.

Amendment on amendment put and passed.

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

Clause 29—Amendment of Section 65:

Hon. J. NICHOLSON: The select committee recommends that this clause be deleted.

The CHIEF SECRETARY: The object of the clause is to provide that the condition relating to persons sleeping in a factory shall apply to any shop or warehouse. Many establishments might not be affected, but instances have been reported of shopkeepers, mainly foreigners, sleeping under the counters of their shops.

Hon. L. Craig: Could that not be dealt with under the Health Act?

The CHIEF SECRETARY: Apparently not. The help of the Factories Department has been sought by local authorities, but as Section 65 applies only to factories, no assistance could be rendered. If it is undesirable that such a thing should happen in a factory, it is equally undesirable in a shop or warehouse.

Hon. E. H. Angelo: What about a night watchman?

The CHIEF SECRETARY: He would not be affected.

Hono. J. Nicholson: If he slept on the premises he would be.

The CHIEF SECRETARY: What would a night watchman be doing asleep? Under the Act a sleeping place has to be separated from the factory by a partition extending from floor to ceiling.

Hon. J. M. MACFARLANE: What applies to a factory should apply to a shop or warehouse, but might not the application of

the provision to shops and warehouses inflict a hardship in some cases? A man last week sought permission to sleep on premises because he was engaged on work that required him to get an early start next day.

Hon. L. CRAIG: The select committee has given no reason for striking out the clause. If foreigners are sleeping under counters of shops, especially shops offering foodstuffs for sale, it is certainly an undesirable state of affairs.

Hon. L. B. BOLTON: I think the provision should apply to a shop more so than to a factory. Why should a factory with a roof 28ft. high have to provide a partition from floor to ceiling if a sleeping place were required? One would not mind a reasonable partition of 10 or 12 feet.

The Chief Secretary: That is the law now.

Hon. L. B. BOLTON: I do not agree with the law.

Clause put and passed.

Clause 30—Amendment of Section 66:

Hon. J. NICHOLSON: The select committee recommends that this matter be left to the determination of the Arbitration Court and suggests the deletion of the clause.

The CHIEF SECRETARY: At present it is necessary to provide a lunch room for women and boys. Is it not as reasonable to provide a lunch room for men? Some factory work involves dirty processes, and adult male employees have to take their meals where they can. It would be just as easy to provide a lunch room for the whole of the employees as for women and boys only.

Clause put and passed.

Clause 31—Amendment of Section 67 of the principal Act:

Hon. J. NICHOLSON: The position is the same here and there is the same recommendation. The clause relates to the provision of dressing rooms for men as well as dressing rooms for women and boys. The matter ought to be part of the conditions laid down by the Arbitration Court.

The CHIEF SECRETARY: Some awards do include a provision dealing with change or dressing rooms, but not all awards do so. If in the opinion of the Chief Inspector of Factories such rooms are desirable for all employees, that should be sufficient. On this subject I can speak from personal experience going back over many years. At that time I was in charge of a fairly large establishment, and one of the first things I endeavoured to get my employers to introduce was a change room for women. That worked so successfully that eventually I succeeded in getting a change room for men as well. I believe the innovation set a standard in that particular industry in every part of the world where the industry operates. Change rooms are particularly necessary where clothing is liable to be affected by the fumes, sometimes unpleasant, arising in the factory. In such cases workers should be able to effect a change of clothing before leaving the factory. Again, some workers are engaged in processes which cause their clothing to become dirty, though not offensively so; and it is desirable that they should change before leaving the factory and thus be enabled to walk abroad in a respectable manner. If the provision is desirable for women and boys, it is desirable for all employees. Moreover, there are factories in which change or dressing rooms are desirable but which are not governed by any award.

Hon. W. J. MANN: The Committee is gradually usurping the functions of the Arbitration Court. If ever there was a matter which should be left to the discretion of that court, this is one. Employers are being asked to provide meal rooms, and change rooms for women, and change rooms for men. Presently it will be a question whether in the factory building there is space for the factory itself.

Clause put, and a division called for.

The CHAIRMAN: Before tellers are appointed I give my casting vote with the ayes.

Division resulted as follows:—

Ayes	13
Noes	9
Majority for	4

AYES.

Hon. E. H. Angelo	Hon. E. M. Heenan
Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Seddon
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	(*Teller.*)

NOES.

Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. M. Macfarlane	Hon. H. Tuckey
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. G. W. Miles	Hon. V. Hamersley
Hon. J. Nicholson	(*Teller.*)

Clause thus passed.

Clauses 32, 33, 34—agreed to.

Clause 35—Repeal of Section 94 of the principal Act and insertion of new section:

Hon. J. NICHOLSON: As regards the stamping of furniture there is a difficulty in the case of secondhand furniture, which may never have been stamped by the makers and which therefore should be exempted from the operation of the proposed new section. I move an amendment—

That in the proposed section after "furniture" the words "other than second-hand furniture" be inserted.

The Chief Secretary: Can one define "secondhand furniture"?

Hon. J. NICHOLSON: A definition might be included later in the definition clause.

The CHIEF SECRETARY: I raise no serious objection to the proposal, but a definition of "secondhand furniture" is necessary.

On motion by the Chief Secretary further consideration of the clause postponed.

Clause 36—Amendment of Section 97 of the principal Act:

Hon. J. Nicholson: The select committee recommended that paragraph (b) be accepted, but that paragraph (a) be deleted. I therefore move an amendment—

That paragraph (a) be struck out.

The CHIEF SECRETARY: The select committee has not given any reason for disagreeing with the clause. I have been advised that it is difficult to enforce Section 97 at the present time. The presence of the word "knowingly" has rendered it almost impossible to secure convictions against persons having in their possession and exposed for sale furniture not stamped as required. The department has had experience of stamps being wilfully removed in order that customers might not know where the furniture was manufactured. In that way unstamped furniture has been passed off as having been manufactured in places other than where it was actually made. It has been a defence for the vendor of that furniture to say that he did not know the furniture was unstamped.

Hon. J. NICHOLSON: By striking out the word "knowingly" any man who happens to have in his possession or on his premises any unstamped furniture for sale will be rendered liable to prosecution, whether he knew or not.

Hon. E. M. HEENAN: The word "knowingly" should be deleted because experience has disclosed that it is almost impossible to obtain a conviction at present. As the section is worded, the onus is on the inspector prosecuting to prove what was in the man's mind, whereas if the furniture has to be stamped and prima facie it is unlawful to offer it for sale unstamped, then if the man has some good reason for not knowing that the furniture is not stamped, it should be a simple matter to satisfy the inspector or the court.

Hon. W. J. MANN: It is possible for a person with a furniture shop to receive a consignment of goods and have it placed in his establishment. Then before he has had a chance to examine it the inspector finds out it is not stamped. All the explanations in the world would not save him from prosecution, because the clause definitely says that he would be committing an offence against the Act if he offered or exposed for sale or had in his possession for sale unstamped furniture. A man should not be liable for having unwittingly committed an offence.

The CHIEF SECRETARY: There have been cases where furniture has been made outside Australia and should have been stamped "Asiatic labour" but that stamp has been removed and the furniture disposed of, the purchaser not knowing where it was made. It is possible in that way to persuade a purchaser that goods have been made locally. It has frequently happened, too, that the manufacturer of furniture has not been prepared to stamp it as having been manufactured in his factory. I do not know why, unless it be that it is not up to standard. It is only right that we should have a reasonable chance of bringing to book a man who is doing what he should not do.

Amendment put and negatived.

Clause put and passed.

Clause 37—Repeal of Section 100 of the principal Act and insertion of new section:

Hon. J. NICHOLSON: This clause is closely related to the next succeeding clause. Could we not discuss them together?

The CHAIRMAN: Very well.

Hon. J. NICHOLSON: The one clause is dependent on the other. The select committee recommends the deletion of Clause 37. As to Clause 38, considerable evidence

was tendered showing that there is a decided opposition in the majority of centres to the Saturday closing, and the select committee after due consideration recommended the deletion of this clause also. Briefly, the contention is that Saturday is regarded in country centres as a most suitable day for farmers to meet in the local town and do their shopping. In the majority of cases it is the wish of people in country districts to retain their Saturday night shopping. Witnesses from seaside resorts particularly stressed this. They wanted it very definitely. On the other hand, some country centres do not want the Saturday afternoon and evening shopping, but they were absolutely in the minority.

The CHIEF SECRETARY: This is really a question of policy for the Government. We believe that Saturday should be the universal half-holiday.

Hon. J. Nicholson: We had to consider the views expressed by our witnesses

The CHIEF SECRETARY: I am not complaining about that. I believe that the evidence elicited supports your contention. The hon. member suggests that the great body of opinion is that Saturday half holiday is not required, that the half holiday should be observed on some other day. That is hardly borne out by the facts of the case. As I said on the second reading, there are 111 shopping districts in the State, and of those, Saturday is the chosen half holiday in 64 districts at present.

Hon. L. Craig: How many of those are purely agricultural districts?

The CHIEF SECRETARY: I cannot say definitely, but 41 districts have the Wednesday half holiday, four have the Thursday half holiday, one has the Friday half holiday and another has the Tuesday. So it can hardly be true to say that the great majority of people in the country think the shops should remain open on the Saturday afternoon. I have here a list which indicates where the Saturday half holiday is observed at present. It is remarkable what a number of country districts have Saturday as the half holiday.

Hon. L. Craig: They may be large centres, such as Northam.

[*Hon. G. Fraser took the Chair.*]

The CHIEF SECRETARY: I am resisting the statement that the great body of country people want Saturday shopping.

Hon. V. Hamersley: Why take away the local option on the subject?

The CHIEF SECRETARY: Most of the 64 districts that have the Saturday half holiday are country districts. The late shopping night is observed on the Saturday in 41 districts, on the Friday in 63 districts, on the Thursday night in four districts and in three districts the night shopping has been abolished. So there is a very good argument in favour of having the universal half holiday on the Saturday when we find that more than 50 per cent. of the shopping districts already have their half holiday on that day. The time has arrived when we should make it apply right through the State. The select committee desired that these two clauses should be deleted. If that be done it will consequentially affect a number of other clauses.

Hon. W. J. MANN: Although there is a difference of opinion as to which is the most suitable day for the half-holiday, the select committee found that in country districts there is an insistent demand for the continuation of the present arrangement. We should respect the rights of people who want the half holiday to suit their local conditions. The people should be allowed to select the half holiday that suits them best.

Clause put and negatived.

Clause 38 put and negatived.

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

The CHIEF SECRETARY: The select committee recommended that this clause also should be deleted. Dealing with Clause 38 the select committee said—

> The attention of the committee was drawn by some witnesses to the provisions of Subsection 3 of Section 106 of the Act, and the question required to be submitted at the poll. This limits the elector to vote on the question of closing shops at 1 o'clock on Wednesdays, and it is deemed inadequate to meet the needs of some districts, and the attention of the Government is directed to the position.

The Committee has directed the attention of the Government to this matter, but I should have thought that the select committee, by amending Clause 39 would have provided that the people in country districts

would get what they desire. However, the select committee left it to the Government to do what is necessary. People who desire a half holiday on some day other than Wednesday, should have opportunity to determine it.

Hon. J. Nicholson: That really arises under Clause 41.

The CHIEF SECRETARY: If this clause is deleted something else must be substituted for it. If we are going to take any notice of the evidence given to the select committee we must provide for giving the people an opportunity to say on which day they do want the half-holiday. Probably when we reach Clause 41 we may be able to overcome the difficulty.

Clause put and negatived.

Clause 40—agreed to.

Clause 41—Repeal of Section 106 of the principal Act:

Hon. J. NICHOLSON: The recommendation of the select committee is that this clause should be struck out. I do not know whether it is considered by the Government that the public should have an opportunity to vote for that day in the week on which they require to have the half-holiday.

Hon. W. J. MANN: That difficulty might be overcome by providing that at the poll the people may vote for a half-holiday on any day other than a Sunday.

Hon. J. NICHOLSON: If the Chief Secretary thinks that an amendment should be drafted to meet the situation the clause can be reconsidered on recommittal of the Bill.

The CHIEF SECRETARY: Again the select committee throws upon the Government the onus of providing a solution that will meet with the approval of members. I have no objection to an amendment being drafted that will give people at the poll the opportunity of saying which day they prefer for the half-holiday.

Clause put and negatived.

Clause 42—put and negatived.

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

Hon. J. NICHOLSON: I move an amendment—

That all the words after "hereby" in line 2 be struck out, and the following inserted in lieu:—"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 week days next preceding Christmas Day, New Year's Day, and Good Friday shall be not later than ten o'clock at night.

The closing time for confectioners, vegetables, 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.

Under the award a baker can start out with his cart at 6 a.m., but under the Bill his cart would be regarded as a shop, and he could not start selling bread until 7 a.m. The proposal contained in the Bill will be very inconvenient for the public, hence the amendment I have moved. The clause proposed by the select committee will get over the difficulty with regard to sale of bread at bakers' shops on Sundays.

The CHIEF SECRETARY: I do not want members to record a vote on this important clause without understanding what it means. Mr. Nicholson has not sufficiently stressed the position with regard to the total prohibition of the sale of bread on Sunday. If his proposed amendment be agreed to, no one will be able to purchase a loaf of bread in any shop on a Sunday.

Hon. J. Nicholson: I referred only to bakers' shops.

The CHIEF SECRETARY: If the amendment be agreed to, any shop where bread is sold will be a shop within the meaning of this legislation and the sale of bread will be prohibited.

Hon. J. Nicholson: Nobody desires that.

The CHIEF SECRETARY: That is what the amendment means. If it is not intended to mean that, where are we getting to? If the intention is as Mr. Nicholson indicates,

then the amendment does not mean that and the position should be clarified.

Hon. J. Nicholson: If you postpone the clause, I will discuss the matter with the Crown Law authorities.

The CHIEF SECRETARY: I attempted to draft an amendment but found it most difficult. The matter is of such importance that, in view of the suggestion by Mr. Nicholson that he should discuss the matter with the Crown Law authorities, I will provide him with that opportunity.

On motion by the Chief Secretary, further consideration of the clause postponed.

Clause 44—New section, butchers' shops:

Hon. J. NICHOLSON: The select committee considered the clause unnecessary and it should be deleted.

The CHIEF SECRETARY: The clause deals not only with the hours of trading for butchers' shops but also with holidays. I referred exhaustively to this question during the second reading debate and stressed the necessity for the inclusion of the clause in the Bill.

Hon. H. S. W. PARKER: Can there be such a thing as a butcher's shop, in view of the definition of a "factory?" A place where goods are prepared for sale and in which four or more persons are employed is a factory.

The CHIEF SECRETARY: Butchers' shops are not mentioned in the Fourth Schedule and therefore are subject to the application of Section 102 of the Act.

Hon. H. S. W. Parker: But can there be such a thing as a butcher's shop? Does it not necessarily become a factory in view of the definition?

The CHIEF SECRETARY: A shop is a place where goods are sold, whereas the factory is the place where goods are manufactured. A butcher's shop can be both a shop and a factory.

Hon. W. J. MANN: One point stressed was the necessity for meat to be provided for breakfast purposes at an hour earlier than 7 a.m.

Hon. J. NICHOLSON: Mr. Parker has raised an interesting question with regard to butchers' shops being factories within the meaning of this legislation. The select committee considered it would be better for the shops to be left out altogether so that they could be governed by the general clause. For that reason the select committee suggested that Clause 44 be deleted.

The CHIEF SECRETARY: If the clause be deleted, there will be no improvement regarding the convenience of the public at Easter time when butchers' shops are closed for a long period. If Subclause 2 be agreed to with an amendment regarding the opening hour in the morning, it will operate to the convenience of the public; butchers will be permitted to open their shops on Easter Saturday morning. The object is to give the public an opportunity to purchase meat at some time during the long holidays.

Clause put and negatived.

Clause 45—Repeal of Section 109 of the principal Act:

Hon. J. NICHOLSON: The select committee's recommendation is that the clause should be struck out.

The CHIEF SECRETARY: Really all that it is necessary to delete consequentially are the words "except Easter Saturday" in paragraph (c), and perhaps the whole of the first proviso. The position is that when a holiday occurs on a Monday, a hairdresser's shop may open from 8 to 10 a.m. The object is to bring the position into line with the award and save the trouble of having to make an application for a proclamation to be issued. It is not necessary to delete the whole clause; some of it must remain. We might postpone further consideration of it.

On motion by Chief Secretary, further consideration of clause postponed.

Clause 46—Amendment of Section 112 of the principal Act:

Hon. J. NICHOLSON: The select committee considered that the amendment is unnecessary and therefore I hope the clause will be struck out.

The CHIEF SECRETARY: The clause has to do with the question of canvassing for orders and the delivery of goods after closing hours. At the present time the Act provides that any shop assistant may deliver goods within a radius of two miles, and for not more than an hour after closing time. The proposal is to restrict the delivery of goods to one hour after closing time and to prohibit canvassing for orders after the shop is closed on the ground that it is considered unfair competition and lends itself to evasion of the Act. The select committee simply stated that the clause was unnecessary.

Hon. L. Craig: Will it affect the sale of motor cars, because in the country salesmen

endeavour to get their clients when they are at home?

The CHIEF SECRETARY: This will not affect salesmen employed by motor car agents.

Hon. J. NICHOLSON: If the clause is agreed to as it is, it might mean that people will be fined for doing something that was quite innocently done. An accident might arise to cause delay in the delivery of goods, an accident that could not be avoided.

The CHIEF SECRETARY: That argument is really too weak to be taken seriously. In cases of that kind I do not think anyone would consider a man was doing wrong if he completed the delivery of his goods. A plea of inability to do otherwise would be a reasonable defence. We are providing sufficient opportunity to complete the day's work by allowing two hours grace after closing time outside a two-mile radius and half-an-hour within the two-mile radius. The clause is necessary to meet unfair competition.

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

Ayes	.. .. ..	6
Noes	.. .. ..	17
Majority against	..	11

Ayes		Noes	
Hon. J. M. Drew		Hon. E. M. Heenan	
Hon. G. Fraser		Hon. W. H. Kitson	
Hon. E. H. Gray		Hon. T. Moore	
			(*Teller.*)
Hon. E. H. Angelo		Hon. J. Nicholson	
Hon. L. B. Bolton		Hon. H. S. W. Parker	
Hon. L. Craig		Hon. H. V. Piesse	
Hon. C. G. Elliott		Hon. H. Seddon	
Hon. E. H. H. Hall		Hon. H. Tuckey	
Hon. V. Hamersley		Hon. C. H. Wittenoom	
Hon. J. M. Macfarlane		Hon. G. B. Wood	
Hon. W. J. Mann		Hon. C. F. Baxter	
Hon. G. W. Miles			(*Teller.*)

Pair.	
Aye	No.
Hon. A. M. Clydesdale	Hon. A. Thomson

Clause thus negatived.

Clause 47—agreed to.

Progress reported.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendment No. 4 and had disagreed to amendments Nos. 1, 2, 3, and 5 made by the Council.

House adjourned at 10.22 p.m.

Legislative Assembly,

Tuesday, 30th November, 1937.

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

QUESTION—BULK HANDLING.

As to Fremantle Terminal.

Mr. SLEEMAN asked the Minister representing the Chief Secretary: 1, Has he received any comments, recommendations, or communications from the Fremantle Harbour Trust Commissioners dealing, in any way, with the proposed terminal grain elevators at Fremantle? 2, If so, will he lay them on the Table of the House?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, Yes, if the honourable member moves a motion in the ordinary way.

QUESTION—POLICE.

Traffic Branch Revenue, etc.

Mr. STYANTS asked the Minister representing the Minister for Police: 1, What becomes of the surplus revenue earned by the Traffic Branch of the Police Department over total working expenses? 2, Will he consider making available a sufficient amount of the surplus revenue earned by the Traffic Branch to provide an adequate number of police traffic patrols so as to ensure a greater degree of safety for people using our roads? 3, What was the total amount paid as fines, penalties, etc., for breaches of the Traffic Act in the metropolitan area for the 12 months ended the 30th June, 1937?

The MINISTER FOR AGRICULTURE replied: 1, It is paid to Consolidated Revenue from which is met the cost of the traffic control in the metropolitan area and the cost of the collection of licenses through-