

that given to it by Sir Henry Braddon's remarks without the explanation.

Mr. BAVIN (Ryde) [5.49 p.m.]: I want to refer to a matter arising out of an answer given by the Premier to a question asked by me to-day. The Premier stated that the Opposition had broken certain pairs and I merely wish to say that that statement is wholly untrue. The Opposition has broken no pairs and certainly would not break pairs. What we have done is to decline to give any pairs to Ministers who are going abroad on public business during this session. It is true that we might have taken a different course. We might have agreed that Ministers should have pairs and then have taken the course which the Premier took on a previous occasion and have induced our members to break the pairs which they had given. It will be within the memory of hon. members that the Premier did induce a member of this House to break his pair and that he also tried to induce members of the Legislative Council to break pairs, which they had given. We might have taken a similar course, but on this side of the House we do not follow such methods. We, therefore, thought it better to say frankly beforehand that no pairs would be given to Ministers who were going abroad. The reason for that is that the Government has no right to be holding this session in breach of a deliberate promise given to the House. We thought it fair to make it clear that we would give no pairs on this occasion. If Ministers want to go abroad the proper course is for the Premier to fulfil the promise he gave to this House and the country and dissolve the House. This session would not have been held if the Premier had fulfilled his promise. The session is being held in breach of that promise and under these circumstances the Opposition does not feel called upon to make it easier for the Government to carry on.

Question resolved in the affirmative.

House adjourned at 5.50 p.m.

## Legislative Council.

Thursday, 13 January, 1927.

Bishop Tyrrell Trust Amendment Bill—Factories and Shops Amendment Bill (Second Reading)—Police Offences Amendment (Drugs) Bill.

The PRESIDENT took the chair.

### BISHOP TYRRELL TRUST AMENDMENT BILL.

The Hon. W. T. DICK presented a petition from the trustees of certain church properties in the diocese of Newcastle, praying that this bill be proceeded with in accordance with the standing orders.

Petition received.

Bill presented and read a first time.

### FACTORIES AND SHOPS AMENDMENT BILL.

#### SECOND READING.

The Hon. A. C. WILLIS moved:

That this bill be now read a second time.

He said: The bill is designed to correct our factories and shops legislation, so as to bring it into conformity with similar legislation in the other States of Australia and in Great Britain. Hon. members are aware that particularly during the last fifteen years there has been continual progression in factory legislation in Great Britain, America, the other States of the Commonwealth, and New Zealand. But during the last fifteen years nothing, or, at any rate, very little, has been done in this State to bring factory legislation into line with modern requirements. In the House of Commons last August not only was a bill introduced consolidating the law on the subject and incorporating some of the standards for which we are now seeking authority, but it was also proposed to introduce legislation so up-to-date that England would be very much in the forefront as regards the modernisation of factory legislation. Indeed, some experts have already expressed the opinion that England is well out in front in that

direction. It is proposed that we shall incorporate in our legislation some of the standards that have been arrived at on the considered opinions of technical experts assembled at the international labour conferences held annually at Geneva and endorsed by local conferences on industrial hygiene convened by the Commonwealth Government, and composed of the medical, health, and factory experts of the various States. It is not proposed by this bill to secure a comprehensive revision of factory and shop legislation, but to amend it within definite lines which have already been accepted and incorporated in up-to-date factory legislation in other countries. The objects aimed at will require that the factories of New South Wales shall operate on standards which are recognised internationally as necessary both for safety and for industrial hygiene. We are working to English standards, as adopted and recommended by the Australian conference of inspectors in 1924.

There is also urgent need for amended legislation to better regulate and control the conditions in Chinese furniture factories. Under the present Act it is found almost impossible to enforce the provisions in regard to working hours, and entirely impossible to enforce some of the awards that should govern the conduct of those factories. Clause 2 involves the definition of "factory" in the Principal Act. The definition is amended to include "any ship or boat-building yard or dock in which any ship or boat is constructed, reconstructed, repaired, refitted, or finished or broken up." Deputations from persons employed and interested in the boilermakers, shipwrights, and engineering trades have repeatedly waited upon the Minister for Labour and Industry to request that such alteration in the definition should be made. Under the English Factory and Workshop Act, 1901, regulations have been made governing the process of loading, unloading, handling and moving goods in, on, or at any wharf, dock, or quay, and the process of loading, unloading, and coaling any ship in any dock, harbour, or canal. It will be seen that the English Act goes much further

in the direction of the protection of marine workers than is proposed in the bill. When this matter was under discussion in the other place the leader of the Opposition stated that there could be little or no objection to the inclusion of these places as factories.

Provision is made for the annual registration of all factories, and for the payment of registration fees. At the present time New South Wales is the only State in the Commonwealth in which a registration fee is not imposed. Fees are fixed also in New Zealand, where they range generally from 2s. 6d. to £3 3s. In Victoria they range from 2s. 6d. to £10. It is proposed to conform somewhat with the Victorian lines, and the fees provided are shown in a schedule. They range from 5s. up to £10. The scale has been very carefully worked out, with a view to making it equitable, according to the different classes of factory. Provision has been made by an Assembly amendment for an increase in the registration fee, according to the number of employees, so as to bring the fee up to a higher scale where necessary. Thus, if a factory registers at 5s. a year, and the number of employees then increases up to a point that will warrant the payment of, say, 10s. or £1, or whatever the relative amount may be, provision is made that it may be so increased. This registration fee will bring in some revenue; it is estimated that it will yield about £15,000 per annum. The annual registration will enable the department to exercise a better control of and supervision over factories, and will keep factory occupiers in closer touch with the department, giving greater opportunities for advice and guidance.

The bill deals also with the question of floor space, and of air movement in factories. Although there may be sufficient cubical space in a workroom for the number of persons employed there, it is often found that the space allotted to the worker, in many cases defined by light screens or partitions, is such that in fact the place is overcrowded. That is to say, that the actual space in the building as a whole may be sufficient, but owing to the arrangement of the

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place certain employees may be cramped into partitioned spaces in such a way that they do not have proper cubical air space. The question of air change and air movement is a feature introduced into this measure, the importance of which has been duly emphasised by medical experts. While a proper quantity of air may be available in a building for the number of persons occupying that building, that air may become stagnant, through not being changed, and may be very injurious to the health of the occupiers. I have felt several times that this applies to this Chamber, Mr. President. One cannot help noticing, sometimes, that although there may be sufficient space here, the air is bad, owing to the want of movement.

The Hon. E. H. FARRAR: You are responsible for that, in having increased the numbers!

The Hon. A. C. WILLIS: No matter who is responsible, I am using it as an illustration to show what I mean. If one notices it in a place like this, working under the favourable conditions in which we are working, it must be much worse for those who have to work in factories. The bill requires the installation of means of changing the air. If I may use an illustration that occurs to me, it will be something like some baths, which are filled periodically. The water for a time is all right for a number of people to get into, but it requires to be changed. The quantity of water is no less, but the quality requires to be improved. It is the same principle that this bill will have applied to the ventilation of buildings. When the air becomes stifling and heated, and is vitiated by repeated use, that air must be changed, and means afforded of constantly bringing in a fresh supply. In the English Act the Secretary of State can prescribe a standard of fresh air and adequate ventilation. The South African law also provides for the installation of fans, hoods, &c., and for air channels of approved pattern.

I may say again, for the information of hon. members, that these proposals were generally accepted by the Legislative

Assembly, all parties realising that they were reasonable and necessary. The bill further proposes to deal with dangers in connection with machinery, and with unhealthy occupations. In view of the English and local courts' interpretation of section 33 of the present Act, section 34 is practically obsolete. The round-about way of deciding the necessary safeguards has been abandoned in other countries, and the various Factories Acts simply require that dangerous parts of machinery shall be fenced, and leave the courts to determine the fact of danger. This amendment follows the English law. Hon. members will undoubtedly have noticed that the course followed here has been first of all to fence what is considered to be dangerous machinery, and various methods are adopted. When an accident occurs there frequently is a long legal argument as to whether the machinery was properly fenced or not. This bill provides for putting in proper safeguards for machinery, which are recognised as satisfactory. The employer, before the accident occurs, will have to submit the design, or show that it complies with some approved design. That, of course, applies to guards on dangerous machines such as chaff-cutters, hand planers, power presses, mincing machines, tanning machinery, pendulum or swinging cross-cut saws, guillotines, and others. Under the existing English Act special orders have been made to regulate many industries which are also carried on in New South Wales. In the aerated water industry, precautions are provided in connection with bottling and washing. In brass foundries, against fumes; in bronzing, in the performance of work; in chemical work, in handling and storage; in electricity generating, in the construction and equipment of plant; in paints and colours, in connection with fumes and the operation of plant. Similarly with a number of other industries. In many instances where the fumes are not only unpleasant but sometimes decidedly dangerous to health, by the provision of a hood, and a proper system of ventilation, the fumes are taken directly away from the

worker and out of the factory. I believe that is done to a very great extent in factories at the present time. My advice is that very little trouble is experienced in this regard with most employers, but that the legislation is necessary in order to bring into line those few who will not make the necessary provision.

I have before me a number of instances where employees in dangerous trades have been dismissed on the advice of medical men. For instance, in an electrical accumulator factory girls were dismissed on the advice of Dr. Badham, the reason given being that ventilation was insufficient, clothing non-protective, sanitation inadequate, and that there was exposure to lead poisoning. Regulations imposing duties on both employer and employees in electric accumulator factories have been published under the English Act. Employees in a dry-cell battery factory were found to be covered in graphite from head to foot, and cleansing facilities were totally inadequate. In a gas-mantle factory girls were overcome by excessive heat or carbon monoxide. In rubber works girls have become overcome in the manipulation of rubber solution, and inadequate ventilation has been provided. In a rubber toy balloon factory a girl was asked to leave by the firm on account of skin affection. Upon being examined by the doctor she was certified as suffering from dermatitis. In connection with acid preparations, women's hands have been severely ulcerated and the skin has been taken off through the continuous handling and peeling of acid fruits. I have before me quite a long list of cases which have been dealt with by the medical profession. This bill is designed to reduce the possibilities of these injuries.

The bill also deals with the lifting of heavy weights by women and children and proposes to place a restriction upon the weights which they may lift. A similar provision is made in the English and Victorian legislation. The scale proposed is recommended by the Australian Conference on Industrial Hygiene, and is as follows:—Males under 16, 30 lb.;

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males under 18, 40 lb.; females under 16, 20 lb.; females under 18, 25 lb.; females 18 and over, 35 lb. Only to-day I was told of an instance where girls were required to handle weights as high as 60 lb. This bill is designed to prevent such a thing. In the English factory reports for 1925 is recorded an inquiry into weight-lifting in English factories. It was found that women lifted weights equal to 58 per cent. of their body weight. Dr. Sybil Overton, Medical Inspector of Factories, suggested that 40 per cent. of body weight should be the limit; that is, that a woman of 100 lb. weight should not be required to lift a greater weight than 40 lb. The Australian Conference on Industrial Hygiene, and medical experts, recommend 35 lb.

The Hon. T. WADDELL: It would be difficult to carry that law out, would it not? Everything would have first to be weighed for them!

The Hon. A. C. WILLIS: No, I do not think so. They will soon arrive at what is near the mark. It is usually a matter of lifting packing cases, the weights of which are already ascertained. The Victorian and South Australian laws prescribe weight-lifting limits for women and children, as also do some industrial awards in this State. Of course, this refers to weights which are lifted by hand.

The bill also provides for the reporting of accidents. At present it is only necessary to report accidents causing loss of life or bodily injury by machinery, hot liquids, molten metal, explosions, escape of gas or steam. In view of the proposed provisions relating to dangerous and unhealthy trades and dangerous practices, it will also be necessary to require the reporting of any accidents in those factories in which accidents occur so that steps may be taken, if necessary, to prevent the recurrence of such accidents. I think that is very important. Very frequently if proper steps were taken after an accident, a second and sometimes a third accident would be prevented. This bill follows the English bill in this respect. Types or kinds of accidents which

should be reported may be gazetted from time to time as experience shows to be necessary. Another effect of the clause will be that serious accidents in factories which at present do not come within the Act and, in consequence, are not notifiable, will be required to be notified under the proposed amendment.

The bill also provides for the provision of first-aid equipment in factories. This does not mean that every factory will be required to provide the same equipment.

The Hon. E. H. FARRAR: Most factories provide equipment now!

The Hon. A. C. WILLIS: As the hon. Mr. Farrar says most factories provide it now. I want hon. members to understand that, whilst the bill does not compel the provision of such equipment in a dressmaking establishment as may be necessary in an engineering shop or some shop of that kind, it gives the Minister power to see that adequate provision is made according to the needs. As to the amendment of the provisions relating to means of escape in case of fire, the clause which deals with that matter only applies to those who have been remiss in their duty and does not affect the existing section 39 (3). That section hampers by its wording the discretion of the chief officer of fire brigades, and the amendment in paragraph (d) (3) as in the bill is substituted. Shortly that paragraph means this: The Government thinks that the people who deal with fires should be the people to decide what kind of appliances should be provided. The clause is designed to give them that power. The bill provides that fire escapes shall be of a kind to meet the satisfaction of the chief officer of the fire brigades.

There is provision in the bill for dealing with Chinese furniture factories. In view of the very grave difficulty in enforcing the provisions of the existing Act in regard to Chinese furniture factories, particularly relating to working hours and effective separation of sleeping accommodation from the factory, it is considered that more drastic provisions are essential, not only to enable the administration to obtain proper and decent

working conditions in these factories, but also to ensure that Chinese factory occupiers shall observe the same standard of conditions as is required of European employers. By the bill it is proposed to restrict their working hours to what are really the award ordinary hours without overtime, although in other factories work may go on for one hour longer. All employees are governed by awards. Europeans however observe the award hours which are forty-four, irrespective of the margin allowed in which to work the number of hours allotted. Experience has shown that the Chinese will not adhere to any award restrictions, and it is considered necessary to determine their hours of working on each day which are, in fact, practically the hours worked by Europeans. No work is done on Saturdays in European factories. The award should govern the employment of Chinese as well as of Europeans. Europeans may, if the work is urgently necessary, work three quarters of an hour longer on certain days. For that extra time worked they are entitled to overtime. In the case of Chinese it is contended that although they may work three quarters of an hour extra they do not get any overtime. They make that their recognised working day. Under the circumstances it has been found necessary to definitely restrict their hours.

The Hon. J. H. WISE: Would not you allow Chinese to work overtime if they were paid overtime rates?

The Hon. A. C. WILLIS: The difficulty would be to ensure that they were paid overtime rates. In this regard I understand that the Chinese Consul or the Chamber of Commerce has undertaken to endeavour to discipline the Chinese to European standards. In the bill as introduced was a provision, which on the face of it appeared to be an injustice, in that Chinese were not allowed to work under any circumstances on Saturdays. The bill does allow Europeans to work on Saturdays under certain conditions. The explanation is that in the factories owned by Europeans no work is done on Saturdays; but in some instances, such as in

the case of warehouses, it is necessary for some persons to be employed on Saturdays.

The Hon. A. SINCLAIR: Will Europeans under the bill be allowed to work any overtime at all?

The Hon. A. C. WILLIS: Yes.

The Hon. A. SINCLAIR: I understand they will not; they must stop work at 6 o'clock!

The Hon. A. C. WILLIS: Under their award they are allowed to work overtime under certain conditions.

The Hon. A. SINCLAIR: Will not the bill over-ride the award?

The Hon. A. C. WILLIS: Under the bill they will still be allowed to work on Saturday under certain conditions, and the employees will get their overtime rates. There are no Chinese warehouses to which this law will apply. But Chinese factories which will be affected are placed on the same footing as European factories which do not work on Saturdays. The bill provides that Chinese in factories must not work on Saturdays. The only exception is in the case of warehouses in which it is found necessary to work.

Since the measure was introduced in another place several conferences have taken place between the representatives of the Chinese and other parties concerned, and an amicable arrangement has been come to whereby, subject to one or two minor amendments which I intend to move in Committee, the bill is now acceptable to the Chinese. Because of that amicable arrangement I intend to refrain from giving instances in connection with which there are very strong reasons why this legislation is necessary as far as Chinese factories are concerned. I need only say that accompanied by others the Under-Secretary for the Department of Labour and Industry made it his business to visit those places and his report on what he found would, I am sure, convince hon. members that this legislation is necessary. Some of his report makes very unsavoury reading. As an amicable arrangement has been arrived at I do not propose to emphasise the

character of the conditions nor to quote any instances in illustration of what has come under notice.

There is a provision in the bill for the stamping of furniture. The original bill provided that the name of Chinese manufacturers should be stamped on furniture. Here again a compromise has been arrived at and I intend to move an amendment to provide that all manufacturers will be required to stamp their furniture with a number or a trade mark registered with the department. Any number can be registered as a trade mark. That provision will apply to European manufacturers as well. A stamp must be placed on all furniture. The stamp will not inform the buying public whether the furniture is made by Chinese or Italian or British makers, but if any persons are sufficiently interested they may find that out for themselves by applying to the department for information regarding those manufacturers who are registered and what their trade marks are.

The Hon. J. RYAN: Is that part of the compromise?

The Hon. A. C. WILLIS: Yes. It has been accepted by the Chinese manufacturers of the State.

The Hon. S. R. INNES-NOAD: Will the Minister explain why in the schedule it is provided that "Chinese" shall include persons having a Chinese father or mother?

The Hon. A. C. WILLIS: I have an amendment to strike out that paragraph of the schedule. I ask hon. members to agree that generally speaking the bill is intended to make our legislation conform to modern requirements, and bring it into line with that of some of the other States of the Commonwealth and also, to some extent, though not entirely, equal to the standard which such legislation has already reached in Great Britain. I feel that hon. members will agree that such legislation is necessary. There appears now to be very little objection to the bill. I think the objections raised by employers have entirely disappeared and that it is safe to assume that employers

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generally recognise that what the bill will do will be to bring a few of the worst class of employers into line with the better class.

The Hon. G. S. ARCHER: I support the bill, mainly because I have been particularly interested in factory legislation for a number of years. I think it will be agreed by hon. members on both sides of the Chamber that the amendments suggested are in the main highly desirable. As one who has worked for almost twenty years in this State in the furniture industry I have come into contact with all sorts and conditions of factories and I can assure hon. members that an amendment of the present Act is highly desirable. With the amendments already indicated by the Minister my main objections to the provisions in the bill dealing with Chinese furniture factories have been overcome. Those amendments are the result of a conference and conciliatory measures adopted by the Chinese Chamber of Commerce, the Chinese Chamber of Manufactures and our own people—the Furniture Trades Union of New South Wales. The suggestions now circulated among hon. members in the form of amendments are acceptable to us who are the persons mainly concerned. Generally speaking the position in connection with Chinese furniture factories has been highly undesirable. There is no question that the conditions under which work has been carried out in those factories are very unsatisfactory. It is unfair that our people who are employed, mainly, by Australians—wholly, by Europeans—and are given fair rates of wages and reasonable working conditions should have to compete with certain Chinese workers. I do not say the whole of the Chinese are bad. Some of the Chinese manufacturers have excellent factories equipped with fine machinery and there is no question that some of them have endeavoured to give their employees everything we could reasonably ask for. But on the other hand there is a smaller type of Chinese manufacturer who has taken any sort of shed, hovel, small cottage or other building he could

get. That type has given much concern to the authorities. It is beyond my comprehension, as a reasonable human being, to understand how the department ever registered some of those shops as factories. I do not know to whom we can attribute the laxity of administration under the present Act, but it is remarkable that such places have been registered as factories. A gentleman in a very high official position, who can be taken as an authority on these matters, made the rounds of those factories in company with ordinary factory inspectors and officials of our organisation. He came to the conclusion that any tradesman working in the industry must come to, namely, that the places were not only undesirable but that it was remarkable how they came to be registered as factories. I might be permitted to read the concluding portions of his remarks:

Maloney's Paddock is at the end of a lane off M'Evoystreet. In M'Evoystreet there is a row of cottages which I understand are registered as factories. We entered one from the back. Two Chinamen were inside. No work was going on, but what amazed me more than anything else was that premises of that kind could secure registration under the Factories Act. If hovels such as these can secure registration under the Factories Act in face of the general requirements of the Act and the particular prohibition of work in Chinese factories after hours, such premises if registered could be used for an evasion rather than an observance of that feature of the Act. But apart from that, they are not in conformity with the Act.

That is the report of a very high and reputable Government official, and it cannot be taken as a partisan statement.

The general features of the bill are to be commended. The Vice-President of the Executive Council mentioned the matter of the lifting of weights by women workers. In some furniture factories, such as those of Beard, Watson, Limited, and other reputable firms in the city, women workers are treated in a decent fashion, but there is a certain class of work which they are sometimes called upon to do, for instance, the sewing of hand-sewn carpets, which is very trying. Most hon. members will know that a hand-sewn carpet is a much better

carpet that a machine-sewn carpet, although machinery will always be used for that work. A carpet such as the one in this Chamber would weigh a good many hundredweights, and when women are sewing these carpets they usually have them across their knees. The weight is altogether too much for them, and some arrangement could very easily and reasonably be made, so that the girls would not have to lift the carpets, or have to suffer the very heavy weight of having them placed across their knees while sewing them.

The provision in regard to weights has been inserted on the advice of persons who have studied it from every angle. The matter of this lifting of weights was considered by one of our wages boards, I think the one presided over by Judge Curlew. Women were called then as witnesses, who stated that they had frequently been asked to carry heavy work about the workroom, or to the homes of persons where interior decorating and upholstery work was being done, and that these weights were too heavy for any young girl. Reputable firms can be absolved from this charge. They are not so greedy for dividends as to expect a girl to be a camel, or a packhorse. But there are quite a number of firms in this State who are capable of asking any young woman or lad to carry a heavy load, for the sake of saving 2s. or 3s. for a vehicle.

An agreement has been arrived at between our people and the Chinese Chamber of Manufacturers, mainly through the good offices of the secretary of the Chinese Chamber of Commerce, and that agreement is particularly pleasing to me. Our body is one that believes in effecting settlements of disputes in industry by conciliatory methods, and it is particularly pleasing to me, as one of the officials of our organisation, to know that we have been able, through the good offices of some reputable members of the Chinese section of the industry, to amend provisions which are practically objectionable to them, probably, as nationals, and that they are agreeing to exercise a disciplinary control over their

members. Had they endeavoured a number of years ago to do this there would not now have been the necessity for the present Government bringing in an amendment of the Act to cover such things.

There are a number of other matters about which I feel keenly, but I am not quite as well versed in the procedure of the Chamber as some other hon. members, and I understand it will be more in order if I present my remarks upon those various matters at the Committee stage, rather than at the second-reading stage. I merely say now, generally, that I agree with the principles of the bill, and hope it will be carried.

The Hon. E. H. FARRAR: When we consider the growth of our industries in this State during the last fifteen or twenty years we can quite understand that it is necessary that we should amend our factory legislation. Most of the amendments suggested here are amendments which have been found, by the experience of the inspectors who visit our factories, to be necessary. The amendment with regard to registration, and the charging of a fee is, to my mind, a very good one. The State is put to the expense of employing a large number of inspectors, particularly of female inspectors, to see that the law is maintained, and the imposition of a registration fee of from 2s. 6d. to £10 on factories, while not a very heavy burden upon industry, or upon a factory, will afford some repayment to the State for the sums of money spent in the administration of the department. On that point I am not at all in opposition to the suggestion made in the bill.

Then there is the matter of air space. Anybody who has any knowledge of factory life knows that while there may be certain cubic air space in a building, which is satisfactory in regard to figures, there oftentimes is powder given off into the air which makes it very necessary that there should be a fresh current provided, to force the other air out. I quite agree with the Vice-President of the Executive Council that in the hands of a proper body of inspectors, who use common sense, there will be no attempt



to try to impose irksome conditions on a factory which does not require them. On the question of the lifting of weights nobody in this age likes to see young girls or women asked to lift weights beyond their strength, or which would affect their health. All these points of the bill are the result of the experience of departmental inspectors, or of conferences, held either at Geneva, or in New South Wales or other parts of the Commonwealth. They are adopted on the experience of expert men, who have made recommendations which are now being crystallised into legislation.

The only point on which I differ from the Minister is in regard to a portion of the bill which he did not mention in his speech, and which was not mentioned by the hon. member who represents the particular industry which it is hoped this bill will benefit, and that is the amendment which makes provision for the secretary of a union, or an authorised agent appointed by the secretary, to have the powers of a factory inspector. We discussed this matter very fully when we were dealing with the Arbitration Bill, on two previous occasions. There is a difference between a factory inspector and an industrial inspector. While a factory inspector is also an industrial inspector, an industrial inspector is not necessarily a factory inspector, the demarcation being that the factory inspector has to pass an examination which an industrial inspector is not called upon to pass. An industrial inspector must have a knowledge of awards, and all classes of work in industry, and in regard to early closing. A factory inspector takes in all the ramifications of factory life, as covered by the Principal Act and the bill we now are dealing with. So that whilst in the Industrial Arbitration Bill we refused to give a union secretary the powers of an industrial inspector, in this bill it is proposed to give a union secretary the powers of a factory inspector. Clause 5, subclause (10) reads:

The secretary of the registered industrial union of employers or employees in the furniture industry for the time being or any officer duly authorised by such secretary in

writing shall, in relation to a furniture factory in which Chinese are employed, have the like powers as are conferred upon an inspector by paragraphs one, two, and six of section nine of this Act.

The Hon. W. BROOKS: What are those powers?

The Hon. E. H. FARRAR: Section 9, paragraphs 1 and 2, read:

Every inspector shall have power—

- (1) to enter, inspect, and examine, at all reasonable hours by day or night, any factory or shop, or any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe is used as a factory or shop;
- (2) to take with him in either case an officer of health or inspector of nuisances, or any person whom he may think qualified to act as an interpreter; or, in any case in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable;

Provision is made in the Principal Act for the ordinary factory inspector to go into these places and take with him an interpreter. This bill specifically mentions Chinese factories, so a Chinese interpreter might be required. Or the inspector may take with him a constable, or some one from the union. The departmental inspector is the individual who is clothed with power under the Principal Act, so why give to a union secretary a power which we were not prepared to give him in the Industrial Arbitration Bill? I mention this matter because it was not mentioned by the Minister in his very admirable speech in which he dealt with the humane clauses of the bill. I think this clause mars the many excellent features which are contained in the bill, and I hope when we get into Committee the Minister will see that the union, the employees, and everyone concerned is already amply protected by the inspector having the right to take with him into a factory other persons who may be qualified, by virtue of nationality, language, or other qualifications, to help him find out what he has gone there to discover. Paragraph 6 of section 9 of the Principal Act only deals with the power of prosecution, giving the factory inspector power to carry out a prosecution.

The remaining clauses of the bill are, as I have already said, of a humane character and embody amendments which have been found to be necessary from the experience of the past few years. I shall therefore content myself by supporting the second reading in the hope that when we get into Committee we may be able to remedy this objectionable feature in the bill by leaving the necessary powers in the hands of the Department of Labour and Industry and the very capable and efficient staff of factory inspectors, male and female, which we have in New South Wales at the present time.

The Hon. G. F. EARP: In view of the fact that in this State there are over 10,000 factories, it can be readily understood how important this amending measure is. As pointed out by the Minister, Great Britain is in the forefront with regard to legislation on the subject of factories. That is a matter of which we can be proud. The first man to call attention to the unsatisfactory state of factories in England was Sir Robert Peel, in the early years of the nineteenth century, and within the first twenty years of that century the first Factories Act was brought into operation. Before that time, as everybody knows, conditions were scandalous and chaotic. Since then Factory Act after Factory Act has been passed in Great Britain to remedy this state of affairs. As pointed out by the Minister, we cannot do better than take England as our model in this matter, as indeed she is in many other matters.

I suppose that we in New South Wales are more regulated than any other people of the world in regard to wages, working conditions, hours of labour, and generally. I do not say that we are regulated too much, but that is the fact. The main provisions of this amending bill are, in my opinion, those which refer to ventilation and floor space. Ventilation is dealt with in clause 3 and I am not sure whether the wording of that clause is quite satisfactory. Paragraph (b) (ii) provides that after paragraph (b) of section 25 the following new paragraph be inserted:—

(c) In a factory or shop where, by reason of defective ventilation or otherwise, the

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conditions are such that the health of the employees is injuriously affected, but in his opinion such conditions may be improved by the installation of a fan or other sufficient means of ventilation.

A fan does not bring fresh air into a place; it really agitates the bad air which is there. We know that there are fans in mines and other places which create a current, but this merely says a "fan." A slight alteration might perhaps make it clear that it does not mean an ordinary fan, which will merely agitate the air. In modern steamers fans have been superseded in favour of ventilators which bring fresh air into the cabin, thus bringing about a much improved state of affairs. I mention this matter so that it may possibly be remedied in Committee. Again, with reference to women and children lifting weights, I suppose in these days nobody would wish to see women or children lifting weights beyond their strength, but in this bill all are dealt with as if they possessed the same strength. Whereas one young fellow of eighteen might be able to lift a couple of stone, another young fellow of the same age might only be able to lift one stone. I do not know how the difficulty can be got over, but in the bill everyone of the same age is treated as being capable of lifting the same weight. In its application, it will possibly be found that certain women and girls will lose their employment because they cannot lift the weights mentioned. I do not think it is the desire of the Government that any should suffer in this way. Some amendment may get over the difficulty and I mention the matter so that the Minister may consider the position. The bill has only just come into our possession and it has not been possible in the time at our disposal to study it very carefully. I notice in many instances "the Minister" is referred to. I do not know which Minister is referred to. Perhaps the Vice-President of the Executive Council will inform me.

The Hon. A. C. WILLIS: It is the Minister for Labour and Industry!

The Hon. G. F. EARP: Judging by the reception the bill has met with

I think the Vice-President of the Executive Council should be satisfied that he has the sympathy of all sides of the House. I do not think he will find much objection to the provisions of the bill.

The Hon. A. SINCLAIR: The House generally will welcome any measure calculated to improve the conditions of those who have to spend their time in factories. I have not been able to go closely through the bill, as I have only recently obtained a copy. Consequently I am not as familiar with its contents as I should like to be, and judging from the rather loose way in which it has been drafted it may contain many things of which we do not know. An attempt is made in the schedule to define a European and a Chinese labourer. In order to show how loosely the measure is worded I will quote portion of the schedule:

"European labour" means the labour of persons born in Europe or of their descendants whether born in any British colony or possession or in the United States of America or elsewhere.

The Hon. S. R. INNES-NODD: That paragraph is to be omitted!

The Hon. A. SINCLAIR: At any rate it shows the careless way in which the bill has been strung together. I am wondering what will be the effect of the measure on imported furniture. That may raise the question of the constitutionality of the bill. Has the State Parliament power to compel purchasers of furniture made abroad to stamp it forty hours after it arrives here? I rather think there would be some doubt as to whether the Government had that power. But that can be fought out in the courts with the other constitutional questions.

Another question is raised. Why should we have these regulations applied to furniture and not to the thousand and one other articles that are made? There are many trades, including the printing trade, to which the clauses of the measure do not apply. Surely some reason should be given us for selecting the furniture trade for special treatment when the same evils may exist in quite a number of other trades. If it could be shown that in this regard the furniture trade was worse than any other trade it would be a reason for treating it in an

exceptional way, but candidly I cannot see that it is. In my opinion the bill will cause a considerable amount of additional labour to those who are running the factories. Before a piece of furniture can be delivered some written statement will have to be forwarded stating whether it is of European or Chinese manufacture and giving other details. That will call for a considerable amount of clerical and other work in the running of a business, and it does not appear to serve any material purpose. The penalties imposed are sufficient to guarantee that the provisions of the bill will be observed. If they are not there will be an army of inspectors to see that they are enforced.

The measure will have at least one beneficial effect as far as the Chinese are concerned. It will practically compel the Chinese to make their factories and their production conform to those of European manufacturers. My opinion is that when the Chinese worker has been trained to the European method of manufacture he will become a more important competitor with the European producer than he is now. I know that the purpose behind legislation of this kind is to protect what we call the European employer against the Chinese employer. But immediately we undertake to properly look after the Chinese furniture maker he will become a much more effective competitor with the European manufacturer than he is now.

The Hon. J. RYAN: You think regulation will be an incentive to him to work?

The Hon. A. SINCLAIR: I do not say that it will be an incentive to him to work, but it will make him a better workman, and he will be a different type of workman from what he is now.

The Hon. J. RYAN: It will improve his status!

The Hon. A. SINCLAIR: Yes, there is no doubt that it will improve him in every respect. There are those who consider that one effect of this legislation will be to make Chinese furniture more costly. The tendency will rather be to cheapen it as compared with the cost of European furniture. I do not deplore that, but I would point out to

those who initiate this kind of legislation, merely to protect Europeans against Chinese competition, that they will find they have backed the wrong horse. I agree with what the Hon. Mr. Farrar has said in regard to the inspectors. Work of this kind should be left entirely to properly equipped officials. They should be trained inspectors. They have the responsibility of administering the law and I do not think we have any cause to complain. The Government has control of its employees, and the Government sees that they are properly equipped as regards education and training. It insures honesty, competency, and fairness on the part of its employees. But if the power is transferred to other persons whom we do not know the results cannot be satisfactory. It means giving power to an unknown body. It is not the proper thing to do in connection with a far-reaching measure such as this.

The Hon. J. RYAN: It is giving a power to unknown persons who may not be qualified!

The Hon. A. SINCLAIR: Yes, it is giving power to a body of men whom we know nothing about. We may know something of existing union secretaries, but they are always changing. New ones will be appointed. That is a body which we cannot possibly know anything about.

The Hon. J. CULBERT: There is no limitation to-day. It is done under the Federal awards!

The Hon. A. SINCLAIR: I do not personally know that is so, but even if it is the case it would not make the position any better. It surely cannot be advanced that this is a power to confer upon an unknown body of men. If the power is to be conferred on anyone some kind of inquiry as to the person's fitness ought to be held. We might insert in the bill a condition that the person must be found to be qualified. There should not be the sweeping, unmeasured scope of choice that is provided for in the bill. I want to make sure that the public will be satisfied that we are not creating a power that may be misused. Apart from the application of the principle to this particular bill I object to the pro-

vision on the ground that it is pandering to a class. We are picking out one set of citizens and saying, "Here is a body of men very much superior to any other body, and we shall give them an authority and power to exercise over their fellows citizens." That is the sort of thing we should not encourage. I am not going to say that certain beings are not very much superior to others, but let us all be placed on the same level so far as the law is concerned. Do not take out one section of the community and give it power which is denied to any other section.

The Hon. J. RYAN: Your objection applies to employers and to employees? Your objection is on principle?

The Hon. A. SINCLAIR: Quite so. I would not treat the employers differently from anybody else. I object to class distinctions of that kind in the administration of the law. The bill states that one section of the community, a highly reputable section undoubtedly, is really the only section. I know that section sets up a claim to be superior to any other people and claims power and authority denied other people. This is the introduction of the class element into a bill. I hope the Government will see its way to eliminate that spirit from the measure. I shall not call it the sectarian spirit, but it is sectarianism of a kind, and to many sectarianism is anathema.

[The President left the chair at 5.55 p.m.  
The House resumed at 7.20 p.m.]

The Hon. W. BROOKS: I compliment the Minister upon the amendments he has foreshadowed, which certainly take the sting out of provisions which might otherwise have resulted in very unfair and drastic treatment of a certain section of the community. At the present juncture it is most undesirable from an international point of view that legislation in the form in which it appeared originally in this bill should be passed by any British Parliament. I am not in any sense critical of the main provisions of the bill. It is quite proper that from time to time regulations should be brought in for the control of factories and shops with a view to making the

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working conditions of those employed therein conform to the requirements of health and comfort. From that aspect of the matter there is nothing in this measure so drastic as to call for opposition. It is set out in subclause (14) of clause 2 that where the Minister by special order so directs, different branches or departments of work carried on in the same factory shall be deemed to be different factories for all or any of the specified purposes of the Act. I would like to know just how far it is intended to go under that provision. A scale of fees, according to the number of employees engaged, is provided for the registration of factories, and it is quite possible that the provision to which I have just referred might be so construed as to require separate fees to be paid in respect of different sections of a particular industry. But apart from this it is difficult to understand the need for the provision.

In connection with the weights set out in clause 4 as those which women or youths shall be permitted or required to lift or carry by hand, it is specified that males under 16 years of age shall not be required to lift more than 30 lb., while the limit for males under 18 years of age is 40 lb. Other weights are specified for females, under 16 or 18 and for females over 18. I have been wondering whether those who were responsible for fixing these weights had taken into consideration the provisions of the Weights and Measures Act especially in connection with food packages. That Act prescribes that food shall be put up in certain packages and it is possible that in some cases these packages may contain more than the weights set out in the bill. Some packages may weigh perhaps 2 lb. more than the 30 or 40 lb. mentioned in the bill, and it is worthy of consideration whether the weights prescribed will entail any unnecessary restriction so far as the working of the Weights and Measures Act is concerned. If a food package contains, say 2 lb. beyond the weight certified in the bill, I presume that it would not be contended that young persons accustomed to lifting such packages should not be

permitted to do so. I am not complaining of the proposed restrictions, but I am pointing out that these provisions may give rise to some difficulties and hardships in connection with the handling of food packages, and this matter is worthy of some consideration before the bill is finally dealt with.

This is really a bill dealing with the furniture trade. The furniture trade is an industry which has been under the control of what I would call despotic trades unionism for a great number of years. A gentleman named Schrieber has exercised control over the industry for some time past and probably he is mainly responsible for the bill. I presume that restrictions in regard to the hours worked in the furniture trade are in accord with industrial awards. I would like to express my agreement with what has been said with regard to the provisions contained in subclause (10) of clause 5 relating to the secretaries of industrial unions who are to have all the rights of Government inspectors in relation to furniture factories in which Chinese are employed. I hope that when the bill is in Committee we shall strike out this provision. I have referred to two or three points in regard to which I think the provisions of the bill should meet with opposition, and perhaps some suggestion may be made for improvement when we reach the Committee stage. Otherwise, I do not see that there is anything particularly objectionable in the measure.

The Hon. A. C. WILLIS, in reply: I wish to refer briefly to two or three points that have been mentioned. The Hon. Mr. Brooks referred to subclause (14) of proposed new section 6, which says:

Where the Minister by special order so directs, different branches or departments of work carried on in the same factory shall be deemed to be different factories for all or any specified purposes of this Act.

This may apply to a case like Anthony Hordern and Sons, Ltd., which may have a number of different departments in the same factory, such as dressmaking, tailoring, and different other industries. They would be classified according to what they really are.

The Hon. W. Brooks: I presume you mean different industries; not sections?

The Hon. A. C. WILLIS: One quite distinct from the other. With regard to the matter of lifting weights, those specified in the bill are the maximum. A weight may be 7 lb., or 8 lb., or 10 lb. less than is specified here. In actual practice I should think that common sense would operate in dealing with these matters. I cannot conceive of a secretary taking advantage of the fact that a weight is merely 1 lb., or  $\frac{1}{2}$  lb. over. But we have to place the figure somewhere, and the figures here are certainly intended to be the maximum.

On the matter of the secretary's right to go on to premises, or into factories, that matter was thoroughly discussed here on the Arbitration Bill, and I understand that since the matter was carefully discussed in this Chamber it has been thoroughly considered by the boards governing this particular industry. All the *pros* and *cons* were considered in connection with the matter, and those boards have incorporated this particular clause in their awards. Whatever was done has been done after proper inquiry, and this clause of the bill is intended merely to include here what has been granted by the board. As to the principle of the matter, I do not wish to take up the time of the House by arguing that now. My views are pretty well known. I assure hon. members, however, that this clause does not give anything more than the unions have got already in their awards, and which has been given to them after proper inquiry.

A point was raised by the Hon. Mr. Earp in regard to ventilation. I do not think it is necessary to specify any particular kind of fan, or means to be used, because the matter will be under the supervision of the inspectors.

The Hon. G. F. EARP: You could put in something to say that it should be "effectively" dealt with!

The Hon. A. C. WILLIS: The idea is to change the air all round, and the business of the inspector will be to see that whatever is installed shall have that effect. Obviously, if you merely put a fan in a room, and agitate the air

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which is there, it will not accomplish a change. Technically speaking a fan neither drives nor draws the air; it merely creates a cavity. It beats back the air from a certain point, and by pressure creates a cavity, and naturally other air rushes into it to fill that space. We can well leave it to the inspectors to see that something that is effective shall be done. It would be a mistake to attempt to define too closely the kind of thing required, because, whilst a somewhat elaborate arrangement would be required in one factory, quite a simple contrivance would meet the requirements in another. If the Hon. Mr. Farrar is content to leave it at that, I feel quite sure very little difficulty will be experienced.

The Hon. G. BLACK: An overhead ventilator is better than all the fans!

The Hon. A. C. WILLIS: It may be that an overhead ventilator is best, but there may be cases where an overhead ventilator is impracticable, and some other means will have to be resorted to. The matter can very well be left to those who have to administer the Act, to see that what is carried out is within the meaning of the spirit and letter of this measure.

Question resolved in the affirmative.

Bill read a second time.

#### IN COMMITTEE.

##### Clause 2.

(7) Where any occupier moves his factory to premises other than those for which a certificate of registration has been issued, he shall give such notice in writing as is required for a fresh registration, and the new premises shall be deemed a separate factory.

The Hon. A. C. WILLIS: I move:

That subclause (7) be struck out, and the following be inserted in lieu thereof:—  
“(7) Where any occupier moves his factory to premises other than those for which a certificate of registration has been issued, he shall give notice in writing of such removal, and shall submit his certificate of registration to the chief inspector for endorsement of the new address and situation of the factory.”

This amendment is consequent upon the suggestion which was made that if an occupier moved his factory, after he had

paid his registration fee, he would be compelled to pay a second registration fee. This takes out that provision, and provides that when he moves he can have his certificate of registration endorsed.

Amendment agreed to.

Clause as amended agreed to.

Clause 5. The Principal Act is further amended by omitting section forty-nine and (a) by inserting in lieu thereof the following new section:—

49. (1) In any factory where any Chinese works, and in any other factory where any person is employed in preparing, manufacturing, or assembling articles of furniture, no person shall perform or employ, allow, permit or authorise any person whomsoever to perform any work of any nature whether connected with the business of any such factory or not:

(a) In the case of Chinese on any day before half-past seven o'clock in the morning or after five o'clock in the evening Monday to Friday, inclusive, or on Saturday, or on Sunday, or a public holiday at any time whatever.

(4) No Chinese shall be permitted by the occupier to prepare or partake of meals, board, lodge, or sleep on the premises of a building of which a furniture factory forms part, nor be upon or in any building or curtilage of a building used as a furniture factory at any other time except a time at which he may lawfully work thereon.

(10) The secretary of the registered industrial union of employers or employees in the furniture industry for the time being or any officer duly authorised by such secretary in writing shall, in relation to a furniture factory in which Chinese are employed, have the like powers as are conferred upon an inspector by paragraphs one, two, and six of section nine of this Act.

(b) by inserting in section three next after the definition of "Factory" the following new definition:—

"Furniture" means furniture of which wood, wicker, pithcane, bamboo, seagrass, reed-text or metal forms a part, and such as is usually made or assembled by cabinetmakers, chair and couch-makers, upholsterers, wood-turners, wood-carvers, and mattress and wire-mattress makers and wicker, pithcane, and seagrass workers.

Amendment (by the Hon. A. C. Willis) proposed:

That in proposed new section 49 (1) (a) the words "half-past" be struck out and the words "forty-five minutes after" inserted in lieu thereof.

The Hon. N. J. BUZACOTT: I would like to know the reason for this amendment. The clause as it stands provides that Chinese shall start work not earlier than half-past seven o'clock in the morning, and the next paragraph provides that Europeans shall start at the same time. There is a difference in the knocking-off time. In paragraph (a) it is provided that Chinese shall not work after 5 o'clock, whereas by paragraph (b) persons other than Chinese may work until 6 o'clock in the evening. The proposal is to amend the clause so that where Chinese are employed in a factory the whole of the employees shall start work not earlier than a quarter to 8, and to extend the time of ceasing work until half-past 5. I do not object to the amendment; I only want to know why it is proposed.

The Hon. A. C. WILLIS: This is being done under a mutual arrangement with the persons who are restricted.

The Hon. G. R. W. McDONALD: A mutual arrangement with whom?

The Hon. A. C. WILLIS: With the Chinese manufacturers, or persons employing Chinese. They have accepted it as a compromise.

The Hon. G. R. W. McDONALD: As a compromise with whom?

The Hon. A. C. WILLIS: With the Minister. Deputations from the parties concerned waited upon the Minister and discussed this matter. The Chinese section took strong exception to the clause as it appeared in the original bill and, after discussion, this amendment was arrived at as a compromise which was regarded by them as satisfactory, under the circumstances.

The Hon. G. R. W. McDONALD: I am not quite satisfied with that statement. I think we ought to have a little more evidence about this agreement on the part of the Chinese employers. It is all very well for the Minister to come here and tell us than an arrangement

has been made by the Minister with someone else who is supposed to represent the Chinese, but if hon. members vote on the assumption that such is the fact and are afterwards told that it is not so, they will be in a rather stupid position. The Hon. Mr. Buzacott has drawn attention to the somewhat remarkable fact that there is a difference in the working hours provided.

The Hon. A. C. WILLIS: I would like the Hon. Mr. McDonald to be satisfied. I say this is being done as a result of the people concerned being satisfied to accept it instead of what the bill originally provided.

The Hon. W. BROOKS: Were they responsible parties?

The Hon. A. C. WILLIS: Yes. The secretary of the Chinese Chamber of Commerce states that an undertaking has been given by the Chinese furniture trades committee that the provisions of the award will be faithfully observed, and it was felt in this way, outside the standard hours of working, the conditions in Chinese furniture factories would be raised to a higher level. He added that it would be satisfactory to the Minister to know that clause 5 was now, after consultation with the Chinese firms, acceptable to them.

Amendment agreed to.

Amendment (by the Hon. A. C. Willis) agreed to:

That in proposed new section 49 (1) (a) before the word "five" the words "half-past" be inserted.

The Hon. A. C. WILLIS: I move:

That the following proviso be added to proposed new section 49 (4):—"Provided that, in any Chinese furniture factory in which at least six workmen are employed, one person may be permitted to be on the premises between half-past five o'clock in the evening and forty-five minutes after seven o'clock in the morning for the sole purpose of acting as watchman."

As the bill was originally drafted, it provided that no person should be allowed on the premises. That would have prevented them from even having a watchman to look after the premises. This amendment allows them to have a watchman.

[The Hon. G. R. W. McDonald.]

The Hon. N. J. BUZACOTT: The amendment refers to a "a Chinese furniture factory." Subclause (1) says, "In any factory where any Chinese works." That means that one Chinaman working in a factory makes it a Chinese factory, and the provisions of paragraph (a) in regard to hours of working then apply to the whole factory. An amendment has been made which removes my objection to some extent, but I think we might go a little further. We have decided to enable a watchman to be kept on, which is a very proper and wise provision, but assuming the machinery breaks down in a factory where one or more Chinese are employed, it is reasonable that under those circumstances workmen should be allowed to go in and repair the machinery. As the paragraph stands they could not go in to do anything. I am in sympathy with the bill, but not with any provision which will prevent continuity of employment where mixed races are employed. I think provision should be made for repairing machinery which has broken down.

The Hon. E. H. FARRAR: The Principal Act defines a factory, and the definition includes "laundries and dye works in which four or more persons are engaged." The word "factory" must be governed by the definition clause of the Principal Act.

Amendment agreed to.

The Hon. E. H. FARRAR: In regard to the provisions of subclause (10) the Minister has stated that the union has the right to-day, by virtue of an industrial award, to let its secretary or authorised officer visit a factory. That only strengthens the argument I put forward earlier in the evening. When the industrial tribunal, after hearing all the evidence, decides a question one cannot complain; but seeing that, according to the Minister, it has granted in an award the right to the union secretary or his authorised agent to enter these places, why put it in an Act of Parliament? My objection is that we are doing things which we should leave to an industrial arbitration tribunal to settle. If employers and employees can come to mutual arrangements, nobody else should



have any objection; but because an employer and an employee, or a body of employers and employees, have by consent come to a certain arrangement that is no reason why we should embody that arrangement in an Act of Parliament. It is then made compulsory upon other people, and also creates a precedent which in my judgment is bad. Personally, I think the Minister should readily agree to this being struck out, seeing that it was removed from the Arbitration Act, and seeing that the union in this industry is protected and covered by an award. I would ask the Minister to consider what I pointed out earlier in the evening—that we are giving a union secretary by Act of Parliament a status higher than that of an industrial inspector under the Arbitration Act. Certainly in this clause we are confining the provision to Chinese, but we have no guarantee that later on some Minister will not come forward with another amending bill, move to delete the word “Chinese,” and make the provision apply generally. It would apply to everything in the Factories and Shops Act, which would virtually mean giving in an indirect way what Parliament refused to give in a direct way when the Arbitration Amendment Bill was before the House early last year. I ask the Minister to agree to an amendment striking out subclause (10). I can understand that in particular cases there will be reasons why the industrial department or the union would require certain information, but the Principal Act gives the union an opportunity of getting that information. It is quite true that the union secretary might receive the information when the officers of the Department of Labour and Industry would not be available to him. For instance, these things may be going on at night time when the offices of the department were closed, or in the morning before they were opened, but if they happened only once in a lifetime very little harm would be done. If they were happening day after day and night after night all the union secretary would have to do would be to notify the department. Possibly the union secretary might get informa-

tion upon which he could act himself, but if a thing is happening every day all the department has to do is to give an inspector instructions to go and particularly watch these places and he will get all the information the union secretary could get. Within twenty-four hours of the union secretary getting the information it would be possible for a recognised departmental officer, who has authority and who is responsible to the Crown, to go out and see for himself what is taking place. Ninety-nine out of 100 union secretaries or agents of industrial organisations might carry out the work in a fair and legitimate way, but the hundredth might harass, irritate and cause endless trouble, and there would be no redress. If that power were given by an industrial tribunal under an award, it could remove the power if it were proved to it that an individual had misused it.

The Hon. J. RYAN: Can an industrial tribunal give the power which this subclause gives?

The Hon. E. H. FARRAR: The Minister's information is that under the award of the furniture trades industry, which has been gazetted, the secretary of the union has power to do these things.

The Hon. J. RYAN: Can any award give the union secretary power to take with him an officer of the Health Department or an inspector of nuisances?

The Hon. E. H. FARRAR: An award can give an inspector power to take anybody with him.

The Hon. J. RYAN: And conduct prosecutions?

The Hon. E. H. FARRAR: Under the Industrial Arbitration Act the inspectors conduct prosecutions.

The Hon. J. RYAN: Can an award give a union secretary that power?

The Hon. E. H. FARRAR: Yes, but that power is given under the Industrial Arbitration Act, whereas under this subclause it is being given under the Factories and Shops Act. I put it to the Minister that this is a principle which should not be embodied in legislation. Whilst I am in sympathy in every way with an organisation desirous of fully protecting the fair employer as against

the unscrupulous employer, I do not think that this power should be given to a union secretary, because it is a principle to which Parliament has refused assent on two occasions during this Parliament. As a union secretary already has power under an industrial award, I appeal to the Committee to negative the subclause.

The Hon. A. C. WILLIS: This subclause has been drafted to meet very special and peculiar circumstances. For a very long time the union and its officers have had the greatest possible difficulty in seeing that the Chinese factories are kept anything like up to the mark. The ways of the Oriental seem to have been too subtle for the average mind. They have undoubtedly failed, and it is because of that special difficulty that they are asking for special powers to deal with the matter. With regard to the objection raised by the Hon. Mr. Farrar, I see the possibility of what he suggested happening. Whilst I think the officers at the present time exercise every discretion there might under changed circumstances be somebody who would abuse this power. It is on that ground I think the hon. member chiefly objects to the subclause in its present form. As it is worded the clause confines these powers to the secretary or an officer of the union.

An Hon. MEMBER: It might be the organiser!

The Hon. A. C. WILLIS: It might be the organiser. The power is at least restricted to responsible persons. If the real objection to the subclause is the fear that any man who had this power might make himself objectionable I am prepared to accept an amendment that the exercise of the power should be subject to the approval of the Industrial Commissioner, who is the person who is responsible in the last analysis. If it is the contention of hon. members that this is a matter for a tribunal to determine I am prepared to meet them and to provide that this power shall be exercised subject to the approval of the Industrial Commissioner. That will not mean an agreement between the representatives of the employees and the representatives

of the employers, as an award would. It will mean that the Industrial Commissioner will say whether the exercise of the power is warranted or not.

The Hon. J. RYAN: Will you put the words "subject to the approval of the Industrial Commissioner" at the beginning of the clause?

The Hon. A. C. WILLIS: Yes. I think that will give the protection asked for.

The Hon. J. RYAN: I have listened with an open mind to the discussion and whilst the Minister's explanation given when he first spoke seemed to me unsatisfactory inasmuch as we were dealing with a matter of principle; which is the chief thing, he has now by his preferred amendment removed my objection. If the subclause is preceded by the condition "subject to the approval of the Industrial Commissioner" the power given cannot be exercised lightly. Reasons must be given to the Industrial Commissioner for exercising the power before the Industrial Commissioner will approve of its being exercised. I have an objection to these powers being given in an open way to a secretary of either employers' or employees' unions. They are powers which should be exercised by a departmental officer. If it is found necessary to call in the secretary of any union, whether of employers or employees, that practically amounts to a confession that the department is not able to police the award. The Minister has not said that is so.

The Hon. A. C. WILLIS: While it is true that it will involve extra work for departmental officers that is not the chief obstacle. The departmental officers would be made available if they were asked for, but the point is that employees are frequently in possession of information which comes to them at very short notice. They believe, that being the case, that they can often instruct the secretary or officer of the union so that he may act immediately. After all it is not the number of times that a breach of the Act is committed that matters. What really matters is to catch the offender at the one time that the breach is being committed. Persons who are breaking the law would take

[The Hon. E. H. Farrar.]

every precaution against being detected. It so happens that the employees are in a better position, that is to say they have better facilities for finding out things than the average inspector has, however vigilant he may be. It would be unreasonable if one suspected a factory to be carrying on irregular practices to ask the department to station a man in a factory for, say, three months. It would be impossible to do it. But the union is prepared to watch that factory and warn the union officer in good time. The amendment to which I have agreed will give the necessary safeguard and under those circumstances the Committee ought to accept the subclause.

The Hon. J. RYAN: The Minister has not yet said that the department is unable to police the award. I do not think the department would admit that. I allow there are special features in this case and the fact that there are special features is the only reason that inclines me to vote for the provision, amended as suggested. Without that amendment I would vote against it altogether. With the special safeguard of the approval of the Industrial Commissioner it might reasonably be accepted.

The Hon. G. A. DEWAR: The Hon. Mr. Farrar speaks of Parliament having refused to put in another bill a clause of a similar character. It does not necessarily follow that Parliament was right. As a matter of fact this House is only one branch of the Legislature. As to the work the departmental inspectors have to do, in the course of my duties I have gone to the department and have asked the officials to go through certain books in regard to certain matters. They have told me they would want an enormous staff to do that sort of thing. The union secretaries are well versed in the tricky ways of employers in evading awards. It would be to the interest of fair employers if the subclause were agreed to.

The Hon. E. H. FARRAR: The Minister's original statement that the industrial arbitration tribunal had granted this power in an award and that the secretary or other authorised officer of

the union is now doing this very work shows that the union is not suffering any hardship. The proposal in the bill is bad in principle. The Hon. Mr. J. Ryan seems to think that the suggestion of the Vice-President of the Executive Council makes everything satisfactory, but I think it is still a bad principle because certain powers will be conferred on the Industrial Commissioner by Act of Parliament. If we agree to that we may later be asked to agree to amend the Arbitration Act so as to give that power generally and we shall be told that we have already acknowledged the principle. We shall be told that as it has been done in connection with the furniture trade we should widen the application of the principle and apply it to every industry. I am opposed to the principle of any party to an award policing that award. The department only should be held responsible for policing awards. I speak from experience as to what has happened in the department and what would again happen if irresponsible individuals are given general authority under an Act of Parliament. The industrial inspector is clothed with authority as an officer of the Crown to do the work needed. Seeing that this industry will not lose anything by the deletion of this subclause the Vice-President of the Executive Council ought to allow it to go out. If the industrial tribunal finds that union officers are not overstepping the mark it can permit them to go on exercising the powers imposed in them. If it finds that they are doing wrong things and harassing the employers it can take from them their authority by the simple expedient of amending the award. If, however, the powers are reposed in union officers by an Act of Parliament and those officers are found to be exceeding their rights the power can be taken from them only by an amending Act of Parliament.

The Hon. A. C. WILLIS: The Hon. Mr. Farrar has raised the objection that if these powers are given to a union officer by Act of Parliament only an Act of Parliament can remove them but I think the use of the words "subject

to the approval of the Industrial Commissioner" is sufficient to meet the case. There would be no need to alter the law. The commissioner would simply recall his approval. I move:

That the words "Subject to the approval of the Industrial Commissioner" be inserted at the beginning of subclause (10).

Amendment agreed to.

The Hon. J. CULBERT: I move:

That in the definition of "furniture" paragraph (b) the words "wood-working machinists, sawyers," be inserted after the words "wood carvers."

This amendment will make good an obvious omission, because men of the classes mentioned are invariably employed in furniture factories.

The Hon. S. R. INNES-NOAD: The hon. member might have given some explanation to hon. members who are not acquainted with the details of the furniture trade. I imagine that in many cases men such as those described are not engaged in factories at all, but quite apart from them and I do not see how they can be brought under the provisions of the bill.

The Hon. J. CULBERT: It is necessary to have men of the classes referred to employed in every furniture factory and their services are just as essential as are those of cabinetmakers and other workers enumerated in the definition of "furniture." They work in the furniture factories in the same way as the other operatives who are specified.

Amendment agreed to.

Clause as amended agreed to.

Clause 6. The Principal Act is further amended—

- (a) by inserting in Part II thereof next after section 49 the following new short heading and section:—

Division 5A.—Marking of furniture.

49A. For the purpose of regulating the stamping of furniture manufactured in or imported into New South Wales the provisions contained in Schedule five to this Act shall have effect as from a date to be fixed by the Governor and notified by proclamation published in the Gazette.

- (b) by inserting at the end of the said Act next after Schedule 4 the following new schedule:—

Schedule 5, Section 49A.

[The Hon. A. C. Willis.

3. Such stamp shall set forth in legible type the distinguishing number or letter or combination of same (herein called the maker's mark) assigned by the Chief Inspector to each manufacturer of furniture corresponding with the true name and address of such manufacturer, as appearing in a register made and kept by the Chief Inspector for the purpose. If such furniture was only partly manufactured or prepared by such manufacturer, the words "partly prepared by" shall be stamped above the maker's mark of such manufacture.

4. Such stamp shall be placed on some part of such furniture, and on each moveable part thereof where it can be clearly and easily seen and read at a distance of not less than five feet.

5. Where an article of such furniture has been manufactured or prepared solely or partly by the labour of any Chinese person or on the premises of any Chinese employer such stamp shall also set forth in legible type the words "Chinese labour."

6. Where an article of such furniture has been manufactured or prepared solely by European labour such stamp shall also set forth in legible type the words "European labour only."

7. "European labour" means the labour of persons born in Europe or of their descendants whether born in any British colony or possession or in the United States of America or elsewhere, and "Chinese" includes persons having a Chinese father and/or mother.

8. Every occupier of a factory or shop—

- (a) who delivers or causes to be delivered to a purchaser any new furniture which is not stamped pursuant to this schedule; or
- (b) who without having previously delivered a written statement such as is hereinafter referred to renders or delivers to a purchaser of new furniture an invoice account, bill or receipt or enters into any time payment or other agreement which does not contain a written statement expressly and clearly showing.

10. The stamps upon all furniture—

- (a) imported into New South Wales for sale; or
- (b) manufactured in New South Wales for sale solely by European labour; or
- (c) manufactured in New South Wales for sale partly by European labour and partly by the labour of persons other than Chinese—

shall be of circular shape and shall contain the words prescribed.

11. The stamps upon all furniture manufactured in New South Wales for sale solely or partly by the labour of any Chinese person, or on the premises of any Chinese employer shall be triangular in shape and shall contain the words "Chinese labour."

12. The provisions of this Act with regard to the stamping of furniture shall not be deemed to be complied with in the case of wardrobes, sideboards, tables, washstands, bookcases, cabinets, hall stands, hall seats, dinner waggons, bedsteads, chairs, seats, church altars, cupboards, pedestals, meat safes, chiffoniers, kitchen dressers, chests of drawers and commodes unless each of the letters with which such articles are stamped is at least one-half of an inch long by one-eighth of an inch wide and in the manner prescribed.

The Hon. G. R. W. McDONALD: I would like the Minister to agree to the omission of the concluding words of paragraph 3 of the Schedule: "If such furniture was only partly manufactured or prepared by such manufacturer, the words 'partly prepared by' shall be stamped above the maker's mark of such manufacturer." It will be seen by reference to paragraph 12 that the provisions of the Act in regard to the stamping of furniture require that the letters with which the articles are stamped are to be at least one half of an inch long by one-eighth of an inch wide, and it is further provided in paragraph 4 the stamp shall be placed on each moveable part where it can be clearly and easily seen and read at a distance of not less than 5 feet. This means that the front of each drawer of a cabinet or other similar article of furniture will have to be stamped with letters at least half an inch long. As far as I know, it could not be put on the inside of the drawer and be visible 5 feet away. It seems to me to be utterly ridiculous. It will ruin every piece of furniture. Take a chest of drawers made by a number of firms. One drawer might have George Hudson's name on it, while the adjoining drawer may have the name of "Allen Taylor," and the one above it that of "Anthony Hordern and Sons." All that is needed is a mark which the inspector can examine. To place marks on furniture that utterly destroy it is absurd. How could you have an artistic piece of furniture with the maker's name on it visible 5 feet away? I move:

That the words—"If such furniture was only partly manufactured or prepared by such manufacturer, the words 'partly prepared by' shall be stamped above the maker's mark of such manufacture," paragraph 3, be struck out.

The Hon. A. C. WILLIS: Of course, the Hon. Mr. McDonald carries the matter to a ridiculous extreme by assuming that twenty drawers in a chest of drawers are going to be made by twenty different persons.

The Hon. G. R. W. McDONALD: They might be!

The Hon. A. C. WILLIS: Well, if they might be it emphasises the need for the mark, so that we may know whom they are made by. A firm may get furniture made almost entirely by Chinese labour, and just polish it, and then brand it as being made by themselves. The bill is designed and intended to prevent that kind of thing. This clause, and these words, are already in the Victorian Act, in the Western Australian Act, and in the Queensland Act.

The Hon. G. R. W. McDONALD: Do they provide that the name must be in a visible position, on every moveable part of the furniture, and in letters that size? I would not care if the letters were put on the back or the inside of it, where the inspector could find them if he wanted to!

The Hon. A. C. WILLIS: It might be got over by putting them on the back of the chest of drawers, and putting that side of it towards the window. If this clause is taken out, then the marking is of no value at all, because if you cannot trace the parts anybody can deceive you by having one drawer made by one person, and the rest made by Chinese, or other cheap labour. I am sorry I cannot accept the amendment.

The Hon. N. J. BUZACOTT: I noticed this paragraph, and I do not like it, but I am in sympathy with the idea that furniture should be marked. When it says, however, that the mark must be visible 5 feet away, does it mean that it must be marked on the outside of the furniture? The object of the bill is that the purchaser may know where the furniture was made, but none of us would care to see the tradesman's name all over a church altar.

The Hon. R. W. CRICKSHANK: You could take it off after you bought the goods!

The Hon. N. J. BUZACOTT: There is a type of man who would advertise on his mother's tombstone, and he might be glad to have his name visible on a church altar and various other things. I think that should be objected to. If this provision is in operation in some of the other States and it does not result in furniture being defaced, then the Hon. Mr. McDonald's objection might be withdrawn, but there should be some means of knowing whether furniture that we buy is made by Chinese or not.

The Hon. A. SINCLAIR: Has the Vice-President of the Executive Council taken any particular notice of the size of the letters as provided in this schedule? It says that the letters are to be half-an-inch deep and one-eighth of an inch wide. If you had such letters as W or M half-an-inch deep and one-eighth of an inch wide, they would not be visible 5 inches away, let alone 5 feet.

The Hon. G. S. ARCHER: The point raised by the Hon. Mr. McDonald more or less falls to the ground, because he is assuming that on the front of a chest of drawers containing, say, twenty drawers, there may possibly be twenty different names. The practice, however, is to stamp the name either on top of or inside the drawer.

The Hon. G. R. W. McDONALD: Then how could you see it 5 feet away?

The Hon. G. S. ARCHER: It is there if you look for it. The furniture is not likely to be disfigured. The Hon. Mr. Buzacott had a mental vision of going to church and seeing "Made by John Brown" stamped on the altar. The provision is so that people who are sufficiently interested can find out where the furniture was manufactured.

The Hon. E. J. KAVANAGH: The jeweller's mark on a ring is not on the outside but on the inside, and the same will apply to furniture.

The Hon. G. S. ARCHER: The hon. member's interjection is very much to the point. They have a mark which can be easily seen if one is sufficiently interested to look for it. I can assure hon. members it is not the intention of either manufacturers or of those working in the industry to disfigure any article of furniture.

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The Hon. J. M. MINAHAN: I think the Hon. Mr. McDonald has taken up an altogether ridiculous attitude. The clause does not say that the stamp shall be placed on the front of the furniture, nor would the manufacturer do so any more than a tailor would put his brand on the front of a suit of clothes. It is not intended that the mark must be visible without examination. It must be merely distinct enough to be seen by pulling out a drawer or turning the furniture over.

Amendment negatived.

Amendments (by the Hon. A. C. Willis) agreed to:

That paragraphs 5, 6, 7 8(b), and 10 of schedule 5 be struck out.

Amendment (by the Hon. A. C. Willis) proposed:

That paragraph 11 of schedule 5 be struck out.

The Hon. N. J. BUZACOTT: How are we going to get the furniture stamped with the words "Chinese labour"?

The Hon. A. C. WILLIS: You will not get it at all.

The Hon. N. J. BUZACOTT: But there is to be a registered design and we have decided to retain the words "partly prepared by." It may be that if an Australian firm employs one Asiatic, the furniture will then have to be marked "partly prepared by".

The Hon. A. C. WILLIS: The official registration mark will be substituted for names. There will be nothing on the furniture to show that it is Chinese manufactured furniture, but if anyone is sufficiently interested and wants to know who it is made by, he can go to the department and find out whose brand is upon it. This paragraph is being taken out because it was considered that the words were objectionable. I do not know, but it may be that from the Chinese point of view they were regarded as somewhat insulting.

The Hon. N. J. BUZACOTT: What I mean is, it will be easy to find out if a Chinaman has had a hand in the manufacture, by the retention of the words "partly prepared by" followed by

the registered mark. That is an intimation that the article has been partly manufactured by a Chinaman.

The Hon. A. C. WILLIS: That is right!

The Hon. N. J. BUZACOTT: I think it would be better to have the registered mark without anything else.

Amendment agreed to.

Clause as amended agreed to.

Bill reported with amendments; report adopted.

# POLICE OFFENCES AMENDMENT (DRUGS) BILL.

IN COMMITTEE.

(Consideration resumed from 12th January, *vide* page 272):

The Hon. N. J. BUZACOTT in the chair.

Clause 2. Part VI of the Police Offences (Amendment) Act, 1908, is repealed and the following new part inserted in lieu thereof:—

18. (1) In this part unless the context—

(2) (a) The drugs to which this part of this Act applies are morphine, cocaine, ecgonine and diamorphine (commonly known as heroin) and their respective salts, and opium, and any preparation, admixture, extract, or other substance containing not less than three-tenths per centum of morphine or two-tenths per centum of cocaine or one-tenth per centum of ecgonine or diamorphine.

20. (1) For the purpose of preventing the improper use of the drugs to which this part of this Act applies the Governor may by regulations make provision—

They shall also provide for an appeal to the Supreme Court against any determination of the Minister or the board with respect of a license or authority, and the procedure on any such appeal shall be in accordance with rules of court.

The Hon. A. C. WILLIS: Last night the Committee agreed to progress being reported. During the day I have met the parties, with the exception of the Hon. Mr. Boyce, and I think we have been able to get over the differences existing between those who understand this matter best. I have consulted the Hon. Dr. Wall, Dr. Dick and the officers of the association; they have come to an agreement on the points of difference, and their amendments I have

agreed to accept. On the question of the appeal to the Supreme Court I have agreed to substitute the District Court.

The Hon. F. S. BOYCE: And what about the board?

The Hon. A. C. WILLIS: The board will be the Pharmacy Board. A bill is in preparation at the present time which provides for the Director of Public Health becoming a member of the Pharmacy Board, and it is presumed that that compromise will be acceptable. I might point out that these matters have been under the administration of the Pharmacy Board for forty or fifty years past. After going into the question with the Hon. Dr. Wall and Dr. Dick, they have agreed to continue this arrangement on the understanding that the new bill gives the Director General of Public Health a seat on that board. All parties appear to be satisfied with the percentages of drugs now to be provided for. That being so I am not going to disagree with them, and amendments will be proposed accordingly.

Amendments (by the Hon. A. C. Willis) agreed to:

That in proposed new section 18 (2) (a) the words "three-tenths" be struck out and the words "one-fifth" be inserted in lieu thereof.

That the words "or two-tenths per centum of cocaine" be struck out.

That after "ecgonine," the word "cocaine" be inserted.

That the word "Supreme" proposed new section 20 (1) be struck out and the word "District" be inserted in lieu thereof.

Clause as amended agreed to.

Clause 3. The Police Offences (Amendment) Act, 1908, is further amended by inserting after the Schedule the following new Schedule:—

## Schedule Two.

Cereoli Iodoformi et Morphinæ, B.P.C. Chlorodyne (containing not more than .3 per cent. morphine.)

Amendment (by the Hon. A. C. Willis) agreed to:

That the words "Chlorodyne (containing not more than .3 per cent. morphine)" in Schedule 2 be struck out.

Clause as amended agreed to.

Bill reported with amendments; report adopted.

House adjourned at 9.5 p.m. until Tuesday next.