

provisions of Division 4 of Part I of the Instruments Act 1890 should apply *mutatis mutandis* to all actions on bills in county courts, and that all rules and forms which might be deemed requisite for carrying those provisions into effect might be made in the manner prescribed by section 148 of the County Court Act 1890; and moved an amendment to the effect that such rules and forms might be made in the manner prescribed by section 92 of the Instruments Act 1890.

The amendment was agreed to.

The Hon. J. H. ABBOTT drew attention to clause 7, which provided for notice of defence to be given in petty sessions cases on bills, and moved an amendment to the effect that the person taking proceedings to recover money on a bill should file an affidavit that the amount claimed was justly due and owing to him.

The Hon. H. CUTHBERT remarked that the amendment did not specify the amount of the bill, and the defendant might have paid instalments.

The Hon. N. FITZGERALD said he understood the amendment to refer to whatever amount was due on the bill. When a man sued on a bill he sued on the amount of the bill. However, it would be an improvement to insert words providing that the clause should refer to cases in which any money was due on a bill. He begged to move an amendment to that effect.

Mr. FitzGerald's amendment was agreed to.

Mr. Abbott's amendment was also agreed to.

The Bill was then reported with further amendments, and the amendments were considered and adopted.

On the motion of the Hon. H. CUTHBERT, the Bill was then read a third time and passed.

FACTORIES AND SHOPS ACT AMENDMENT BILL.

The Hon. H. CUTHBERT moved the second reading of this Bill. He observed that the first Act bearing on the subject was first passed in Victoria about 21 years ago. That measure was not a decided success, and it was amended four or five years afterwards. In 1882 a Royal commission was appointed for the purpose of thoroughly investigating the question of the management of factories. That board sat during a portion of the years

1882 and 1883, and upon their very valuable report the Act of 1885 was founded, and that Act was really the Consolidated Act of 1890. There was no doubt that great advantages were conferred on the employes in the factories by the Act. In 1893 that Act was amended by a measure introduced by Mr. Deakin; but still from time to time to Parliament and through the press complaints continued to be made as to the working of the Act of 1890. These complaints assumed such proportions that it was deemed necessary to have them thoroughly investigated, and a board was appointed for the purpose, consisting of Messrs. G. H. Bennett, M.L.A.; J. Bosisto, M.L.A.; F. H. Bromley, M.L.A.; W. Ievers, M.L.A.; J. W. Kirton, M.L.A.; W. Maloney, M.L.A.; the Hon. D. Melville, M.L.C.; and the Hon. A. O. Sachse, M.L.C. That board devoted a vast amount of labour to the elucidation of the question. Its general duty was to inquire and report as to the working of the Shops and Factories Act of 1890 in regard to the practice of sweating and the condition of the factories and work-rooms. The board examined a great number of witnesses and furnished in their report a vast amount of valuable information. Generally speaking, the board found that the factories, most of which they visited, were in a clean and sanitary condition, though in some places the drainage was found to be defective, while the approaches and surroundings were in some cases of an objectionable character. The report contained the following passages:—

“Other premises forming a subject of complaint, as being unsuitable for factory purposes, are situate on low-lying land within the city of South Melbourne. In this municipality we find that no by-laws exist regulating the construction of buildings other than one relating to drainage. About 50 hands are at present engaged in the factory in question, in which as many as 120 have sometimes been employed. The employes, who are mostly females, do their work in one very large room, a small portion thereof being subdivided by wooden partitions about 8 feet in height. The ground all round this factory, including the street frontages, has been filled up several feet in conformity with the conditions that attach to leases granted of Crown lands in this part of the city. The basement of this building, which is immediately under that portion where the manufacturing operations are carried on, is at present unoccupied, but is, we believe, intended for use for storage purposes. The floor is laid on the original surface ground, which is now several feet below the level of the street, owing to the ‘filling up’ process before referred to. The result is that the drainage finds its way under the foundations of the brick walls, about 10 feet

high, upon which the iron superstructure constituting the factory is principally supported, and rises through the floor, loosely paved with brick tiles, which appears to be always in a wet sodden condition. . . . The Chief Inspector of Factories, upon buildings being passed by the local health officer, in accordance with the regulations made under section 8 of the Act, has no option but to register the same as properly-constituted factories. . . . No communications have been received from any worker or person connected with work-rooms complaining of the insanitary condition thereof. This applies also to the dwelling houses of 'outside' or 'home' workers, where articles of apparel are being made up or finished for factories. The evidence shows that these places, with a certain number of exceptions, are generally in a clean and wholesome condition. . . . In pursuing our investigations into the sanitary condition of factories generally, attention was directed to the provisions of section 4 of the Act, with reference to the application thereof to such places only as are situate within any city, town, or borough. The Governor in Council is therein empowered to extend the provisions of the Act to shires, or portions thereof, 'if the shire council have passed a resolution praying that such an order may be made.' The evidence shows that no council has ever passed such a resolution, which has, therefore, prevented the extension of the Act in cases where it is clearly to the public advantage that such a course should have been adopted."

Speaking of the Chinese factories, the board said—

"The attention of the board was drawn by the chief inspector to the existence of several Chinese factories in the centre of the city, registered many years ago, and which are now in an insanitary state. These have been condemned by the Melbourne City Council; but the chief inspector can take no action to compel the occupiers to vacate the premises. Probably in time such places may be closed or improved under the provisions of the Health Act; but it is manifestly undesirable that any factory should be allowed to get into such a condition as to be pronounced as 'unfit for human habitation,' which is the necessary proviso of condemnation under the Health Act. A further instance is cited of a factory situate in a country town, which the local inspector reported was not in a proper condition. The council's officer, however, considered it was not a matter that could be dealt with under the Health Act. It appears, then, that there is no provision under which the owner of premises that are gradually drifting into a dilapidated and unwholesome condition may be compelled to adopt measures to bring about a better state of affairs."

The Bill contained a provision which would cure that defect in the law. The board stated—

"We are, therefore, of opinion that the carrying out and enforcing of sanitary regulations should be left more directly in the hands of the inspectors, who should be enabled, upon report to the Minister, to obtain, after due notice to

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the occupier, an order suspending or cancelling the certificate of registration; so that the factory or work-room complained of must be submitted again to the local authority for approval, in accordance with the sanitary regulations of the Act, before such suspension or cancellation order be rescinded."

But most of the factories visited by the board were stated to be in a sanitary condition. With regard to the subject of sweating, the following comprehensive definition of that word had been given in England by a witness, who described it as—

"Taking advantage of the necessities of the poor to impose almost any terms, and reducing the remuneration paid for the work to an amount so low that the worker could scarcely exist thereon."

The report showed clearly that the remuneration of the women and young people who took work outside the factories was paltry in the extreme, and scarcely sufficient to keep body and soul together. He would just refer to one or two other matters touched upon in the report. The report stated—

"The fall of prices in this colony, however, has been most marked, more particularly in regard to certain classes of work. The evidence of a representative of one of our leading wholesale houses is especially interesting, as allowing us to draw a comparison between the prices ruling now and what were paid for similar work in the past. Thirty years ago his firm paid 14s. a dozen for making undershirts. Before they closed their factory, at the beginning of the present year, the price paid was 4s. 6d., but now the work is being done by contractors for 3s. 6d. The factory rate paid for making a sac suit was 10s., and for a pair of tweed trousers 1s. 10d. Now the firm get the work done for 7s. 6d. and 1s. 5d. respectively."

On this factory there had been expended about £10,000, and the best machinery, with every accommodation for the employes, was provided. In consequence, however, of work being done outside at a cheaper rate this factory had to be closed. The report further stated—

"The branch of the clothing industry in which the lowest wages are paid appears to be 'shirt-making,' upon which female labour is almost exclusively employed. The warehouses give the material out in the piece to the manufacturers or contractors, who cut out and have the machining done on their own premises. The shirts are then sent out to be finished in the homes of workers at so much per dozen. This appears to be the general practice amongst shirt manufacturers. 'Finishing' is said to be unskilled labour, and is consequently very poorly paid. The ruling price paid by warehousemen for manufacturing the common cotton shirt used by the working classes is 3s. 6d. per dozen; this allows a very small margin to the manufacturer, who is very often only a 'middleman'

—a sub-contractor—out of which to pay his workers and make a profit himself; and it is not surprising, therefore, that it is in connexion with shirt-making that the allegations of 'sweating' are very frequent. One manufacturer stated that the 'outside' price for the class of shirt alluded to was 2s. 10d. a dozen, out of which the workers had to provide their own machines and 'sewings,' besides paying carriage to and from the factory. This allowed a profit to the middleman of 8d. per dozen."

It was astonishing to find from the report the prices paid in the clothing trade. The report stated—

"We were astonished to receive evidence from a manufacturer that the price he paid for labour in making a 'stock' sac suit was only 2s. 7d., viz., 1s. 3d. for coats, 8d. for trousers, and a similar amount for vests. He explained that, in addition to the price paid for 'making' the suit, he had to provide sleeve linings, canvas, pockets, and buttons; and besides had to pay for cutting, pressing, and trimming."

Further on the report said—

"Another branch of the clothing trade in which low prices prevail is said to be the manufacture of knickerbocker suits. One well-known manufacturer stated that 5½d. was a fair price for making boys' knicker trousers. The prices, however, had been cut down by persons going to the warehouses and offering to do the work for less. Now only 3d. was being paid. These garments, it was explained, could only be made for 3d. by taking advantage of the necessities of a poor class of workers who are reduced to such straits that they are obliged to take almost anything that may be offered. Persons who were engaged in this work seemed to only have two courses open to them, either to accept the starvation price or appeal to charity, and they preferred the former."

"A 'trousers hand' who had twenty years' experience in factory work stated—The factory managers force all the hands to take work home, and thus infringe the Act by which the working hours of women and young persons in factories are limited to 48 hours per week; they make the employés do a certain amount of work per week, otherwise they will discharge them. If the hands could finish the work allotted to them well and good, if not they had to take the work home. This was the rule. She could earn £1 per week at present factory prices by taking home garments and working perhaps four hours extra a night, making 68 hours' work per week. Working factory hours only her earnings would average about 12s. per week. She had sometimes to work sixteen and eighteen hours a day. The last factory she was working in the prices paid for making 'stock' trousers were 1s. a pair for tweeds, 1s. 2d. for worsteds, and 1s. 4d. for Bedford cloth. 'Order' trousers were 2s. a pair. In the better class of tailors' shops they pay 4s. 9d., 5s., to 6s. for making the same kind of trousers that factories pay 1s. for. The price paid for machining 'stock' trousers in factories is 2½d., 3½d., and 4d. per pair."

A presser gave evidence, in which he stated that he had recently been working at a factory for 30s. a week, and doing £3

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worth of work per week according to the log prices. He need not weary the House by going further into details, but would come to the conclusions of the board. The board recommended as follows:—

"In concluding our remarks upon this portion of the subjects remitted to us for inquiry, we desire to repeat—

- 1st. That in our opinion the registered factories of this colony are in a fairly satisfactory condition so far as sanitation is concerned, and that the inspection thereof is generally efficient.
- 2nd. That the practice known as 'sweating,' once comparatively limited in extent, has recently, from a variety of causes, obtained a stronger foothold amongst those employed in connexion with the manufacture of apparel.
- 3rd. That the evil is apparently becoming more widely spread, and that the collapse of the Tailoresses' Union was one of the factors in bringing about the low prices at present ruling in the clothing trade."

The board very properly said in conclusion:—

"How far legislation can deal with such an acknowledged difficulty as that presented by the 'sweating' question is confessedly a problem surrounded by peculiar circumstances, some so formidable in their character as to impose serious obstacles to a successful solution of this undesirable phase of our social condition, which appears to attach to the clothing industry in a greater ratio than to any other. One powerful factor is that of public opinion, which keenly sympathizes with and is wholly on the side of the underpaid and 'sweated' worker. This, with the assistance of legislation dealing with sanitation, hours of labour, and the removal of undue interference or restrictions which would be naturally followed by an increase in the demand for labour, must be the main remedy applied to prevent the spread of the cruel and hateful system referred to."

Mr. Melville, who was a member of the board, dissented from the findings which had just been read, and did not sign the report. He was the only one who differed from the majority of the board. (Mr. Fraser—"Did Mr. Melville give the grounds of his dissent?") Mr. Melville had shown him (Mr. Cuthbert) a bound copy of the report, in which were set forth the reasons why Mr. Melville dissented from the findings of the majority of the committee, and gave a special report of his own. He (Mr. Cuthbert) had dealt with two points of the report, namely, sanitation and sweating. It might be asked were the board, in 1893, justified in coming to the conclusions they did, and had any change taken place during the last two years

showing better conditions for the unfortunate people who were sweated? His answer was that no change had taken place. The Chief Secretary had taken a great deal of interest in this subject, and had personally inquired into the stories of misery and suffering which were told to him. He (Mr. Cuthbert) could not do better than refer to the statement made by the Chief Secretary, who gave particulars of a few cases into which he had inquired. The Chief Secretary, who was accompanied by the Chief Inspector of Factories during his inquiries, when moving the second reading of the Bill in the Legislative Assembly, stated—

“I went into the sweaters’ den with the chief inspector, and those suffering persons did not know who I was, nor did they know the object of my visit. I may say that the whole dread of these poor people is, in this connexion, that the sweater may know of information given, with the result that they will not get any more work. I have in my hand a record of five typical cases which I have seen for myself, and in four of these cases no one could say that the condition of the people concerned was in any way brought about by drink. In some cases the people occupy hovels, and in others decent little homes, which though devoid of furniture were as clean as a new pin in every part. In one of those places, where the people found I was a Member of Parliament, a hope was expressed that something would be done to improve their positions. In the first case I saw a widow with four children. She works from eight a.m. till twelve p.m. daily making tennis shirts, &c., for 3s. per dozen.

“AN HONORABLE MEMBER.—How long does it take her to make them?

“MR. PEACOCK.—She has to make the shirts throughout, put tickets on them, pay a carter 1s. per week for taking the shirts from her house to the factory, and provide her own machine, oil, and needles. The carter gets a little out of the sweating, and if she did not pay him something she would not obtain any more work. Three years ago she was paid 6s. 6d. per dozen for the same work. She told me that people worked for pocket-money, and that was her greatest complaint. She earned about 9s. per week. A few years ago the husband of this woman occupied a prominent position in the city. She has to pay her rent out of the weekly earnings of 9s. and keep her children, two of whom I saw preparing their school lessons for next day. Everything in the house was as clean as it could possibly be. The payment of 1s. a dozen more for shirts to that woman, she admitted, would be an absolute luxury. I may mention that this poor woman had to provide her own cotton also. The second case was that of a woman whose husband was out of employment and had gone up country. There were two children. Her working hours averaged 72 per week, and she worked sometimes on Sunday in order to keep body and soul together. I checked the tickets, and saw that she made quicker trousers throughout for from 2s. 6d. to 3s. per dozen. Seven years ago she got 6s. per

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dozen for the same work. Her earnings averaged 11s. per week. I would like honorable members to hear her opinion about the Legislature generally in regard to this question. The third case was one of a class with which I propose to deal in the Bill. It was that of a young Scotchwoman who had only been out from the old country for four years. Her husband was suffering from an incurable disease, and he communicated to me how keenly he felt his position in being actually dependent upon his wife for food, he being partly paralyzed. This woman has only one child. She works at finishing moleskin trousers from nine a.m. to eleven p.m., and she is paid from 2s. 6d. to 3s. per dozen. Her average weekly earnings amount to 11s. Fortunately for her she has her little home. When I said to her—“Are you obliged to work on Sundays?” it would have done honorable members good to see the virtuous indignation of her reply—“No matter how things may go I will never break the Sabbath day.” The fourth case is that of a woman living apart from her husband with two children. She receives from 2s. 6d. to 3s. per dozen for finishing moleskin trousers. She works from six a.m. to eleven p.m. daily, with short intervals for household work. Her earnings are from 10s. to 12s. weekly. She was teaching another poor woman how to do the finishing. It is wonderful to notice how these people help one another. In each case I saw, the people said that though they were badly off there were far worse cases, and I always found that they were helping one another.”

He (Mr. Cuthbert) had stated quite enough to show that there was room for legislation on this subject. Another part of the report dealt exclusively with the furniture trade. He might point out here that a distinction was drawn between the cabinet-making trade and the furniture trade—the latter comprising upholstery and other work not done by cabinetmakers. The board in dealing with the furniture trade stated—

“In accordance with the intention expressed in the progress report the board have since devoted their inquiries solely to the furniture trade, and more particularly in relation to the alleged disastrous effect of Chinese competition in connexion therewith. The evidence taken is of a comprehensive character, and care has been exercised that all those interested in the trade were afforded an opportunity of freely expressing their views. The witnesses examined comprise furniture warehousemen, retail dealers, furniture-makers (masters and journeymen), members of the Cabinetmakers’ Society, and one of the Government inspectors of factories specially selected to supervise the Chinese cabinetmakers. In order that all sides of the question might be heard, Mr. C. P. Hodges, the Chinese interpreter, was also examined. This witness’ lengthy experience of the habits and customs of the Chinese in Victoria has enabled him to give valuable information to the board.

“On behalf of the European cabinetmakers serious complaints were made as to the disastrous effects of the Chinese competition in the

trade—a competition which it is alleged involves the very existence of the European artisans. It was pointed out that whereas in England the cabinetmaking industry was one of the best in that country, here, owing to the influx of Chinese, the trade was practically ruined so far as the European worker was concerned.

“From a perusal of the evidence it will be seen that without doubt the trade has fallen upon evil days, and that according to the opinions of most of the witnesses there is at present not much prospect of any revival. To such a low ebb has the industry fallen that very few, if any, persons are now being apprenticed to it, and such a state of affairs can only result in the total extinction of the trade at no very distant date, as far as it relates to Europeans. Wages have fallen to the lowest possible limits, and altogether things are in a very deplorable state. While this is in some measure due to the depressed condition of the country, yet the evidence points to the fact that it has been greatly accentuated by the competition of Chinese labour under circumstances that could not possibly obtain in the surroundings of a European and his family. Evidence was brought forward to show that there should be at least 200 or 300 European cabinetmakers engaged in the city, whereas the number actually employed was estimated at much less, some setting down the number as 60 or 70. According to the evidence of the representatives of the Cabinet-makers' Society, ten years ago 200 members were employed in the trade, but at present only fifteen belonging to that body were at work.”

In the course of their report the committee give returns showing that, while in 1889 there were 1,241 male hands employed in registered European furniture factories, only 471 were similarly employed in 1893, showing a falling-off of 66 per cent. (Mr. Fraser—“That is accounted for by the depression.”) He admitted that a great deal of these results were accounted for by the depression. In the registered Chinese furniture factories there were 584 hands employed in 1889 as against 290 employed in 1893. The Chinese were represented before the board by the Chinese interpreter, Mr. Hodges, who gave some very interesting evidence. Mr. Ellis, one of the inspectors, who had supervision of all the Chinese factories in Melbourne, reported as follows:—

“The condition of the Chinese furniture industry is very bad indeed. There is such a keen competition that prices are cut down almost to starvation point. A strike amongst the Chinese, who had formed themselves into a union after the manner of European artisans, took place early in 1893; the members of the union went out to a man rather than submit to a reduction of 20 per cent. in their wages. Ultimately they agreed to go back at a reduction of 7 per cent. The strike could not have occurred at a worse time for all concerned, as business was almost at a stand-still. This resulted in

many of the factories being closed, and the employes, thrown on their own resources, commenced to make articles of furniture themselves and send them to the auction rooms. A deplorable state of affairs followed. The prices received for the furniture sold at auction in most cases barely pays for the price of the material used in its manufacture; and, as the first call on the proceeds of the sale is devoted to paying for the timber, the cabinetmaker is often left with little or nothing to reimburse him for his labour. This condition of affairs, it is pointed out, cannot last long, and Mr. Ellis thinks it is only a question of time when the Chinese, who commenced by ruining the Europeans, will end by ruining themselves.”

The board recommended that—

“Chinese should not be encouraged to further embark in this industry, and those at present engaged in the trade should be subject to rules and regulations which will prevent them unfairly competing with our own people, as they are undoubtedly doing at present, by evading laws which the European workers are bound to observe. In order, therefore, to bring all Chinese furniture-makers under the provisions of the Factories Act, the board are of opinion that the Act should be amended in the direction indicated, and therefore make the following recommendations:—

- (1) That every place in which one or more Chinese is engaged preparing or manufacturing articles of furniture for sale be constituted a factory under the Factories Act.
- (2) That the working hours in Chinese factories shall be the same as those generally recognised as ruling in European factories, namely, 48 per week, the work being performed between the hours of eight a.m. and five p.m., with a special arrangement allowing for the Saturday's half-holiday.
- (3) That the strictest supervision be exercised to prevent Sunday work in any factory.
- (4) That when a factory or any portion of a factory is used as a lodging-house it shall be brought under those sections of the Health Act regulating common lodging-houses, notwithstanding that the residence therein may be continuous.
- (5) That notices to vacate condemned premises or to make alterations in the sanitary condition of factories be served upon landlords as well as tenants, who shall be separately liable to penalties in default of compliance therewith.”

From the reports he had read he thought he was justified in asking honorable members to co-operate with him in endeavouring to ameliorate as far as possible the unfortunate position in which the people in those trades were working. The prices paid for work were now, owing to competition, really starvation prices. The question was whether it was possible to ameliorate the

position of the people by legislation. He thought it was. There was nothing to prevent perfectly healthy people from going to work in factories where there was proper sanitary accommodation. There were, of course, factories and factories, and the aim must be to so regulate factories that the Government would be justified in saying to the people that in the factories there was better accommodation than they could possibly get in their own homes. The danger of contamination was not in the factories, but was to be encountered outside. It was intended under the Bill to induce people to go into the factories to work. (Mr. Fraser—"How about women who have children?") It was provided under the Bill that women whose circumstances or whose domestic duties rendered it impossible for them to go into factories could receive a permit from the Chief Secretary to work at home, and no doubt a great deal would depend on the way the Bill was administered by the Chief Secretary. Great competition was caused by girls whose parents were quite able to support them taking work from the factories in order to provide themselves with a little pocket-money. To them the prices they received were of little importance, and the result was that the people who really depended on the work were called upon to take starvation wages. There would be no degradation, under the circumstances, in asking all workers to go into the factories. (Mr. Fraser—"Some might object for very good reasons.") No doubt, there were many people whose pride would not allow them to go into factories; but, at the same time, the whole class of working people had to be considered. In the factories they would be paid a certain price. For the workers outside the factories provision was also made for fixing the prices, so that they might get a better price for their work than that which was now given under the sweating system. (Mr. Cooke—"How can you limit the hours outside?") In the factories the hours were limited to eight per day, but if a person working outside had also domestic duties to attend to he did not think any one had a right to say that such a person should not be allowed to attend to domestic duties, even if they involved working more than eight hours per day altogether. He now came to the provisions of the Bill, which he would explain as briefly as possible. Clause 3

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extended the definition in the principal Act of the expression "factory or work-room" so as to include any place in which one Chinaman was at work. Under the present Act two Chinamen were required to constitute a factory; but he thought honorable members would admit, having regard to the fact that Chinamen came into competition with our own workmen, and had lowered the rate of wages more than one-half, they should be compelled to conform to the same hours and conditions of labour as the white workmen of the colony. Although the eight hours system had not been legalized by Act of Parliament, it had been thoroughly established by the trades by usage and practice, which had greater power and influence than any Act of Parliament. The definition of the word "shop" was extended so as to include rooms of hairdressers or barbers, and this he thought no honorable member would object to. The expression "handicraft" was also extended so as to include work done in any laundry or dye-works; and although there might be an amendment moved in committee for the purpose of exempting certain laundries, he believed no honorable member could question the necessity of close supervision over laundries generally. Laundries were places which it was especially necessary to keep perfectly clean. In England, descriptions had been given of laundries which had called the attention of the Imperial Parliament to the necessity of adopting a provision of this kind, so that all establishments of the sort should be subject to proper control and inspection. Clause 5 repealed section 4 of the principal Act, and it further provided that the Governor in Council might, from time to time, make an order extending all or any of the provisions of the Factories and Shops Acts to the whole or a specified part of any shire. At the present time there was the anomaly that, while on one side of a road there might be a factory which was subject to all the provisions of the Factories and Shops Acts because it was in a city, town, or borough, on the other side of the road there might be a factory which was free from all supervision simply because it was in a shire. This was not a proper state of things, as it put the proprietors of factories where there was proper supervision at a disadvantage, and he thought the Council would see the necessity for making the amendment now proposed. (Dr. Embling—"Why not give

the shire council a voice in the matter?" At the present time if a shire council asked for the extension of the Act to its district the Act could be extended, but no such request had ever been made, and therefore he thought it was right that the matter should be taken altogether out of the hands of the shire councils and vested in the Governor in Council. Clause 7 provided that in any part of the colony, if there was not a certifying medical practitioner appointed pursuant to the provisions of section 6 of the principal Act, every public vaccinator should act as certifying medical practitioner. Clause 10 repealed section 8 of the principal Act, and substituted another provision providing for the approval of the council of a district for the re-opening of a factory or work-room. Clause 13 provided that in sub-section (6) of section 11 of the principal Act, after the word "examine," the words "either alone or" should be inserted. This simply meant that the inspector could go to examine a factory either alone or with the owner of the factory. Clause 14 provided that in every factory or work-room there should be a true record giving the particulars prescribed by the measure, and this record was to be produced for inspection whenever demanded by the inspector, and, moreover, was to be forwarded annually to the chief inspector. Sub-section (2) of this clause provided that there should be kept painted or affixed in legible roman characters, in some conspicuous place at or near the entrance of every factory or work-room, a notice containing the name and address of the inspector for the district, the name and address of the certifying medical practitioner, the holidays and the working hours of the factory or work-room, and, finally, copies or abstracts of such parts of the Factories and Shops Acts as might be prescribed. Clause 15 related to the record of outside work done for factories. It required that the record should give a correct description of the work done outside of the factory, and of the names and addresses of the persons by whom the work was done, with the prices paid in each instance for such work. This was really not new legislation, but was an amendment of the existing law which the inspectors had found to be necessary from their experience in the working of the principal Act. Sub-sections (3) and (4) of this clause, however, were new. Sub-section (3) provided that

every occupier of a factory or work-room should forward the record to the chief inspector whenever demanded by him, and also forward periodically a copy or summary of every record in the form prescribed. (An Honorable Member—"Every day in the week if the chief inspector chooses?") It was not likely that the provision would be exercised in such an arbitrary way. If, however, the proprietor of the factory was in the habit of trying to evade the Act, the inspector would be perfectly justified in asking the record to be sent frequently. (Mr. Grimwade—"This would make the chief inspector very powerful.") It would be open to the Council in committee, if they thought the power given to the inspector was too large, to limit it, and also to give the right of appeal. He (Mr. Cuthbert) did not think there could be any reasonable objection to that. Indeed, he considered it would be a reasonable precaution not to vest in any man too much power without giving the right of appeal. Sub-section (4) provided that, notwithstanding anything contained in the Factories and Shops Acts, the chief inspector should publish in the *Government Gazette* any such particulars contained in any record as the Governor in Council might from time to time think it necessary or desirable to publish, including, if the Governor in Council saw fit, the name and address of any factory occupier. The object of this provision was to do away with sweating as far as possible. If a man offended against the law with regard to sweating continually, the object of this publication was that public opinion might be brought to bear against him. Clause 16 was an important one. (Mr. Campbell—"One of the worst clauses in the Bill.") He did not agree with the honorable member. If the sweating system was to be suppressed it was necessary to pass such provisions as would have that result. Sub-section (1) provided that no occupier of a factory or work-room should give out any material to be manufactured outside into articles of clothing or wearing apparel unless the person receiving such articles should have previously received from the chief inspector a written permission to work outside the factory, and unless the permit was in force at the time. Sub-section (2) was as follows:—

"No such permit shall be given or renewed unless and until proof be furnished to the satisfaction of the chief inspector that the person applying for such permit is prevented by

domestic duties or bodily affliction from working inside a factory or work-room, and is depending on such working for the means of living; and any permit may at any time be cancelled by the chief inspector, and thereafter shall be deemed not to be a permit."

He had already referred to this provision in dealing generally with the Bill. He might state that the words "and is dependent on such work for the means of living" were not in the Bill as introduced by the Government, but were inserted as an amendment in the Legislative Assembly. It was provided by sub-section (5) that this section was not to apply to any person who merely gave out material for preparing or manufacturing any article for his own use or for the use of any member of his family; or to any person manufacturing any article "for the actual use and wear of either the person to whom the same is to be supplied, or any member of his family, or for his own actual use, or the actual use of any member of his family." Clause 17 gave power to the Governor in Council to appoint a special board to fix prices for manufacturing articles of clothing or wearing apparel. The board was to consist of four members—two representing the employers, and two representing the employes—and a chairman. Sub-section (2) provided that the four members were to nominate some fifth person as the chairman of the board, and such person would be appointed by the Governor in Council. In the event of the Minister not receiving any nomination within fourteen days the Governor in Council might appoint the chairman. (Mr. Abbott—"Are those four considered to be enough for all the various trades?") The Governor in Council might appoint as many special boards as were considered necessary. There was nothing to prevent one being appointed for each trade. (Mr. C. J. Ham—"Why should not the employers appoint two members each, and let the board elect their own chairman?") The elective system would require elaborate machinery to determine who was to vote in the appointment of the members of the board, and would be surrounded by a great deal of difficulty. He thought it was better to give the nomination system a trial, and if it was not found to work well then the elective system could be tried. (Mr. Grimwade—"The Governor in Council might appoint men who knew nothing at all about the matter.") That was not likely, as two of the persons appointed were to represent the employers, and two

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were to represent the interests of those who were employed. (Dr. Embling—"Who defines what 'represent' is to mean?") He presumed that the Governor in Council could easily ascertain from the majority of the employers whom they desired to represent them, and also ascertain from the employes whom they wished to have as their representatives. He did not think there would be any difficulty about the matter. Then sub-section (4) provided for a special board to determine the lowest price or rate of payment payable in the district for manufacturing the article specified by the board, and sub-section (5) set forth that such price or rate of payment should in the case of work to be done outside a factory or work-room be fixed at a piece-work rate only, but in the case of work done within any factory or work-room it might be fixed at a piece-work price or a wages price, or both, as the board thought fit. The price or rate determined on was to remain in force until altered by a special board. The board was also given power to determine the number, or proportionate number, of apprentices and improvers under the age of eighteen who might be employed within a factory, and the lowest price or rate of pay payable to such apprentices or improvers. One important provision in connexion with fixing the price of work was the following:—

"In fixing such lowest price or rate the special board shall take into consideration the nature, kind, and class of the work, and the mode and manner in which the work is to be done, and any matter which may from time to time be prescribed."

(Mr. Grimwade—"How are they to fix the price in every trade?") The special board would represent the employers and employes in a particular trade, and being experienced he thought they would have no difficulty in arranging all the details. Clause 18 was similar to clause 17, except that it provided for a special board in connexion with the furniture trade, which was to have similar powers to the special board provided for in the preceding clause. Clause 19 was a very important provision, and it was new. By sub-section (1) it was provided that in order to determine the number of hours in each day or week during which—within any district into which the colony was divided—a person might work in a factory or work-room, the Governor in Council might appoint a special board, consisting of four members

and a chairman. This special board was to—

“take into consideration the nature, kind, and class of the work, and the mode and manner in which and the season of the year during which the work is to be done, and any matter which may from time to time be prescribed, and shall determine the matter for which they were appointed.”

Clause 21 was a very important provision. It set forth that the chief inspector should give written notice to the occupier of any factory or work-room which was, in his opinion, dilapidated, unsafe, unfit for use, or injurious to health, or insufficiently provided with sanitary arrangements, or with proper appliances for the extinction of fire, or with sufficient means of egress in case of fire, and direct the occupier to forthwith notify to the council for the district that the chief inspector had given such notice. A copy of the notice was also to be sent by the chief inspector to the council, and within two months from the date of receiving such notice from the chief inspector, the council had to inform him whether the necessary repairs or improvements had or had not been effected. Unless the council, within two months from the date of the notice by the chief inspector, signified to that officer their approval of the continued use of the factory or work-room in question, its registration was to be cancelled by the chief inspector. It was very important that this provision should become law. Power ought to be vested in some one to cancel the registration in such a case. (Mr. Balfour—“Without the right of appeal?”) He (Mr. Cuthbert) did not see any right of appeal in the clause, but he relied on the Council to improve the details of the measure in committee. He was afraid clause 22 went a little too far. It provided that no factory or work-room where any person was at any time employed should be used as a sleeping place unless such sleeping place was effectually separated from the factory or work-room by a substantial wall or partition extending from the floor to the ceiling. Now, there might be three or four women carrying on business in a good room, the sanitary condition of which was in every way satisfactory, and he did not see why one or two of them should be prevented from sleeping there. What this clause was really intended to prevent was the herding together of the Chinese under insanitary conditions, and the Council might see fit to confine it to them. In clause 24 it was provided that no person

should be allowed to employ in any factory or work-room any boy under the age of sixteen years, or any woman or girl, for more than 48 hours in any one week, or for more than ten hours in any one day. Power was given to the Minister to suspend this limitation of hours in order to meet the exigencies of trade, but such suspension was not to have effect for more than two months, and it could be revoked at any time by the Minister. The hours which Chinese might be employed in factories were limited in clause 27 to nine hours a day, and they had to take a half-holiday on Saturday afternoons, and not to work at all on Sunday. He thought that this was a very proper provision, and hoped that it would meet with the approval of honorable members. Clauses 31 to 37 contained provisions relating to steam-engines and boilers and persons in charge of the same. (Mr. Sachse—“Do you call that explaining the Bill?”) It was not necessary to go too minutely into details on the motion for second reading, as every clause would have to be dealt with in committee. Clause 38 amended section 47 of the principal Act in relation to the closing of particular classes of shops for a weekly half-holiday. No one would object to the power which the Bill conferred on the Governor in Council to make regulations with regard to the municipalities which were to constitute the metropolitan district and the closing of shops therein, or, as in clause 42, for limiting the hours of employment of young persons and women in shops, and providing them with a half-holiday once a week. He did not know how the Council would deal with clause 45, which regulated the hours of work of nurses in charitable institutions and hospitals. (Mr. Abbott—“They will strike it out.”) Well, he did not know that he could say very much in favour of that provision. Clauses 48 and 50 placed restrictions on the delivery of bread, meat, and milk on the trade holiday and on Sunday. (Mr. FitzGerald—“Say something about the milk for the children.”) No doubt, in committee, a great deal would be said about that; but, although there was only one delivery of milk in Melbourne on Sundays, the children of the metropolis were getting on remarkably well. He was very much obliged to honorable members for the patience with which they had listened to his explanation of the provisions of the Bill, which was introduced

primarily with the object of abolishing the sweating evil, and insuring to the poorer workers a fair day's wage for a fair day's work. He felt sure that when the Bill came back from committee it would be very much improved.

On the motion of Sir FREDERICK SARGOOD, the debate was adjourned until the following day.

The House adjourned at thirteen minutes past ten o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, December 17, 1895.

Postal Department: Female Telephone Operators: Postal Cards and Telegrams—Railway Department: Ladies' Monthly Tickets: Uniforms of Porters—False Labels on Liquors—Cape Patterson and Kilcunda Junction Railway Act Amendment and Continuation Bill—Federation of Australasia Enabling Bill—Victorian Railways Trust Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

POSTAL DEPARTMENT.

Mr. GRAY asked the Postmaster-General the following questions:—

"1. Is it a fact that a number of female telephone operators have been employed at £4 10s. per month since 1891 without receiving any increment?"

"2. Will arrangements be made to give increments to those low-paid operators?"

He said he understood that these female operators had to pay insurance premiums, and it was very hard that they should not receive any increments.

Mr. DUFFY stated that, as a matter of fact, there were certain female switch operators in the department who had not received any increments since 1891. He would look into the matter and ascertain if there was any other class in the public service similarly situated, and then he would deal with the subject.

Mr. G. J. TURNER (*Gippsland West*), in the absence of Mr. DOWNWARD, asked the Postmaster-General whether any increase of revenue had resulted from the higher rates charged for postal cards and telegrams; and, if so, how much?

Mr. DUFFY remarked that as regarded the first part of the question it was impossible for the Postal department to answer it, on account of the stamps used for postage and the stamps used for revenue purposes not being distinguished. There

had been a falling-off during the three months in the purchase of letter cards to the extent of £2,691, while there had been an increase in the sale of penny post cards to the amount of £181. Probably the difference was made up by people purchasing additional 2d. stamps and putting them on letters. As regarded the second part of the question, the Postal department anticipated that the increase of revenue on account of the change in the minimum rate charged for telegrams from 6d. to 9d. would amount to £5,000. He would have the accounts made up at the end of the year, and if the honorable member would repeat the question next session he would give a definite answer to it.

RAILWAY DEPARTMENT.

Mr. T. SMITH asked the Minister of Railways the following questions:—

"1. Is it a fact that females who are compelled to earn their living are charged nearly double the rate for monthly tickets on some of our suburban railways that females who are not engaged in business are charged?"

"2. If so, why does this unfair difference exist?"

Mr. H. R. WILLIAMS said that the answers to the questions were as follows:—

"1. Females in business earning under £65 per annum are charged two-thirds of the ordinary rates for periodical tickets. If earning over £65 per annum full rates are charged. These persons travel daily, and have consequently to pay more than those who receive no remuneration from any situation or business, and who are merely casual travellers.

"2. These latter are allowed a concession of half rates in order to encourage the taking out of periodical tickets by ladies who travel but seldom, and thus bring in a revenue which would otherwise not be obtained."

Mr. T. SMITH.—It works just the other way.

Mr. HANCOCK asked the Minister of Railways whether it was true that men occupying the position of railway porters had been instructed to purchase two new uniforms per annum instead of one uniform as prescribed in previous years; if so, whether the Minister would see that such an innovation should not be introduced, at any rate until the 5 per cent. salary deduction had been discontinued, and other rights restored to the railway servants which had been taken from them during the last few years?

Mr. H. R. WILLIAMS remarked that an intimation with regard to providing uniforms had been issued to the employés,