

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 11 JULY 1895**

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THURSDAY, 11 JULY, 1895.

The SPEAKER took the chair at half-past 3 o'clock.

PETITIONS.

The SECRETARY FOR LANDS (Hon. A. H. Barlow) presented a petition from the members and adherents of the Congregational Church, Brisbane street, Ipswich, in favour of the Bill for the suppression of gambling.

The ATTORNEY-GENERAL (Hon. T. J. Byrnes) presented a similar petition from the Congregational Church, Milton.

Petitions read and received.

QUESTION.

Mr. FISHER asked the Attorney-General—

Is it the intention of the Government to introduce a Bill this session to amend the Stamp Duties Act passed last year?

The ATTORNEY-GENERAL replied—

The intentions of the Government will be disclosed at the proper time.

SHOPS EARLY CLOSING BILL.

SECOND READING.

The COLONIAL SECRETARY (Hon. H. Tozer): The Bill that I have now the honour to present for its second reading is entitled a Bill "for limiting the hours of business in shops." I trust hon. members will not think by the introduction of the Bill at this early period of the session that there is any desire on my part to rush any of its stages through the House. It is simply as a matter of convenience that it has been brought on to-day; but I trust that it will, at every stage, receive full consideration, no matter what adjournments may be necessary for the purpose of giving full discussion. I feel it necessary to mention this, because there is an impression outside that the Bill has been brought hurriedly before the Assembly. I have been told that by people interested in it; but that is not so. Nothing will induce me to ask the House to consent to pass the measure with undue haste. I believe thoroughly in the Bill.

Mr. GLASSEY: Simply because there is nothing in it.

The COLONIAL SECRETARY: There is sufficient in it, at any rate, to give the hon. member much reason for thought. The principle of the Bill is good; and if it does not contain all that the hon. member desires, we are here to invoke his assistance in improving it, and I hope we shall get it. I would not for one moment hold that a tentative measure such as this is, is in any way perfect. It is very difficult to gauge what is the desire of the community in regard to this matter, because in nearly all the other colonies where they have brought in similar measures I notice that the statute requires amendment nearly every session. As the thing works out, so is there occasion for the legislature to reconsider the question and amend it from time to time. It may be that this Bill is not perfect in all its details, but the principle of the Bill is what we are now discussing. I submit the Bill as an assertion of the principle that it is the right and the duty of the State to interfere, not only with the freedom of any person that is young but with the freedom of any person who is old, when the physical and moral well-being of the community at large are at stake.

That is the proposition I submitted last year, and I think it is a proposition that the whole civilised world now recognises. It is in pursuance of that proposition that this Bill is introduced. I enunciated the same proposition when the question was brought before this House many years ago, and in almost the same words that I now use. I was not then a member of the Government, but I assisted an hon. gentleman, now on the other side, in bringing forward the proposition. This is no new idea, and this is no new Bill. It is simply carrying on the work which some years ago was suspended owing to the position of the colony at that time. Since then the need for the introduction of a measure of this kind has become more palpable. The only question to be asked is whether there is any necessity for this Bill, and what has invoked the assistance of the Government in bringing forward the measure this session. For years there has been in existence in this city, in the whole of the colony, and indeed in all Australia, an Early Closing Association, which has been energetic in its operations. It has never made demands which were not reasonable, but it has urged with a considerable amount of skill and ability at all reasonable times upon the community what it now asks in this Bill. In 1894 I received a deputation on the subject, and I promised that the matter should receive consideration, which it did then. Subsequently I received another deputation in Rockhampton, and they pointed out to me the evils which are resulting in this community from late closing; and recently a deputation waited upon the Premier, and brought forward certain important facts. I shall just mention, as a reason for the necessity of this Bill, certain facts of which perhaps hon. members are not aware. If they are, it will only strengthen their belief in the necessity for a measure of this kind. It was brought under the notice of the Premier that there are from 1,000 to 1,200 persons working in shops in Brisbane that keep open late on Saturday night. There are four classes of shops so far as the hours of working are concerned. About 10 per cent. of the retail shops work their employees forty-eight hours a week, closing at 1 o'clock on Saturday; 10 per cent.—principally drapers—work their employees fifty-four hours a week; 10 to 15 per cent., from fifty-four to sixty hours a week; and the balance, from sixty to seventy hours a week. Of the last-mentioned class, about 95 per cent. are grocers. In the grocery trade the hours are very long, being from 7 in the morning until 6.30 to 7 o'clock at night and until 11 or 11.30 on Saturday night. A number of drapers keep open every night in the week, averaging twelve hours a day. So far as I have been able to ascertain, that is a correct statement of the position of affairs in our most populous cities. I do not think it is necessary to argue that in the hot climate like Queensland there is great reason, in the interests of women and young persons—and I think in the interests of all persons—that there should be a limit beyond which persons should not be required, by competition or other causes, to work in the evening. The Bill endeavours to make a start in dealing with this question. It is a very difficult matter, of course, for the Government to suggest a hard-and-fast measure which will apply equally to all Queensland. The greater portion of our population is in the south-east part of the colony, while in a great part of the colony the population is sparse. As time goes on, there is no doubt that the population will increase, and measures will have to be provided for coping with the changed circumstances of the colony.

Mr. OGDEN: Would it not be better to have the measure first, before the population gets too thick?

The COLONIAL SECRETARY: The object of the Bill is to provide the machinery so elastic that it can be extended as the population extends. It is not possible at the start to put in operation a Bill of this kind, and say that all shops in Queensland, wherever they may be, shall be closed at a certain hour. That would not meet with the wishes of the community; but, so far as it has been possible to do it, the Government have adhered to the wishes expressed by the Early Closing Association. They have been in conference with the Premier, and have communicated their wishes, and nearly the whole of the Bill is in accordance with the ideas of those who have taken the question in hand and have carried it on for so many years. The scheme of the Bill at first is simple. Of course a great many of the clauses are in the nature of machinery; but the essence of the Bill is contained in Part III., and when you look at clauses 16 and 20 you practically look at the whole Bill. It may be said that there is a great deal absent from this Bill; but hon. members must not forget that the Government contemplate following it up—I hope this session, because we have announced it in the Governor's Speech—by the Factories Bill, which will deal with another branch of the subject. This Bill only contemplates dealing with the matter to which it expressly relates in the preamble—the early closing of shops. No doubt there are associated with it many conditions relating to the public health that would be more suitable for the Factories Act; but it must also be remembered that we have already in force many excellent provisions contained in the Health Act, and this Bill will give those provisions greater force than they have at present. By working this Bill and that Act together you will get all the sanitary provisions that are contained in some Early Closing Acts. This Bill will particularly apply to districts where people are congregated in the cities and suburbs, with certain exemptions. What those exemptions are is not a matter of principle, and the House can deal with them in committee. I do not make any hard-and-fast rule in regard to them; but they are the best we can get from the collective wisdom of those we have consulted. If any hon. member can give any reason why any of them should be omitted, or why any others should be inserted, I shall be extremely glad to hear their views, and the House can exercise its discretion in the matter. The shops which will have to be closed at 6 o'clock in the evening will comprise most of those in the populous districts in which there is hired labour. Wherever a man takes upon himself to employ others, and the relation of master and servant is established under our laws, this Bill will apply. It does not attempt to limit the men as to what particular hours should be worked, but simply says these shops shall be closed at 6 o'clock. It leaves freedom to the employer and the employee to determine the hours of work; and that matter will be regulated by the development of new ideas like many other things. The Bill simply says, "You shall not keep your shop open for the purpose of inviting people to trade after 6 o'clock." It also says that on Saturday nights people may keep their shops open till 10 o'clock, but if they want to do that they must register a half-holiday with the inspector. In other words, if they take that time from their employees on Saturday they must make it up to them on another day. So much for men, who are generally capable of looking after themselves. Clause 20 goes further than that, and deals with young persons and women. Any hon. member who is in Brisbane on Saturday night must see how injurious it must be to the health of the community, and especially to those who are mothers, or who may

become so, for them to be trudging to their work at 7 o'clock in the morning, and have to remain there till 10 o'clock at night, when they have to leave their employers and go through the streets unprotected at that late hour. We all have sympathy with them, and every right-minded person must desire to see that this state of things shall not continue. Therefore we provide that, whatever men may do in contracting themselves with their masters, no woman or person under the age of seventeen years shall be employed for longer than fifty-two hours in a week, exclusive of such time as may be allowed for meals. This is not a hard-and-fast limit. In some places the age is eighteen years, but we think that seventeen is old enough in Queensland. This is practically eight hours a day, and it is provided that they shall not be worked for longer than nine and a half hours in any one day, exclusive of the time allowed for meals, except when by this Act a shop may be kept open till 10 o'clock. As a rule, these shops will open at 8 o'clock and close at 6; that will be a practical operation of this Bill. Then we come to the question as to how we shall apply the Bill. Is it right to place it in the hands of one man who may be administering it? That was the suggestion of the Early Closing Association; but it occurred to me that while it was impracticable to bring the referendum into operation and unwise to leave it to the ratepayers, yet we might get a fair expression of opinion from the electors in the populous districts. That is not a new idea; I suggested practically the same clause when the former Bill was before us. It would have been a difficult matter to have incorporated it in that Bill, which was based upon a different principle, but there was no dissent in the House when I suggested it. But that Bill was practically withdrawn by the Government withdrawing themselves from it. Since then the experience of the other colonies has gone in the same direction as was suggested at that time. It goes in the direction of trying to apply the local option principle—that is, referring to the electors this one simple question: "Are you in favour of the early closing of shops within your district?" There will be, no doubt, much to be said as to these different districts. Of course it would not do—it was found not to work in Victoria—to have an elective system on the basis of the referendum in municipal districts, because one district might say "Yes" and another might say "No," and you would have the shops closed on one side of the street and open on the other, which would be disastrous to the trade of those who were compelled to close. The public might take their business from them, and it would be unfair competition when one side of the street had the shops closed and the other had them open. The great difficulty is that the persons who will determine the referendum in the case of municipal councils are solely the occupiers of land. In this Bill I have gone further, and the persons who will determine this question are the persons who send us here; the persons whom we represent. Therefore, it is a small Parliament of its own, and the only question is the machinery of this Bill in dealing with that small Parliament. Have the Government introduced such a Bill as will enable the views of those persons who will be affected by the Bill to be correctly determined? The first persons who will be affected by the Bill are the 1,200 or 1,500 persons in this city, and smaller numbers elsewhere who are engaged in shops. But there are others to be considered—namely, the employers. Then there is a large number outside whose convenience has to be consulted—that is, the public who shop. I think the best way to consult the convenience of all those

persons is for the electors to say whether or not they desire the provisions of the measure to be put into force. Now, it might happen in one or two portions of the colony that the decision of one electorate would be inconvenient for the same reason as I have given in regard to municipalities, and therefore power is taken to get the decision of a district, no matter whether it may be one or more electorates. In Brisbane it would be necessary to get the decision of four or five electorates, and for that reason the Governor in Council may proclaim a certain district, and say that that shall be a district for the purpose of taking a poll. In nearly all the other populous towns to which the Bill could apply, the electorate basis for similar reasons would be the best. I know of no places, excepting Brisbane, Ipswich, and Toowoomba, in which there would be a probability of calling into operation the amalgamation clauses of the Bill. However, if there are any, this is the machinery: If 200 electors in a district say they desire that the shops should be closed at 6 o'clock, and that no shop should open after 6 o'clock on Saturday unless a half-holiday is given to the employees on some other day of the week, then those persons lodge their petition. That is the form adopted under the Municipal Institutions Act. When they lodge their petition the Minister should give publicity to it, and if no counter petition is received then the provisions of this measure should come into operation. There may be 500 or 1,000 persons who ask in the first instance, but this Bill provides that if 200 persons say they do not desire this Bill to come into operation then there is machinery provided for the taking of a poll. That is done in several other cases. It is done in connection with local government when the local authority wishes to borrow money for local purposes, and also in connection with the licensing of publicans. It is a principle well known that, where you cannot in a young colony like this make a hard-and-fast law applicable to the whole of it, the next best thing is to delegate to the local authorities the duty of deciding the question. That is the operation of the Bill, which is framed in a democratic spirit, and with a desire to find out the views of those persons affected by it. If hon. members think the Bill would be better without the local option clauses that is a matter for argument, but I think it would be an arbitrary and undemocratic thing to place in the hands of one Minister the decision as to whether these early-closing provisions should come into operation or not. Practically that is what it would be. Certain persons would ask that the provisions of the Bill should be put into force, and the Minister would have the matter in his own hands. That would never answer. This goes further and gives the Minister an opportunity which he has not got otherwise of ascertaining the wishes of the people in any particular district—whether they desire that the Act should be put into force or not. Of course I am not now going into any of the clauses of the Bill.

Mr. REID: Why not explain the clauses?

The COLONIAL SECRETARY: I generally speak on the second reading without the Bill in my hand, and I have not had it in my hand now with the intention of taking the clauses one by one.

Mr. REID: Why not do it?

The COLONIAL SECRETARY: I have referred to the various clauses connected together that constitute the general principle; but I should perhaps draw the attention of hon. members to some of the leading portions of the Bill. In the first place the definitions in the Bill are very important. The definition of "shop"

is most important. It means "any building or portion of a building where any person works for hire."

Mr. LEAHY: What does "building" mean?

The COLONIAL SECRETARY: That is well defined. It would not mean any movable place. It would not mean a cart. It means a permanent structure. "Any building or portion of a building where any person works for hire and in which goods are exposed and offered for sale by retail." That definition gave me cause for a great deal of thought, because I found there had been considerable difficulty elsewhere, but I took the last measure introduced in New Zealand and found this definition met all the difficulty so far as the principle of this Bill is concerned. I am prepared to admit that there is a great deal to be said both for and against exemptions.

Mr. LEAHY: What is the definition of "retail"?

The COLONIAL SECRETARY: Not wholesale. Then, again, there is the word "closed." That has been a stumbling-block in many of the other colonies. We define the word to mean "closed against the admission of the public." In this Bill I have not taken upon myself to say to a man of full age that he shall not work if he likes after hours at stock-taking or any of the other things which are necessary in the course of business. I have not said, "You shall not go inside the shop doors after 6 o'clock." I leave that, so far as the man is concerned, entirely to his own freedom of action. There is one thing to be said: I desire this Bill to become law. Therefore I want the House to take a first instalment of what is necessary in this particular reform, rather than, by putting in too much, lose it all.

Mr. GLASSEY: Is that a threat that if we move amendments in the Bill it will be dropped?

The COLONIAL SECRETARY: Not at all. The object of the Government is to get a good measure passed; and as this has been brought in at the instance of the Early Closing Association, with whom the hon. member has been associated, he and his colleagues will probably be able to give us some good ideas, and whatever good ideas are put forward, from whichever side of the House, I shall be willing to adopt. The definition of "shop assistant" is any person who works in a shop for hire. It may be asked, why not include all, whether working for hire or not? The principle of the Bill is that it shall apply to employees, not to others. We do not want to extend its operation to those who work by themselves, or with their wives and children, in endeavouring to get a living. The only other clause I will draw attention to is clause 5, which makes the schedule of exemptions. The proviso is rendered necessary by the fact that it has been found in the working of measures of this kind that men would carry on the exempted business, and at the same time surreptitiously in another part of the building carry on the business that should not be exempted. It is put in to stop any chicanery of that kind. I think I have now occupied as much time in opening this matter as the House cares for. I do not think it is at all necessary to ask the assistance of the House in regard to dealing with the principle of the Bill. I feel sure I shall have the sympathy of nearly everybody in the community when I say that the time has now come when, in the interests, at any rate, of the young, and of women who have to work in shops, and in the interest of others who require recreation after 6 o'clock, we should legislate in this matter. After full consideration, the Government have come to the conclusion that the Bill is necessary; and I hope that before the 1st October we shall have the pleasure of seeing, in Brisbane and some

of the populous districts of the colony, all employees enjoying their rest after 6 o'clock in the evening, and perhaps a half-holiday during the week. I now move that the Bill be read a second time.

Mr. POWERS: I am very pleased to see this Bill introduced. I thought five years ago that it was time we had such a measure, and an attempt was made at that time to pass a Shops and Factories Bill. In fact, we proceeded with it up to clause 20. I have that Bill before me now, and I am sorry to see that some of the provisions which the House even then approved of are not in this measure. I propose to refer to them later on. This also is useful as an indication that the Government are stepping on a little way. There is to be a referendum to the people as the proper persons to decide certain questions. The proposal of the Government is to submit those questions to the people.

The ATTORNEY-GENERAL: To the electors.

Mr. POWERS: It ought to be to the people. We are often told that the electors are the people. I am glad to have the admission from the Attorney-General that the electors of Queensland are not the people. The proposal, then, is to submit those questions to that portion of the people who have been allowed the privilege of getting on the rolls. In outside districts, and in some places outside the capital, that may be a reasonable way of arriving at some conclusion on those questions. But I would point out that in Brisbane or Fortitude Valley there are about 2,000 plural voters to be taken into consideration.

The ATTORNEY-GENERAL: You have evidently not read the Bill. There is only one vote.

Mr. POWERS: But some of those are plural votes. What I mean is persons who are not resident in Brisbane at all, and they would certainly exercise their right to vote.

The ATTORNEY-GENERAL: So would you. You use it as much as anybody.

Mr. POWERS: I only do what I am entitled by the law to do. If the hon. gentleman wants to refer those questions to the electors, and will insert in the clause the words "resident electors," that difficulty would be got over; and they would be the people as far as they are allowed to get on the roll. To allow plural voting would be an injustice in a matter of this kind. If the question is left to the property-holders to decide, they will say "No." We had a startling instance of that when the Factories Bill was brought in five years ago. There was an enormous petition presented by Sir T. McIlwraith, the senior member for North Brisbane, against the Bill that the Government were then introducing. The property-holders did not want it; and Sir T. McIlwraith, as the representative of the property-holders, presented that petition, and we had his opposition to the Bill. The Colonial Secretary brought in amendments on the lines he has suggested to-day. I would like hon. members to look at those amendments—there are eight sheets of them. I have myself brought in amendments covering two or three sheets, but the hon. gentleman on that occasion far surpassed me. Some of those amendments are very good ones, and if the hon. gentleman does not move them I propose to move them myself. They will certainly improve the present Bill, although as far as it goes it is a good one, as affirming the principle of the early closing of shops. Five years ago we had a petition with 17,210 signatures attached presented in favour of the Shops and Factories Bill, and another with over 4,000 signatures. In that Bill provision was made for ventilation and sanitary arrangements. I see nothing about that in this Bill. It also mentions here that a large number of children who ought to be attending school were sent to work, and we inserted an amendment to

the effect that no child under fourteen years should be employed, and that an inspector should be appointed to see that such children were not employed.

The COLONIAL SECRETARY: That is all in the Factories Bill.

Mr. POWERS: No. This is what was in the Bill: "No child shall be employed in any factory or workroom or shop."

The COLONIAL SECRETARY: That was a joint Bill.

Mr. POWERS: In reference to the Bill itself, I find that provision having been made that this voting is to take place, it is left discretionary with the Governor in Council whether a proclamation shall be made or not; and I think it would be better to have it as the hon. gentleman himself suggested in his own amendment previously—that is, to leave it to be decided by local option. In clause 20 I find that no employer shall employ any person under seventeen or any woman longer than fifty-two hours in one week, or longer than twelve and a-half on Saturday, exclusive of the time required for meals. That would mean fourteen or fifteen hours on a Saturday, including the time required for meals. In connection with the word "shop," the hon. gentleman must know that the question is whether goods are not kept in other places than those in which they are exposed or offered for sale by retail; and I think the definition should be seriously considered as to whether it includes what we wish to get at. Then the hon. gentleman says he does not want to interfere with those people who do not employ others for hire. Don't you think the majority of the smaller shops will come in under such a principle?

Mr. McMASTER: The large shops will all be closed.

Mr. POWERS: I know the objection will come in that the smaller shops are allowed to keep open without any limit at all. I want to draw particular attention to clause 4, which provides that one or more electoral districts may be declared a district for the purposes of the Act. It must be an electoral district according to the clause. If the question has to be decided whether the shops of Hughenden are to be closed or not, it will be necessary to take a poll of the whole of the electoral district of Flinders to decide the question. If you want to decide whether the shops in the town of Howard are to be closed, you would have to take a poll of a district extending from Fraser Island to Bundaberg. That is an unnecessary difficulty which I want to see avoided. In the local option clauses of the Licensing Act the difficulty is provided against by having a poll taken within a certain area of a district where necessary. It should not be necessary, for instance, to take a poll of the whole district of Maryborough to decide whether a small shop in Dundathu should be closed or not. Then, in clause 11, I think the electors should be resident electors; and the words, "No person shall vote more than once at any such poll," ought to be put into clause 15, which provides for a consolidated poll, because a district, unless it is a consolidated district, is only an electoral district. Under clause 13 the returning officer is to ascertain and declare the result of the poll, and if the majority are in favour it is left to the Governor in Council to decide whether the Act shall come in force or not. I think it ought to be arranged that where the poll is carried no further action shall be necessary. If the Minister does not intend to put the Act in force there is no use in taking a vote.

Mr. LEAHY: Suppose there is a majority of one.

Mr. POWERS: According to this Bill a majority of one should be sufficient.

The ATTORNEY-GENERAL: It may.

Mr. POWERS: Then it means that influence may be brought to bear on the Minister to induce him not to put the Act in force, though it is the wish of the majority that it should be put in force. I think this should be decided on the principle of local option. After going to the trouble and expense of taking the poll, the question should be decided without further action.

The COLONIAL SECRETARY: That would be the effect. This provides for cases like Tiaro and the Blackall Range, where one might want the shops closed, and might be out-voted by the other.

Mr. POWERS: It would be absurd to take a vote if the Minister does not intend to do what he proposes in the Bill.

The COLONIAL SECRETARY: The Minister intends to obey the poll, but he reserves to himself the power to remedy an injustice, if it should arise.

Mr. POWERS: By not obeying the poll. What I wish to point out is the necessity of providing that when the people decide that shops shall close at a certain hour it shall be done without any reference afterwards to the Minister. Clause 18 provides that "if any shop assistant be employed in the ordinary course of the shopkeeper's business in any shop not exempted under the first schedule to this Act later than half an hour after the hour fixed for closing by this Act, the shopkeeper shall be liable to a penalty not exceeding five pounds for each offence." I think that under that definition it will be very difficult to get a conviction. In clause 19 it is stated that shop assistants may, with the consent of the inspector, be employed for the purpose of stock-taking for a period not exceeding three hours in any one day beyond the ordinary working hours, or not more than forty days in any one year. That seems to me an absurdity. I do not know whether it was intended to insert "four," but forty days is an extraordinary long time to allow. Why, they will always be stock-taking when the inspector goes round. I was glad to hear the hon. gentleman say that he intends to accept amendments that will improve the Bill. Although approving of the principle of the Bill, I think it can be made a better measure than it is now; and though I shall not follow the hon. gentleman's example by flooding it with more amendments than there are clauses in it, there are amendments which I hope to see inserted before it becomes law, and if no one else moves those I have suggested I shall do so myself when the Bill gets into committee.

Mr. GLASSEY: I was in hopes that some hon. member on the other side of the House would say something respecting this Bill, and suggest certain improvements that may be necessary to make the Bill effective for the purpose for which it is introduced. The Colonial Secretary, in moving the second reading, recognised the right of the State to interfere in matters of this kind, especially where the public health is concerned. On a previous occasion when the hon. gentleman was sitting on this side he gave expression pretty strongly to similar opinions, so that there is nothing new in his remarks to-day, and I am quite sure that if he were left alone, and had had more scope and more freedom in the framing of this Bill, it would have been freer from many of the trammels and defects which it now contains. This is an exceedingly small step in the matter. When the hon. gentleman was speaking I interjected, and I repeat now, that there is very little in the Bill. The whole pith and marrow of it are contained in the 16th to the 20th clauses, and they do not say much. I do not oppose the machinery provided for

bringing the Bill into operation. I think it is a very wise and proper suggestion that the matter should be left in the hands of the people, but, like the hon. member for Maryborough, I would strongly object to a number of absentees—persons living outside a district where a poll is to be taken—coming trooping in, as they do at election times, and swamping the votes of the people who are immediately concerned. The hon. member mentioned the fact that in North Brisbane there are something like 1,900 absentees on the roll, and I think he is correct. At any rate, there are a considerable number. Now, supposing the question as to whether the shops in the city should be closed at 6 o'clock were referred to the electors of North Brisbane, do you think it would be possible to get the true verdict of the people in the electorate? I do not think it would. I have had some little experience of that electorate, and I remember very well that it was not the true verdict of the people that was declared at the last general election, but the verdict of people who did not reside in the electorate. Therefore, when the matter comes before us in committee I shall join with the hon. member for Maryborough in insisting that the question shall not be decided by absentee electors, but by the people resident in the electorate. Then if a given district decides that shops are to be closed at 6 o'clock, the very large power is left in the hands of shopkeepers of giving their assistants a half-holiday on some day in the week when business is slack, say Wednesday or Thursday, and then compelling their employees to work till 10 o'clock on Saturday night. This is a question with which I have had something to do for a considerable number of years. I have addressed many meetings in various parts of the country on the question of the early closing of shops, the providing of proper and reasonable accommodation for the persons engaged in the various workrooms, and the matter of sanitation; and I must say that my experience in the various centres of population was that I met with practically no opposition with regard to closing shops at 6 o'clock. There are, of course, some shopkeepers who oppose it, but very few. The great majority are unquestionably in favour of early closing. But this Bill, while it stipulates that the electors in any district may decide that shops shall be closed at 6 o'clock, leaves it in the hands of some shopkeepers to give a half-holiday on some slack day in the week, and then compel their employees to work on a Saturday night. That is one of the weaknesses of the Bill. The matter should be definitely decided by the Bill, or left in the hands of the electors. I was talking to-day to Mr. T. C. Beirne, a shopkeeper in the electorate in which I live, on this very subject. He writes to me as follows:—

"As one interested in the Early Closing Bill, I venture to give you my opinion concerning a clause that appears to be omitted. I mean the compulsory closing of shops every evening at 6 o'clock. If shopkeepers are allowed to keep their premises open until 10 o'clock on Saturday night the Bill might as well be abandoned, as it will do very little good to either shop assistants or employers. Speaking from my experience of twenty years in the drapery business—ten years as an employee and ten years as an employer—I can positively affirm that working under the gas in this climate is most injurious to health, and in my opinion little short of slavery."

"I would much rather work for three days of nine hours each than three hours on Saturday night, or any other night, under the gas. I am now writing to you as an employer of thirty-six shop assistants, asking you to use your best endeavours to have this clause inserted for the compulsory closing of shops at 6 o'clock on every evening during the week."

That is not only the opinion of Mr. Bierne. I have had the same opinion from many shop-

keepers of many years' standing, who are most anxious and willing to have the law invoked to compel all shopkeepers who employ hands to close at a fixed hour every evening. With respect to small shopkeepers employing only the members of their own families, I agree with the hon. gentleman that it would be a great hardship in many cases to compel such people to close their premises; but where shopkeepers employ hands, justice to the employees renders it necessary and proper that this House should insist upon compulsory closing at 6 o'clock every night in the week in such a climate as this. I trust the Colonial Secretary will accept amendments which will enforce the compulsory closing of such shops, provided the electors of the district affirm that it is desirable. With regard to limiting the number of hours of work for young people and females, I think clause 20 is not at all satisfactory; and I hope the Colonial Secretary will accept an amendment to insist upon a day of a reasonable number of hours being fixed beyond which females and young persons shall not be employed. As the Bill stands there is very little improvement in it upon the present system in this respect.

The COLONIAL SECRETARY: It provides for an eight hours day.

Mr. GLASSEY: I do not agree with the hon. gentleman when he says that this clause stipulates for an eight hours day. I notice that no provision is made for seats for female employees. This is a most important matter, and its neglect is a serious omission in the Bill. When the combined Bill for regulating the working of shops and factories was before the House, I raised this question; and the House, by a large majority, affirmed the necessity for providing seats for female employees.

The COLONIAL SECRETARY: That was in the Factories Bill.

Mr. GLASSEY: No; it is not in the Factories Bill. The importance of this matter as affecting the health of females employed in shops has been recognised in many parts of the United States, in Great Britain, and in the colonies of Victoria and New South Wales. During the sittings of the Royal Commission which took evidence in 1891 with regard to the working of shops and factories, one or two medical men gave strong testimony as to the danger to the health of females involved in their being obliged to stand for long hours, and they very strongly urged that seats should be provided for female employees. I have here a letter from Dr. Byrne, of this city, dated 10th July, in which he says—

"I consider that the long hours during which girls are compelled to work in shops—namely, from 8 a.m. to 6 and 8 p.m., and on Saturdays to 10 p.m.—are very prejudicial to their health. What makes matters worse is that they are standing all this time. Hardly a day passes that I am not consulted for a condition which is caused by these long hours."

We have also got the opinion of Dr. Little in the evidence he gave before the commission to which I have referred. In the report of the commission, at page 290, it will be found that the following evidence was given by Dr. Little, in answer to a question put by myself after a good deal had been said on this subject:—

"12743. What makes me regard the practice of standing as so injurious to women is that it causes displacement of the womb, and in this climate that complaint is exceedingly prevalent, and is aggravated by the heat. The general tone of the muscular tissue is relaxed by the continued heat, and the standing is the most unfortunate thing that a young girl can be subject to. I think it is a cruel thing to ask a young girl to stand all the time while at work in the shop. In fact, I do not know of any greater cruelty that is allowed. Then, again, of course, hemorrhoids, or piles, and constipation are brought about, and pretty equally affect both sexes. I think employers should be forced to provide

sents for young girls, for the reason I mention. I do not think we can treat the matter too seriously when we know the amount of suffering that is caused."

I do not intend to say very much more upon this Bill. Of course I welcome it as a very small step in the right direction, and the Colonial Secretary is to be commended for taking even this small step. He says he is anxious to have the assistance of hon. members to make the measure as effective as possible, and I shall be only too glad to render him what assistance I can. I may say I am disappointed in the Bill, as I had thought it would be a measure which would contain more elaborate, larger, and more liberal provisions for the protection of the health of persons employed in shops, and especially that it would have insisted, without leaving anything to the option of employers, upon all shops closing at a certain hour. I would like to have seen a provision that employees generally should have a half-holiday in each week, and that the shops should be closed at 6 o'clock every night; but knowing the mind of the shopkeepers' assistants as I do, it is probable that it will suffice if they have the liberty of referring the matter to the electors in the various localities. If the shops are closed at 6 o'clock, there may be no cavil about the half-holiday; but from my experience of both employees and employers, I can say that there is a pretty general opinion that the compulsory closing of shops at 6 o'clock is a matter of urgency. In addition to that, I think I am correct in saying that it was the almost unanimous opinion of the Royal Commission which inquired into this matter, that it was necessary to compel shops by law to close at 6 o'clock. Where it has been tried voluntarily it has failed. The giving of a half-holiday has also been tried in various places, but in nearly every instance it has soon been abandoned. If the Colonial Secretary is in earnest in his desire to make the Bill effective, I am sure he will receive the support of all the members sitting on this side. I have no desire to take up any more time; and I merely rose to point out defects in the Bill, and to ask the hon. gentleman to accept as many liberal amendments as possible, in order that it may attain the object he has in view.

**THE HON. J. R. DICKSON:** When measures of this kind are under consideration in this Chamber, I often wish that there was a larger number of gentlemen here who had been trained up to business pursuits, so that the matter might be viewed in a practical light. I very much regret the absence of a number of such gentlemen who would be able to bring their experience to bear upon the Bill, and who would be able to divest it of the large amount of sentiment with which it has been regarded. I must say that a great deal of the discussion this afternoon is pure sentimentality. The conditions of business in Queensland are not such as to demand the large amount of legislation with which we are environing and embarrassing business pursuits. I say that the business community are suffering more from legislation than any other avocation or industry in Queensland. We tax them, we oppress them, we legislate for them, we surround them with legal exactions such as those contained in this Bill, which tend to embarrass them, and keep them from even earning a livelihood—which at all times is precarious. A measure of this sort might apply to a large population, or suppose we had the crowded cities of Great Britain in our midst—supposing a Manchester, or even a Birmingham were here, and we had a large number of industrial factories; and I would be one of the foremost to lend my voice to endeavour to prevent abuses which might present themselves in connection with industrial pursuits, or with employees in large

establishments. But I say that we have not that condition of things here at present. Our shopkeepers and traders have been passing through a period of very great depression, and it must be obvious to all hon. members that outside of our more concentrated settlements—our larger towns—there are portions, even in this town, where men employed in business have necessarily to keep open for a certain time, not only to eke out a living for themselves but also to provide conveniences for the residents in the suburban districts. What will apply to Queen street will certainly not apply to the suburbs of Brisbane or of other large towns. I cannot see that the evil has at all attained the dimensions which would necessitate the introduction of a measure of this sort, with its legalised machinery of such a formidable character—such, for instance, as the having a ballot equal in extent to that which takes place in connection with the return of a member to this Chamber. All this excessive machinery is something like requiring the services of a steam hammer to drive a carpet-tack. I say the evil is so insignificant, when compared with all the formidable machinery that is provided in the Bill, that it seems a glaring absurdity. To introduce these restrictive measures in the present circumstances of the colony is a cruelty as well as a great inconvenience to the rest of the residents in the district where these shops are kept open. Depend upon it, men do not keep their shops open for the mere sake of keeping them open; and if the public did not support them during the additional hours they keep open, they would speedily close. With regard to those philanthropic men who have addressed the hon. member for Burke, and intimated that they quite approved of early closing, there is no necessity for them to keep open an hour longer than they choose. There is no law to force them to keep open, if they choose to close at 6 o'clock, 5 o'clock, or 4 o'clock.

**AN HONOURABLE MEMBER:** The law of competition.

**THE HON. J. R. DICKSON:** Why should the State interfere with the law of competition in the country like this, where trade and commerce are at such a low ebb? Any man who has had any practical insight into business in this colony during the last three or four years knows that, instead of introducing measures to embarrass and annoy people who are in business, this is a time for affording them all the legitimate assistance we can; and a measure like this is not required at all, and it will be futile in its results. The force of public opinion is such among us that any evils which may appear to exist will be speedily remedied. I believe public patronage would be withdrawn from all shops in the large centres of population which were cruel in their treatment of their employees—particularly young girls. The Bill will not affect the large shops which now close at 6 o'clock, but it will have an injurious effect upon those smaller shops which exist in the suburbs, and which I think ought to have that freedom of trade which will enable the owners of them to make a living for themselves and their families. Are we going to circumscribe the area of business in Queensland? If not, why should such a measure be brought in? In the streets of London, I admit a repressive measure of this kind may be necessary, but in a small community like Brisbane, and the still smaller communities of our provincial towns, such a measure is submitting the small shopkeepers and others to unnecessary embarrassment and privation. I think in that light it should be discarded. I take another view of the question, which I know will meet with objections from the other



side. I hold that property has its rights, and I say distinctly that this measure will be a direct blow at the value of property. No doubt that will furnish an argument for those hon. members who consider that property has no rights, or that property is theft. I do not base my argument upon such a fallacious view; but I base it upon the fact that there has been no outcry for this Bill. I have not heard of any representative being asked by his constituents if he will insist upon such a measure. It is likely to introduce an unnecessary element of disturbance into the community, and I shall not support it in any shape.

Mr. STEVENS: I cannot agree with the hon. member who has just sat down. I say that the Bill, if carried into law somewhat on the lines on which it has been introduced, will have the effect of making things fairer. For instance, those shopkeepers who now close at 6 o'clock are losing business because other people with less feeling keep their shops open till a later hour. In a climate like this, young persons especially should not be kept till late hours in close confinement, particularly in the summertime. Everybody must know what an injurious effect that must have upon their health, and I think the Bill might even go further than it does. So far as I understand it, persons who carry on their business by means of their own families and do all their own work will be allowed to keep open, while those who employ assistants will have to close at 6 o'clock. That is not fair. Why should legislation be brought in in favour of one section of traders more than another? It might be said that the Bill was brought in in the interests of those carrying on business with their own families, but I do not think the law should drive people into employing only members of their own families. The Bill professes to deal with children who are employed by other persons, but I think if they require care the members of the trader's own family also require care. Why should people be allowed to endanger the health of members of their own family more than that of strangers? The Bill should go a step further, and place them all on the same level. I am glad the Government have brought the Bill forward; and although, as the hon. member for Bulimba has said, there has been no great outcry for it lately, there has been in the past—the matter has only been sleeping. Many of those who have worked hard in the cause have given it up, as they felt they were defeated at all points, and they allowed it to drop until some more favourable opportunity. That favourable opportunity has now arisen, and I hope hon. members will support the Government not only in passing the Bill but also in making it go further in the direction I have indicated.

Mr. McMASTER: Personally, as a tradesman, I am glad to see a Bill introduced dealing with this matter, but I am rather inclined to think with the hon. member for Logan that it is rather one-sided. If the argument of the Colonial Secretary is good, that young people ought to be protected, why should a man be allowed to injure the health of his own family? I have had some twenty-five years' experience in trade, and I do not think the Bill will accomplish the end in view. What I am satisfied it will do will be to close up a number of the largest shops, and it will cause the trade to drift into the smaller ones where the family are living and doing the work themselves. The consequence will be that there will be fewer people employed in the various shops—I am speaking more particularly of the grocery trade, of which I have had most experience. I do not know how it will affect the drapery trade, for instance. As the hon. member for Bulimba said, it will inflict a great hardship upon many small

storekeepers in the suburbs and in Brisbane also, if they have to close their shops, or if one portion have to close while the other have not. There are very few shops which do not employ one or two hands. For instance, a shopkeeper may carry on the business of his shop with his own family, but he may employ a man to deliver his goods. Would that man come under the scope of the Bill?

The COLONIAL SECRETARY: He has got to shut up.

Mr. McMASTER: He will have to stop the drayman at 6 o'clock, and he will not be able to deliver his goods. Then the customer comes to complain. I tried some years ago, with the assistance of the hands in my employ, to get early closing established in the district I live in, and we almost succeeded, but there was one man in the grocery business who refused to close. However, we did not go so far as this Bill does. We wanted to close five nights in the week at 6 o'clock, and we thought we should do well if we got home at 9 o'clock on Saturdays. There is no doubt that working under the gas injures the health, and the Colonial Secretary says we ought not to injure the health of those who will become the mothers of those coming after us. I presume that it is just as necessary to protect young women working in their own shops as it is to protect them when working in the larger establishments. She is as likely to become a wife and mother from her own family as from any other shop she may be employed in. I admit at once that it would be a hardship; but I fail to see why some of the exemptions should be allowed. For instance, tobacco shops are exempted. Why? Every grocer keeps tobacco for the convenience of his customers, and every grocer has now to pay a license as well as the tobacconist. You will find there are various other articles for sale in the tobacconist's shop, and I fail to see why that exemption should be allowed. I do not wish to oppress the small shopkeeper or the widow who may be struggling to get a living to maintain a family. At the same time I can see that the Bill is calculated to do a very great deal of injury to other people, and probably to cause the employment of a fewer number of hands. The hon. member for Bulimba has said that the tradesmen of Brisbane have had quite enough to do during the last few years on account of the depression without harassing them any more. However, I think something ought to be done, and I hope when the Bill gets into committee amendments may be adopted that will meet the views of all parties. There is one provision that I think would be rather hard on the employees. If an employee kept the shop open beyond the regulation hour, he would, of course, be acting under instructions, yet he is liable to a heavy fine for doing so. I might demand my employee to keep the shop open until 7 or 8 o'clock; and if he refused because of his fear of being fined, I might say to him, "Here is your money."

Mr. REID: The inspector will see to that.

Mr. McMASTER: If there is any penalty it should rather fall upon the employer who breaks the law by giving such instructions, because a young man would in all probability run the risk of being fined rather than lose his situation. I can assure you it is much easier to lose a situation in these times than to find one. I should like to know from the Colonial Secretary whether draymen or carters would be affected by this Bill. Although the shop may be closed, the carter may have to be out for an hour or an hour and a-half after. I know my drayman is out late very often, and I cannot help it. A customer may come in late in the evening—say half-past 5—and goods may have to be carted two miles after the shop closes.

The COLONIAL SECRETARY: This Bill does not affect them.

Mr. McMASTER: I am glad to hear that. We have been informed by the Colonial Secretary that there has been a demand for many years for this Bill, but I think the people who are clamouring most for the Bill are the greatest sinners so far as late shopping is concerned. The working class are the people who do the most late shopping, and in the case of other classes they are waited upon by the young man who goes for orders, and the goods are sent to their houses. In the case of the working class the mother cannot leave the house until the father comes home to look after it and the children, and when he does come home she goes out and does the shopping. The hon. member for Bulimba referred to the right of tradesmen to close their shops at any time. No doubt I could close my shop when I liked, but trade is not so flourishing that you like to see your shop closed and your customers going to the shop next door. I have had some experience of that. I was deceived not very long ago on a holiday. The tradespeople in the Valley agreed to shut their shops on a certain day; and when they had all shut, one of them opened his shop and got all the trade. Some of my customers thought something had happened when they saw my shop closed, and of course they went elsewhere. That will be the case if the larger shops are compelled to close, and they are obliged to keep open now because the smaller shops keep open and get their customers. Eventually you will simply reverse things: the smaller shops will gradually grow and have to employ labour, and then they will have to close in their turn; so that the trade will revolve and pass from one to another. I must say that I see a difficulty in closing the smaller shops, but the difficulty may be got over when the Bill gets into committee. I hope the Government will not force the Bill through committee for some days. I have been asked to-day to move that it be postponed for some time, but I declined to do that, because, being a tradesman and being affected by the Bill, it might be thought that I did not want to have anything to do with it. On the contrary, I would be glad to get home every evening at 6 o'clock. I dare say the same trade would be done, but I am quite satisfied that, as the Bill stands now, none of the larger shops will close on Saturday night.

Mr. GLASSEY: Why?

Mr. McMASTER: Simply because we will avail ourselves of this half-holiday in the middle of the week. Saturday is pay-day, and our customers come into town to do a great deal of their shopping on that night. If the object the Colonial Secretary has in view is to protect the health of young people by preventing them from working under gas—and that is where health is injured—I am afraid this Bill will not accomplish it. That could only be done if all shops were closed at 6 o'clock on six days of the week. That is what I have always advocated, and I give every advantage of getting away early to the young men in my employ. When the chairman of the Early Closing Association was in my service, I gave him all the encouragement I could to try and get all the shops in the district closed at an early hour. But we were obliged to keep open simply because our neighbours kept open; and it will be so now. I am not going to close my shop at 6 o'clock on Saturday nights when I can keep it open by giving my hands two or three hours during the week, and that is of very little worth to the men compared with being relieved from working under the gas. In any case it would not be worth much to them. We could not close till 1 o'clock. Some of my hands live a consider-

able distance from the shop. By the time they reached home and had luncheon, what kind of a half-holiday would they have? I believe in giving men a proper holiday when you do give one. The Bill does not say that a tradesman shall prevent his men from working on public holidays. I know tradesmen who keep their doors half-closed on holidays, and have their men at work behind. That I do not believe in, and if there are to be restrictions at all it ought to be provided that no tradesman shall work in his shop on a public holiday any more than he does on a Sunday. There are many loopholes in the Bill that will have to be filled up. I myself am somewhat of the opinion of the hon. member for Bulimba that perhaps this is not exactly the time for bringing in a Bill that will harass tradesmen. I question very much whether the large tradesmen are at present in a very much better position than the small ones, and the Bill may injure them while attempting to benefit others; and one consequence may be that he will have either to reduce the number of his hands or to reduce their wages. I hope it would not be so. I am not a believer in low wages; but if the employees cannot earn a certain amount the employer cannot pay high wages.

Mr. REID: They will have to do the work within the stipulated hours.

Mr. McMASTER: I know of shops in Brisbane that do nearly all their trade after dark. I hope the Bill will not be oppressive. All I can say is: That if it is left as it is, with all those exemptions, the Bill will crush out the larger shops until the others get trade enough to employ hands, when it will crush them out too.

Mr. DRAKE: I think a Bill providing for early closing will be welcome not only to shop assistants but to a great number of shopkeepers themselves. The interesting speech of the hon. member for Fortitude Valley seems to show the necessity for a measure of this kind. That hon. member has endeavoured on several occasions to secure unanimity among the shopkeepers in his district to close at a certain time, and he has failed in consequence of some individual amongst them not keeping to the contract. To obtain that unanimity there must be some measure to regulate the hours during which shops may be open.

The Hon. J. R. DICKSON: Why?

Mr. DRAKE: Because if there is not, it is always in the power of one storekeeper to practically compel all the others to keep open. The only point I wish to refer to particularly is the way in which the 16th clause will work. It provides that any storekeeper who has allowed his shop assistants a half-holiday in each week may keep his shop open on Saturday evenings. I would point out that, if that provision remains as it is, it will be in the power of any one storekeeper practically to compel all the others to keep their places also open on Saturday evenings. In any district what a storekeeper desires is that if one closes at a certain time all the others should close at a certain time. But at the time when the poll would be taken it would not be possible for anybody to know what were the intentions of any particular storekeeper, and the poll would practically be taken on a false issue. The persons to whom the appeal is made might be desirous that all shopping on Saturday evenings should be discontinued; but one storekeeper by giving his employees a half-holiday during the week may keep his shop open on Saturday evenings, and that would compel the others to follow suit or else be placed at a great disadvantage. It should certainly be provided that within a particular area, if the electors decide that the Act shall be put into operation, that the shops shall be all open or all

closed at a certain time. If something is not done in that direction, very few people will be inclined to adopt the provisions of the Act. I do not intend to speak any further on the Bill at present. It has already been exceedingly ably dealt with by other hon. members, and I presume more will address themselves to it before the debate is finished. I understood the Colonial Secretary to say that sanitary and other regulations would be dealt with in the Factories Bill which the Government intend to introduce, and with that assurance I intend to support the Bill.

Mr. CRIBB: I would be very pleased to see a Bill brought in compelling all shops to close at 6 o'clock. I have been in trade over twenty-one years, and my experience is that the few hours I have worked after 6 o'clock have taken more out of me than all the hours of the week before. It is very close and oppressive in summer time, and when a number of people are in the place while the gas is burning they must go out occasionally to get a little fresh air. With reference to the electoral district, I think it would be a mistake to allow this to be influenced by the electors, and I can give one instance where I was interested in the business myself. We decided to close at 6 o'clock, and we advertised to that effect, but the miners of the district sent us word to the effect that if we closed at 6 o'clock they would go to Brisbane. They had no pleasure, and they liked to go to town to have a little pleasure and see some light in the streets. They were very warm on the subject, and as they particularly wished us to keep open we kept open, and we have kept open ever since. If you put this under the influence of an electoral district, you would have those who were not really interested in it voting for the thing according to the way in which they have been influenced. Why should the people who work only eight hours, and are very particular about their eight hours, say to those of us who have to work as assistants and employers—because the employers work just as well as the assistants—why should they say we must work nine and thirteen hours? If a vote were taken as to whether we should close at 6 or 9 on Saturday nights, their decision would be in favour of 9 o'clock. They like their evening trade and their evening walk. If a poll of the ratepayers were taken you would only get a vote representing property instead of getting a vote of the employees. Another thing, taking a poll will simply cause strife between employers and employed who have been working together in harmony for years. I do hope the Colonial Secretary will see his way to make this compulsory. If we are to have early closing, give us early closing, and let us all close at 6 o'clock.

An HONOURABLE MEMBER: Small and large?

Mr. CRIBB: Everyone; and I would also like to see the "pubs." close at 6 o'clock as well as the storekeepers. We are very anxious about our assistants and the hard work they have, but we say nothing about the state in which the assistants go home after spending a few hours in our "pubs." after they have finished their work. I hope that instead of this being taken to an electorate, or to a municipality, or a divisional board, it will be made compulsory. Part III. deals with half-holidays, but I do not think it says that shops are to be closed on a half-holiday. It simply says that there is to be a half-holiday, and they need not suspend work, because the storekeeper can let half his employees work in the morning and the other half in the evening. I have served my time as an apprentice and as an assistant, and now I have my time as a master, and my experience is that when we have a half-holiday it is no good to us. We have no time for recreation, and we receive no direct

benefit; but if we could arrange with employers to get a fortnight's holiday during the year, though the number of days would not be so many as the number of half-holidays would amount to, that fortnight would do more for us than all the half-holidays during the year. I am sorry to repeat that this Bill will have the effect of causing discord amongst employers and employees who have hitherto worked well together. In the firm of which I have the honour to be a member there are men who have been working as assistants for the last thirty-eight years, and if they can work for a master all that time you may depend upon it that it is very hard, as the Yankee says, to tell the master from the man. I hope that we shall have no half-holidays, and that we shall close on Sundays.

An HONOURABLE MEMBER: Sundays!

Mr. CRIBB: Yes. There is any amount of work done on Sundays, and I hope the Colonial Secretary will see that there is no work done on Sundays and none on holidays. With reference to the first schedule, which deals with the smaller shops, why should a man who is fortunate in his wife, and has a family, have the privilege of keeping his place open, when another man who is married, but is unfortunate, and can get no family, has to close at 6 o'clock? If the work is too hard and heavy for an assistant to keep at it till 10 or 11 o'clock on a Saturday night, and till 8 or 9 o'clock every other night in the week, should we coolly agree to allow a man to keep his family at it for those hours? A man would be harder and crueller with his own family than he would be with assistants, and we should not allow it. I hope that when the Bill gets into committee we shall do our best to make it compulsory to close at 6 o'clock all round. One hon. member spoke about female employees having seats, but those who have been used to the retail trade will know that it is a very hard thing to arrange for seats behind a counter. If a female assistant complained that she was tired, I have not met with a master yet who would be so hard as not to allow her to sit down behind the counter, when not required to attend to customers. But I think those who have been for some time behind a counter have found that after the first six months they could stand a great deal easier and with very little strain on the legs. With reference to the delivery of goods, it has been explained that a carter is not a salesman, so that he will not be affected by the measure. I am somewhat pleased that the Bill has been introduced. It certainly wants a few amendments, but let us all try to make it of such a character that it will not bring the employer and employee into antagonism.

Mr. FISHER: It has been generally admitted by those members who have spoken that this is not a drastic measure, and some members on the Government side have declared that it is not at all likely to have a great effect so far as the regulation of business is concerned. Before dealing with the Bill itself, I should like to refer to a remark made by the senior member for Fortitude Valley. The hon. member, when speaking of an agent employed by a master, or employer—I prefer to use the term employer—said that if the agent was instructed to keep his shop open to a later hour than that fixed by the Bill, and he refused to carry out those instructions, he would give him the sack. If that is the morality of those who are members of Parliament—

Mr. McMASTER: I did not say I would sack him. I said the master might do it; and I say so now.

Mr. FISHER: I am very glad to hear the explanation of the hon. member, because I have heard similar statements before, and it is

characteristic of a large number of people, if the law does not suit them, to get the aid of the Government to break it. And in this case we have an hon. member declaring that certain employers, whom he called masters, would do it.

Mr. McMASTER: That they might do it.

Mr. FISHER: Well, that they might do it; and I think the hon. member himself justified their action.

Mr. McMASTER: No, I did nothing of the sort.

Mr. FISHER: I am glad to hear that the hon. member condemns it.

Mr. McMASTER: I say that the clause should be taken out.

Mr. FISHER: If the clause is taken out, I hope it will not be for the purpose intended by the hon. member. He, of all persons, should insist upon a provision being carried out as long as it is law. There should be no such thing as a person abusing the power of his position for the purpose of coercing any other person; and if an employer should threaten that a shop assistant will lose his work because he refuses to break the law, I think that is about the grossest inconsistency that could be argued in any House. With regard to the Bill, it has one great defect. Though the principle of local option may be a good one for initiating a measure of this kind, I think the method proposed to be adopted under this Bill is defective, inasmuch as shopping affects more than the male class in the community. The hon. gentleman in drafting the Bill has not included the female portion of the community among those who are to be allowed to vote, though on the whole they are perhaps more affected by shopping than the males.

The ATTORNEY-GENERAL: They are the biggest sinners in late shopping, and you know that well enough.

Mr. FISHER: What I say is that this Bill will be inoperative if only those persons who are on the electoral roll are to be asked to decide the question of early closing. I think that is the gravest omission in the Bill, as far as it relates to local option. But perhaps the hon. gentleman has developed radical tendencies in prospect of something that is coming very soon, and is anticipating that at a very early date females will be enfranchised, and that they will then join with the electors now on the rolls in deciding this question. If that is so, I heartily congratulate him, but if not I think he has failed to grasp the situation. The Bill has many great defects. It certainly does not nearly come up to the New Zealand measure, which is causing no serious inconvenience at the present time. Ministers are asking from time to time that we should wait and see the experience of other colonies before passing certain measures, but I think it is not complimentary to this House that we should be always working behind other colonies—so far behind that we are almost a disjointed tail. Now that New Zealand has passed an Act of some importance I think we might come up to them.

The ATTORNEY-GENERAL: New Zealand! They have had a nice time over there.

Mr. FISHER: I know the hon. gentleman has been there, and, so far, I have not been there. I think the Bill is faulty, inasmuch as it allows too many hours to be worked by assistants.

The COLONIAL SECRETARY: It is exactly a copy of the New Zealand Bill in that.

Mr. FISHER: The hon. gentleman is quite wrong. I have got the New Zealand Act here.

The COLONIAL SECRETARY: For what year?

Mr. FISHER: For last year.

The COLONIAL SECRETARY: I have the new one, which has only just come up.

1895—o

Mr. FISHER: We were sent the Bill of last year, and it is a more drastic Bill than this is. The hon. member for Fortitude Valley spoke of the inconsistency of the Colonial Secretary in protecting under the Bill the health of employees who did not belong to the family of an employer, while fathers and mothers were permitted to employ their children for long hours if they liked. The hon. member's argument is on the assumption that a father or mother would wilfully injure the health of their children for the purpose of making gain or profit to the same extent as a private employer would do in the case of persons who were in no way related to him. Fathers and mothers will be careful of the health of their children; but when, as against that, the case of a manager of a company who is called upon to extort the last farthing from the employees for the purpose of securing a dividend for the company is considered, the absurdity of the hon. member's argument is demonstrated. The hon. member also contended that the passage of this measure would wipe out the large establishments and create a number of small shops and business places that are not now in existence. I deny that, and I deny that the catering for the public necessitates lengthened hours to meet the business wants of the people. A large number of people who have no regard for the employees in shops take advantage of the present system, and, knowing that the shops will be kept open to a late hour, neglect to go early to make their purchases; but if it was enacted that the shops should be closed at a certain time, I believe no great inconvenience would be caused to any great portion of the community, and the advantage gained by the shop assistants would more than counterbalance the inconvenience suffered by the working classes. With regard to the other statement, that the husbands do not get home in time to allow their wives to go shopping until after 6 o'clock, that is only an argument in favour of another measure to restrict the hours of labour worked by men. If that statement is correct, the sooner such a measure is introduced the better it will be for the community. We have been continually told in this Chamber that an era of prosperity has set in in the colony, and we have had the statement made in the Governor's Speech for the last three years, and yet the hon. member for Bulimba told us this afternoon that it would be a cruelty to oppress and embarrass shopkeepers by passing such a Bill as this when trade is at such a low ebb. There must be some mistake somewhere, and I do not say which statement we should believe, but I do not agree with the hon. member's contention. I do not believe that the passage of this Bill will injure trade one iota. I believe it will rather benefit trade; but it is only a preliminary measure, which must be followed up by measures of a more drastic character to protect the health of the rising generation.

Mr. CHATAWAY: After the practical speech of the hon. member for Rosewood, who knows all about business, and has had practical experience of it, the high moral sentiments of the hon. member for Gympie have fallen like a cold-water douche down our backs, making us shiver and wonder whether the hon. member is ever going to look at anything seriously or from a practical point of view. Like the hon. member for Rosewood, I regard this Bill with a certain amount of suspicion. Everybody agrees that it is highly desirable that the hours of shop assistants should be shortened; but hon. members who have spoken upon this Bill seem to have looked at it solely from the point of view of the metropolis. The Colonial Secretary talked about the wishes of the Early Closing Association, and I presume that the words he left out were the Early Closing Association "of Brisbane." I have talked to members

of one early closing association in another place, who have grave doubts whether a Bill of this sort would suit them in any way. I will tell you why: At present in a great many towns the shopkeepers have by arrangement agreed to a half-holiday on one day in each week. In Mackay it is given on Wednesday, in Cooktown and Gympie on Thursday, in Maryborough on Friday, and in other towns on different days of the week. It has been suggested to me that immediately a Bill of this description passes the class who conduct their shops with their own families, and who are specially exempted by the Bill, will feel themselves specially directed to keep their shops open, and the result will be a breaking up of the arrangement to which I have referred, the half-holiday will be lost, and the position will be very much worse than it is now. The senior member for Gympie alluded to the fact that the legislation proposed was nothing like so progressive or so drastic as that in New Zealand. Now, in New Zealand there has been three or four Factories and Shops Bills passed.

Mr. TURLEY: Two.

Mr. CHATAWAY: Two are on the statute-book, and one was before the House a few weeks ago. They have created such confusion, and have made things so much worse than they were, that it has been found necessary to bring in another Bill, and the very clause in this Bill to which the hon. member for Gympie took exception is copied literally and *verbatim* out of the New Zealand Bill. I always considered that it was the opinion of the party occupying the Opposition cross-benches that New Zealand social legislation was the acme of perfection, while their schemes in helping the bank were the high watermark of financial operations in these colonies. I was therefore surprised that the hon. member should take exception to a Bill the principal clauses of which are nearly literally taken from the New Zealand measure. With regard to the question of exemptions, I do not wish—and I am not permitted—to go into the details; but it is not very clear why a lot of the exemptions are made at all. Trades are exempted where men, with a little forethought, could provide themselves with the goods that those trades sell. A man might require for himself, we shall say, a coffin, and I do not see why undertakers should be allowed to keep open because a man has not had sufficient forethought to supply himself with that useful and necessary article.

Mr. BROWN: He does not want to buy it himself. It is other people who want to get rid of him.

Mr. CHATAWAY: It is on other shoulders, no doubt, that the necessity of burying the deceased falls, and why should not they make provision beforehand? A man may not be certain, again, at what date his stock of tobacco will run out; but I do not see why, because he has not exercised such provision as will supply him with that totally unnecessary luxury, tobaccoists' shops should have to be kept open and the shop assistants be compelled to work. Then there is another point—and this really involves one of the principles of the Bill, although it is in the schedule—the question of families being allowed to keep shops open. It appears evident that this exemption may lead to very grave abuse and to evasions of the Act. The hon. member for Rosewood has pointed out how hard it is because a man has not a family that he should be placed at a disadvantage as compared with those who have families; and I do not see why temptation should be placed in the road of a man to marry a widow with, we shall say, six children. The Bill also provides that a person, with the assistance of his wife and family, may keep a shop open. I conclude the expression "person"

also means "persons," and there is no reason why a man should not go into partnership with another wife and family, or with a man who has another wife and family, and so evade the intention of the Bill, which is that those who are employed in shops shall have a limited number of hours' work and a certain amount of holiday. I was very pleased to hear the hon. member for Gympie mention that he thought the Government were not sincere in this matter. I should have been very much disappointed if somebody on the other side had not taken exception to the introduction of this measure, and said that it was in view of the coming election, or—as the hon. member for Gympie put it—in view of an event that is near at hand. It seems to me that that and similar statements have supplied a considerable part of the speeches delivered by members on the other side on the only two measures that have been introduced this session. It comes curiously from hon. members who are always saying that they advocate measures, not men, when we find that when measures of which they approve are introduced, instead of approving of the measures, they turn round and attack the men who have introduced them. The real principles of the party in opposition evidently are to overturn the Government; but in refusing to give a hearty support to measures of which they are in favour, I do not think they will advance their object to any degree.

Mr. OGDEN: We always enjoy what the hon. member for Mackay says. He has a special mission to preach to the Labour party. His colleague has been admitted into the Cabinet, which to a certain extent has closed his volubility, and now his mantle has fallen upon the hon. member in company with the junior member for North Brisbane. They say that this side are doing all they can to turn out the Government, and when they cannot discuss their measures they abuse the men. He has just said it would be astonishing if some hon. member on this side had not said that the Government were not sincere. I doubt the sincerity of the Government, in spite of what the hon. member says. The Bill itself puts me in mind of the Jew who was fined so many marks, and because he would not pay they drew a tooth every day until he did. This is a Government tooth. The agitation for this Bill has been going on so consistently that the Government, to soothe and assuage the feelings of the people, have brought in this measure, which is on a par with the Gambling Bill brought in last night. They are going to put down gambling, and they are not going to put down gambling; they are going to close the shops, and they are going to keep them open. That may sound rather funny, but it is just what they are doing. They are going to close shops at 6 o'clock unless somebody else wants to keep them open longer. They have practically stated in this Bill what is actually in operation in Townsville, where shops are generally open from 8 o'clock till 6 o'clock. This Bill says they shall go on in the same way. If they have to work on Saturday nights they shall have a half-holiday; but that is what they do now. Here is a piece of advanced legislation by the Government.

The SECRETARY FOR PUBLIC INSTRUCTION: New Zealand legislation; Labour legislation.

Mr. OGDEN: It is Labour legislation, with the labour left out. The protection to the shop assistants is practically left out. There is one clause that gives protection to women—

The SECRETARY FOR PUBLIC INSTRUCTION: Are you against the Bill?

Mr. OGDEN: It seems that this measure is going to be opposed by Government supporters. We know that the Shops and Factories Bill was

brought in, and the supporters of the present Government were amongst its keenest opponents; and now the Colonial Secretary comes down and says, "Here is a Bill—the Government have been compelled to bring it in; they do not like it, but they will give as much as they are forced to; it is on the floor, and we do not care what becomes of it; you can amend it, and if it goes to the Upper House we will instruct them to throw it out." That is the position. I protest against a Bill which embodies urgent and necessary legislation being put upon the table in this fashion. The Cabinet which introduced this Bill consists of advanced Radicals, old-fashioned Tories, and middle-class Tories, and this is the production of them all. If they want this House to take the responsibility of the measure I would throw it back upon those who brought it in, and say: "Give us a fixed policy. If you believe in closing shops and giving early hours, give them and take the responsibility."

Mr. KINGSBURY: You are afraid of the responsibility.

Mr. OGDEN: Not a bit. I shall support the Bill, and do my best to see that it is amended to the extent to which I think it should be amended. If it passes this House it will be thrown out in another place. That is the way Bills of an advanced nature are dealt with. This is a Bill which is applicable to Brisbane alone and to scarcely any other town; certainly not to the towns in North Queensland. The Colonial Secretary said that the principle of the Bill was whether we should close the shops or whether we should say to the assistants, "You shall not work after that hour." If the Bill was to be any protection it should be said that work should cease at a certain hour. I have spoken to shop assistants regarding the Bill, and have found this: At Townsville it is the custom to close at 1 o'clock on Thursdays; but, as the hon. member for Fortitude Valley pointed out, when the assistants have got home and had lunch the half-holiday was not worth anything.

The COLONIAL SECRETARY: That is not my experience after twenty years at Gympie.

Mr. OGDEN: If a shop is closed at 6 o'clock the assistants have to get their goods in and cover them up, and we know how long that takes in a large place. Almost an hour passes before the assistants get away.

The COLONIAL SECRETARY: They cover them up half an hour before.

Mr. OGDEN: If the hon. gentleman will accept an amendment to the effect that work shall cease at 6 o'clock, there will be the principle established; but he says he will close the shops, and the Bill does not apply to the men in them. They could work inside after the doors are closed if they contract to do it. There is a permissiveness, a milk-and-wateriness, about it that is pretty much like the Government.

Mr. KINGSBURY: Trust the electors.

Mr. OGDEN: Yes; the hon. member will not trust the people. Let all the people vote, and keep the property vote out of it, then we will trust the people and have the thing put to the electors. I say the Bill should also assert the principle of protection in graduated ages. In other places where similar legislation has been attempted protection is afforded as the assistants are younger or older, but the Bill groups the whole of the assistants together, and says a child of twelve shall stop in the shop as long as a man or woman of twenty-one. I also protest against the idea that there is any sentiment in connection with this matter. There seems to me very little sentiment in working from 7.30 in the morning until 11 at night. There is very little sentiment in women having to stand in shops from 8 in the morning until 10 or 11 at night.

The COLONIAL SECRETARY: That is Townsville.

Mr. OGDEN: If the hon. gentleman watches the conduct of the shops there he will find there are more advanced conditions in Townsville than in Brisbane, and no thanks to his legislation for it. We want a principle asserted, but the Government come down and say: "If they like this they may have it, but if they like something else they must get it for themselves." The Shops and Factories Act ought to give shorter hours, better conditions of work in the shops, and generally afford protection to the young and the female assistants. I say this Bill does not do that. The Colonial Secretary has asked us to amend the Bill. If the Government will stand the amendments and give us the Bill in the shape we want it, then there may be some hope for it. We were also invited to worry the Gambling Bill in the same way, and goodness knows what other Bills there are for us to worry. If the hon. member for Mackay has any doubt about our doubting the sincerity of the Government, I tell him that I do doubt it. When I see a Bill which embodies principles which are actually in operation in most of the towns of Queensland there is room for doubt, especially when it pretends to be protection to those who will come under it. Just one more word about the small shops. I say the principle of allowing shops run by families to compete against those we are compelling to close is wrong. If there is a locality where there are three shops, and one is run by a family, we should close the three rather than let the one compete unfairly against the other two. I hope that principle will be asserted in this Bill. However, I doubt the sincerity of the Government. I doubt the hon. member for North Brisbane very much, and particularly I doubt the hon. member for Mackay. I hope this side will assist the Government in making a good Bill of it, and if the Government throw it out let them take the responsibility at the next election.

Mr. KINGSBURY: The hon. member who has just sat down doubts the sincerity of the hon. member for North Brisbane very much. I wish to relieve him from his sad condition of doubt as early as possible. I have always looked upon him as a doubter, notwithstanding his religious tendencies, and notwithstanding that he has asserted at Rockhampton that men who took less than union wages deserved to be killed. The best way to make a man insincere is to take every possible opportunity of telling him that you have no confidence in him, and when he says, "We are prepared to accept your amendments, and make the best possible Bill we can," the best reply to his courtesy is to tell him you do not believe him. There are some men who are neither gentlemen by education nor born gentlemen, and they always doubt the motives of those who desire to do their best as citizens and colonists. I believe this House was perfectly satisfied that the Government were anxious to pass a certain measure that has been passed, and yet doubts of their sincerity came from all sides of the House, and the Bill was carried on the voices. This measure, I believe, is sincerely desired by the Colonial Secretary and the majority of his colleagues. Lest the hon. member for Townsville should doubt my sincerity, I may say that I intend to vote against the second reading, and do not believe in one solitary provision of the Bill. There is not much room for doubt there. We are told that the Bill is unnecessary, as a majority of the shops in a majority of the cities in Queensland close early.

Mr. OGDEN: No, you were not told that.

Mr. KINGSBURY: In Townsville, one of the most unregenerate places in Queensland, all the shops close early. Speaking for Brisbane, all the principal shops close early. I believe 95 per cent. of the shops that would be affected by

this Bill close at 6 o'clock on ordinary evenings and 1 o'clock on Saturday. That has been brought about not by compulsion but by the spirit of humanity that is exhibited in Brisbane by employers towards their employees. Were that otherwise—were the lot of the Brisbane employee a hard lot—we would not find that the lot is sought after by a majority of those entering upon life in Brisbane. To my mind it is no matter for congratulation that life in the shop is so attractive as it is. Speaking for Brisbane, and speaking perhaps against the interests of the electors, of whom the shopkeepers form a most important portion, I may say that I look upon the shop-keeping interest as more the interest of the middleman than from any other point of view. In every class of business in Brisbane I believe we have three shops for every one we should have. I believe, if their lot and their wages were less satisfactory, those men and women would endeavour to find occupation in something that we might call production, and as a result the wealth of Queensland and its happiness would be infinitely greater than it is at the present time. But the principal blame I would put directly on our educational system. On the Continent of Europe—and the tendency is increasing in England—the idea is to impart technical education more largely. We teach our children purely mental knowledge, not scientific; and we call this fitting them for life. Their chief ambitions are to be lawyers, doctors, bank clerks, and shop assistants, or members of the worst class of middlemen, the stump orator or labour agitator. If we could only instil into our young growing population that the life of labour and production was far better than serving in shops or being bank clerks; if we could instil into them that life in the open air was preferable to life under the gaslight, we would be doing something worth doing. We could do that by lopping off at least half of what we teach in our schools.

The SPEAKER: The hon. member seems to me to be addressing himself to a subject entirely foreign to the Bill. I must ask him to confine himself to the Bill.

Mr. KINGSBURY: I am glad you have called me to order, Sir. I do not think any man ever deserved more to be called to order. Looking at the provisions of this Bill, we find that even if it is passed it is likely to be inoperative. The word "closed" is defined "closed against the admission of the public." That will admit Civil Service stores and co-operative stores, dealing only with their own shareholders, to keep open as long as they like. Under the law as it exists shareholders in a company cannot be included in the words "the public," so that a monopoly would be given to such places as Civil Service stores and co-operative stores. A shop assistant is one who works for hire. If I wanted to defeat the Act I would arrange with my shop assistants to divide amongst them, on equitable terms, a portion of the profits of the business in the form of commission or percentage. By that means I should turn them into *quasi* partners. The exemptions are illogical and unnecessary, and if the Bill passes they ought to be swept out. Why should booksellers and newsagents be permitted to keep open? Why should tobacconists' shops, and fruit shops, and vegetable shops, and such like be permitted to keep open? The exemptions cannot, I think, be justified by any man in the House. Butchers' shops are not amongst the exempted, and yet they, of all others, have the best reason to be. Amongst those who have spoken on the subject on the Opposition side of the House, there is not a single shopkeeper and

not a single shop assistant. We have had miners, wharf labourers, iron-moulders, and no less than three lawyers speaking on the Bill; and on this side two shopkeepers. How would the lawyers like that the votes of an electoral district should decide as to what hours solicitors should work their clerks under the pressure of business just before the coming on of a Supreme Court case? Would they not say it was a question which should be decided by either the solicitors or the solicitors' assistants? What right have the body of the electors to interfere? No right whatsoever. We have been told by the hon. member for Townsville that this measure should be made compulsory, and not submitted to the electors. He distrusts the electors. The leader of the Labour party has told us that a great majority of the people are in favour of early closing. He also told us he calculated that plural votes constituted 10,000 of the whole. That is 15 per cent. of the whole. Even if the whole of those votes were against this Bill, if the majority of the people were in favour of it, it still would pass by trusting the electors. But the hon. member is not in favour of trusting the electors. The people—his special friends—are not to be trusted when polls have to be taken for the closing of shops. I believe the principle of local option amongst trades themselves to be the true principle. I believe three-fourths of the trades are in favour of early closing, and that the majority of those who hold out could be induced to fall into line by persuasive efforts before compulsion was brought to bear. If compulsion is to come, let it come to trade by trade. Why should the great body of electors, many of whom know nothing of shop assistants, say whether shop assistants should work certain hours or should not? Just as well might the electors decide at what hour in the morning the farmer or the farmer's assistants should commence to work, and at what hour they should leave off. That should be decided by the class affected. I should have no objection to an Early Closing Bill decided upon by the shopkeepers and shop assistants of Brisbane. I believe there is a loyal feeling between the employers and their assistants, and that if a poll were taken trade by trade we should get early closing, and we should get it without any feeling of hurt and without the possibility of injustice. Under this Bill the possibility of injustice is very great. I have not the slightest doubt that the number of children will vastly increase as soon as the Bill is passed. I have not the slightest doubt that men will take into their partnership others who have grown-up families of sons and daughters. They will make them sleeping partners, with an interest of 2½ per cent. in the business, so that they will not have to pay wages. In fact, I believe the measure will work in every instance disastrously and injuriously amongst that section of the community that is most deserving of assistance—that is, to those small shopkeepers who have no children old enough to take part in the business, and are compelled to employ assistants. The wealthy shopkeepers, the Queen-street shopkeepers—those who do a large turnover in the year—will not suffer. Those who are struggling hard to get a living, those who during the past two years have suffered so bitterly, are those who will suffer most under the Bill. I believe it has been drafted and introduced without proper consultation with those who should have been consulted. I do not think that either the shopkeeper or the shop assistant has approved of it. I also believe it will be very difficult, if not impossible, to so amend it in committee as to make it a practicable measure. Therefore, for



safety's sake, and so that the hon. member for Townsville shall not misunderstand me, I say that I intend to vote against the second reading.

Mr. REID : I must, in the first place, congratulate the Colonial Secretary on the introduction of this Bill. I am not going to impute motives to that hon. gentleman. What his reasons were for introducing the Bill I do not care ; I am only pleased to see it before us. I know that any Government is compelled to bring in legislation when public opinion demands it. I believe the Colonial Secretary is earnest about the measure, and there is no doubt he will show his earnestness by getting it through, as he does all his other business. The junior member for North Brisbane—the only member North Brisbane has in the House at present, and I am only sorry he does not fulfil his duties to that important electorate in a better spirit—told us that the majority of the first-class establishments in Queen street close on Saturday afternoons. I say there is only one first-class retail establishment in Queen street that closes on Saturday afternoons, and nobody knows it better than the hon. member himself. His tongue must have run away with his senses. There are several wholesale places that close on a Saturday afternoon, but there is only one retail.

HONOURABLE MEMBERS : Watson and Ferguson ; Gordon and Gotch ; the ironmongers.

Mr. REID : Yes, I made a mistake. I was referring especially to the retail shops to which the general public would go if they were kept open, and I say that there is only one such shop closed on Saturday afternoons. I have taken a great interest in the early closing movement during the seven years the agitation has been carried on for the early closing of shops. It was started with the best prospects. Numbers of shopkeepers subscribed and allowed their assistants opportunities to help forward the movement. The shopkeepers were waited on, and everybody was willing to close early if somebody else would ; but the hon. member for Fortitude Valley will bear me out when I say that every effort to bring about a unanimous feeling amongst the shopkeepers in favour of closing early has failed. The hon. member for North Brisbane says that compulsion is not necessary ; but he knows very well that all the persuasion of the last seven years has failed. The last effort made by the Early Closing Association was in connection with the retail boot trade. After a great deal of persuasion they all agreed to close at a certain hour—at 9 o'clock ; and the very first Saturday night one of them was open at half-past 9 o'clock. Some of the others who saw his shop open at that time said if he kept open they would keep open too. A deputation waited on him, pointing out how he was jeopardising what had been gained by the employees, and he said, "I do not care what the others do ; I am going to keep open." The consequence was that the second Saturday there were two other shops open, and the third Saturday all the shops were open just as late as ever. There is an example of the result of persuasion and voluntary effort. One individual, through his greed, broke down the efforts of all the rest of the shopkeepers. There was an effort made just before—in connection with the drapery line in Fortitude Valley, Queen street, and South Brisbane—to get all the shops to close early, and the great majority were willing to do so ; but on the first Saturday several of those who had signed the agreement kept open, and broke their word. On the second Saturday several more kept open, and the great majority have kept open ever since, though some of those who signed have closed early all the time. Then the grocers were attempted, and the hon. member for Fortitude

Valley will bear me out when I say that he has always been willing to close early if the others would do so ; but within a stone's throw of his place there is a shop that will not close, and everybody else has to work late in consequence. This is not as drastic a measure as some would liked to have passed, but I believe it is an honest attempt to deal with a very difficult question. I know from experience that the question of exemptions is a difficult one to deal with, and it has been pointed out already by the hon. member for Rosewood that one shopkeeper with a large family will be able to keep open, while his neighbour, who has to hire assistance, will have to close. But whatever line you draw in dealing with exemptions, there are sure to be difficulties. I thought that if any person opposed the Bill it would be the hon. member for Bulimba ; and now we have the hon. member for North Brisbane stating that he will oppose it in every shape and form. But between the hon. member for Bulimba, who represents what we may call the freetrade interest—allowing the individual to do as he likes—and the hon. member for North Brisbane, who may be taken as a typical shopkeeper opposing the Bill, there is another element to be taken into consideration, and that is public opinion : I mean the people who use these shops, the people who own them, and the people they employ. I know that the majority of shopkeepers in Queen street are in favour of early closing by such a measure as this, because they know from experience that it is the only way they can get it. The hon. member for Bulimba says he is very anxious not to interfere with the rights of the public or the rights of property. I will look at the matter from the property point of view first, and would ask the hon. member in what way the rights of property are going to be interfered with by this Bill ? There is not a shop in Brisbane that sells products that are not consumed by the community, and whether the shops are closed early or late the public will buy those products. If they cannot get them at 9 or 10 o'clock they will get them before 6. There is, therefore, no interference with the rights of property, because the public will continue to consume just the same amount of products as they have hitherto consumed. Because a shop is closed early, people are not going without those things. With reference to the small storekeepers in the suburbs, that is another very ticklish question to deal with. The hon. member for Fortitude Valley stated that the present big shops will be closed under this Bill, and that people will then be driven to the small shops, which will become big shops. Well, as soon as the small shops employ anybody they will have to close early under this Bill. The hon. member seems to be anxious that the small shops should be closed as well as the large shops, and I believe that even the closing of small shops in the suburbs is necessary. A great deal has been said about housewives not being able to get out to do their shopping. That is a very old fairy tale. The majority of members in this House have more or less belonged to the working classes, and a good many belong to them now, so that one is just about as well acquainted with their peculiarities as another. I have belonged to the working classes ever since I was born ; I know just as much about them as anybody else ; and I say that there is no housewife, except under the peculiar conditions of illness in the family, who cannot go out to shop at almost any time she arranges to do so, and get anything that may be required for the household. I do not know how many in Brisbane are kept waiting at home for their husbands, as stated by the hon. member for Fortitude Valley ; but the reason why a good many have to wait until their husbands come



home is easily explained. A great many employers in Brisbane, instead of paying their employees on a Friday night or at midday on Saturday, do not pay them till some time on Saturday afternoon. The Early Closing Association has on several occasions approached employers, and even appealed to them through the Press, to pay on a Friday. I know the difference between getting paid on a Friday and getting paid on a Saturday. When I was at work receiving weekly wages, and got paid fortnightly on a Friday, as soon as I ceased on Saturday at 12 o'clock I had the rest of the afternoon to myself. A great deal depends on employers as to whether shopping is done early or late on a Saturday, and I am glad to say that paying on a Friday or Thursday obtains to a much greater extent now than it used to do.

Mr. McMASTER: Why don't they do their shopping on a Monday?

Mr. REID: I will tell you one reason why. There are many in Brisbane, almost hundreds, who, when the week ends, have very little money left—I am speaking now of the average working man—and the wife has to wait till the husband comes home. He is left in the afternoon with the children while the wife goes out shopping. I have worked for employers myself who, instead of paying their men promptly at mid-day, have kept them hanging about for two or three hours, sometimes till 4 o'clock, and when they got home and had tea it was after 6 o'clock. These are small difficulties, which can easily be overcome, if employers will pay on Friday or sharp at the hour for knocking off on Saturday. It would make very little difference to an employer to do that, as he could easily make arrangements with his bank to get his money on the Friday, or to get a draw on account of the work, as the case may be. The hon. member for Bulimba says this legislation is sentiment. Most of our social legislation is more or less sentiment, and many people are led to support certain measures because their sympathies are appealed to. If this argument against social legislation is allowed to have weight, then one-half of the statutes on our book should be wiped out. But even the hon. member for Bulimba, cool and philosophical as he may be, has as much sentiment as the average man; and while sentiment may approve of this measure we are not going to pass it with our sentiment, but with our reason. I believe the Colonial Secretary is sensible of the evils that exist in shops, and I was pleased to hear him state that he has a Shop and Factories Bill to introduce after this. I shall not complicate the early closing of shops with the Factory Bill, but when the latter comes before us I shall deal with it on its merits. I have not been in shops shopping at late hours, but I have several times had occasion to go there to see some of the employees. I would ask the hon. member for Bulimba, even from a sentimental point of view, to go into some of the retail shops in Brisbane on a Saturday night about Christmas time, and he will admit that between the heat of the gas and the crowded state of the shops the air must be foul enough to almost kill healthy men. Knowing something of the subject, I say you cannot cure that by ventilation, on account of the way these places are constructed and the expense it would involve. The real way out of the difficulty is to see that the shops are closed. The air in them is hot enough and foul enough to kill an average man, and we can from that think what its effect must be on half the young girls engaged in these shops. The small wages most of them receive must be taken into account to know what they live on. They come in to work after a poor breakfast; and with a bit of bread and a cup of tea at dinner-time, and another go of bread and tea at supper-time,

they stay on in the shops until 9 and 10 o'clock at night. When the poor food they are able to get out of their small wages, and the foul air they have to work in, are taken into account, it is astonishing that more of them are not laid up. I am speaking of things I have seen, and I know it is necessary that this Bill should pass. I am glad that most of the speeches that have been made, even by men who are themselves shopkeepers, are in favour of the Bill, though some exception has been taken to the exemptions. One of the matters likely to give rise to difficulty, both to the Colonial Secretary and the shopkeepers, is the half-holiday which it is desired should be given. I think the difficulty of fixing the day for the half-holiday might be got over in this way: When after an appeal has been made to electors it is found that they are in favour of early closing in a particular district, that district will be proclaimed under the Act, and it will be known that the shopkeepers will have to close their shops. The shopkeepers might then be appealed to, and if the majority of them decided that a certain day should be fixed for the half-holiday, the Colonial Secretary or whoever is administering the Act should fix that day, and should also fix the hour at 12 o'clock or 1 o'clock, as the case might be, at which the holiday should commence. If it is left to one shopkeeper to fix one day, and another to fix the next, the result will be that there will be no half-holiday given at all. The hon. member for Fortitude Valley knows that. Suppose he shuts to-morrow, and someone up the street closes the next day?

Mr. McMASTER: My hands will get their half-holiday all the same.

Mr. REID: The hon. member's hands will get their half-holiday all the same; but if the hon. member sees his customers going up the street to the other man's shop, or if the other man sees his customers coming down the street to the hon. member's shop, that arrangement will not continue for long. The day and the hour should be fixed by the majority of the shopkeepers in a district proclaimed under the Act, and then that should also be enforced as the half-holiday. In connection with the hour for closing, I trust the Colonial Secretary will see his way to fix it at 9 o'clock instead of 10. Some shopkeepers would keep open until 1 and 2 o'clock on Sunday morning if they could, but the majority will be satisfied to close at 9 o'clock, and the majority of the Queen street shopkeepers who signed the agreement have kept to 9 o'clock. I would like also to refer to the time at which servant girls should be allowed out to shop. As a rule they do not get out but one evening in the week, and that is after supper, about 7 or 8 o'clock on Saturday nights. That is the only time they are allowed out to shop, and if their employers would allow them out for two or three hours in the afternoon they would give assistance to the early closing movement, and the shopkeepers would suffer no inconvenience or loss. There have been other objections brought against the Bill, and I notice that the liberal measures introduced by the Government have been most strongly opposed by members on their own side. But though they get up and criticise them, we know it is only talk, and they will not vote against them. Therefore, I believe that now that the hon. members for Bulimba and North Brisbane have got rid of their speeches to please their friends the Bill will be allowed to go through, and they will not even vote against it. The majority of the people outside are in favour of the Bill, and I hope the Government will persevere with it. They will, by passing this Bill, render a great service to the shopkeepers and

their employees, and if they give them the Bill they may get their votes at the next elections so far as I am concerned.

Mr. CROSS: I am glad to see this Bill, and I hope the House will pass it and make it better if possible. I believe the Colonial Secretary is, in this Bill, meeting, so far as he could, the wishes of the deputation that waited upon him some time ago. Some of the provisions of the Bill are very valuable, but in some parts of Queensland compulsory early closing would act very harshly indeed. In Clermont the shops are kept open to supply things to men who have to come in three, four, and five miles to make their purchases; and especially in mining townships, where the miners are at work the whole of the day, and have no time to go to the nearest store, and to whom a loss of time is a loss of money, it would be a harsh measure to close the shops compulsorily. In the larger towns every effort should be made to close shops as far as possible, as the public have a fair amount of time for making their purchases. If the wives of those who are organised in unions had only been loyal to their professions, I really believe that a great deal of the need for the Bill in some places would not exist. In fact, the worst sinners with regard to late purchases are the wives of men who could, if they chose, make their purchases earlier. The condition in life of the shop assistants is an element in connection with this Bill that deserves careful consideration. One or two hon. members have mentioned it, and I think that if a majority of this House were familiar with the lives of shop assistants—and especially female assistants—they would pass the Bill, and do what they could to alleviate their condition. Independent of the smallness of their wages—and to me it is wonderful how a large number of these female shop assistants are able to keep their heads up, and be honest, their wages are so scandalously low—it would be a very great relief to a large number of them if they could get away from business and have that opportunity for recreation which everyone ought to have. If the public of Queensland would make an effort to carry out the provisions of this Bill, very little hardship would be experienced. I know there are some instances in which the Bill will deal rather hardly with certain shopkeepers. I know two or three in Queen street the principal portion of whose business is done after 5 or 6 o'clock at night. Whether the general welfare of shopkeepers in the community should be made to stand aside for those men is for this House to decide; but I am told by one business man that he can show from his books that the operation of this Bill will be simply disastrous to him; that he will be forced out of business altogether, as the principal portion of his takings come in after 5 in the evening, and from that hour until 9 and 10 o'clock at night. I may say that the number of such shops is very small, but at the same time nothing should be done to harm any individual or destroy his means of living, if it can be avoided. The permissive clauses, taking all things into consideration, are a very good thing to start with. The Bill is an experiment, and I hope the House will do its very best to pass it through, and get it on the statute-book in such a form as will be conducive to the best interests of the community. With regard to the exemptions, a few of them ought to be struck out. In the case of tea and coffee shops, fruit and refreshment and vegetable shops, restaurants, and eating-houses, they appear to be very much one class, and one or two of them might be struck out. For instance, fruit and refreshment shops and vegetable shops seem to be very much the same thing. Retail chemists and druggists ought to be kept in, and restaurants and eating-houses,

and probably hairdressers; but undertakers, booksellers, and newsagents shops should not be exempted at all. I have here a little volume bearing the imprimatur of the Government Printer of New Zealand. It contains the labour laws of New Zealand—namely, the Factories Act of 1891, the Factories Act Amendment Act of 1892, the Shops and Shop Assistants Act of 1892, the Employers Liability Act of 1882 and the Amending Acts of 1891 and 1892, the Workmen's Wages Act of 1884, the Truck Act of 1894, the Contractors and Workmen's Lien Act of 1892, and the Servants' Registry Offices Act of 1892. I hope that this Bill will be but the beginning of a number of similar labour laws in this colony, and that the time will come when we shall be able to exchange copies of our labour laws with them in the volume like this. At all events, the Bill is a step in the right direction. It is entirely new legislation, and it is an experiment worth trying. I hope that the House will put its best work into it, and will lick it into the best shape possible, and that next year good results will have been derived from it.

Mr. TOOTH: I am thoroughly in accord with the principles of the Bill, and shall give it my hearty support. I am one of those who thoroughly believe in eight hours' work, eight hours' play, and eight hours' sleep. I not only preach that doctrine, but I carry it into practice in my workshops. From the peculiar definition given by the Colonial Secretary of the term "close" I take it that this Bill will in no way affect the foundries in regard to the working of night-shifts or overtime; otherwise it will be a distinct hardship on that particular department of trade. At present both foundries in Maryborough have to work overtime to keep pace with the orders, and if the Bill should put a stop to that there is not the slightest doubt that those foundries would have to let a lot of orders go by. There are many points in the Bill I should like to touch upon, but, as they have already been dealt with by previous speakers, it would be mere repetition on my part, and I wish to avoid that; but there is one clause in the Bill upon which I wish to say something, and that is the clause with reference to any woman or person under the age of seventeen not being allowed to work more than fifty-two hours a week. As far as females are concerned, I would like to see a clause in the Bill saying that they should not be employed in any capacity before 8 a.m. or after 6 p.m.; but as regards boys under seventeen, especially in the iron trade, it would in many instances be against the interests of the boys themselves. There are many lads of seventeen who not only consider themselves men, but who, to all intents and purposes, are men. My experience—and it is a long one—is that lads generally go into our workshops at the age of fourteen. I dare say it is well known to hon. members that in the iron trade the work is often done in gangs. In boiler-making, for instance, there are a boilermaker, two riveters, and a boy in each gang. That boy is almost of as much importance in a gang, although he only heats the rivets, as the man who hammers them in. If the gang work overtime, as they have very often to do, especially in the case of breakdowns, that lad will be prohibited from learning a very important part of his trade, because boiler-makers scarcely ever have to make repairs in the shop—they are nearly always outside, and the work has to be done overtime. If they are debarred from going out more than fifty-two hours in a week, it will inflict a great hardship upon those men. You must understand that if those men work twelve hours at night they will receive eighteen hours pay for it. I may also say that I hope the Government will make the Bill apply to this House.

Mr. GROOM: I think the hon. member who has just sat down has not read this Bill, because he has been arguing in regard to things that are not contained in it. The Bill does not deal with foundries or workshops, but simply with retail shops; and I should think that it is intended to apply more to large places like Brisbane, Rockhampton, and Townsville than to the more scattered places in the interior. So far as Toowoomba is concerned, I may say that the retail shopkeepers have solved the difficulty themselves, and have come to the conclusion to give their employees a half-holiday on Wednesday. I am very glad to say that they have loyally observed that arrangement, and the one or two who stood out at first have since come in. This half-holiday is given on the understanding that the shops are kept open till 10 o'clock on Saturday nights. The hon. member for Burke says that is the trouble; but in Toowoomba, Saturday night is the most important time of the whole week. The streets are crowded then, not perhaps for doing business, but to see what is going on, and it is considered a pleasant recreation. As I say, the provisions of this Bill are carried out there without any legislation at all, and I may say the same of Warwick and Charters Towers, and several other places. Why they have not done it in Brisbane I cannot understand. I should think it would be to their advantage to do it. I cannot see any force in the objections which have been urged against the Bill by the hon. member for Bulimba and the hon. member for North Brisbane. It seems to me that the Bill is founded upon reasonable and well-thought-out principles, and I shall give it my hearty support. It is voluntary; if the electors do not want to come under its provisions they are not forced to do so. I believe circumstances have arisen in Brisbane which render it absolutely necessary for some such Bill as this to be passed, and I have been honoured with correspondence from the secretary of the Early Closing Association in Brisbane which convinces me of the absolute necessity for this Bill, and I should be wanting in my duty as a public man if I did not recognise the justice of the claim that the shop assistants here have set up, and help the Colonial Secretary to pass the Bill into law. I supported the second reading of the Factories Bill introduced by the late Mr. Macrossan because I thought it was a very necessary measure; but that Bill went further than this, as it was not optional. I think this Bill would be better if it were made compulsory; but there may be reasons for having it in the form in which it is. The voice of the people should be obeyed upon all occasions. One or two amendments have been suggested to me by persons in the trade who are well able to form an opinion upon the matter, and I shall endeavour to get them printed and circulated, so that hon. members may see the direction in which they tend. They will not interfere with the main principles of the Bill, but will give assistance to tradesmen where they think no arbitrary restriction should be placed, particularly with regard to sudden calls made upon them at hours of the night owing to deaths in families and so on, where it is absolutely necessary that some assistance should be given. However, that is a matter of detail which I will bring under notice in committee.

Mr. KERR: I am in favour of this Bill, because I think it will be for the benefit of the storekeepers. There are some who have doubted the wisdom of closing shops at 6 o'clock on Saturday nights; but the experiment has been tried at Blackall of closing the shops at 1 o'clock on Saturdays, and if they can do that in a western township, where people travel so much, we ought

to be able to accomplish it in Brisbane and in the more thickly populated places. I hope this Bill will reach a class of storekeepers who do not like to close their places of business, and that is the Chinese. In every place in the colony you will find Chinese storekeepers and bakers and drapers, and they keep their shops open on Saturdays and Sundays too. Those employers who make their employees work on their half-holiday ought to be severely dealt with, as there can be no doubt that the half-holiday is evaded. The Colonial Secretary must remember an instance which occurred in Rockhampton, where the matter created so much friction that the police magistrate had to be removed. Some employers there kept their men working the whole half-holiday after the doors had been closed. I trust there will be some amendment brought forward in committee making it a penal offence against the employer to employ his men when it is a half-holiday. We must take into consideration that there are some employers who are so greedy that they will work their employees any number of hours, and that they will endeavour to evade the Act. I think the Colonial Secretary deserves every credit for having brought forward this Bill. It may not be all that is wanted by the shop assistants, but I am satisfied they regard it as a step in the right direction, and, as the old woman said, "You must be thankful for small mercies." I think if early closing can be so successfully carried out in the small townships, there should be no difficulty in larger towns. Then, again, the question has been raised that it is the labouring class who are the greatest sinners in the matter of late shopping. I think the hon. member for Toowoomba struck the right nail on the head when he pointed out that if the employers in Brisbane and other large centres of population paid their men on Friday—a practice which is common in England and elsewhere—the men would be enabled to take their money home, and their wives could purchase what they required on Saturday. I have no doubt that that would be a great benefit to the men and a great advantage to the honest trader, because we have only to look at some of the articles offered for sale in some of the shops that are open of late hours on Saturday and other nights, and we must come to the conclusion that there is a large amount of shoddy sold in those shops. The people who wanted to purchase goods would then see them in the daylight, and would not be mizzled in the gaslight, and it would be to the advantage of all concerned. I trust that when the Bill gets into committee the amendments to be brought forward will be met in a kindly spirit by the Colonial Secretary, and that we will endeavour to turn out as good a measure as possible.

Question put and passed; and committal of the Bill made an Order of the Day for to-morrow.

#### SUPPRESSION OF GAMBLING BILL.

##### COMMITTEE.

Clauses 1, 2, and 3 passed as printed.

On clause 4—"Interpretation"—

Mr. DAWSON thought it was necessary to include an interpretation of "charitable institutions," as there was nothing in the clause to explain what was meant by eleemosynary or charitable institutions. If no definition was inserted it would be exceedingly difficult to determine when a sweep or bet was illegal. It might easily be said that in the case of a banking institution, which not long ago held a consultation under the distinguished patronage of George Adams, the consultation was got up for a charitable purpose. In the opinion of other people it might be a pure and absolute gamble. There were many forms

of gambling that might be deemed charitable by those engaged in them, but which might be differently interpreted by the Supreme Court if a case should arise out of them.

The ATTORNEY-GENERAL said he could not give a better definition of a charitable institution than that it was an institution for purposes of charity. But in any case the hon. member had better wait until they reached the 14th clause.

Mr. POWERS suggested that the word "marbles" should be inserted, as the drawings in all the big consultations were conducted by means of marbles.

The ATTORNEY-GENERAL said that as the marbles were numbered this would be met by the words in the clause, "numbers or figures." The clause had been very carefully considered; and if any form of drawing should be considered to be excluded because it was not specially mentioned, there was the drag-net clause at the end which would reach it.

Mr. HARDING asked whether the clause would prevent members of recognised racing clubs from betting in their own rooms?

The ATTORNEY-GENERAL replied that the Bill did not prevent one man betting with another.

The Hon. J. R. DICKSON said the definition of the term "place" led him to believe yesterday that any private house where bets were made or where games of chance were carried on would come within it. Certainly if a man's private house was to be invaded by detectives to see whether a social party were enjoying a game at which it would be very much to be deprecated. He should like to understand whether the term "place" included a private house where a bet might be made.

The ATTORNEY-GENERAL said that "place" meant a public place to which the public were invited to bet with the owner or occupier, not a private dwelling-house.

Mr. POWERS did not think the words "an enclosed building or premises, whether upon land or water," complete without the word "vessel," so as to include punts or ships.

The ATTORNEY-GENERAL said he had no objection to an amendment to that effect.

Mr. RAWLINGS asked whether the game of "two up" was included in the definition of the term "lottery"? He understood that after all the game was not illegal, and he got his information from an older man than the Attorney-General.

The ATTORNEY-GENERAL said he must have misunderstood what was the hon. member's particular game. He thought it was a sort of game that came under the Vagrant Act. If it was a legal game the Bill did not touch it. Illegal games came under the Gaming and Wagering Act and the Vagrant Act.

Mr. JACKSON asked whether the term "place" included a mine? Possibly miners deprived of the facilities at present existing for gambling might go down into a mine to gamble.

The ATTORNEY-GENERAL said that, if the Bill passed into law, anyone who drew a lottery down a mine would find himself in a hole.

Mr. McDONALD asked whether there was anything to prevent the promoters of sweeps from engaging a vessel and drawing sweeps out at sea, as had been done at Melbourne?

The ATTORNEY-GENERAL said that the Parliament of Queensland had no power to make laws relating to anything which might be done more than a marine league from the coast-line; still he would not advise anybody to charter a vessel for the purpose of drawing a sweep, as the consequences might be awkward.

Mr. KING asked whether "devil's pool" or "black pool" would be prohibited by the Bill? Three or four friends might want to go into a billiard-room and have a game.

The ATTORNEY-GENERAL said that if it was in the nature of a game of billiards it was not included in the Bill.

Mr. BROWNE thought there was more in the point raised by the hon. member for Kennedy than the Attorney-General seemed to think. He had known men to go into an old disused tunnel, on the suggestion of the sergeant of police, to gamble. He said he could not arrest them, because he did not consider that the tunnel was a public place within the meaning of the Act.

The ATTORNEY-GENERAL said that place would come under the Act.

Mr. FISHER asked whether a travelling wagon would come under the provisions of the Bill?

The ATTORNEY-GENERAL said that would be included.

Mr. HARDING asked if the Bill would not stop people from playing a game of cards?

The ATTORNEY-GENERAL said the Bill did not deal with playing cards at all.

Mr. LEAHY said there was no game by which more money changed hands than that referred to by the hon. member for Woothakata—the game of "two up." There were some parties at Cunnamulla who got two months for playing the game; but they applied for a prohibition, which was granted by the late Chief Justice, who said that coins of the realm were not instruments of gaming, and that the game was not illegal.

The ATTORNEY-GENERAL: We are not dealing with gaming in this Bill.

Mr. LEAHY said he had seen as much as £50 lost on the toss of two coins, and if that was gaming it should be stated whether coins were instruments of gaming or not.

The ATTORNEY-GENERAL was perfectly willing to give what legal help he could to hon. members on a subject connected with the Bill under consideration; but that was not a measure dealing with gaming, or cards, or the various other games hon. members spoke of. The whole point in the definition of a "lottery" was that, if it was a scheme or device for the distribution of property by lot or chance, it was illegal. It did not matter whether the instruments used were legal or illegal. If they were dealing with an amendment of the Gaming or the Vagrant Act the point which had been raised would be in place; but it was not in place under that Bill.

Mr. LEAHY said the point was raised by the hon. member for Woothakata and not by himself; but as he understood the Bill did not deal with the subject it was all right.

Mr. OGDEN asked whether betting in a house was illegal, and betting outside legal?

The ATTORNEY-GENERAL replied that the third part of the Bill dealt with betting-houses, and the Bill did not deal with betting except in betting-houses.

Mr. OGDEN said the definition of a "lottery" included the distribution of property by lot or chance, whether by the throwing or casting of dice or by means of any wheel or "trained animal." Would it not be possible under that to show that it applied to the distribution of stakes on a "trained animal"?

The ATTORNEY-GENERAL: That interpretation is impossible.

Mr. OGDEN said the clause showed a wonderful amount of inconsistency, as while it made it illegal to bet inside a house, or to run a consultation, it allowed betting outside.

The ATTORNEY-GENERAL said that was exactly the speech he would have expected from the hon. member. He never said when introducing the Bill that it was intended to put down all

forms of gaming and wagering, but that it was a measure for the suppression of a particular form of vice; and if the hon. member was as consistent as he professed to be in his support of a measure for the suppression of gambling, he would assist in passing the Bill. If it was not stringent enough, let him introduce clauses making it more stringent, and they would be considered on their merits.

Mr. McDONALD was pleased to hear that the Bill will not prevent the playing of the game of nap, because he remembered an instance up North where a person of some social standing was stopped playing that game in a public-house by the publican bringing in a policeman. Now, persons occupying a high social position would be able to have a game of nap in peace and quietness.

Mr. JACKSON noticed that the word "place" meant any house, etc., "whether upon land or water," and would like to know if that applied to a balloon?

The ATTORNEY-GENERAL said gambling in a balloon would be perfectly illegal.

Amendment inserting the word "vessel" agreed to; and clause, as amended, put and passed.

Mr. DUNSFORD proposed that the following new clause be inserted after clause 4:—

The Governor in Council may by proclamation in the *Gazette* declare one or more electoral districts to be a district for purposes of this Act.

If that clause were agreed to, he intended to submit a scheme exactly similar to the local option part of the Shops Early Closing Bill, the second reading of which had been passed that afternoon. The verdict on the Bill might be safely left to the sovereign people; and if, under the local option clauses, by which he proposed to follow up the amendment if it was accepted, the people said, by their votes, that they desired to have the Bill in force in their district, they could have it enforced; and if the majority in a district thought otherwise, they would not have it enforced. The principle had been approved of in the Early Closing Bill, and they would not do wrong in bringing it into the Gambling Bill also. It would be the insertion of the thin end of the wedge of the referendum and the initiative by the people.

The ATTORNEY-GENERAL said the hon. member in moving that clause intended to test the opinion of the Committee as to whether local option should be permitted in connection with that Bill. If the Committee carried that clause the hon. member need not trouble himself any further as to the introduction of the local option clauses to follow it, as he would move the Chairman out of the chair, and refuse to proceed any further with the Bill. A more absurd proposition he had never heard of. It would permit people to gather together in a particular district, vote themselves out of the operation of the criminal law, and set up a local Monte Carlo, which no doubt would be highly profitable to property-holders in the place. On one side of a line a thing would be a meritorious act that on the other side of it would be a crime punishable by law. Though the hon. member had referred to the matter on the second reading he could not believe him serious, and in any case he hoped the Committee would treat the amendment seriously, and reject it. If not, he would be no party to the creation of an Act of Parliament that would allow gambling to go scot-free in one portion of a town, and be considered an offence and a crime in another portion.

Mr. RAWLINGS would not be in the least disgusted if the Bill was dropped. Everybody gambled, and he did not see why they should not have a little gambling. So far as he knew there was nothing particularly immoral in it, and it

was the Bill that would make it a crime. He was prepared to support the latter part of the Bill referring to infants, as he considered it expedient to pass that; but he would support any amendment that would have the effect of knocking out the first part of the Bill.

Mr. CROSS would say nothing of the practicability of the amendment, but he could see no reason why the Attorney-General should have become so fearfully righteous in the matter. The hon. gentleman objected that the amendment made a thing criminal in one district and not in another, but the Bill itself made one form of gambling a crime, and allowed other forms which were more respectable perhaps, and were practised by the nobility and gentry, to go free. He could see no reason why a distinction should be drawn between gambling on sweeps and gambling on the Stock Exchange, in land jobbing, on the totalisator, or in "Calcutta sweeps" in an hotel the night before a race. The Bill was an interference with the liberty of the subject, and characteristic of the laws they were making in the colony, and he could see no reason for the Attorney-General's indignation at the amendment. The hon. gentleman might have accepted it, because, of all measures that had ever been introduced into that Committee, that was certainly the most hypocritical and canting. He echoed the sentiments of the hon. member for Woothakata—that he did not care whether the Bill was dropped or not, with the exception of the last part, as there was great need for legislating in that direction.

Mr. DAWSON was surprised at the anger manifested by the Attorney-General. He could not see how the hon. gentleman could say that the proposed amendment would draw an invidious distinction between the different parts of the colony. The hon. gentleman would not have the hardihood to tell them that it was not a fact that locality had a great deal to do with conceptions of what was moral or immoral. As to making invidious distinctions, the very essence of the Bill was that it drew a distinction between forms of gambling. It aimed only at consultations, while bets made with bookmakers or with the totalisator were quite as vicious. If the effect of the amendment would be to destroy the Bill, it would have done some good. There was no necessity to apply the local option to the fourth part of the Bill, as they were unanimously in favour of that portion.

Mr. BELL said the senior member for Charters Towers at first blush appeared to have raised a very nice point, but it did not bear investigation. Locality might have a good deal to do with convenience, but it certainly had nothing to do with the consideration of a question of morality. As members of Parliament they could not say that one phase of morality should prevail in one portion of the colony, and another in another part of the colony. They should remember that they had the authoritative statement of the hon. gentleman in charge of the Bill that if the amendment were carried he would move the Chairman out of the chair, and they knew perfectly well that the hon. gentleman would do so. They should therefore bring the discussion to a close, as it could only be futile.

Mr. McDONALD judged from the remarks of the hon. member for Dalby that the Committee could be bullied into accepting a Bill if a Minister of the Crown threatened to withdraw it if a certain amendment were carried. That was not the correct thing; it was not wise to threaten to withdraw a Bill that was calculated to do a certain amount of good. The Minister in charge of a Bill should try and meet them in a friendly spirit. He believed the junior member for Charters Towers had brought forward his amendment in all sincerity, and it should be discussed in that light. Instead of the

Attorney-General talking about its stupidity and absurdity, he should have endeavoured to show in what respects it was stupid and absurd.

Mr. BELL said every member acquainted with parliamentary practice knew that when the Minister in charge of the Bill declined to accept an amendment, and indicated his intention of moving the Chairman out of the chair if the amendment were carried, the matter was at an end. Before they could alter the procedure in that respect they would have to recast the laws of parliamentary government. He recognised the sincerity of the hon. member for Charters Towers, and if he were in that hon. member's place he would either move the Chairman out of the chair himself or else withdraw the amendment.

Mr. HARDAIRE said this was the first time this session that they had had an intimation from the hon. gentleman in charge of a Bill that if an amendment was not withdrawn he would drop the Bill. There were several instances of that last session, and it was time that mode of procedure was altered. Bills should not be withdrawn as if they were resolutions. He could not say he was altogether in favour of the amendment, because after what had been said by the Attorney-General it did seem impracticable; it might concentrate the whole of the evil in one district. But it ought to be proved that the amendment was inadvisable, so that the Committee might deal with it, and not let the Attorney-General be the sole judge.

The CHAIRMAN: I would remind the hon. member that the question before the Committee is that the new clause stand part of the Bill. I trust that he will confine his remarks to that question.

Mr. HARDAIRE: There was a great difference between the way in which the principle was dealt with in this Bill and in another Bill. In one case the principle was to be forced upon the people, while in the other it was not. The amendment might be unworkable, but there was a good principle in it which did not deserve denunciation.

Mr. DAWSON declined to accept the suggestion of the hon. member for Dalby that he should substitute "convenience" for "morality." Ideas of morality differed. Among the Shakers, for instance, it was immoral to marry, but in Salt Lake City it was not immoral to have as many wives as a man could afford to keep. He hoped the Attorney-General would consider the distinction he was setting up between the people of the colony, and he would like to know upon what principle he made one class criminals for doing a thing which others were allowed to do with perfect freedom. The hon. gentleman might as well bring in a Bill to say what particular kind of hat or clothes a man should wear, and it was an unwarrantable infringement of the liberty of the subject.

The ATTORNEY-GENERAL said this was not the stage to ask questions in regard to the principle underlying exemptions in clause 14. The question was the clause moved by the hon. member for Charters Towers. Anyone would think, from what had been said, that he was in a violent state of indignation, but he was not; he had merely said he did not believe in the amendment. He did not say that if it were not withdrawn he should move the Chairman out of the chair, but that if it were carried he should do so. There was no bounce about it, but he was not going to waste time in discussing a clause that hon. members admitted would be impracticable. The only matter they should discuss was the amendment of the junior member for Charters Towers, and if that was carried the Bill would be withdrawn. The senior member for Charters Towers thought that to some extent the standard of morality was regulated by locality, and he

instanced the Shakers. That meant that marriage with them was a failure and a crime, and it was a very unhappy illustration. It would be a peculiar state of things if a new Marriage Act were brought in permitting bigamy, trigamy, or polygamy in different parts of the colony. It might lead to an increase of population in some parts, or it might have the opposite result. At all events they would exhibit themselves to the world as a very peculiar people if anything of the kind were allowed.

Mr. WILKINSON said if the principle proposed by the junior member for Charters Towers could be taken in conjunction with the referendum he should be inclined to support it, but without it he thought it would be rather foolish. It certainly would not prevent those outside the narrow limits where gambling was allowed from taking part in the gambling. He hoped to see the totalisator knocked out altogether, because he recognised it as a form of gambling as evil in its tendency as consultations. If the hon. member insisted on his amendment he should vote against it.

Mr. JACKSON was astonished at the way in which some Labour members were treating the Bill. He thought the Labour party ought to welcome a Bill of that nature, which in a way was a socialistic measure, but instead it had been met in a hostile spirit. The Government deserved well of the country for the legislation they had introduced so early in the session. He hoped the Labour party would in no way obstruct the Bill because there was real need to do something to stamp out gambling.

Mr. GLASSEY had clearly intimated on the second reading that he favoured the Bill as a whole, although there were clauses to which he took exception which could be dealt with later on. He would respectfully ask the hon. member for Charters Towers to withdraw the amendment, believing, as he did, that it was not wise to propose it at the present time. There could be a great deal said in favour of local option, but he did not think it could be applied in the present case.

Mr. DUNSFORD said if he withdrew the amendment it was only because he was requested to do so by his leader, and not because of any threats on the part of the Attorney-General. It appeared that the amendment was not to be decided on its merits, but was to be thrown out simply because the Attorney-General threatened to withdraw the Bill if it was carried. It seemed very strange that what was good for the drink traffic and for early closing was not good when applied to gambling. If they drew distinctions between districts in the matter of the drink traffic, he failed to see why they should not do the same so far as gambling was concerned. He felt sure that if one corner of the colony desired to allow gambling, and it afterwards became an evil, it would be very soon thrown out again. He desired to trust the people wholly, and if the people desired the measure, as the Government said they did, they would prove it by their votes. In deference to the request of his leader, he would withdraw the amendment.

The ATTORNEY-GENERAL said that after the speech of the hon. member he did not think it would be right to allow him to withdraw his amendment. The hon. member said he would withdraw it out of respect to the hon. member for Burke, and not on account of the threat of the Attorney-General. He (the Attorney-General) had plainly intimated what the result of the vote of the Committee would have on his action. He was not going to have it said that it was by reason of a threat of his that the amendment was withdrawn, and he wanted to see what the opinion of the Committee was on the subject.

Mr. FISHER did not agree with the remark of the hon. member for Kennedy that the Labour party, in discussing the amendment, were doing so in order to wreck the Bill. He himself did not believe in the amendment. Still, it was a good thing to listen to members' honest convictions, so that by their criticisms and suggestions they might arrive at the best possible conclusions. He believed the measure to be good in principle, and that it would leave the Committee much more perfect than it entered it.

Mr. DANIELS said the Colonial Secretary stated last night that "marriage is a lottery," and with local option certain districts might be asked to declare whether marriage was punishable or not. He wished to know whether marriage, as a lottery, would come under the Act.

Mr. DAWSON said the Attorney-General was labouring under a misapprehension. His colleague had stated that he withdrew his amendment in deference to the wishes of the leader of his party—surely a commendable thing to do. He also said that his proposal would not be judged upon its merits because of the threat that its acceptance by the Committee would kill the Bill. That was perfectly true, and he did not think the Attorney-General would deny it. If members thought more of the Bill than of the amendment they would vote against the amendment.

The ATTORNEY-GENERAL said his wish was that the Committee should judge the amendment on its merits, and that was why he objected to its withdrawal. If it was carried he should consider there was no merit in the Bill at all.

Mr. CROSS considered that the amendment was in perfect keeping with the object of the Bill. He would not take second place even to the hon. member for Kennedy in a desire to put down gambling, but he had already given his reasons for objecting to that particular way of putting it down. The action of the Attorney-General was in perfect keeping with the action of the Government.

The CHAIRMAN: I must ask the hon. member to confine his remarks to the question before the Committee.

Mr. CROSS said he had a right to reply to the comments of the Attorney-General, and to state that he was doing within the Committee what the leader of the Government would do at a Cabinet meeting if a member of the Government did not act in unison with him: he would ask him to send in his resignation. In the same manner the Attorney-General told the Committee that if they did not agree with him the whole thing would go to the wall.

Mr. OGDEN thought the Attorney-General might allow the amendment to be withdrawn. He intended to vote against it straight. His attitude with regard to the Bill last year was perfectly straight, and it was straight this year also. What he wanted to do was to put down gambling. What the Government were trying to do was to put down one form of gambling and turn it into another channel.

Mr. RAWLINGS said he did not think the Attorney-General was bouncing or bullying the Committee.

The CHAIRMAN said that "bouncing and bullying" was not a parliamentary expression.

Mr. RAWLINGS said he would withdraw the word "bullying." He did not think there was any attempt on the part of the Attorney-General at bouncing the Committee with regard to the clause; but after the intimation he gave to the effect that if the amendment were carried he would throw up the Bill, it seemed to him that the amendment could not be decided on its merits, and the hon. gentleman might allow it to be withdrawn.

Mr. BROWNE said the last half-hour had shown that there was intemperance in other things as well as in drink. This amendment had led to some warm words on both sides. He did not agree with the amendment, which he considered was quite impracticable; and he thought he could see one reason why it would place hon. members in an awkward position. Brisbane would be made a proclaimed district, in which gambling would not be allowed, but in the outside electorates it would be allowed. Hon. members would go to their electorates to get tickets as soon as possible, and as soon as they came to Brisbane they would be proceeded against under the Act. No doubt the Attorney-General had that in his eye in opposing the amendment, because he did not want to see hon. members arrested for surreptitious or spurious gambling. He thought the hon. member might allow the amendment to be withdrawn.

The ATTORNEY-GENERAL said he had used no warm words, and he had not heard any other hon. member use warm words. The junior member for Charters Towers said he had no opportunity of testing the opinion of the Committee on the clause, and he (the Attorney-General) refused to allow it to be withdrawn so that he might get an expression of opinion.

Mr. McDONALD said the reason why the junior member for Charters Towers stated that he could not get the amendment treated on its merits was because the Attorney-General had said that if the amendment were carried he would withdraw the Bill. Personally he wanted to see the Bill passed.

New clause put and negatived.

Clauses 5 to 8, inclusive, put and passed.

On clause 9, relating to missing-word competitions—

Mr. GLASSEY said he knew that a great number of young persons had been induced to enter into these competitions, and in many instances with very good educational results. He had no personal experience in these things, but when living in the north of England he had seen the advertisements and results in the *Newcastle Weekly Chronicle* for a long series of years. Certain prizes were offered, but he did not think there was any gambling attached to those competitions. He would like the Attorney-General to say whether he believed that there was gambling in those competitions, and that a clause of that kind was required to stamp them out.

The ATTORNEY-GENERAL replied that there was not the slightest doubt that those missing-word competitions were gambling as at present carried on, and, worse than that, they were dishonest swindles.

Mr. DAWSON said it was as well to point out the number of quicksands there were in the Bill. He believed that the reason why the totalisator was made legal was that they were a source of revenue to jockey clubs, and enabled them to breed and keep a number of fine-bred horses. A missing-word competition was a source of revenue to many newspapers; and he thought that if a choice was to be made between the spread of literature and horse-breeding, it should be in favour of literature.

Mr. BELL said that depended a good deal on the kind of thoroughbred horse and the kind of literature. He would much prefer a thoroughbred horse of a certain kind to a certain class of literature that was circulated in the colony. The Bill aimed at a perfectly definite and practical thing—that was, the stamping out of the most palpable and crying evil of sweeps and consultations. There was no reason whatever, when those

consultations were wiped out, why some future measure should not be aimed at the totalisator, but unquestionably the totalisator did not present the same necessity for legislation as sweeps and consultations. He was not aware that racing clubs kept thoroughbred horses, or that the totalisators were in the slightest degree necessary to the breeding of thoroughbred horses. He knew that more thoroughbred and better horses were bred in the colony before a totalisator came within its borders.

Mr. BOLES said it was not correct that totalisators were a source of revenue to racing clubs, at any rate as far as the provincial districts were concerned, but they had been the means of improving the moral tone of a great number of people, and of eradicating a human scum from several racecourses. He was inclined to think that the clause they had just passed would stop what were known as "Calcutta sweeps," which were drawn the night before the race. He would be sorry if that were so, as there was no immoral tendency in them.

Mr. GROOM said no doubt the Attorney-General had seen advertisements in newspapers offering a prize of £50 to be divided among those who came nearest in finding out the number of "e's" in, for instance, the book of Nehemiah. Those competitions had been proved to be downright swindles, but he thought they would hardly come under the clause dealing with the missing-word competitions.

The ATTORNEY-GENERAL said the clause was, as the hon. member suggested, primarily framed to meet the missing-word competitions; but he would consider the matter referred to by the hon. member, and if any alteration were necessary he would make it afterwards.

Mr. OGDEN asked whether the hon. gentleman intended to deal with the newspapers in which missing-word competitions were advertised, and which were, as a rule, a poor class of papers?

The ATTORNEY-GENERAL said that a slight alteration of the wording of the next clause would cover the matter the hon. member had pointed out. Referring again to the question raised by the hon. member for Toowoomba, he assumed that what the hon. member referred to was purely a swindle, and not in any way a matter to be decided by lot or chance. He was doubtful whether it came within the scope of the Bill. It was more a matter of false pretences. It was merely a promise to persons foolish enough to send money that if they did so they would get something in return. He would consider the matter further.

Mr. McDONALD asked whether the clause covered cases in which people were invited to count, say, the number of "e's" in the *Courier* of a given date. That was different from the missing-word business.

The ATTORNEY-GENERAL: I do not think it would come under clause 9.

Mr. HARDACRE suggested that the cases referred to would be covered by the insertion, after the word "whatsoever," the words "or the number of any event or fact."

The ATTORNEY-GENERAL said they had now reached about the usual time for adjourning, and he would move the Chairman out of the chair. It was possibly better not to pass that clause that night, and he would look over the points that had been raised.

The House resumed; the CHAIRMAN reported progress, and the Committee obtained leave to sit again on Tuesday next.

The House adjourned at twenty-six minutes past 10 o'clock.