

tion Act shall not apply to this Bill. That section provides that what is done under a repealed statute before its repeal shall continue to have effect after its repeal and, in the opinion of the Solicitor General and others, unless the effect of that section were taken from this Bill, there is the possibility that the limitation of the period of reference would be ineffective from that cause.

New clause put and passed.

Progress reported.

House adjourned at 5.50 p.m.

Legislative Council.

Thursday, 11th March, 1913.

	PAGE
Leave of absence	2810
Bills: Coal Mine Workers (Pensions), Com.	2810
Public Authorities (Retirement of Members), returned	2822
Adjournment, special	2822

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

LEAVE OF ABSENCE.

On motion by Hon. W. J. Mann (for Hon. C. B. Williams), leave of absence for six consecutive sittings granted to Hon. J. Cornell (South) on the ground of private business.

BILL—COAL MINE WORKERS (PENSIONS).

In Committee.

Resumed from the previous day. Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Reciprocating States (partly considered):

Hon. H. S. W. PARKER: Just before the adjournment yesterday, I stated that I opposed the clause on the ground that I did not think reciprocity with the Eastern States was necessary. Possibly so far as Queensland, New South Wales and Victoria are concerned, there might be some reason for reciprocity, but I cannot see any reason for it here, especially in view of the number of coalminers employed in the various States, the figures being: Western Australia, 723; New South Wales, 14,900, Queensland 2,240 and Victoria, 1,700. It does not seem to me that there should be reciprocity.

Hon. G. W. Miles: Especially with all the strikes going on in New South Wales.

Hon. H. S. W. PARKER: We do not want reciprocity of that kind. This particular clause has the effect of making the pensions scheme Federal in character. It means that all States in which coal is produced on a commercial scale combine to give pensions to miners. That is purely a Commonwealth matter, but it has never been brought forward at any Premiers' Conference nor, so far as I know, is it suggested in the Commonwealth Powers Bill. If it is desired that there shall be reciprocity as regards pensions, I suggest that this is not the Bill for it. This is a Western Australian Bill, which should deal with Western Australian miners only and with the conditions that pertain here, which are admittedly entirely different from those prevailing in the Eastern States.

The CHIEF SECRETARY: I cannot subscribe to the views expressed by Mr. Parker. As I have already told the Committee on numerous occasions, the one object behind this Bill is to provide that the whole coalmining industry of the Commonwealth shall be provided with a pensions scheme for those who are employed in the industry. It is recognised in every part of the world that once a man becomes a coalminer he is always a coalminer. Very seldom indeed do coalminers leave the industry for some other occupation if they are still able to carry on as coalminers.

Hon. L. Craig: Many leave Collie.

The CHIEF SECRETARY: There is a movement from time to time from one coalfield to another and reciprocal arrangements as between the States are necessary in order that a coalminer who may have been employed in New South Wales for 20 years and be qualified in every respect for a pension when he comes to Western Australia and is employed in a coal mine here for a few years, shall not lose the benefit of the pension rights he has already earned in the industry. This clause does not provide that every coalminer in New South Wales shall be entitled to a pension if he comes to Western Australia. All it does is to provide ways and means whereby an agreement can be entered into between the respective States to make provision for the reciprocal operation of the several pension Acts. When that has been accomplished along the

lines indicated in the clause, another provision sets out that agreements have to be made out regarding the individuals concerned. For instance, if a coalminer had been employed for 20 years in New South Wales and for only five years in Western Australia, the apportionment of the pension paid to him would have to be determined as between the two States. There might be a dozen or more alternatives, each of which would have to be the subject of agreement between those affected. If the clause is read in the light of my explanation, it will be found impossible to place upon it the construction suggested by Mr. Parker. Naturally, there is no question about reciprocity with regard to strikes, which was mentioned by Mr. Miles.

Hon. G. W. Miles: The men should lose their right to a pension if they go on strike.

The CHIEF SECRETARY: The hon. member can deal with that phase at the right time.

Hon. C. F. Baxter: Is not this the right time?

The CHIEF SECRETARY: The fact that there may be 15,000 miners in New South Wales and only a few hundred in Western Australia has nothing whatever to do with the question. In the event of a big development in the coalmining industry in Western Australia, it might be necessary to import large numbers of miners from the Eastern States.

Hon. L. B. Bolton: Do not get them from Sydney!

The CHIEF SECRETARY: On the other hand, we might have a surfeit of miners here and the services of many of the men might be required on coalfields in the Eastern States. Unless we made provision for reciprocal arrangements as outlined in the clause, it would possibly be difficult to persuade a miner to leave a coalfield, where he had worked for 20 years and practically qualified for a pension, and go to another State where he might work for a few years and find he had forfeited his pension rights. The clause is on all fours with sections in the Queensland and New South Wales Acts—

Hon. G. W. Miles: The Bolshevik States where they are having strikes all the time. That is no argument!

The CHIEF SECRETARY: I might retort to the hon. member that his suggestion furnishes no argument. Such talk will not get us very far.

Hon. C. B. Williams: That beer strike at Marble Bar is still rankling in Mr. Miles's head.

The CHIEF SECRETARY: I suggest that Mr. Miles forgets that phase. It is becoming an obsession with him, although I admit he is entitled to his opinion. What he refers to has nothing whatever to do with the Bill. In equity I do not see that we can do otherwise than agree to the clause. The suggestion advanced yesterday that the miners of Queensland, New South Wales and Victoria might be able to force upon this State conditions that would not be at all desirable is hardly worthy of consideration. It simply could not happen. As a matter of fact, the arguments used in opposition to the clause would not hold water.

Hon. L. CRAIG: I cannot see much wrong with the clause. The number of miners in New South Wales compared with those working here has nothing to do with it at all. If we accept the principle of pension rights for mineworkers, we should go further and agree to the provision for a reciprocal arrangement as between the States that will enable the apportionment of pensions to be allocated, as indicated by the Chief Secretary. Surely it would not be right for a miner after working on the coalfields for many years and almost becoming entitled to a pension to be deprived of that right because he went elsewhere to work in the industry.

Hon. A. Thomson: Suppose he worked for five years, that would entitle him to a full pension here!

Hon. L. CRAIG: If that man were to proceed to New South Wales to work in the coalmines there it would be a matter of arrangement between those concerned in that State and the people here as to the respective proportions of the pension to be paid to the man. We have agreed to the principle of a pensions scheme, and we should also accept the provision for reciprocal arrangements.

Hon. G. W. MILES: I hope the Committee will not agree to the clause. In view of the actions of coalminers in the Eastern States we should make no provision for reciprocity with them—none whatever. The Chief Secretary says that that is no argument; I say it is an argument. The behaviour of the coalminers in New South Wales is a disgrace to Australia and makes one ashamed to regard himself as an Australian. This House should not agree to

any reciprocity with miners in the Eastern States. The Bill should contain a clause setting out that if the miners went on strike that would constitute a breach of faith and would debar them from pension rights.

Hon. G. B. Wood: Move accordingly, and we will support you later on.

Hon. G. W. MILES: I hope there will be no reciprocity with the renegades of the coalmining industry in the Eastern States. It would be an insult to the Collie miners if they were placed in such a position. Some of the renegades might come here from the Eastern States and cause the same trouble as they have in the industry elsewhere.

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

Ayes	..	..	..	13
Noes	..	..	..	10

Majority for	3
--------------	----	----	---

AYES.

Hon. C. R. Cornish
Hon. L. Craig
Hon. J. M. Drew
Hon. F. E. Gibson
Hon. E. H. Gray
Hon. E. H. Hall
Hon. W. R. Hall

Hon. E. M. Heenan
Hon. J. G. Hislop
Hon. W. H. Kitson
Hon. T. Moore
Hon. C. B. Williams
Hon. W. J. Mann
(Teller.)

NOES.

Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. J. A. Dimmitt
Hon. G. W. Miles

Hon. H. S. W. Parker
Hon. H. Seddon
Hon. A. Thomson
Hon. G. B. Wood
Hon. F. R. Welsh
(Teller.)

Clause thus passed.

Clause 5—Employment after sixty years of age prohibited:

Hon. H. SEDDON: I move an amendment—

That Subclause (1) be struck out.

We have no right to prevent a man from working if he wants to work. To some men in the coalmining industry compulsory retirement at 60 would be a great hardship, as they have obligations; in fact, their position would be serious.

Hon. W. J. MANN: It is well recognised that but for the advent of the war some action would have had to be taken to remove men from industry at 60 or thereabouts, in order to cope with the tremendous unemployment problem we had. The present clause I regard as one of the best features of the Bill. I intend to move for the insertion of a new clause providing that the miner who has reached 60 years may remain in the industry for the duration of the war and a short period thereafter. The Minister has

already intimated that the Government will not proclaim the present clause until after the war, and so I do not think he will object to my proposal. After the war there will have to be a wide survey of aged persons in employment, and retirement at 60 is one of the methods that will have to be applied.

Hon. C. B. WILLIAMS: I support the clause, understanding that, later, something further will be moved. Our desire is to retire men from the coalmining industry after reaching the age of 60. They are then unfit to work underground. A railway employee is retired at 65.

Hon. H. Seddon: Railway employees get pensions.

Hon. C. B. WILLIAMS: Do navvies?

Hon. H. Seddon: Yes.

Hon. C. B. WILLIAMS: I have known hundreds of men to be retired from the railway service without a bob. In fact, some have had to go into other occupations in order to obtain subsistence. Work underground means more or less climbing uphill and down dale, whereas men in the railway service have daylight wherever they work—or at least electric light. The idea behind the clause is that men may have to be retired at the age of 60 years. I can see everybody aged 55 being withdrawn from employment after the war. Very few men who work underground at the age of 60 are worth half the wages they receive. How can the older men compete with the younger ones in regard to output?

Hon. L. CRAIG: This Committee has altered the definition of "mine worker," so that the coalminer is now a man who is working underground.

Hon. H. S. W. Parker: No.

Hon. G. W. Miles: You think you have altered it.

Hon. L. CRAIG: This Committee thinks it has been altered.

The Chief Secretary: With one or two exceptions.

Hon. L. CRAIG: This clause does not prevent a man who has been working underground from working on the surface, but he would not then be employed as a miner. In the circumstances, I think it would be wise if the Committee accepted the clause.

The CHIEF SECRETARY: I propose to accept the new clause of which Mr. Mann has given notice, but I appeal to the Committee to leave this clause as it stands. The

Bill applies practically only to underground workers, with one or two specific exceptions. Members will find that the clause contains provision for the kind of case referred to by Mr. Seddon, in that the tribunal will be enabled to deal with individuals, give them exemption from the operation of the clause, and lay down the conditions under which that exemption is granted. The coalminers themselves want this provision for retirement at the age of 60. If that industrial body, speaking for the whole industry, agrees that such a provision is necessary, why should we object to it? If there is no compulsory retirement at a certain age, why the necessity for the payment of pensions? A fairly large proportion of our coalminers does not consist of young men. I can visualise that five or six years hence most of those employed in the industry will have reached the age of at least 50. Probably most members agree that the underground mine worker who passes the age of 50 is not as good a worker as is the younger man. The main consideration is the production of coal, which largely depends upon the physical fitness of the miner. Production has been reduced in recent years because there is a greater proportion of older men engaged on this work than was formerly the case. The Government has announced that this portion of the measure will not be proclaimed until after the war. I have already stated that Mr. Mann's new clause will be accepted, and that will be a guarantee that this part of the measure will not be applied until after the war.

Hon. H. SEDDON: We have no right to prevent any man from continuing his employment if he wishes to do so. Later on I propose to move that it be made optional for men to retire on reaching the age of 60. If a person is accustomed to a certain occupation he can carry on for a long while because he is trained to do that particular job. Some men of 60 are as active as are others of 50, while we know that some men of 60 are as incapable of work as are those of 70.

Hon. W. J. Mann: That does not apply to coalminers.

Hon. H. SEDDON: As long as a man is able to do his work I am prepared to allow him to do it.

Hon. H. S. W. PARKER: As a rule we hear that employers are anxious to throw people out of work. It is nice, therefore,

to hear from Mr. Williams that some employers are prepared to continue allowing people to work for them although those people can only do half as much work as the younger employees. Why should not a man be allowed to continue his work if the employer will put up with him? There is a lot of selfishness in this proposal. The miners say that at 60 they should receive a pension and that on reaching that age they can walk out of the industry if they like, but they say to the railway employees, "You must wait until you reach the age of 65 years before you can retire." The correct compromise is that suggested by Mr. Seddon, who wants to make the retirement optional with the employee. Mr. Mann suggests that after the war no one over 60 years of age will be allowed to work.

Hon. W. J. Mann: I did not say that.

Hon. H. S. W. PARKER: I am afraid it is the inference I drew. Mr. Mann said that no one should be allowed to work after reaching that age because the younger men want to be assured of employment. We are told that this is an occupation at which no one wants to work. Why make room in it?

Hon. W. J. Mann: What are you going to do for coal?

Hon. H. S. W. PARKER: What we have in the past—use volunteers! With all the stories of hard conditions, there have always been plenty of men.

Hon. T. Moore: They are not slaves.

Hon. H. S. W. PARKER: Furthermore, as Mr. Moore interjects, they are not slaves.

Hon. E. M. HEENAN: As Mr. Seddon pointed out, there is a principle involved, but I take a different view from his. Mining, whether coalmining or goldmining, is an occupation which has a big effect on the miner's life. A person who engages in it is not as good a man at the end of his working days as a man who has worked all his life in the fresh air above ground. We should establish the principle that anyone engaged in mining in the bowels of the earth should not be allowed to carry on beyond the age of 60 years. Some will want to carry on and earn money; perhaps they may badly need money, but society should provide for them. There are plenty of other occupations that a man can follow at 60 years of age.

Hon. C. B. WILLIAMS: Prior to the war there were not many men of 60 years of age working even in the big stores in Perth, and how many men on the trams were 60 years

old? Mr. Seddon knows that in the gold-mining industry eight or ten years ago the Yangee managers in this State would not employ men over 50 years. With the shortage of labour they employed a sprinkling of older men when they found that the younger ones did not have a proper knowledge of the work. That is the position in goldmining, and coalmining is not much different. What is the use of passing the measure if we are going to allow selfish old men to remain in the industry? Mr. Parker should know that any man of 60 years of age, providing circumstances are right, can get the old age pension.

Hon. H. S. W. Parker: I do not agree with that.

Hon. C. B. WILLIAMS: Then I am teaching the hon. member something. Providing the man is resident 60 years—

Hon. G. Fraser: He has to reside 20 years only.

Hon. C. B. WILLIAMS: A man of 60 years of age in this country can get the old age pension. Why should I have to listen to half-truths? This measure is to rid the industry of the old men and make use of the younger men.

Hon. J. G. HISLOP: There is a remarkable conflict of ideas and ideals. Certain of us believe that a man should be allowed the right to work after he is 60 years old. Certain of us believe that he should not have that right. I think that perhaps some compromise could be adopted. If Mr. Seddon's amendment is agreed to, a worker will be able to continue in the mines after he is 60 years of age. A man of that type may be a danger in the mine. Because of his financial responsibilities he may desire to continue his employment, although not physically able to cope with the work. The Chief Secretary might consider this suggestion that, if we accept Mr. Seddon's amendment, we should give the tribunal the right to retire a man on certain grounds, such as for physical reasons.

The CHIEF SECRETARY: If at any time it can be said that a particular clause is really the Bill, it might be said of this one. The whole Bill has been built up around the idea of the compulsory retirement of coalminers at the age of 60. It is admitted that some men of 60 years of age would perhaps be physically fit to carry on for a

little longer. It is also admitted that generally speaking, coalminers are not, at that age, the workers they previously were. I have no doubt that the idea of retiring men at 60 years of age will meet with the approval of the companies or employers in that they will not be forced into the position of giving employment to men who cannot give 100 per cent. service. There is another angle, too, from the employers' point of view, namely, that men above the age of 60 are, when working underground, perhaps more prone to accidents than younger workers. The proposal Dr. Hislop asks me to consider is a reversal of the position as provided for in the Bill, which says that the men must retire at 60 unless the tribunal orders otherwise. What the doctor wants me to do is to agree to reverse that position and say that men may work as long as they like unless the tribunal certifies that certain men over 60 years of age are not fit to carry on. I am not going to put that onus on the tribunal. The Bill is based on the idea of the retirement of miners at 60 years of age with the exceptions to which the tribunal can agree. I ask the Committee to accept the clause as it stands.

Hon. H. SEDDON: The argument advanced by Mr. Williams shows that at the time he referred to men regarded it as a severe hardship that they had to be retired at the age of 60 years.

Hon. C. B. Williams: They got no pension.

Hon. H. SEDDON: I regard it as a similar hardship on a man who has to cease the work in which he has been engaged, upon reaching the age of 60 years. The best compromise would be that suggested by Dr. Hislop. We must consider the attitude of the employers. The Minister, in the course of the debate, has pointed out that once a coalminer, always a coalminer. Therefore the suggestion about a man taking another job after he reaches 60 years of age goes by the board.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	12
					—
Majority for	..	..	..	..	1
					—

AYES	
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. R. Burton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. A. Thompson
Hon. J. A. Dimmin	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. H. Seddon
Hon. J. G. Hyslop	(Teller.)

NOES.	
Hon. C. R. Cornish	Hon. W. H. Kilson
Hon. L. Crute	Hon. W. J. Mason
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. L. Roche
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. E. M. Heenan
	(Teller.)

Amendment thus passed.

Hon. H. SEDDON: I move an amendment—

That in line 4 of paragraph (a) of Subclause (2) the words "shall be retired" be struck out and the words "may retire" inserted in lieu; and that in the same line the word "shall" where it occurs for the second time be struck out.

This will make it optional for a man to retire.

Amendment put and passed.

On motions by Hon. H. Seddon, paragraph (b) of Subclause (2) and the proviso consequentially amended.

The CHAIRMAN: Does the hon. member intend to move his amendment to strike out paragraph (c), of which he has given notice?

Hon. H. Seddon: No.

The CHIEF SECRETARY: I wish to draw attention to the position that now exists. The Committee has adopted the principle that a man over 60 years of age may be permitted to work if he wishes to do so. Yet the hon. member would retain the paragraph providing that a man above the age of 60, if previously employed as a mine worker, shall not be so employed. That seems contradictory and I am wondering whether the principle mentioned is involved.

Hon. H. SEDDON: I do not suppose that any man above 60 years of age who was not previously working in the industry would be seeking employment of that kind.

Hon. C. B. WILLIAMS: A surface man might want to take work underground. Mr. Seddon's amendments alter the whole sense of the Bill, but notwithstanding his amendments he is not prepared to allow a man of 60 who has been a coalminer to re-enter the industry. Mr. Seddon would permit men 70 or 80 years of age to continue to work in the industry. He is illogical.

The CHIEF SECRETARY: Before we pass from this clause, I desire to draw Mr. Seddon's attention to paragraph (c) and to

previous amendments made by the Committee. We have decided that this pension scheme shall apply to underground workers only, and have made it clear that the measure shall not apply to surface workers. A man 60 years of age working underground may continue to do so. The surface worker who may be required to work underground is not to be allowed to do so.

Hon. H. Seddon: You say so.

The CHIEF SECRETARY: The Bill says so. Is it not up to the hon. member to alter that position so as to accord with the principle he has enunciated about the right of the individual to work in any calling in which he wishes to work? To be consistent, he should be prepared to amend this provision also.

Hon. H. S. W. PARKER: I move an amendment—

That in line 3 of paragraph (c) the word "mine" be struck out.

Hon. C. F. BAXTER: The Committee is shaping this Bill to make provision for the actual miner, that is, the man working underground. Mr. Seddon desires to allow workers above the age of 60 years to continue in the industry and I think that is reasonable. Many men 60 years of age and over who are working in the industry can do as much as younger men. It is a reasonable proposition that a miner of 60 years should be allowed to continue in his employment. I do not agree to any worker 60 years or over being allowed to work in the industry unless he had previously qualified.

Hon. C. B. WILLIAMS: There is nothing to stop a man 59 years of age from entering the industry and qualifying for a pension. That will be the position if the amendment is agreed to.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 3 of paragraph (c) after the word "worker" the words "in or about a coal mine" be inserted.

Any worker already employed in or about a coal mine ought to be allowed to be employed underground after he has attained the age of 60 years, if he and his employer so desire.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That Subclause (5) be struck out.

This is a consequential amendment

Hon. H. S. W. PARKER: It is questionable whether this subclause should be struck out. A man not previously employed in or about a mine might be put to work underground. I think the subclause ought to stand.

The CHIEF SECRETARY: It is a question of whether or not it is necessary to retain the subclause. Clause 5 has been materially amended. A principle has been adopted entirely different from that which was originally intended. Consequently I think it is necessary for Mr. Seddon to indicate what value the subclause has. I do not think it has any value.

Hon. H. Seddon: I have moved for its deletion.

The CHIEF SECRETARY: Mr. Parker thinks it has a value.

Hon. C. F. Baxter: I do not know where it comes in.

The CHIEF SECRETARY: I have considered it only from the point of view of the original intention of the Bill. It is absolutely necessary in accordance with the original provisions.

Hon. C. F. Baxter: It is useless now.

The CHIEF SECRETARY: It seems to me that it is.

Hon. H. S. W. Parker: On further consideration I do not think the subclause has any meaning in any event.

The CHIEF SECRETARY: I would like to know what the words, "age of 60 years" have to do with this particular clause now. We have cut out the provision limiting the age to 60, so there is no offence.

Hon. H. S. W. Parker: There might be if a man over 60 were taken from outside altogether and put underground.

The CHIEF SECRETARY: This Bill has nothing to do now with employees working above ground. It refers to coalminers working underground.

Hon. L. B. Bolton: It is not much of a Bill now, is it?

The CHIEF SECRETARY: No, and by the time we have finished with it, I am afraid it will not have as much value as it has now. I think that before long members will find they have made a mistake. I cannot see that the subclause has any value at all in view of the fact that it refers to an offence in connection with a mine worker who is over 60 years of age, and we have amended the Bill to provide that a man over 60 may continue to be employed. So it is

no offence to employ such a man, and if it is no offence the provision might as well be deleted.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That a new subclause be added as follows:—“(6) Notwithstanding any other provision of this Act, any mine worker who has attained or shall attain the age of sixty years may accept employment as a mine worker or continue in employment as a mine worker during the period of the continuance of the present war and for a period of three months thereafter, and it shall be lawful for any person to take into or retain in his employment as a mine worker during the periods aforesaid any mine worker who has attained or shall attain the age of sixty years.”

In view of a previous decision of the Committee this is now rather useless. Mr. Seddon has cut the ground from under this amendment by making it possible for a man to keep going as long as he likes, if he has the strength. However, I will proceed with the amendment though I do not consider it of much value.

Hon. C. B. WILLIAMS: I think we ought to realise that we are supposed to be sensible people engaged in passing an Act of Parliament. I support the amendment. I would point out that Mr. Seddon and others have been in this Parliament for a long while and have passed different laws akin to this one. There is a section in the Mine Workers' Relief Act, not on all fours with this provision but similar to it. It is provided that if a man is suffering from advanced silicosis he may get out and if he does so within 12 months the law makes provision so that he may receive compensation. But there is nothing to stop him from continuing. It says in effect, "We advise you that from this date you are entitled to compensation. If you do not pull out in 12 months the responsibility is on you to prove by an action at law your right to compensation." That sort of provision has been agreed to in the past. Members did not object to it in regard to the goldminers.

Why not let us have something similarly sensible in connection with this measure? The Bill has been mutilated. Why not let us reject it altogether? Why not take the onus of rejecting it instead of fooling away the time, wasting the country's money and making ourselves ridiculous in the eyes of the public? The war looks like continuing for a long time and I am afraid a number

of miners will be dead before it ends. I am glad the provision is for a period of three months after the war and not for three months after peace. I do not want the words "after peace is declared" to be inserted because I know what occurred in years gone by through the inclusion of such words. We had to wait three years before we could alter our mining award. I hope the amendment will be agreed to. Personally I would like the Chief Secretary to stick to what we have secured. The Committee has agreed to pensions for underground men. We will get over the rest when the time comes. In any event let something sensible be done. Up to date it has only been nonsense.

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

Clause 6—Pensions, mine workers who are retired:

Hon. L. CRAIG: I move an amendment—

That in line 1 of subparagraph (i) of paragraph (a) of Subclause (1) the words "or about" be struck out.

This is a consequential amendment. I think the Chief Secretary will accept it.

The Chief Secretary: Yes.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That in line 2 of subparagraph (i) of paragraph (a) of Subclause (1) the word "three" be struck out and the word "five" inserted in lieu.

The Bill states that a miner is entitled to a pension if he has worked in a coalmine in this State for not less than 300 days during a period of five years. That seems to me to be a bit too easy. For the information of the Committee, I have worked out what I think constitutes a working year. I have taken a working week as five days, and allowed three weeks or 15 working days for holidays, etc. That leaves 245 days in a year in which a man ought to work. In five years that represents 1,225 clear working days irrespective of holidays and everything else. It seems to me that 300 days out of 1,225 are too few, and I consider that if a man is to be entitled to a pension he should work at least 500 days.

The CHIEF SECRETARY: I cannot see any more virtue in the provision for 500 days as compared with the 300 days mentioned in the Bill. The latter provision appears in the other Acts operating in the Eastern States. Uniformity is desired. I wonder if Mr. Craig listened to my remarks

regarding the intermittency of employment on the Collie coalfields. The position is quite all right now when the mines cannot produce all the coal that is required, but there have been periods when the mineowners could not provide the men with the minimum employment prescribed in the industrial award. That has led not only to the workers failing to secure full-time employment, but has meant that they have had to be compulsorily retired from the mines for considerable periods. It is not anticipated that many men will be affected by this particular provision, but it is included so that we shall have consistency throughout the Commonwealth in regard to this type of legislation.

Hon. C. B. WILLIAMS: Perhaps the most logical way of dealing with the matter is to provide that the men must work so many days each year. Under Mr. Craig's proposal, men could work for two full years and then go away for the rest of the period to secure work in another industry and yet retain their pension rights.

Hon. L. Craig: Under the Bill they need only work for one full year!

Hon. C. B. WILLIAMS: That is so; what difference does it make? Why can we not make some provision similar to that applying to the men engaged in the goldmining industry where they are required to work for a sufficient period in the year to enable them to retain their 12-monthly tickets and comply with the medical examination requirements? I agree it is not right in principle that a miner at Collie could work the whole 300 days in one year and then sit back for the rest of the five-year period and retain his pension rights. The men should be required to have an interest in the industry. We do not know what the position will be at Collie when the war ceases. We know what happened in England after the 1914-18 war ended. Thousands of the coalminers were starving in Wales, and I do not know that they all returned to the mines.

Hon. Sir Hal Colebatch: They are not all working.

Hon. C. B. WILLIAMS: They were paid the dole for years and who brought that about? We are not making very much progress with the Bill and perhaps over the week-end we could think out some better solution of the difficulty.

Hon. Sir HAL COLEBATCH: I support the amendment for one reason only. I

protest strongly against the suggestion that we should be bound by what is done in New South Wales. I go further. I express the deliberate opinion that there is scarcely a precedent, either political or industrial, set by New South Wales that the Parliament and the workers of this State would not be well advised to avoid.

Hon. H. S. W. PARKER: I support the amendment. This is a most remarkable Bill which has been hurled at us with the intimation that we should pass it because similar legislation exists in other States. No facts or figures have been placed before us. The suggestion has been made that a man might work the requisite number of days in one year and then be idle for four years. Presumably such a man would pay contributions only while he was working and would possibly contribute very little. Another miner might contribute a great deal, yet both would be qualified to receive equal pensions. What is the use of saying to this House, "New South Wales has done it; be good boys and you do it too"? I shall not support any provision in the Bill until I have some satisfactory information, such as an actuarial report, to furnish me with a guide as to what I am asked to do.

The CHIEF SECRETARY: I rise rather unwillingly mainly to reply to remarks of Sir Hal Colebatch. I cannot understand why one or two members are so insistent on condemning the Bill on what has been done in New South Wales. If Sir Hal takes that line of argument, I might say to him that the same thing has been done in Victoria.

Hon. C. B. Williams: Look at the Communists Sir Hal associates with at the meetings he attends.

The CHIEF SECRETARY: The Victorian and Queensland Acts contain similar provisions to that embodied in the Bill before the Committee. We are dealing with the industry by means of separate State measures and if there is to be reciprocity, it is desirable that we shall pass the provision in the Bill. Some members like to let off steam regarding the actions of coalminers in other parts of the Commonwealth, particularly New South Wales.

Hon. L. B. Bolton: The Prime Minister has announced today that he is going to prosecute those men.

Hon. C. B. Williams: That will not stop them.

The CHIEF SECRETARY: If Mr. Bolton were not so biased as he appears to be, I would be better pleased.

Hon. L. B. Bolton: I am not sure that it is not fifty-fifty on this point.

The CHIEF SECRETARY: The hon. member should remember that the Bill deals with Western Australian coalmining. Surely the hon. member recognises that it is desirable to have uniformity regarding this type of legislation. We have so far decided that there can be no uniformity and that only a section of the industry shall be entitled to a pension. Let us at least be uniform regarding the conditions applying to those who are to be entitled to that consideration. In the Victorian Act the conditions under which a miner is eligible for a pension are that—

(a) he has been continuously resident in Victoria during the five years immediately preceding the date of retirement, and he has actually worked as a mine worker for not less than 60 days in each of these years; or

(b) (i) he has been resident in Victoria for not less than five years out of the seven years immediately preceding the date of retirement; and

(ii) he has actually worked in or about a coalmine in Australia for not less than 500 days in the said period of seven years; and

(iii) he has actually worked as a mine worker in Victoria for not less than sixty days in each of the years he has been resident in Victoria including the 12 months immediately preceding the commencement of this Part or the date of retirement (as the case may be).

Hon. L. Craig: That is very different.

The CHIEF SECRETARY: The Queensland Act sets out the conditions slightly differently. The qualifications that the miner must possess set out that—

Any mine worker who is employed as a mine worker at the commencement of this Part or at the date upon which he attains the age of sixty years, whichever is the later, or who though not so employed had, during the 12 months immediately preceding the commencement of this Part or the date upon which he attained the age of sixty years, whichever is the later, actually worked as a mine worker for not less than sixty days in all during the said period of 12 months, shall be eligible, as from the date of retirement, to a pension of £2 per week if he establishes to the satisfaction of the Tribunal that—

(a) he has been continuously resident in Queensland during the five years immediately preceding the date of retirement, and

(i) he has actually worked in or about a coal or oil shale mine in Queensland for not less than three hundred days during the said period of five years, or

(ii) before the commencement of this Part or the date upon which he attains the age of 60 years, whichever is the later, he has been engaged in the coal or oil shale mining industries in Queensland for a period of not less than 20 years in all; or

(b) he has been resident in Queensland for not less than five years out of the seven years immediately preceding the date of retirement, and

(i) he has actually worked in or about a coal or oil shale mine in Australia for not less than five hundred days during each period of seven years.

Queensland provides for 300 days in five years; so does our Bill. Victoria provides for 60 days in each of five years, or 500 days in seven years. It is the same with New South Wales. The conditions of our Bill, therefore, are almost identical with those of the Acts obtaining in the Eastern States. I hope the Committee will help towards uniformity in this respect.

Hon. H. S. W. PARKER: The Minister asks for uniform laws, but it is rather curious that this is for, generally speaking, or even particularly speaking, the members of the coalmining union of Western Australia. They themselves have kept apart from the unions of Eastern States. They have not joined with the Commonwealth union. They decided to stick to the State union. Now they are telling us, "Yes, that is so; but now we want you to join us up and make us all one as regards this legislation, but not as regards legislation that governs wages." The conditions are entirely different.

Hon. C. B. WILLIAMS: Where is the difference? I wish the hon. member would be honest in his remarks. The position is quite clear. Mr. Parker cannot blame the members of the Western Australian union for not wanting to become affiliated with a union in the Eastern States and thus come under the Commonwealth Arbitration Court. Mr. Parker belongs to a union that believes in precedent. It is now 24 or 25 years since the miners of Western Australia left the jurisdiction of the Commonwealth Arbitration Court.

Hon. L. CRAIG: I am not actuated by what occurred in another State, though one may be guided by such happenings to a certain extent. Many Collie miners, I have been glad to see, have farms. If a man works one day a week in a coalmine and the rest of the week on his farm, he should

not be entitled to a pension; and we ought not to suggest to the Collie miners that they could do that. I ask members: What other section of our community can become entitled to a pension by working such a short period as 300 days? Our coalminers are entitled to all the credit in the world for not striking whilst seeing so many instances of strikes in eastern Australia. But to what other section of the community would we care to grant a pension after working for 300 days in five years?

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

Ayes	12
Noes	11
Majority for	1

AYES.

Hon. C. F. Baxter	Hon. E. H. H. Hall
Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. H. S. W. Parker
	(Teller.)

NOES.

Hon. C. R. Cornish	Hon. W. J. Mann
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. H. L. Rouse
Hon. W. H. Kitson	(Teller.)

PAIR.

AYE	NO.
Hon. G. B. Wood	Hon. E. M. Heenan

Amendment thus passed.

Hon. L. CRAIG: I move an amendment—

That in line 1 of subparagraph (i) of paragraph (b) of Subclause (1), the words "or about" be struck out.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That Subclause (2) be struck out.

This deals with a mine worker who cannot comply with the previous requirements of the clause. It is more or less a hard luck provision, and we should not agree to such a suggestion. Having agreed as to the terms upon which a miner is eligible for a pension, we should stick to them, and not leave it to a tribunal to say that a miner shall receive a pension. We should lay down who is and who is not entitled to a pension.

The CHIEF SECRETARY: I do not think that this Committee is capable of making that decision. It is a matter that ought to be left to the tribunal. There are likely to be some cases that cannot comply with the ordinary conditions laid down but where, in justice to the miners concerned, and in the opinion of reasonable men, the

same consideration should be given them as to other miners. This subclause allows for that, except that it provides for a pension of 30s. a week.

Hon. J. G. HISLOP: More consideration might be given to this subclause. I can see why it is inserted. It might be possible that a man who cannot fulfil the obligation of working 60 days during his last year of work might have amply fulfilled his five-years obligation.

Hon. L. Craig: You are wrong. If he has worked the 60 days in the last year, he need not have worked the other period.

Hon. J. G. HISLOP: I feel that more consideration should be given to the subclause. I can visualise the case of a man who could not do his 60 days in the last year.

Hon. L. Craig: He does not come under it.

Hon. J. G. HISLOP: Then he should. A man who has worked for 20 or 25 years, but is ill in his last year, is not eligible under this subclause.

Hon. L. Craig: He is eligible on account of his 20 years of work.

Hon. J. G. HISLOP: If that is so, I suggest this subclause be left out, but we must not do anyone an injustice. In the preceding paragraph we have said that he must work a certain number of days in the preceding 12 months.

Hon. L. Craig: This exempts him.

Hon. J. G. HISLOP: It is very badly worded if it is left to the hard luck clause.

Hon. L. CRAIG: Dr. Hislop has misunderstood this a little. In effect, this subclause says that if a man has worked 60 days in his last year, he is, if the tribunal thinks so, entitled to a pension even though he has not been able to comply with the other conditions during the previous four or five years. We should not agree to that. The present conditions are quite sufficient. Hard luck cases make bad law. That is almost an axiom for this Chamber.

The CHIEF SECRETARY: It has certainly been said on many occasions that hard luck cases make bad law. I have from time to time been advised by some members that even though we believe a certain thing, we should not admit it. I am going to admit now that Mr. Craig's construction of this subclause is quite right, and that Dr. Hislop's is wrong. It would be possible for the tribunal to award a pension to a man who had only worked 60 days underground

in the year before his retirement which will now, of course, be anything over 60 years of age. But can the hon. member imagine any tribunal doing that? Is not that the most extreme case for him to take?

Hon. L. Craig: We have to take extreme views when we know that the tribunal is to be appointed by the union and the Government.

The CHIEF SECRETARY: This does not say that the pension shall be granted.

Hon. L. Craig: It may be granted, and tribunals are sympathetic in dealing with hard luck cases.

The CHIEF SECRETARY: Tribunals of this kind consist of men who have due regard to the responsibilities of the positions they are filling. It would not be right to delete this provision. If I understand some of the things that have occurred here this afternoon, when we come to the hard luck clause one or two members are going to find it difficult to adopt the attitude they are going to take. We should be prepared to trust the tribunal in a matter of this kind. Not many cases will be affected.

Hon. L. Craig: There may be a lot of cases. There are many old men in the industry. They are not entitled to this pension.

The CHIEF SECRETARY: The men in the mines today have gone there for a specific purpose, namely, to help the war effort.

Hon. L. Craig: That applies to other industries.

The CHIEF SECRETARY: And they are doing a good job.

Hon. L. Craig: That is admitted.

The CHIEF SECRETARY: Then let us give to this tribunal the right to determine that in certain cases, provided for in this subclause, the workers shall be entitled to a pension of 30s. per week.

Hon. L. Craig: Having made no contribution.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That in line 8 of paragraph (a) of Subclause (3) the words "six hundred" be struck out and the words "one thousand" inserted in lieu.

The paragraph provides that a man must have worked 600 days in the preceding 10 years. In conformity with what we have already decided, we should make it 1,000 days in 10 years.

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

Ayes	..	..	..	12
Noes	..	..	..	8
				—
Majority for	..	..	..	4
				—

AYES.

Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. L. Craig
Hon. J. A. Dymally
Hon. E. H. Hall

Hon. J. G. Hislop
Hon. G. W. Miles
Hon. H. S. W. Parker
Hon. A. Thomson
Hon. F. R. Welsh
Hon. H. L. Roche
(Teller.)

NOES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. W. R. Hall

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. C. B. Williams
Hon. C. R. Cornish
(Teller.)

PAIRS.

AYES.
Hon. F. E. Gibson
Hon. G. B. Wood

NOES.
Hon. T. Moore
Hon. E. M. Heenan

Amendment thus passed; the clause, as amended, agreed to.

Clause 7—agreed to.

Clause 8—Hard luck cases:

Hon. L. CRAIG: I hope the clause will be deleted. It states that "notwithstanding anything in this Part, the tribunal may award a pension to any mine worker, even though he may not possess the qualifications required by any other provision of this Part." I do not think members will approve of such a proposal. If such a man is entitled to a pension, it should be paid from some fund other than one contributed by the companies and the people. We have been at some pains to lay down all the conditions of qualification for a pension and now we are asked to destroy the whole lot by providing that, irrespective of the qualifications agreed to, a pension may be granted.

The CHIEF SECRETARY: Members now have an opportunity to justify previous remarks which have fallen from them regarding some cases which they thought might happen. For reasons quite outside the scope of the individual, it might not be possible to comply with some of the provisions of the measure. It may be a matter of merely some little disqualification. The clause provides, in addition to what Mr. Craig indicated—

where the tribunal is satisfied that the granting of such a pension would not be inconsistent with the general scope and purpose of this Part and that, having regard to all the circumstances of the particular case, it is just and equitable to award a pension to such mine worker.

Subclause (2) would empower the tribunal to determine the amount of the pension in such a case. I believe that the members of the tribunal will be satisfactory to all parties concerned. I do not see any reason why we should not provide for such cases, of which there could not be many. If the tribunal is a sufficiently responsible body to exercise all the powers given under the measure, which involves such a large amount of money and so many individuals, we should give it this power. We cannot estimate how many cases are likely to fall into this category; I understand there may be one or two.

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

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

AYES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. W. R. Hall

Hon. W. H. Kitson
Hon. C. B. Williams
Hon. W. J. Mann
(Teller.)

NOES.

Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. L. Craig
Hon. J. A. Dymally
Hon. E. H. Hall
Hon. J. G. Hislop

Hon. H. S. W. Parker
Hon. H. L. Roche
Hon. A. Thomson
Hon. F. R. Welsh
Hon. G. W. Miles
(Teller.)

PAIRS.

AYES.
Hon. T. Moore
Hon. E. M. Heenan

NOES.
Hon. F. E. Gibson
Hon. G. B. Wood

Clause thus negatived.

Clause 9—Pensions, Additional payments in respect of dependants:

Hon. J. G. HISLOP: I move an amendment—

That in lines 4 to 6 of the proviso to paragraph (c) of Subclause (1) the words "and is caring for any child or step-child of the mine worker under the age of sixteen years" be struck out.

It appears to me that the person mentioned in the proviso would have to be caring for a child of the pensioner, whereas I can visualise cases where the pensioner himself might require care. If the amendment is agreed to, the pension could still be paid if the person over 16 years of age was devoting her time to looking after her father or relative who is a pensioner.

Hon. H. S. W. Parker: The Minister has not given us any estimate of the cost involved in this scheme.

The CHIEF SECRETARY: I am afraid I cannot give an estimate of the cost of that

particular item, nor do I think anybody else can at the present time. I have a statement from the Government Actuary which will be produced at the proper time and which will show that the scheme as a whole is sound in his opinion.

Hon. G. W. Miles: Why has not an estimate been produced?

The CHIEF SECRETARY: There has been no necessity to do so.

Hon. G. W. Miles: Bludgeon the thing through without such information!

The CHIEF SECRETARY: I ask the hon. member's withdrawal of that remark.

Hon. G. W. Miles: I withdraw. I say we ought to have that information.

Hon. C. B. Williams: Is "bludgeoning" a Parliamentary expression?

The CHAIRMAN: The word has been withdrawn.

Hon. C. B. Williams: But you did not ask the hon. member to apologise to the Committee.

The CHAIRMAN: I misunderstood the word.

Hon. C. B. Williams: You misunderstood! I did not.

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

Clauses 10 to 17—agreed to.

Clause 18—The Funds:

Hon. L. CRAIG: In my opinion, the word "accruing" in line 5 of Subclause (5) should read "received." The word "accruing" means "becoming due or due." Moneys that are becoming due cannot be invested. I move—

That in line 5 of Subclause (5) the word "accruing" be struck out and the word "received" inserted in lieu.

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

Progress reported.

BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).

Returned from the Assembly without amendment.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 16th March.

Question put and passed.

House adjourned at 5.14 p.m.

Legislative Assembly.

Thursday, 11th March, 1913.

Privilege: Letter to the Speaker	462
Bills: Public Authorities (Retirement of Members).	2822
2A., remaining stages	2822
Commonwealth Powers, Com., recom., 3A.	2824

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

PRIVILEGE—LETTER TO THE SPEAKER.

MR. DONEY (Williams-Narrogin) [2.17]: Under privilege, might I ask whether you, Mr. Speaker, have anything to intimate concerning the letter I handed in this morning in regard to adjourning the House?

MR. SPEAKER: Nothing, only that I told the hon. member, before the sitting of the House, that I did not propose to read the letter to the House.

Mr. Doney: Am I then in order in disagreeing with your ruling? I shall have no opportunity other than this.

MR. SPEAKER: Order! I have given no ruling. I have only answered a question.

BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).

Second Reading.

Debate resumed from the previous day.

MR. DONEY (Williams-Narrogin) [2.19]: As in the case of all legislation affecting local governing bodies, I would naturally have preferred time to have referred the subject-matter of this Bill to them over the week-end. They naturally deal oftener and more intensively with these electoral questions than we do, and as a consequence their views are more practical than ours on occasions such as this. I admit that to do that was not practicable this time. The Government is very anxious to have the measure passed, and I quite realise that the Minister in charge of the Bill has had no opportunity to follow the usual lines. The Bill at first sight does not appear clear, but on re-reading it I find it sets out in a satisfactory way a method of preserving the present desirable system whereby one-third of the members of a road board or municipality retire each year. It also overcomes the upset of routine caused firstly by the postponement of the