

previously members of the public service. Ministerial approval had been granted to them being brought under the Act, but it was found that this could only be done by Act of Parliament. The officers of the Metropolitan Water Supply were originally under the control of a board, but in 1904 the board was superseded and the then Minister for Works took control. When that was done the officers were not brought under the Act. Now that the water supplies had been amalgamated, it became necessary to bring all the officers under the Public Service Act. He had previously pointed out that he thought the clause needed amending, but instead of delaying the Bill in this House, a clause was drafted by the Crown Law Department and the Public Service Commissioner and inserted by the Minister in another place. Therefore, it was really a Government clause. It was adopted after the careful consideration of those best able to deal with the matter, and would place all the officers under the Public Service Act, and would not unduly burden the State by giving privileges to temporary officers. The clause applied only to those serving in a permanent capacity and not to temporary hands. He moved—

*That the amendment be agreed to.*

Hon. J. MITCHELL: It was pleasing to hear that the Minister accepted the amendment. Why did he not have it put in the Bill when originally introduced instead of the cumbersome clause which had appeared? The amendment was a decided improvement and much fairer to the officials. He was glad these officials were to be brought under the Act. All officials should be under the Act and the privileges should be equal to all in the service. If the Minister had conferred with the Crown Law Department and the Public Service Commissioner in the first place, a good deal of time would have been saved. It was refreshing to find the Minister admitting his mistake and willing to rectify it. The Minister was usually wrong, and generally stuck to his own ideas to the bitter end.

Question put and passed, the Council's amendment agreed to.

*[The Deputy Speaker (Mr. Male) took the Chair.]*

Resolution reported, the report adopted, and a Message accordingly returned to the Legislative Council.

*House adjourned at 10.16 p.m.*

## Legislative Council,

*Tuesday, 28th October, 1913.*

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

### PAPER PRESENTED.

By the Colonial Secretary: Return showing the cases in which the Royal prerogative of mercy has been exercised between 1st October, 1911, and 30th September, 1913 (ordered on motion by Hon. D. G. Gawler).

### WEST PROVINCE ELECTION SELECT COMMITTEE.

#### *Reports presented.*

Hon. A. G. JENKINS (Metropolitan) brought up the report of the select committee appointed to inquire into the election of a member for the West Province in May, 1912.

Hon. F. DAVIS (Metropolitan-Suburban) presented a minority report in connection with the same inquiry.

Reports received, read, ordered to be printed and to be taken into consideration on the 4th November.

### SITTING HOUR, THURSDAY.

On motion by the COLONIAL SECRETARY (Hon. J. M. Drew) resolved: That for the remainder of the session, or until otherwise ordered, the House shall meet for the despatch of business at 3 p.m. on Thursday in each week instead of at 4.30 as provided by Standing Order 48.

### BILL — INTERPRETATION ACT AMENDMENT.

Report of Committee adopted.

### BILL — DECLARATIONS AND ATTESTATIONS.

#### *Second Reading.*

Debate resumed from the 22nd October.

Hon. W. KINGSMILL (Metropolitan): I did not get the adjournment of the debate with any intention whatever of opposing the Bill. On the contrary, I think the Bill is likely to prove of very great public convenience. I have, moreover, been verbally asked by the banking authorities in this State, as represented by the chairman of the associated banks, to request the leader of the House to make a certain amendment in the Bill. When the measure was being considered in Committee in another place an amendment of the same nature as that which I would like the hon. gentleman to consider the advisability of was moved, and the reasons which were then given by the Attorney General, who was in charge of the Bill, for opposing it were that he did not wish to include in the Bill bank managers or any description of bank clerks, because he was not sure as to what attitude the banks would take, and he did not know which officers they would like appointed in banks to attest these

declarations. That point has been got over, I hope to the satisfaction of the Attorney General, for I have here a letter from Mr. J. F. Mullen, chairman of the associated banks of Western Australia, which reads as follows:—

Declarations and Attestations Bill, 1913. Referring to the above Bill now before the Upper House, the banks are desirous of having "bank managers and bank security clerks" added to Part 1 of Section 2 therein. 1, If bank managers were authorised to attest documents, it would save a great deal of time and trouble in the country districts, when a justice of the peace is not available. 2, In each bank in Perth there is a security clerk, who deals with all securities, legal documents, etcetera, and it would be a great convenience if these officers were included in the section of the Bill referred to. I should deem it a favour if you would consider the advisability of moving an amendment to the Bill to the above effect. Thanking you in anticipation.

The fears of the Attorney General as to the attitude which the associated banks would take up can be at once allayed. They have stated in this letter, signed by their chairman, the officers whom they wish added to the Bill, and I may say that I think the banks hitherto have rather objected to having their officers made justices of the peace, or being called upon to act in any capacity of that sort, because of the alleged loss of time, and this latest action on their part shows, I think, a praiseworthy anxiety to help public convenience, which I think the Government should not discourage. I hope the leader of the House will be able to save me the trouble of requesting some member to move the amendment, as I shall not be able to move it myself, by having the kindness to add it to his own Bill. I would like to call his attention to this point, that with regard to security clerks, I have made inquiries and find that security clerks exist only in the head branches, that is only in Perth, and naturally they would be the men most in a position in the Perth branches of the banks, at all events, to be likely to be

required to witness documents. I hope the leader of the House will make this amendment which I have requested, and which, he will be able to see by this letter I shall have pleasure in handing to him, the associated banks of Western Australia desire. I have pleasure in supporting the second reading of the Bill.

Hon. J. F. CULLEN (South-East): I most cordially support the Bill. I think it will obviate what now seems the necessity of appointing a great number of honorary justices. The witnessing of documents is a mere incidental to the duties of a justice of the peace, and yet most of the requisitions for the appointment of justices have been on the ground that persons were required to witness documents. I rise specially to make a remark with regard to paragraph ii. of Clause 2, "a commissioner for declarations appointed under this Act." I want to suggest to the Government that their object here may be attained without bringing in the formidable title of commissioner. All that is necessary is to provide for "such other persons as the Governor may appoint." I assume it is not intended that these commissioners shall be in any different category of powers or honours from the persons previously mentioned. I assume also that the intention of the Government, as far as I can gather from the discussions that have taken place elsewhere, is that in addition to the classes of persons previously mentioned the Governor may appoint other people.

The Colonial Secretary: That is so.

Hon. J. F. CULLEN: Very well. I would suggest that there is no need to bring in the term commissioner; it suggests a higher rank than the others and somewhat different powers. It would be quite sufficient to say "such other persons as the Governor may appoint." That would cover the ground and remove a possible misconception that these commissioners are to be high and mighty people, perhaps salaried, and on a different footing from the other persons mentioned in the Bill. When the Bill is in Committee, if the Minister does not see his way to meet my wishes in this re-

spect, I shall move an amendment to that effect.

Hon. M. L. MOSS (West): I have no opposition to offer more than this: I do not understand why a Bill has been specially required for this purpose with an entirely distinct and new title. The statute which empowers declarations to be taken by justices of the peace, or by persons authorised by law to administer oaths, is Section 106 of the Evidence Act, and in my judgment the proper thing to do would be to introduce a Bill to amend the Evidence Act of 1906. I still think that the Government should alter the title of this Bill, and then the measure could be cut down considerably in bulk, in this way: Clause 4 provides that when one of these declarations is taken before a person authorised to take declarations, a false statement by the declarant will make him liable to prosecution for perjury. All that is provided for in the Evidence Act, and all that is required to effect the purpose of this Bill is a small amendment of that Statute. I only rise to make this suggestion, and to ask the Colonial Secretary to consider whether it would not be advisable to amend the Evidence Act to authorise the persons mentioned in this Bill to take declarations in lieu of justices of the peace.

On motion by the Colonial Secretary debate adjourned.

## BILL—MINES REGULATION.

### *Second Reading.*

Debate resumed from the 23rd October.

Hon. J. CORNELL (South): In supporting the second reading of this measure I think the charge that was levelled at the Bill last session, that the time allowed was insufficient for the consideration of its contents, does not apply on this occasion. There is ample time at the disposal of the Chamber to consider the Bill in all its phases and I sincerely hope that whatever may be the outcome of the discussion, this Bill will be fully considered in all particulars. I do not desire to see the measure rejected on the second

reading. I would ask hon. members to take into consideration the fact that until last session, for a period of six years, nothing had been done in the direction of amending the Mines Regulation Act. In 1906 a Mines Regulation Act was placed upon the statute-book and nothing has been done in the way of amending and improving that legislation from that day until now, a period of seven years. To anyone who is connected with the mining industry and who takes a keen interest in the mining industry and the workers employed, it must be immediately apparent that there must be an amendment of that legislation.

Hon. Sir E. H. Wittenoom: It shows how well it worked.

Hon. J. CORNELL: If the hon. member had lived in a mining community he would have been told by those most capable of judging how it worked from their standpoint. I am glad the hon. member made that interjection, because the motive that actuates the Government in bringing down this Bill is that greater precautions shall be provided in the future against injury to the miner. No one can dispute that that is a noble motive. The first consideration of any Government, in dealing with legislation, should be the safeguarding and protection of the lives and limbs of the workers engaged in that industry. That I claim has not been given in the past the consideration that it should have received, and I hope this Chamber, if it cannot agree to the whole of the Bill, will at least give favourable consideration to those portions which will operate in the direction of providing greater safeguards for the lives and limbs of the employees in the industry. It is not usual for me to quote figures to any great extent as I recognise it is very wearying to hon. members, but on this occasion it is my intention to take considerable trouble to point out to the House that the number of accidents in the mines is greater probably than hon. members have realised in the past. In order to grasp the position one must make comparisons between the Western Australian figures and those relating to the mining industry in other parts of the

Commonwealth. I find that certain figures were given in a leading article which appeared in the *West Australian*, and the figures are those of the State Mining Engineer, Mr. Montgomery. They show that in 1910 the number of fatal accidents in the Commonwealth per thousand of the men employed in mining was as follows:—Queensland, 1.45; New South Wales, 1.336; Victoria, .72; South Australia, .49; Tasmania, 1.386; Western Australia, 1.64. Western Australia led the way in fatal accidents in 1910.

Hon. J. F. Cullen: Do those figures relate to coal mining as well as gold?

Hon. J. CORNELL: They relate to the mining industry, including coal mining.

Hon. J. F. Cullen: I think the figures for New South Wales are wrong.

Hon. J. CORNELL: The hon. member will have an opportunity of disputing my figures, but I point out that these figures are those of the State Mining Engineer.

Hon. D. G. Gawler: There is a far greater proportion of the population engaged in mining in Western Australia than there is in the other States.

Hon. J. CORNELL: I admit that, but what has population to do with mining accidents; it is the percentage among the men themselves. The returns for fatal accidents in 1911 show Queensland, .90 per thousand; New South Wales, 1.351; Victoria, 1.35; South Australia, .33; Tasmania, .762; Western Australia, 2.23. Although in that year there were increases in the other States we find that the Western Australian figures are almost double what they were in the previous year. In 1912 the fatal accidents per thousand were as follows:—Queensland, 2.45; New South Wales, 1.611; Victoria, 1.35; South Australia, .13; Tasmania, 9.522; Western Australia, 2.34. Hon. members know what, unfortunately, put the percentage up in Tasmania in 1912, namely, the Mount Lyell disaster, and in the consideration of this Bill hon. members will have the opportunity of safeguarding against such a terrible catastrophe occurring in Western Australia, for such a thing might happen any day. We find

that Western Australia has led the way in mining accidents for three years. We will now turn to what are classed as serious accidents throughout the Commonwealth. In 1910 the number of serious accidents per thousand of men employed in the mining industry was Queensland, 9.71; New South Wales, 3.876; Victoria, 3.99; South Australia, .49; Tasmania, 9.878; Western Australia, 33.14. 1911—Queensland, 24.7; New South Wales, 3.350; Victoria, 4.64; South Australia, no figures given; Tasmania, 14.675; Western Australia, 31.81. 1912—Queensland, 18.6; New South Wales, 2.985; Victoria, 6.41; South Australia, .26; Tasmania, 9.552; Western Australia, 32.82. We find in regard to mining accidents, fatal and serious, that according to the State Mining Engineer Western Australia has had more than double what has been the experience in other States of the Commonwealth. It is startling, too, to find that the Western Australian mining industry accounted for 17.02 of the total deaths by accidents in every form of industrial avocation in the Commonwealth during the first six months of the present year. We find that with 14,500 men employed in the mining industry Western Australia has, in this connection, provided 17 per cent. of the fatalities of the whole of the Commonwealth. I will ask hon. members to bear that fact in mind, and also that it is for the purpose of minimising accidents, fatal and otherwise, that I am ardently in support of the Bill before the House to-day. From returns supplied by the secretaries of the two organisations which operate solely on the Golden Mile in this State I have drawn some comparisons which I would like to put before the Chamber. One of these organisations is exclusively confined to surface work and the other exclusively to underground work. With regard to the Goldfields Amalgamated Surface Workers' Union, we find that the average membership for a period of 68 weeks was 1,100 members, and between 28th May and 24th December, 1912, the union had 29 members incapacitated for a period of less than two weeks.

Hon. J. D. Connolly: This measure does not affect the surface workers.

Hon. J. CORNELL: I am endeavouring, at the risk of wearying hon. members, to point out the dangers of mining underground as compared with mining on the surface, and I am trying to bring forward figures and statements to prove that in the period of which I speak 29 surface workers were incapacitated for two weeks or under and 49 for over two weeks, making a total of 78 injured. The amount distributed in accident pay by the union was £135 14s. during the period. The percentage of men injured per week was 2.6, the weekly amount disbursed in accident pay was £14 10s. 5d., the minimum number of accidents in any one fortnight was two, and the maximum number of accidents in any one fortnight was 11. During a period of 38 weeks from 24th December, 1912, to 16th September, 1913, there were 47 members incapacitated for two weeks or under, and 54 for over two weeks, a total of 101. The amount of £438 1s. 8d. was distributed in accident pay and the percentage injured per week was 2.65, a slightly better average than for the preceding period of 30 weeks. The weekly amount disbursed in accident pay was £11 10s. 6d. The minimum number of accidents in any one fortnight was three, and the maximum number eight. In working out the percentage of men of the Surface Workers' Union injured we find it was 12.4 per hundred per annum. During those 68 weeks the union paid £873 15s. 8d., making an average weekly payment of £12 17s. There were no fatal accidents during this period. We will now come to the Kalgoorlie and Boulder W.G.F.M.U. The average membership of this union from the 21st December, 1911, to the 31st July, 1913, was approximately 2,200. That is, exactly double the average membership of the surface workers' union. During the period from the 21st December, 1911, to the 24th December, 1912, the number of accidents which occurred among the members was 273 members injured for a period under two weeks, and 240 for over two weeks, making a total of 513 injured during the 12 months, and the amount of

accident pay distributed during the period was £2,714 12s. 6d. The percentage of men injured per week was 9.86, that is, more than nine members were injured per week. The average weekly accident pay disbursed by this union was £52 4s. 1d. The minimum number of accidents in any one fortnight was nine and the maximum number 26. Taking the period which began on the 24th December, 1912, and ended on 31st July this year, that is 32 weeks, we find that 122 men were injured and unable to work for under two weeks, while 206 men were injured whose incapacity lasted for over two weeks—a total of 328 members injured in the 32 weeks, and they drew in accident pay a sum of £1,733 11s. 8d. The percentage injured per week was 10.25. That is to say there were over 10 members injured per week, an increase of one per week on the year 1912. The total amount of accident pay per week for the period under consideration was £54 3s. 8d., the minimum number of accidents for any fortnight was 11, and the maximum number 29. We find that in a period covering 84 weeks, 841 miners were injured, and that the sum of £4,448 4s. 2d. was paid out in accident pay, an average weekly payment of £52 19s. 1d. and the percentage injured per week for the full term is equal to 10 per cent., while the percentage of injured per 100 members per annum is 23.7. That is to say, making a comparison between the Surface Workers' Union and the Miners' Union, that for every man injured per hundred per annum in the Surface Workers' Union two men are injured in the Miners' Union. In this report fatal accidents are not included. The secretary in his report for this period says—

Fatal accidents are not included, though during this period there were 19 fatal accidents and 30 died from diseases usually included in the term "miners' complaint," making a total of 49 deaths within a period of 84 weeks. There were 19 members of the Boulder Union killed in accidents on the Golden Mile during the period of 84 weeks, and altogether they had 49 deaths which were attributable to the mining industry. I

may state I have not the full amount of death dues paid for this period, the amount which the union paid in accident pay, but the half-yearly balance sheet for the term May 1st to October 31st, 1912, shows that outside of the amount paid in accident fees £1,071 10s. was paid in death dues. For the next six months, 1st November, 1912, to April 30th of this year, £705 13s. was paid, making a total in death dues of £1,777 within a period of 52 weeks. The secretary says—

It will be seen that in a period covering 84 weeks of accident pay and 52 weeks of death dues a sum equal to £6,225 7s. 2d. has been paid away.

These are the things which are troubling the workers on the fields and the Miners' Union have had to reduce what they have paid for years, inasmuch as they cannot meet their obligations. The secretary goes on to say—

For the half-year ended 31/10/12 death dues were paid on 24 members, nine of whom were killed by mining accidents, and of the balance it can be safely claimed that more than half died in what should have been the prime of life from diseases peculiar to their calling. The death dues amounted to almost 9s. per head of the members. That is to say, for every member of the union who paid in 24s. no less than 9s. went out in death dues.

Hon. W. Kingsmill: How many men are mining up there?

Hon. J. CORNELL: I am speaking of the Kalgoorlie and Boulder Miners' Union. I am speaking exclusively of the Golden Mile, and I think it is safe to say that the Kalgoorlie and Boulder Miners' Union have 80 per cent. of the men employed underground on the Golden Mile.

Hon. W. Kingsmill: Then some 2,600 miners are working up there?

Hon. J. CORNELL: Yes, and when we can bring figures to bear in respect to 80 per cent. of those employed it is only logical to assume that the percentage of accidents is just as great in the other 20 per cent. of miners. The accident pay paid for the same period, the

secretary goes on to say, was £1,713 15s. 10d., which, according to the secretary, is equal to the average payment on the part of every member of the union of 10s. 10d. "For the first time on record," says the secretary, "the Great Boulder is not the worst on the field as a claimant for accident pay." That was in the year when the Great Boulder lost pride of place as the chief slaughter house on the Golden Mile. When we make a comparison of this half-year which I am speaking of, we find that for every 24s. paid into that union by way of contribution 19s. 10d. was paid out by way of accident and death dues, leaving the union only 5s. 2d. with which to meet all other obligations. Probably hon. members will be rather interested in this additional return which I am going to quote. It is taken from a return furnished by the secretary of the miners' union on the amount of accident pay paid by that union. Later on I will quote the latest return available. This is for the half-year ended October 1912. The secretary of the miners' union points out that there were approximately for that term 130 men employed on the Associated mine and that the average weekly payment on the Associated mine for the number of men employed was £1 2s. per head. That is to say that the 130 men employed on the Associated paid in £1 4s. during that period, of which £1 2s. per head was paid back to them by way of accident pay. On the Ivanhoe 310 men were employed and the average amount paid out was 18s. per head. On the Great Boulder 250 men were employed for that period and the average paid out was 16s. 6d. On the Horseshoe 570 men were employed and the average paid out was 9s. per head. On the Kalgurli, with 240 men employed, the average paid out was 8s. 6d. I ask hon. members can they account for the discrepancy? I will generalise when I quote the following figures to give my reasons why there should have been some better method of inspection and control of the mines on the Golden Mile at any rate, if nowhere else in the State. For the half-year ended April of this year the secretary states—

The amount paid in death dues, namely £705, is the smallest amount paid for any similar period for many years. The accident pay for the same period was £1,404 11s. 8d., equal to 58 per cent. of the contributions received.

It was 45 per cent. for the previous half-year. When the return was compiled 63 members were on the accident list. There were in addition 238 members who had been on the fund and declared off. The secretary says this means that roughly five members were injured every three days. I have already gone into that and quoted figures which show that 10 members had been injured in every week for a period covering 84 weeks. The secretary has drawn a comparative statement for the half-year ended April of this year. If any hon. member desires this return I will be only too pleased to let him have it. It is rather unfortunate that the Associated mine should again lead the way in the number of accidents. On the Associated mine for this period the average membership was 129 and the accident pay paid out to the workers on that mine for that period was £252 13s. 4d., or equal to £1 19s. 2d. per head. The next on the list is the Great Boulder, which has gone up one since the last half-year. Here there were 266 men employed. At the time this list was compiled 11 men were on accident pay. The total amount paid for the half-year was £265 or an average of 19s. 12d. per head. I do not propose to weary hon. members by going right through the list. The Ivanhoe is third on the list. On this mine 320 miners were employed for the term, 10 of whom were drawing accident pay, and £209 was paid for the period, equal to 16s. 22½d. per head. I will quote the Horseshoe to show that there were 449 men employed, 15 were on accident pay, £311 was paid out for the half-year, or equal to 13s. 1d. per head. Coming to the Kalgurli there were 228 men at work and three were on the accident list when this list was compiled. The amount paid was £61 18s. 4d. and the average per head 5s. 6d. The Perseverance had 170 men at work. One was on accident pay when this list was

compiled. The amount paid for the half-year was £28 8s. 4d., or equal to 3s. 4d. per man. This statement is compiled from the books of the organisation and from the vouchers certified to by the auditors, and it ought to be sufficient to make hon. members pause when they find by one list that the accident pay for the half-year to every member per capita equals 3s. 4d. and that where 40 fewer men are employed, as we find when turning to the Associated, the amount goes up to £1 19s. 2d. It serves to show that something must be radically wrong. The Kalgurli, where no foreigners are employed, comes second lowest on the list. It may be pointed out in argument—

Hon. R. J. Lynn: Are there any foreigners in the Horseshoe?

Hon. J. CORNELL: Yes. It may be pointed out in argument that the shrinking stope method is the reason for the low number of accidents on the Perseverance. But there is an evil connected with the shrinking stope system which in the long run may work out even more detrimentally. I refer to the dust evil and miners' diseases. There is no form of mining which is so injurious to the health of the miner as the shrinking stope. In my opinion the method should be abolished. But that cannot be aimed at the Kalgurli mine, where the flat stope system is in operation, as it is also in the Horseshoe and the Associated. This great disparity of figures occurs on the mines of the Golden Mile. Both the auditors drew attention to the state of affairs. They say in their last report—

We are particularly struck with the fact that although the money accruing from contribution and entrance fees is lower this half-year than the previous year the number of accidents for the half-year is considerably higher.

Time and time again the auditors have pointed this out to the Miners' Union. This Bill will apply more to the miners than to any other section of mine workers. I am a member of the Surface Workers' Union, but I have shown that we are not

so liable to accident by one-half as the miners, and we miss many of the fell diseases that assail the miner underground, but it is generally recognised among the surface workers that something should and must be done for the miners, and the miners have proof to show in their books that there is something radically wrong with the inspection and working of the mines on the Golden Mile.

Hon. R. J. Lynn: Are the present inspectors incompetent?

Hon. J. CORNELL: No, there are not enough of them.

Hon. R. J. Lynn: Why not appoint more?

Hon. J. CORNELL: I will come to that. I will give the hon. member the opinion of the leading inspector as to what should be done. The miners claim, and I think rightly, too, that they are not given the protection through the medium of inspection and the enforcing of the laws which they should be given. For years they have agitated for the right to appoint their own inspectors to check the other inspectors. It may be proved in actual working that the appointment of check inspectors is not good, but I hold the contrary opinion. I think the appointment of check inspectors will be good, and the members of the Miners' Union are of the same opinion. If this question is discussed in a right light, and if hon. members take an unbiassed view of the proposed appointment of workmen's inspectors provided for in this Bill, I do not think they will have very much to fear, and I am sure it will not prove the bogey that employers seem to think it will. It is said that this is an innovation. It is no innovation. It has been working for many years in a great many of the coal mines, and recently on the continent a miners' conference representative of a million and a half of miners of Great Britain, Germany, Poland, Belgium, France, Austria, the United States, and Holland passed a motion on this question, and to show hon. members that this is not an Australian innovation, but is something that has agitated the minds of miners internationally, I will refer to



the report. It says that a motion, proposed by the German and Austrian representatives calling for the appointment of practical miners as inspectors to be paid by the State and elected by the miners themselves, was carried unanimously.

Hon. E. M. Clarke: Would the hon. member tell us the cause of these numerous accidents? Are they purely accidents, and what is the nature of them?

Hon. J. CORNELL: I thought I had made it clear that I attributed a good many of them to the faulty supervision.

Hon. E. M. Clarke: The House would like to know the nature of the accidents and the cause of them.

Hon. J. CORNELL: I will come to that presently and will deal with falls of ground and the height of stopes. This resolution which I have quoted goes to show that the question of workmen's inspectors is not an innovation, but is a world-wide movement, and I think hon. members who have an admiration for the Empire will be pleased to know that the president of the Miners' Federation of Great Britain presided over that conference and that the vote on this question was unanimous.

Hon. H. P. Colebatch: Is it intended that the State should pay these inspectors?

Hon. J. CORNELL: The Bill says so, and that is the opinion of the miners' international conference.

Hon. J. F. Cullen: The Bill does not say so.

Hon. H. P. Colebatch: I think the Minister in another place said that the State would not pay them.

Hon. D. G. Gawler: The Honorary Minister said so.

Hon. H. P. Colebatch: Will the State pay them?

Hon. R. J. Lynn: Yes, under the clause providing for regulations.

Hon. J. CORNELL: I have searched the report of the Royal Commission which sat in 1905 on mines ventilation and sanitation, the most comprehensive report in existence in Western Australia dealing with these particular matters. If hon. members turn up page 442 they will

find the evidence of Mr. Ralph Nichols, General Manager of the Boulder Perseverance and Boulder Deep Levels, also Consulting Engineer to the South Kalgurli, who on the question of workmen's inspectors said—

He saw no objection to workmen being allowed to appoint two of their number to inspect the ventilation from time to time. The man who worked in the mine should have the same privilege as the man who owned the mine because he had to look after his health, and most certainly it would be reasonable to allow such a system.

He did not enter any protest when this matter was discussed.

Hon. J. D. Connolly: It was enacted in 1906.

Hon. D. G. Gawler: Any two workmen can make an inspection.

Hon. R. G. Ardagh: What chance would they have of working in the mine afterwards if they did so?

Hon. J. CORNELL: Mr F. A. Moss, manager of the Kalgurli mine said—

Personally, he thought that if there was dissatisfaction as to the inspectors, they should be "passed out." With regard to the appointment of check inspectors, personally he did not mind if the Government liked to make more billets, but there would only be one man checking the other, and both would be doing the same work.

Mr. Moss had no objection to workmen's inspectors.

Hon. J. D. Connolly: They were provided for in the 1906 Act.

Hon. J. CORNELL: Mr. Moss clearly stated that personally he did not mind if the Government liked to make more billets. I have searched this report, and have found that men like Mr. Sutherland and Mr. Hamilton and others who were then and are now mine managers at that time raised no objection to the proposal. I would like to quote the opinion of an inspector of mines, which I think hon. members should accept. It is that of Mr. James Owen Hudson, who is now senior inspector of mines in this State, and has acted in the capacity of acting State Mining Engin-

eer, and I say with all due respect to our good capable staff of mining inspectors, such as we have, that I think Mr. Hudson is best of them all. Mr. Hudson, if he were called before a Royal Commission or a select committee to-morrow and questioned on the appointment of check inspectors would, I believe, express the same opinion now as he did in 1905. In reply to the chairman on that occasion, he stated—

Check inspectors were appointed by the workers themselves in the collieries of New Zealand. Inspections of the workings were made from time to time, and comments were entered in a book. Such a system would be useful in metalliferous mines, but the person appointed should be a salaried official. Men would have to be regularly appointed. A man like that would be able to get more information than the present inspectors seemed to get, and such a system would be useful for improving the ventilation and sanitation of mines. It seemed to be a great difficulty to get any information from the men as to their troubles. Such check inspectors would be more in touch with the actual workers.

This is an unbiassed statement given on oath by the leading mine inspector of this State. It was given eight years ago, and I believe that Mr. Hudson holds the same opinion to-day. Mr. Hudson struck the key-note when he referred to the point that these inspectors should be salaried officers. It is stated that this provision is made in the existing Mines Regulation Act. The Chamber of Mines in one of their reports state that the appointment of these inspectors is unnecessary, and that Section 16 of the present Act provides that the mine workers may at any time appoint two of their number to inspect the mine once a month and the manager has to give them every facility for so doing. To show hon. members that the objection to this class of inspector by the workers themselves is almost universal, I will quote the report of the international miners' conference which dealt with the matter. The very system which is pro-

vided for on our statute-book and the continuance of which is suggested is in operation in Germany, and the report states—

A German delegate satisfied the conference that the present system of workmen's inspectors in force in the German mines is utterly unsatisfactory, inasmuch as these inspectors must be actually employed in the Mines—

So they must be under the present Act in Western Australia.

and can only examine them on giving notice, and that very occasionally. These men can be got rid of directly their show their zeal in carrying out their duties. Even when not actually dismissed, they can be humbugged and victimised over the allotment of working places to such an extent that men who would otherwise do their duty by their mates are compelled to refuse to serve for fear of plunging themselves and their families into misery.

I ask the Honorary Minister, who is an old miner, whether he could have put the position better than it is expressed in that statement. Those are my sentiments and they are the sentiments of every man who gives any practical consideration to the present system of inspectors. The position is that if the men avail themselves of the present provisions they would jeopardise their positions. Their jobs would go and they would go, not only on the Golden Mile, but anywhere else, and Mr. Hudson touched the right point when he stated that these workmen's inspectors should be salaried officers. The Bill proposes to give workmen the right to appoint their own inspectors for the purpose of checking and inspecting the mine, and if there is any objection to the appointment solely of workmen's inspectors I would support an amendment to give mine managers the same authority. These inspectors are to be paid by the Crown, and would report through the inspector of mines. The Chamber of Mines dealt with the question of the appointment of these inspectors in their report. In reference to that body I would like to say that I have the highest admira-

tion for some of the gentlemen who compose it, and I have received the greatest courtesy from them, and I venture to say that the opinion I am about to quote is not shared by a good many members of that Chamber. It says—

The mine-owners would indeed welcome any such augmentation of the strength of the inspectorate, for they believe that a large and efficient staff of capable inspectors would be beneficial to the industry and to all concerned in it.

Evidently the mine managers, the Chamber of Mines, recognise that there is more need for inspection than takes place at present. Had it been otherwise they would have said so. It goes on to say—

But it is a very different matter with these so-called workmen's inspectors. They are to be chosen by one section only of those engaged in the mining industry, namely, the workers' unions, and it is quite obvious that their special business will be to look after what they suppose to be the interests of that section, to the disregard of those of other sections and of the industry generally. Their mode of election makes it certain that political opinions will be the criterion of their choice rather than competency, for the proviso of five years' work underground may mean nothing. They will be selected as partisans pure and simple, and as partisans they will be expected to strain the Act against the mine-owners, and to be very lenient in the enforcement of its provisions against the men. If they act otherwise they will not hold their positions for long.

As the mouthpiece of some of the workers, or one of the mouthpieces of the workers on the Eastern Goldfields, I repudiate that and say that the record of the unionists in the past in working amicably with the Chamber of Mines is unparalleled in any mining community in the world; there is no question about that. We may turn back and calmly review the position, and find that ever since the inception of gold mining on the East Coolgardie goldfields there has never been what we may call a serious disloca-

tion of work. It has been said in season and out of season by the Chamber of Mines that that redounds to the credit of some of the leaders of the men, by bringing about amicable settlements on the Eastern Goldfields. It seems to me to be ridiculous for the institution to say that, if the trades union movement could provide leaders in the past who fairly and impartially viewed the industrial situation and arrived at amicable settlements, the same body of men cannot be just and decent in regard to the workmen's inspectors. It is a fallacy; there is nothing in it. I do not want to scratch the Honorary Minister's back because he has been a unionist secretary; I am one myself. But no one can cause more trouble than a union secretary. He can foment trouble and cause trouble. That has not been our experience in the past however, and for the Chamber of Mines to say that political influence would direct the men in the choice of their inspector, I say it is a downright insult to the intelligence of the men. The only evil, if any evil can be charged against the miner, is that he votes solidly for Labour. But that is his business, and I do not think that the representatives of the miners, when we view them in our calm moments in this or the other branch of the Legislature, are such biassed and narrow-brained individuals after all. I venture to say if the House gives the workmen power to appoint their inspectors the great weight and common sense of the working miner will preponderate and there will be reason in the carrying out of their duties. One of the main contributory factors in the Golden Mile in the cause of accident is the height of stopes, and the Bill proposes to limit the height of stopes to ten feet, and to fifteen feet with the consent of the inspector. The Chamber of Mines sent me their journal; that body did not differentiate; it sent a copy to me as well to other members, and the Chamber of Mines says—

This provision is only an example of legislation without proper knowledge. In the first place the safety or danger of a stope does not depend upon its height, but upon the nature of the ground.

With all due respect to the members who compose that body, I think there are members in this House and in another place who are just as competent to judge of underground work in all its ramifications as any competent and highly paid manager on the Golden Mile. Any man who has worked underground will recognise that there are difficulties; that the danger of a stope does not lie in its height always; very often it lies in the width as well as the height. But we recognise that if mine-owners are allowed to carry a stope to any height it is almost impossible, unless you get a telescope, to look at the top to see what the ground is like. I believe Mr. Connolly pointed out that there is a difficulty in this direction. The height is not always going to minimise the danger in this direction, but the limitation of the height of a stope will give facilities to the men working in the stope to examine the back and see if it is safe. I worked in a mine on the Golden Mile for five months on end, and during the whole of that time I never saw a mining inspector, and I have seen many falls from the back of a stope. The question of rising is dealt with in this Bill. I think that any man who has worked underground and developed a liking for rising, especially in the dry mines of ours, would be a fit subject for Claremont, and the Chamber of Mines, dealing with rising in their report, say—

Clause 35 (57), which limits to twenty feet above the back of the level or stope from which the rise begins, is left largely to the inspector's discretion. That being so, as in the great majority of cases twenty feet is not sufficient, the Bill might just as well specify thirty feet, and so save the necessity for constant reference to the inspector.

Personally speaking, I would rather see rising abolished altogether, and I think if this House does nothing else than abolish rising in Western Australia, it will be doing a great benefit to the mining community. There is no occupation in the mines so injurious to the health of the miner as rising. I do hope members will give every consideration to the

question of minimising this danger in our community.

Hon. F. Connor : It would add to the cost, would it not ?

Hon. J. CORNELL : The question of cost in my estimation should be secondary to the consideration of the health of the men working in the industry. If the Legislature will consider medical testimony, they will be absolutely convinced that they should not take the question of cost into consideration at all. That is our view of the question of cost. The question of cost in respect to rising when added up on the Golden Mile, which is the greatest mining centre in the State, would not amount to £5,000, and if even two lives can be attributed to rising, then I say that two lives are a greater asset to the State than £5,000. I am sorry to weary members, but I am endeavouring to spread myself, and to do justice to this subject. I hope members understand me in my endeavour to explain some of the phases of the Bill. Clause 35 Sub-clause 20 provides for passage ways—means of exit other than by the main shaft. The question of cost to a certain extent will enter into this. There is no doubt if this provision is agreed to, that is to say, that if the mines of the State have to be provided with means for the men to get out other than by the main shaft, it is going to add to the cost of the mine. When we look back, not one short year, and turn our attention to the Mount Lyell mining catastrophe, it behoves the Legislature to provide within a reasonable time that all due precautions shall be taken by the mining community so that we shall have no such catastrophe in Western Australia. It is possible in some of the mines of the State that something may go wrong with the main shaft, and that many lives will be lost. Personally speaking, as one who has worked as a miner, and one who has seen a good deal of mining, I think it is absolutely criminal to allow anyone to go to work in a place where he can be caught like a rat in a hole. Although we have never had a catastrophe such as the Mount Lyell in

this State—God forbid that we should— if one could see the possibility of such a thing occurring in this State I am sure the Legislature would insist on better precautions being afforded to the miner. Whatever is done for the industry members should take into consideration that better precautions and better care should be provided for the safety of the workmen underground. Clause 35 also provides to some extent for a clear view of the brace to the engine-room. In my opinion if a clear view of the brace cannot be decided upon in this Chamber and the Bill cannot be amended in the direction in which it was originally presented in another place, then I think this House should provide that in future encroachments shall not take place on the poppet head and the view of the driver thereby totally obscured. This is almost the unanimous opinion of the drivers of the State, and who is the best person to judge whether or not he should have a clear view of the brace than the man on the winding engine? It has been proved in evidence, and the general opinion is that the Gwalia fatality would never have occurred if the driver had had a clear view of the brace. On the Great Boulder mine, there was installed a new poppet head and a new winding engine to haul 3,000 feet, one of the most up-to-date winding engines and poppet heads in the State. Originally when it was placed in position, the driver had a clear view of the brace, but what has happened? Within a space of five years so many encroachments in the way of placing crushers and bins has taken place that the driver has not a clear view of the brace. No harm can come to the provision that a driver should have a clear view of the brace, and in the future I think it should be provided for and it will not hurt anyone who might build a poppet head to be compelled to leave the view for the driver quite clear. In dealing with this question of a clear view of the brace, I will tell hon. members a little story of something that happened at the Perseverance mine. There was a driver employed there

and he ran the cage up to the top and hung it up. Out came the engineer, who was a Yank, and he said, "What have you done, she is up." "I know she is up" said the other who could see that his name was Walker. He then said to the engineer, "There is only one thing wrong with this job; if a driver runs the cage to the top he has to get off his seat and go outside to make certain it is there." This is a true account of what happened at the Perseverance mine; that one driver ran the cage to the top, and he could not see whether it was at the top or not. Hon. members should give consideration to the question that some of the winding engines on the Golden Mile have only 18 inches from the top of the safety hook to the thimble, and then should also consider the question of the view which the drivers now have, and not allow that view to be encroached upon. With regard to signals, anyone who has worked underground knows the absolute necessity there is for some means of communication between the man on top who is in charge of the engine and the men below. The provision in the Bill dealing with this matter is new. As a matter of fact, some mines have put in return signals, but the importance of having the system uniformly adopted must not be lost sight of. The Bill provides that in the future mining companies will have to instal means of signalling from the surface to below, a provision which in my opinion is absolutely essential for the better protection and the safety of the workmen. The adoption of this provision will not confer any undue hardship on the mining companies. There is next the question of the abolition of contracts, a question which I am afraid will meet with scant consideration at the hands of a majority of members of this Chamber. In dealing previously with this matter I have said, and I repeat it, that the solution of the contract system lies in the hands of the men themselves. They have solved it at the North Coolgardie goldfields and also on the Murchison goldfield, that is to say, the men in these places absolutely refuse to take contract work.

Hon. J. D. Connolly: And we know how North Coolgardie is flourishing!

Hon. J. CORNELL: They work there by day labour. I hope the hon. member does not attribute the decline in that district to the absence of the contract system.

Hon. J. D. Connolly: I certainly do.

Hon. J. CORNELL: I venture to say if the hon. member had a mine that had no gold in it, all the men he could employ or even all the angels he could get would not extract anything out of it, but I think the men themselves are foolish that they do not make up their minds to abolish contract. At Meekatharra there is no contract work and the place is not languishing. If the men will only say "We will not take contract work," no Act of Parliament will be needed. But in the district I represent there has been a clear and definite line adopted. There have been several ballots taken and the wishes of the men have been consulted. In 1912 the Kalgoorlie and Boulder W. & F. M.U. took a ballot on the question of the abolition of the contract system and 1,385 voted for its abolition and 426 voted in favour of its retention, and there were over 1,800 votes polled out of a possible 2,200. Hon. members will thus see that they have there by ballot declared that they are in favour of the abolition of contracts, and if that is the case I do not see where any argument can be brought forward by any member in this Chamber in the interests of the men.

Hon. J. D. Connolly: Who voted at that ballot?

Hon. J. CORNELL: The ballot was open to all the members of the union.

Hon. J. D. Connolly: And the majority never did contract at all.

Hon. J. CORNELL: Granted.

Hon. J. D. Connolly: They did not get the opportunity.

Hon. J. CORNELL: The possibility is that the wages men of to-day may be the contractors of to-morrow.

Hon. J. D. Connolly: Did not that majority you speak of vote against a practice they were not interested in?

Hon. J. CORNELL: They are all interested in it. They are likely to become interested in it at any moment.

Hon. J. D. Connolly: Those men who engaged in contracts voted for the retention of the contract system.

Hon. J. CORNELL: I am not so sure that they did. Of course I did not see them vote; it was a secret ballot.

Hon. J. D. Connolly: Did not the members of the union say that?

Hon. J. CORNELL: The assumption put forward by the hon. member by way of his interjections is that those who voted in favour of the abolition of the contract system were wages men, and those who voted against its abolition were men who had engaged in contract work, but they are all members of one union, and do hon. members assert that a ballot of contractors only should be taken on the Golden Mile, and that all the other members of the union who are just as interested as the contractors themselves should be ignored. This would mean that 400 members would have the right to dictate the policy of a union which embraces 2,200 members. I repeat that the contractor of to-day is likely to be the "bogger" of to-morrow.

Hon. W. Kingsmill: What did you call the gentleman?

Hon. J. CORNELL: Bogger. We are having a miners' dictionary compiled. But to argue that the whole of the members of the union should not vote on the question of the abolition of contract is arguing on false premises. It would be just as logical to say that the Labour members in this Chamber should only vote on matters which concern them. That is not the view taken by hon. members in this Chamber on matters that come before it. If the provision is carried for the abolition of the contract system, I hope it will be set out that the new order of things shall come into operation at a later or at a stated date. With regard to the question of the hours of labour underground, the Bill proposes that 44 shall constitute a week's work, except in cases of emergency. Anybody who is familiar with underground work will know that the air is better and the

atmosphere is cooler in most mines from the surface to the 1,000-foot level, than it is below that depth. Most of the big mines are now below the 1,000-foot level and are working at between 2,000 and 3,000 feet. The question of shorter hours in dangerous or unhealthy callings such as working at these great depths is no new matter, and if hon. members will make their minds clear that working in such deep levels is injurious to health, they will, I feel sure, give consideration to the proposal that the men should be employed underground for shorter hours. It has been claimed that this question of shorter hours is new. It is not new. They work six-hours shifts in Bendigo in many of the deep mines, and I wish to show also that the question of shorter hours is an international one. At the Miners' Conference which was held in Germany, the question was discussed and a resolution was carried in favour of a general eight hours day in mining, and they qualified that by providing for a shift of six hours when men were working in hot and wet places. That shows that in other parts of the world it is recognised that working long hours in certain places underground is absolutely injurious to health. I hope hon. members in their calm and deliberate moments will give some consideration to the proposed limitation of hours, because it cannot but have a good effect on the health of the men, and I venture to say that a twelve months' trial of the shorter hours will prove that, at any rate on the Golden Mile, the output of the mines will be just as great as it is at present. If we go back to the time when Lord Shaftesbury introduced his first Factories Bill in Great Britain, at the time when children of tender years had to work very long hours, we will find that the self same arguments were trotted out, that the work could not be turned out and that the industries could not bear the burden, and throughout the history of British legislation, whenever an effort was made to shorten hours in the interests of the health of the people engaged in the industries, the old arguments and platitudes were brought forward by opponents. Yet statistics prove to us to-day that with

the shorter hours and the introduction of machinery there has been greater efficiency, and more can be produced to-day in four hours than was done in 15 hours ten or twelve years ago. Hon. members should at least give consideration now to the question of shortening hours in certain places underground where men are engaged, such as in rises and hot ends, and if this course were followed the lives of the men would be prolonged. If hon. members would only agree to this course, I think they would find that the Honorary Minister would be prepared to meet them.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. CORNELL: Before tea I was dealing with the reduction of working hours. I do not intend to stress that point at any further length, but will leave that in the hands of some of my colleagues. I now come to another new feature of the Bill, viz., the abolition of the night-shift on and after the 1st July, 1914, except in such cases as may be prescribed by the Minister. The chief argument brought forward in favour of the abolition of the night-shift in mines, especially the deep and badly ventilated mines, is that a cessation of work for one shift within the 24 hours must to a large extent improve the ventilation of the mine. I do not think any hon. member will dispute that contention. It must be patent to hon. members who have troubled to go into the intricacies of mining, that where a mine is worked continuously at a depth of 2,500 or 3,000 feet, and where, as on the Golden Mile, there is an average of from 150 to 200 charges fired in every night-shift, the air must become particularly foul. In stopping and developing there is no such thing as a fixed period or shift for firing out; that goes on intermittently throughout the three shifts, and the firing must of necessity create a great volume of dust which, as medical opinion shows, is very injurious to the health of the miners. Take any other badly ventilated place where men are employed for the full 24 hours, and it will be admitted that the air in that place must

be poisoned to a greater degree than if the men only worked two shifts, and one of the main arguments for the abolition of the night-shift is that it would tend materially towards improving the atmosphere and the working conditions underground. It has been pointed out in another place that the Great Boulder mine has ceased working three shifts. Before the Great Boulder adopted the two shifts, the Lake View and Star, the Associated Northern, and some other mines on the Golden Mile worked only the two shifts. I will be fair and generous to the mine managers with whom I have been associated, and I will say that I do not think there is a mine manager—if there is one he is a curiosity—who would work three shifts underground if he could more economically work two shifts or one shift, and the abolition of the night-shift is a large problem. Some mines may not be so favourably situated in regard to development or the taking out of ore as the Great Boulder mine is. The Horseshoe and the Ivanhoe, two of the largest mines on the Golden Mile, are not at present in the position to knock off the night-shift; but if hon. members are of opinion that the date fixed for the abolition of night-shift in the mining industry is too early, they may probably see the wisdom of an extension of that time. All things have a beginning and this Bill is only a beginning. This clause is not so drastic as some other clauses, inasmuch as it antedates the coming into operation of this proposal. The Bill does not propose to abolish night-shift on the surface or to curtail the operations of the mining companies with regard to the continuous process. So far as surface working is concerned, every consideration has been given to the mining companies, and I think I can say with all due fairness, that those who were responsible for the Bill and those who have advocated the proposals it contains are actuated by the highest motives. It is a question of better sanitation in mines and a greater convenience for the men employed. I do not know whether any hon. member, with the exception of Mr. Dodd and Mr. Ardagh, has ever worked night-shift, but

I can assure the House that the night-shift in mines is not a very nice occupation.

Hon. Sir E. H. Wittenoom: Have you ever been droving cattle?

Hon. J. CORNELL: I have.

Hon. Sir E. H. Wittenoom: There is plenty of night-shift in that occupation.

Hon. J. CORNELL: I have watched the cattle around the camp fire at night, and if they were quiet I could lie down and read "Deadwood Dicks." There is no analogy so far as night work is concerned between cattle-droving and working underground. The man underground works three shifts winter and summer; he requires a certain amount of rest, and any person having a knowledge of the housing and climatic conditions on the goldfields will say that the man working night-shift has not a bed of roses.

Hon. M. L. Moss: Do you not think that is a matter for the Arbitration Court to say?

Hon. J. CORNELL: If I read the hon. member aright, I do not think he is any more optimistic in regard to the Arbitration Court being able to solve these difficulties better than the legislature than I am, and the court in some of its recent decisions, apart from ridiculing the legislature, showed itself entirely out of touch with the intention of Parliament.

Hon. M. L. Moss: Do you admit this is within the province of the court?

Hon. J. CORNELL: I know the powers of the court are far-reaching in regard to industrial matters, but I think the court very often pleases itself as to what it does. So far as the night-shift is concerned, the legislature is responsible for the statute under which the court is constituted and works, and if the legislature is competent to enact such a statute, I think it is just as competent, in fact more competent to deal with the question of working night-shift, than the court is. Another consideration is that the legislature in dealing with a question like this says that the night-shift shall be abolished and it fixes a certain date and makes no qualifications; its enactment would extend throughout the length and breadth of the State. On the other hand



if the matter were left to the court that body might say in some localities there should be no night-shift, and in other localities there should be night-shift. I have no faith in the court being able to arrive at a decision on these large issues. The abolition of the night-shift is a question of great importance, and the only argument that can be brought to support the striking out of the clause is that some of the mines must lose or close down if this proposal is carried. Viewing the matter from that standpoint there is a certain amount of reason and logic in the opposition. On the other hand I argue that this provision is in the interests of the health of the men working underground, and the matter boils itself down to these two issues—the effect on the industry and the effect on the men who work in the industry. If we cannot see our way clear to go to the full extent of this proposal, we should certainly endeavour to view it from those two standpoints alone, and not bring in any side issues. If the legislature thinks the night-shift should be abolished and this enactment would not press with undue severity on the industry, the legislature is the proper body to do that.

Hon. R. D. McKenzie: Do you think the two shifts will improve the ventilation of the mine?

Hon. J. CORNELL: We have it on the authority of men who worked underground in mines where there were only two shifts, that the air was superior to that in mines which work three shifts. It depends largely upon where they are working. I am speaking generally. I admit that there are some portions of the mine where one would have to use artificial means to improve the ventilation and improve the air, but they are few and isolated exceptions. There are rises and dead ends; but there are stopes properly connected by the medium of winzes, and the ventilation of that mine must of necessity be improved.

Hon. J. D. Connolly: A big percentage of the night-shift will always work in dead ends.

Hon. J. CORNELL: I am surprised at an hon. member who represents a min-

ing constituency saying that a big percentage of the men will work in dead ends. It must be thoroughly patent to the hon. member that a dead end invariably constitutes development work, and invariably the custom has been, where possible, on the Golden Mile in development work that the men only work two shifts, day and afternoon. There is a necessity to work in a dead end in development work. That necessity cannot be argued. In regard to the stope, a good mine manager keeps his development work ahead of his stope, and his development work is to drive along the lode and make provision for the lode to be prospected, and in drawing his supply of ore for the mill he draws it from the stope, and it is ore from the stope that keeps the mill going, rather than it is the ore from development work. I will leave it to hon. members to decide on the two issues I have referred to. I am not so optimistic as to believe that hon. members will agree to the provision as it stands in the Bill, but I hope they will give some consideration to the points I have raised. We now come to the question of the employment of foreigners on the mines. It is a very vexed question and one that puzzles any individual who gives careful consideration to the working class movement and to economic conditions. We know the reason for the foreigner being in Western Australia; it is probably the same reason that actuated our forefathers in coming to Australia. The conditions of the working man and what he expects for his labour are better in this country than in the country he came from, or he would not be here. I was referring to-day to the Kalgurli mine and the low rate of accident pay that was paid out there, and for years and years in the Kalgurli mine there was no contracting; there were no foreigners employed, and the figures of the cost of raising ore would compare more than favourably with any other mine working on the Golden Mile. Men working in the Kalgurli mine during the time of Mr. Moss's management, and subsequent to Mr. Black's succession, admit that it was the hardest mine on the Golden Mile to obtain a billet in, and men stopped longer

in the Kalgurli mine than in any other mine up there. Had the same sort of patriotism and imperialistic attitude existed among the mining managers of the Golden Mile as actuated the managers of the Kalgurli mine, the conditions of the workers and of the community generally would be much better than they are today. It is all very well to talk imperialism and wave the flag, but when a descendant of John Bull comes along, preference is given to the foreigner.

Hon. Sir E. H. Wittenoom: Is he better than the ordinary man, then?

Hon. J. CORNELL: It seems that in all British-speaking communities the Britisher unfortunately thinks the foreigner is a better man than he is. It is an old saying that an Englishman dearly loves his lord, that he likes someone to look up to, and the lord likes someone to be servile to him, and I think that spirit exists a good deal among mining managers on our goldfields. The question of the foreigner on the goldfields not only affects the mines but it affects the community generally. I venture to say that the Colonial Secretary, in his capacity as head of the Police Department and in administering various legislation, knows that the foreigners have beaten him and his police force right through the piece in sly-grog selling and other directions, and I venture to say that they will continue to do so. A man was killed the other day through the segregation of the foreigners into colonies of their own, and these disturbances are almost an everyday occurrence, the particular feature of this one being that the man died and someone had to be told. I have no objection whatsoever to the foreigner if he comes to Australia and adopts our methods, and makes himself an Australian.

Hon. D. G. Gawler: He cannot for two years.

Hon. J. CORNELL: Some of them will not do it for 20 years. I venture to say that some men have been on the Kurrawang line for 10 years and cannot speak any more English than when they came. This Bill proposes to limit the number of foreigners to one in ten in the mines, and before they can work in

a mine they must readily and intelligently speak and understand the English language. That is quite right. Anyone who has worked underground with foreigners knows that they can say "shovel" and "truck," but that about ends it all.

Hon. R. D. McKenzie: And drink beer?

Hon. J. CORNELL: Yes. I would like to extend this tribute to the foreigner as we know him in Western Australia; if he has a shilling to spend or a pound to spend, he spends it with his own countrymen, whereas the average Australian does not, but if he wants to buy vegetables will go to a Chinaman or some other foreigner. All we are seeking to do in this legislation is to have some tangible outcome to the great imperialistic policy, the policy of the Empire. I claim that if there is a Britisher available he should have the preference. He does not get the preference now. I have had the experience of applying for work, walking the Golden Mile for three months and appearing on certain mines every day, and I have seen foreigners who could not speak the English language, and I venture to say cannot speak it now, called in and given the preference over me and others. That is an everyday occurrence on the Golden Mile. It has been argued that Britishers cannot do the work, hence the preference to the foreigner, who is said to be stronger and more robust. But one of the aversions of the Britisher to taking the work is the conditions under which the work is carried out. If the trucks and conditions of work were in some places fitted for human beings, a Britisher would have no hesitation in taking the work.

Hon. Sir E. H. Wittenoom: How do the foreigners live through it?

Hon. J. CORNELL: It must be taken into consideration that in the mining communities of Western Australia the foreigner is to a great extent an innovation. The foreigner does not see the danger but will go in where—

Hon. W. Kingsmill: Where angels fear to tread?

Hon. Sir E. H. Wittenoom : Is he killed when he does not see the danger ?

Hon. J. CORNELL : I may say that he will accept conditions where the average British worker who is a miner, or the son of a miner, would hesitate about going. He will often go protesting, but he will go and do the work. Hon. members can take the figures of the Great Fingall mine, and I venture to say the percentage of foreigners who have died through miners' phthisis on that mine is just as high as the percentage of Britishers or, perhaps higher, and it will be seen that these foreigners are no more immune after a certain time to these diseases than what the average Britisher is. The foreigners, however, will take the risks and have no objection to doing the work, but it is a fallacy to say the foreigner is a better workman than the Australian, or the Britisher, and it is also a satire on our Empire.

Hon. F. Connor : You are proving that argument yourself.

Hon. J. CORNELL : Given reasonable conditions, the average Britisher or Australian worker will compare more than favourably in intelligence and capacity with a worker of any other country in the world. We have found that the language test is not sufficient. Just as it has been found that the Immigration Restriction Act does not keep Chinamen out of the Commonwealth, I venture to say the language test does not keep foreigners out of the mines. Unless our opponents can show that there are not sufficient workers in Western Australia to man the mines and do the work, then I say that we, as Australians, should put something in our legislation to assure the Australians, who are willing and ready to work, that they shall get it. And I think the proposal to limit the number of foreigners in a mine is in the direction of providing that all Australians shall have work if work is going.

Hon. H. P. Colebatch : Would you limit them in other occupations as well ?

Hon. J. CORNELL : I will go so far as to limit the foreigner in all dangerous avocations.

Hon. Sir E. H. Wittenoom : But you should do the reverse if you want to get rid of him.

Hon. J. CORNELL : I thought the hon. member was religious, but I am afraid he does not follow the doctrine of "Love one another."

Hon. F. Connor : Nor do you either, it seems.

Hon. J. CORNELL : I will love the foreigners if they stop in their own country. I would remove them out of all dangerous occupations, that is to say, where their presence is a danger and a menace to the British workmen. There is plenty of land, plenty of territory available in Western Australia for the foreigner to come to. As one who has taken a considerable amount of interest in the immigration policy, not only of the State, but of the Commonwealth generally, and with all due respect to the type of British immigrant coming to Australia, I will say that from the point of view of physique and the improvement of our race there is no comparison between the average immigrant from England and the immigrant from Italy or Austria. There is no comparison constitutionally or in point of physique.

Hon. C. A. Piesse : Which is the better ?

Hon. J. CORNELL : The Austrian and the Italian. If statistics could be brought to bear and the immigrant examined from a health point of view and the point of view of physique it would be found that the immigrants from Austria, Dalmatia, and Italy is of superior type to the immigrant from the British lands. There is plenty of land in Western Australia, and the Austrian and Italian make excellent agriculturists. I will do justice to the foreigner by saying that the foreigner who works on the Golden Mile and who has been reared in the cities of Europe is a vastly superior individual to the foreigner raised in the agricultural centres. The foreigner raised in the cities of Europe is as much imbued with the trades union spirit as is the average Australian, and is just as good a unionist and just as good a fighter. But the foreigner who

comes from the agricultural centres of Italy and Austria is not imbued with the spirit of emulation which characterises the foreigner from the towns of Europe, and in consequence he is more servile, more likely to be bossed and made to do whatever his bosses like. But you cannot do what you like with the foreigner imbued with the trades union spirit. Some foreigners on the Golden Mile are just as good trades unionists as Australians or Britishers. But I say the land should be thrown open to the foreigner, and every encouragement given to him to settle on the land. What is the position of the foreigner on the goldfields and wood lines? I venture to say that 90 per cent. of the foreigners that come to Western Australia do not come with the fixed purpose of remaining citizens of the State. They come to Western Australia, they work, earn money, live humbly, and save their money in order that they may go back to their own country; and in consequence it is surprising to see the amount of money taken out of Western Australia per medium of the foreigner. If we had a vigorous land policy encouraging the foreigner to settle on the land, he would have, as Mr. Colebatch and others have pointed out, a real stake in the country. Mr. McKenzie says the foreigner can only get a leasehold. I think he is a pretty lucky foreigner who gets a freehold in his own country.

Hon. Sir E. H. Wittenoom: Why cannot he go on the land now?

Hon. J. CORNELL: Because he can make more money in the mines. If the Bill passes some of them will have to go on the land.

Hon. F. Connor: We will send them all to Esperance.

Hon. J. CORNELL: I now come to the clause which provides that an accident in a mine shall be *prima facie* evidence of neglect on the part of the management. This was provided in the Mines Regulation Act of 1895, but the introduction of the Employers' Liability Act and the Workers' Compensation Act served to cut out this very important provision from the Mines Regulation Act of 1906. I think it should be restored to the

Bill, and that every worker should be given the right to have recourse at law, and that if he be killed his wife should have the right to sue the company, whereupon, if the company is found guilty of neglect by a common jury, the company should be made to pay something commensurate with the value of the life that has been lost.

Hon. H. P. Colebatch: That is the case now.

Hon. J. CORNELL: No, the case now is that since the passing of the Act of 1906 there has not been one instance which I can remember of anybody recovering damages by suing at common law. Any damages they have got have been by way of compensation. Under the Employers' Liability Act, by the doctrine of common employment it has proved almost impossible to win a case at law. That Act is limited to £600, and I venture to say that the life of a man in the prime of health is worth considerably more than £600 to those dependent on him.

Hon. H. P. Colebatch: There is no limit if you can prove neglect.

Hon. J. CORNELL: I take it the framers of this measure have given consideration to the cases which have gone before on the question of neglect. I believe I am right when I say that the doctrine of common employment makes a mine manager absolutely immune from prosecution at common law, and I think this provision should be restored to the Bill. If a common jury is competent to decide whether or not a man's life should be taken from him I think a common jury is competent to assess the amount of compensation for the widow of a man killed in a mining accident, or for a man injured in such an accident. I intend to make a last quotation which is rather interesting. This is a copy of a pamphlet sent to me, dealing with this very provision. It is a reprint issued in pamphlet form by the Chamber of Mines. It reads as follows:—

Clause 67 lays down the principle that the occurrence of any accident on any mine shall be taken as *prima facie* evidence of the manager's neglect. This extraordinary thesis actually crept in-

to the Mines Regulation Act of 1895—I think that is a reflection on the intelligence of some hon. members who were in this Chamber when the Bill passed. If hon. members let it creep in I think it serves to show they possessed a considerable amount of commonsense. The pamphlet continues—

—but was very properly omitted by that of 1906. Every other person accused of any offence or liable to be accused is held innocent until he is proved guilty, but if there is an accident on a mine the manager is to be adjudged guilty of negligence, at least, offhand and without more ado. Surely fanatical class bitterness could go no further than this.

What is the Police Offences Act? If the most abject miner on the Golden Mile is caught with a speck of gold in his billy-cau or boot it is *prima facie* evidence that he stole that gold, and that anyone with him is an accomplice, until such time as they can prove their innocence. If the Chamber of Mines or whoever was responsible for the compilation of this report did not know that they ought to have known it. I think it is ridiculous to send this pamphlet to an intelligent body of men or an intelligent community and point out that this is the only attempt at legislation on our statute-book making in this direction. The Bill only proposes to put the mine manager on the same footing as this House has put the gold-stealer on. This House did it, though not as it is now constituted. That is to say, if an accident occurs, he has to prove it was not through his neglect, the same as the man found with a speck of gold in his possession has to prove that he came by it honestly.

Hon. D. G. Gawler: It is very much easier to do that than to do the other.

Hon. J. CORNELL: I believe that there have been instances on the Golden Mile of men having been imprisoned although they never stole a speck of gold. The gold was put in their way; and whose evidence would be taken in a court of law, with the man standing there in the dock by himself and no

evidence to support him?

Hon. D. G. Gawler: Would one of the officials put him there?

Hon. J. CORNELL: I do not say that, but I say I believe there have been such cases, and that there can be such cases occur where a man can be had up and a job put up on him. You have only to turn to your sly groggeries and you will find there the tactics frequently adopted in getting a conviction. Unless you put this provision in the Bill I say the miners have practically no standing under the law. To go a very little further, the House the other day agreed to a provision that if a man be found riding as a passenger in an unlicensed vehicle it shall be held *prima facie* evidence that he is guilty until he proves that he did not know the owner had not a license. There is another illustration of throwing the onus of proof on the individual. I protested at the time against the iniquitous proposal, and I am protesting against the attitude of the Chamber of Mines in endeavouring to mislead the public and, perhaps, hon. members, in regard to this proviso when they will accept a similar proviso in the Police Act if it suits them. What is sauce for the goose is sauce for the gander; if the provisions of the Police Offences Act assist them and they are prepared to accept the iniquitous principle in that they should be prepared to extend the same privilege to the miner. I am sorry to have wearied hon. members for so long. I have done my best to put forward a case on behalf of the working miners of this State, and I speak feelingly in the interests of the miners when I say that during the last Administration and during the present Administration all sections of the community have received some amount of consideration, but the miners have received no consideration. Practically the only consideration that we can extend to the miners is by Act of Parliament giving them a decent Arbitration Act and seeing that it is well administered. I do not think the record of the miners in the past will prove that they are against arbitration.

Hon. J. D. Connolly: You have the best arbitration Act in the world, so the Attorney General says.

Hon. J. CORNELL: The Attorney General has his opinion and I have mine. The miners have loyally abided by the principle of arbitration. This House to a certain extent last session assisted the mining community, more particularly by the passing of the Workers' Compensation Bill, but I claim that the measure now under consideration is of more vital and paramount importance to the mining community, their wives and their children, than any other piece of legislation which will come before us. It provides for their working conditions; it aims at the protection of their health and of their lives, and what can be more noble for this House or for any other deliberative body than to be actuated by the highest motives for the preservation of the lives of the miners on whom children are dependent. I leave the question in the hands of hon. members and I hope that no mercenary motives will prompt them in considering this measure. Wherever the benefit can be given, wherever it can be shown that the measure will not prove a serious menace or is not likely to cause a serious dislocation of the industry I hope hon. members will extend consideration to the miners, consideration which has been denied them and which they should have received long ago.

Hon. Sir E. H. WITTENOOM (North): Ever since the second reading of this Bill I have been puzzling my mind to try to frame a speech on it. It is a measure of so much importance to this State and one with so many questions crowded into it that I find it is almost impossible to pass it by without saying a few words upon it. I do not hope in my wildest dreams to be able to make such an impassioned speech as the one we have just listened to, but I hope to be able to say a few words from the other point of view which perhaps may contrast to some effect with what has fallen from my predecessor in his speech. I must confess that when the Honorary Minister rose to make his second reading speech, I was curious to learn how he

would deal with the difficult, changeable, and revolutionary proposals that have been crowded into this Bill. These provisions are exceedingly far-reaching and I was wondering how he would justify them, and I must say that after listening carefully to him, I am afraid he did not carry conviction on all points to my mind. I listened with greatest attention to what I may call his sympathetic, nay I may almost say his pathetic speech in connection with the risks, dangers and the troubles which affect the mining population and I was sorry to learn, indeed it was grievous to find that an occupation such as this was carried on under such difficult conditions, and the marvel to my mind, after hearing his arguments and after hearing the statements of the hon. Mr. Cornell, was how it is possible to get anyone to engage in the industry; how do they come to risk their lives and bodies and in fact risk everything to go into an avocation in which every moment of their lives they are almost certain to be killed either by accident or by miners' phthisis, or something of that kind. I think if all these statements were true, the occupation should be labelled as dangerous—

Hon. F. Davis: It is.

Hon. Sir E. H. WITTENOOM: And a law should be passed that no man should be engaged in it.

Hon. J. E. Dodd (Honorary Minister): That is what it ought to be.

Hon. J. Cornell: I agree with you.

Hon. Sir E. H. WITTENOOM: It is extraordinary to think how eager all these thousands of men quoted by the hon. Mr. Cornell are to engage in this work and to continue it. I would take some of the statements which the hon. member made but I will not go into the harrowing details of percentages as he did. I think he said in one case that 145 per cent. of the men died and afterwards he amended it by stating the percentage was 1.45 which is not quite the same. It seems marvellous that these men should engage in such an occupation. But to go from the frivolous to the serious, we must always remember that although Western Australia shows

a greater proportion of accidents we must bear in mind this fact, that a greater proportion of the population of Western Australia is engaged in mining than that of any other State.

Hon. F. Davis: That proportion was a thousand of population.

Hon. Sir E. H. WITTENOOM: The hon. member may take it as he likes, it makes not the slightest difference. It just shows that there are so many more men engaged in the occupation in Western Australia than there are anywhere else and there is of necessity a greater number of accidents. One would almost think from the arguments brought forward that mining was the only occupation or industry which is attended with accidents. All of us of any experience in this world know that any occupation is attended with accidents. I might illustrate the timber industry and although we do not have miners' phthisis or much bad health in connection with employees in the industry—as a matter of fact I think their health is pretty good—there is a certain number of accidents even with the splendid companies associated with the timber industry. They take every precaution to preserve their employees from danger and from accidents but even then there is a certain number of accidents. Take farming also, men who work on mowing or reaping machines are liable to accidents. Take squatting and station work: I heard of a case the other day; a man wanted to go for a ride and was foolish enough to ask for a horse. He was bucked off on to his head. I am sorry to say that the man has been insensible for five weeks. Hon. members will see that there are accidents in every calling and that it is impossible to avoid them. Some are more largely attended by accident than others. In connection with mining accidents I think there is a great deal of weight in the argument brought forward by the hon. Mr. Connolly the other night that a certain percentage of the accidents is due to the carelessness of the men. They get so familiar with the dangerous part of the work that at last they become careless. One man goes to ride a horse and is bucked off

half a dozen times and does not get hurt, but the next time he is rendered insensible and is probably killed. Another goes on a reaping machine, jumps down in a hurry and gets in front of the cutters. Similarly accidents happen in all occupations. It is not as if the mining industry was immune from accident or worse than the others. A greater number of people is engaged in this industry. It is a dangerous avocation to a certain extent and there is a greater number of injuries among the people so employed. I congratulate the hon. Mr. Cornell on his speech from one point of view. He has done full justice to those who sent him here; he has represented their case very fully because he said he had come here to make out a case for the miners, their wives and their children. He has done all this and done it well and I must admit, apart from any light remarks, that it was one of the most interesting speeches I have listened to for a long time, but the hon. member spoilt it in the end when he said that the speech was delivered in the interests of one section of the community. The Honorary Minister who introduced the Bill and the hon. Mr. Cornell both forget that there is another side to this question. They forget the claims of the men who put their capital into the industry—the employers. All their consideration is for the workers, and because they are sent here to represent those men it is no reason why they should take so small and narrow-minded a view of the matter. I do not propose to speak to-night on the technical question of ten-foots. I know nothing of ten-foots. I have heard of a ten-foot alluvial business, but have not heard of ten-foot stopes, but I am prepared to look at the question from two points of view—one is that of the capitalists who find the money to run these concerns and the other is a commonsense point of view from both parties and both sides engaged in the industry. Those are the considerations which should actuate us all and I should have been more pleased with the speeches of my two friends opposite if they had been more liberal to those who provide the employment, dangerous as it may

seem. I listened with the greatest attention to every word from the hon. Mr. Cornell and he proposed no end of amendments in favour of the worker, but he never for one moment considered what the cost might be. Mining is all a question of cost. If the costs get beyond a certain amount it is impossible to go on at all. According to the views the hon. member put forward, if matters are to remain as they are they will kill the worker. If the amendments which he suggests are agreed to they will kill the mines. As far as I can see one or other has to die. The most amusing portion of all the speech was the inconsistency of the hon. member. On the one hand he and his talented friend the Honorary Minister particularly put before us the extremely dangerous nature of this avocation. They said the men are at all times subject to the possibility of accident and of phthisis and yet we find that in certain clauses of the Bill they are trying to limit the number of foreigners to one in ten Britishers. If this industry is so fraught with danger and disease, why not let the foreigners in and limit the Britishers to one in ten foreigners in order to get rid of the foreigners. Put these hated foreigners in and kill them, but do not let our own good British men go in and die.

Hon. J. W. Kirwan: The presence of the foreigner is a source of increased danger.

Hon. Sir E. H. WITTENOOM: The foreigners are not a source of danger because they cannot go below unless they can speak the language and pass the test at the hands of an inspector, so there is no trouble about that.

Hon. J. E. Dodd (Honorary Minister): If you allow us to put the other part of our policy into operation, we will give you all of that in.

Hon. Sir E. H. WITTENOOM: I am only going by what I have heard my friends say to-night. We know this is a dangerous avocation in which our good miners, Britishers and Australian, suffer or die from accident or disease, and we limit the foreigner to one in ten for fear that they should suffer. My theory would be to limit the Britisher to one in ten and

let the foreigner go down. I am not prepared to speak in the extreme strain adopted by our friends. I cannot speak of this battle, murder and sudden death, but I will try to address myself to some of the clauses in the Bill from the point of view, as I have stated before, of capital and common sense, and I would like to look at it also from the point of view of the proprietors. Mr. Connolly dealt with this Bill very freely and fully and it almost seems like going over old ground to speak to it, but even at the risk of repetition I must refer to some of the remarks he made. When I come to consider the conditions of the Bill, I say it with some diffidence, that I do not believe the Government were at all serious when they brought it forward. I give them credit for too much sense to think for one moment that a Bill containing such revolutionary principles as are included in this measure would ever stand a chance of being carried, and I think their hope was that they would bring it forward and allow the Legislative Council to throw it out, so that they might be able to say to their constituents—"See what we tried to do for you and failed." That is my firm opinion. I give the Government credit for a certain amount of common sense—

Hon. J. E. Dodd (Honorary Minister): You are not making any mistake like that.

Hon. Sir E. H. WITTENOOM: I am not making any mistake about their common sense, but I may be about their expediency. It is my firm opinion that this Bill was brought forward for nothing else than political capital. I had something to do with such a Bill, in fact I almost framed the measure of 1895. I took a great deal of trouble over that, and I went as far as Queensland to find out something in favour of the miner and the mine-owners. The Bill then submitted was a good one, and it passed and worked for a long time, and I repeat what I interjected earlier in the evening, that the measure of 1906 was a good one, because for seven years no one asked that it should be altered. From what I know



of the mining population they do not sit still under an Act of Parliament for a period of six years if it does not meet with their approval.

Hon. C. A. Piesse: Not for six months.

Hon. Sir E. H. WITTENOOM: That is so. I am quite certain there could not have been anything dreadful in that measure. I give credit to my good friends for trying to improve the conditions under which the miners work, but if they do not succeed they will be able to say "It was not our fault, it was the fault of the Legislative Council." I find that there are six provisions in the present Bill that I am unable to give my support to. The first is in Clause 7, which deals with the appointment of workmen's inspectors. The second is the Mines Regulation Board. The third is the reduction of hours. The fourth is that which my friend opposite was so eloquent about, and in regard to which he put forward such a good case from his point of view, that is, the abolition of the night shift. The fifth deals with the limitation of foreigners, and the sixth, the abolition of contract work. Those six provisions are of a very serious nature, and it will require the careful consideration of this House before they are agreed to, because they will alter the whole tenure, the costs, and the methods under which mining is carried out. I will begin by referring to the appointment of workmen's inspectors. Does anyone in their wildest thoughts imagine that it would be possible for inspectors elected by union men to work on a mine without bringing everything into conflict? If those inspectors did their duty to those who elected them, the unions, do they think they could ever justify their position? They would do anything to bring trouble about, they would be a source of irritation, and the mine managers and the owners would never be able to put up with it. We might just as well allow the mine-owners to elect their inspectors. If the unions elected their inspectors, I am going to contend that the mine-owners should do the same, and then we should have an arbitration court, and it would be necessary to appoint a Government inspector,

and he would be the man who would decide. I am going to show the amount of harm that it will be possible for an inspector elected by the union to do. Let me first refer to Clause 11, paragraphs (b), (c), and (d). Paragraph (b) says that an inspector can inspect and examine any mine and every part thereof at all times by day and night, but so far not unnecessarily to impede or obstruct the working of the mine. Then paragraph (c) states that for the purpose of such an examination the inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly. Then paragraph (d) provides for the initiation and the conduct of prosecutions against persons offending. All this is a great deal of power.

Hon. F. Davis: Read the preceding clause.

Hon. Sir E. H. WITTENOOM: Yes, I know that workmen's inspectors are under the dictation of the district inspector, but the district inspector is not always there, and when he is away the workmen's inspector has all these powers. He has his union to satisfy. We go further on and look at Clause 15, and we see there that there is a penalty provided for neglect to carry out any of these things. It says—

Every owner, agent, or manager of a mine who refuses or neglects to furnish to an inspector or any other person duly authorised the means necessary for making an entry, inspection, examination, or inquiry under this Act in relation to such mine, shall be liable to a penalty not exceeding fifty pounds.

The penalty is very large indeed. Then Clause 19 is a very bad clause, because it encourages people to go to these inspectors with all sorts of complaints. It says—

(1.) Any person working in a mine may make complaint to an inspector of anything which it would be the duty of an inspector to report upon or remedy. (2.) The inspector may make inquiry into such complaint, and take such other steps as he may deem neces-

sary to investigate the matter: the name of the informant shall not be divulged.

That does not seem a very straightforward way of going to work. Now let us look at Clause 46, and see what the inspector can do there in regard to the employment of foreigners. Subclause 5 of that reads—

An inspector shall have full power to require the immediate dismissal of any person found working in a mine who does not, in his opinion, after examination in the presence of the manager or other responsible person, comply with the requirements of this section.

Then in the next subclause it is provided that any person who refuses to be examined can be called upon by the inspector. It is possible there for the inspector to call upon a man every day and every week and he can harass him in any way he likes. Suppose it is the hated one in ten who happens to be there, and the inspector comes around, he can impose on him a test in the English language and give him something fresh every time. I do not think he would, but it is possible under these conditions.

Hon. J. Cornell : You are drawing the long bow.

Hon. Sir E. H. WITTENOOM : I am not. I am reading from the Bill. My argument is that if the unions are going to select their inspectors it is right for the owners to do so as well, and then we shall have Government inspectors as umpires, but I say that surely we can trust the Government to provide disinterested inspectors with a good character, and if there are not enough we can appoint more, and we can give all the inspection necessary for the safety and the health of those engaged in mining without resorting to these absurd means. It is nothing but class legislation of the worst kind. It really means taking the management out of the hands of the owners and the managers, and if these proposals are carried out, the owners would be harassed to death. They would throw up their mines, and so the money would be driven out of the country. I do not say that would be a loss from the pre-

sent Government's point of view, because they would borrow it in another way and disseminate it in a different style. There is always this to be considered, that there is no compulsion in the matter, if the men do not like the conditions. If the work is unhealthy there is nothing to compel them to work under those conditions. They can go away. No man is compelled to accept these conditions. There is the timber industry, and men are required in the farming districts. These people get splendid wages and compensation for every accident. They are treated like princes from every point of view. Now I come to the mines regulation board. Clause 40 provides that it shall consist of seven members, three being Government officers, two elected by the unions, and two by the owners of the mines. This will mean that the three Government officers will decide everything. I ask the Minister whether we are in the position to run any more boards? Are our finances in such a position now that we can afford to appoint more boards? With the small deficit which we have, and with the hope of a large one in the near future, should we appoint boards in every direction? Not long ago we heard about boards under the Irrigation Bill, and boards under something else, and now we have proposed a board of seven, all to be paid, and worker's inspectors, also to be paid. Where is the money coming from? The mining industry has been operating since 1893 without any dreadful results, and yet we are asked to sanction all this new expenditure.

Hon. J. E. Dodd (Honorary Minister) : Are you aware that is the commission's recommendation?

Hon. Sir E. H. WITTENOOM : I do not care whether it is or not; at any rate, it is not a sensible one. I do not even care for what comes from the Chamber of Mines in Kalgoorlie. In regard to the proposed reduction of hours to 44, I see not the slightest objection to that. I think it is a very good plan, provided the wages are reduced proportionately. I suppose that is the idea. If we reduce the working week to 44 hours, we reduce

the wages proportionately, otherwise up will go the cost of mining at once.

Hon. J. E. Dodd (Honorary Minister) : What about the increased efficiency ?

Hon. Sir E. H. WITTENOOM : I have heard about the increased efficiency, but this 44 hours is an absurdity. Forty-eight hours is a fair day, but if the men want 44 hours and wages are reduced proportionately, I do not see that any objection is coming from the mine owners.

Hon. J. E. Dodd (Honorary Minister) : If 48 hours was sufficient under your Bill we ought to reduce the hours to 40 now, considering the difference in the mines.

Hon. Sir E. H. WITTENOOM : Well, make a reduction in the wages accordingly, and the mine managers will agree. This is just another attempt to raise wages; more wages and shorter hours. No one knows better than the hon. members who represent mining constituencies that mining is carried on in some mines with a very small margin, and with the addition of a little more expense there will be no balance left, and then there will be no phthisis and no more accidents. It simply means the killing of the mines. Now I come to the question of the abolition of night shift. I do not see any necessity for such a provision in this Bill. Surely that is a matter for arrangement between the manager and the worker. If the worker does not want to go on night shift why should he go? If night shift did not suit the manager he would not adopt it. We hear that there are some mines which have given up the night shift. Evidently it does not suit them to continue it, and the time may come when it will not suit others. The matter can be adjusted without any provision being put in this Bill. It is simply a matter for the men to say that they will not work on night shift if they do not want to. There need be no compulsion.

Hon. J. Cornell : The hon. member would say they went on strike and were defying the Arbitration Court.

Hon. Sir E. H. WITTENOOM : It is all a question of cost. If all these alterations are made some of the mines cannot carry on. The question to be deliberately and sensibly asked is—is it wiser to carry on with these conditions where there is a small margin for the miners, or to impose such other conditions as will make it impossible to have a margin of profit at all. I come now to the provision which limits the employment of foreigners, and that is to my mind absolutely the greatest blot in the Bill. It is the most un-British proposal I have ever heard, and I do not know when I have felt so indignant in all my life. It is an absolute admission that the people of Australia and Great Britain are not equal to those of other countries.

Hon. J. E. Dodd (Honorary Minister) : Oh, no.

Hon. Sir E. H. WITTENOOM : It is. If not, why do we want to limit the employment of foreigners? Why do we want to limit them in the proportion of one to ten if our own people, Australians and Britishers, are as good as the others? No one can tell me that the managers prefer foreigners to Britishers if they can get them as good. I have always thought, and prided myself in the thought, that Australians and Britishers are as good as any men in the world, and when I see a proposal like this to limit the proportion of foreigners to one in ten of the men working on the mines I feel a little bit ashamed of our race, and a little bit indignant.

Hon. J. Cornell : The same argument would apply to Chinamen under the Alien Restriction Act.

Hon. Sir E. H. WITTENOOM : You cannot compare a Chinaman to a German, or a Dane, or an Austrian or an Italian. Not only that, but we hold out inducements to those people to come here, and surely when they come we ought to give them fair play. So far as the ability to speak the English language is concerned, I cannot see why a man, even if he cannot speak it very well, should not work on top of a mine, and certainly if he can speak the English language well he should have the same right to work below as anybody else.

I do not know how to express myself on this point, but I cannot understand a lot of able-bodied strong men putting such a proposal as this forward. It is not unconstitutional I suppose, and the only way I can look at it is that the foreigner, if he gets 10s. per day, tries to give 8s. worth of labour for it. I do not like to say that is the reason for this proposal, but it looks that way, and in my opinion it is a blot on the Bill for us to be inducing the people to come here and then when they come to say that they must not go to work. Suppose they are driven out of the mining industry into the timber mills, I suppose the same thing would happen there.

Hon. J. Cornell: Why do you not take them there?

Hon. Sir E. H. WITTENOOM: I would take them at once unless we have too many hands. If these men are induced to come to the State why not give them fair play? I have hardly ever had a foreigner in my employ because I usually find that my own countrymen are as good, if not better, than people of other nations. When I see a proposal like this I must conclude either that I do not know these men and they are a dreadful lot of creatures, or we are going to make a great mistake and do a very uncharitable action. A great deal has been said about the sly-grog selling amongst the foreigners, and I have had some little experience of that, but sly-grog selling has not been confined to the foreigners by any means. Some of it has been amongst my own countrymen, and they were no novices at sly-grog selling or sly-grog drinking. This is a most unpatriotic proposal, and I strongly object to it. I can understand men objecting to foreigners who cannot speak English being employed below, but to say that they shall not work at all is almost cowardly.

Hon. R. G. Ardagh: What about ten foreigners being employed to one Britisher?

Hon. Sir E. H. WITTENOOM: I say you ought to do that if you have this phthisis and so many accidents. That is the way to get rid of them. They do not work any cheaper than anybody else.

Somebody remarked about Chinamen a while ago, but if a person wants to engage a Chinese cook he has to pay as much for him as for anybody else, although perhaps he does try to work for his wage, and there may be some similar reason for the objection to foreigners in mines. The next point I wish to touch on is the abolition of contract in mines. That is a proposal I entirely disagree with. Men should be at liberty to please themselves in this matter. A man can be either lazy or work hard to improve his position, but the proposal in this Bill is to bring all men down to the same level. I believe in limiting the hours of any man who is in employment. An employer should not keep his workers engaged beyond a certain number of hours, but I believe in a man who is working for himself being allowed to work as long as he chooses to do so. There should be freedom for every man to work as long and as hard as he likes, and if he chooses to work 16 hours a day on contract let him do it. Why should we interfere with the man who has enterprise and go in him? He is the man we should encourage. I have seen a good deal of both contract work and day labour, and I believe in the contract system, when it can be got, because as a rule the contractor will give his principal good work and do better for him and for himself than the man on day labour. Although the champions of the miners are trying to introduce this limitation, I do not believe that the men want it. If we knew their private opinion, I am sure they are not the men to give up contracting, and they ought to be allowed to have every chance of improving their conditions to the fullest extent they can.

Hon. F. Davis: Do you know that they injure others by so doing?

Hon. Sir E. H. WITTENOOM: I cannot see how they injure others. Perhaps it is that the others are too lazy. If one man chooses to work as hard as he can, why should he not be allowed to do so? Suppose the hon. member stuck hard to his work and strove to do as well for himself as he could, and others had not the same desire and wanted to restrict him, it would make all the difference in

the world to his point of view. Now that is all the criticism I have to offer.

Hon. R. G. Ardagh: You have criticised everything in the Bill.

Hon. Sir E. H. WITTENOOM: I am now going to say two or three things in its favour. The first point I wish to deal with is Clause 52, relating to plans of mines. This is a matter of the greatest importance, and this proposal brings back to my mind a hard fight I had in taking a Bill through the Legislative Council years ago for this very purpose, namely, that every man should register plans of his mine from time to time in the Mines Department, and every man who abandoned a mine should also take a plan to the department, for this reason, that when a mine is abandoned and becomes full of water some enterprising person might come along and want to work it again. Without the plans he would not know what work had been done, but if a registered plan were in the department he would simply ask for that plan and see exactly what he had to do. This is an admirable idea, and I think it should be carried out. Clause 54 is one that affords an opening for a great deal of trouble, although there are some good points in it. The part that I object to is where it says that a person employed in a mine "shall not use anything or work in a place that is unsafe or apparently unsafe." That should not be left to the decision of any single individual.

Hon. J. Cornell: It is in the present Act.

Hon. Sir E. H. WITTENOOM: It does not matter if it is. There is nothing to prevent one or two men or a body of men who have any dispute with the manager saying, "We do not think these things or these places are safe and we will not go below." Any question as to the safety of the mine or appliances should be decided by the inspector and if he says that they are safe the men should be obliged to go below. But to leave it in the hands of one or two men to say whether a place or the gear is safe, would enable them to refuse to go below and so upset the whole arrangements on the mine.

Hon. J. E. Dodd (Honorary Minister): It is an immense responsibility to put on the man.

Hon. Sir E. H. WITTENOOM: No, it is not, because he upsets everything. He does not care, and what remedy do we get from him?

Hon. J. E. Dodd (Honorary Minister): He has all the responsibility; he has no right of action whatever.

Hon. Sir E. H. WITTENOOM: That is all nonsense. If he considers it unsafe, all he should do should be to get an inspector to say it is unsafe, but to leave it to him to say whether he should go down or not would upset the whole of the mine arrangements.

Hon. J. E. Dodd (Honorary Minister): To my mind this clause is the one blot on the Bill.

Hon. Sir E. H. WITTENOOM: To my mind too. I have not given the Bill the attention which some of my hon. friends opposite have, but I am sorry to say that I cannot agree with these provisions to which I have referred. While I am prepared to listen to every argument brought forward, I intend to reserve to myself the right as to whether I shall vote for the second reading or not.

On motion by Hon. J. F. Cullen, debate adjourned.

#### BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Message received from the Legislative Assembly notifying that the amendment made by the Council had been agreed to.

#### BILL—CITY OF PERTH IMPROVEMENT.

Received from the Legislative Assembly and read a first time.

*House adjourned at 9.5 p.m.*