The CHAIRMAN: The management was all that could be dealt with under the Estimates.

The Minister for Railways: Let us not discuss the payment over and over again.

Mr. ALLEN: With the capital which had been invested in the tramway system, it would not prove to be the paying proposition which the Government imagined. It had been his desire to speak particularly in regard to tickets and sections, and he hoped the Minister would see his way clear to give effect to his suggestions. This was not a party question. All the travelling public found it a great inconvenience to have to go here, there and everywhere to purchase tram tickets.

Mr. Turvey: Do not you think they will revert to the old system when they find that the present one is inconvenient?

Mr. ALLEN: It was his hope that they would, but when the Government or anyone else found that they were getting a big revenue by abolishing such a system they would be rather loth to revert to it.

Mr. Turvey: Not the present Government.

Mr. ALLEN: The present Government were no different from any other. On one occasion when speaking with regard to the trams he had expressed the hope that the Government would run them better than the railways were run, because, as a matter of fact, the train service in the metropolitan-suburban area was capable of great improvement. Very frequently between Fremantle and Perth on Saturdays and Sunday afternoons a great many passengers, particularly those getting in at Subiaco and West Leederville, had to stand. That was not as it ought to be, as, when passengers paid their fares they had a right to expect to be provided with proper accommodation. What did the Minister propose to do with regard to an overhead bridge at Melbourne-road, which was a very important and necessary convenience? It was a matter which affected the electorate he represented and for many years had been a burning question. Commercial people had to put up with great inconvenience in having the old-fashioned gates there at the present time. An overhead bridge was an urgent requirement and was part and parcel of the policy of railway improvement which would have to be carried out between East Perth and West Perth.

Vote put and passed.

This completed the Estimates of the Railways and Tramways Department.

Progress reported.

BILL—CITY OF PERTH IMPROVEMENT.

Returned from the Legislative Council without amendment.

House adjourned at 11.25 p.m.

Legislative Council,

Tuesday, 18th November, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of Commissioner of Police for year ended 30th June, 1913. 2, Mining Development Act, 1902, Regulations 1-9, *re* extension of subsidy for production of mica. 3, Gingin Roads Board by-laws.

SELECT COMMITTEE, CAPT. HARE'S RETIREMENT.

On motion by Hon. D. G. GAWLER (Metropolitan-Suburban), the time for bringing up the report of the select committee appointed to inquire into the retirement of Capt. Hare was extended until the 2nd December.

STANDING ORDER, AMENDMENT.

The PRESIDENT reported that he had submitted the proposed amendment to Standing Order 191 dealing with the order of Bill in Committee for the approval of His Excellency the Governor, and that His Excellency had been pleased to approve of the same.

PAPERS — ELECTORAL ROLL, GERALDTON DISTRICT.

Hon. H. P. COLEBATCH (East) moved—

That there be laid on the Table of the House—(1.) All papers and departmental correspondence relating to the compilation of Supplementary Rolls No. 5 and No. 6 for the Geraldton Electoral District, and to the compilation of the amalgamated roll for the Geraldton Electoral District dated 24th October, 1913. (2.) A return relating to claim cards received before the issue of the writ but too late for enrolment, showing—(a) the dates on which such claim cards were filled in by the claimant. (b) the dates on which such claim cards were received by the Electoral Registrar at Geraldton.

He said: In asking the House to agree to this motion I propose to say nothing further than I think is necessary to justify me in bringing it forward. Although the motion refers to rolls compiled in connection with the election of a member for another place, I make no apology on that score, because I take it that this House is just as much concerned as another place in securing purity in regard to electoral matters. Some little time ago I submitted a motion in reference to the Legislative Council rolls and I should like to say, although the assurance should not be necessary, that the fact that I am again moving a motion in regard to the Electoral Department, does not indicate animus on my part either against that department or the officers connected with it. It is purely a matter of principle. With regard to the previous motion, I may make this one remark. I proposed, that in the opinion of this House it was desirable that the Chief Electoral Officer should be instructed when compiling the new rolls for the Legislative Council to retain on those rolls the names of all persons then on the Legislative Council rolls and also appearing on the municipal or ratepayers' lists who possessed the necessary qualifications. That motion was amended by this House and the amendment was one with which I, at the time, cordially agreed. It was to the effect that it was desirable that the Chief Electoral Officer should transfer to the new rolls all the names appearing on the municipal or ratepayers' rolls having the necessary qualifications. The Chief Electoral Officer raised the objection that municipal or ratepayers' rolls did not disclose complete qualifications, inasmuch as they did not show that the ratepayer was a British subject, either by birth or by naturalisation, nor that the ratepayer had reached the age of 21 years. I am inclined to think that there is a good deal in the objection raised by that officer and I am not going to object to any attitude he may take up which will make for accuracy in compiling the rolls. A few days ago I submitted to the Colonial Secretary a question relating to this same matter and the answers I received to that question were in part inaccurate, and in part stupid. I make the remark with all due deference. The question I asked was—

> Has attention been drawn to the fact that a very large number of names appearing on the Legislative Assembly roll for the Geraldton electoral district have been illegally enrolled, the essential feature of residence not being specified in accordance with Sections 22 and 44 of "The Electoral Act, 1907"?

The answer I received was—

> Attention has been drawn to the fact that in many instances the address of electors is stated as "Geraldton" without a street being named. The name of the street is not an essential part of a claim unless the claimant resides within the municipal boundaries.

That is not altogether accurate, because Section 44 of the Electoral Act makes the mention of the street either within a municipal boundary or within a town site essential. The section provides that one of the essential parts shall be the residence of the claimant. Then the section goes on to provide that—

> The name of the street and the number of the house, if numbered, shall be stated, and if not numbered such particulars shall be given as, in the opinion of the registrar, are sufficient to enable the exact locality of a claimant's residence to be ascertained.

Then the Subsection which follows reads—

> If the residence of a claimant is not within a municipal district or townsite, his residence shall be stated with such particulars as are, in the opinion of the registrar, sufficient to enable the exact locality of the claimant's residence to be ascertained.

Therefore, it is not accurate to say that this is not required except when a person resides in a municipality. It is required whether he resides in a municipality or a townsite, or if he resides outside it is still necessary to furnish such particulars as will enable the exact locality of his residence to be ascertained. It is stupid to give an answer like the one which was given to my question, because I asked the question relating to the names of the people who lived in Geraldton, and Geraldton is a municipality. If they did not live there the word "Geraldton" appearing on the roll was out of place, and thus they made a wrong declaration. I should like to explain briefly the circumstances which led up to this matter. On the 30th June of this year Supplementary Roll No. 5 for the Geraldton electoral district was issued, and the first name on that roll is, "Ashton, Edward, care of secretary, V.D.G.W.U., Geraldton, labourer." A little lower down there is the name "Cronin, John, care of secretary, Victoria District G. W. Union, Geraldton." I am in a position to state that the attention of the Chief Electoral Officer was drawn to these names, and he was asked whether what was given on the electoral roll was a qualification within the meaning of the Act, because residence was an essential qualification under the Act, and the Act states specifically what residence means. The Chief Electoral Officer admitted that it was a mistake, and he promised that it should be rectified. On the 24th October—a few weeks ago—a fresh roll was issued and these same two names were included on that roll with the words, "care of secretary, V.D.G.W.U." struck out, so that they appeared on the roll as "Ashon, Edward, Geraldton, labourer." Had the irregularity applied to these two names only, no notice would have probably been taken of the matter, at any rate not by me, but on looking through the roll I find that there are no fewer than 185 who are irregularly or improperly on the roll out of a total of 2,416. In the case of these 185 no place of residence whatever is specified, although the Act distinctly states that the residence shall be one of the essential features of the claim. Subsection 4 of Section 44 says—

> Any claim that does not comply with this section shall be rejected, and notice thereof in the form numbered (6) in the Schedule shall be given by the registrar to the claimant.

The Act specifically states that a claim which does not comply with that section of the Act shall be rejected, but we find that instead of being rejected, these claims, to the number of 185, have been actually included on the roll.

Hon. R. J. Lynn: Have you any knowledge as to how many of them voted?

Hon. H. P. COLEBATCH: I am not interested in the matter from that point of view. I took the precaution of giving notice of this motion before the election in order to dissociate it from the result of the election.

The Colonial Secretary: Are you aware that the address of the secretary

of the Liberal League there is given as merely Geraldton?

Hon. H. P. COLEBATCH: I am aware that the present electoral registrar and his wife, and the previous registrar and his wife, are illegally enrolled, but I am not concerned twopence about that; it is not a party issue that I am raising at all. I know that a large number of these 185 persons who are irregularly enrolled, by repute at all events, are supporters of the Liberal party. All I am concerned about is that the Act shall be carried out. Another question I asked was as to whether these people would be allowed to vote. I am not going to quarrel with the answer, which is—

> By virtue of Section 118, Subsection (5), the electoral roll is conclusive evidence of the right of the persons enrolled to vote.

No doubt that is the opinion of the legal advisers of the Crown, and I am not going to dispute it, but I would like to put forward the contention, that, supposing there appears on the roll the name John Brown, and nothing else, any old John Brown could come along and vote. Enrolment means a certain thing. Section 22 describes exactly what it is and that the place of residence must be specified. My point is that if in the roll the place of residence is not specified, the name is not properly on the roll. If we argue otherwise we may contend that the mere inclusion of the two words "John Brown" would entitle anyone of the name of John Brown to come along and exercise his vote. I would like to point out that the sole qualification is residence. That is what gives a man the right to vote. Therefore, if he appears on the roll without any residence he is obviously disqualified. However, I am not going to dispute the ruling of the Crown Law authorities in regard to that particular matter. The second portion of my motion is in the following words:—

> A return relating to claim cards received before the issue of the writ but too late for enrolment, showing (a) the dates on which such claim cards were filled in by the claimant, (b) the dates on which such claim cards were received by the Electoral Registrar at Geraldton.

It is a curious thing that our Electoral Act makes no provision against any unauthorised person going round and making a collection of these claim cards, putting them in his pocket, and keeping them there for as long as he chooses.

Hon. D. G. Gawler: A claim has to be signed before another elector.

Hon. H. P. COLEBATCH: A claim has to be signed before another elector, and the Act contemplates that the claimant, having signed before another elector, shall himself forward his claim card to the electoral registrar. The Act does not contemplate that an unauthorised person shall go round the country, making a collection of claim cards, putting them in his pocket, and handing them over to the electoral registrar just as he feels inclined. It has been reported to me that something like 480 claim cards were received by the electoral registrar before the issue of the writ, but too late to be included on the roll, and I am further informed that a large number of those claims would have been in ample time for inclusion on the roll if they had been handed to the electoral registrar at the time when they were made out.

Hon. Sir E. H. Wittenoom: How long did the rolls close before the election?

Hon. H. P. COLEBATCH: The rolls closed 14 days before the issue of the writ. Apparently it is no offence for a person to stand at a street corner, as I understand has been done on occasions, and take these claim cards by the dozen, put them in his pocket and do what he likes with them—keep them in his pocket, tear some of them up, and send others along to the registrar. I do not say that has been done, but apparently it could be done without any offence being committed under the Act. I desire to submit this motion in order that we may be able to ascertain whether an abuse, if not against the Act at any rate against common decency, has been committed by the holding up of these claims, which should not in any circumstances be in the hands of unauthorised persons. The policy evidently contemplated by the Act is that

a person making out a claim shall get it signed by a witness who is himself an elector, and shall then send it along to the electoral registrar. The mere fact that any unauthorised person should have in his possession 480 claim cards suggests that there may be grave necessity for an alteration of the Act, if not to prevent the collection of claim cards, to at any rate make it obligatory on any person who takes a claim card to forward it to the proper quarter. I do not know that there is anything more I need say in support of this motion, which is merely for the sake of obtaining more precise information in regard to these matters.

Hon. V. HAMERSLEY (East): I second the motion.

On motion by the Colonial Secretary debate adjourned.

MOTION—MAIN ROADS, CONTROL.

Debate resumed from the 12th November on the following motion by Hon. C. A. Piesse:—"That in the opinion of this House the greater main roads of this State, leading from Perth to Fremantle; Perth to Albany; Perth to Busselton via Bunbury; Perth to Geraldton, and circular road from Perth to Perth, via Toodyay, Northam, and York, and circular road from Perth, via Welshpool, Kalamunda, and Guildford, should be under the control of the Public Works Department, and that legislation providing for same is desirable."

Hon. C. A. PIESSE (in reply): I understand that Mr. Hamersley moved the adjournment of this debate in order to give me an opportunity of deciding whether or not I would withdraw the motion after the Minister had spoken. I am sorry I was not present to hear what the Minister had to say, but I have been able to read his remarks. The idea I had in my mind was to secure the improvement of these roads by the raising of a small loan for the purpose, and repaying the interest and the annual expenses by the Government collecting the rates from a limited area on either side of the roads and returning to the local bodies for the upkeep of the roads one-fourth of the amount so raised. I may say at the outset that it is my intention to withdraw the motion with the permission of the House, and one of my main reasons for doing that is that I do not desire to press this motion after the expressions that have fallen from the Colonial Secretary. When he says that the putting of these roads into repair would cost two million pounds he does not know what he is talking about, but if he is right that is all the more reason for carrying the motion, because that shows what an enormous tax the upkeep of these roads must be on the people who live in the districts through which they pass. I have nothing further to say except that in face of what the Minister has said I am not prepared to trust the present Government with a matter of this kind. The Minister further remarked that the mover of the motion was displaying extreme socialistic tendencies. As one who has always voted for railways to be constructed throughout the State on the same lines as these roads, it is rather interesting to be told now that I am displaying extreme socialistic tendencies. At any rate, if those tendencies are socialistic I am glad to be possessed of them. I only say this in passing, because I know that the Colonial Secretary had another meaning when he made use of those words. I ask leave to withdraw the motion, hoping that the discussion will spur the Government on to contribute to the upkeep of these roads more than they have done in the past. The cost is altogether too great for the local authorities to meet, and I hope something will be done by the Government to supplement the aid given to the local bodies in the past.

Motion by leave withdrawn.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 13th November; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 9—Restraint of marriage:

The CHAIRMAN: Progress had been reported on this clause on the recommittal of the Bill.

Hon. M. L. MOSS: In order that there might be no possibility of Subclause 4 remaining in the Bill, even if the other portion of the clause were agreed to, he moved an amendment—

That Subclause 4 be struck out.

Amendment passed.

Hon. J. F. CULLEN: It was not desirable that the absolutely necessary act of wiping this clause out of the Bill should be misconstrued by the people chiefly concerned. He regretted, as strongly as any member in this House or in another place, that banking companies——

Hon. M. L. Moss: This applies equally to domestic servants.

Hon. J. F. CULLEN: Just as strongly as any other member did he regret that any employer, whether a banking company, any other company or a private firm, should think it necessary to take the action against which this clause was specially directed, and he desired to publicly suggest that there was another course open to such employers, and that was to pay decent salaries for the work done. It was a lamentable thing that a man who had given ten, twelve, and in some cases, fifteen years' service, acquired experience and developed capabilities, should have to be told by his employer that he must not marry yet, when he should have been told by his employer that he was delighted, in recognition of his services, to give him a salary that would enable him to get married. It was almost unbelievable that in this State there should be officers of five, ten, fifteen and sometimes more years of experience, and in the one employ, who were yet receiving less than £200 a year.

Hon. Sir E. H. Wittenoom: Do you think that is a fact?

Hon. J. F. CULLEN: It was uncontradicted. The employers concerned could not have considered the matter, but the blame was not all theirs. This was an opportunity to correct a false notion about respectability in a country like this. Instead of our young men crowding into mechanical occupations such as banks, where only one in 50 could ever hope to attain to a decent salary; instead of them crowding into the tawdry respectability of being called clerks, accountants, and so on, such men would have shown tenfold self-respect and true dignity if they had devoted themselves to more manly occupations. It was a lamentable thing that so many of our boys were ambitious to drive pens when they could do tenfold better work with axes in their hands. It was time that public men were outspoken and said there was nothing undignified, much less dishonourable, in manual labour, and especially in the particular work of this country, the work of developing the land. Why this heresy in favour of quill driving should have got a hold among the people he was at a loss to understand. What more honourable, manly life could there be than life on the land? The blame was not altogether with the employers, it was largely with the parents and the boys themselves. He would be no party, however, to putting a clause like this into the Criminal Code. It was a monstrous thing and he hoped that the expressions of opinion in Parliament would have some good effect upon employers of this kind of labour and the parents of the boys who were tumbling over each other to get into a bank.

Hon. J. W. Kirwan: How does the hon. member propose to deal with restraint of marriage?

Hon. J. F. CULLEN: By cultivating a healthy public opinion.

Hon. J. W. Kirwan: That is a very slow and uncertain process.

Hon. J. F. CULLEN: Already he knew of some cures having been effected and of young men having left banks to go into employments which would give them a speedier road to proper rewards. It would be utterly absurd to put a clause like this into the Criminal Code. He would vote for throwing it out, but he would at all times lift his voice in favour of the great primary industries of the country and the honour and dignity of life on the land.

The COLONIAL SECRETARY: The retention of the clause must be supported

by him. The matter was fully discussed in this Chamber a week ago.

Hon. A. Sanderson: Fully discussed?

The COLONIAL SECRETARY: Yes, and a division taken. Mr. Moss had stated that hon. members did not know what they were doing when they supported the clause, but that was a very poor compliment indeed to the intelligence of this Committee. This matter had been discussed during the last fortnight. It was debated during the second reading of the Bill and everyone was thoroughly acquainted with the principle. He hoped hon. members would not strike out the clause. We had laws dealing with restraint of trade, and why should we not provide legislation to deal with restraint of marriage?

Hon. D. G. Gawler: The laws to which you refer dealing with restraint of trade do not find a place in the Criminal Code though.

The COLONIAL SECRETARY: This matter was so serious that it should be included in the Criminal Code. Restraint of trade could only affect the pockets of the community, while restraint of matrimony interfered with the source of our national wellbeing. It had been admitted that the banks had a regulation by which the dismissal of any of their employees could be secured; in fact, they threatened their employees with dismissal if they married on a salary under £200 a year. He was not aware that any had been dismissed, but they had such a regulation and it was a very undesirable state of affairs. We were spending thousands every year in bringing immigrants into Western Australia to add to our population and here in our midst we had financial corporations which were earning big dividends, making a regulation in restraint of marriage.

Hon. M. L. MOSS: The Colonial Secretary had accused him of having imputed to hon. members that they did not know what they were doing in voting for the clause. He was quite satisfied to repeat that hon. members did not know what they were doing until it was explained later what a serious thing it was to put Subclause 4 in. To-day there were still some voices agreeing to the retention of Subclause 4, a provision which we would not, perhaps, find in the Criminal Code of darkest Russia.

The Colonial Secretary: It is in the Customs Act.

Hon. M. L. MOSS: For this reason, that the Custom's Act was dealing with the public at large and the public at large had all the information in their possession relating to the importation of goods, whereas the Customs possessed nothing. The greatest good faith must prevail on the part of the person having all the information, and therefore, the onus was thrown on the person that, if he was acting straight, he could show all his documents and clear himself. With regard to the clause as a whole it was entirely incorrect to discuss this matter from the standpoint of financial institutions only. Under paragraph (b) if one dismissed or threatened to dismiss a person from one's employment, or altered or threatened to alter such person's position by reason of the fact that such person intended to marry, it was a criminal offence. By way of illustration let us first take the case of a manager of a station who married some prostitute, and the master said, "You have married that woman, I told you not to marry her, out you go." There was a criminal offence committed and a fine or imprisonment could be imposed. Was that the kind of thing with which we were going to illuminate our Statute book? Take another illustration, the case of a respectable domestic servant. It suited the mistress, wanting a servant, to keep her while she was a single girl, but because she got married she must go out of the woman's service. Under this clause a criminal offence was committed. Parliament would make a laughing stock of itself in the country when later, some respectable woman had to be put in the criminal dock because she had discharged some respectable girl who had been respectably married, because it did not suit the mistress to have a married servant in the house. Men showing sound commonsense and judgment were not going to agree to a thing of that kind. If

it was desirable to get at financial corporations we should say so in plain English. He made no excuse at all for having used the statement that hon. members did not thoroughly understand the purport of what they had voted for. The Colonial Secretary had said laws had been passed to prevent restraint of trade, but it had been done with a totally different object in view. He knew there were members of the Government who objected to this clause, which had been introduced by a private member in another place. There was no reason that he (Mr. Moss) could see why it should find its place on the statute-book. It was all very well to say that the employer should pay higher salaries. The payment of large salaries was an excellent thing, but there was an amount which was the limit one could pay for the performance of certain services and to get these services performed and performed honestly one had to take into consideration what the man's obligations were upon the payment he was to receive for his services. Therefore it was hard for anyone to be stamped as a criminal because he acted for the protection of himself and in the interests of the person who was to fill the position. From all points of view the clause ought to be deleted.

Hon. R. G. ARDAGH: The illustrations which Mr. Moss had drawn were almost horrible, and it was to be sincerely hoped they would not carry too much weight with hon. members. The hon. member ought to be satisfied with the striking out of Subclause 4. The remainder of the clause was perfectly satisfactory.

Hon. J. W. KIRWAN: It was to be hoped the Committee would not be influenced by what Mr. Moss had said. Reference had been made to the case of a man who had married a woman of bad repute. Did Mr. Moss consider that the employer should inquire into the character of the woman his employee wished to marry? If a man married a woman of bad repute, surely it was a matter purely for the employee himself. So long as the employer paid the wages and the employee did his work, surely that was all the employer could expect. It was a novel principle to introduce to say that the employer should be the arbitrator as to whom his employee should marry. Practically that was the extraordinary position defended by Mr. Moss. Mr. Moss had also referred to the case of a clerk getting £200. Was it not for that clerk to say whether or not he could live as a married man upon that salary? Largely it depended upon the clerk's wife. Some wives could get on very well with that amount. A man's obligations depended largely also upon the number of children in the family. Were the employers' inquiries to embrace this factor also? Was a man to be refused to be allowed to remain in a position because he had a large family? Mr. Moss might have said that as a man's family grew in number that man ought to be told by his employer that, in view of the increasing size of the family, entailing increased obligations, it was necessary that the employee should be dismissed. Was not that an extraordinary position for any hon. member to defend? The clause would operate particularly in respect to banks. The Western Australian Bank had paid a 25 per cent. dividend, and was adding £600,000 worth of profits to the reserve fund.

Hon. M. L. Moss: Quite wrong.

Hon. J. W. KIRWAN: It would be regrettable indeed to hear that the balance-sheet of the bank was wrong.

Hon. Sir E. H. Wittenoom: You can not produce a balance sheet showing a dividend of 25 per cent.

Hon. A. Sanderson: It was 20 per cent.

Hon. J. W. KIRWAN: Perhaps it had been reduced lately. At any rate all these banks were paying very big interest, and this particular bank had certainly added £600,000 to the reserve fund. It was a most extraordinary thing that banks should impose a restraint of marriage as they did. He trusted the unworthy arguments used by Mr. Moss would not influence the Committee.

Hon. Sir E. H. WITTENOOM: The clause was an unnecessary interference with the management of private businesses, whether banks or farms or commercial houses. There was no hardship imposed by the present method of conducting such businesses. Mr. Cullen had said that some men, after working 15 or 20 years in a bank were not yet getting £200, and therefore could not marry. Could anybody regard a man who had worked for 20 years in any business and was not yet able to make £4 a week as fit to have a family?

Hon. J. W. Kirwan: A man and his wife ought to be the best judges of that.

Hon. Sir E. H. WITTENOOM: It was not so. Very often marriage was an ill-considered and hasty action with results which were not anticipated. All knew that married life on stinted means was the greatest misery one could conceive. Farmers had to pay certain wages, beyond which they could not possibly go, for the reason that their profits were governed entirely by the markets of the world.

Hon. F. Davis: That does not apply to banks.

Hon. Sir E. H. WITTENOOM: On the contrary it did, because banks, like all other institutions, had to pay wages out of profits. The profits referred to by Mr. Kirwan were 20 per cent., and not 25 per cent., on a £10 share. It was to be remembered that every shareholder was liable by statute for double the amount of the share, so it was not altogether a bed of roses. Were it not that the particular bank referred to was so honest, it might have arranged its capital in some other way so that hon. members would not be able to talk in this fashion. That bank endeavoured to pay its clerks the best wages it possibly could. It did not forbid clerks to marry. All it said was, "If you wish to get married before you and your wife can between you earn £200, we must ask you to find some other employment." Further than that, he could say that the bank managers did everything they could to assist their clerks to earn the £200. If there was not some good and reasonable grounds for it, this restriction would not be in existence. The same conditions applied to a farm. Suppose a farmer were paying 30s. a week and keep to six farm hands all of whom got married. The result would be six separate establishments around a small farm, each having fowls and ducks not properly ear-marked. Who could say what would happen in such a case? Apart from that, the penalty imposed was out of all proportion to the crime, if crime it could be termed. If this provision was to be brought in by statute let it be brought in in some other way. It was an undoubted interference with the methods of private business. There was no great demand for this interference. These lower positions on small salaries would continue to be filled by young men who did not wish to marry.

Hon. C. A. PIESSE: When first the clause was introduced in another place he had been in strong sympathy with it, but on giving it fuller consideration and after having heard what had been said this afternoon, he regarded it as a mistake. The people in the country had been under the impression that the clause had been introduced for the sole purpose of dealing with bankers, and were duly astonished on hearing that it was going to affect themselves. The clause would give rise to endless trouble, and therefore he would vote against it. Sufficient had been said to warn those who were adopting these tactics, namely, preventing marriage, which was a scandalous thing to do, that if the conditions did not improve legislation would be brought to bear upon the restriction.

Hon. F. Davis: Why not do it now?

Hon. C. A. PIESSE: For the reason that the provision had been made too sweeping. The subject was of such importance that it was entitled to special legislation to deal with those places which limited the opportunities of their employees to marry.

Hon. H. P. COLEBATCH: On the previous occasion he had voted for the clause under a misapprehension that after it was passed he could move to

amend it. He had desired to strike out Subclause 4 which had since been done, and now he desired to propose two other amendments. If these amendments were carried he would support the clause.

The CHAIRMAN: It was quite impossible for the hon. member to propose two amendments at this stage because an amendment had been carried at the end of the clause. Therefore, another recommittal would be necessary.

Hon. H. P. COLEBATCH: It was his desire to reduce the penalty from three months to one month and from £500 to £50. He could not realise that what was a crime for a bank manager was a virtue in a farmer. He was not greatly impressed with the arguments of the hon. Mr. Moss because if any person, by reason of getting married, became unfit for his duties, it was competent for the employer to get rid of him. He was in accord with the hon. Mr. Kirwan. The old days of manor rights might have given the employer some interest in this matter. Even if this measure was not the right place in which to make such a provision, if it was a reasonable provision it did not matter very much in which Act of Parliament it was contained.

Hon. A. SANDERSON: On the previous occasion he had not uttered a word because he could not believe that the Council would pass a clause of this kind, but it had gone through without discussion. Now the leader of the House told hon. members that it was fully discussed and thoroughly understood, and therefore the hon. Mr. Moss's proposal should be rejected. Probably the Government conducted their financial arrangements in the same way, with practically no regard for circumstances of for the facts of the case. The statement that the clause had been thoroughly discussed and understood was contradicted. We could not legislate against one section without doing a great injustice to another section. The banks had been dragged into this discussion and frankly told that the clause was directed against them. Whether a bank paid 25 per cent., or was approaching the bankruptcy court, had nothing to do with the matrimonial laws of the country. The clause might even prove to be a drag-net directed against parents in this State. Hon. members now had information of the far-reaching nature of the clause, and if they deliberately decided to pass it the responsibility would rest on them. Another place often passed things which they did not understand, and of which they did not approve, with some ulterior motive——

Hon. J. W. Kirwan: Was the hon. member in order in reflecting on another Chamber?

The CHAIRMAN: The hon. member was not in order.

Hon. A. SANDERSON: Then he would withdraw the remark and go further afield by saying that all popular assemblies in all ages and countries had passed legislation of which they did not approve and which they did not understand, and with ulterior objects in view. In the calmer atmosphere of the Legislative Council he expected a broader, saner, and sounder view of hon. members' responsibilities. He trusted hon. members would realise the responsibilities which would rest upon them if they passed the clause.

Hon. J. E. DODD (Honorary Minister): The Committee should stand by their vote. Some hon. members had referred to the unnecessary interference with banking institutions if this clause was passed. The unnecessary interference was on the part of those institutions and affected the rights and privileges of employees in one of the most sacred duties—marriage. The hon. Mr. Kirwan had asked where we were going to stop. A salary of £200 might be enough to be married on but not enough to keep a family on. A bank might just as well say that an employee might be married on £200 a year but must not have any family until he got £300 a year, as to insist on their present attitude. When the matter was last before the House Sir Edward Wittenoom had drawn attention to the fact that no one should be married on less than £200 a year.

Hon. Sir E. H. Wittenoom: No.

Hon. J. E. DODD (Honorary Minister): That was what the hon. member's

remarks conveyed and he was anxious to get them for use in the Arbitration Court to show that workers could not live on less than £200 a year. That was the statement of the chairman of one of the largest organisations of employees in the State. If it was so, not one ordinary working employee in the State should be married. If a bank employee was not to get married on less than £200 a year, why should anyone else? If the restriction applied to the bank employees why not to everyone? It was a scandalous regulation for any body of employers to make. If a man was going to be dishonest he would be dishonest. There might be a greater tendency to be dishonest on a low salary than on a high one, but there was no right for an employer to restrict any person from getting married. It had been argued that a man need not remain in the employ of a bank, but hon. members should remember that the man who controlled one's work controlled one's life. The hon. Mr. Sanderson's remark in regard to popular assemblies not understanding their legislation could be applied to this Chamber, because the hon. member said the Committee had not understood the clause when they carried it previously.

Hon. J. D. CONNOLLY: The clause would have his opposition. He had every respect for the opinions expressed in certain directions in favour of the clause, but was it reasonable to insert a clause of this kind in a Criminal Code amendment? It was not very democratic to make a person a criminal simply because he dismissed a servant who contended that the sole reason was that he had got married. During the last 10 or 15 years numerous measures had been passed by the House dealing with industrial matters, and if such a law as this was to find a place on the statute-book it should be embraced in one or other of those measures. It was iniquitous and would inflict no credit on the House, to pass a provision of this kind in the Criminal Code amendment. If for no other reason than this the clause should not be passed.

Hon. D. G. GAWLER: It was his desire to emphasise the objection raised by him on the second reading, that this proposal had not been brought forward in a spirit of concern for the public policy. The debate elsewhere showed that it was brought forward under circumstances which indicated that it might be used as a lever to force up wages in the case of men getting married. It was difficult to form any other idea of the motive for the clause. Mr. Cornell had enlarged on the point of the low wages the clerks were getting. This was a matter if anything for the Arbitration Court. An illustration had been given by Mr. Moss and decried by Mr. Cornell, in regard to a man marrying a woman of bad character. Suppose the man's employment was such as to necessitate the woman being brought about the premises of the employer. In such a case would not the employer have the right to interfere? Suppose an employee was receiving £100 a year wages, and went to the employer and said he was going to get married. The marriage might mean an increase of wages. The employer dare not refuse. Suppose the employer stated that he could not give the employee more wages, that was not preventing the couple from getting married. According to the Arbitration Act if a body of employees chose to say that they would leave in a body if the employer did not discharge a man who did not belong to the union, that was restraint of trade, yet it was not punishable. Here was a matter, not dealing with public policy, and yet the person who refused to increase a man's wages to enable him to get married would be liable to imprisonment or a fine.

Hon. Sir E. H. WITTENOOM: In regard to the remark of Mr. Dodd that he (Sir Edward Wittenoom) had stated that a man could not live on £200 a year, nothing of the kind was said by him. He might have said that £200 a year was not sufficient for a man to live upon, but that referred entirely to bank clerks and persons in that position. The hon. member had wished to make the remark apply to persons generally. There was a great difference between a man who had to keep up a position in a bank and the man who worked on a mill or in a mine.

A man working on a mill or in a mine could dress as he liked. In some mines men did not dress at all, but a bank clerk had to be well dressed all the time. There was no comparison between the two cases. A man who lived in town and was employed by a large industrial concern, if he married on much under £4 a week would have a pretty hard time, especially if he had a large family and happened to be afflicted with sickness or anything of that kind. It was all very well to bring forward sentimental, humanitarian theories. If Mr. Dodd lived as long as he (Sir Edward Wittenoom) had and had as much experience he would find there was a great difference between theory and practice. In practice these humanitarian theories did not work out well, and one had to be practical as well as sentimental.

The COLONIAL SECRETARY: In the course of his remarks Mr. Moss gave a far-fetched interpretation of the clause, and painted a picture of a virtuous station manager objecting to the marriage of one of his employees to a woman of ill-fame. The manager would have no right to interfere in the sacred matter of marriage, but he would have the right to interfere if the woman continued to follow her evil course. Still, there were many women who had lived bad lives, but who had reformed, and why should such a person be punished because of the past. He (the Colonial Secretary) had no sympathy at all with bank clerks. There was ample machinery provided by Parliament to enable them to secure their just dues. Why had they not formed a union and approached the Arbiration Court? They had splendid evidence to place before the court. They had the evidence of the banks that £200 a year was not sufficient to live on.

Hon. Sir E. H. Wittenoom: But the banks could not pay them more.

The COLONIAL SECRETARY: The only thing that could be done would be to raise the salaries of bank clerks to enable them to live honest lives. He was not taking into consideration the fact that a regulation was in existence that was a restraint on marriage. He uttered his protest simply against the regulation.

Hon. M. L. MOSS: To have listened to the Colonial Secretary one would have imagined that the only illustration he (Mr. Moss) gave was that of a station manager marrying a woman of ill-fame. He (Mr. Moss) said again that if a station hand married a woman of ill-fame and the woman was brought in contact with the family of the employer, was that not a sufficient reason to get rid of the employee. But he (Mr. Moss) had given another illustration. It was the case of a respectable domestic servant getting married when in receipt of a wage of 15s. or £1 a week, and because she was married her mistress sent her about her business. In such a case the mistress was liable to be sent to prison or fined. Every member who voted for the clause would vote to make a criminal of the person who did such a thing. The Colonial Secretary did not believe in it. His views on the question were exactly similar to those held by him (Mr. Moss). If the Colonial Secretary was in favour of such a thing being done, he would be condemned on every platform in the State. The Colonial Secretary remained wisely silent on that point, but one would watch how he voted.

Hon. F. CONNOR: It was his intention to enter his protest against any interference with the marriage of people over 21 years of age. It was highly immoral. Because a person got married was he to be put out of his employment when he was capable of occupying his position? Still, the clause went too far. Was it possible for the regulation to be objected to without making it a criminal offence as the clause made it? It was necessary that people of the age of 21, who had been brought up to different trades and professions and businesses, should themselves say when they would marry. That was their business, and it ought to be an authority higher than Parliament to say otherwise

Hon. C. SOMMERS: Although he was in favour of early marriages, the clause went too far. The banks had a restriction which was very good, as it saved many a young fellow making a fool of himself; it was good for the banks and

good for the clerks. Since giving a vote on a former occasion he had the matter personally brought under his attention. There was a farm cook who had been in his employ for a fortnight, who during this week end had informed him that he wished to get married at Christmas. He (Mr. Sommers) asked the man where he was going to keep his wife, as there was no accommodation on the farm. The man said he did not know, and he (Mr. Sommers) replied that he was afraid that the man could not stay on the farm if he got married. Then the man said that he would leave. This seemed as if he (Mr. Sommers) would have committed some offence if the clause had been in operation, yet he did not know anything about the woman the man intended to marry or of the man himself, as the man had only been in his employ for a fortnight. If a man was any good, no employer would prevent him from getting married. The clause was too dangerous; it was also badly drawn and would have to go out.

On motion by Colonial Secretary, progress reported.

The COLONIAL SECRETARY moved—

That the report be adopted.

Hon. M. L. MOSS (West): As he could not speak on the motion to report progress he would take the opportunity now of merely saying that the Colonial Secretary had taken him to task because he had asked the Committee to reconsider this clause, and now the Colonial Secretary himself thought it was of sufficient importance to report progress, so that it might be given further consideration.

Question passed.

BILL—SUPPLY (No. 3) £687,770.

Received from the Legislative Assembly and read a first time.

MOTION—AUSTRALIAN HISTORY. INSTRUCTION IN SCHOOLS.

Debate resumed from the 11th November on the following motion by Hon. C. A. Piesse:—"That this House commends to the Education Department the desirability of having enlarged copies of the six maps of Australia, as they appear on pages 17 and 18 of the "Official Year Book of the Commonwealth," illustrating the creation of various States of Australia, placed in schools of this State, and of having a school pamphlet descriptive of such evolution prepared for educational purposes."

Hon. R. G. ARDAGH (North-East): I have to congratulate Mr. Piesse on having brought forward this motion. I think anything in this direction that will prove of educational value should meet with the commendation of every hon. member. Further, whilst I agree with the motion I think it might be amended to provide for instruction also in the direction of the establishment of the Commonwealth, and with that end in view, I will move an amendment—

That after the word "evolution" in the last line, the words "and the establishment of the Commonwealth" be added.

Hon. C. A. PIESSE: I will be very glad to accept the amendment of the hon. member.

Question as amended put and passed.

Sitting suspended from 6.7 to 7.30 p.m.

BILL—MINES REGULATION.

In Committee.

Resumed from the 13th November; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 38—Coroners' Inquests—[An amendment had been moved by the Hon. D. G. Gawler that the following words in line 7 of Subclause 3 be struck out:—"and may examine any witness as to the cause of the accident and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act."]:

Hon. D. G. GAWLER: Since the adjournment he had had an opportunity of looking more closely into the

words "and may examine any witness as to the cause of the accident," and he found that those words were included in the Act of 1906, and in the Coal Mines Regulation Act in England, the Explosives Act of 1875, and certain other Acts of a similar description. He therefore proposed to withdraw that portion of the amendment which proposed the deletion of those words. As regards the remainder of the amendment, those words were not in the Act of 1906, or in the English Act. Subclause 4 enabled an inspector who, by reason of the alteration already made in regard to workmen's inspectors, would be the district inspector to examine witnesses and elicit information relative to the cause of death. To give powers of that description to a district inspector was altogether different from giving such powers to the parties to an accident. He suggested to the Honorary Minister that the provision in Subclause 4 would meet the requirements he had in view.

Amendment by leave withdrawn.

Hon. D. G. GAWLER moved a further amendment—

That the following words in line 3 of Subclause 3 be struck out:—"and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act."

Hon. A. SANDERSON: The hon. member seemed to have altered his opinion because he had found that the words "and may examine any witnesses as to the cause of the accident" were in the English Act and in the present Mines Regulation Act. He could not see why the death of a miner should call for any other procedure than the usual procedure. It was acknowledged that a miner's occupation was a hazardous one, but when a death occurred by accident it did not matter whether the death occurred in the street, a house, or a mine, the whole body of the public were entitled to the same care and inquiry, and why should the miners be singled out for special provisions? The timber people were now claiming that theirs was a more dangerous occupation than that of the miner, and if this special provision was to be applied to the miners, it should be applied to the timber workers as well.

Hon. J. E. DODD: Mr. Sanderson and Mr. Colebatch were both wrongly assuming that this provision applied only to the mining industry. There were in existence Acts in which the same provision applied in relation to the examination by representatives of societies, etc. into the cause of accident.

Hon. D. G. Gawler: It is not in the English Act.

Hon. J. E. DODD: It might not be in the English Act, but some such provision was in the Inspection of Machinery Act, under which the timber mills came. Under that Act the representative of the union or of the person injured had the right to appear. There certainly was a provision in the Bill going a little further than any Act at present in existence, and that was the power to enquire as to whether or not the accident was attributable to neglect on the part of the mine owners. If it could be shown that there was neglect in connection with these matters, that neglect might be prohibited. In the following subclause the district inspector had the right to examine into the cause of the accident, and if that officer could bring out the cause of the accident what was there to prevent any man who had as intimate a knowledge of the circumstances of the accident, or of the place where the accident occurred, also making an examination?

Hon. D. G. Gawler: Such a person could give evidence.

Hon. J. E. DODD: That person would visit the scene of the accident in order to have material on which to examine the witnesses, and if there was neglect, why should he not have the opportunity of examining the witnesses upon that point? He was glad that Mr. Gawler had withdrawn the first part of his original amendment because the words there referred to were in the existing Act.

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

Clause 39—agreed to.

Clause 40—Mines Regulation Board:

Hon. J. D. CONNOLLY: It was his intention to vote against this clause, and to move later on the insertion of a new clause in lieu. The new clause he would propose was taken from the existing Act, and simply provided for a board of arbitration on different mining matters. He had not the same objection to the provision in Clause 40 as he had to other clauses of the Bill, except that he considered the personnel of the Board altogether too big and unwieldy. If a board was wanted for the purposes stated in the Bill, then we should certainly require more than one board. He failed to see that one board could adjudicate on such matters all over the State. The existing Act provided for as many arbitration boards as were required in different parts of the State. He took exception to the great powers granted to the board by this clause. Under paragraph (d) of Subclause 4 the board was to have all the powers of a Royal Commission whenever the Minister thought fit, but a regular board of this kind should not have all those powers. A Royal Commission should have special men appointed to it for a special purpose, and one could always be appointed when the Governor-in-Council thought fit. The members of the proposed board could be constituted a Royal Commission at any time it was found necessary, but they ought not at all times to be given the general powers of a Royal Commission. As he considered the proposed board to be unwieldy he moved an amendment—

That the word "seven" in line 2 be struck out.

Hon. J. E. DODD: The proposal of Mr. Connolly as it appeared on the Notice Paper was, as the hon. member stated, the same provision as we had in the Act at present. The idea of the board proposed in the Bill was that seven members should be permanently appointed, but no doubt on very few occasions would the whole of the seven members be dealing with any particular case. The proposal was so worded that if there was a matter at Cue and one at Kalgoorlie requiring attention, the alteration could be made of having a representative miner in one of these centres appointed either from the mine owners or the unions. It did not follow that the same persons should deal with the whole of the State.

Hon. J. D. Connolly: Would it not be very cumbersome to appoint a board like this? There must be five to form a quorum.

The CHAIRMAN: Might I ask hon. members not to conduct conversations.

Hon. J. E. DODD: If only three members were appointed we would be continually appointing boards for disputes arising in different parts of the State. The present law was a very cumbersome one indeed. One of the greatest difficulties the Department of Mines had had up to date was to get some suitable person as umpire in any arbitration case. For the last case that was heard one of the lecturers at the School of Mines was the only suitable person the department could fall back upon to take the position of umpire, and that was to deal with a case in which men were working under stages. Very often a magistrate was one of the worst persons who could be chosen as umpire in any technical mining dispute. One of the ideas of the Minister in putting forward the present proposition was that he might get hold of a competent officer to act as chairman. In some cases it might appropriately be the Government Analyst. The board was given considerable power and rightly so, to make inquiries into matters in connection with mining. A recent commission upon miners' lung diseases recommended not only one board, but something like three. One board was to be a miners' experiment board, and one was to deal with miners' claims. If any one board would be of more utility than another it would be a board of experienced men dealing with experiments in mines. Mr. Patrick drew attention, during the second reading debate to the necessity of something being done whereby dust could be minimised in the mines. There had been quite a number of experiments made in this direction, and there was no doubt that with a board knowing something about the work as the proposed board would, very much

good would result from the making of inquiries and investigations into patents and other means of minimising the dust nuisance. Mr. Connolly objected to the powers of a Royal Commission being given to the board. The commission which sat on the ventilation and sanitation of mines a few years ago was composed almost the same as this board would be composed. Mr. Montgomery, the State Mining Engineer, was chairman of that particular commission, and there was a representative from the miners and one from the mine managers. Mr. Mann, the Government Analyst, was also a member of that commission, so in giving the board the powers of a Royal Commission we would not be handing over those powers to some irresponsible body not knowing anything about the work they were called upon to investigate. It was to be hoped that the board, as outlined in the clause, would be retained in the Bill, and that the membership would not be reduced to three, as if it was he thought we should be continually appointing boards in different parts of the State.

Hon. J. F. Cullen: What would the proposed board cost?

Hon. J. E. Dodd: There was very little extra cost involved?

Hon. J. D. CONNOLLY: The clause provided that the board should consist of seven members, five of whom should form a quorum at any meeting. He could not follow the Honorary Minister when he said boards would be appointed all over the State. He certainly agreed with the Honorary Minister that they would probably be wanted, but the Honorary Minister could only have one board at a time. The Honorary Minister had inferred that seven members would not always be sitting, but that some might sit at Kalgoorlie and some at Cue, but that would not be possible, as five were needed to form a quorum. The commission of 1905 recommended a permanent board to look into the question of ventilation and sanitation, and to consider new regulations, etcetera. Such a board would do a great deal of good, but a board appointed for just a week here and a week there, with no continuity, could accomplish no good purpose in connection with the ventilation, sanitation and the safety of the mines. There would have to be some continuity before they could accomplish anything. He thought a board of three competent persons would be quite sufficient for that purpose, kept as a permanent board, so that the members could study the whole mining proposition, the effect of regulations, what new regulations were wanted, and the effect generally of ventilation and sanitation in the mines. Dr. Cumpston and others had told us, what we knew ourselves, that miners' phthisis existed in the mines. What we wanted was a remedy. We wanted some body who would study the question, some board which would say how to overcome the difficulty, and how to improve the ventilation of the mines. This would not be done by a cumbersome board of seven persons, some of whom would be at Kalgoorlie one week and at Cue probably the next week in connection with some dispute that had arisen. A smaller board and a permanent one was likely to do something which the board proposed in the Bill would certainly not do.

Hon. J. E. DODD: Subclause 3 provided for the appointment of persons to act as deputy members of the board. What he had said about a miners' experiment board, and a claims board certainly referred to the 1905 commission, which also referred to the appointment of a mines regulation board something in the nature of the one now proposed.

Hon. J. D. CONNOLLY: What the 1905 commission particularly emphasised was that there should be a permanent board of competent men to inquire into and recommend improvements and new regulations. We would never get that with the proposed board. If these men nominated deputy members it would mean that the Minister would one week have the board sitting at Kalgoorlie and the next week or perhaps a month afterwards deputy members, except perhaps the three Government members, would be sitting at Cue. There would be no continuity and therefore no likeli-

hood of achieving anything. The only thing they would do after all would be to settle disputes, which was done by the board of arbitration under the present Act.

Hon. H. P. COLEBATCH: The Honorary Minister had put up an argument against having a large number of members of the board. If the clause contemplated that the three Government nominees should be the only persons who could sit on any inquiry, it might be argued that it was necessary to have three; but the Minister had pointed out that Subclause 3 provided for the substitution of other persons for the duly appointed members of the board, clearly contemplating that if the inquiry was to be far distant from the homes of the members of the board, someone else would be deputed. Therefore, there was not the remotest reason for having three Government officers on the board. Surely one would be sufficient. In any case, three out of seven was too big a proportion.

Hon. D. G. GAWLER: It was proposed to give enormous powers to the board, which would represent one more means of harassing the mine owner. Already we had a provision whereby an inspector could go down a mine and take evidence in respect to an accident, another that a departmental officer might hold an inquiry and call upon the mine officials to attend that inquiry and give evidence; then there was provision for a coronial inquiry and provisions for prosecutions for breaches of the Act. Then the mine owner was to be shot at at law under the Workers' Compensation Act, under common law, and under the Employers' Liability Act, and on top of all of those we were to have a mining board.

The CHAIRMAN: The question was that the word "seven" should be struck out. A more general discussion would be permitted on the question of the clause.

Hon. D. G. GAWLER: That being so, he would defer further remarks for the general consideration of the clause.

Hon. J. E. DODD: If the board was limited to three it would be confined to one particular aspect of mining. There were many aspects of mining, such as ventilation, gases, and explosives, of which probably the State Mining Engineer had comparatively little knowledge as compared with the inspector of explosives and the Government Analyst.

Hon. J. F. Cullen: Then you would appoint a deputy in his place.

Hon. J. E. DODD: It was not certain that that should be done. To limit the board to three would be too drastic. As a rule any commission appointed consisted of five or seven members, and he failed to see that any case had been made out for limiting the board at all. The question of expense was a small one in the light of the experience we had had in this matter.

Hon. A. SANDERSON: Did Mr. Connolly think this was a matter of very great importance? The mine owner could be just as much harassed by a board of three as by a board of seven.

Hon. J. D. Connolly: It is a question of expense.

Hon. A. SANDERSON: Of course we did not know what the expense was going to be.

Hon. J. E. Dodd: One commissioner would probably cost more than seven.

Hon. A. SANDERSON: It was a comparatively unimportant matter. In his opinion the Honorary Minister had made out a fair case. Comparatively unimportant matters like this might safely be left in the hands of the Government of the day.

Amendment (that "seven" be struck out) put and a division taken with the following result:—

Ayes	12
Noes	7
Majority for ..	5

AYES.

Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. R. D. McKenzie (*Teller*).
Hon. A. G. Jenkins	
Hon. R. J. Lynn	

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. F. Connor	Hon. D. G. Gawler
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	(Teller).

Amendment thus passed.

Hon. J. D. CONNOLLY moved an amendment—

That "three" be inserted in lieu of "seven" struck out.

Hon. H. P. COLEBATCH: If the Minister was keenly in favour of having two members appointed by the owners and two by the workers, there was no valid objection to inserting "five" instead of "three" and thus providing for one Government officer.

Hon. J. E. DODD: Personally he would prefer to see the Government officers retained rather than have two representatives from either side. On the question of expense it might be noted that since 1904 there had been three Royal Commissions dealing with the same matters as this board would attend to. He ventured to say that those three Royal Commissions had cost nearly £20,000.

Hon. J. F. Cullen: Most of it wasted.

Hon. J. E. DODD: It had not been wasted. The purpose of the Royal Commissions had been to bring about improved conditions in the mines, and no better means could be devised than had been recommended by these commissions. One of these Royal Commissions had consisted of Dr. Cumpston, who was about as highly qualified a man as could be found. The recent Royal Commission also had been composed of highly qualified men. The proposed board would take over the duties of those Royal Commissions, and so would save an immense amount of money. If the board sat for 20 years it was questionable whether they would spend the £20,000 expended by the Royal Commissions referred to. However, in answer to Mr. Colebatch, he would rather see the Government officers left in.

Hon. J. F. CULLEN Why not have a board composed of four, being two Government officers and one representative of each of the two parties? If only two Government officers were to be appointed, the Government would send the most qualified for the requirements. Royal Commissions might possibly do some good, but in his opinion the bulk of their time and expenditure was wasted. As a rule they so overwhelmed the question with irrelevant evidence as to make their work almost useless. In many cases they were Royal shelvers of awkward questions. He moved an amendment on the amendment—

That the word "four" be inserted.

Hon. J. D. CONNOLLY: In Subclause 3 the Minister might in any particular case appoint some other Government officer. If the board were inquiring into the safety of mines, probably the State Mining Engineer would be appointed. If they were inquiring into matters of ventilation probably the Chief Medical Officer would be appointed. If it was a question of explosives, the Chief Inspector of Explosives would probably be called upon. To have a board of three would achieve the same object as one of four.

Hon. H. P. COLEBATCH: The proposal to have four members would receive his opposition. One of the members would be the Chairman, and it would be necessary to provide either that the Chairman should have no vote or that he should have two votes, and both were objectionable. If there was no virtue in having two representatives of mine-owners and two of the unions, he would support a board of three. In view of the provision in Subclause 3 there was no necessity to have two Government officials.

Hon. C. SOMMERS: It would be preferable to have three experts appointed by the Government than to have mine-owners or the workers appointing representatives. We would then be more likely to have three experts who would carry more weight than members casually drawn from employers and employees, and such a board would be less expensive.

Hon. R. D. McKENZIE: The Arbitration Court, composed of three members, had to deal with matters quite as important as those which this board would deal with, and in view of that three

members should be sufficient. The Minister had power under Subclause 3 to alter the officer appointed by the Government. The Minister could appoint Mr. Mann, Mr. Montgomery, or any other official as the circumstances required. A board of five would be cumbersome.

Hon. D. G. GAWLER: Unless there was some way of outweighing the conclusions to which the parties would come, the board would be placed in an awkward position. Under the Arbitration Act the parties represented either side and the President always decided. Every clause of this Bill would be productive of disagreement between mine owners and the workers, and the third person would have the final decision.

Hon. J. E. DODD: It might be necessary to have the Inspector of Explosives, Chief Medical Officer, and the State Mining Engineer in order to deal with a particular trouble, and they would account for three members of the board. If the question of ventilation or of the spread of disease alone was being dealt with it might be possible to substitute the Government representative. The proposal to restrict the number to three Government officers was behind the times, considering that on almost every board both sides were given representation. To cut out Government officers altogether would be wrong. The men had to be relied upon to supply the evidence and one hundred and one other things which could not be done by three Government officers. He hoped the board would not be made fewer than five, and he thought it would be useless to proceed with the clause if it was fixed at a lower figure.

Hon. J. D. CONNOLLY: It was difficult to follow the Minister when he contended it might be necessary to have three Government men sitting at the one time. He could not imagine a case which would demand the presence of three professional men.

Hon. J. E. Dodd: They were on both Royal Commissions which the late Government appointed.

Hon. J. D. CONNOLLY: A Royal Commission was an entirely different matter. This was a permanent board which would be sitting continuously, and the evidence of expert officers could always be taken. The Crown Solicitor was available at all times for all Government Departments and in the same way the services of other officers would be available for the board. With Subclause 3, there was no need for more than three representatives. If it was desired to cover every contingency five or six professional men would be required.

Hon. A. SANDERSON: Surely the hon. Mr. Connolly was wrong. In regard to ventilation, would not it be advisable, if not necessary, to have the Chief Medical Officer, the State Mining Engineer, and the explosives expert, not to give evidence, but to discuss the question. He was still of opinion that seven members would be right, but he would vote for four which appeared to be as near to seven as he could get. He hoped that the hon. Mr. Connolly would not insist on making all these small amendments in this most important Bill.

Hon. F. DAVIS: A board of four would be a very awkward number and three would be preferable. The contention of the Honorary Minister that three Government officials were required appealed to him, for the reason that while each Government official was an expert in a particular direction, the whole of the three might be required at one inquiry. If only one was appointed some difficulty and inconvenience would be entailed to secure the services of the other two. A board of five seemed to be better than a board of three.

Hon. R. G. ARDAGH: In his opinion five would be even better than four or three, and he therefore moved a further amendment on the amendment—

That "five" be inserted.

Amendment (Mr. Ardagh's) negatived.

Amendment (Mr. Cullen's, that "four" be inserted) put and negatived.

Amendment (Mr. Connolly's, that "three" be inserted) put and passed.

Hon. J. D. CONNOLLY: Now that the board was to consist of three members instead of seven it would be desirable that two of that number should form a

quorum. He therefore moved a further amendment—

That in line 2 the word "five" be struck out and "two" inserted in lieu.

Hon. J. E. DODD: The clause would be absolutely unacceptable, and the hon. member could continue to make any alteration he desired.

Hon. J. F. Cullen: It will look better in the morning.

Amendment passed.

On motion by Hon. J. D. CONNOLLY, the clause was consequentially amended by striking out of paragraph (a) the words "three Government officers" and inserting "a Government officer" in lieu: also by striking out of paragraph (b) the words "two members" and inserting "a member."

Hon. J. D. CONNOLLY moved a further amendment—

That in lines 1 and 5 of paragraph (b) the words "or the registered unions of mine owners" be struck out.

It did not follow that all mine owners in the State would be registered.

Hon. J. E. DODD: The clause provided that one member should be appointed by the mine owners and the other by the registered union of mine owners, but he would not raise any objection to the proposed alteration because the clause had been made absolutely unacceptable.

Amendment passed.

On motion by Hon. J. D. Connolly, paragraph (c) was consequentially amended by striking out of the first line the words "two members" and inserting "a member" in lieu; also in line 5 by striking out the words "or the registered union of mine owners."

Clause as amended put and passed.

Clauses 41, 42, 43—agreed to.

Clause 44—Hours of employment below ground:

Hon. J. D. CONNOLLY moved an amendment—

That in lines 2 and 3 the words "forty-four" be struck out and forty-eight" inserted in lieu.

Personally he thought that this clause should not find a place in the Bill, but it was inserted in the Mining Act before the Arbitration Act was passed, and it was embodied in the 1906 Mines Regulation Act. It really had no meaning in this measure because the question of hours was regulated by the arbitration court. It had already been pointed out by him that the men were working about 6½ or 7 hours a day, when allowance was made for the time occupied in the changes of shift, and the half-hour for crib time, and now it was proposed to reduce the total of what really was 42 hours per week by four hours.

Hon. J. E. DODD: There would be very little work for this Chamber to do if everything which was supposed to be dealt with by the arbitration court was dealt with that tribunal, but to say that this should be referred to the arbitration court was altogether beside the mark. With regard to the question of the reduction of the hours of work underground, while 48 were sufficient in 1895, even 40 would be quite enough under the present conditions. The altered conditions of mining made the work of the miner so much harder and so much more risky. Therefore, 44 hours was considered sufficient for any man to work underground. It had been said that we had no Arbitration Act in the earlier days, but there was one in 1906 when the amending Bill was introduced and no alteration was made then. There were places where 44 hours were worked, as he had previously pointed out on the second reading. At Wallaroo only 40 hours were worked in the night and afternoon shifts. Personally he would rather have seen a proposal to limit the hours of the afternoon and evening shifts to 40 instead of the present all-round reduction to 44 hours.

Hon. J. F. Cullen: But the arbitration court could do that.

Hon. J. E. DODD: The court could do it, but the proposal had been inserted in this Bill and it was simply putting forward a proposal adopted by other Governments and other Parliaments. He hoped the men would be given some relief in this matter because there were many places where men should not work for more than 44 hours. Regarding the

statement that the men only worked 7½ hours per day, he would point out that the conditions to-day were very different from what they used to be. Some years ago by the time the men got to and from their places in the mine, and deducting crib time, they only worked from five to five and a half hours, but to-day the miner went straight to his work and remained there almost till knock-off time, with only an allowance of half an hour for crib. His work started at 8 o'clock in the morning at the brace and continued until he left the plat to come up at 4 o'clock. There were very few miners indeed who worked less than the full eight hours per day, allowing half an hour for crib.

Hon. H. P. COLEBATCH: For the reasons advanced by the Minister, that there were circumstances in which probably the 44 hours' week would be too long, and other circumstances in which probably 46 and 48 hours would not be too much, he intended to vote for the amendment. Those differences could be made under the Arbitration Act. Personally he thought 44 hours per week was sufficiently long for anybody to work underground, but he did not think this Bill the proper place to make such a provision.

Hon. R. G. ARDAGH: The Shops and Factories stipulated the number of hours which employees should work and he failed to see that a similar provision should not be placed in this Bill. In nearly the whole of Queensland miners only worked 44 hours, and except when there was some special desire to get a shaft down quickly only two shifts were worked. Even then the men only worked six-hour shifts and they got as much work done under those conditions as where they worked longer hours. Mr. Connolly had expressed a desire to do something to minimise the miner's phthisis and improve the conditions of the miners generally. The hon. member had a very good opportunity of assisting the miners in that way by voting for a working week of 44 hours.

Hon. A. SANDERSON: The answer to the argument of the last speaker was that the Arbitration Court had been specially set up to deal with the general conditions of labour, the special circumstances of cases, and the remuneration to be offered. He intended to vote for the amendment.

Hon. F. DAVIS: Some 20 years ago the men engaged in the building trade in Melbourne worked only 44 hours per week.

Hon. A. Sanderson: That was not by Act of Parliament.

Hon. F. DAVIS: No, but those hours were worked by men engaged in a trade not nearly as dangerous as mining. After having been underground in one of the coal mines at Collie he had said that he would not like to work under those conditions even for £1 per shift, because of the danger to life and limb. The same conditions applied to gold mining, and on humane grounds alone the Committee ought to provide in this Bill that the working hours of miners should not be more than 44 per week. Personally he would prefer to see them less.

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

Clause 45—Prohibition of underground night work:

Hon. J. D. CONNOLLY: This proposal was quite impracticable and he would ask the Committee to vote against the clause. In the first place it would mean the closing down of a great many mines which were working to-day at a small profit. Some of the largest mines on the Golden Mile were working at a very small profit but they were employing 700 or 800 men each. They were able to make ends meet at the present time only because of the quantity of ore they crushed. If it were not for that quantity they would make a loss, and to stop the night shift would mean the closing down of those mines after a few months. The second portion of the clause was a clear admission that the proposed limitation was not practicable. In that subclause there was argument enough for the striking out of the whole clause. The Committee would be told that the Great Boulder mine had abolished night shift, but that mine was in a different position from any other mine in the State. The

Great Boulder manager was not doing any development work, but was simply taking out ore. The night shift was mostly employed by mine managers in sinking and extending the mine, but the Great Boulder had three winding shafts and sufficient capacity to raise enough ore in two shifts to keep the mill going for the whole 24 hours. The manager of any mine in that position would readily agree to work only two shifts, but no other mine was in such a position. If the night shift was abolished the Golden Horseshoe would have to reduce the number of men employed by one-third, because it would not be possible to raise in the two shifts sufficient ore to keep the mill going. It would be impossible to put the men now employed on the night shift into the mine during the other two shifts because there was not the working space for them. Even if it were possible to put 10 per cent. of the night shift men on in the day shifts that would not be in the interests of the miners themselves, because they would be crowding into the mine 10 per cent. more men than were at present employed at one time. The abolition of the night shift was not going to do any good to the men but was going to hamper the industry, and it would injure the business people, because it would certainly mean the throwing of some men out of employment straight away. This was a matter that could be dealt with under the Arbitration Act, if it could be shown that working on night shift was unnecessarily severe on the men. There was no danger of any mine managers employing an undue number of men on night shift. It was a well known fact that they did not get the same results on night shift as on day shift, and any mine in the position of the Great Boulder would not employ men on night shift when it could be avoided.

Hon. J. E. DODD: The proposal to eliminate night shift was made largely with a view to helping the men from a health point of view. As far as the mines were concerned, it undoubtedly would cause a certain amount of inconvenience for a time, but extended notice was given in the Bill, and if that notice were still further extended that inconvenience would be obviated altogether. The same arguments as were brought against the proposal to abolish the night shift had been brought against the Sunday Observance Act. The mine owners had said that they could not possibly carry on if they were prevented from working the men underground on Sundays. Some three years were occupied by various public men in conducting an agitation for the abolition of Sunday work. Precisely the same arguments were used by those interested as were used in this case, that it was easier for the mine owner to keep his mine going by working night shift in some instance than by working two shifts in others. A mine owner was largely a creature of something that had been done before. He was very conservative and liked to stick to conservative ideas as much as he could. He (Mr. Dodd) knew of no other calling where people were so conservative as in the mining industry, and this applied to both sides, the miner and the mine manager. The old idea of not so much work being done on night shift was not so true as it was in times past. He had seen statistics showing that the majority of accidents happened at that period of men's work when they became tired and their energies flagged. He had seen a report of a factories inspector in California showing that the greatest number of accidents took place in the hour before dinner, and the hour before ceasing work, and he thought that if comparative statistics could be compiled in regard to the men working on day shift and men working on night shift in mines, it would be found the majority of accidents took place on night shift. He felt sure that if hon. members agreed to restrict night shift in the way proposed in the Bill the mines would very soon rise to the altered conditions and the night shift underground would become a thing of the past. By the Bill we were only seeking to restrict it so far as underground work was concerned.

Hon. R. G. ARDAGH: Despite the argument used by Mr. Connolly that the mines could not keep going without they were working three shifts, he wanted to

say most emphatically that there was hardly a mine opened up on the Golden Mile that could not break sufficient ore in two shifts to keep the mills going. He did not say they were in a position to break up and pull it in two shifts, but nearly every mine which had been opened up to any extent on the Golden Mile which had crushing facilities on it could break most of their ore in two shifts. The clause made ample provision for more stopes to be made ready by the time the measure would be put into operation. There was not the slightest doubt that if there was anything in the Bill which would benefit the miners' homes, their wives and children, it would be the abolition of night shift, and he sincerely hoped the Committee would agree to the clause. By doing that hon. members would be doing something to assist the miner.

Hon. A. SANDERSON: It would be a good thing if the Minister would provide some of the statistics to which he had referred relating to the question of accidents during night shift. He (Mr. Sanderson) could fortify the Minister's statement to this extent: that recently when in Newcastle-on-Tyne he was told that most of the shocking accidents which occurred at Armstrong's works occurred during night shift. The mere fact that the Minister himself proposed an extension of this clause, that it was not to come into operation until a specified date in 1914, and the last part of the clause, were indications that it could not be put through now. As miners' unions were probably the strongest in existence in this country one wondered why they were not able to insist upon this question of night shift being brought forward and settled by the Arbitration Court. One would think from their enormous influence and power that these unions would settle this question themselves instead of coming to Parliament and requesting concessions.

Hon. R. D. McKENZIE: So far as he knew without exception every mine owner and every mine manager was just as anxious as men in the mines to do away with night shift if it was possible to do so. This clause was detrimental only to large mines on the Golden Mile and possibly one or two others in the State. On the Golden Mile we had a number of large mines which had the continual process going on. It was absolutely necessary that these mines should keep up a supply of ore to keep the mills and treatment plant going. The number of mines were on the balance as regarded paying or not paying. The Perseverance made a loss one month and a small profit the next.. If it went on making a loss for twelve months it stood to reason that the shareholders of the mine could not stand that sort of thing. If that mine closed down and there were 600 or 700 men put out of employment, what was going to be the effect on Kalgoorlie and the State, because if the Perseverance did that it was not going to be the only one,. as there were several other mines in a similar position. The Honorary Minister said the abolition of night shift would inconvenience the mines for a while, but as time went on they would get over that and mine enough in two shifts to keep them going. The Honorary Minister had instanced the fact that there was an outcry when it was first proposed to do away with Sunday work underground. The latter took away one-seventh of the time the mines were working, and they had got over it without difficulty, but now in addition to taking away that one-seventh it was proposed to take away one-third of the time required to keep the treatment plant continually going. No doubt it was a very undesirable thing that anyone had to go to work at night time, but if we were to keep the mining industry going it was absolutely necessary. Why did the Government not take some steps to improve the conditions up above ground? Why did they not carry the provisions of the Workmen's Homes Act on to the goldfields and provide decent cottages for the workmen to live in? Half a million of money had been spent in Perth and other towns on the coast, but hardly a shilling on the goldfields. It was a standing disgrace to the Government that they had not done something before now to try and improve the conditions under which the miners with their wives and families had to live on

the goldfields. Another question was that of development work. A mine could not go on stoping out its ore and paying no attention to development work. A good deal of time was taken up in developing the mine, opening up new faces, and that kind of thing. He had been advised, not by one but by several managers on the Golden Mile, that if this clause remained it would be a severe blow to the mines, consequently it was to be hoped that the Committee would strike it out.

Hon. J. D. CONNOLLY: The Honorary Minister had inferred that statistics would prove that accidents occurred in the night shift. The report of the Mines Department for last year contained a list of the accidents that had occurred. There was nothing in the inspectors' reports to show that any accidents had been caused by night shift. What these reports insisted upon was the necessity for artificial ventilation. That was one of the best ways in which to improve the condition of the miners. Yet there was no provision in the Bill insisting upon artificial ventilation. In their reports the inspectors had said nothing at all about the abolition of night shift, although they had recommended the introduction of artificial ventilation. The Honorary Minister had declared that if a mine were permitted to lie idle for eight hours, the air in the mine would be very much improved. It all depended upon the conditions. In a dead end it was better to work the three shifts and so keep the compressed air going continuously. The growing necessity of the mines to-day was better air, for which, as he had said, no provision whatever was made in the Bill.

Hon. F. DAVIS: In respect to the effect which the provision would have upon the mines it had been contended that it was not reasonable to expect a mine making a loss to keep going. During the passage of the Arbitration Act he had declared that men were in business merely for profits, whereupon he had been told that such was not the case, that some men continued in business because they were working on overdrafts. If that held good in the case of a commercial house it should hold good also in the case of a mine, which was run on the same commercial principles. When first a Bill having for its object the prevention of children working in factories at an early age was introduced in the House of Commons, the manufacturers had contended that it would ruin their several businesses. Eventually the Bill had become law, notwithstanding which the manufacturers went on making profits. The same thing applied to this legislation. Where there was a will there was a way. This principle held good in gold mining just as it did in factories. If the mine owners were anxious to carry this provision into effect they would find a way in which to do it. Very few mines if any would be closed down as the result of this provision.

Hon. J. D. Connolly: What do you know about it?

Hon. J. E. DODD: Mr. McKenzie had said that when the Sunday Observance Act was carried one-seventh of the time worked had been abolished, whereas this provision would serve to abolish one-third of the time. This was an inaccurate way of putting it. It was not proposed to abolish one-third of the time without putting something in its place. The proposal was that the men on the night shift could work on the other two shifts. The same hon. member had asked why the Government had not built workers' homes in Kalgoorlie. Of course the building of such homes in Kalgoorlie would benefit the business people considerably. If applications were made for the building of workers' homes in Kalgoorlie, these applications were considered there just as other applications were considered in other parts of the country. If such applications were not made the houses could not be built. The building of workers' homes would not benefit the people of Kalgoorlie as far as the night shift was concerned; the people to be benefitted would be the business people. As for development work on night shift, the Bill did not go far enough. He would like to see a clause making it compulsory upon the mine owners to keep their development work ahead of the

other work. If that had been done in the early days we should not be in the position we found ourselves to-day. It was too late in regard to Kalgoorlie, but other fields might be found equal to Kalgoorlie, and without some such provision we would meet the same state of affairs again; that was to say, the management of a mine, on finding a rich bonanza, would take it out without any thought for the State, and leave the development of the mine until a later period. Then, when all the rich ore had gone, they would ask for a reduction of fees and a reduction of wages. Mr. Connolly had asked where was there in the Bill any provision dealing with ventilation? The question of ventilation was left for regulations as was always the case with every mines regulation Bill. Under Clause 70 regulations could be made dealing with the ventilation of mines. One of the chief functions of the members of the proposed mines regulation board would be to deal with the question of ventilation. The abolition of night shift would do a very great deal towards improving the ventilation. It was all very well to talk about the exhaust air from the machine drill. That air would not give the necessary ventilation. Certainly the air which came down from the compressor before it went into the drill gave a certain amount of good ventilation, but it would not do what the abolition of night shift would do. On the second reading he had pointed out that when a mine had been spelled for a few hours the air was infinitely better than before.

Hon. R. D. McKENZIE: One of the arguments used by the Minister for Mines in introducing the measure was that owing to the class of houses in which they lived those who had to work underground at night time could not sleep in the day time. The inference was that improved houses would improve the conditions. Therefore it would be a distinct benefit to the health of the men working on night-shift if the Government were to erect workers' homes. The Honorary Minister had said that the erection of workers' cottages on the goldfields would benefit only the business people. Such a remark was scarcely worthy of the Minister. There would be no need to build houses up there, because houses could there be bought very cheaply. Mr. Davis had said that the conditions in the mines might easily be improved and that where there was a will there was a way. Some of the mines up there were mining ore of an extractable value of 10s. a ton which was costing 10s. a ton in extraction. When it cost 10s. 6d. a ton to extract 10s. worth of gold, then the mines would not long continue to do it, but would close down. The Bill was going to increase the cost from, approximately, 10s. to 11s. a ton, and consequently many mines would be closing down before long. Mr. Davis had instanced the outcry made when it was proposed in the House of Commons to prevent the employment of children in the factories of the old country.

The CHAIRMAN: The hon. member was straying somewhat.

Hon. R. D. McKENZIE: It was his desire to point out that gold mining was different from the manufacturing industries. A manufacturer could increase the price of his goods but the mine-owner could get no more for his gold.

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

Ayes	.. .. ..	6
Noes	.. .. ..	12
Majority against	..	6

AYES.

Hon. F. Connor	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. R. G. Ardagh
Hon. J. E. Dodd	(*Teller*).
Hon. J. M. Drew	

NOES.

Hon. H. P. Colebatch	Hon. R. J. Lynn
Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. C. Sommers
	(*Teller*).

Clause thus negatived.

Progress reported.

House adjourned at 9.35 p.m.