

Legislative Council,

Thursday, 6th November, 1913.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

BILL—MINES REGULATION.

Second Reading.

Debate resumed from the previous day.

Hon. W. PATRICK (Central): Although there is a great deal of matter in this Bill of which I disapprove and which if passed into law would be, in my opinion, almost the death knell to mining in Western Australia, still I do not intend to oppose the second reading, because, if there is anything we can do to further safeguard the lives of the men in the mines, so long as we do not interfere with the existence of the mines themselves it is the duty of Parliament that such should be done. I do not intend to speak at any length, but would like to draw attention to two or three clauses which I consider would do a great deal of injury to mining in this State. The argument in favour of the abolition of the night shift is that on account of the continual dust, it is dangerous to work that shift. I suppose it would be much better if there was no dust in the mines, and it would be better if some means could be devised to prevent the dust, whether by night or day. Surely this is a problem which is not beyond solution. I do not know whether an attempt has been made to solve it, but I have heard about drills being used with water and spraying machines, and if anything can be done to prevent the dust in the mines it would not only be very much in favour of mining at all times, whether by night or by day, but it would to a very great extent prevent the dreadful disease of miners' phthisis. Subclause 4 of Clause 46 provides that in any mine usually employing ten or more persons in its largest shift not more than one alien

shall be employed for every nine men of British nationality by birth or naturalisation. I would like to see that brought about if it can be done. There are a good many Italians on the gold-fields; I spent seven or eight years on the Murchison fields, and I think there were as many Italians on the Day Dawn mine as on any other, but I doubt if we can make such a provision. If we can limit foreigners to one in every ten men employed on the mines we can prevent them from working in all other avocations. If we can prevent any more than one in ten from working in the mining industry there is no reason why we should not make it one in a hundred or one in a thousand.

Hon. R. G. Ardagh: Be a bit charitable.

Hon. W. PATRICK: It is not a matter of charity, but of principle. If we have the power to prevent more than one in ten of foreign nationality from working in any avocation in Western Australia, we have power to prevent them altogether. I do not know whether the Honorary Minister has looked into this matter, but it seems to me to be altogether beyond the power of the State Parliament to pass a law of this kind, and, even supposing it were passed into law, I think it would be inoperative.

Hon. J. W. Kirwan: The language test is already in operation.

Hon. W. PATRICK: The language test is a perfectly justifiable test. It is quite right that any man working in a mine in a country where the English language is spoken should be able to speak that language sufficiently intelligently to prevent his being a source of danger to his fellow workmen. That is totally different from saying that a man shall be prevented from working altogether simply because he is not of British nationality. If that were possible, it would mean that in every country laws could be passed to prevent people who did not happen to be citizens from obtaining work in a particular country. If such a law were made applicable to the United States of America, it would be necessary to bundle about one-half of the population out of

the country. In all the great cities of America there are far more people not of American nationality than there are Americans. There is no question about that. The hon. member who just interjected made a remark the other day which I question very much, that the value of gold produced in the mines of Western Australia was greater than the value of all other primary industries put together.

Hon. J. W. Kirwan: Per annum.

Hon. W. PATRICK: I have not the slightest hesitation in saying that the value of other industries is at least twice as much as that of gold. We can make up 15 per cent. of it without any trouble by the value of the meat produced in Western Australia and consumed here. That must amount to at least a million sterling a year, and it is of far more value than a million pounds worth of gold when it comes to the matter of living. This year we will get two million sterling for wheat, and at least half a million sterling for other cereals. There will be about a million sterling for wool, and about the same amount for timber.

Hon. J. W. Kirwan: Go on.

Hon. W. PATRICK: The value of timber exported last year was in the neighbourhood of a million pounds sterling.

Hon. J. W. Kirwan: We are a long way short this year.

Hon. W. PATRICK: Then there is all the dairy produce and all the fruit which is produced in this State?

Hon. H. P. Colebatch: And a half a million for pearls.

Hon. W. PATRICK: Those I have mentioned would amount to more than 7½ millions.

Hon. J. W. Kirwan: Are not your figures rather large?

The PRESIDENT: The question is the Mines Regulation Bill.

Hon. W. PATRICK: Seeing that one hon. member who spoke on this Bill directed attention to the importance of mining, of which I have just as high an opinion as he has, I want to point out that there was no necessity for him to make a statement that was incorrect in regard to the industry. There is no

doubt that whatever the gold mining industry has been in the past, it is now being very closely pushed by the production of cereals, especially when we consider the local consumption. We do not consume the gold in the State, but we do consume the cereals. It is just as well to draw attention to these matters. It is all very well for the hon Mr. Kirwan, who is a very prominent gentleman on the goldfields, and who owns or manages one of the newspapers to report to the world that at the present moment we are producing less in our primary industries than of gold, but such a statement is not a good advertisement for Western Australia. There is one other matter upon which I would like to say a word or two, and that is the abolition of contract work. This proposal aims at the final levelling down of all the people to one level, and that is the lowest level in any industry in which a particular man might be engaged. It means the stopping of all individual enterprise. It reminds me of a story I read when a boy of some Utopia. I have forgotten the name of the author and of the book, but I remember there was a gentleman who had heard a lot of the city of Utopia and desired to go there. With another he set off on horseback, and as they were travelling through a vast avenue extending for many miles, they noticed numbers of men and women lying on the grass, some reading books and some gazing into the sky, and the number increased as they approached the city. The question was asked as to why those people were doing nothing, and the reply was, "These are the smart men and women of the community, who are waiting until the people possessed of less brains and physical capacity come up to them."

Hon. J. Cornall: You must have been reading the *Arabian Nights*.

Hon. W. PATRICK: There is a good deal of the *Arabian Nights* about this proposal, in telling a man that he can earn 13s. 4d. a day and not £1 a day. That is practically what this clause means. Further than that I think the hon. F. Davis said that it injured a man's health to work hard. My opinion is the

very opposite, and that the man who does not work is the man who dies soonest. The man who works is likely to be the oldest man in the community, that is a well known fact.

Hon. J. Cornell: How many miners do you find reach the age of 45?

Hon. W. PATRICK: A good many people in all classes of the community die before they are 45; some die before they are many months old,

Hon. J. Cornell: That does not apply to Parliament.

Hon. W. PATRICK: It is not every one who reaches the dignity of becoming a member of Parliament, but after he gets there will probably survive a bit longer if he can remain there. It was well known that men who are keen on any subject do not concern themselves about how long they work upon it. We are informed that Edison, the great inventor, works from 16 to 18 hours a day. He has been known to work all night upon an idea until it is finished. That is the sort of man who makes a community. If men are willing, and so long as they have the splendid protection of the Arbitration Court, which states that they shall not earn less than a minimum wage, I think it is the duty of everyone to encourage them to do as much as possible instead of as little as possible. From a constitutional standpoint I think the clause relating to the employment of foreign labour will have to be reserved for the Governor if it passes, and consequently will delay the usefulness of the measure.

Hon. T. H. WILDING (East): After having listened to many of the speeches that have been delivered on this measure in this Chamber, one must realise that were it not for a few clauses that are contained in it, the Bill would have no likelihood of passing the second reading. The majority of members of this House feel, however, together with those who introduced this Bill here, that if we can in any way through our legislation preserve the lives and health of our miners, we should be only too willing to do so, and that is the reason why this Bill is likely to go into the Committee stage. The

question of preventing foreigners from working in the mines I do not quite understand. We are asked to allow only one in 10 to work in our mines. Why is this? Are not British men as good and as able as foreigners at the work, and is it because of the vices or the virtues of these foreigners that some of our people are objecting to them. It seems to me more likely that it is their virtues than their vices, that they are good workmen, conscientious in their work, and endeavour to give a fair day's work for a fair day's pay; otherwise there would not be so many of them employed on the mines as there are at the present time. If it was said and adhered to, that these foreigners must be able to speak the English language, that would be quite correct, as men should not be down in a mine unless they can speak the English language and be thoroughly understood, but to say that only one man in 10 may work is quite wrong. Every man who is prepared to give a fair day's work for the money he is paid should be able to obtain labour. A good deal has been said by hon. members on the question of inspectors, but it seems peculiar to my mind that the workers themselves should ask that they should be able to appoint a man from their ranks as inspector. Why not ask in the proper way that the Government should appoint more inspectors if they are necessary. We do not find the employers asking to have inspectors of their choosing appointed. If more inspectors are required the Government should appoint them. With reference to the proposed abolition of contract labour I may say that I have employed a few miners at my place at different times and they prove themselves exceedingly good men, but my experience is that they will not work very long for a daily wage. They want to work at contract when employed for sinking purposes. I have had them well sinking, and as soon as they found the nature of the country they had to go through they would not work for a daily wage, but wanted a contract simply because they could earn more money. They could earn 25s. a day on the average, but I was quite willing to pay it them as they were worth it. An hon. member referred to

the speeding up system, but what about men who will not earn the money that is paid for them as a day's wage? I have seen 150 men in a gang who were not doing the work 50 men should have done, and were receiving their 9s. a day for it. I have seen a man over 60 years of age throw down his shovel in disgust because young and able-bodied men alongside of him would not do their share of the work. The hon. member has told us that every man would do what he could, but that has certainly not been my experience. The trend of legislation at present in connection with employment has led to employees not wanting to give a fair day's work, and they are encouraged by the Government of the State. We have only got to instance a case the other day at Woorooloo, where the men went out on strike simply because the man whom the Minister in charge had placed over that body of men would not allow them to smoke whilst at work. The usual thing, of course, is to have smoke-oh at set times, and all hands to have a smoke, but if we are going to allow a man to stop and smoke when he chooses we are going to have sometimes five or six others waiting for him while he is lighting his pipe. Because the man in charge would not allow them to smoke during working hours there was a strike. How was it settled? The Minister and secretary of the union go up there, the men are allowed to smoke when they like and are given another 1s. a day. That is the way men are encouraged to give a fair day's work for a fair day's pay. So long as this sort of thing continues we will not get fair value for our money. I have been an employer and have had a good many men working at times, and one can easily see how things are going on, and I say that men will not do very much work for the Government if they can help it. So long as this sort of thing continues money will be wasted. I intend to refer to remarks made by hon. Mr. Kirwan on the output of gold. I have made some notes of the amounts that come from our different industries, and I find that the production of meat consumed practically in the State amounts to about £2,000,000, cereals £2,500,000—

Hon. J. W. Kirwan: Is all the meat locally produced?

Hon. T. H. WILDING: Pretty well now. Fruit and cereals, £500,000; wool, £1,000,000; and we must bear in mind that wool for the past year or so has decreased owing to the drought experienced.

Hon. J. W. Kirwan: The figures were given by the President of the Chamber of Mines, were published in the *West Australian* and other papers, and have never been challenged.

Hon. T. H. WILDING: If the hon. member will look up the statistics he will find that I am not very far out. Timber, £1,000,000; pearls, £500,000. I do not here include coal mining or anything connected with the dairying industry, such as bacon, eggs, and poultry. In fact there are many other things which could be included. Therefore we find about 5½ millions in connection with gold production, and according to my figures 7½ millions in the primary industries I have mentioned, without including various others. Therefore, I think we would find pretty well twice as much produced from our primary industries other than gold mining, as is produced on the goldfields.

Hon. E. McLarty: What does it matter which is the biggest industry?

Hon. T. H. WILDING: I do not want it to go forth that all our other industries do not exceed the output of gold, as it would be a very bad advertisement. Every ounce of gold taken out of the earth is so much less. It has gone, whereas our wheat yield is doubling pretty well each year, and will ultimately exceed that of gold to-day. That being so, I do not like anyone to decry in any way the other primary industries. I certainly would vote against the second reading of this Bill, but for the fact that there are a few clauses in it concerning which I feel, like other members, that we should try to do everything that is possible to assist to preserve the lives and health of those working in the industry.

Hon. J. E. DODD (Honorary Minister, in reply): In replying to the criticisms that have been made against this Bill I must say that the task I have in attempting to carry it through this House seems a heart-breaking one, because mem-

bers have displayed so little general knowledge of the industry. I do not know of any debate I have listened to where less knowledge has been brought to bear on a Bill than has been the case in this particular measure. Further than that the misrepresentation—some of it I believe unintentional misrepresentation—that has been made not only in this Chamber, but also in the Press, in connection with this Bill is simply astounding. There are few members indeed who have not failed to grasp what the Bill is for, or the changed conditions of mining, or the great difficulty we have to frame a Bill to meet the needs of the whole of Western Australia. Several members have asked what the Bill would have done if it had come into force 10 years ago. I say that 10 years ago this Bill was not necessary, and that mining is completely changed at the present time from what it was 10 years ago. To say that if the Bill had been brought into operation 10 years ago it would have killed gold mining is altogether beside the mark, but to my mind it would not have killed any mines, even if it had come into operation 10 years ago. I have pointed out the difference in the tonnage of ore raised per man in 1903 as compared with the tonnage to-day. There has been an immense difference in the tonnage owing to improved methods of mining compared with 10 years ago.

Hon. J. D. Connolly: That is due to the big plants that were not in existence in those days.

Hon. J. E. DODD (Honorary Minister): The plants have very little to do with what is broken by the machine man or the miner underground. I think it is almost twice as much as it was in the old days of the oxidised lodes.

Hon. W. Patrick: It was nearly all hand work then. It is machine work now.

Hon. J. E. DODD (Honorary Minister): That is just the very reason why the Bill has been introduced. At one time we had hand workers and now we have machine workers, and everyone knows how different the conditions have become since the introduction of machinery. There is a great difficulty in pre-

paring a Bill which will meet all conditions. In this State at the present time mining is being carried on in very deep levels, and at almost as deep a stage as at Bendigo, where the deepest mines exist, and to frame a Bill which will absolutely meet all conditions, it will be admitted is a very difficult matter. We have endeavoured to make the provisions of the Bill before the House as elastic as possible, and I hope before I finish, to be able to show how it can be made to apply to the whole of the vast auriferous area we have in this State. I think I may say that the criticism of some hon. members has been taken from the pamphlet issued by the Chamber of Mines, in fact, I think some members after having read that pamphlet expressed opinions which were so similar to those contained in that pamphlet, that their speeches might be said to have been based on it. Mr. Colebatch appears to have done this.

Hon. H. P. Colebatch: I never saw it.

Hon. J. E. DODD (Honorary Minister): At any rate, the hon. member's speech was almost a repetition of what was contained in the pamphlet.

Hon. H. P. Colebatch: I never saw the pamphlet.

Hon. J. E. DODD (Honorary Minister): I am not blaming hon. members: they have a perfect right to get what information they like from whatever source they like. If I could find anything in connection with unions which would be of use to me, I certainly would use it, so that I do not blame hon. members going wherever they like to get information: but I think I can show before I sit down that what I am going to say is correct. I would like to quote a statement made by Mr. Cleland—who is manager at present of the Great Boulder Perseverance Mine—before the Royal Commission which sat in 1910 to deal with miners' lung diseases, in reference to what has been said by some hon. members about dusty mines, and I want to show how the changed conditions of mining affect the miner. He said that at the 1,450ft. level there were 40lbs. of dust from a hole 6ft. deep. That was a machine hole. At the 1,900ft. level there

were 25lbs. of dust. That was in a lode. The other was in country rock, and Mr. Cleland said that the difference in the weight of the two samples arose from the fact that the boring at the 1,450ft. level was partly in country rock which permitted full sized steel to be used, and that on the 1,900ft. level was in harder lode material, where the work was smaller and consequently the hole was smaller and the same amount of dust was not created. I ask hon. members to consider what that means. Forty pounds of dust or dirt in a hole six feet deep, and the machines working at high speed! To-day we are getting all this dust, when in the old days with the hammer and drill there was very little of it indeed, and that is just where the trouble is creeping in, and that is why we are actuated by what has been termed here humanitarian motives in trying to put this Bill through the House. I think it was Mr. Sanderson who said that the picture I had painted of the conditions of the men at Kalgoorlie was somewhat overdrawn. Sir Edward Wittenoom, I think, said something of a similar character. What I want to say is that I do not think the statement was in any way overdrawn, and if hon. members had had my experience they would never have said so. Almost my first recollection, when I started work as a boy, was of seeing the strongest man in the country for miles around brought up from underground with his arm hanging by his side crushed, and his eyesight gone for ever, and the father of a boy with whom I was working crushed to death. But I do not wish to give my personal experiences. I could give many in connection with mining, but there is no desire to harrow the feelings of hon. members. What I wish to point out, however, is that when we are in the midst of these surroundings it can hardly be said that the pictures we might paint are overdrawn.

Hon. Sir E. H. Wittenoom: Why do managers allow these distressing conditions to exist?

Hon. J. E. DODD (Honorary Minister): It is not altogether the fault of the managers. I am not one of those who

rail at managers. The conditions of mining are such that accidents will happen. If we put ourselves in the position of the manager, the chances are ten to one that we would do exactly the same. I have always liked to look at things from a fair point of view and put myself in the place of the other fellow. But that does not alter the fact that we must frame regulations so as to make things as good as we can. Mr. Colebatch referred to big calamities which have taken place at various times, and he mentioned the disaster to the steamers "Titanic" and "Volturno," and many others at various times of our history. I want to point out that almost every week or every month some such calamity is being experienced by some family or by some workers in the State. The effect of one man being killed is as much to some as would be the effect to many of such disasters as those which overtook the "Titanic" and "Volturno." The foundering of the "Titanic" has been clearly proved to have been due to the desire on the part of ship owners to get the most they possibly could out of that vessel. There is no disputing that fact, and if this kind of thing were permitted to go on continually, there would be even many more serious accidents than are happening to-day. I want to draw the attention of hon. members to the report issued by Dr. Cumpston. I desire to do that because it has been said that I have overdrawn the pictures of tragedies on the mines. Dr. Cumpston was appointed a Royal Commissioner by a former Government to inquire into the prevalence of miners' disease. In 1903 there was hardly any disease amongst the miners in this State at that time; miners' disease was practically unknown. This is what Dr. Cumpston said—

The examination of 1,505 men revealed the following facts:—(a) Early fibrosis was present amongst machine miners to the proportion of 33.16 per cent.; amongst non-machine miners, 7.23 per cent.

Hon. members will see the difference. The percentage is greater in the case of machine miners because of the effects of the

dust and the way in which they are working.

Amongst truckers, 3.1 per cent., and amongst dry treatment hands, 24.5 per cent. (b) Intermediate fibrosis was found amongst machine miners and non-machine miners; late fibrosis was found only amongst machine miners. Tuberculosis of the lungs was present in a total of 28 cases, i.e., 1.5 per cent. of, if the whole of the men examined be considered, 2,050, including the selected ones. This condition was present in 65 cases, which is 3.2 per cent. Early fibrosis was most commonly present amongst machine miners and dry treatment men and amongst those to an important extent. Early fibrosis seems to make its appearance most frequently about the second year on machine work. The expression of results in percentages is not of such vital importance as the actual determination that there are in existence certain abnormal conditions and that those abnormal conditions are present to a serious degree. It is clear that fibrosis of the lungs is present in all its stages amongst miners in Western Australia and also that the number of cases of early fibrosis is so great as to call for serious consideration. The existence of a high percentage of fibrosis amongst working miners cannot be attributed to the importation of such cases from places outside Western Australia.

It has been stated that much of the miners' complaint here is that which has been introduced from Victoria and elsewhere. Dr. Cumpston says it is not so.

This aspect has been dealt with and it is quite clear that the mines of Western Australia can and do produce fibrosis to an important extent, for amongst machine miners fibrosis is present in 25 per cent. of the men, and amongst the dry treatment men, in 19 per cent. Fibrosis of the lungs has been shown in various ways in this report to be due to the action of dust.

Further on, Dr. Cumpston says—

It may be said that a man suffers from fibrosis to the extent to which he

is exposed to the continued inhalation of fine mineral dust. In other words, if there be no dust, there will be no fibrosis.

Dr. Cumpston published a table showing the deaths that took place from lung diseases amongst the whole population of the State. He showed that the deaths in this respect were 15.17 per cent. of the population, whilst the corresponding percentage amongst all males was 15.86. Amongst miners the deaths were 27.02 per cent. As a result of pneumonia the deaths were 5.78 per cent. for the whole population, while the deaths amongst miners were 11.36 per cent. There is no doubt about it that pneumonia may almost be considered on the goldfields as miners' complaint, because, I think, that the majority of miners who die from this disease have had fibrosis and tuberculosis. Dr. Cumpston adds that the percentage of deaths due to pneumonia is very much greater amongst miners than amongst other males over 15, and is almost double that amongst the whole population. Then again, he points out that the death rate per 10,000 for the whole of the State from respiratory diseases was 19.8, and for miners, 53.9. These are not union figures. I think Sir Edward Wittenoom took exception to Mr. Cornell's figures because they were figures of the union. These which I have quoted are those of Dr. Cumpston who inquired into the prevalence of miners' lung diseases.

Hon. J. D. Connolly: What provisions have you in the Bill for dealing with those diseases?

Hon. J. E. DODD (Honorary Minister): I will point out before I finish. The abolition of contract would do something in this direction, for nearly every man working on the machines is working on contract. There are other points also in the Bill which would tend very much to reduce the death-rate among miners. I think the figures I have quoted are sufficient to show the vast difference that has come about in mining during the past 10 years. Ten years ago these diseases were almost unknown, but to-day the most serious problem we have to face in our

mining industry is how to overcome these diseases. No less than 33 per cent. of the machine men working in the mines are suffering from fibrosis. It makes its appearance in the second year after working. Some reference has been made to Section 16 of the present Act as being quite sufficient for the appointment of workmen's inspectors. Mr. Connolly considered that under that section we had quite sufficient power, or at least all that was required in order to deal with the inspection of mines. Mr. Colebatch stated that I unintentionally misled the House to some extent upon this matter, and went on to declare that the commission had recommended something which had since been placed on the statute-book, but which was nothing in the nature of the proposal in the Bill. I do not think the hon. member has read either the Act or the Bill.

Hon. H. P. Colebatch: I read both and compared them here when speaking.

Hon. J. E. DODD (Honorary Minister): I do not think the hon. member could have read the report of the commission either. The commission of 1904 stated—

In view of the importance of ventilation and good sanitary conditions in and about mines to the health of the men employed, it seems to be reasonable that they should themselves have facilities for inspection and report in metalliferous mines in the same way as they have in the collieries.

Hon. H. P. Colebatch: That was given in the 1906 Act.

Hon. J. E. DODD (Honorary Minister): The report continues—

To make the check inspectors' office of the most value they should be permanently engaged in the larger centres and not merely employees of the mine—

I want hon. members to bear that in mind—

told off to go round from time to time, though this might be necessary in smaller places. We are of opinion that they should be appointed and removed by the recognised associations of miners in each district, subject to approval by the Minister for Mines, who should,

however, possess full power to dismiss them if he thinks fit; that they should be paid by the associations with the aid of a subsidy from the State, and that they should report through the inspectors of mines.

Hon. J. Connolly: Vastly different from the existing law.

Hon. J. E. DODD (Honorary Minister): They should report through the inspectors of mines.

Hon. J. D. Connolly: Have you that in your Bill?

Hon. J. E. DODD (Honorary Minister): Yes.

Hon. J. D. Connolly: No; they have all the powers of inspectors.

Hon. J. E. DODD (Honorary Minister): They are under the control of the inspector for mines. Mr. Colebatch says the commission recommended something which had been placed on the statute-book.

Hon. H. P. Colebatch: They proposed that the workmen's inspectors should have the same power as in the collieries, and that has been given them.

Hon. J. E. DODD (Honorary Minister): Here we are told by the commission that these men should be permanently engaged. Under the present Act they are only allowed to go through a mine once a month.

Hon. J. F. Cullen: At least once a month, which means every day if they like.

Hon. J. E. DODD (Honorary Minister): Oh no, if they did that we should very soon have an outcry. The recommendation was that these men should be permanently engaged and not merely employees on a mine.

Hon. J. D. Connolly: But they did not recommend that they should be given the powers provided in Clause 11.

Hon. J. E. DODD (Honorary Minister): But certainly the powers of Clause 10, which I maintain governs all the other clauses in regard to the point. If it does not I shall be very pleased to meet the House and limit those powers if they think they are too large. Clause 10 distinctly states that they shall be under the

control and instructions of a district inspector.

Hon. J. D. Connolly: But take the definition of inspector.

Hon. J. E. DODD (Honorary Minister): I think the Government would be quite prepared to accept any amendment which would absolutely bring them into line with Clause 10, if that clause does not govern them at the present time. The commission recommended that they should not be employees of a mine; that they should be appointed and removed by the recognised miners' associations of the district. Mr. Colebatch says the commission recommended something which has been placed on the statute-book.

Hon. H. P. Colebatch: They have everything with the exception of the subsidy.

Hon. J. E. DODD (Honorary Minister): No, they should be permanently engaged. In addition to that, if the hon. member had taken the trouble to see what the legislation really was he would have found that that provision was in the Act when the commission made that recommendation. It was in the 1895 Act, so if the commission wanted only to recommend that, there was no need to make any recommendation at all. The section reads—

If the workings in any mine or any portion thereof are considered unsafe by the miners working therein, they may appoint two competent miners to examine and inspect the workings of such mine by giving 24 hours' notice to the mining manager—

Hon. H. P. Colebatch: That is only for an emergency case, whereas the other is a regular thing.

Hon. J. E. DODD (Honorary Minister): The section continues—

who may if he thinks fit accompany them, and all persons in the mine shall afford every facility for such inspection, and the persons so appointed shall record the results of such inspection in a book to be kept at the mine for the purpose, and the report shall be signed by the persons inspecting.

There is very little difference between that provision and the provision we have

at the present time. That was the law when the commission sat. The commission recommended something else entirely different from that which we have in the present Act and entirely different from the law at that time. Further than that, I may say the system of workmen's inspectors is in vogue in New South Wales in the gold-mining industry and also in the collieries.

Hon. J. D. Connolly: Have you the New South Wales Act?

Hon. J. E. DODD (Honorary Minister): No. I just wished to say, though not perhaps to the extent that is shown in our Bill.

Hon. H. P. Colebatch: Practically the same as under our present Act.

Hon. J. E. DODD (Honorary Minister): They have the system of check weighers; that is in connection with the gold mining industry, and also with the coal mining industry. I am not familiar with the working of coal mines, but there is an entirely different system of working in a coal mine as compared with that obtaining in the gold mines, and we cannot well make any comparison between the two systems.

Hon. J. D. Connolly: Take the silver mines.

Hon. J. E. DODD (Honorary Minister): In Broken Hill they have check weighmen.

Hon. H. P. Colebatch: And check inspectors under regulations, almost the same as our present Act, paid by the unions.

Hon. J. E. DODD (Honorary Minister): Yes, they have check inspectors in addition to check weighmen. Most of the work is done by tonnage, and I suppose that is the reason they have the check weighers. But it does not follow that we must have some precedent for all our legislation. Our mines here are totally different from the gold mines elsewhere. I do not know anywhere else in the world where there may be found such mines as those at Kalgoorlie and Boulder. The lodes there are so great and wide, and the conditions so very different that it is extremely hard sometimes to know whether you have a

gold mine or not when you are there. Consequently, if our conditions are such as to warrant different regulations, why should we not make them? Mr. Sanderson wanted some information as to why the inspectors who may be appointed under Section 60 of the present Act would not be sufficient for our purposes. The reply was offered by some hon. member who said that victimisation might take place. The hon. member drew attention to the fact that the Honorary Minister had spoken in eulogistic terms of the mine managers. I do not wish to withdraw one word of that, but I will tell the hon. member what has fallen from the lips of the mine managers, or rather from the mine manager's journal, and I would ask the hon. member this question: If he had a mine, and the men working for him in that mine appointed an inspector who pointed out that the hon. member was doing something in the way he should not do it, no matter what his principles there would be a feeling of irritation in his breast if the men there made any suggestions likely to cost money or harass the mine in any way whatever. That feeling would undoubtedly be in his breast. It should not be left simply to the men working on a mine to make this inspection. Here is what the Chamber of Mines' *Journal* says about the system we are asking Parliament to adopt—

Are these workmen's inspectors to continue working in the intervals of fulfilling their official functions? Will they expect to draw pay for mining from the mine owner as well as what they make by inspecting? If so, there is likely to be an intolerable situation created. It would be absurd to expect a manager to pay men as working miners who might be called upon to leave their work for the purpose of inspecting other mines whenever the occasion arose.

Is there any better answer which we could give in connection with this Section 16 if we were asked to frame an answer to the question of why the men will not take advantage of Section 16? I could not furnish anything better than

this statement from the Chamber of Mines. They say it would be absurd to expect the mine manager to pay men who were to draw money for inspecting mines as well as for working in the mines. Therefore, the journal itself provides an irrefutable answer to the question raised. I appeal to hon. members that even if they cannot adopt the entire proposals they should try to do something towards bringing in a better system than we have at present.

Hon. E. M. Clarke: Would the appointment of a greater number of Government inspectors be of any use?

Hon. J. E. DODD (Honorary Minister): It certainly may be of use, but I would like to say to the hon. member that miners as a rule do not like making reports unless to men of their own class or men who may be working with them. I do not know of a miner who would make a report to an inspector of mines, although I honestly believe they are very often mistaken in that respect. I have tried many times to get miners to make a report to me in order that I might report to the inspector. Sometimes they have done so, but in the majority of instances they were opposed to making a report, although they freely stated that the mine was in an unsafe condition. In addition to that, the workmen's inspectors will not be half as costly as the present Government inspectors are.

Hon. J. D. Connolly: Or half as well qualified.

Hon. J. E. DODD (Honorary Minister): There is no reason why they should be. There is no reason why the workmen's inspector should be qualified to the same extent as a district inspector. The workmen's inspector has not to decide what timber shall go in a shaft or a hundred and one technical questions that arise in connection with engines, winzes, ventilation, air, and all that sort of thing. The district inspector has to be a very highly qualified man, and the examination he has to pass at the present time is of a very technical nature indeed. But the workmen's inspector would be simply a man who would be able to go into those places which the inspector at the present time hardly ever sees. Members do

not grasp the magnitude of the workings in mines, and the remote places which the inspector never sees. I worked in mines for years and not on more than half a dozen occasions did I see an inspector underground. The inspector goes underground, but he never goes into a quarter of the places there are in mines. We would want hundreds of inspectors to go into all the places on mines and make a thorough inspection. I believe that if workmen's inspectors were appointed they would be of great value to the mines. Fear has been expressed by some members that some political unionist would be appointed. Mr. Cullen made remarks, which I think were aptly described by Mr. Davis last night, in regard to the average union official. I have been a union official for many years, and I have met many union officials, and I doubt if the Chamber of Mines could quote one instance of a union official on the Eastern Goldfields ever harassing managers in any way. I do not know of any such instances throughout the State. There may possibly be one or two instances in outback centres, but if so I do not know where they are. All the men I know as union officials are men of great honesty of purpose, and I do not think they would attempt to harass the manager in any manner whatever. I have had to go underground many times to get points against the manager, on which I could cross examine witnesses at inquests, and if hon. members were to ask the managers if I or any other union official had ever taken an unfair advantage of our privileges, I doubt if they would say yes. Sir Edward Wittenoom made a statement which I am sure conveyed a meaning which he did not intend. He said that "he could not speak in detail about this battle, murder, and sudden death, but he would try to deal with the side opposite to that of the miner." I am reading from a Press extract which carries the comment, "Callous extract from a speech by Sir Edward Wittenoom on the Mines Regulation Bill." I am sure all of us who know the genial personality of the hon. member will realise that he would be one of the last to make any statement savouring of callousness, but at the same time the hon.

member's speech to an outsider appears a very callous one indeed, and I for one am sorry that the hon. gentleman made it.

Hon. Sir E. H. Wittenoom: It was not intended to be so.

Hon. J. E. DODD (Honorary Minister): Had the hon. member been very closely associated with the tragedies of mining, I am sure he would have thought twice before he made that statement. The hon. member also said that the miners were treated like princes, and he was responsible for many other similar statements.

Hon. Sir E. H. Wittenoom: Did not that apply to all workmen, miners, timber men, and so on?

Hon. J. E. DODD (Honorary Minister): I think the hon. gentleman confined his remarks to miners, and I am sorry that he should have made that statement, because I am sure it puts him in a worse light than it should. I had hopes of getting the hon. member up to Kalgoorlie and trying to wear off some of that animosity which he thinks the goldfields bear towards him at the present day, but I am afraid that after his speech we will have to wait a little longer. Only the other day Mr. Cornell and I were talking about inviting the hon. member up to the miners' social, but we will forego that pleasure for the time being in view of what the hon. member said in connection with this Bill. Before leaving the question of mines inspection, there is another point I would like to deal with. I had sent up to me by someone to-day an interesting interview given by Mr. Connolly on the Mines Regulation Bill, to the *Boulder Evening Star*. Amongst other things the hon. member said—

Half the accidents occur through carelessness. It will not improve matters to have inspectors who owe their appointments to the union, and they are not going to offend the members of the union.

Will they be paid men?—Yes. Mr. Dodd told us in the Council they would be paid. It was kept a secret in the Assembly, but the information was extracted in the Council.

I wish to deny that. I neither told the House nor anybody else that these men were to be paid. There is no doubt that they will be paid, but I never said so. I said the matter was to be fixed by regulation.

Hon. J. D. Connolly: You said they would be paid by regulation.

Hon. J. E. DODD (Honorary Minister): I believe Mr. Connolly said that these men were to be paid.

Hon. J. D. Connolly: What did you say?

Hon. J. E. DODD (Honorary Minister): That the conditions of their appointment were to be fixed by regulation.

Hon. J. D. Connolly: No. Their payment was to be fixed by regulation.

Hon. J. E. DODD (Honorary Minister): I do not think payment was mentioned by me in any way, and I would like the hon. member to look at the report of my speech in *Hansard*. I say again the same power was never intended to be given to the workmen's inspectors as is given to the district inspectors. It is a ridiculous thing to expect that men appointed by the unions with only five years' experience underground, and whose appointment is terminable after two years, are to have the same power as men who have passed highly technical examinations and are paid £400 or £500 a year. If hon. members will agree to the provisions for the appointment of workmen's inspectors with limitations I will be very pleased. Mr. Connolly made reference to stopes, and I do not intend to deal at very great length with this matter, because I think in Committee we can explain in detail what stopes really are, but there are one or two matters I must draw attention to in my reply. The hon. member made a poor explanation indeed of what a stope is, and one which is likely to lead the House astray. He said that a stope is a passage. It is a passage to some extent, but no one would get any idea of what a stope really is by the description of it as a passage. A stope is the taking away in steps of ground between two levels, and there may be a level which is six feet wide, whilst a stope is 100 feet wide. The reasons which actuated the

Government in seeking to limit the height of stopes are these: In big mines we have some stopes 100 to 150 feet wide, and there are several kinds of stopes. There is the back stope, where the miner simply takes off the stope on the level. Then there is the rill stope, where the ore is taken out of the incline, and the shrinkage stope, where the whole of the ground between two levels is taken out without filling, and the manager simply draws off enough ore to allow the men to work. It is in connection with shrinkage stopes and back stopes that one of the principal dangers arises. A shrinking stope is all right provided the mine owner does not take away too much of the dirt at a time. As the ground is stoped the vacant space is filled up, and consequently the distance between the ground and the back of the stope becomes higher, but as long as the miner has the right to regulate the quantity of dirt taken away it is one of the safest kinds of stope we have. Unless the miner has that power, however, it is quite possible that he may be working in a stope 30 feet high, as indeed he very often is. The system of rill stoping is very different. Where men are working on an incline all the time there is not the tendency to work the stope to the same height as with other stopes, but I would ask hon. members to try to realise what some of these big stopes are. This Chamber is something like 30 feet high, and from the floor to the Press gallery is 18 feet. If hon. members will realise what it means to be working in a stope 30 feet high they will understand why we are trying to regulate the height of stopes. How is it possible for a man to examine the ground at the back of the stopes? They have extension ladders, but what can the miners do with them? They may lean the ladders up against the back of the stope where the ground is hanging, and immediately it breaks away. I have been informed on very reliable authority that stopes have been worked to the height of this Chamber. I have information that stones in Kalgoolie have been worked to a height of 20 or 30 feet, although I believe the inspectors have in recent years been doing

their best to keep the height down to 14 feet. But when a man is working on contract, and has put a hole into the back of the stope, the more he can get out of the back the better it is for himself. It naturally follows that the higher he can get the stopes sometimes the better it is for his measurement, and he will take risks and encounter dangers he would never dream of in ordinary circumstances. And so we say that some reasonable provision should be made for limiting the height of stopes. I cannot emphasise too often or too strongly that the general rules dealing with these matters say that they shall only apply when they may be reasonably practicable. We could not possibly make a hard and fast rule. Stopes may be 100 feet high and three feet wide and be perfectly safe. But at Kalgoorlie, Boulder and in the Sons of Gwalia mine and other places some stopes 4 feet or 5 feet high are unsafe and we must endeavour to place some limitation on them. The rule says so far as may be reasonably practicable, and every general rule in the Bill is governed by that. It does not say that this shall be a hard and fast rule, but so far as reasonably practicable stopes shall be 10 feet high, but the inspector can allow them to go up to 15 feet. Even that is not the limit for if the inspector thinks a stope should go higher, the power is given to him to allow it. The House has nothing to fear.

Hon. H. P. Colebatch: Are you sure the inspector has the power to allow them to go higher than 15 feet?

Hon. J. E. DODD (Honorary Minister): The inspector has power to allow them to go to 15 feet. Clause 35 begins—

The following general rules shall, so far as may be reasonably practicable, be observed in every mine.

And rule 11 reads—

When stoping is carried on by any method by which the excavated ground is filled with waste rock, sand, earth or broken ore as the support of the persons engaged in working the stope—
I would like the House to note that it is only when the stope is filled by this

method and not when it is filled by any other method—

the filling shall at all times be kept up to within ten feet of the back of the stope, unless the inspector shall have given permission in writing in the record book for a greater height than ten feet, but which shall not exceed fifteen feet.

That is so far as may be reasonably practicable. It must be obvious to all members that the inspector is not even limited to 15 feet, but may allow a stope to go higher when he thinks it reasonably practicable.

Hon. H. P. Colebatch: The opposite is the case. If it is reasonably practicable he must not go higher than 15 feet. That is the wording of the clause.

Hon. J. E. DODD (Honorary Minister): No, I do not think so. It is stated that the following general rules shall, so far as may be reasonably practicable, be observed. In addition to that I want to draw attention to Clause 36. The hon. Mr. Connor wanted to know what effect the Bill would have in the prospecting areas. I have stated several times that the Bill does not lay down a hard and fast rule. Clause 36 states—

If, in the opinion of the inspector, the observance of the general rules or any of them is not reasonably practicable in any particular mine, the Governor may, by notice in the *Government Gazette*, suspend, alter, or vary such rules in respect to such mine: and in the case of mines ordinarily employing not more than four persons underground the inspector may, according to the particular circumstances, himself determine which of the rules are reasonably practicable.

Hon. J. Cornall: That is intended for the prospector.

Hon. J. E. DODD (Honorary Minister): Yes. It has been stated that the Bill would injure the prospector; yet in any mine where only four men are employed the inspector himself may determine which of these rules is reasonably practicable. So I think the Government are making every provision possible to try to meet the varying conditions of min-

ing, whether it be the conditions of area, or distance, or whether it be the conditions of the prospector or of the mining companies. I might further say that in regard to the Mines Regulation Board, some objection has been taken to this board and here again we have the recommendation of the commission of 1904. First it was intended that the board should deal with ventilation and sanitation only, but the report says—

This board could be usefully employed in considering and deciding other question which constantly arise in the Mines Regulation Act. We would suggest that its powers should embrace all matters under this Act and not merely those of ventilation and sanitation.

That is a recommendation that it should embrace all matters. We do not, therefore make any recommendation as to the constitution of the board. The board proposed by the Minister for Mines is to consist of seven persons, and power is given to alter the constitution of the board. For instance, if the matter to be dealt with arises at Cue, and a board with members from Kalgoorlie has been appointed, the power is given to alter the board by allowing a representative of the Cue mine owners or the Cue miners to be appointed in order to deal with the matter there. It does not mean that there are to be a dozen different boards. There will be only one board and that board will be so constituted and may be altered to meet every condition that is likely to arise in any part of the State. It was a recommendation by the commission on ventilation and sanitation in mines, and personally I think it is one of the best ideas in the Bill. Reference has been made to the night shift and to the abolition of it tending to make mines worse from a ventilation point of view. All I can say is that those responsible for this statement have never worked in a mine. When we find a member like the Hon. R. D. McKenzie stating that a chemist had told him that the air would be much better in mines that were working three shifts than in mines working only two shifts, all I can say is that the statement is absolute nonsense.

Hon. J. D. Connolly; It all depends in what part of the mine the three shifts are working.

Hon. J. E. DODD (Honorary Minister): The shifts would be working in all parts of the mines. I know of very few mines where the shifts are not engaged in every part. The hon. Mr. McKenzie stated that the fact of the cages going up and down bring about a current of air. No doubt they do, but the hon. member forgets that the cages are only working when the men are at work and that all the other conditions tending to bring about a bad state of air and to produce smoke and dust are present in the mine, and for a chemist to make such a statement is beyond my comprehension altogether. There is as much difference between going into a mine on Monday morning after the mine has had 24, 36, or 48 hours' spell as against other days as there is between daylight and darkness, and every man who has worked in a mine will bear out what I say. The air is sweeter and better in every respect, because the mine has had a chance to cool down, the dust has had a chance to settle and the fumes to get away. However, I am sure that the hon. member will recognise that the night-shift, even apart from all the circumstances surrounding a mine, is an unnatural shift to work, and must tend to a bad state of health on the part of those who are continually working it. I do not know any worse position under the sun than that of a man having to work the night-shift in a mine year in and year out. Coming to the question of contract, it has been stated that a large number of men favour the contract system. I will concede that a considerable number of men are in favour of the system, and I stated in the course of the speech I made in moving the second reading of this Bill that there is room for differences of opinion. Wherever a ballot has been taken and the opinions of the men have been sought in connection with the contract system, the vote has always gone against it, and it is a remarkable thing that on the Murchison fields and in almost all the outback centres, miners have abolished the contract system. I do not know whether contract

is in vogue to-day on any of the Murchison mines, but I do not think it is, and I believe that for several years the contract system was absolutely abolished on those mines. Yet we are told there is a large number of men in favour of it. If that is so, they would undoubtedly work it. In my opinion, even if a vote were taken solely of the men more intimately connected with the contract work itself, the result would be an adverse one. The contractor underground is a machine man working for a set price. It is not a contract in the ordinary sense of the word. Men do not tender for this work, and I am glad that they do not. Hon. members look at the question simply from the point of view of the principle, forgetting the conditions under which the men are working on contract underground. It is not a question of whether we are going to abolish contracting altogether, but is a question of abolishing the contract system underground in mines, and I have shown conclusively that the health of the machine miner engaged on contract is suffering very materially, and to a large extent it is due to this system. The risks he takes he would never have to take if he were working on day wages. The hon. Mr. Connolly referred to Johannesburg, and to the money which was being made there on contracts. I happen to know something about Johannesburg, and I know at least a dozen men who, after the war was concluded, left the Brownhill mine to go there, and of those dozen men only two came back to Australia. The others died from miners' complaints. There are 21 men buried in Johannesburg every week as a result of miners' phthisis.

Hon. J. Cornell: It is estimated that the life of a miner in Johannesburg mines is four years.

Hon. J. E. DODD (Honorary Minister): The death rate there is abnormal. It is much worse there than it is in Australia, but there is one aspect that I wish to emphasise here, and that is in relation to the suppression of miners' phthisis. It is worse here in one respect than it is in South Africa because there the disease does its work so soon, that once a man gets it he lasts only for about 12 months. Here

it is different; a man may last for three, four, or five years after he gets this complaint, and so I say the problem on the Government in connection with this matter is greater here than in South Africa. The hon. Mr. Gawler made some most remarkable and astounding statements in connection with the contract system. He wanted to know why we should restrict the freedom of the individual. He said the present Government stood for the uplifting of humanity and yet we were trying to do all we could to bring humanity down simply because we were trying to abolish the contract system in mines. A more remarkable statement I do not think anyone could make. The hon. member wanted to know why we should limit the individual against doing just what he liked. The hon. Mr. Sommers interjected that we might just as well prevent a man from going to the tropics as to limit him in work of this kind. Why do we wish to stop men from working in other quarters? Why do we stop the consumptive from working? Why do we limit the boys and girls from doing certain work in factories? Why are all these limitations that we have? I was looking through a list of Labour legislation only to-day and was absolutely astounded at the limitations there are in many countries in connection with restrictions upon men and women in the industrial world. If we are simply going out from an individualistic standpoint altogether, why should we have any limitations or restrictions at all? To my mind the jeer the hon. member gave us in connection with the uplifting of humanity was altogether out of place. I think we are trying to do the best we possibly can in endeavouring to restrict men from injuring their health altogether. I know a man in Kalgoorlie who would ask to go in a rise and would not work anywhere else but in a rise if he could help it, simply because he was given a higher rate of pay in the rise, but there is no man living who can stand working in a rise for six months without injuring his health, and yet it was impossible to keep this man out of the rise unless the mine

manager compelled him to do some other work. We have to try and protect men against themselves just as we have to try to limit the mine manager in the work he has undertaken to do. There is one other matter that has been dealt with pretty freely here and that is the question of a 44-hour week. The hon. Mr. Colebatch I think it was, said that he would not do anything to bring about preference to unionists. I think the hon. Mr. Cullen said it was only unionists who were seeking to bring about these restrictions.

Hon. J. Cornell: The hon. member has an antipathy against unionists.

Hon. J. E. DODD (Honorary Minister): But the percentage of unionists in the mining industry is something like 80 or 90 per cent. The very thing that Mr. Colebatch is trying not to bring about he is doing by his opposition to this clause. It is only unionists that can get to the court. The non-unionist cannot go there, and if hon. members are so anxious to protect the non-unionist, why not protect him in this Bill? If we are going to put provisions in this Bill which will protect unorganised labour, I think the hon. member is totally inconsistent in opposing it. However, the 44-hour week is in operation in many places in Australia and in the place where I came from a 40-hour week is observed in two shifts. A good deal has been said also about the provision we are making in the Bill that an accident shall be *prima facie* evidence of neglect on the part of the mine manager, and it has been said in the pamphlet from which I have quoted that this is an extraordinary thesis, that crept into the 1895 Act and it was eliminated from the 1906 measure. The language and argument used in connection with this matter are such as I seldom see used in some of the newspapers we have in Western Australia. They say—

Every other person accused of any offence, or liable to be so accused, is held innocent till he is proved guilty, but if there is an accident on a mine, the manager is to be adjudged guilty

(of negligence at least) offhand and without more ado. Surely, fanatical class bitterness could go no further than this. If the State Parliament really wishes to invert one of the elementary principles of jurisprudence it might at least be consistent and make it apply to the workman as well as the manager.

This is an extraordinary article to be published by the Chamber of Mines. The hon. Mr. Cornell has already pointed out where in police offences or the Criminal Code a man must prove his innocence if he has gold in his possession, while among other things a man walking past a place or up and down a place where they may be smelting gold, has to prove he is not there for an unlawful purpose, and I believe these conditions were put in the Criminal Code by the very people who are condemning this clause in the Mines Regulation Bill. Further than that, I would point out even to-day a clause is in the Victorian Mines Regulation Act that the occurrence of an accident is *prima facie* evidence of neglect, and there does not appear to me to be any hardship about it. It is very hard for a miner to prove his case unless the onus is thrown on the mine manager to show there is not any neglect on the part of the latter. The clauses were taken out of the Workers' Compensation Act, 1902. The desire has been to limit any action for damages against mines to the Workers' Compensation Act, and that is the crux of the whole opposition to this clause. I think that the hon. Mr. Moss and the hon. Mr. Gawler who are barristers can bear me out when I say that it is almost impossible for a man to recover any damages other than through the Workers' Compensation Act in the mines to-day. The doctrine of common employment absolutely prohibits a man from getting any damages at common law. The mine manager himself may be held to be in common employment with the men working with him, but if we get out into the small mines which so many hon. members are so anxious to protect, where the owner of a show is working, then we find he is liable at common law, but in

the big mines it is practically impossible to get any verdict against a mine manager. I think that in almost all Mines Regulation Acts this clause exists. I hope the House will not see fit to delete it. There is one clause to which I directed Mr. Connolly's attention and which I am sure he had not read at the time, which also has some bearing on this question of neglect on the part of a mine manager, that is Clause 54. Sir Edward Wittenoom has drawn attention to it and I am sure he is looking at it from an entirely wrong standpoint. This clause states that every person employed in the mine shall, before commencing and whilst at work, use ordinary and reasonable precautions to ascertain that the tubs, chairs, tackle, windlass, ropes, or other appliances he uses, and the place in which he works, are not unsafe; he shall not use anything or work in a place that is unsafe or apparently unsafe; and every such person who witnesses in or about the mine anything likely to produce danger of any kind shall forthwith report the same to the person in immediate authority over him, and it shall be the duty of such last mentioned person forthwith to report the same to the manager, and on leaving work every person employed on a mine shall report to the man relieving him the state of that part of the works where he has been employed, and in default he shall be guilty of an offence against this Act, but without prejudice to any responsibility or liability on the part of the manager or of any other person. I have already stated that to my mind this clause is to a certain extent a blot on the Bill, and if we are going to delete the clause relating to the occurrence of an accident being *prima facie* evidence of neglect on the part of the management I hope the House, to be consistent, will also delete this clause. I know of nothing more dangerous to the men than this clause if the proviso relating to an accident being *prima facie* evidence of neglect is deleted, as it throws the whole of the responsibility on the men. It has been used against the men time after time. I may quote one instance of a case which came under my notice, which savoured very much of persecution and resulted in

a prosecution under this particular clause. There was an accident in one of the Kalgoolie mines where a man was being brought from the winze to a level, and by some means or other he slipped off the rope and was killed. His mate ran along the level and got a bosun's chair all in a hurry, and came back and fixed it on to the Holman hoist on the winze, and lowered another man down in order to rescue the one who had been hurt, or as it proved, killed. Immediately on starting to lower, the rope broke, and the second man was killed. I visited the scene of that accident, and attended the inquest, and the inspector prosecuted the man who had sent the other man away to get the bosun's chair. I do not know of any harder case on the goldfields, and I believe the Mines Department was absolutely ashamed of its inspector on that occasion. The man had rushed away to do anything he could to rescue his comrade, and picked up a bosun's chair, and because it happened not to be in good condition and a man was killed, he was prosecuted; but if anyone should have been prosecuted it should have been those responsible for the condition of the chair, and not the man who rushed away to get the chair. This is the particular clause which Sir Edward Wittenoom thinks is going to hamper mine managers. I do not think there is a solitary manager who knows anything about the Mines Regulation Bill who would seek to have this clause eliminated. The Government did not eliminate the clause thinking that, with the two in the Bill, the one dealing with the mine manager and the other with the miner, we might possibly get a fair Bill. I would just like to have a few words to say on the question of the foreigner, and here again would draw attention to some of the statements that have been made in connection with this matter. To my mind Uriah Heep himself will have to look to his laurels in connection with the debate that has taken place here, at least what has been said here about the foreigner. I know of nothing that savours more of hypocrisy on the part of some hon. members than the statements they

have made in connection with the foreigner. Mr. Sanderson, I think, pointed out very clearly the action that had been taken by some members last year when the Workers' Compensation Act was under discussion. Sir Edward Wittenoom could not find words to express his indignation at the attitude of the Government in trying to restrict the foreigner. The hon. member fairly collapsed in trying to find words sufficient to express his indignation. Some hon. members thought it was very cowardly indeed on the part of the Government, while others called it un-British, and all sorts of things were said about the action of the Government in trying to restrict the foreigner. Yet, there were last year only three members outside the Labour party in this Chamber, that is Sir Winthrop Hackett, Mr. Sanderson, and some other member—

Hon. J. Cornell: Hon. Mr. Kirwan.

Hon. J. E. DODD (Honorary Minister) who voted for the foreigner's widow to receive compensation when the foreigner was killed in these mines. Hon. members are quite willing to prevent the widow and orphan getting compensation, and yet they call it un-British and cowardly, and all these other things which have been said about the party because we limit the foreigner. I do not profess to have sufficient words in my vocabulary to express what I think in connection with statements made on this matter. For those who are ready to restrict the widow and orphan from getting any compensation whatever when the bread winner was killed, to turn round and call us cowardly and un-British—well it is beyond me altogether. There are one or two points to which I would draw the attention of Mr. Cullen. I have here a statement from the hon. member's newspaper in reference to this Bill. This was sent to me also. I must have a great number of friends in connection with this Bill, because I have received a great deal of information, and I do not know where it came from. This clipping is taken from the *Boulder Evening Star*, which reprinted it from Mr. Cullen's paper. It reads as follows:—

It is easy to understand what a thorn in the side of these union officials the pieceworkers must be, and the thrifty immigrant from Germany, Denmark, or Northern Italy would require drastic schooling to tone him down to the union level.

There are very few foreigners indeed who work on piecework or contract in the mines. Out of 717 in Kalgoorlie I do not suppose 50 are working on contract. They do not do that work; they do the other kind of work. As for the Danes or Germans, we never see them at Kalgoorlie. I think they would be a very much better class of immigrant than some whom we have up there. Then the hon. member goes on to say—

There is this to be said to the proposal that only one non-British miner shall be employed for ten Britishers; that it is a candid admission of unwillingness to compete, whilst the language test is a mere subterfuge.

Hon. J. F. Cullen: Hear, hear.

Hon. J. E. DODD (Honorary Minister): The hon. member still believes that?

Hon. J. F. Cullen: Yes.

Hon. J. E. DODD (Honorary Minister): I am glad he does, because that was never introduced by the Labour party. It was introduced in the present Mines Regulation Act by the Liberal Government.

Hon. J. F. Cullen: That does not affect it.

Hon. J. E. DODD (Honorary Minister): The language test is in the present Mines Regulation Act. Then again, the hon. member goes on to say—

But to apply the language test to European immigrants on the pretence that they might otherwise be a source of danger to life is contemptible.

In the course of debate the hon. member stated that all that was required was a short explanation in times of danger. If he will read the Mines Department's report he will see that in one case which occurred it was proved that the accident was due entirely to an ignorance of the English language.

Hon. J. F. Cullen: That is only one case. That is not much.

Hon. J. E. DODD (Honorary Minister): That is one case which was proved.

Under the Mines Regulation Act only those who can speak the language are allowed to work underground. If the whole of them were allowed to work underground what would be the result? I think we can take this for what it is worth, just as we can also take the hon. member's well known objections to a unionist. But there is one thing I would like him to do, namely, that when he sees all that loafing going on in Government employment, he would go a step further, that he would, in his own words, be a little bit more honest, and come along and let us know where it is going on. If I saw this loafing going on I would not come here and state that it was taking place without being prepared to show those in authority where it was taking place. I think Mr. Connolly last year did give some idea of the time and place, and who the parties were who were doing some of this loafing.

Hon. J. D. Connolly: And I had to pay for it, too.

Hon. J. E. DODD (Honorary Minister): And the hon. member has to pay his share of what is going on to-day, just as everybody else has to pay. If Mr. Cullen would be more careful to let us know exactly where the loafing is going on, we would try to remedy it. There are one or two other points in this pamphlet to which I must draw attention before sitting down. I stated I would try to show that Mr. Colebatch's speech was a replica of what is here.

Hon. J. F. Cullen: And he told you he had never read it, and I told you the same. I never read a line of it.

Hon. J. E. DODD (Honorary Minister): Well, there must be a system of telepathy which we know nothing of in connection with these matters, because the speeches so nearly approached what is written here. However, I readily accept the hon. member's statement.

Hon. H. P. Colebatch: I did not receive it until a few moments before I spoke.

Hon. J. E. DODD (Honorary Minister): The argument is precisely the same. First of all, in dealing with connections of levels they say—

This is another order that should be left entirely to the discretion and good

sense of district inspectors, who know their work too well than to kill a mine in its earliest stages of development by pressing too hard on it with regulations that need discriminating administration.

They say this matter might very well be left to the inspectors, namely, the two means of exit from a mine. They then go on to say—

To abolish this discretionary power in favour of a cast-iron rule is merely to discover a fresh way of hampering the mining industry.

Further, in connection with a rise—

It is hardly necessary to point out that inspectors already have the power to stop a rise if they think it unduly dangerous or unhealthy.

They are pointing out how unnecessary it is to give discretion to the inspectors in all these matters. Then there is the question of emergency work taking place on Sundays, and they say—

To leave this to the discretion of the inspector is replacing a reasonable precaution by an irksome and almost intolerable restriction.

What reliance can be placed on the writers of such articles as these? In the two questions these discretionary powers should be left to the inspector of mines, but in connection with this one particular thing which happens to tell the other way, they say it is replacing a reasonable precaution by an intolerable restriction.

Hon. H. P. Colebatch: What is a man to do if an inspector is 50 miles away when an emergency arises?

Hon. J. E. DODD (Honorary Minister): It is very seldom that an inspector is 50 miles away.

Hon. J. F. Cullen: An emergency comes pretty suddenly.

Hon. J. E. DODD (Honorary Minister): If the inspector was 50 miles away and an emergency should arise there is not an inspector under the sun who would seek to prosecute the mine manager for taking action. I have known of men on the mines who, on going on work at four o'clock have been asked to remain till midnight. The result is that apart altogether from the strain on the men, their

wives and families have been very much worried, wondering where they were. It is the cruellest thing imaginable to keep men back like this.

Hon. J. Cornell: Breaking ore to keep the battery going.

Hon. J. E. DODD (Honorary Minister): I do not know that I have much more to say upon this point. Mr. Gawler made a statement which I shall deal with before concluding. He said with regard to the employment of aliens that there was no doubt it raised a question of national interests as against union interests, and he asked were we going to allow the interests of the unions to prevail against those national interests. I believe that it does raise a question of national interests, but in a very different manner from that contemplated by Mr. Gawler. The question of whether or not it is constitutional to limit the foreigner may be easily settled. We are quite within our rights in restricting any one within our State. It is not a Commonwealth matter at all. The question of allowing these people to come here may be a Commonwealth matter, but after we have allowed them to come we are within our rights in restricting them. It may raise an international question.

Hon. D. G. Gawler: That is the point.

Hon. A. Sanderson: What about the Federal point?

Hon. J. E. DODD (Honorary Minister): The point I want to stress is this: Mr. McKenzie said yesterday that 14,000 men engaged in the mining industry accounted for a population of 100,000. According to that, 717 men out of 3,081 employed underground in the Kalgoorlie mines to-day would account for a population of 5,000 of all conditions. Yet these 717 foreigners do not account for a population of 1,000. They do not bring their wives and families here, they do not build houses in the same manner as a Britisher, nor do they live as we do. I do not think any party would endeavour to prevent those coming here or working here who would live as we do. We are not seeking to restrict the naturalised foreigner, but simply to restrict those men who come here and live as Mr. McKenzie

has told us, in the slums at Kalgoorlie, living in tents. Some of them, it is said, use only one bed between several. Thus a man who comes off work takes the bunk of the man who goes to work. That sort of thing is obtaining to-day in Kalgoorlie. These 717 foreigners account for perhaps 1,000 persons, when, under British conditions, there would be a population of 5,000 or 6,000 accounted for by these 717 men. It is indeed a serious state of affairs. Many people cannot understand why the fields are so quiet at the present time from a business point of view, seeing that the same number of men are employed on the mines. Where we have a large number of foreigners, business must be slack. They do not live as we do. They have even their own hotels, and we have the churches sending circulars to hon. members asking us to endeavour to restrict the sly-grog selling which is going on among these people. If these 717 men were Britishers there would not be sufficient houses in Boulder to house the population. A good deal of the slackness of trade on the goldfields to-day is due to the presence of the foreigners. Now, I think I need not say any more in connection with this Bill but possibly in Committee we may be able to go into some of these technical matters more deeply than we have done up to the present. I understand that no division is to be taken on the second reading but I felt it my duty to try to point out, as far as I possibly could, the faults of those who have criticised the Bill, and I am sure that if the Bill is adopted in something like its present form, very much good will result to the mining community. I do not think there is going to be any closing down of mines in any way whatsoever. We were told when the Sunday Observance Bill was under consideration that its passing would have the effect of closing down the mines, and would harass the miner by restricting him from working on Sundays. The miner does not work on Sundays at the present time and the mines have gone on just the same, and I believe that if every provision in this Bill were brought into operation not a

solitary mine would close down. There may be some difficulty for a while in connection with some mines, but on the whole I do not think that 100 men would lose employment or that one mine would close down. I believe the Bill is in the best interests of the miner and if we have dealt with it from the sentimental point of view, hon. members will understand that we have reason to do so. Let hon. members look into the statistics and the records of accidents and deaths from miners' diseases and the figures which I have quoted, and I think they will conclude that we were justified in dealing with the Bill as we have done. I hope that the second reading will be carried and that many of the provisions in the Bill will become law.

Personal Explanation.

Hon. J. D. Connolly: I would like to make a personal explanation. The Honorary Minister complained that I misrepresented him when I stated in an interview given to the *Boulder Star* last week that the payment of the workmen's inspectors would be provided for by regulation. I stated that the Honorary Minister had said that would be the case. I regret if I misrepresented the Honorary Minister, but I want to say that my justification for the statement was that the Honorary Minister, in speaking on the second reading, said that these inspectors were to be elected by the unions, and provision for paying them was to be made by regulation. I think that makes it very plain that provision is to be made for their payment by regulation, as the Minister could have been referring only to one of the regulations to be made by the Government under the measure. That is my justification. The hon. Mr. Cornell, who may be accepted as an authority on the Bill, also made the same statement. Let me add that the House is justified in having this information, and when the Bill reaches Committee I shall insist on the Minister saying whether the Government intend to pay these workmen's inspectors or not.

Question put and passed.
Bill read a second time.

BILL—TRAFFIC.

In Committee

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on the third schedule to which an amendment had been moved by the hon. Mr. Cullen to strike out of the line "trailer to traction engine," the fee of "£2 (annual)," and insert "3s. 4d. per month."

Amendment put and division taken with the following result:—

Ayes	10
Noes	9

Majority for	1
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AYES.

Hon. E. M. Clarke	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. J. F. Cullen
	(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. D. Connolly	Hon. Sir J. W. Hackett
Hon. F. Connor	Hon. M. L. Moss
Hon. J. Cornell	Hon. F. Davis
Hon. J. E. Dodd	(Teller).

Amendment thus passed.

Hon. C. SOMMERS: The fees were too high. A 10-20 horse power Ford car weighing 15cwt. would have to pay as much as a Napier, which might weigh up to two tons, and would do considerably more damage to the roads. The fees were much higher than those in force in England. He moved an amendment—

That in the line "motor car of over 10-horse power and up to 20-horse power, £3 (annual)" the figure "£3" be struck out and "£2" inserted in lieu.

Hon. A. SANDERSON: The fees were too high, but at the same time it was dangerous to interfere with one line without knowing exactly what would be done in regard to the other fees.

Hon. C. Sommers: Reduce them all by £1.

Hon. A. SANDERSON: It was questionable whether that ought to be done. The Bill did not give any information as to what a 10-horse power car was and his car was described as of 10-22 horse power.

The COLONIAL SECRETARY: The license fees were the same as those adopted by the Perth City Council in September, 1911, and the same as those in existence to-day. When the various local governing authorities met in conference at the Technical School these fees were adopted for the sake of uniformity, and they represented about one-half of the amounts paid in England. The system of discriminating by the horse-power had been in operation in England for many years.

Hon. Sir E. H. WITTENOOM: The fees as set out in the schedule would receive his support. The licenses stipulated were not too heavy. The lower-powered cars seemed to get off more cheaply than the others. He knew of an 800 guinea car which paid a license fee of £3, whereas for his own car, which cost about £350, he had to pay a license fee of £4. If payment were made on the value of the car that would be better.

Amendment put and negatived.

Schedule as amended put and passed.

Fourth Schedule—agreed to.

Bill reported and returned to the Legislative Assembly with a request that the suggested amendments be made; leave being given to sit again on receipt of a message from the Assembly.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 29th October.

Hon. D. G. GAWLER (Metropolitan Suburban): I wish to say a few words in connection with this Bill. In the main I think the Government are to be commended for bringing down the measure. There was a matter which I had intended

to endeavour to introduce when the Bill came before us. It was in connection with the white slave traffic, and representation was made to me that it was advisable when amending legislation to anticipate what might come, rather than to meet any evil which might at present exist, but I made inquiries from the police authorities and I was informed that there was not the slightest trace of the traffic in this State. I was also assured that the present provisions contained in the Criminal Code are sufficient to meet that evil, should it ever arise. At the same time there is one amendment which I may ask the Government to accept. It is not in connection with the white slave traffic but procuring, and it is to allow a constable to be able to arrest without a warrant, as is done in England at the present time. The provisions in the Bill are highly desirable. There is one point in connection with the Bill which the Colonial Secretary did not touch upon, and I can quite sympathise with him for not having done so. I refer to the extraordinary provision with regard to marriage. I cannot understand how such a provision is given place in a measure dealing with the criminal law.

Hon. J. Cornell: Will you support it in another form?

Hon. D. G. GAWLER: I do not know in what other form it can be supported. I am going to refer, however, to a different form in which it can be viewed. Hon. members who know anything about the law will agree with me that contracts in restraint of marriage and contracts in restraint of trade are voided by civil law, but the idea of ever making restraint of marriage a criminal offence is a most extraordinary one. It is only in regard to restraint of trade that it is made an offence, and then only in connection with a strike, but then it is dealt with under the Arbitration Act. In the criminal law itself there is no place found for such offences. Restraint of marriage as it is dealt with here should not be classed as a criminal offence. If restraint of marriage from the point of view of public policy is aimed at, it should be dealt with as a general subject. I would like

to draw attention to the relative positions of employers and workers. An employee may refuse to work with a non-unionist at the present time, and that undoubtedly is in the nature of restraint of trade. On the other hand unions may counsel all their members to come out if they wish so long as it is not done to enforce their demands. We may call that in the abstract restraint of trade. Unions and employers can exercise these powers without committing any offence and yet if, under this measure, an employer says "I will not employ you if you are a married man unless you are getting £200 a year," he is committing an offence, or if a man is in employment and the employer says to him "You are not getting £200 a year and you are going to be married, I cannot therefore continue to employ you," that is to be an offence.

Hon. J. Cornell: The employer can easily get out of that by giving a higher salary.

Hon. D. G. GAWLER: The worker can easily get out of it by leaving the employment. If he does not like what the employer has said to him let him keep out of it. The employer in his interests thinks this: "If I employ a worker who is a married man and I can only give him £200 a year, that might be a temptation to him to make away with some of my money." Is not the employer right to view it that way? I am looking at the matter in the interests of the worker himself as well as the employer. This provision has been inserted in industrial interests and therefore viewed from that aspect it should not find a place in the Criminal Code. If anywhere it should find a place in the Arbitration Act. Then again, in the way in which it has been brought in, the two issues are confused, the industrial issue and the point of view of public policy. My friends are confusing the low wages a clerk gets with the point of view of public policy. If a man gets low wages let him go to the Arbitration Court and seek higher, but that is not to be confused with the question whether or not a clerk marrying under these circum-

stances is guilty of an offence against public policy. This has been brought in in the interests of industrial matters and not in the interests of public policy. The parties in this suggested relationship are perfectly free agents. If a clerk does not like the regulation in regard to matrimony let him remain away. If it is made after he gets there let him leave. It is perfectly open for him to do so. The clause also provides "In proceedings under this section the averment of the complainant in the complaint or summons shall be deemed to be proof in the absence of proof to the contrary." All that it will be necessary to do will be to say that this happens, and an employer will have to prove to the contrary. The essence of the criminal law is that he who affirms must prove. What is proposed in the Bill does not find a place anywhere in the Code and only in a few of our statutes. It is to be found in the Commonwealth Customs Act and I think in the Immigration Restriction Act. In regard to restraint of trade and the extent of criminal liability for that restraint of trade, hon. members may be surprised to hear that an act done by a person is not in itself unlawful, merely because it interferes with or prejudices trade, or prevents another carrying on such trade, or because a person committing the act is influenced by bad or malicious motives. Even such acts in restraint of trade are not an offence, and yet we are going to put in here a provision that an employer who ventures to think that for the benefit of his business and perhaps also for the benefit of the employee, he may make a reasonable rule in connection with the conduct of his business, that is to be made a criminal offence, and he may be sent to gaol for six months in connection with it. I fully agree that many a worker may be getting low wages, but we have made provision whereby the worker can seek to get those wages increased.

Hon. J. Cornell: And banking institutions move heaven and earth to keep their clerks out of the court.

Hon. D. G. GAWLER: That is another matter and it does not make the provision

in this Bill any better. If that is the case it is necessary to improve the provisions of the Arbitration Act.

Hon. M. L. Moss: This was not in the Bill originally introduced by the Government.

The Colonial Secretary: No.

Hon. D. G. GAWLER: I do not believe it was. I believe it was introduced by a private member. As I have said before, I have every sympathy with the man who wishes to get higher wages, but to introduce a principle like this into an Act dealing with criminal offences, is absolutely absurd and I for one will strongly oppose it. That was really the chief feature of the Bill with which I proposed to deal, and having done so, I desire only to say that I will support the second reading.

Hon. J. CORNELL (South): Had the hon. member who had just sat down not touched on this particular clause, I did not intend to speak on the second reading.

Hon. Sir E. H. Wittenoom: I am glad he touched on it.

Hon. J. CORNELL: I thank the hon. member for his compliment. As to whether this is the proper Bill in which to introduce a provision of this character I, not being a lawyer, am not in a position to say, but I think the intention of Clause 9 has many things to commend it. Mr. Gawler has argued that this is an industrial matter and that the Arbitration Act could be amended to deal with it. If we take the ruling of the president of the court, there is no need whatever to amend the Arbitration Act to deal with this question, because, according to the president almost anything that is possible to be done under the sun could be done under the definition of "industrial matter." Therefore, according to that ruling, this matter could be considered by the court, but I think it is the duty of the Legislature to express an opinion on a subject such as this without leaving it to a subordinate body to deal with it. The only institutions I know of in this State who put this obnoxious rule into operation are the banks, and there is no business man who

places any restriction on the marriage of his employees.

Hon. M. L. Moss: He might do the same thing in another way. If a man had the obligation of keeping a wife and family on a small salary, the employer might get a single man to do the work.

Hon. J. CORNELL: In the part of the State I come from, the employer inclines more towards the married man because he is conferring more benefit on the community by giving work to him than if he gave it to a single man. We know that the banking institutions have a regulation prohibiting their employees from marrying unless they receive a certain salary. Mr. Gawler has said that that regulation is a matter for the concern of the man who is working in a banking institution.

Hon. D. G. Gawler: The regulation is that their employees shall not marry unless they are in receipt of an income of £200 from all sources, not only from the banks.

Hon. J. CORNELL: But the fact remains that the banks have such a regulation and on race days one can see a great number of these men rushing to do the work in the totalisator and keeping other men who could do the work on those days out of a job. To the detriment of men willing to work and unable to get work I have seen bank clerks acting as gatekeepers.

Hon. C. Sommers: They wanted to get the £200 in order to marry.

Hon. J. CORNELL: The banks should pay them the £200 and not oblige them to go looking for work elsewhere. These institutions do not pay their employees decent wages in comparison with other companies. If this is the only objection of the banking institutions to the clause in the Bill they can get out of the trouble to-morrow by raising the salaries of their men. It has been pointed out that men have been in the service of a bank for 20 years and have not reached the minimum prescribed.

Hon. M. L. Moss: Well, they ought to be doing something else.

Hon. J. CORNELL: But evidently they have given some return for the money they were receiving or the institu-

tion would not have kept them. It is of no use being mock modest and it is just as well to admit that such a provision as this is, if it be allowed willy nilly throughout the Commonwealth, is putting a premium on immorality. There is no blinding our eyes to that fact. A man is a man and probably he will marry whether he is church-ed or otherwise, but the fact remains that he is prohibited from marrying under a certain salary and the Bill proposes to get at the person who imposes that prohibition. It is said that the clerks can go to the arbitration court. I know that the clerks on the Eastern Goldfields had cited a case before the arbitration court and in the original citation they included bank clerks. The associated banks got to work and the union authorities are absolutely convinced that to do any good for other clerks they must drop the clerks working for the associated banks. Through the instrumentality of the associated banks on the Eastern Goldfields the union have dropped the bank clerks, and are taking the conditions of only the other clerks before the court. If the bank officials on the Eastern Goldfields had been willing to allow their clerks to go into the arbitration court the very subject dealt with in this Bill would have been discussed in that court, but the banks did their utmost to keep the clerks out of the court, and I am convinced that even though the bank clerks were to get an award, the banks would see that it was not put into force.

Hon. D. G. Gawler: You should not say that.

Hon. J. CORNELL: Their action on the Eastern Goldfields is proof of what I say. Another thing which can be safely said is that men who sit down and suffer under such an indignity as is placed on their manhood by the associated banks and other institutions deserve only the remark, "It is good enough for you." I have done clerical work, but I have never lowered my manhood to allow an employer to dictate obnoxious regulations under which I should work, regulations that are absolutely repulsive to mankind. If the bank clerks had the backbone to fight the employer as the miners and others

have done, they would not be working under this regulation to-day. The fact remains, however, that there are certain sections of the community who have to be nursed and worked up. No member of this Chamber who casts his mind into the future can see the bank clerk at any time in the next 50 years imbued with the same fighting spirit as is found in the miner to-day. If they had the same fighting spirit as the miner bank clerks would be a different class to what they are to-day. Apart from that, I hope that if hon. members cannot agree to embody this provision in the Bill, if later on the Government or some private member is instrumental in having a Bill sent to this Chamber dealing solely with this matter, they will give it consideration and will not leave it to a subordinate body to decide whether it is in the best interests of the community that institutions should set out conditions under which an employee can marry. Mr. Gawler stated that he intended at one stage to move an amendment dealing with the white slave traffic, but on making inquiries he found that the Criminal Code provided all he desired to do. It seems satirical that the hon. member should be so anxious to see the white slave traffic dealt with, and is yet content that a man should not be allowed to marry. The Honorary Minister by way of interjection has said that employment is a man's life. I have played the role of an "out-of-work" and I have found it easier to work than to find work. It must be taken into consideration that the very men who are bound down by this objectionable rule almost invariably enter these institutions as boys and rise by gradations to a certain salary. They put in the whole of their time doing bank work, and I ask hon. members to fancy themselves faced with the alternative of signing this regulation or going out on to the street to look for work. Mr. Dodd has stated that the bank which owes its origin to this State and is considered the leading bank in Western Australia was one of the first in the State to put into operation this regulation. I refer to the Western Australian Bank.

Hon. J. D. Connolly: A very good bank too.

Hon. J. CORNELL: It may be a good bank, but it does not make good regulations.

Hon. D. G. Gawler: You want a man to be paid high wages irrespective of whether he deserves it, simply in order that he may get married.

Hon. J. CORNELL: A man in a bank can be honest and keep a wife on £3 a week just as well as a clerk employed by Mr. Sommers, for instance.

Hon. D. G. Gawler: The banks do not think so.

Hon. J. CORNELL: I think they can, and it is conclusively proved they can. The average clerk in the business places of Perth does not receive more than £3 10s. a week, and I suppose 50 per cent. are married men with wives and families, and living as decent a life as any other member of the community. I have nothing further to say except the final point. Mr. Gawler has said the idea of this regulation is that a man might get married if he was not receiving a certain sum, and get into domestic trouble and come in the way of temptation and help himself. If that is the only idea of the banking institutions I think it is a dismal failure, because there are many men to-day in durance vile who have got away with the money of the banks and who have received far more than £4 a week. If that argument is applied to the banking institutions it should be applied to other institutions as well, where it is just as easy for a man to get money to put in his pocket as it is in a bank. Whether this clause should be in the Criminal Code or not, I am going to vote that it should be, because I believe this state of affairs should be put an end to.

Hon. Sir E. H. WITTENOOM (North): I have looked through this Bill very carefully and to understand it one requires many Acts of Parliament to see what are repealed and how some are amended. I noticed the leader of the House was very brief and exceedingly superficial in moving the second reading. I am taking it for granted that we shall get all the information we require as

we go along because we cannot say that we have a great deal before us now. It seems as if one required a fund of research to find out the clauses and sections that are referred to. One learned friend has told me that the alterations refer to the schedule, therefore, I shall look for the assistance of the Colonial Secretary when we get to the schedule. With reference to the clause about which we have had a debate there is no doubt that there is a rule in existence about limiting the marriage of clerks in some institutions to the time when they get £200 a year, and the object of that rule to a large extent is to protect young fellows against themselves. I think most of us who are experienced in this world know that a man with a wife and family to live on much less than £4 a week is a struggle, and a difficult struggle, too.

Hon. J. Cornell: I have lived happily on £3 a week.

Hon. Sir E. H. WITTENOOM: But you are a strong healthy man. Suppose you were overtaken with a certain amount of illhealth and you had five or six children—I think the hon. member is possessed of only one child—but if he had five or six children and sickness overtook him, it would become a serious matter, and if trouble should come it would be a very cruel thing to have to dismiss a man with a wife and family. Therefore, the banks simply say, "If you intend to get married before you get this amount, all you have to do is to find some other occupation." The banks do not prevent young men from getting married, they do not make any regulation about it, but they say that the men in their institutions are not to be married until they get £200 a year. If they wish to be married before that there is nothing to stop them. They can leave and go elsewhere. It must always be understood that if a man has £3 a week and a cottage, or his wife has a cottage, or his wife has £1 a week income, that is all considered, everything is done to encourage men to be married on a fair income. But under the peculiar circumstances and the peculiar nature of the business of the banks, we must remember the temptation is greater there than in most other avoca-

tions, and consequently a certain amount of protection must be taken. One naturally expects to get the reply that Mr. Cornell put forth. "Why not pay the clerks better."

Hon. J. Cornell: The gold mines do.

Hon. Sir E. H. WITTENOOM: These are not gold mines but mines for gold. If you had to pay the clerks better wages it would mean that greater charges would have to be made on the commercial and business people who deal with the banks. The profits of a bank are not great. Let the hon. member try to buy some shares and he will find that he will get a dividend of 5 or 6 per cent., and if you increase the cost the banks must put it on to somebody, and there will be a rise in rates and discounts, and other things.

Hon. J. Cornell: Suppose the Arbitration Court gave them a rise, who would you put it on to?

Hon. Sir E. H. WITTENOOM: I think probably it would close the banks. The banks, as far as I know, endeavour to deal with their employees as liberally as they can, and most of the employees recognise that. Anyone who has any ambition, who hopes to be wealthy or rich, will not remain in a bank long. The bank is almost like a preliminary education, and when a man gets £200 or £300 a year he looks to go outside. If a commercial firm wants a new man they go to a bank because they know that the clerks there have been thoroughly trained and know the whole process of dealing with money. Therefore, one does not expect clerks to remain long in banks. I think the regulation is a fairly reasonable one. As to the reason put forward by Mr. Cornell, I go back to the original condition, and I think it is difficult indeed to live with any comfort on £3 or £3 10s. a week if a man is overtaken by illness or troubles arise, or if food becomes dearer, or anything of that kind. But this clause is not so stout quite at that. Say a man is getting 25s. or 30s. a week on a farm or a station and he says, "I am going to get married"; you cannot say to the man, "You must not, there is no accommodation for you," for he will say, "I can live in a tent." You cannot attempt to stop him or prevent

him, if you do you are liable to six months' imprisonment.

Hon. J. Cornell: The hon. member would praise the hardy pioneer who took his wife and family out in a tent and started in that way.

Hon. Sir E. H. WITTENOOM: That is a very different thing. The hardy pioneer does not expect to get 25s. a week; still with the man on the farm there are many etceteras, he can keep fowls and so forth. Under these circumstances I have pleasure in supporting the second reading of the Bill, always providing that the Colonial Secretary will give us full information as we go along in Committee.

Question put and passed.

Bill read a second time.

House adjourned at 5.55 p.m.

Legislative Assembly,

Thursday, 6th November, 1913.

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

PAPERS PRESENTED.

By the Premier: Water Supply Department, Exemption from detailed audit by the Auditor General.

By the Minister for Lands: Karrakatta Cemetery Board, sixteenth annual report.

QUESTION—METROPOLITAN SEWERAGE SYSTEM.

Mr. MONGER asked the Minister for Works: 1, Is he correctly reported in the *West Australian* of the 1st inst. as hav-