destroyed the good work that is now being done. The management must be supported. If we are to have discipline in the service we cannot have these constant pinpricks against the men in control. I hope Ministers will resist the motion for a select committee, inquire into the matter themselves, and then make a frank statement to the House. If there is anything behind the statement that has been made we can go into that, but the hon. member who brought forward the motion is responsible. He has merely given us a statement which he says justifies his action, and he cannot now say that there is something else which he wishes to have inquired into. Whatever is done I hope discipline will be observed, and that the good work being done will not be placed in jeopardy by undue interference. More than once this question has been referred to and I think it is to be regretted. I hope that Ministers will make inquiries and submit a statement to the House, and that when that statement is made it will satisfy hon. members and that for the time being at least they will refrain from criticism. It is a departure that I approve of entirely, and I believe the public generally approve of the good work that is being done.

Mr. Foley: You would not stick up for the management right or wrong, would you?

Hon. J. MITCHELL: I would not stick up for the Minister if I believed he was wrong, but I believe the Minister is capable of dealing with everything brought forward by the hon. member tonight, and we expect him to do that. At any rate we are not going to stultify ourselves by agreeing that the hon. member was justified in bringing the matter forward. The hon. member has the Minister to go to and if the Minister has not time to go into the matter he is not fit to be Minister. I think he has the necessary time. If the worst that can be said of this institution has been said then there is very little to complain of. There may be waste in the Claremont asylum. If we want to preserve the interests of the people and to reduce expenditure, there are heaps of opportunities very much better than this case presents. However, I merely enter my protest against the motion, and as I said, I hope that the discussion will be adjourned, and that when the matter comes on again the Minister will make a frank and reasonable statement, and will tell the hon. member he agrees with me that a select committee should not be appointed.

On motion by Hon. W. C. Angwin (Honorary Minister) debate adjourned.

House adjourned at 10.52 p.m.

Legislative Council,

Thursday, 23rd October, 1913.

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

PAPERS—SEED POTATOES, IMPORTATION.

Hon. V. HAMERSLEY (East) moved—

That there be laid on the Table of the House all the papers in connection with the experiment of importing seed potatoes from England, including—(1) the cost of the seed; (2) the money derived from disposal of same; (3) the results of the experiment.

He said: In moving the motion standing in my name, I desire to call attention to the fact that from what we can hear there have been very large sums of money expended in introducing new potatoes into the State, and all with a very good object; but from the man in the street

we understand that very gross blunders have been made, and that the successes achieved have not been at all in keeping with what had been anticipated. This, I am led to believe, has been in great measure due to a lack of energy and a want of knowledge on the part of those who have had the control of these potato importations, and I understand the loss in money has been very considerable. It is necessary for us to look into these gigantic losses on experiments of this kind in view of the statements we have heard in connection with the taxation of the community, and it behoves us to watch very carefully how some of these experiments are conducted, in the hope that we may be able to induce those connected with the various experiments to carry out their work in such a manner that they will not make the unnecessary losses which have been made in connection with some of these experiments. My request for these papers applies only to the monetary results achieved. I understand these experiments are not only costly to the country from the point of view of actual monetary loss experienced, but that there is gross mismanagement on the part of those concerned. In many cases the potatoes have been allowed to rot upon the ground and become a breeding-ground for all manner of diseases, a veritable hot-bed for the potato moth. When we understand that inspectors go round the country enforcing regulations upon the potato growers with the object of decreasing and minimising the trouble growers have from this moth and also from other diseases it is appalling that the Government themselves, in carrying out these experiments, should be at the same time continuing these hot-beds of disease without taking the precautions and remedies they are asking various growers to carry out in their own interests. I believe that bags and bags of these potatoes have been wasted and that generally chaos, so far as competency is concerned, has obtained right through the management and control of these various plots which have been put down. I realise that from time to time we carry out many experiments, both by Government departments and by private individuals, and we do not necessarily always look to see a gigantic success. In many instances we know that a person who undertakes experiments frequently does so at a loss; but that a gigantic loss should be the result and that many potatoes should be allowed to waste and become a breeding-ground for future troubles to the potato growers is beyond our comprehension entirely. So it is not only the monetary loss to the country, but the scourge and the loss we may have introduced through carelessness in not marketing many potatoes that have been allowed to waste. In asking for these papers I hope to see something of the actual and correct figures that will be put before us. I commend the motion to hon. members.

On motion by the Colonial Secretary debate adjourned.

BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT.

Read a third time and *passed*.

BILL — INTERPRETATION ACT AMENDMENT.

Second Reading.

Hon. J. F. CULLEN (South-East) in moving the second reading said: I thank the Minister for his courtesy in having placed this measure so early on the business paper, and I will repay his courtesy and the toleration of the House by making my remarks as brief as possible. The Bill itself is little more than a formal one, as hon. members may see, and therefore I need not take very many minutes. Hon. members are aware that the Interpretation Act is really an Act-shortening Act. It gathers into one measure provisions that are in nearly all measures, and in that way shortens Acts of Parliament. Now I will read Section 11, the section which the Bill proposes to amend, in order that hon. members will see at a glance what the Bill proposes. The section is as follows:—

Where any Act authorises the Governor, or any Minister, officer, board,

body, or person to make by-laws, rules or regulations, or other instruments, for carrying out the Act, the Act, unless the contrary intention appears, shall be deemed to give power from time to time to make, repeal, and alter such instruments, and to require a copy thereof to be published in the *Government Gazette*, and to be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then sitting, and, if Parliament is not then sitting, within fourteen days after its next meeting, and to enact that all such instruments when so published shall have the force of law and shall continue in force unless repealed or altered under the power given by the Act or disallowed by both Houses of Parliament.

That is as far as I need read. Because of this provision in the Interpretation Act there has been no need to embody in the various Acts of Parliament the provision regarding regulations. But within the last few years it has been recognised that since either House of Parliament can disallow a Bill either House ought to have the lesser power of disallowing a regulation brought in under a Bill. Hon. members will see how logical and reasonable that proposition is. If either House can disallow a Bill, how much more may either House be entrusted with the power of disallowing a regulation framed under a Bill? A few years ago, when Mr. Connolly was leader of the House, he placed in a Bill the proposal which I am now seeking to put into the Interpretation Act.

Hon. M. L. Moss: That is not correct. I put it in a Bill in the other House.

Hon. J. F. CULLEN: Well, I am very glad to have the correction. The hon. Mr. Moss was the first to take this action to put into a Bill in this House the provision that either House may disallow a regulation, and since then in each important Bill this House has inserted that provision, and I am glad to say that the Government, as represented by the Minister for Works, actually on their own motion placed this provision in the Traffic Bill which is now before this House. All this goes to show that the Government will have really no ground for objecting to the proposal of this Bill, which is to place this in the Interpretation Act and to obviate the need for repeating it in every future Act of Parliament under which regulations may be made. I do not think that I need detain the House any further. Every hon. member will see that this House, having power to disallow a Bill, ought to have the power to disallow a regulation, and the same with regard to the co-ordinate Chamber. I understand that the Minister representing the Government is not opposed to the Bill, and I have every hope that the Government will gladly welcome this further saving of time. The Acts shortening Act will be still further improved, and when amended on the lines proposed by this Bill it will save putting a long provision into separate Acts of Parliament as the whole of them will be covered by the Interpretation Act. I move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): I have much pleasure in supporting the Bill. This provision has already been agreed to by this House in an amendment to the Interpretation Act which was before the Chamber during the time that the hon. Mr. Connolly was leader of the House. But for some reason or other the Government of which he was the representative in this Chamber did not assist us, for the Government in another place opposed putting it on the statute-book. This is only following the provisions contained in the Federal Acts Interpretation Act. As the mover has correctly pointed out, it takes both branches of the Legislature to make a law, and inasmuch as in all these laws passed there is such a wide range given for the making of regulations, regulations which frequently are much more important than the Act itself, there ought to be power to enable either House to reject the regulations when steps are taken in the proper way. As the law stands it requires both Houses of Parliament to disallow a regulation, but we have recently had experience in connection with the Health Act regulations when the power was given to one House to express

its opinion, and certain regulations were rejected. Several Bills recently introduced into this Chamber contain this provision allowing for one House to reject regulations. The present Government have endeavoured to tack something else on to the effect that when a disagreement occurred both Houses should sit together. I am not prepared to go to that length, but I think the same power should be vested in either House of Parliament to disallow a regulation as is possessed in regard to the disallowance of a Bill. This House affirmed the principle in a Bill two or three years ago, and I hope the House will see fit to follow the decision it gave previously.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. J. F. Cullen in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 11:

Hon. D. G. GAWLER moved an amendment—

That in line two the words "from line twelve" be struck out and the words "wherever occurring therein" be inserted in lieu.

The amendment was necessary because these words occurred twice in the section.

Hon. J. F. CULLEN: The amendment was necessary but was the hon. member's proposal the right way to put it? Would it not be better to specify both lines? He would leave that to the Chairman as the authority on this matter.

The CHAIRMAN: It was scarcely a question which came within his province. The amendment was perfectly in order, and the suggestion of the hon. member would be in order, but it was a question of draftsmanship on which the artistic tastes of the two hon. members must be exercised.

Hon. J. F. CULLEN: The draftsman would not feel hurt, but would be quite satisfied if the amendment gave effect to his intention.

Amendment put and passed.

Hon. D. G. GAWLER: The section in the Interpretation Act specified no time in which the disallowance was to take place, but such time was specified in various other Acts. Therefore he proposed to take the words from Section 221 of the Health Act, and ask the Committee to insert them. He moved a further amendment—

That at the end of the clause the words—"and by the insertion in the twelfth line thereof between the words 'Parliament' and 'and' of the words 'within thirty days next after any such instruments have been so laid before it'" be added.

Hon. V. HAMERSLEY: Was not that already provided for in the existing Act?

Hon. D. G. Gawler: It does not specify the period of disallowance.

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

Title—agreed to.

Bill reported with amendments.

BILL—MINES REGULATION.

Second Reading.

Debate resumed from the 16th October.

Hon. J. D. CONNOLLY (North-East): If there is anything that I admire in the present Government, it is perhaps the persistent manner in which they try to force purely party legislation through Parliament. Hon. members will remember that in the closing hours of last session, almost in the last hours of the session, a Mines Regulation Bill was brought down. This House dealt with that Bill in a very prompt and decisive manner. I can scarcely believe that the Government can hope for any better treatment from this House for this Bill than was meted out to the same Bill last session.

Hon. R. G. Ardagh: The argument was that we did not have time to consider it.

Hon. J. D. CONNOLLY: That was one of the arguments, but there were many more arguments against it. This Bill simply repeats the Bill of last session. True, it is a very much larger measure, but it is simply the measure of

last session tacked on to what is already law, namely, the present Mines Regulation Act. In dealing with the measure last session, when I moved for its rejection I pointed out that we had just previously dealt with an amendment to the Land Act which attempted to make drastic alterations in the tenure of our lands, that is to say it provided that in the future land should be held under leasehold instead of freehold. I stated on the Land Act Amendment Bill that it would mean death, if it were passed, to future land settlement and undoubtedly that would have been the case. The Mines Regulation Bill will do a great deal more harm to the mining industry than the Land Act Amendment Bill would have done to land settlement, for the reason that while the Land Act Amendment Bill could only affect future land settlement, the Mines Regulation Bill would not only affect future mining development, and the future extension of the mining industry, but it would kill or partly kill our existing gold mining industry. I venture to say that there are in the Mines Regulation Bill at least half a dozen vicious principles, and almost any single one applied to mining to-day would immediately have the effect of closing down a great number of our mines, and in the near future close down the majority of them. I venture to predict that after a year or two, when they have worked out certain rich stuff in the mines, there would not be more than about half a dozen mines which would be rich enough to work under the drastic conditions that are sought to be imposed by this measure. Whilst I have every sympathy with the miner, and whilst I hold that we should do everything to minimise the risk—I admit that mining is a very hazardous occupation—and improve the conditions of those engaged in the industry, this Bill while harassing mine owners will not relieve the condition of the miners to any extent worth speaking of. Unfortunately we have arrived in connection with the mining industry at a critical stage. The mines of the State or the older of the mines, as they are going down in depth, find that the ore is becoming poorer, and they cannot withstand any fresh imposts. If anything, they must be given more encouragement than they have had in the past. Again, it is many years since we had such a period of financial stress. It is many years indeed since money was as dear as it is at the present time. Anyone who knows anything about investing in mining, knows that it is only when money is cheap that there is a chance of getting investors to put their capital into gold mining. So long as they can get a fair return in any commercial industry they are loth to take the risk of putting money into mining ventures because there are always great risks, no matter how well a mine may be managed. Consequently it is very difficult at the present time, almost impossible, in fact, to get fresh capital to enable us to develop the vast auriferous areas in this country which to a great extent are still untouched. To bring in legislation of this kind at such a time will completely settle whatever chance we had of getting fresh capital to open up new mines. It is most unfortunate that the Government should have seen fit to repeat the attempt they made last session to pass a Bill of this kind. They might be excused if it could be shown, and I maintain that the Minister in introducing the Bill did not show it, that the object of the Bill was to improve the conditions under which the men are working. So far as I can see, however, the Bill will not in any way help the miners in their operations. I have already stated that there are at least half a dozen very drastic proposals in the measure, and it is with these that I intend to deal. The bulk of the Bill is made up from the existing legislation and it is only a small portion of it that we really need to deal with. The first portion I wish to refer to is contained in Clause 7, paragraph (c), which provides for the appointment of workmen's inspectors. The clause provides that workmen's inspectors shall be elected by duly registered unions of mine workers in accordance with the regulations and subject to the approval of the Minister, but no person shall

be eligible for such appointment unless he has been engaged in general practical underground mining work as a working miner for at least five years. In the first place I want to draw the attention of the House to the unfair and wrong method of providing for union-workers to appoint these inspectors; that is not the only objection, but it is one. Why should union workers have the sole right to elect these inspectors, and the other workmen have no right whatever in that respect. I think it goes without saying that if the inspectors are appointed, non-union workers will not get much consideration. It stands to reason that these inspectors would give more consideration to those people on whom they were dependent for their appointment. I want to draw the attention of the House to the powers which are given to an inspector under this Bill. If hon. members will look at Clause 11 they will see there that the powers are very wide indeed. Power is given to the inspector to at times practically take the working of the mine out of the hands of the mine manager, and direct to a great extent how the work shall be effected. Is it a reasonable proposition that the workmen of a mine should be allowed to elect one of their number who should have the power as an inspector to dictate to the manager exactly how he should work that mine? Let me say here that I am thoroughly in favour of a rigid inspection of mines, but this proposed system is bad. If there are not enough district or Government inspectors then by all means let the Government appoint more, and if necessary have an inspector for every mine. These inspectors have very wide power indeed and it is necessary that they should. Then, in Government inspectors we have qualified men, men who have passed an examination and who we may be quite certain thoroughly understand their work before they receive their appointment. These inspectors are not dependent on the men who work on the mine or the manager or any officials. They are quite independent as they ought to be. It may be argued that it is necessary there should be some check inspectors. I want to point out that under Section 16 of the existing Act hon. members will find that there is this provision in regard to the inspection of mines by workmen:—

> The majority of persons employed in any mine may, at their own cost, once in every month or oftener if they think fit, appoint two of their number, or any two practical working miners, not being mining engineers, to inspect the mine, and the person so appointed shall be allowed, once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine and to inspect the shafts, levels, planes, working places, return airways, ventilating apparatus, old workings and machinery. Every facility shall be afforded by the owner, agent or manager, and all persons in the mine for the purpose of inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in the Record Book and shall be signed by the persons who make the inspection, and if the report states the existence or apprehended existence of any danger, they shall forthwith cause a true copy of the report to be sent to the inspector.

That is the provision which was inserted in the Mines Regulation Act, 1906, and it stands to-day.

Hon. J. E. Dodd (Honorary Minister): What chance under that has a man of presenting a true report of a bad state of affairs?

Hon. J. D. CONNOLLY: Exactly the same argument will apply to the Bill which the hon. member has introduced. If one of these workmen's inspectors were appointed by the union to make an inspection could they not do just as well under the existing Act as under the Bill? The proposal in the Bill places the manager in an unfair position. If these particular inspectors do not do work properly, when they return to their work in the mines, they are dismissed and it is immediately called a case of victimisa-

tion. The vital difference is this: a workmen's inspector under the Act has the power to go through a mine and the manager must give him every facility to make a report, but under the Bill the workmen's inspector can make a report and he can compel the mine manager to carry out all the alterations he may think fit. It is thus a case of the workmen's inspector, elected by the miners, directing the management of a mine, and a law is sought to be enacted to compel the manager to accept the suggestions of the workmen.

Hon. J. E. Dodd (Honorary Minister): You are forgetting Section 10 of the Act.

Hon. J. D. CONNOLLY: If the Honorary Minister will look at Section 11 he will see there all the powers that the inspectors have. The only thing that Section 10 says is that workmen's inspectors shall be under the authority of district inspectors. Turn to the interpretation clause and it will be seen that an inspector of mines is an inspector appointed under the Act. There is no distinction whatever. The workmen's inspector is given exactly the same power as the district inspector, and the control given by the district inspector over the workmen's inspector is a nominal control in exactly the same way as the district inspector is under the Minister, but he carries out his work without referring everything to the Minister. Let me inform the Honorary Minister that the Attorney General when pressed on the point in another place admitted that the workmen's inspector had exactly the same power as the district inspector. I was absent from the State at the time, but I am informed that such was the case. It was some time before Ministers acknowledged that the powers were equal, but the Attorney General eventually answered that the two classes of inspectors had exactly the same powers. Certainly my reading of the Bill agrees with that admission. The interpretation clause says that the inspector is an inspector appointed under the Act, and I would point out that both classes of inspectors are appointed under the Act.

Hon. J. E. Dodd (Honorary Minister): The Minister for Mines says that they have not the same power.

Hon. J. D. CONNOLLY: I have not seen the Attorney General's statement on the records, but I am told that what I have related happened in another place. Mr. Dodd stated that the system of workmen's inspectors was in force in New South Wales. I am very surprised if that is the case, because I was not aware of any place in the Empire where such a thing was in force. I remember that the miners of Broken Hill applied to the Minister for Mines in New South Wales to introduce a provision similar to that contained in this Bill, but the Minister for Mines, although a member of a Labour Government, refused to grant them that concession. That is the last I heard of the Broken Hill request. There is another point I wish to refer to in connection with workmen's inspectors. The only qualification that it is necessary for these men to have is five years' experience underground. A district inspector, on the other hand, must pass an examination. I do not know how the board is constituted to-day, but it used to consist of the State Mining Engineer, the Chief Inspector of Machinery, and the Chief Inspector of Explosives, and that board set the examination for the inspectors of mines and saw that they were qualified before they were appointed. The workmen's inspector, however, need only have five years' experience underground. Any person who knows anything about mining is aware that a man may be five years in a mine engaged in one particular class of work and have little or no general knowledge of mining. An inspector should be acquainted with all phases of mining. A man may be underground for a number of years and not be able to say when a mine is safe. Some men may not be two years underground and yet acquire this knowledge, but it is quite possible for other men to be ten years underground and not have the knowledge necessary for an inspector. Yet five years' experience underground is the only qualification that is required of workmen's in-

spectors. If hon. members will turn for a moment to Clause 70, Subclause 9, they will see there provision whereby mine managers, foremen, shift bosses, and mine surveyors have to obtain certificates of competency before they are allowed to occupy those positions. Now it is proposed that men who may have no qualification other than five years' experience underground in some capacity, but have been elected by their fellow workmen, shall be able to go to certificated managers, foremen, and surveyors, and dictate to them exactly what they are to do in the management of the mine. First of all we provided that the mine manager must be a qualified man and have a complete knowledge of mines, and then we say that a workman of only five years' experience underground may go to him and exercise all the powers contained in Clause 11. I say again that there is nothing in that provision for workmen's inspectors which is more conducive to the safety of mines than the present Act. Let us have plenty of Government inspectors, but let them be qualified men, and the mine will be very much safer under a qualified inspector than under any number of inspectors elected from amongst the workmen, to say nothing at all of the absolute injustice sought to be meted out to mine owners and mine managers. That is one of those half dozen principles to which I have already referred. There is a number of small amendments in regard to which a good deal could be said, but I am not going to touch any of them until I come to Clause 35. That clause is a very important portion of the Bill and sets forth the general rules. The first thing that I take exception to in the clause is contained in rule 11, which provides for the limitation of the height of stopes. Dealing with a matter of this kind, I readily understand that it is very difficult for members who have not some knowledge of mining, to follow a discussion on this highly technical subject, and it is not to be wondered at if they do not realise the danger that these provisions mean to mining. It may be desirable for me, therefore, to explain briefly what a stope is. A stope in a mine is what in everyday language is called a passage. In other words the lode matter in which the gold is contained lies in a vein or reef or fissure in the ground. That vein may be a foot wide or 40 feet wide or more commonly 4 or 5 feet wide. The ore is mined out and the removal of the ore leaves what is called a stope, which, as I said before, is simply a passage. It should be understood in the first place that the reefs or lodes are never vertical; they are always on the underlay. Some of them are very flat, down to 45 degrees, and it is provided in the Bill that when a reef is taken out to a height of ten feet no more ore shall be taken out at that spot unless the stope is filled in so that the height never exceeds 10 feet. The object of filling in the stope is not to prevent the collapse of the roof, but to prevent the sides from coming in. The reef is usually contained between two firm walls of rock, the lode being the softer matter, so that the sides do not readily fall in. It is impossible to work any mine if stopes are not allowed to be carried to a greater height than ten feet.

Hon. W. Kingsmill: It is a mistake to endeavour to provide any limitation.

Hon. J. D. CONNOLLY: As Mr. Kingsmill, who has a knowledge of mining, has interjected, we should not put any limit at all on the height of stopes. The present Act provides no limitation. The point is left quite open and that is a much safer method than to limit the height to ten feet, because while it is possible in most cases to work the reef safely to a height of ten feet there may be country in which it is as dangerous to stope to a height of ten feet as it would be to stope to a height of 100 feet in other country. The Honorary Minister when introducing the Bill admitted that, when he said—

> Of course there are some places in the smaller mines to which I drew attention, where the stopes are only three feet wide, and where one could work the stope 100 feet high and there would be no danger whatever, but that does not apply in all cases.

That is exactly my argument. There are places where stopes can be carried to a

height of 100 ft., and that is done, and such stopes are perfectly safe. As I remarked before, under the present Act the height of stopes is left entirely to the discretion of the mining inspector and that is a very much safer way. Let us take the case of a leading stope which is the main passage where trucks run to take out the ore brought down from the shoots overhead. By regulation it is provided that the mine must have a 7ft. headway for the men to work. Having already taken the stope out to a height of 10ft. one is obliged to fill in before going further. We have this headway of 7ft.; the timbering above will represent another foot; and in order to prevent the ore from falling on the head timbers there is probably four feet of broken stone on top of the timber. That makes a total of 12 ft., actually 2 ft. more than the manager is allowed to take out. Then on top of that the manager wants to break more ore, and it is impossible to do that in a leading stope if a limit of ten feet is fixed. The Minister will say that an inspector has power to extend the height of a stope to 15ft. but even that height is not enough. Fully 6 ft. of space is necessary in order to rig the rock drill, so that one really wants 16 or 20 ft. in a leading stope before it is practicable to work; but leaving the leading stopes out of the question altogether, when ten feet of ore has been taken out the manager is supposed to fill the space up. The stope is filled up to within say 5 ft. and only 5 ft. is left in which to work. Then the miner has to get his rock drill set up, which takes over 5 ft. In some mines we do not get 10 ft. at all because the reefs underlie to such a great extent. If the reefs are something like vertical we may get 10 ft., but in other mines you might not get anything like 10 ft. There are mines in this State today that are taking out stopes to a height of 100 ft. and when ore is stoped to that height over a narrow width the stopes are not filled at all, because the ore is taken from level to level and filling is not necessary. Where a mine is poor, however, the expense would be too great to take the ore out 10 ft. at a time, and fill in the stoped ground as the work proceeded. Let me quote another instance to show the absurdity of placing any limit on the height of stopes. In blasting more than 10 ft. of ground may be brought down. The manager cannot help that; he cannot regulate the blast to such a nicety that he will know exactly what ground will break, but he will be liable to a prosecution for having exceeded the statutory limit of 10 ft. The ground that is stoped to a height of 30 ft. might not be the least bit less safe, yet a manager is tied down so that he must only stope to a height of 10 ft. Why should we not leave this matter, as it is under the present Act, absolutely to the discretion of the mining inspector, and that officer may, in some cases, disallow stoping even to a less height than 10 ft.? The Minister will probably reply, "But the Inspector has power to allow it to go up to 15 feet," but any inspector who would allow such a thing would be a fit subject for the lunatic asylum, for this reason: it is particularly laid down in the Bill that no stopes shall go to a height of more than 10 feet without the express approval of the inspector. Do hon. members think that any sensible man would take the responsibility, after it has been laid down by Parliament that no stope is to go beyond 10 feet, of allowing it to be taken up another five feet, as if a stone falls and a man is hurt, the inspector would have to take the full responsibility upon himself. Is it likely that any sensible man would allow the stope to go a foot more than 10 feet in the circumstances, so the rule undoubtedly remains hard and fast at 10 feet. I would like to refer in that same clause to another small but very important matter, as it hits the prospector very hard. Let me say that right through all these provisions affect the smaller and poorer mines to a greater extent than they do the wealthy companies, which are in a better position to get over the restrictions placed upon them. Rule 12 provides that the shaft if it is 100 feet deep shall be divided into two compartments. Every prospecting shaft goes down considerably over 100 feet, and before the prospector is allowed to go a foot beyond that 100 feet he has to divide it into two compart-

ments, as the big mines do. There is no discretion to be exercised by the Minister for Mines or the inspector or anyone else. It is laid down definitely in the Bill that the shaft cannot go beyond 100 feet without being divided into two compartments. Subclause 13 is equally absurd. It is as follows:—

> In every vertical shaft in which men are raised by machinery, other than machinery operated by hand labour, guides shall be provided from the top of such shaft to within not more than forty feet from the bottom of the shaft, and there shall be provided and used efficient means and appliances for steadying the load by means of such guides.

That means that the shaft must be timbered within 20 feet of the bottom. A man may be using very strong explosives in the bottom of that shaft, so strong that it will tear very big timbers indeed, and rise much higher than 20 feet, and much higher than 40 feet in some cases, and that blast will do more harm to these timbers and be more dangerous than if that timber was not put in at all. Subclause 20 provides for two passage ways in every mine. This is a rule which does not affect the big mines one iota, and it is a provision which applies very well and should apply to coal mines, as they must have two passage ways to let the gas out, and it would be dangerous otherwise. But take the case of a main or prospecting shaft on a block claim. Under this regulation there would have to be two shafts, and hon. members can realise the huge expense it would be. The thing would be quite impossible. In big mines, of course, there are two or three hauling shafts, but whether or not that is the case they have passes or drives from level to level which give plenty of outlet, so that the regulation would be no trouble at all to these big mines, as they do this in the ordinary working. It is, however, an extremely bad provision in this Bill, and there is no sense in it whatever. There is no need for it at all, as plenty of air can be got by other means than by simply sinking a shaft to get air down. Rule 57 is for the purpose of limiting the height of rises, and that is a matter which should be left entirely to the discretion of the inspector of mines. The same arguments apply to it as I have already applied to stoping. Clause 40 of the Bill contains an entirely new provision, that of a Mines Regulation Board. I do not know what the object of the Government is in introducing this board, but it is quite unnecessary, and certainly, as constituted under this clause, is quite impracticable.

Hon. J. E. Dodd (Honorary Minister): Your commission recommended it.

Hon. J. D. CONNOLLY: What commission is that?

Hon. J. E. Dodd (Honorary Minister): The commission your Government appointed.

Hon. J. D. CONNOLLY: We are not responsible for their recommendation. I do not know what commission the Honorary Minister is referring to, but I am not prepared to endorse everything a commission we appointed saw fit to recommend. This board would not effect the purposes the Honorary Minister has in view. There is no need for such a board, and if there was any need for it we would want half a dozen boards, perhaps a board on every field, or several on a field. It is proposed to appoint two members representing the men, two from the mine managers, and three from the Government, and no qualification whatever is stated. They may be educated men well versed in the technicalities of mining, or they may not. That is not set down at all, but they are given all the powers under Clause 40 of a Royal Commission under the Act of 1902. I may say that one of the points this board will have to settle is disputes between the manager and the inspector. That is already provided for under Section 37 of the present Act, which provides in a case of that kind for an arbitrator, which is a much less cumbersome method and certainly a better one in every respect than having this cumbersome Mines Regulation Board. The next provision to which I desire to refer is that contained in Clause 44. This provides that a man shall only work 44 hours a week in a mine. The men, I presume, expect to get

the same wages as they get now for working 48 hours.

Hon. R. G. Ardagh: They work 44 hours in Queensland mines.

Hon. J. D. CONNOLLY: I am not speaking about Queensland at all. Queensland has its own laws, and there is no analogy. Men working 44 hours would no doubt want the same wages, but it will be quite impossible to saddle the mines with six or seven per cent. more cost under the heading of wages. Some of them certainly cannot stand it. Another argument which may be advanced against this provision is that it is altogether foreign to this Bill. It is a matter which should be left entirely to the Arbitration Court. It is one of the functions of the Arbitration Court to regulate hours of employment. The Minister told us that this principle was taken from the first Mines Regulation Act into the Act of 1896. The first Act, however, was passed before there was any Arbitration Court, and the clause simply went on into the present Act. Here we have an amendment which is distinctly foreign to this Bill, as all the powers necessary to regulate hours are in the Arbitration and Conciliation Act. The hours of miners under the 48 hour system are not long by any means, as a miner works not more than on an average seven hours a day actually at work. If he arrives at the shaft at 8 o'clock in the morning it may be 20 minutes or half an hour before he gets to the face where he works, he has half an hour for crib or lunch, and another half hour is taken up preparatory to knocking off, so the hours are not long by any means, yet it is sought to reduce them by another three-quarters of an hour a day. Apart from the question of the cost it is a matter for the Arbitration Court to decide. Then we come to the provision for the abolition of the night shift. This is a very big question indeed. At the present time, as hon. members know, the mines work three shifts, and here again it should be a matter for the discretion of the inspector, or more particularly for the Arbitration Court. This provision would undoubtedly mean the closing down of a number of mines, because they certainly could not produce the same amount of ore in two shifts as they can in three, and it is only that they are able to produce a certain quantity of ore that enables these mines to pay, and they cannot pay if there is a reduction in that quantity. The Honorary Minister in introducing this Bill instanced the case of the Great Boulder Mine, and said that the Great Boulder was only working two shifts. That was a very unfortunate instance for the Honorary Minister to give, because there is no mine in the State in the same position as the Great Boulder. First of all, it has three hauling shafts, I think, and more ground open than any mine in Western Australia, and having these three haulage shafts and a great many faces open it is able to mine the ore it wants in two shifts. The Great Boulder management have decided not to go in for more development work at the present time and the whole of the night shift in most mines do nothing but development work. The men working on the other shifts get the ore out. If the great Boulder are not to do any development work there is not any need for a night shift. But leaving the Great Boulder out of the question, if you take the small mines it is impossible to double the number of men or put one-third more men on the two shifts for there would not be room for them to work. The Honorary Minister says that the abolition of the night shift will tend towards the healthy condition of the mine. I cannot see how that can be brought about. The crowding of three shifts into two cannot by any means tend to make a mine healthier, crowding a greater number of persons into the same area where a lesser number were before. The night shift men mostly work in drives in the dead end. The Honorary Minister said that the knocking off of the night shift would give a chance to ventilate the mine, to let the fresh air get into it, but there is nothing in that argument at all. On development work it is better to have three shifts and for this reason: the rock drills working in a dead end are worked by the air pressure that causes the air to circulate in

that dead end, and when there is no work to be done during one shift the air would become stagnant and the men coming in to the end in the morning would find the air worse than if they went into the dead end immediately following another shift. That does not apply to mining but to development work. It is better to work in dead ends with three shifts for the purity of the air than to work with two. Again, it is not at all necessary to put this provision in the Bill, and for this reason: no mine manager will employ men on the night shift if he can help it, because men working on a night shift do not do the same amount of work as men do working on the day shift. Therefore it is only a matter of necessity which compels mine managers to have a night shift at all. Then we come to Clause 46, which deals with the non-employment of foreigners. It is already provided in the present Act that no person shall work underground without he can readily read and speak the English language. One would think that provision goes far enough. But Subclause 4 provides that foreigners can only be employed in any capacity in the proportion of one to ten. There may be very intelligent men who can read and speak the English language, but they cannot be given employment to the same extent as the Britisher or on work such as shovelling and trucking, which the Britisher does not care for. I doubt, with Mr. Moss, whether assent would be given to Subclause 4 of the clause I have referred to. It is absolutely necessary that where men are working in dangerous places they should be able to speak and understand the English language, otherwise there is great danger, but that is already provided for in the present Act. A much more important matter than that —for that is comparatively a small matter—is the subject contained in the next amendment I wish to speak of—the abolition of contracts. It is dealt with in Clause 60, which says—

> All persons except the owners and tributers engaged in the underground workings of any mine in any mining operations carried on for or on behalf of the owner or tributers shall be employed on daily wages at current rates for the class of work on which each is engaged, and not as contractors or on any method of remuneration by piece work.

This provision, I maintain, is quite foreign to the Bill. It is a matter which should be dealt with by the Arbitration Court—that is the methods of pay and the rate of wages. Another important matter in the Bill is to be found in Clause 60 which provides that all wages earned underground shall be paid by the day. That is to say, that contracting shall be abolished, that all the men underground shall be paid at the current rate of wages for the class of work on which they are engaged, and that piece work, or contracting, shall be absolutely abolished. What I want to point out is that the words of the Minister—probably he did not intend it—inferred that at the present time the men do not earn the current rate of wages on contract. Last session, in passing the Arbitration Act, it was specially provided that any contractor should be paid at the current rate of wages so that if men did not earn the current rate of wages they would receive the amount fixed by the Arbitration Court. It is not a question of getting them to work for wages at all. It is not a contract system at all, it is a bonus system. You say to a party of men, "Do this driving, and you will get so much a foot." Whether they earn £2 or £3 a week they get from £4 or £4 10s. a week, whatever the rate is. If they earn more they get it. It is simply a bonus system. If Parliament is so insane as to abolish this system it will close a large number of mines in the State, for it is only under the bonus system or contract system, if you like to call it so, that some mines can carry on operations and make a profit. It is not that the men work so much harder under the contract system, but it is scientific work more or less that they have to perform. It is not ordinary labourers' work, such as surface work or trucking, but it is what is known as mining, technical work to a certain extent. Men use the know-

ledge which they have acquired after years of working in mines, they use their brains and earn more money on that account, and it pays the owner of the mine to put them on contract. Let me give members one instance which was placed before me recently. It was not in Kalgoorlie. In a certain mine there was a number of men working in a drive—I think the rate of wages there was something over £4 per week. They were proceeding with the work as fast as they could, but the manager wanted to get on with the work faster. He foresaw that he would have no ore for his battery if he did not get on quicker with the work. He offered the men contract work. While on day wages the work was costing the manager £3 5s. a foot for driving, and the men were earning £4 odd per week. He put them on contract work and reduced the cost per foot from £3 5s. to £2 10s., and increased the earnings of the men from £4 odd to £5 12s. a week.

Hon. R. G. Ardagh: The nature of the country may have changed.

Hon. J. D. CONNOLLY: Nothing of the kind. The hon. member knows that the miners on the goldfields are not unanimous in regard to the system of contract I heard a member at Leonora on one occasion almost talk himself hoarse to a party of miners trying to get them to agree to the abolition of contract. That member was not successful. And that is the very centre of unionism. The men would not submit; the better men will take contract work. If you abolish the contract system a majority of the men will immediately leave the fields. Undoubtedly the knowledge they have acquired is of great value to them, and they get a return in this way. To show members how mining can be carried out at a less rate with men who understand their work, I will give an instance which was brought under my notice some six or seven years ago. In Johannesburg the cost of mining with Kaffir labour was as much as 24s. 6d. per ton more, if I remember rightly, than in Kalgoorlie, where perhaps the highest rate of wages is paid with the exception of the western States of America. How was this result brought about? By the contracting system. Miners at Kalgoorlie have told me that they were quite willing to go to Johannesburg and take contract work and carry it out cheaper than it was carried out by Kaffir labour, but it was not policy for the South African mine owner to introduce Australian miners in large numbers. Just recently on going to South Africa I travelled with three Victorian miners who were in Johannesburg for some time and they made never less than £9 a week on contract. I say undoubtedly if the contract system is abolished, instead of driving costing £3 10s. per foot, it will cost more than £4 10s. in a very short time, whereas the cost of driving can be reduced to £2 10s. per foot under the contract system. To abolish contract will make mining in a great many places in this State quite impracticable. In Clause 67 is contained a small matter, but an important one, and I think it is very unjust. The clause says—

> The occurrence of any accident in or on a mine shall be *prima facie* evidence of neglect on the part of the owner, agent and manager.

That is against all British justice. Because an accident occurs it is *prima facie* evidence against the manager. If there is one mistake made in the Mines Regulation Bill it is this, and the same thing exists in the present Act, the Bill does not throw enough responsibility on the miner. The Honorary Minister knows that what I say is correct. A great many, if not the majority, of accidents are caused by the carelessness of the men. If by some method more responsibility could be thrown on the men we should be doing more for the miners than by any other means. Miners unfortunately get into careless habits; they carry about the explosives in a manner which is against the regulations. I have seen miners, and it is a common thing, who are given certain appliances to squeeze the cap on the explosive put the cap in the mouth and squeeze it between the teeth around the fuse so as to make it air-tight. If the cap were placed in the mouth a quarter of an inch too short and

squeezed between the teeth it would mean that the man's head would be blown off. When in a mine and blasting operations are going on I never go near them. Miners are given appliances for handling explosives, but in a great many instances they will not use them.

Hon. J. E. Dodd (Honorary Minister): The hon. member has not read Clause 54 or he would not make those remarks.

Hon. J. D. CONNOLLY: Yes, but why do you not throw on them the same responsibility as you do in Clause 67? It is against all British justice to make an accident *prima facie* evidence of neglect on the part of the management. I admit it is difficult to put the responsibility on the men, and I know many conscientious managers who find it the worry of their lives to save the men from themselves. It is because they are so familiar with the dangers that they grow extremely careless. Those are the principal features of the Bill to which I take exception. I say again that any one of these things mentioned would be the means of seriously hampering, and indeed closing down, many of the mines. There is no doubt that if all these things were brought into operation a great many of the mines would close down at once, and many more within a few years. There is a number of smaller matters not of such vital importance. There are some which are improvements. Clause 20 is an improvement, although it is only a small matter. It provides that the Minister may at any time authorise an officer of the department to enter, inspect, and sample any mine. That is an important provision and a very good one. It serves two purposes. In the first place it will enable the Minister to send a man along to sample a mine. From time to time we have had some very serious mining swindles, and if the Minister had that power to step in and sample a mine he could prevent a swindle and sheet the guilt home to the guilty person. Again, it would help to prevent gold stealing. A popular method with gold stealers is to get an abandoned mine and give it out that the ore in their possession has come out of that mine. At present nothing can be done to stop this, but under the new provision it could very soon be proved that the gold had not come out of that mine. There is an improvement also in Clause 38, and again in Clause 53, which provides that where 15 men are employed—under the existing legislation the number is 30—an ambulance must be provided. That is a distinct improvement, for 15 men are just as likely to require an ambulance as are 30 men. I have nothing further to say on the Bill except one or two general remarks. In introducing the Bill the Minister said that it stood to the everlasting discredit of mining companies operating in Western Australia that they had done absolutely nothing to alleviate the distress brought about by the conditions of mining. He said that only two instances had come to his knowlelge of mining companies spending any money in Western Australia for other than their own material benefit. In the one case Mr. Doolette had erected a small fountain in Victoria Park, and in the other case the sum of £2,000 or £3,000 had been given to establish a club at Boulder. Those were the only two donations given by mine owners to the community in any way whatever. I quite agree with the Minister when he says that the mining companies have been anything but generous to Western Australia. Western Australia has nothing at all to thank the English mining companies for. They came here and treated the country as something from which they had to extract as much as they could while doing as little as they could for the country.

Hon. Sir E. H. Wittenoom: I think some of them left some money here.

Hon. J. D. CONNOLLY: Possibly so, but that was not their own fault. If you compare their attitude here with that of the mining companies in a place like Johannesburg, where all those mining magnates have done so much for the place, then I agree with the Honorary Minister. Persons who have not done so well in this State as have some of these mining companies, have nevertheless performed good offices for the State. We

have a notable example in one of the members of the Chamber, in regard to agriculture. None of these mining men have ever endowed a chair of mining at the University or done anything else for the State. While I agree with the Minister to that extent, I would point out to him that introducing a Bill of this kind is neither fair to the people in the mining industry to-day, nor to the people who have put their money into mines recently. Two wrongs will never make a right. While these companies have not given anything to the community, it must be remembered that the community was not entitled to call upon them for anything. The companies were acting strictly within the law, and, therefore, we are not entitled to expect anything from them in this way. The time is too late to think of this. Moreover, there is another and a proper method, but I am afraid that in respect to that method also the time has passed and gone. Notwithstanding the wrong done to Western Australia in the past the Government are unjust to the mining industry in introducing such a Bill and trying to impose an Act of this kind on the country. As sure as the sun rises, if the Bill becomes law it will choke and kill the mining industry. If there was any provision which the Minister suggested would help to the better treatment of the worker, and provide for healthier and better conditions in the mines, I and every member of the House would be with him. But I say these proposed amendments are both impracticable and unjust. I only wish to refer here for a moment to an extract from the State Mining Engineer's report of 1904. Among other things the report says—

> The majority of accidents in stopes caused by falling ground occurred in low stopes. It has, therefore, been claimed on behalf of the workmen that it should be laid down by law that no stope should be carried higher than 10 feet above the filling, which would involve that each stope be filled with mullock immediately after removing the broken ore, before another could be commenced. The exigencies of mining work often do not permit of keeping the filling so close up to the working faces, and strict insistence of any such rule would undoubtedly hamper the mine owners very much indeed in keeping up supplies of ore for the mills, and would largely increase the working costs.

Those are two points that weigh more to-day than they did in 1904, because the ore is now poorer, and you cannot increase the working costs, while you must produce the same amount of ore, otherwise you cannot make it up. Again the report says—

> There is so much variety in the conditions of different mines—the nature of the ground varying not only in adjacent mines but even in the same mine—that it is not reasonable to prescribe hard and fast rules.

That is my whole contention, namely that these amendments are not practicable. It is not possible to lay down in an Act of Parliament hard and fast rules. The State Mining Engineer, an independent authority, says that the conditions vary even in one mine, and therefore it is impracticable to lay down such hard and fast rules. We have the Honorary Minister admitting that himself. At the present time mining will not stand any conditions like these being imposed upon it. If these conditions were necessary, or humane, and would improve the conditions under which the miners work, it would not be a question of whether or not they suited the industry, they would have to go into the Act. But they are all against mining without in any way helping to improve the conditions under which the miners work. There is very little in the Bill which is good. It would probably save time to vote against the second reading. At the same time there are a few small points which I would like to see law and which I am prepared to allow to go into Committee, but I am not prepared to vote for any of the sweeping amendments which I have mentioned.

On motion by Hon. R. G. Ardagh debate adjourned.

House adjourned at 6:11 p.m.