they were set apart, it is proposed that a portion fronting Labouchere-road should be declared a class "A" reserve for use as a parking ground for the cars of visitors to the Zoo. This Bill is really a Committee measure and it will be necessary for members, in order to understand exactly what is proposed, to study the lithos that I have placed on the Table. I move—

That the Bill be now read a second time.

On motion by Mr. Latham, debate adjourned.

House adjourned at 10.48 p.m.

Legislative Council,

Thursday, 23rd September, 1926.

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

LEAVE OF ABSENCE.

On motion by Hon. E. H. Gray, leave of absence for 12 consecutive sittings granted to Hon. W. H. Kitson (West) on the ground of urgent private business.

On motion by Hon. J. Nicholson, leave of absence for 12 consecutive sittings granted to Hon. A. Lovekin (Metropolitan) on the ground of urgent private business.

BILL—GUARDIANSHIP OF INFANTS.

Second Reading.

HON. G. POTTER (West) [4.35] in moving the second reading said: I have not the slightest doubt that with the usual application to duty that characterises hon. members in this Chamber, they have studied the Bill and given it the close consideration it merits. Six years have elapsed since the present Guardianship of Infants Act was placed upon the statute book. During that period experience has been gained as the result of which the weaknesses and deficiencies of the measure have been disclosed. The intention Parliament had in mind at the time has not been fully carried out. It cannot be reasonably argued by anyone that the interests of a mother are not co-equal with those of the father respecting the welfare of their children. It is with the object of correcting an anomaly that exists in the present Act that the Bill is introduced. That this is necessary has not been determined by one or two, but by the experience of judges, justices of the peace and officers of the various courts that are handling this important phase of our social system. Experience has indicated that the interests of mothers are not adequately conserved under the Act as it stands. As the mother is equally interested in the welfare of her child as the father, it is unfortunate that the provisions of the Guardianship of Infants Act rather tend to contemplate a minus quantity so far as the mother's position is concerned. Her rights cannot be asserted as the law stands to-day unless she resorts to the law court and proves to the satisfaction of a court that her husband is not a fit and proper person to have full control of her offspring. Hon. members, with their wide experience of the world, know that the majority of women with their sensitive feelings would recoil from such a formidable experience as the necessity to appear before a public court in an endeavour to substantiate such a charge against their husbands. We know the attitude of many women who are subpoenaed to give evidence in trivial cases in the courts. How much more would that attitude be displayed if they were to take the action I indicate against their husbands in the law courts. Faced with the prospect of such an ordeal, many women would be inclined to subordinate their maternal instincts and by so doing tend to jeopardise the future of their children. They would do that rather than go on with an application to the court in which they would have to make allegations against their husbands' unsuitability to look after their respective families. While such women are in the minority, still there are women who are faced with the necessity

for conserving the future interests of their children. The Bill includes a provision that will render it unnecessary for such women to resort to legal processes in order to appoint guardians for their children. As the law stands to-day, the right to appoint a guardian is accorded the father, but the mother has not the same right. If it is necessary for a husband to have the right to make such an appointment in order to assure that someone will be able to co-operate with his wife in looking after his children should she die, it is equally necessary, if not more so, that his wife should have the same right.

Hon. J. Cornell: Would that apply only in the case of the husband and the wife being separated?

Hon. G. POTTER: I will deal with that in a moment. It is more necessary that the woman should have the right to appoint a guardian to act in conjunction with her husband.

Hon. Sir Edward Wittenoom: Would the husband be relieved of his responsibility to provide maintenance?

Hon. G. POTTER: No, neither will the woman be relieved of her responsibility. In seeking to give the mother equal rights with the father in the appointment of a guardian for her children, it is safe to say that if the husband appoints a guardian, that guardian will be a male person, who will be entrusted with the duty of co-operating with the wife in the upbringing of the children. If the woman is given the same opportunity, it is equally safe to say that she will appoint another woman with maternal instincts to assist her husband in looking after the children.

Hon. J. Cornell: I don't think so.

Hon. G. POTTER: Hon. members can picture to themselves the woman dying and leaving her family. In her last moments her thoughts will be on the welfare of her children. However zealous the husband may be in guiding and conserving the welfare of his children, surely hon. members will appreciate the fact that no husband is in the same favourable position to do so as a mother who is in the home all day. He is not in the same position to guide freely the destinies of the children because he has to attend to his daily vocation. He is the breadwinner, and his duties may call him away not only during the day but during part of the night. The father, not through any intentional neglect but because of his being a breadwinner, may not be present to exercise the necessary parental control, even if he combined in his nature the dual sentiments of a man and a woman. It is only right that the woman should be able to satisfy herself that the children would receive maternal care, and she should have authority to appoint a guardian to co-operate with her husband in the event of her demise. This does not infer that the appointment cannot be carefully scrutinised. Provision is made, in the event of a husband contesting the ability of the guardian appointed by the wife, for resort to the courts, where he will have an opportunity to prove that the guardian appointed by the deceased wife is not fit to carry out the duties intended to be imposed upon the guardian. The woman is to have exactly the same process and relief at law as the husband. Consequently, if the House passes this Bill, there is nothing that can injure the welfare of the children or the home life of the community, but there is everything in it that will make for a better condition of affairs when such a tragic event as the death of the mother occurs.

Hon. J. Cornell: Do you know of any hardships under the present law?

Hon. G. POTTER: Yes, quite a number. If we refer to the records of the Children's Court we find that a preponderating majority of the juvenile delinquents are children who have been deprived of the care of a parent. It is desirable that full provision should be made for the appointment of a guardian in the event of the demise of either parent. It has been found advisable and beneficial in the interests of the children that the father should be able to appoint a guardian, and the sum total of the Bill is to give the mother an equal right. There is another important phase. In the event of a mother dying and not having had the statutory authority to appoint a guardian, her children may be left in an environment not conducive to their welfare. Environment influences children in a marked degree. The teaching that a child receives at its mother's knee lasts and is its sheet anchor through life. Environment is often a more potent factor than heredity in the after-conduct of a child. Replying to the interjection by Mr. Cornell, in order that a mother may get control of a child and a maintenance order from the father, she must leave her husband. That is most undesirable. If a mother is anxious regarding the care of her children—and most mothers are—she must have an open

breach with her husband, leave him, and consent to all the family linen being washed in a court of law. She must show that her husband is not a fit and proper person to control the children. Such a course deprives the wife and children of the protection of the father and deprives the man of the refining influence of his wife.

Hon. J. Cornell: Who is going to judge of the husband's fitness.

Hon. G. POTTER: The law courts will have full control, and surely no one will argue that we should go beyond them! It may be argued by some members that the father, as the breadwinner, should have all the say in the career of the child, because he is responsible for educating it. That, no doubt is a sacred duty, but unfortunately there are a few cases that require special attention. We are legislating not for the many but for the few, and surely the few should not be neglected! While considering the rights and privileges of the parent, we must not overlook the rights of the child. A perusal of the legislation in England and in New Zealand shows that eminent authorities agree that the welfare of the child is paramount. The child will probably be a living entity when the name of the father or the mother is but a memory. I do not say that the measure is intended to apply to a majority of the children to be born, because under our social conditions and moral teachings the social life of the State is sound, but we must not be recreant of our sacred duty to children who have not been so fortunate as to enjoy the care of a parent fully alive to his or her obligations. Though this is a simple measure, it is of great importance in that it seeks to place the mother of a child on an equal footing with the father. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—JUSTICES ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Second Reading.

HON. G. POTTER (West) [4.57] in moving the second reading said: This is another short Bill that deals with social legislation in its highest sphere. One of the most humanitarian Acts on our statute-book that polices our social system is the Married Women's Protection Act. When passed in 1922 it was considered to be a very desirable measure, and it, too, applies to the small minority and not to the majority of married women. It was designed to protect married women from some of the levanting libertines in whom women had placed their trust and found it to be misplaced. Although that Act was acclaimed to be a great advance in our social legislation, certain weaknesses have been discovered. The Act does not afford to married women the protection that the Legislature originally intended. We are familiar with Press notices of a defaulting husband being haled before the court and having made against him an order for the maintenance of his wife and possibly his children also. The amount of such maintenance is fixed by the justices in accordance with his ability to pay. If an order for maintenance of £1 a week was made against a husband, the wife would doubtless feel that everything was well and that she had nothing more to worry about. With a levanting husband, however, her troubles are just starting. Possibly the husband would start off very nicely and pay the amounts for two, three or four weeks, all of which she would collect through the usual channels. But inevitably the time would come when the husband would do what possibly he originally intended, and that was to disappear into a far distant part of the State believing that he would be able to live there in seclusion and security. He might even change his name; he might do many things that would make it difficult for the police to locate him. Whilst he is being sought, the arrears are accumulating with astonishing rapidity. If he should be found, he is brought before the court and it may happen that if he has any money at all he will contest the proceedings in the Supreme Court, as was done recently. The Supreme Court has decided that an order of the lower court does not bear the imprint of the law because a woman cannot issue a warrant for the whole of the arrears; she may issue one warrant for one week's arrears of payment. Is it fair and just that a woman should be denied the opportunity to recover more than one week's arrears. The Supreme Court has declared that the Act as it stands does not

empower a woman to do more than that. Thus, if a man buries himself in the fastnesses of Western Australia, a year's arrears may easily accumulate and his wife will be left with a family to maintain, and so fulfil a function that it was never intended should be hers. At the present time many women are obliged to maintain their children by having to clean offices or do washing for a miserable pittance, and then returning home to do their duty by their children. That kind of thing is not fair to the woman and her children, or even to the State. Then again the man's delinquencies fall upon the taxpayer, not that the taxpayer would begrudge assisting the children who are denied proper support, but he does object to an individual not shouldering his responsibilities. The Act as it stands at present provides a loophole that permits an individual to escape. It was never the intention of the Legislature that there should be such a loophole, and if members will examine the Bill they will find that its object is to close that loophole and give married women the protection that the Legislature intended they should have, and to which they are entitled to. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [5.5]: I strongly support the Bill. Shorn of all verbiage it simply means that the law will be tightened up so that irresponsible persons may be kept up to their responsibilities. I have no time for a man who is responsible for bringing children into the world and who is not prepared to support them. The only feature of the Bill to which exception may be taken, is its retrospective provision; it is provided that it shall operate back to the period of the passing of the parent Act. A few people are likely to be brought within its provisions and they, I suppose, will be those who have been hard put to it to meet their liabilities. However, we cannot have any sympathy for wilful defaulters, and therefore there should be no opposition to the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. R. BROWN (North-East) [5.10]: I do not intend to take up much time in discussing the various clauses of the Bill. There is, however, one which has raised some controversy, and the importance of which I intend to emphasise—I refer to Clause 5. It has been generally recognised that the Bill is humanitarian and members who have spoken have congratulated the promoters of it and declared that it should have been presented years ago. If legislation of this character had been introduced in days gone by I have no doubt that many miners on the Golden Mile who are not now with us would be alive. At the present time the seven-hour day is a recognised fact at Collie and the men there have been working that period for no less than six years. Therefore, I cannot see why this House should have any objection to including the provision in the Bill.

Hon. V. Hamersley: Why should it be embodied in an Act?

Hon. J. R. BROWN: Why should the conditions under which the employees of shops and factories work be embodied in an Act? Why should the hours during which shops and factories are to remain open be embodied in an Act? All the shops and factories have to open and close at certain hours whether they like it or not. Hotels are supposed to open and close at stipulated hours.

Hon. E. H. Harris: You say they are "supposed" to close?

Hon. J. R. BROWN: I never visit them after hours, so I do not know. Those who are in the habit of going there late at night may know more about it than I do. I am pleased that Mr. Holmes is here because he seems to think that whenever it is proposed to give workers shorter hours we are doing something that is not right. He is always dead against it. He is the absolute champion in this House against giving the workers any privileges. Under the seven-hour day system better results will be obtained. I know that Mr. Holmes will not admit that.

Hon. J. J. Holmes: Why limit it to seven hours, why not make it three?

Hon. J. R. BROWN: In 1918 the miners at Collie turned out 726 tons of coal per man per annum and in 1919 the amount was

740 tons, an aggregate for the two years of 1,466 tons. That was under eight-hour day conditions and on piece work. Working seven hours a day and again on piecework, in 1924 they turned out 814 tons per man per annum and in 1925, 836 tons, an aggregate of 1,650 tons. There we have nearly 200 tons more in the space of two years and working an hour less. I think I could tire out Mr. Holmes in an hour at that kind of work. There is a machine outside this building throwing into lorries sand that is being shovelled on to it by workmen. I would like to put Mr. Holmes on to that shovelling for five minutes and see how he would foam. When men are fresh, it is possible for them to do as much in seven hours as in eight. Once a man begins to tire, he cannot do the same amount of work. So I say a man will do more in seven hours than he will in eight hours. There are many things that, under our laws, must not be done. It is not lawful for a man to commit suicide or manslaughter. But if you let these miners go down into the bowels of the earth and work unduly long hours, you are allowing them to commit slow suicide, and so the boss in charge of them is committing manslaughter. The only difference between that and running over a man with a motor car is that the latter method is a bit more sudden. These men are not asking for anything they have not got at present, for they have the 7-hour day by an agreement between themselves and the employers. But they want it definitely in the Bill because, if another coal mining company should start operations, it might not be prepared to sign the existing agreement. The bosses are satisfied with the 7-hour day and so, too, are the men. There is nothing hasty about this proposed legislation. The men have tested it for six years in order to make sure the 7-hour day was workable. Everybody concerned now agrees that it is workable. Agreements may be broken, but let this 7-hour day principle be placed on the statute-book and it will be there for keeps. If we do not give the men this that they are asking for, we are not a House of review at all, but merely a party House. Mr. Cornell is in favour of the 7-hour day, but not until the conditions are so bad as to positively demand it.

Hon. G. W. Miles: Nonsense! He said he was in favour of it unconditionally.

Hon. E. H. Harris: At what depth do you think a mine ought to be before the 7-hour day is warranted.

Hon. J. R. BROWN: As soon as a man gets his head below the surface he is a miner, whether he be down 10 feet or 1,000 feet. So we should not wait until the depth of a mine demands the 7-hour day.

Hon. J. Nicholson: What about a man working in a tunnel?

Hon. J. R. BROWN: We are talking now, not about tunnels, but about coal mine regulations. If those regulations had been in force on the goldfields when the men were working a seven-hour shift, we should have had much fewer men suffering from miners' phthisis to-day. I hope the Bill will go through without amendment. I will support the second reading.

HON. J. E. DODD (South) [5.20]: We are assured that the Bill is merely to verify an agreement between the miners' union and the mining companies of Collie. The Bill is unique, inasmuch as we find the employer and the employee have agreed to every detail in it. Not only that, but the member for the district in another place, who is a member of the Government party and an old coal miner of long experience, who knows as much about coal mining as does any other man in Western Australia, was the chief sponsor for the Bill in the Assembly; whilst in this Chamber the late Leader of the House, a representative of the National Party, is perhaps the Bill's chief sponsor. Surely that makes the Bill unique amongst all those that have come before us. It brings us nearer to that Utopian legislation in which Plato believed, and of which, many hundred years later, Sir Thomas Moore wrote in his work "Utopia." I do not intend to say much about the industry. Few will deny the value of the coal mining industry to the State, and fewer still will dispute the value that it was to us during the war period. There are other factors of which something may be said, and probably will be said as the years go by, in respect of the Collie coal mining industry; but that time is not yet. When I read Sir John Monash's address on the brown coal in Victoria, and learnt what was being done there in regard to utilising that low-grade coal, I was astounded. One can visualise the future of Western Australia when these immense deposits at Collie shall be put to a similar use. To my mind the principal clauses in the Bill are those relating to hours, the appointment of managers, and the humanitarian part

dealing with change houses, baths, etc. In regard to hours, unlike Mr. Ewing I have no apparent inconsistency to reconcile. I am going to support the Bill and the inclusion of hours in the Bill. I do so because I have always supported, and have introduced, measures containing limitation of hours. I point out, as Mr. Ewing did, that such limitations have been embodied in Bills introduced subsequently to the passing of the Industrial Arbitration Act. In the Mines Regulation Act of 1906, six years after the first Industrial Arbitration Act, is a provision for the limitation of hours to 48 per week. The Early Closing Act of 1904 also had a limitation of hours, the maximum for a shop employee being 56 per week. The Shops and Factories Act passed by this Chamber during the last year of Mr. Colebatch's regime as Minister, I think in 1922, contained a provision limiting hours, the hours during which women might work being fixed at 44 per week. I think other limitations were also included in that measure. So it is no inconsistency on the part of the Government to include in the Bill a limitation of hours. On general principles it seems desirable that the question of hours should be left to the Arbitration Court. But it is too late in the day to make that objection. Mr. Davies, when Acting President of the Arbitration Court and asked to adjudicate upon the question of hours, refused to do so because Parliament had not given a lead. So members will see where we stand: The Acting President of the Arbitration Court says, "I will not deal with hours, because Parliament has not given us a lead." Then Parliament turns round and says, "We will not deal with hours, because it is the function of the Arbitration Court." It is generally agreed that mines are the worst places in which men can work. I do not know of any other industry in Australia that is worse than the mining industry from that point of view. Coal mines are the best mines in which men can work. Still, there are diseases and disabilities connected with work in coal mines, and they make it necessary that there should be a limit to the hours worked in a shift. Of course, the disabilities of working in a coal mine are as nothing compared with the disabilities of working in deep gold mines. It is fortunate there is no miners' phthisis, as we know it in coal mines; indeed I am inclined to think the coal offers a resistance to that disease. However there are in coal mines such things as anthracosis and rheumatism and other complaints. Possibly 100 years hence our descendants will look back and shudder at the conditions in which men worked in our time, just as we look back and shudder at the conditions in which our ancestors worked. I am glad Mr. Brown has mentioned the tonnage raised by the men in 1918 and in 1926. I should like to know the exact tonnage raised 20 years ago per man, and what it is to-day, in order to see what part machinery has played in increasing the output.

Hon. J. R. Brown: You will find in "Hansard" the tonnage of ten years back.

Hon. J. E. DODD: There is in statistics much that is useless, but if we could find out the difference between the tonnage of 20 years ago and that of to-day, it would afford us a better idea of the part machinery has played in increasing the output. I have often said the worker, as well as the rest of the community, is entitled to some of the benefits accruing from the introduction of machinery. There are factories that flourish under the tariff, which unfortunately primary industry has to pay. Although the coal-mining industry at Collie may be a primary industry, it is in a very fortunate position as compared with some other primary industries. I shall support the retention of the clause dealing with hours. I am not altogether in accord with the provisions of the Bill as they touch upon managers. It provides that the manager shall have five years' practical experience underground. That may be all right at present, because in Collie the whole of the companies are amalgamated. Probably in the years to come there may be other coal mines in Western Australia. It seems to me we are limiting the avenues from which we may get good managers by insisting that they shall have five years' practical experience underground. To-day some of our best managers in mines are those who have had no experience in mining, particularly underground mining. A manager to-day has to be a good administrator and organiser, especially in the case of a big mine. It is possible that by insisting upon this practical work underground we shall limit the avenues from which it may be possible to get good men for the management of a mine. Undoubtedly an underground manager should have a thoroughly practical experience of underground work.

Hon. J. Cornell: That is all that is required.

Hon. J. E. DODD: The principle may be all very well at present, but in the future other coalfields may be established, and the difficulty I have indicated may arise. With regard to the funds for relieving distressed miners, I should like to pay a tribute to miners, not only coal miners, but all miners. I know no class of men who do so much in the way of looking after the distress that is brought about by mining, and in the way of paying for their own hospital accommodation and other similar matters, than those who make up the mining community. At Collie there is a fine scheme for the provision of hospital accommodation. There is also one on the goldfields, where the miners have paid for their own hospital accommodation for years. There is also a fund for the relief of distress. I know from experience of these funds what wonderful work is being done in the matter of relieving cases of distress. No men are doing more in this direction than those associated with the mining industry. If that spirit existed all over the State the hospitals would not be in the precarious position they find themselves in to-day. The companies as well as the men are supporting this fund, and are doing very meritorious work. The Bill is one to which we are asked to give our blessing. Although something may be said against it, seeing that all parties concerned have agreed to it I trust the House will pass it without material alteration.

HON. E. H. HARRIS (North-East) [5.35]: We have been told that the Bill has come before us as a result of a conference between the employers and employees. When the Minister for Mines went to Collie I believe he was met by a brass band which marched ahead of him to the conference. I do not know if the music had a good effect, but I do understand that both parties agreed to the various clauses that are set out in the Bill. The important feature of the measure is the clause relating to hours. In other measures we have agreed to provide for the hours. It has been argued that this is the function of the court. I would point out that the Government may enter into an agreement with employees to give them certain hours without referring the matter to the court. In other cases the concession is embodied in a Bill. If we may judge by the vote that was taken in this House when the Government brought down the Eight Hours Bill, providing for a 44-hour week, this particular Bill, if members are consistent, will be defeated as regards that particular clause. I voted for the 44-hour week, and intend to vote for the retention of the clause in this Bill. If members are consistent in their voting, we shall know where we stand. After listening to Mr. Ewing I was reminded of the story of Saul of Tarsus. After having received a visitation of the Spirit he was smitten prone. He then stood up and preached a doctrine which he formerly denied. In support of what I say, I have here a copy of "Hansard" of last session dealing with the Industrial Arbitration Act Amendment Bill. On that occasion Mr. Ewing said—

> It seems to me in these things it should be the duty of the court to fix the hours of work. The Government, as it were, are desirous of becoming employers and all the unions associated with the Government should go before the Arbitration Court to fix wages, hours and conditions.

When we were dealing with the Eight Hours Bill Mr. Ewing said—

> We are asked to give the court not power, but an instruction to grant a 44-hour week.

If that be so, we are now giving the court an instruction to give a 42-hour week, seven hours in each day. The hon. member objected to a 44-hour week, but is now supporting one of 42-hours. He went on to say—

> If the Bill be carried the court will be bound to award not less than 44 hours in any industry, but how can we, a deliberative body, without having evidence before us, decide whether industries shall work 48, 44, or 42 hours a week

I do not know that we have any evidence before us on this point.

Hon. J. R. Brown: Do the Collie miners work on Saturday?

Hon. E. H. HARRIS: I do not know.

Hon. J. R. Brown: I do not think they do.

Hon. E. H. HARRIS: On the goldfields the miners work four hours on Saturday.

Hon. J. R. Brown: They work only 35 hours a week.

Hon. E. H. HARRIS: The only evidence we have before us is that both employers and employees have agreed on this question. Rather than, as they frequently do, work in competition with each other, the parties in this case are working in conjuction with one another. It is a pity we cannot provide

for a seven-hour day in perhaps some industry other than the coal mining industry.

Hon. J. R. Brown: We will leave that until later.

Hon. E. H. HARRIS: I do not intend to deal with the ravages of disease connected with this industry. In the mining industry we are limited to what we may do because of the limit that is placed on the value of the product. In the coal mining industry the cost can be passed on. If the parties decide to work on four days a week and the price of coal increases, the cost can be passed on to all the industries in the State.

Hon. J. Ewing: It was approved by Parliament in 1902.

Hon. E. H. HARRIS: I know that. I looked up the whole debate after Mr. Ewing's speech, to see what he had said under that heading. I find there is practically no argument, even in the second reading speeches of the Ministers in both Chambers, as to why the 48-hour week was introduced. In the Mines Regulation Act a 48-hour week is provided. Notwithstanding that the court has awarded a 44-hour week for underground workers, this other provision is still retained in the Act. It is left entirely to the court. The Act says they shall not work more than 48 hours. So long as the men are getting what is required, I do not know that it matters much whether this is embodied in an Act or not. I will now refer to the clause dealing with service certificates. It is intended to abolish service certificates. We were dealing with this question on the Navigation Bill yesterday. It was pointed out that men who had been in charge of certain machinery, and who were qualified, should have certain certificates granted to them, and should be recognised if they came from other parts. By the amendment of Section 24, in the Bill before us, it is sought to abolish these certificates. There is only one coal mining field in this State. Men may come here from coalfields in England or South Wales. If they have had the experience, it should be possible for them to get employment. The same thing would apply to mine managers. If a man came here with five or ten years' experience his qualifications should be recognised. Certificates issued in New South Wales should be recognised here if a qualified man is prepared to undertake work in this State.

Hon. J. Ewing: He would have to pass an examination.

Hon. E. H. HARRIS: Provision for penalties is made in Clause 19. It would seem that a man may be liable for two or three penalties for one breach. Reference is made to an employer, an owner, an agent or a manager, and all of them shall be severally liable to a penalty. A man may be an employer, and be the owner as well as the manager. He would, therefore, be liable to three penalties for the one offence. There is a reference in the Bill to sinking pumps, borers and coal cutters' machines not being deemed to be machinery within the meaning of the subsection. I am not acquainted with the class of pumping engines used in Collie mines, but if they are to work by steam with a boiler beyond eight horse-power, or a pump is pumping more than 6,000 gallons per hour, they come within the scope of the Inspection of Machinery Act. I just draw the Honorary Minister's attention to the point. In my opinion, the amendment suggested would be ultra vires, or at all events out of place. These are the only features of the Bill I propose to deal with, apart from the question of what is a skilled miner. It is provided that at least 50 per cent. of the men employed in a coal mine shall be skilled miners. Mr. Brown, replying to an interjection, said a miner was a man who poked his head underground. Under that definition a man who stood on his head in a hole would be a miner.

Hon. J. R. Brown: I said, anyone who had his head six feet underground. I said nothing about standing on one's head.

Hon. E. H. HARRIS: There is no definition of "miner" or "skilled miner" in the principal Act or in this Bill. If we are to provide by legislation that at least 50 per cent. of the men employed shall be skilled miners, there should be at least some rough definition of "skilled miner." Further, provision should be made for instruction in mining being given by some qualified person, preferably a skilled machine man.

Hon. J. Ewing: A skilled miner must have at least two years' experience.

Hon. E. H. HARRIS: I support the second reading, and in Committee I shall have one or two minor amendments to propose.

HON. W. J. MANN (South-West) [5.48]: The Bill asks the House to sanction a number of amendments to the parent Act,

which was passed 24 years ago. In the natural evolution of the coal-mining industry changes have occurred, and it is necessary to embody the results of an experience extending over nearly a quarter of a century in existing legislation. Though some 20 amendments are proposed by the Bill, only one or two are at all contentious. Mr. Dodd said that in some respects the Bill is unique. I agree with the hon. member, and wish to add that the measure represents not only a unique experience but also a most pleasing one, inasmuch as here we have a case where employers and workers have agreed to a set of amendments for the betterment of their mutual conditions. In the circumstances there is little for this House to do except carry out its duty of safeguarding the interests of the consumers of the product of the Collie mines. Clause 5, dealing with work underground, seems slightly distasteful to some members. In order to fathom what was in the minds of the framers of the original Act I have taken the trouble to read up the debates. The measure was introduced by Mr. Ewing, who is recognised as an authority on coal mining. As Mr. Harris has rightly said, there was little debate on any of the provisions of the measure.

Hon. J. J. Holmes: Did not Mr. Nanson object to that Bill?

Hon. W. J. MANN: I did not discover his objection. The Bill was referred to a select committee, one of whom was an exminer while the others were men chosen for their knowledge of the industry. The select committee, in their wisdom, approved of the measure, which embodied a provision as to working hours. For 18 years the Act remained untouched, and for 18 years the coal miners worked eight hours. Then in the course of evolution came the question of shorter hours, and as the result of a conference between men and owners the seven hours from bank to bank was agreed to. Now we are asked to embody that arrangement in the present Bill, on the lines of what was done in the Act of 1902. I have listened attentively, but in vain, for any real and convincing reason against the proposal. The industry has been carried on most successfully during the six years over which the system of seven hours bank to bank has already extended, and we have the gratifying information that more coal is being hewn in seven hours than was previously hewn in eight. Moreover, during that period there has been no increase in the rate of wages at Collie. For that reason there is, in my opinion, no ground to fear an increase in the price of coal. Indeed, if the men can now hew as much coal in seven hours as they formerly hewed in eight, the public may be entitled to look for some reduction of price, since the overhead costs of mining would be less for seven hours than for eight.

Hon. J. J. Holmes: You know that the Collie miners are on contract work.

Hon. W. J. MANN: I fully understand that they are on piecework, but the working costs now should not be greater, but should be less, than formerly. One phase of the situation which the Government should bear in mind is that the Collie miners have demonstrated forcibly the advantages of the piecework system. That system might, with great benefit, be extended to many other industries. Having regard to this case, concerning which Mr. Brown and other members have quoted conclusive figures, we have a perfect right to suggest that the Government should not overlook the piecework system when dealing with other industries. It is not necessary to refer at length to the superannuation provisions of the Bill. It will be agreed that they are most praiseworthy, especially as the miners and the mine owners are providing the whole of the money required. The Government are not being asked to subscribe one penny. Unquestionably the provisions of the Bill will prove a great boon to the industry. I have pleasure in supporting the second reading.

HON. J. J. HOLMES (North) [5.55]: I wish to preface my remarks by an appreciation of the wonderful benefit the Collie coal industry has been to Western Australia, particularly during the war period, when coal was an all-important consideration. The fuel we have at Collie will go a long way towards overcoming the many difficulties incidental to the establishment of secondary industries in Western Australa. It is pleasing to note that in Collie the employers and the employees are a happy family—perhaps I had better qualify that by adding, for the time being. At Collie the employers and the employees seem to take an interest in one another's affairs, and also an interest in the welfare of the afflicted and of those who fall by the wayside. That, probably, is an effect of the system under which the coal mines are worked, the piece work system. At Collie

a man is paid according to the amount of work he does. If we could only introduce that system of goodfellowship and piece work into the other industries of Western Australia, we would indeed accomplish much. Many factories in the Eastern States have the piece work system, whereas in Western Australia the very suggestion that the worker, by giving his whole attention to his job, could earn considerably increased wages seems to be like a red rag to a bull in the case of those who profess to have the welfare of the working man at heart and attempt, by the day work system, to limit output. Thus they keep the worker poor, and they will continue to keep him poor until he is given the opportunity of earning as much as he is capable of earning within a limited number of hours. The object of the Bill is really to ratify an agreement entered into by employers and employees at Collie, but in my opinion it goes further and seeks to undermine the Arbitration Act. In connection with last year's amendment of that Act this House took a definite stand on certain important principles. It seems strange that Ministers should bring in this Bill to ratify an agreement between mine owners and miners as to working hours, whilst those same Ministers go behind Parliament and behind the Arbitration Court to make agreements with their employees as to hours and other conditions, without ever asking for ratification. It is rather a burlesque position. The seven-hours principle introduced into this Bill has been referred to as representing 42 hours per week, but it seems to me to represent 35 hours per week.

Hon. J. Ewing: How is that?

Hon. J. J. HOLMES: Because the men work only five days per week.

Hon. J. Ewing: That is not correct.

Hon. J. J. HOLMES: According to Mr. Brown and some other members, better results can be achieved from a week of 44 hours than from one of 48.

Hon. J. R. Brown: That is so.

Hon. J. J. HOLMES: If that line of argument is sound, still better results would accrue from a working week of 35 hours. This House is a House of review, and if it is to maintain the reputation which it has made, and which it should be proud of, we must be consistent. I am astounded at the present attitude of Mr. Ewing, who last session fought shoulder to shoulder with us to establish the principle that it is the duty of the Arbitration Court, with the evidence before it, and not the duty of Parliament, without the evidence, to fix working hours. Yet in the following session, instead of viewing the question from an unbiassed standpoint, merely because Collie happens to be in the backyard, so to speak, of the hon. member's province, he is willing to sacrifice the principle and vote for the Bill in order that he may gain a little kudos at the next election.

Hon. J. Ewing: I have no desire to do that at all. It is a matter of principle alone with me.

Hon. J. J. HOLMES: That is all that I ask of the hon. member, namely, that he will vote on principle. The hon. member will learn in due course that if he continues to fight for principles and adheres to the utterances he has made in that direction, he will be more supported and respected than he will be if he, as it were, slips merely because this affects his own province.

Hon. J. Ewing: I would slip if I acted otherwise.

Hon. J. J. HOLMES: The hon. member has qualified his attitude by saying that he will not make this a precedent and puts forward the excuse that we provided for an eight-hour day in the Coal Mines Act and that at that time there was an Arbitration Act in existence. I have taken the trouble to look up the Acts and I find that the Arbitration Act and the Coal Mines Act were assented to on the one day.

Hon. J. Ewing: There was an Act before that in 1895. You did not look that up.

Hon. J. J. HOLMES: Even assuming there was a previous Act in existence, I do not think it established an Arbitration Court.

Hon. J. E. Dodd: The first Arbitration Act was passed in 1900 and the second in 1902.

Hon. J. J. HOLMES: Well, I will put that aside. The fact remains that for many years Parliament has been dabbling with arbitration and the Arbitration Court has been doing so too, with the result that there has been chaos. After our experience in that connection, Parliament by a large majority decided that it was the duty of the court to determine the hours of labour, wages, and so forth. For my part it will continue to be the duty of the court so long as I occupy a seat in this Chamber. I shall not attempt to interfere with the jurisdiction of the Arbitration Court or any other court. This House has laid it down as being

within the province of the court and not of Parliament to undertake these duties, and I hope the House will continue to adopt that attitude. I will not be a party to taking away any of the powers or authorities that have already been given to the court. Parliament has fixed in an old Act that not more than eight hours shall be worked in any particular day. That, as it were, is a contract as between Parliament and the workers and the employers, and I will not be a party to altering it.

Hon. J. Ewing: That is exactly my position.

Hon. J. J. HOLMES: I shall strongly oppose any attempt to introduce a seven-hour day as set out in the Bill, being firmly convinced that that function should be the duty of the court and not of Parliament.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—NAVIGATION ACT AMENDMENT.

Second Reading.

Order of the day read for the resumption of the debate on the second reading from the 21st September.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Repeal of Section 30 and substitution of new section:

Hon. E. H. HARRIS: Paragraph (a) of proposed new Section 30, Subsection 1, refers to certificates granted under Part III. of the Merchant Shipping Act. I have looked the Act up and I find that it is Part II. that refers to certificates of competency. The reference to Part III. in the Bill is obviously a misprint.

The HONORARY MINISTER: Mr. Harris is correct. I move an amendment—

That in line 6 "Part III." be struck out, and "Part II." be inserted in lieu.

Amendment put and passed.

Hon. E. H. HARRIS: Paragraph (c) of the proposed new section refers to ships not propelled by steam and not used in trade or commerce or for the purpose of gain. Does that mean that pleasure boats that may occasionally ply for hire will have to be driven by a man possessing a certificate of competency?

The HONORARY MINISTER: No. Such boats will not come within the scope of the measure. Only boats regularly plying for hire will be included. If occasionally a boat used for pleasure happens, because of some private arrangement regarding hiring, to ply for hire, it will not be affected.

Clause, as previously amended, put and passed.

Clause 4—Repeal of Section 31 and substitution of a new section:

Hon. J. J. HOLMES: Subclause 1 requires that the owner of every ship shall cause it to be surveyed once at least every year by a shipwright surveyor. How will that affect boats permanently located in the far North? Will they have to sail South in order to be surveyed by a shipwright here or will a shipwright have to proceed to the North? The position is quite different in the South. Is this another penalty on the North?

The HONORARY MINISTER: No attempt is made to penalise the North. This merely gives the Government power to require a survey to be made at certain periods of the year if it is deemed necessary to do so. The proposed amendment regarding Clause 12 will overcome the objection raised by Mr. Holmes, for it will practically exempt boats in the North.

Hon. G. W. Miles: But that exemption will be as regards Clause 12 only.

The HONORARY MINISTER: But that shows that the Government do not desire to penalise boats in the North. I will report progress at this stage.

Progress reported.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) I move—

That the House at its rising adjourn till 4.30 p.m. on Tuesday, the 5th October.

Question put and passed.

House adjourned at 6.15 p.m.