

## NOES.

Hon. R. G. Ardagh	Hon. J. M. Macfarlane
Hon. W. Carroll	Hon. H. Seddon
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	(Teller.)
Hon. R. J. Lynn	

Question thus passed.

Bill read a second time.

*House adjourned at 6.11 p.m.*

## Legislative Assembly.

*Thursday, 15th November, 1923.*

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

### ELECTORAL—FORREST.

#### *Vacancy declared.*

The Deputy Speaker announced the receipt of a letter, signed by two members of the Legislative Assembly, certifying that the member for Forrest had died on the 13th of November.

On motion by the Premier ordered: That owing to the death of Mr. Peter O'Loughlen, late member for Forrest, the Forrest seat be declared vacant, and the Deputy Speaker be authorised to issue a writ for the election of a new member.

### QUESTION—STATE HOTELS, PAPERS.

Hon. W. C. ANGWIN (without notice) asked the Colonial Secretary: When will he place on the Table the papers regarding State Hotels, as ordered last week?

The COLONIAL SECRETARY: I have the papers, and I will place them on the Table of the House immediately.

### URGENCY MOTION—MINING INDUSTRY.

#### *Arbitration Court award.*

Mr. DEPUTY SPEAKER: I have received from the member for Hannans (Mr. Munsie) the following letter under to-day's date:—

When the House meets to-day it is my intention, as a matter of urgency, to move, "That the House do now adjourn," in order to draw attention to the minutes just issued by the Arbitration Court reducing by nine shillings per week the wages of all workers engaged in the mining industry in the Yilgarn, Coolgardie, Broad Arrow, Dundas, East Coolgardie, North Coolgardie, North-East Coolgardie, Mt. Margaret, and East Murchison Goldfields, and to urgently draw attention to the necessity of the House being made aware of the industrial unrest and the menace of State-wide dimensions involved in the said minutes.

It will be necessary for seven members to rise in their places and indicate their approval in order that the request may be granted.

Seven members having risen in their places,

Mr. MUNSIE (Hannans) [4.40]: I move—

*That the House do now adjourn.*

I regret the necessity that has arisen for the moving of such a motion. I emphasise the fact that for years past the policy adopted in this State has been to settle all industrial disputes by means of arbitration. If we are to continue to adopt that method of settlement in the future, some notice will have to be taken of the award, the minutes of which have just been issued by the Arbitration Court. I will briefly traverse the history of the mining industry of Western Australia, as it has been affected from the wages standpoint since 1917. In that year, after a delay of some ten months, the mining section of the Australian Workers' Union—it was then known as the Federated Miners' Union—succeeded in having their case heard by the Federal Arbitration Court. When the Federal Court issued its award, the wages of many men were reduced by from 9d. to 6d. per day, while increases were granted in some instances. Miners working underground had their wages increased by the magnificent sum of 1d. per day, bringing the minimum for the underground worker from 11s. 2d. to 11s. 3d. The award also increased the minimum wage for the surface workers from 10s. 9d. to 11s. 3d. per day, or an increase of 6d. per day. The duration of that award was for three months subsequent to peace being declared. While the wages of every other section of the community throughout Western Australia and the Commonwealth, and almost throughout the whole civilised world, were increased, the unfortunate workers at Kalgoorlie had to abide by the 1917 award. Immediately peace was declared, the organisation approached the court for a variation of the award, but were told that the court could not deal with the matter until the Allies had signed peace

treaties with the whole of the nations that had been opposed to them during hostilities. That went on until April, 1920. I admit that as a result of a conference the men secured one small increase just prior to that date. The men working in the mining industry were the lowest paid in the Commonwealth.

Mr. Underwood: You mean the men in the gold-mining industry.

Mr. MUNSIE: Yes. They were paid less than any other section of the mining community during the whole period of the war, even with the increase granted by the employers. They abided loyally by the decision. In 1920 they succeeded in getting before the State Arbitration Court. The case was heard by Mr. Justice Burnside, and the result was that he increased the minimum from 11s. 3d. to 16s. per day. Even with that enormous increase these men, with one exception, were still the lowest paid miners in Australia. The men accepted the award with high glee. It came into operation on the 1st January, 1921, and had a duration of 12 months. Later on an application was made by the employers for an all-round reduction of 2s. per day—a decrease from 16s. to 14s. per day. Mr. Justice Draper awarded a minimum of 15s. per day. The award came into operation on the 15th June, 1922, and had a currency of two years. Clause 29 of the award, however, provided that either party at the expiration of 12 months might apply for a variation. Immediately the 12 months had expired the Chamber of Mines applied to the Arbitration Court for a variation, and sought a reduction from 15s. to 13s. per day. It would be interesting to the whole of the workers to be informed exactly what influence was responsible for the Chamber of Mines' application being heard ahead of the applications of many unions, some of which had been lodged 18 months prior to that of the Chamber of Mines.

Mr. Lutey: The Chamber of Mines had the biggest pull.

Mr. MUNSIE: What influence was brought to bear to get the case of the Chamber of Mines heard before that of the other organisations? Some of the unions had awards extending over 12 months and required an interpretation of some of the clauses, but those awards have expired and the cases have not been heard. Yet the Chamber of Mines, applying for a reduction, was able to get its case heard almost at once. The court in its latest judgment has disregarded every precedent set up by every Arbitration Court, State or Federal, throughout Australia in granting on the evidence submitted a reduction of 1s. 6d. per day. I say that knowing it to be true. A question agitating the minds of many people is why Mr. Justice Draper did not hear the case, and I say the queries asked and the suspicions entertained are absolutely justified. Mr. Justice Draper was the President of the Arbitration Court. I say emphatically that the workers do not regard him as a fair president. Still, Mr. Justice Draper could not have gone to Kalgoorlie and given a decision such as his brother judge has given.

It would not have been possible for him to swallow the words he uttered in delivering the previous award. Seeing Mr. Justice Draper was president of the court, how came he to get permission to go to the North-West to try a charge of murder against three aborigines, who had practically pleaded guilty while another judge was sent to hear the Kalgoorlie case? I repeat that Mr. Justice Draper could not have gone back on the words he uttered on the previous occasion. In delivering his award he said—

In an award which was finalised in the Arbitration Court either shortly before or during the hearing of this case—I refer to the engine-drivers' award, which is of general application—the President of the Federal Court fixed the basic wage for Kalgoorlie at 13s. 8d., which includes a district allowance of 5d. per day. Deducting the 5d. we get 13s. 3d., which does not agree with the 12s. 8d. of Kuibbs' figures taken over the average of the past 12 months. If I look at the last mining award delivered in this State by this court, of which I was not then a member—

He was referring Mr. Justice Burnside's award—

I get no assistance, as I do not understand how the minimum wage of 14s. per day was made up, nor what was its basis. The actual basic wage in Kalgoorlie has not been proved before us, and in these circumstances I would estimate 13s. 3d. as the cost of living in Kalgoorlie to-day, but it must be borne in mind that this can only be an estimate. In addition to the bare cost of living, we have to consider and make some allowance for the risks of the industry both to body and health. Accidents occur, sometimes fatal, not, I am glad to say, frequently. Cases of the type of miners' phthisis are still not uncommon. Some allowance must be made for these, but it is impossible to state the amount accurately. We have also to consider the ordinary comforts of life in a mining camp. Kalgoorlie itself does not suffer from isolation. The climate is healthy, but hot and dusty in the summer, and the class of dwellings occupied by the miners on the goldfields must be taken into consideration, and also, outside of Kalgoorlie the factor of isolation. An allowance of a general nature has been made. The minimum wage fixed by the court is 15s. per day, payable under a contract of daily service.

The Premier: When was that?

Mr. MUNSIE: On the 8th June, 1922. In delivering the award Mr. Justice Draper said the previous award given by Mr. Justice Burnside did not assist him to establish a basic wage. On Kuibbs's figures, he contended, the basic wage was 13s. 3d. per day. Then he said in effect that the court to be fair must make some allowance for the risk incurred by the men working in the industry, and he allowed 1s. 9d. per day for that, bringing the basic wage to 15s. per day. The employees' advocate, or I should say the

employees' representative on the court when the award was delivered—

Mr. Underwood: He was an advocate all the same.

Mr. MUNSIE: And not a bad one, either.

The Premier: He could not be an advocate and a judge too.

Mr. MUNSIE: I referred to him as the employees' representative; he is nominated by the unions. Mr. Good is the employers' representative because he is nominated by the employers.

The Minister for Mines: Mr. McNeil is the employers' representative now.

Mr. MUNSIE: That is right; Mr. McNeil succeeded Mr. Good.

Mr. Underwood: Neither of them should be on the court, of course.

Mr. MUNSIE: I am not arguing that at present. If the court is going to carry on as it has done in this instance, not either of the three members should be there. Mr. Justice Draper allowed 1s. 9d. per day to cover the risks of the industry. It would not have been possible for him to go back to Kalgoorlie, take Knibbs's figures as a guide, and give the men a minimum of 13s. 6d. per day. Sooner than make him swallow his own words, it was convenient to find means to transfer him to the North-West, sending to the goldfields another judge who had not any words to swallow.

The Premier: Convenient for whom?

Mr. MUNSIE: Convenient for Mr. Justice Draper and convenient for the employers.

The Premier: They have no control over the court.

Mr. MUNSIE: The whole substance of the argument advanced—Mr. Somerville directed attention to it in his comments—was that if the prevailing rate continued, the mining industry must go down; it could not live under such a minimum wage. The advocate of the Chamber of Mines, Mr. Bloxsome, went so far as to say that, even with the gold premium, wages being as they were prior to the award and the Ivanhoe mine working as it had been doing, they were making a loss of £6,000 per month and could not possibly continue. Mr. Somerville pointed out that if wages were to be attacked to make good that £6,000 per month, the workers in Kalgoorlie would have to accept a minimum of 7s. per day. That was all the mine could pay if the whole of the £6,000 loss was to be covered by a reduction of wages. Mr. Somerville wanted to know why other sources of expense were not attacked. He said it was proved in evidence that the cost of mining requisites, including firewood, had increased by 59 per cent., while wages, even under Mr. Justice Burnside's award, represented an increase of only 48 per cent. When we remember that fuel represents a big item and that there had been only one slight increase in the cost of fuel, the cost of other commodities must have been enormous. Why was not some effort made to attack the cost of mining requisites generally instead of attacking wages? Mr. Somerville said—

Public attention is concentrated on what are called "high wages." The fact that the mining industry is being gutted and destroyed by the exactions of monopolistic trusts controlling essential supplies, such as chemicals and explosives, is kept in the background. Another matter about which we were given some astonishing figures was taxation. In 1921 the Horseshoe mine paid £27,000 in taxation and the Ivanhoe £28,868. In the latter case £22,981 was English taxation. The same proportion of the £27,000 paid by the Horseshoe Mine would also be English taxation. The amounts in both cases are approximately one-quarter of the wage bill and sufficient in both cases to pay every man employed over 3s. per shift. Advantage was taken of the extreme needs of the nations at war to force the wages of capital, that is, interest, up at least 50 per cent., and the proposal now is to pinch the necessities of Australian workmen to pay English war bond holders a 50 per cent. increase. It would appear that the mines are being "gutted and destroyed" not by the workers, but to pay English war bond holders and the extortionate charges of foreign suppliers of mining essentials.

That statement was deserving of grave consideration. It was proved conclusively that the mining companies, to get supplies of explosives, were compelled to sign contracts for four years ahead, irrespective of whether wages might be reduced or whether the cost of explosives might come down. Speaking personally, if the existing state of affairs is to continue, if we are to have arbitration as a means of settling industrial disputes, then arbitration must be fair. I challenge and even defy the President of the Arbitration Court who gave the award in this case, to say that on the evidence submitted he has given a fair decision. I say emphatically he has not done so. The industrial workers on the goldfields are the most peaceful to be found on the face of God's earth, and if something cannot be done to alter the position, I cannot at this stage say what the outcome will be. I went to Kalgoorlie on the night before last in order to be present at the meeting that took place yesterday. I wish to commend the men of Kalgoorlie for the spirit they displayed at that gathering. There was no hot air thrown off, and no extraordinary speeches made by anyone. All the same, everyone recognised the seriousness of the position; all recognised that the mineowners had a grip over them. At the same time it was felt that if something was not done to alter the position that had been brought about in the last few days, there certainly would be trouble ahead of the State. The meeting carried a resolution agreeing to go back to work to-day; but the executive was asked to formulate a policy to come into operation if the award was adhered to. That is the principal reason for my bringing the subject before the House this afternoon. I desire to avert trouble, but sooner than see the men accept the reduction of 1s. 6d. per

day, I would ask them to throw themselves on the mercy of the Government and ask the Government to put them all on the land. It is not a fair proposition to expect men to work 3,000 feet below the level of the ground for 1s. 4d. less than the award rate given to workers engaged on the goldfields water supply scheme. Mr. Justice Draper gave this award to those labourers only six weeks ago, and even those men have anomalies that ought to be redressed. Mr. Justice Draper sees fit to award ordinary labourers engaged on the water scheme between Merradin and Kalgoorlie 14s. 10d. a day, and yet we find that miners who are compelled to work under difficult and trying conditions, are asked to accept 1s. 6d. a day less.

Mr. Underwood: And yet you want to put Justice Draper out of his position?

Mr. MUNSIE: I want both those judges out.

Mr. Underwood: And the Arbitration Court too?

Mr. MUNSIE: No; I wish to say emphatically that right up to date the workers have stood loyally by the Arbitration Court, in spite of the fact that that court has been two to one against them. It is now time that we had it the other way—two to one in our favour. It is said that if we comment on the decision given by a judge of the Arbitration Court, we are biased against him. What would be wrong with making Mr. McCallum president of the Arbitration Court, just to see whether the employers would say the same thing about him? I declare that Mr. McCallum is just as fair from his standpoint as Mr. Justice Draper is from his own point of view.

Mr. McCallum: I hope you are not comparing me with him.

Mr. MUNSIE: I am not comparing the hon. member with either of the Arbitration Court judges. The Premier declared that neither Mr. Justice Draper, nor Mr. Justice Northmore, nor Mr. Justice Burnside, was suited to be president of the Arbitration Court.

The Premier: I did not say they were not suited.

Mr. MUNSIE: But the Premier introduced a Bill to appoint somebody else. That is all we require. I am still in favour of arbitration, but do not want it any longer to be two to one against me. The award just given is absolutely unprecedented. Even when discussing the minutes in the court to-day, Mr. Somerville pointed out that the minimum wage in Kalgoorlie based on Knibbs' figures, and Mr. Justice Draper's last award, should be 15s. 2d. per day. Now they tell us that they are only going to have Knibbs' figures. Why not let us have them in this instance? If they are right when they mean something for the employers, we cannot be blamed for saying that they should be used when they are in our favour.

The Premier: Do you question them?

Mr. MUNSIE: I wish to remind the Premier that a former award questioned Knibbs' figures to that extent that we succeeded in

inducing the majority of members in this House to agree to a resolution favouring the appointment of a Royal Commission to fix a basic wage. The Premier has not given that matter any attention yet. We have always said that Knibbs' figures in regard to rent in the metropolitan area are positively ridiculous.

The Premier: What does he say rents are?

Mr. MUNSIE: I cannot tell the Premier from memory.

Mr. Underwood: His figures relating to the North-West are absurd.

Mr. MUNSIE: And his statistics regarding rents in the metropolitan area are equally absurd. The evidence that has been submitted to the Arbitration Court by householders regarding costs, has been swept aside. Bills and documents, authentic and properly signed, have been given in as testimony to show that Knibbs' figures were wrong, but the court has stuck to Knibbs' figures. But even on Knibbs' figures as they appear to-day, the miners in Kalgoorlie should be receiving 15s. 2d. Yet the court awards them 13s. 6d. I cannot at this stage say where the matter is going to end, but I tell the Premier candidly that I do not believe the men will accept the position that has arisen, simply because most of them are married men with families and it is absolutely impossible to live on the goldfields on 13s. 6d. per day.

The Premier: Have the minutes been discussed?

Mr. MUNSIE: Yes, to-day, and I have quoted the statement made by Mr. Somerville. Even on Knibbs' figures and on the award given by Mr. Justice Draper to the labourers employed on the water scheme, the minimum should have been 15s. 2d. I do not think there is anything further I can say. I urge the Government to try to do something in order to maintain that calm that has always existed on the goldfields. The Premier can depend upon it, however, that peace will not be maintained unless something is done to alter the ridiculous decision given by the Arbitration Court. I do not know what procedure can be followed, but something must be done. I submit the motion.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.13]: It is customary, when a member desires to move the adjournment of the House, to notify the head of the Government.

Mr. Munsie: In this instance I was not aware until this afternoon that I would take a step in this direction.

The PREMIER: Of course it is expected that the matter will be replied to and debated without any delay. All that the hon. member seeks permission to do is to draw attention to the award that has been given.

Mr. Willcock: And to what it will probably lead.

The PREMIER: The motion moved by the hon. member sets out that it is desired

to draw attention to the minutes just issued by the Arbitration Court.

Mr. Munsie: And to the gravity of the position.

The PREMIER: I did not know that the minutes had been discussed until the hon. member mentioned the fact this afternoon. I do not know whether the hon. member wishes arbitration to continue. If he does not, he should have told us why it is not satisfactory.

Mr. Munsie: I thought I told you that the award was against the weight of evidence.

The PREMIER: If by statute a tribunal is established to hear cases, then of course the Government are not responsible for the decisions that are given from time to time. How can this House be held responsible for what the court does? The hon. member is perfectly justified in calling the Chamber's attention to the fact that the wages have just been reduced by 9s. a week, and that a year ago they were reduced by 1s. per day. I have not had an opportunity of looking into Mr. Justice Northmore's award at all. The motion shows that Mr. Justice Draper is not a much loved man amongst the unionists. Let me dispel the idea that anyone had anything to do with Mr. Justice Draper's going north other than the proper authority. I do hope the hon. member does not even for a moment suggest that the mining companies approached the Government on this question, or that the Government permitted the mining companies, or anyone else, to approach them with regard to the constitution of the Arbitration Court. The Government do not arrange when or how a case shall be heard. The president of the Arbitration Court determines how cases shall be taken. There may be a great many cases before the court.

Mr. Munsie: Whenever a union applies to the court for an earlier hearing, the reply always is, "No, you must take your turn."

The PREMIER: All I know is that the authority which decides when a case is to be heard is the president of the Arbitration Court. Mr. Justice Draper did go north, and Mr. Justice Northmore took this case. I see no reason why Mr. Justice Draper should not go north, or why Mr. Justice Northmore should not take this case. I had not the faintest idea that anyone would take exception to the appointment of an acting president of the Arbitration Court. But I did know, and I do know, that Mr. Justice Draper has been objected to by the unions.

Mr. Munsie: Certainly.

Mr. Hughes: You have known that for a long time.

The PREMIER: Mr. Justice Draper's award of January, 1922, was applauded by the unions.

Mr. Munsie: I say he could not have got over the statement he made about making an allowance of 1s. 9d.

The PREMIER: The hon. member quoted at considerable length from Mr. Justice

Draper's award of 1922. Now it is suggested that Mr. Justice Draper was not permitted to take this case because it did not suit some party to the case. I wish to dispel that idea, and I ask the House not to listen to it for a moment. Mr. Justice Draper went north in the execution of his duty, and because he was very much run down and needed a rest. Notwithstanding the award of 1922, and notwithstanding the confidence which, apparently, my friends opposite then had in Mr. Justice Draper, there is a petition now being signed for his removal from the bench of the Arbitration Court. According to a statement published in the "West Australian" of the 13th October last, the metropolitan council of the A.L.P., on the preceding Thursday, decided to obtain signatures to a petition for Mr. Justice Draper's removal from the Arbitration Court.

Mr. Munsie: That is so. We shall go further, too, after this.

The PREMIER: From the "West Australian," of the 18th October, it appears that Mr. Millington again referred to the position, saying that the metropolitan council were opposed to Mr. Justice Draper, and that a petition was being signed for his removal from the bench. Moreover, from the "West Australian" of the 22nd October it appears that the Western Australian Amalgamated Society of Railway Employees at a meeting decided, by resolution, to co-operate with the metropolitan council of the A.L.P. in the preparation of a monster petition against the reinstatement of Mr. Justice Draper as president of the Arbitration Court. As late as the 9th of this month there was something more about the petition.

Mr. Munsie: You need not be surprised if you hear something more about it to-morrow.

Mr. Underwood: Why have an Arbitration Court at all then?

Mr. Munsie: There will be no court if this award stands, because you will not get another union to go to the court to be murdered.

The DEPUTY-SPEAKER: Order! I must ask hon. members to keep order.

The PREMIER: I merely mentioned the petition, because my friend opposite objected to the absence of Mr. Justice Draper from the hearing of this case. He said it was a pity that Mr. Justice Draper was away. Yet all the time his party are endeavouring to get up a petition for the removal of Mr. Justice Draper from the Arbitration Court bench.

Mr. Munsie: Quite consistent, too.

Mr. Hughes: Mr. Justice Draper was the lesser of two evils in this case.

The PREMIER: The attitude of hon. members opposite is very inconsistent. We shall have great difficulty in getting anybody to become president of the Arbitration Court if he is to be subjected to criticism and abuse every time he delivers an award. Both parties to a case cannot ever be quite satisfied with an award. One party must be dissatisfied. If, whenever an award is given, the

side which is dissatisfied is to have the right to come here and criticise not merely the award but also the judge himself, the position will become impossible, and no one can in such circumstances be expected to act as president of the Arbitration Court, especially if the dissatisfied side is to be at liberty to get up a petition for his removal.

Mr. Chesson: Who was responsible for the removal of Mr. Justice Burnside from the Arbitration Court?

The PREMIER: I do not know. I know that judges get very tired of the Arbitration Court work, and very often want to be relieved of it.

Mr. Hughes: The miners underground get very tired, too.

Hon. W. C. Angwin: Do you say that the judges want to be relieved of this work?

The PREMIER: Judges are always asking to be relieved of the Arbitration Court work. This House last session passed a Bill for the appointment of a permanent president of the Arbitration Court. The measure was rejected by another place. However, the point now is why Mr. Justice Draper was so strongly objected to by the mover of this motion and by those associated with him in the Labour movement. To-day we are told that if Mr. Justice Draper had heard this case, all would have been well.

Mr. Munsie: I said nothing of the sort. I said that if he had sat on this case he could not have swallowed his words. The other judge could easily cut those words out.

The PREMIER: The absence of Mr. Justice Draper, the hon. member led us to understand, was a bad thing for the union.

Mr. Munsie: It is a point which the union are justified in raising.

The PREMIER: But the union are not justified in asserting that there was a conspiracy between the Chamber of Mines and someone else to have Mr. Justice Draper taken from the Arbitration Court bench and another judge appointed in his place. No one is justified in suggesting that, at any rate. I hope the House will resent any statement of the kind, whether made within the Chamber or outside it. All that happened was that Mr. Justice Draper was run down and wanted a holiday, and accordingly went north. He tried cases there. In the meantime Mr. Justice Northmore was appointed in his place in the Arbitration Court. I am not going to discuss the award. I consider it no part of my duty to express any opinion on the award.

Mr. Lambert: The mine owners expressed an opinion on the Burnside award, and a very strong opinion, too.

Mr. Munsie: Yes, by promptly sacking about 2,000 men.

The PREMIER: We do not represent the mine owners, and I say again it is no part of the duty of this House to express an opinion on the present award or any other award. In fact, I have always refrained from saying more than absolutely necessary regarding the Arbitration Court, because the Government

themselves are large employers, and their cases are often before the court. Therefore I do not think it right that the Government should do anything which would influence the court one way or another. We have never done so. I do not know what the mine owners said about the Burnside award. I know, and everybody else knows, that they objected to the award; but they had to stand by it. There has never been an award given that has not been objected to by one side or the other. The Government cannot be held responsible for what either party to an award says, and the House will surely not for one moment ask the Government to accept responsibility for what anybody says. We are not here to represent either one side or the other, but to represent the whole of the people of this State. We must do our best for the whole of the people.

Mr. Munsie: You have a pretty shrewd idea that 13s. 6d. per day is not enough for a miner on the fields, especially if he has a family.

The PREMIER: I may have an idea, but I do not know that I am called upon to express an opinion, or that it would be right for me to do so. I certainly did not express an opinion on the previous award, and I shall not express an opinion as to the fairness of the present award. All I can say is that three gentlemen sitting on the Arbitration Court bench heard the evidence, and that the unions are quite capable of putting up a case, just as the mine owners are. Although I have not seen the evidence, and have not read anything of what went on before the court, I am certain, from my knowledge of the union representatives, that the union's case was very well presented. I know perfectly well that the union secretaries and representatives are capable men.

Mr. Lambert: But in the circumstances the presentation of the union's case was about as effective as firing a blank cartridge.

The PREMIER: Whilst the mover has a perfect right to call the attention of the House to the award which has been given, I do not know that he has any right to expect me to discuss the merits of the award. At any rate, I do not propose to do it. The hon. member has not suggested what can be done. Certainly he has said that unless arbitration can be made more satisfactory to the people who appear before the court, arbitration cannot stand.

Mr. Munsie: In a day or so, as the result of this award, you will get a couple of thousand applications from miners anxious to settle on the land.

The PREMIER: But they cannot all be settled in a day or so.

Mr. Munsie: They will be better off at 10s. a day on the land, than starving on the goldfields at 13s. 6d. with their families.

The PREMIER: The hon. member need not get cross. He has called the attention of the House to the case, and that is all his motion suggests should be done.

Mr. Munsie: The forms of the House would not allow me to suggest anything else.

**THE PREMIER:** To call attention to the case is all the hon. member desired to do, and he has done that, and I hope he will now be content to withdraw the motion. I do not know that any good purpose can be served by discussing it at length. The hon. member has suggested that the Government ought to do something. I do not know what the Government can do. As the hon. member very well knows, the Government are not above the law of the land. I should be very glad indeed if the Government could devise some form of arbitration which would be satisfactory and acceptable to all the people who appear before the court. It would be a very difficult thing to do, I know. It is almost beyond the power of the human mind to suggest a means of doing it. At all events, I know that the Arbitration Court cannot continue unless the people appearing before it are prepared to accept the decisions of the court.

**Hon. W. C. Angwin:** Are we to accept a thing whether it is right or wrong?

**THE PREMIER:** No, I did not say that.

**Hon. W. C. Angwin:** Well, this is wrong.

**THE PREMIER:** The hon. member says so.

**Hon. W. C. Angwin:** I should like to put the judge underground for a month to let him see what it is like.

**The Minister for Mines:** You would let him up after the first day.

**Hon. W. C. Angwin:** My father was a miner, but he had sense enough not to bring up his boys as miners. I should like to put the judge underground for a month.

**THE PREMIER:** I cannot see what the House can do about the award at this stage.

**Mr. Heron:** We shall have to do something.

**THE PREMIER:** It is all very well to say that. The court has decided this question, and there the position stands. I am not prepared to say that anything more can be done.

**Mr. McCALLUM (South Fremantle) [5.32]:** The Premier complains that the motion does not set out any line of action that the House or the Government should take. I do not know whether it is in the province of members on this side to suggest a line of action; but, surely, if it can be pointed out by us here that the court is not acting in the interests of the State, that its decisions are unsound and unjust, it is up to the Government to see to it that the position is remedied.

**The Premier:** But that is said by one side or the other after every award.

**Mr. McCALLUM:** If the court has acted unjustly, unfairly, beyond the limits of the law under which it operates, some action should be taken by the Government to see that the members of that court are brought to book. I have had considerable experience of disputes, both before and after they have been heard by the Arbitration Court, and I have always stood loyally for the principle of arbitration, even when it has not been too popular, when there has been a strong feeling amongst the trade unions that the Arbitration Court had outlived its usefulness

and that we, as a movement, should take a stand against it. I have always opposed that feeling, and on no occasion have I favoured any stoppage of work or other definite action by the men against the decision of the court. But I must confess that the recent decisions of the court have astounded me. In the miners' case the decision is atrocious. It has neither equity nor justice to support it. It cannot be considered fair in any degree at all. To attempt to justify the figures given, or to urge the miners in remote goldfields areas to submit to 13s. 6d. a day—the man who would urge them to do that has no instincts of human nature. The men situated in outback mining centres are to be sentenced to live on 13s. 6d. a day. Just imagine it! Three men supposed to have human instincts, supposed to know human nature, sentence their fellow beings to live in remote places and rear families on 13s. 6d. a day! It is shocking; it is a scandal! To say that a body should retain its title as a judicial court when it issues an award like that—I cannot stand to that, nor could I say that the men should submit to it. So astonished was I at the decision of the court, and so anxious to hear the arguments put up by those responsible for it, and to know what had prompted the judge and his colleague, the employers' representative, to agree to such figures, that I attended the court this morning and heard the judgment delivered by the three members of the court. As I understand the attitude of the judge, it is this: that all his predecessors have been wrong; that the whole of their decisions have been mistaken decisions; that he can find no logic nor argument with which to back any of them; that an artificial position has been created, and that he is the Messiah come amongst us to set things right; that his decision is the only one that can be classed as having equity to support it. Referring to the award delivered by Mr. Justice Burnside, giving the miners 16s. per day, the judge went on to say:—"I can find nothing to support that. I cannot understand why it should have been 16s. The figures do not support it. The case does not support it. There is no logic in giving 16s. per day. In the next year 15s. was the award, but the same applies to that. I can find nothing to support 15s." But he goes back to 1902, quotes the rates of wages then existing, and leads up to 1908 and 1911, and starts to compare the wages then paid with the Commonwealth Statistician's figures, notwithstanding that at that period the Commonwealth Statistician was not issuing any figures—which the judge confessed, but said he had since collected them and applied them to the wages paid at that time. He goes on to say that from figures now available—which he does not explain; we are not enlightened as to what reasoning he applies to the statistician's figures; no information is given as to the lines of his thought; he simply says he has applied the figures—he finds that all previous decisions have been wrong, and that the miners must work for 13s. 6d. per day. For a judge to sit in court this morning

and say that he could find no reason, no argument in favour of Mr. Justice Burnside's decision, appears to me to be astounding, coming from the judge of the Arbitration Court. I have here the "West Australian Industrial Gazette," published by the Government. This is the number issued on the 10th May, 1921. It is the official record of the decisions of the Arbitration Court, and here the declarations of the judges when delivering the awards are set out. I find that Mr. Justice Burnside clearly explained how he made up his 16s. and on what he based that figure. Before the award was delivered there had been considerable controversy. The Chamber of Mines, both here and in London, had attacked the decision of the court. His Honour referred to them. He said:—

But there is another question which has arisen, and on which I think it would have been better and more courteous, at any rate, to the members of the court if criticism were reserved until the facts are known. It has been stated that the court has departed on a new scheme, and on its own ideas in fixing the basic wage. That statement is based entirely upon a confusion of ideas. If, as is my opinion, the court should be guided by Mr. Knibbs's figures, and if Mr. Knibbs's figures are intelligently applied, it will be found that the court's award is below Mr. Knibbs's figures, not above them. The 16s. was below Mr. Knibbs's figures, not above them. The judge continues:—

The confusion arises from this reason: some time ago, some four or five months ago, the court fixed a basic wage for the railway service here in Perth, and it was pointed out that in arriving at that basic wage the figures disclosed by Mr. Knibbs had been taken as the guide; 8s. being the minimum fixed in 1907, 1,000 being the index figure, and 1,654 being the figure at present representing the 1920 index, on a common proportion sum the result will be shown to be 13s. 4d. Now, if the same principle is applied to Kalgoorlie, what will be found? It must be borne in mind that here, if I may say so, the confusion arises. The basis in Kalgoorlie was 10s. per day, not 8s. per day. In 1902 the court, presided over by the late Mr. Justice Moorhead, fixed the minimum wage for Kalgoorlie for surface labourers at 10s. per day, and if you take 10s. per day as the basic wage for Kalgoorlie in 1902, and carry it on till 1908, 1909, or 1910, when Mr. Knibbs started his calculations, you will find the problem works out in this way: As 1,000—which is Mr. Knibbs's index figure—is to to-day's base figure for Kalgoorlie 1,768, so is 10s. to 17s. 6d., and that is the true result Mr. Knibbs's figures apply to this award. To test it by another method, I would suggest to the critics to try this: In 1902 the sovereign was worth 20s., and the miner was getting 10s. per day. That is to say, the wage at Kalgoorlie paid to the surface labourer was half a sovereign. What is the half sovereign to-day in actual money? Half of

33s. 3d.—16s. 9d. That, again, coincides with the statistics that Mr. Knibbs gives, so that in the figure we have arrived at of 16s., if there has been any departure, it will be found the departure is on the lower side.

In view of that lengthy reasoning given by Mr. Justice Burnside, how could the judge in the court this morning have said that he could find no argument or reason why 16s. was ever given? This is a Government publication, kept as a record for those who have business with the court. If no case has been made out for 17s. a day it would be hard to find one. The Burnside decision was given in the first case in which there had been a State award of general application. Prior to that all the State awards had been limited in their operations. This was the first one that had general application throughout the mining industry. A mass of evidence was called, including medical, expert, and scientific, evidence of all descriptions. Witnesses were called from both sides in order to show the risk and danger to the health of the men engaged in the industry. Evidence was also given as to the climatic effect upon the wives and families of the miners, with respect to the evils of dust, and the risk from accidents, as well as the other conditions incidental to this industry. After all this evidence had been given a wage of 16s. a day was arrived at. All the members of the court went down the mines.

Mr. Heron: That is the true test.

Mr. McCALLUM: They saw the men actually at work, and the difficulties they were up against in carrying out their duties. They also saw the tasks set them, and breathed, for perhaps half an hour at the outside, the atmosphere in which these men had to live throughout the whole of their shifts every day. They stayed below long enough to come to the conclusion that the men were worthy of some consideration. In this particular case, however, evidence as to the disabilities connected with the industry was not heard. The other two members of the court did not inspect the mines, nor see the men at work, and yet without consideration they wiped out the decision that was arrived at after a thorough investigation. The judge says "My judgment goes. Those who went before me do not count. Although I am here only temporarily to decide this one case I am going to wipe out all records, and nothing my predecessor has done will count with me." The records of the industrial tribunals in this and other countries show that when a new award is applied for, and there is involved any alteration in existing conditions, the court generally takes existing conditions and existing awards and asks itself if there is any fresh evidence forthcoming since the last decision was arrived at, anything to be added to the situation since the case had been before it. New evidence only would justify the court in altering a previous decision, and that alone would weigh with the



court in the judgment that might be delivered. Quite the contrary was the case in connection with this particular matter. The court says, all this thorough investigation, all this evidence from scientific and medical men, from the miners who work underground, is to be wiped out, and nothing else shall count but this new decision. That was the decision of the judge this morning. It was most unreasonable, unfair, and unjust, and proves the man to be unworthy of the position he fills.

The Premier: I do not think you should say that.

Mr. McCALLUM: It is clearly shown by Knibbs' figures to-day. If these figures were applied now, as built up from the time when the Burnside and Draper decisions were given, the minimum rate in this case should be 15s. 2d. That is not challenged.

Mr. Underwood: Justice Draper has challenged it.

Mr. McCALLUM: It is said that the basis on which that position is built up is wrong. The judge says so. He says, "First of all, I am not going to give anything in the nature of a district allowance. I will not have it. The men living in Kalgoorlie enjoy all the comforts of a town. Kalgoorlie is a city, and enjoys all the conveniences, comforts and facilities of a city. There should be no district allowance given to men living in such circumstances." He ignored the fact that this award extends to Wiluna, to Phillips River, through Yilgarn, and covers every little mining camp from one end of the fields to the other. What about those men, and the families of those men, who have lived their lives in the industry?

Mr. Underwood: Well, what is the matter with these camps?

Mr. McCALLUM: Because this judge says—

Mr. Underwood: What is wrong with the camps?

The DEPUTY SPEAKER: I warn the hon. member that if he will not take any notice of the Chair I will have to take action against him.

Mr. Underwood: I am sorry, but what is the matter with the camps?

The DEPUTY SPEAKER: Will the hon. member refrain from interjecting?

Mr. Luty: As soon as he gets into his seat he begins chipping at everyone.

The DEPUTY SPEAKER: Order!

Mr. McCALLUM: I have looked for a reason that could prompt the judge to give this decision, but this is the argument he uses for declining to make district allowances. He ignored all the discomforts and disadvantages as well as the hardships attendant upon life in the outlying districts.

Mr. Underwood: There are no disadvantages there.

Mr. McCALLUM: District allowances have been given by the Arbitration Court to engineers, bakers, waitresses, police,

engine-drivers, railway employees, loco-drivers, plumbers and moulders, and six weeks ago were given to water supply employees. To-day, however, we find they are not given to miners. Why has this distinction been made? The allowance has been given to practically every other industry, but is refused in the case of the mining industry. Then we find that school teachers, railway officers and all branches of the Commonwealth Public Service receive district allowances when the people concerned live on the goldfields, but that does not weigh with the judge. He says, "Because you are a miner you will not get it." He gives the men living at Wiluna an increase of 2d. a day over and above that to which the city man is, according to him, entitled, on the ground of increased cost of living. The judge said, "Because the statistician shows there is that much increase in the cost of living at Wiluna, you will be entitled to that difference." Six weeks ago the water supply workers on the fields were awarded 14s. 10d., and the miner is now asked to work for 13s. 6d. Bottle washers in the Kalgoorlie breweries receive 16s. 8d., and in the Perth breweries 15s. 8d. A bread carter in Kalgoorlie receives 15s. 10d., and a barmaid in Perth receives 16s., while the miner is to receive only 13s. 6d.

Hon. M. F. Troy: It is the rottenest occupation in the world.

Mr. McCALLUM: Every hour and every day of his life he is underground he is facing death and disease. If the great bulk of the miners do not lose their lives by falling rocks, or as a result of some other sort of accident, they finish at the Wooroloo Sanatorium. One-third of their lives is spent within the bowels of the earth, and for this they are recompensed to the extent of 13s. 6d. a day, as against the better rates that operate under agreements and the awards of the courts in other industries. Then there are the anomalies that will be created. This is the phase of the situation that appeals most to me. I cannot yet see the ultimate effect of it. The minimum rate of pay for railway employees in Kalgoorlie is 16s., plus all the privileges and advantages of employment in the railway service. If a railway employee there wishes to send his wife and family to the coast he is given a free pass over the railways. How can a situation like this make for satisfactory working conditions? Can we have industrial peace while this sort of thing prevails? How can industry go on whilst these anomalies exist in one town amongst the small communities that are settled there? Whilst this court is forcing reductions and bringing men below the bread line, unions in Kalgoorlie, under the adjusted figures of the Commonwealth Statistician, are engaged in securing increases for their members. In Fremantle recently the lumpers had an increase of 3s. a week, and the horse drivers in Perth a similar increase, but the miners in Kalgoorlie are to suffer a decrease of 9s. a week.

The Premier: That system was objected to a few months ago.

Mr. McCALLUM: I strongly object to it now. It is wrong and cannot last. I point this out to show the far-reaching effect of this award. It will cause dissatisfaction in practically every industry throughout the State. It will force the employer and the employee to sit up and take notice of it. What will the end be, and what will it lead to? I was astounded when I read about it in the paper, but after attending the court this morning and listening to the judgment, I was absolutely dumfounded to think that the situation was taken so lightly by those who delivered the judgment. I was amazed that so little consideration was given to the position, and that the judgment should have been delivered with so little regard for the consequences. This means an actual reduction of 3s. 6d. a day within a period of 17 months. The miners were first reduced 1s. a day in June of last year. They are now to suffer a reduction of another 1s. 6d., making a total of 2s. 6d. This means a loss of 15s. a week within 17 months, notwithstanding all they have had to put up with to earn their wages. For many years they have submitted to the position of being the lowest paid industrial workers in the Commonwealth. Evidently their desire to carry on the industry peacefully has been entirely misinterpreted. It is accepted by some people as showing that no matter what may be offered to them and what conditions they may have to work under, they will be prepared to submit. They must go into the mines as usual, and continue their work no matter what may be imposed upon them. Many members have recently paid a visit to the goldfields, and seen for themselves the conditions under which our miners lived and worked. Do they think 13s. 6d. a day is a fair thing to ask these men to work for? The Premier has said that Parliament has passed laws, and established tribunals, that there are now Acts of Parliament under which the men can operate, and from which they are to accept their directions and instructions, and that they are expected to live up to those Acts. This is the particular section of the Industrial Arbitration Act which is supposed to govern the question of the standard of living. Section 84 says—

No minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject.

Can it be argued that 13s. 6d. will allow the workers to live up to the standard set out in this section? How can they face their domestic responsibilities, and rear families in Kalgoorlie or Wiluna on the reduced rates set out? The court has disregarded the standard set up by Parliament, which standard operates in all other industries. No court in this country has ever attempted to view the industrial situation in such a unique light as this par-

ticular court has done. The 1920 decision was the first in Western Australia that, according to the request made to the court, was one of general application. Since then there has been a remarkable sequence in developments. I ask the Premier to take particular notice of this because if there is any ground for suspicion, it is in consequence of the happenings to which I will direct his attention. If anybody is responsible for the position that has arisen, the Government should take action against the individual concerned. In 1920 the Burnside award was issued fixing the rate at 16s. What followed? Banquets were held in London; wine flowed; speeches were made; the cables were utilised, and column after column of propaganda appeared in the local Press and also in the English Press. This set out that the industry could not afford to pay the award rate. The Premier was approached and I believe he was asked to bring pressure to bear on the court to have something done.

The Premier: No.

Mr. McCALLUM: The Premier was approached when he was in London, and he was asked if it was possible for the industry to be relieved of this burden.

The Premier: They discussed the matter with me just as you, or the unions, discuss matters with me here.

Mr. McCALLUM: Column after column of speeches were cabled out as propaganda and published under big headlines in the local Press. Operations were curtailed and only a sufficient number of miners were employed to keep the mines going. The companies slowed down on their job. Everything possible was done to influence the court to modify the 1920 award. In 1922 the Draper award was given endorsing the 1920 decision. Knibbs' figures were again taken as showing a reduction. Then the London Chamber of Mines, together with the Western Australian Chamber of Mines, made strenuous efforts to get rid of the laymen from the Arbitration Court bench. Why was that done? The member for Hannans (Mr. Munsie) by his quotations this afternoon, showed why that action was taken. It was because Mr. Somerville, the workers' representative on the Arbitration Court, had realised what was the real reason for the high cost of mining. He indicated how the big monopolies had been set up, how the mines had to pay large amounts as taxation in England, and so on. They saw that Mr. Somerville was a thorn in their side, and as they could not ask for the removal of one lay member who happened to be the workers' representative, they had to ask for the two laymen to be removed. When they found they could not get past the court with Mr. Somerville on the bench, they set out for another reform. Then there was the sudden and still unexplained removal of the employers' representative, Mr. F. D. Good.

The Premier: He was able to resign if he wanted to.

Mr. McCALLUM: I do not think he had any choice.

The Premier: I do not know that?

Mr. McCALLUM: I know a good deal of what happened, and I do not think he had any choice in the matter at all. He was removed from the bench very suddenly and another man was appointed to represent the employers in his stead. Following on that, we have the case under review, the application in connection with which was lodged in June of this year! I put a question to the Premier some weeks ago and asked him why this case had been listed for hearing when so many unions had been waiting for over 18 months and could not get before the court. I have the official record of all the cases listed, and this shows that there are 68 ahead of the one under discussion. One was lodged on the 4th May, 1921, and yet no date has been fixed for the hearing. Despite the fact that these unions were anxious to get before the court, the mining case was listed and a decision given which represents a substantial reduction in wages.

The Premier: The Government have nothing to do with that.

Mr. McCALLUM: Then Mr. Maughan arrives here from Melbourne. He goes to the Weld Club and sits down with the judge and drinks champagne. Then an application is made to the court and his case is listed ahead of the others.

The Premier: You have no right to say that.

Mr. McCALLUM: If I think things are going on that I do not believe the Premier would endorse, it is time to make them known. If what I have said is correct, and there has been the sequence of events I have indicated, it shows everything is not fair and square, and that some action should be taken to remedy the existing position. How is it that Mr. Maughan can arrive here and get his case dealt with, when 68 unions have applied for hearings and cannot get before the court? What is the explanation of that?

The Premier: Mr. Maughan has nothing to do with this matter.

Mr. McCALLUM: He was here acting for the employers and conducted the case.

The Premier: I thought he had left here!

Mr. McCALLUM: He came to the State to conduct the case. How is it he was able to secure such an early hearing? In reply to my question, to which I have referred, the Premier said that the President of the Court was responsible for fixing the dates for hearings. I made inquiries and found that that statement was correct. The position should be altered; those affected should be consulted and the dates should not be fixed by one individual. Then the member for Hannas drew attention to another point. One judge dealt with two previous cases affecting the industry, and only six weeks ago gave a decision which affected district allowances. He was not available to hear the case under discussion and another judge was appointed to deal with it. Thus in the course of two

short years we have had three different presidents of the Arbitration Court. In effect that means we have had three different courts, during that brief period. Is it any wonder that there are anomalies and that there is so much dissatisfaction among the unions? In such circumstances, how can we expect our industrial laws to work smoothly? How can anyone know where he stands industrially when, within such a short period, three different presidents give such varying decisions? It is beyond all endurance, and men cannot be expected to submit to this kind of thing. It is for the Government to take action to ascertain whether there is any significance in the sequence of events to which I have drawn attention, or to show they were mere accidents. There is another most extraordinary feature. After the minutes of an award have been spoken to, the court usually adjourns, and notifies the parties affected when the award will be delivered. In this instance, argument upon the minutes took place this morning, and the court declared that the delivery of the award would take place to-morrow morning! Such a thing has never been known before in the history of the State Arbitration Court. No time is being wasted on this occasion. What is the reason for that? I do not know why all these things should happen in connection with this one case. There has been an unfortunate set of circumstances and the miners are now reduced to the position that they are asked to accept a rate of wages that will reduce their standard of living below what Australia has boasted of for her citizens. I gave notice of motion this afternoon for the appointment of a Royal Commission to investigate the basis on which the court's award is being given, to ascertain whether it is founded on justice and whether the statistics that have been taken into consideration are such as should have been regarded by the court in view of the provisions of the Act as to the standard of living.

Mr. Heron: The mines will not be kept working if this goes through.

Mr. McCALLUM: Surely I have given evidence in the comparisons I have made that the position is not satisfactory.

The Premier: You have merely proved that arbitration is impossible if we accept your statements.

Mr. McCALLUM: I am still a firm believer in the principle of arbitration.

The Premier: I am glad to hear you say that.

Mr. McCALLUM: It is impossible to carry out that system satisfactorily if a judge is to accept the position as president of the court merely to fill a gap, longing for the time when he can be relieved of his duties and refraining from making it his life's job. So far, judges have taken the position for a brief period, hoping, so to speak, that they will get out of it at the end of the week. They have chafed under the work; they have become irritable. Instead of that, the President of the Arbitration Court should make it his life's work and study the industrial condi-

tions so as to secure a mastery over the situation. I have not much faith in the success of arbitration as it is practised now. I supported the idea of a permanent president of the court last year. Although that proposal did not receive the unanimous support of the Opposition side of the House, I am still convinced that it would be a step in advance of the present position. If we are to have three different presidents within two years, how can any union representative know what the court will require, how he should state his case, and what he should do? It makes the position of all those having business with the Arbitration Court absolutely impossible. I am disgusted and disturbed at the prospect of any section of the community being asked to live on a wage of 13s. 6d. per day at Kalgoorlie. Do hon. members realise the hovels men and women live in there? Let them go into those homes and see what they are like. I have stated before that these people are little removed from the aborigines. I wonder that the men agree to continue to work under such conditions. Now they are asked to come down to a still lower level and it is beyond human endurance to carry on under such altered conditions. I hope some way will be found to prevent the award operating, and that it will be suspended until a thorough investigation is made to show the absolute injustice of it.

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

Mr. CUNNINGHAM (Kalgoorlie) [7.30]: It will be as well at the outset if we clearly understand what is meant by the action of this side of the House in submitting a motion for adjournment. It is taken with a view to drawing attention to an award to be delivered by the Arbitration Court, or that has been delivered by the court this afternoon. That award means an injustice to the workers in the mining industry, inasmuch as by a reduction of the basic rate of wage to 13s. 6d., a loss of 1s. 6d. per day, the court has set out to lower the standard of living of the men in the industry. The workers will be worse off to the extent of 9s. per week. Those of us that recently visited the Eastern Goldfields must realise what that means in a worker's home. It is only necessary for us to consider the conditions under which the workers on the goldfields live, the trying conditions they have to put up with, and also the great disadvantages under which they work, to realise the loss sustained by a reduction in wage of 9s. per week. The regressive position is largely due to the action of the Premier in defying Parliament. At the close of last session the Leader of the Opposition submitted a motion for the appointment of a Commission to inquire into and report as to a fair basic wage. Parliament agreed to that, yet after months of delay the position still remains that the Government have taken no action and, so far as can be learnt, have no intention of taking action. In the case recently dealt with it was clearly demonstrated that our arbitration courts—the personnel of the courts has been

changed repeatedly within the last two years—are at a loss to know where to start in framing their awards. On this occasion we have heard the award delivered by Mr. Justice Burnsides in 1920 and that delivered by Mr. Justice Draper in 1922 criticised by Mr. Justice Northmore, who cannot find the premises on which his colleagues based their respective awards. Mr. Collier and the Labour movement generally realised the position a considerable time ago, and action was taken to overcome the confusion that arises whenever the workers take a case to the Arbitration Court. In this latest instance, if there be any credit for the reduction of wages, the Premier can take it, and take also the responsibility.

The Premier: Well, I am not going to.

Mr. CUNNINGHAM: That is characteristic of the Premier.

The Premier: What you are saying may be very good political propaganda.

Mr. CUNNINGHAM: There is only one remedy for the existing position: a proper basis must be established on which to rest our industrial awards. That basis has not yet been established. We even have conflicting opinions by respective presidents of the Arbitration Court. So well known is this, that Parliament has seen fit to agree by resolution that a tribunal be established with a view to arriving at a proper basis for the framing of awards. But the Premier has defied Parliament and ignored the voice of the people's representatives, and so the position can be attributed to the inaction of the Premier. This latest award is going to be the death-knell of our arbitration system. The workers will no longer continue to sit quietly by and allow the changes of presidents in the court to which we have become accustomed during the last two years. What are we to expect but confusion? There is no permanency. A judge appointed to the Arbitration Court can, according to his likes and dislikes, take on the work, or refuse to do the work pending decision. Mr. Justice Burnsides wanted to get away from the Arbitration Court. Mr. Justice Draper was appointed to replace him. Now we have Mr. Justice Northmore taking the place of Mr. Justice Draper. So the confusion continues. The present system of arbitration must go. The workers will no longer be content to take case after case to the court for decision, only to find the awards as unsatisfactory as they have been during recent months. There is no continuity of policy exhibited by the court.

Mr. Davies: That is where the fault lies.

Mr. CUNNINGHAM: It is well for us to realise that. The fault must be remedied. It has been repeatedly pointed out, notwithstanding which remedial measures have not been applied. The only persons who can remedy the pernicious system are the Government, and the Premier.

The Premier: Did you pass last year's Bill?

Mr. CUNNINGHAM: No. Action must be taken with a view to constituting an Arbi-

tration Court that the workers can respect. If the workers have no confidence in the Arbitration Court, how can we look for industrial peace? That is our trouble. It must be remedied, whether by this or by some other Government. It cannot be allowed to continue. An injustice has been done to the workers in the mining industry by the lowering of their standard of living, by denying them a reasonable measure of food, clothing and educational facilities, all of which must be paid for out of the miner's wage. It means a distinct lowering of the standard of living of the workers. What remedy have the workers in the mining industry? They cannot use the Chamber of Mines. When Mr. Justice Burnside's award was delivered in 1920, the employers availed themselves of every possible avenue to have the award cancelled.

Mr. Davies: They did not meet with any success, though.

Mr. CUNNINGHAM: But they did. That is the trouble. When they found they could not get the award cancelled, they took direct action. A number of the workers employed in the mining industry were put off. Mines were closed down. So it will be seen how one-sided, after all, our arbitration court system is. Where the employer has the right to lock the door on the employee there can be no justice for the worker. The employers had the right on that occasion, and they availed themselves of it. They even went so far as to get into touch with the Premier, with a view to having the award cancelled.

The Premier: I don't know about that.

Mr. CUNNINGHAM: You visited London, and it was stated in the Press of Western Australia that a certain line of action had been taken.

The Minister for Works; Not by the Premier.

The Premier: I did not read it.

Mr. CUNNINGHAM: I was under the impression that the Premier always read his newspaper. Apparently he must have neglected his morning paper. I have pointed out that the present system of arbitration is unsatisfactory to the worker. I have explained the position of the men. They have not the power the employers possess. When we realise that the only remedy they have is to get out of the industry, we get some idea of the seriousness of the position. Men will not undertake work in the industry to-day with the readiness they displayed a few years ago. Although we cannot get the president of the court and the employers' representative to realise the dangers and risks attached to mining, the workers are fully aware of them, and are ready to avail themselves of any opportunity to get out of the industry. If this award becomes operative, there will be a reduction in the number of men employed on the goldfields. Those who can get out of the industry should do so. It is too much to ask the miners to accept 13s. 6d. per day and attempt to feed, clothe, house and bring up a family on it. They cannot do it. Although we have exerted efforts quite recently to revive the industry, we must ex-

pect to find an exodus of population in consequence of this award. We cannot expect men to continue to work in an industry that representatives of the Chamber of Mines have proved to be unprofitable. According to their evidence the payable ore has been exhausted. If the industry cannot afford to pay a reasonable rate of wages, the sooner it goes out of existence the better. It is all very well to talk about the possibilities of mining and all that the industry has meant to Western Australia, but when a court prescribes a minimum of 13s. 6d. per day on the evidence submitted by the employers, I say it is time to close down the mines. Other avenues of employment must be found for these people. In the past mine after mine has been closed down, and the men thrown out of work have had to seek employment elsewhere. We must prepare for a similar contingency now, only on a larger scale. The result must be a great economic loss to the State. I would not ask the men in the industry to continue under the rate fixed by the court. I am prepared to advise all that can, to get out of the industry. A number will find employment in other avenues, and their departure will mean less work for those that remain. The Premier said the award did not call for any comment from him. I realise his position, but we are not prepared to allow such an award to stand without protesting on behalf of the men that are winning this wealth for the State. Notwithstanding the Premier's attitude some action should be taken regarding the Arbitration Court. I believe there is concerted action on the part of the employers throughout Australia to secure a reduction in the minimum rates of pay. Already in some instances they have succeeded in securing an extension of the hours of labour. To secure a reduction of pay they have started with the miners, and how long will it be before workers in more congenial occupations find their rates of pay attacked? Slight reductions have been made in some industries. A number of unions have been waiting for months to get their cases before the court. When they do reach the court we know what will happen—down will come the rates of pay. That policy is being pressed by the Chamber of Mines, the Employers' Federation, the Chamber of Manufacturers and other organisations controlling industry. Before this session closes Parliament will learn something of the intentions of the workers. The employees are not prepared to allow the Arbitration Court to lower their standard of living to the extent that the miners have suffered. The responsibility rests entirely with the Government. The whole thing is in the hands of the Premier; he has ignored Parliament. Parliament decided to establish a tribunal to fix a proper basis for awards that would ensure a reasonable standard of comfort for a family. The Premier has ignored Parliament and is looking for trouble. It seems to me he is condoning the action of the employers in their attempts to reduce the standard of living enjoyed by the workers. How long has it taken to win some of the rights of which

the workers are now being robbed? It has taken generations of toil on the part of their representatives, and has involved suffering on the part of the workers, their wives and families. The issue is one that must be faced. I have no advice as to the intentions of the miners, but I feel sure the men will not take this award sitting down and that we shall witness one of the worst Christmas's ever known on the goldfields. Consider what has happened. One judge is pulled out of the position of president of the court and another shoved into it for the time being, purely by way of emergency to do what has been done on this occasion.

Mr. Teesdale: That sort of stuff will not do any good. It will not help your case.

Mr. CUNNINGHAM: I think it will. It would be of little use my saying nice things when I mean nasty things.

The Minister for Works: So long as they are just.

Mr. CUNNINGHAM: One has only to take the evidence submitted by the workers' representative and compare the decision of the court with its decisions on the two previous occasions. How could a judge give such an award and call it just or equitable? I cannot ascertain on what basis he made the award. Mr. Somerville, after years of toil in the interests of those he represents, finds he has been working on wrong premises. He was always of opinion that the evidence given at each hearing went to build up industrial conditions, that there was a continuity in the work of the court justifying each decision that was given, but Mr. Justice Northmore says it is not so. That is one of our great troubles. We have men constituting the court that have not become sufficiently acquainted with the conditions of the industry to give a fair and just decision on the question of pay. I hope that the discussion will have the desired effect—that there will be no disruption, but that means will be found to preserve industrial peace and give the miners a fair and just rate of pay.

Mr. MULLANY (Menzies) [7.56]: I take it the object of the motion is to bring prominently before the public the position regarding the Arbitration Court's recent award governing conditions of employment on the eastern goldfields. Ever since I heard of the principle of arbitration, I have advocated it as a means to settle industrial disputes, but from my knowledge of the conditions on the goldfields I am satisfied the industry cannot be carried on under the latest award. In view of the cost of the necessities of life, it is impossible for the men to keep themselves in a fit state of health to carry on their work, or their families in decent comfort. I commend the Kalgoorlie miners on the stand they have taken. While they have expressed their disapproval of the award they have kept the industry going in the hope that some re-adjustment will be made. I cannot suggest how that can be done, but I join with other speakers in the opinion that the industry will not go on unless a re-adjustment is made. I

do not advocate resort to strike methods, but the rate of pay awarded is insufficient. This means a severe reduction of 1s. 6d. in wages on the goldfields as compared with the award of 1922. It does not apply only to Kalgoorlie. I did not hear the minutes of the award discussed in court, but, from what I can understand from the speeches delivered to-night, Mr. Justice Northmore referred only to Kalgoorlie. The award will apply to districts extending north and south from Kalgoorlie for hundreds of miles. In the outback centres the men are more isolated than they are on the big group of mines in Kalgoorlie. This, however, does not affect the main issue, which is that the wages offered to the industry are insufficient. The total reduction as compared with the Burnside award of 1921 is 2s. 6d. per day. If a reduction of wages is desired by the Employers' Federation, or any other section of the people, I am at a loss to understand why the goldfields areas should be first selected for the purpose.

Mr. Harrison: Which is clear proof that there has been no activity in that regard.

Mr. MULLANY: Even if one were to admit that a reduction in wages was necessary or desirable, the goldfields area is the last part of Australia to which this should apply. The miners are dependent upon other centres for all the commodities they use. Wages are kept up to a certain scale in the metropolitan area. Before any reduction is effected on the goldfields, there should be reductions elsewhere and a decrease in the prices of the commodities that are used by the men on the fields. I believe it was argued that the mining industry cannot continue so long as the present scale of wages operates. That may or may not be true. The grade of ore during recent years has not improved, and the difficulties attendant upon raising the ore from greater depths is increasing all the time. Whilst we may be looking for some means to continue our mining operations, we must all agree that other avenues should be searched before the wages of the workers in the industry are reduced. It may be thought to be out of place for Parliament to discuss Arbitration Court awards. Parliament makes the laws that are placed upon the statute-book, and members are expected to do their utmost to see that the law is respected. I commend the miners in Kalgoorlie for adopting lawful means of rectifying the injustices that have been meted out to them, and for not having resorted to the barbarous and cruel method of striking. An award was given six weeks ago by Mr. Justice Draper wherein he made the minimum rate for workers employed by the Water Supply Department 13s. 4d. in the metropolitan area, with a district allowance of 1s. 6d. per day to operate between Merredin, about 250 miles west of Kalgoorlie, and Goongarrie, some 80 miles north-east of Kalgoorlie. The same court, but with a different president, now makes the minimum wage for men who have to work under the unhealthy conditions of mining in Kalgoorlie 13s. 6d. per day. This places the miners, who

have no guarantee of continuity of employment, but are kept on from day to day in the most dangerous occupation of mining, on a worse footing than those who are employed by a Government department in the same area. The law should be respected, but, when anomalies such as these exist, one cannot reasonably expect the Australian worker to bow his head and accept them. The main industry in Kalgoorlie is mining, although there are other industries, such as the pastoral industry, in and around that town. The mainstay of Kalgoorlie is mining. Some 3,000 or 4,000 workers are engaged in that industry and those who are working in other industries are dependant for their existence upon the mining activities. There are many industrial agreements in operation in Kalgoorlie, which have been arrived at solely as a result of conferences between employees and employers in the district. In the case of cordial manufacturers, for instance, the bottle washers receive 16s. 8d. per day. The local bread carters receive 15s. 3d. per day and the lorry drivers 15s. 6d. How can we expect industrial peace when men, who have to work underground and who are the mainstay of the industry, are asked to accept 13s. 6d. per day, whilst others engaged in subsidiary occupations in the same locality are being paid from 2s. to 2s. 6d. per day more? This cannot go on. In the report upon the minutes it is stated that the Chamber of Mines were responsible for asking for a variation of the award, and that the respondents were the goldfields branch of the miners' section of the A.W.U. and the Boulder branch of the Federated Miners' Union. There is nothing of a political nature between these two unions. Their joint action was purely of an industrial nature. Mr. George McKennay represented the mining branch of the A.W.U., and Mr. J. Cornell represented the Boulder branch of the Federated Miners' Union. These two gentlemen are directly opposed in politics. One aspect has been touched upon, that people who are opposing the award could well have left alone. I refer to the attacks that have been made upon the personnel of the Arbitration Court.

Mr. Lambert: They got off very lightly.

Mr. MULLANY: It has been public property in this State for some time that most of the industrial unions were opposed to the appointment of Mr. Justice Draper to the position of president. In the "Westralian Worker" a few weeks ago these headlines were printed, "A Drive against Draper," "Draper must go." I believe there have been deputations from the executive of the labour organisations to protest to the Premier that Mr. Justice Draper is entirely unsatisfactory to the trade unionists of this State, and that they desire his removal from the bench of the Arbitration Court. I have heard it said here repeatedly during the last two years that Mr. Justice Draper's appointment as President of the Arbitration Court was an outrage, a purely political appointment.

Mr. Hughes: You knew that yourself, didn't you?

Mr. MULLANY: I should like to discuss this matter in my own way. Let me point out that Mr. Justice Northmore was appointed to the Supreme Court bench by a Labour Government.

Mr. Lambert: They had no alternative.

Mr. Hughes: They had some very erratic members then.

Mr. MULLANY: The men at Kalgoorlie passed this resolution among others—

That this meeting of members of the A.W.U. Mining Branch view with detestation and disgust the action of the Arbitration Court in reducing the wages of mine employees by 1s. 6d. per day, thereby ignoring all precedents by which allowances were made for risk in, and the conditions of, the mining industry—

I quite agree with the resolution up to that point, but it goes on to say—

and in our opinion the following incidents, precedent and subsequent to the hearing of recent claims in connection with the mining award savour so strongly of political corruption and intriguing interference with the functions of the court that we as a union demand from the Government a full explanation of the reasons for Mr. Justice Draper's removal from the Arbitration Court bench, and further express ourselves as having lost all faith in the allegedly free and untrammelled nature of the judiciary as it applies to the Arbitration Court and its functions.

Yet I have heard in this Chamber to-night exactly the same sentiments expressed by members, who say they want from the Government a full explanation of the causes of Mr. Justice Draper's removal from the position of President of the Arbitration Court.

Mr. Hughes: That is not right.

Mr. MULLANY: I am reading the resolution as it was carried in Kalgoorlie yesterday.

Mr. Hughes: That is merely a Press report.

Mr. MULLANY: I do not know that my friends opposite have ever had reason to doubt my word in such a matter, and I do not think they would doubt it.

Mr. Hughes: The hon. member can flatter himself on that score if he likes.

Mr. Corboy: You have read the resolution correctly, but you are putting a wrong construction on it.

Mr. MULLANY: Members opposite are asking the Government to state the reasons for the removal of Mr. Justice Draper from the Arbitration Court.

Mr. Corboy: But, all the same, we are not inferring that Draper was satisfactory.

Mr. MULLANY: I never said he was. I am leading up to that point. If a reason is being sought why Mr. Justice Draper might not desire to remain on the Arbitration Court bench, the very action of these people will supply it. Can a man be expected to be comfortable as President of the Arbitration Court, and to take an interest in the work of that court, while he is being constantly vilified by men who, at

least while he holds the position, should give him credit for being fair in his decisions.

Mr. Teesdale: Hear, hear!

Mr. MULLANY: I have frequently said in this House that I entirely disagree with the present constitution of the Arbitration Court. I believe we could do very much better. My idea is that the President of the Arbitration Court should not necessarily be a Supreme Court judge. Men with business and industrial training would by their very environment be infinitely better qualified to preside over the Arbitration Court than any judge of the Supreme Court could reasonably be expected to be. Further, I would favour having simply a president of the Arbitration Court, not with two assessors as at present. The assessors—and I care not whether they be representatives of the employers or of the employees—must by the very nature of their appointment go to the court as advocates. If they were not advocates, they would fail to retain their positions when their term expired and they had to go up for re-election. I consider it almost farcical to call those men judges. I am not disparaging the ability of any of these assessors. There are men on the bench of the Arbitration Court to-day who would suit me for the position of president of the Arbitration Court. But while they are there as assessors we have this position. As president of the Arbitration Court there is a man who, by reason of his having attained the high and honourable post of judge of the Supreme Court, must have devoted the greater part of his life to the law. Ever since leaving school his one object has been to interpret the law.

Mr. Lambert: No fear! Getting costs.

Mr. MULLANY: That man is then called upon to adjudicate with respect to the intricacies of all sorts of industries in which he has had no training, and he has on either side of him men who are supposed to be his colleagues inasmuch as they are members of the court. I ask this House and the people, can a Supreme Court judge, acting as president of the Arbitration Court, and knowing the terms of the appointment of his so-called colleagues, apply to them for information which would lead him to come to a decision without feeling all the time in his heart, "These men are not here to act as colleagues of mine, but are here to act as advocates for either the employers or the employees." Such a system is wrong. I would like to see it amended so that industrial arbitration may be continued with one man chosen as president of the court and enjoying the confidence of the people. Whilst I support the principle of industrial arbitration, I regret very much that this unfortunate award has been given, and I trust that some way will be found out of it. As a goldfields representative, I regard the award as unfair and unjust. It is im-

possible to ask men to work under the conditions which the award seeks to impose.

Hon. W. C. ANGWIN (North-East Fremantle) [8.25]: The Premier in his speech used words to the effect that the judges wanted to be relieved of the work of the Arbitration Court, and the thought struck me whether there is not a possibility that sometimes men who want to be relieved of that work may give such awards as will tend to rouse an agitation towards relieving them of Arbitration Court duty.

Mr. Lambert: This one could not have been more effective in that respect.

Hon. W. C. ANGWIN: Several members have said they do not desire to see men go on strike. I do not believe there is one member of this House desires that. But I have known judges to go on strike as regards Arbitration Court work, and I have known them to refuse absolutely to do it. The fact shows clearly that the judges do not regard this work as part of their duty. In my opinion, a judge is no more infallible than any other man. I hold that judges are liable to make mistakes.

Mr. Money: But less liable than most men.

Opposition Members: Oh!

Mr. Heron: You do not always argue that way in court.

Hon. W. C. ANGWIN: I am not discussing their infallibility. I do not think they are infallible.

Mr. Money: Of course no man is infallible.

Hon. W. C. ANGWIN: Then judges, too, are liable to make mistakes.

Mr. Teesdale: As long as you believe they are honest, that is something.

Hon. W. C. ANGWIN: I think they try to be honest.

Mr. Money: You do not think they are honest; you know they are.

Hon. W. C. ANGWIN: I think they try to be honest in administering the law. As the last speaker said, the one object of their lives is to administer the law. Thus they have had no experience of such work as that of the Arbitration Court. The Arbitration Act leaves law out of the question altogether. The Arbitration Court is directed to deal with every case in accordance with equity and good conscience.

Mr. Money: Do you think that is the reason why arbitration has failed?

Hon. W. C. ANGWIN: When reading in the "West Australian" recently the minutes of this award, I asked myself whether equity had been taken into consideration. I do not think any member of this House can think otherwise than that the conditions under which our men work in the mines should receive a great deal of consideration from the standpoint of equity. Under this award that consideration has not been given. To-day it has been stated that such is the case, because men have been awarded additional wages corresponding with the positions which they



hold. But that applies in every industry. A carpenter's labourer does not receive the same wages as a carpenter; an engineer's labourer does not get the same wage as an engineer. A man in charge of a rock-boring machine must have special ability and knowledge, in order to use the machine to the greatest advantage and economy; otherwise he would put the mining company to unnecessarily high expense for explosives. According to the minutes published in the *Kalgoorlie Miner*, consideration has been given to the special ability required in various grades of work, but no account has been taken of the unhealthiness of the work, or its danger. In that respect equity was not taken into consideration at all. In the railway system a shunter is paid more than a guard, and a guard more than a porter, and so right through. Various grades are classified, and according to the nature of the work higher wages are granted. The member for Menzies (Mr. Mullaney) concluded by remarking that an attack has been made on the personnel of the court. Now, we constantly hear comments made on judgments. There are always dissatisfied litigants. I do not suppose there has been a judgment of the Supreme Court concerning which one side or the other has not declared that it is wrong. Indeed, even the legal gentleman who loses a case is apt to say that the judge was wrong and to try to make his client believe it and appeal. There always is dissension in regard to such matters. The general public have to be guided by their legal advisers regarding any decision of the Supreme Court, but the public can be guided by the position as placed before them in connection with employment. There is scarcely a man or woman in Western Australia who would not admit that a man working in a mine should have a higher wage than, say, a porter employed at a railway station. I am not suggesting that a porter is paid too much. Everyone, however, will agree that a man engaged in a dangerous industry such as mining, is entitled to more pay than one who is employed on the surface and in the open air, day after day. The latter has not the same tendency to be stricken down by tuberculosis or other ailments such as may be contracted by the miner. Even those engaged on the surface workings of a mine have the dust to contend with and we know how injurious that is to health. I was brought up in a mining community and I know the conditions prevailing there. A man 40 years of age was considered done for, and very few were able to follow any form of employment after they reached that age. I could see them walking along the roads without a bit of colour in their faces, or any suggestion of blood in their bodies; they knew their end was near at hand. The town in which I was born was surrounded by 20 mines in those days. It was a mining community, purely and simply, and from my boyhood's experiences, therefore, I know the conditions in which miners have to work. The men who should receive the greatest consideration

and the highest wages, are those engaged in the mining industry. I was referring to an interjection by the member for Menzies (Mr. Mullaney) that an attack had been made upon the Arbitration Court. For the life of me I cannot see why we should not sometimes attack persons whom we believe have acted wrongly. Why should we not do so? If we believe that an action has been taken, or a decision given, that is wrong, why should we not say so?

Mr. Teesdale: You can criticise the decision but you should not attack the personal character of the judge.

Hon. W. C. ANGWIN: I do not wish to do so.

Mr. Lambert: Wrong decisions are given in the Supreme Court.

Hon. W. C. ANGWIN: There is a man in the Fremantle Gaol to-day who is undergoing a sentence of three years' imprisonment. I believe the man is innocent of the crime for which he was convicted. He came from South Australia to meet the charge. Would a guilty man come here from South Australia to do that? I am endeavouring to secure his release, and I hope to succeed. That man appealed and the judge who convicted him sat on the appeal court. We must criticise these things when we see them going on. We are not indulging in personalities at all. The member for Menzies spoke about Mr. Justice Draper being attacked. I have never attacked him. I have always been on friendly terms with Mr. Justice Draper. The hon. member also said that he wanted the miners in the goldfields districts to remember that, because of the complaints made against Mr. Justice Draper, those who lodged the complaints were responsible for his Honour not hearing the miners' case. That, he said, was where the responsibility rested. On the other hand, let us take the Premier's statement. He told hon. members that Mr. Justice Draper wanted a change, and, in consequence, he went to the North-West to try a case before the court there. That is entirely different from what the member for Menzies stated, and showed that Mr. Justice Draper did not go to the North-West because of complaints made by the industrial organisations regarding his actions in the Arbitration Court. Whose statement will hon. members believe? The member for Menzies said he also wanted the workers to remember that Mr. Justice Northmore, who heard this case, had been appointed by the Labour Government. That is quite true. He was appointed because the Labour Government thought that at the time he was the best man for the position.

Mr. Pickering: Quite right.

Hon. W. C. ANGWIN: Here is the difficulty, however; once a person is appointed a judge of the Supreme Court, he is there for life.

Mr. Pickering: But you were quite right in appointing Mr. Justice Northmore.

Hon. W. C. ANGWIN: I do not say whether we were right or wrong. No matter

what Government may appoint a judge, if it is thought subsequently that he does not fill the position in the manner expected of him, he cannot be removed except by a vote of both Houses of Parliament. Do hon. members believe in this sort of thing—

As to the climate of Kalgoorlie, for a considerable portion of the year it is excellent and superior to that of Perth. In the summer it is, no doubt, hot and dusty, but whilst in that respect it is probably little worse than some other towns nearer the coast, it has many conveniences that some towns lack. In this connection it should be borne in mind that the award provides for a fortnight's holiday to all workers in the industry, a provision that imposes a substantial burden on the industry, and which was described by more than one witness as a great boon to the workers.

That is what Mr. Justice Northmore said. It has been laid down for some years past that employees should receive annual holidays. There are many industries throughout the State in which employees receive a fortnight's holiday each year. That has been the rule in the railway service for years past. Similar holidays have been granted voluntarily by some private employers, and others have been obliged to grant them in accordance with Arbitration Court awards. Thus it applies to other industries as well as to mining. Holidays are no more beneficial, if as beneficial, to a man employed on a mine at Kalgoorlie than to a man employed in Perth, because before the miner can get a change from the dusty conditions under which he has laboured for 12 months, it costs him pounds to reach the seaside. With the new rates, it will be impossible for the miner to come to the coast with his wife and family. He will thus be forced to loaf around Kalgoorlie. In effect the Arbitration Court, by its award, has said, "You can sit on the dump during the fortnight's holidays the Court will give you, and you can get the dust into your lungs." The member for Menzies also said that Mr. Justice Northmore had stated that the mining industry could not afford to pay higher wages.

Mr. Lambert: That is the point.

Hon. W. C. ANGWIN: It has nothing to do with it.

Mr. Pickering: If that is the position, the industry must go.

Hon. W. C. ANGWIN: If the mining industry cannot afford a wage sufficient to maintain a miner, his wife and family, then the sooner it is closed down the better. It has nothing to do with the judge or the court; the Act does not make any such provision. The court is authorised to say what, in equity and good conscience, it regards as sufficient to maintain decently a worker, his wife and family up to a given number of children. There is no reference to what the industry can afford to pay. It does not take into consideration the fact that big dividends have been paid. The mining industry has paid investors handsomely. Last year, despite adverse considerations, and all the complaints

we heard regarding the position of the industry, it paid nearly £200,000 in dividends, and since the mining industry started here, nearly 29 millions have been paid away in dividends. Surely, in the face of this, the industry can afford to lose a little, so as to see that those who have assisted the mining companies to pay such dividends, have a chance to live decently. I have had an opportunity of speaking to many gentlemen regarding this case. Many of them are engaged in business and I can assure the House I have not come across one individual who looked on this award as fair or just. As a matter of fact, it represents one of the worst decisions ever given by the State Arbitration Court. It has done more to give a setback to those who have been advocating the settlement of disputes by arbitration than anything else since the Arbitration Act was placed on the statute-book. There are many people in Western Australia—I think they are wrong in their views—who have been continuously advocating the wiping out of the Arbitration Court. They are what we term "direct actionists." Others are battling against them, who believe in keeping the wheels of industry turning and who argue that the Arbitration Court affords the best means of settling disputes. How can they continue to do so in the face of this decision? It even means that those who work on the surface can secure 2s. more than the men working below ground. If that does not show incompetence on the part of the person responsible for such a decision, I do not know what will. Just fancy one man, who has not had the experience of Mr. Justice Burnside in Arbitration Court work, declaring that that judge was wrong. Mr. Justice Burnside sat longer on the Arbitration Court bench than any other judge. He made a greater study of Arbitration Court work than anyone else who has filled that position. Then Mr. Justice Draper came along, and now Mr. Justice Northmore. Each judge on being appointed understood he had to act as President of the Arbitration Court if required, as well as take his seat on the Supreme Court bench. The Arbitration Court duties were not foisted upon either after he had received his appointment. Both knew the conditions when they accepted their appointments. If they do not like the position, let them resign and get out so that someone else may be appointed in their places. We should not allow the workers to be punished because these judges do not like the work. There is a wrong attitude to take. There is only one thing to do: if they do not like the work, let them get out and let somebody else get in. Any honourable man would adopt that attitude. What would Judge Northmore say if, in accordance with his own decision, we should pass a Bill reducing his salary by £200 per annum?

Mr. Lambert: And making him work full time. It would go him good.

Hon. W. C. ANGWIN: He would say there was no need for it. But his own decision in

reducing the men by 10 per cent. says that he himself can live on 10 per cent. less than he had a few years ago. What is good for the goose is good for the gander. I interjected just now that the inspections the Arbitration Court used to make are not now made. I understand that Mr. Justice Burnside, before giving his award, went down into the mines to see for himself the conditions under which the men worked. Mr. Justice Draper did the same, so that he could arrive at a decision good in equity. But I have heard that Mr. Justice Northmore did not do that.

Mr. Money: He was on the goldfields for some years.

Hon. W. C. ANGWIN: He was not there as a judge. As the president of the Arbitration Court it was his duty to have gone down the mines and had the conditions pointed out to him. It is 15 years since he was on the goldfields. The men are now working much deeper than they were in those days, and the conditions generally are harder.

The Minister for Mines: No, they have improved since then.

Hon. W. C. ANGWIN: Some of them may have improved.

The Minister for Mines: Anyhow, how much do you think he would have learnt about it if he had gone down?

Mr. Heron: We know that he would not work there anyhow.

Hon. W. C. ANGWIN: The member for Menzies (Mr. Mullany) said he thought it would be better if the Arbitration Court consisted of a judge alone, instead of his having with him representatives of the employers and the employees respectively. How many courts do we have with assessors? Under the Public Works Act there are assessors to assist the judge, and so he has with him men who know thoroughly the conditions of employment, men representing both sides.

The Minister for Mines: That was not so in this case. Neither of the advocates knows anything about mining.

Hon. W. C. ANGWIN: Any working man understands working conditions better than does a man who has never done any hard manual work in his life. The members of the court should have with them those representing the industry, the mine manager and the working miner. Then the conditions of the industry could be better explained to the judge. Frequently in the Supreme Court the judge says, "We shall go and see for ourselves the conditions." Why does he do that? To enable him to arrive at a correct decision.

The Minister for Mines: Do you know that it was suggested in this case that the judge should go, and that he refused?

Mr. Willcock: Yes, it was so.

Hon. W. C. ANGWIN: I do not know anything about that. However, it is clear that the inspection was not made. Mr. Justice Northmore said, "You are only twopence a day worse off in Kalgoorlie than in Perth, and so I will make the wages 13s. 6d. per day." What a pity we could not put him

down a mine to work for a few months, and so let him see what it is like.

The Minister for Mines: He would then be workmore if not Northmore.

Hon. W. C. ANGWIN: I am very much afraid that the decision given will raise a lot of trouble, not only for the Government, but also throughout the great industrial section of the community.

The Minister for Mines: You have not made any suggestions as to a way out.

Hon. W. C. ANGWIN: Because to a certain extent we are tied up. However, I suggest that to-morrow the Premier introduce a Bill providing for the sending of this case back for review.

The Minister for Mines: Either side can do that now.

Hon. W. C. ANGWIN: No, it is not so. I thought there was a provision for that, but on searching the Act I find it is not there. A former Attorney General said it was possible, but he was referring to cases not actually brought before the court. If the Premier will introduce such a Bill to-morrow, we on this side will assist him to suspend the Standing Orders and put it through.

The Premier: I am afraid we shall be here till to-morrow.

Hon. W. C. ANGWIN: We will put the Bill through and give the Premier a chance to send the case back for review. I hope some remedial steps will be taken, because I am afraid of something that might happen, representing a backward step. I do not want that.

Mr. Teesdale: Hear, hear!

Hon. W. C. ANGWIN: If nothing be done to interfere with the conditions prevailing in Kalgoorlie and on the eastern goldfields generally, in all probability mining will make great advance within the next few years.

The Minister for Mines: The prospects never looked brighter.

Hon. W. C. ANGWIN: But this is a step backward, and we all know that it is impossible, whether on the goldfields or in Perth, for any man to rear a family on 13s. 6d. per day.

Mr. CORBOY (Yilgarn) [8.55]: The position on the goldfields to-night is such that the Assembly should give its gravest consideration to the finding of a way out. It is obvious that the court's award will meet with a hostile reception from every section of the goldfields community, I was going to say of the State; for just as the member for North-East Fremantle (Hon. W. C. Angwin) has discussed it with a number of his friends, so have I discussed it with a number of mine, and business people agree that it is impossible to get industrial peace so long as the Arbitration Court is going to do the sort of thing it proposes to do in this case. The workers of Kalgoorlie are looking to us to find a way out of the difficulty they are in to-night.

Mr. Willcock: They are all looking.

Mr. CORBOY: Yes, the whole of the goldfields population. Those men resent bitterly the award the court proposes to give. Yet

they have adopted a most reasonable attitude. They had to call a stop-work meeting in order to get a meeting at all. They had the meeting, discussed the position, and immediately afterwards returned to work.

Mr. Teesdale: Hear, hear!

Mr. CORBOY: The men are not holding up the industry; but the fact that they are working is not to be taken as an indication that they are not prepared to fight.

Mr. Teesdale: We will not talk about fighting.

Mr. CORBOY: I hope it will not be necessary to fight. I know what those people went through when they put up a fight once before; I do not want to see them having to face the same position again. But if nothing can be done to relieve the present position, it will take more than the power of members of the Opposition to hold those men in check.

Mr. Heron: We should not be justified in attempting to do it.

Mr. CORBOY: No, we should not. The thing is so iniquitous that if we will not help them they are entitled to help themselves. The various appointments to the presidency of the Arbitration Court during the past two or three years have given rise to the gravest possible suspicion in the minds of the workers. The result of those appointments justifies the suspicion the workers entertain in regard to them.

The Minister for Mines: That is not peculiar to Western Australia; it applies everywhere.

Mr. CORBOY: I agree to this extent at any rate: an action just as impossible to defend as the frequent changes in the presidency of our court, was adopted by the Commonwealth Government in respect of the Commonwealth Arbitration Court.

The Premier: And it seems your party is signing a petition to-day.

Mr. CORBOY: And that petition for the removal of Mr. Justice Draper from the presidency of the Arbitration Court is fully justified. In no way do I wish to reflect upon Mr. Justice Draper himself. His training as a lawyer renders him as good a judge as we could have for the Supreme Court; but his training and abilities do not fit him to sit as a judge on industrial matters; his legal soundness does not qualify him for the exercise of arbitrary power in deciding the working and living conditions of the men in an industry. I sincerely agree with the petition for Mr. Justice Draper's removal from the presidency of the Arbitration Court. I would not like to see him continue in that position.

The Minister for Mines: To whom are you going to present the petition?

Mr. Hughes: To you, if we could get him removed in time.

Mr. CORBOY: If we wait another two or three months, the executive of the Labour movement may have the pleasure of presenting it to my leader instead of the Minister's.

Mr. Teesdale: You will lose the thread if you do not go on.

Mr. CORBOY: Not even the hon. member with his well known bark could put me off the thread of my argument.

Mr. Teesdale: It is all right so long as you do not talk fight.

Mr. CORBOY: The appointment of Mr. Justice Draper to the presidency of the Arbitration Court has previously been criticised in this Chamber. I do not wish to reiterate the arguments then advanced, but in our minds the decisions he has since given justify us in claiming that his original appointment to the court was wrong. His decisions have since shown him to be a gentleman whose mind does not permit of his giving the unbiassed judgments that we have a right to expect. Mr. Justice Draper went North on court business. I do not say he was sent away deliberately. I accept the Premier's word. The Premier gave me a similar reply when some weeks ago I asked the reasons for Mr. Justice Draper's going away. I believe he went away in the ordinary course of business to preside at a murder case in the North.

Mr. Willcock: It fitted in very nicely.

Mr. CORBOY: At the time I do not think there was any thought of it fitting in, but immediately he was out of the road, and Mr. Justice Northmore took the presidency of the court, it was found convenient for someone to put the listed cases out of their normal order so that the mining case might be dealt with during Mr. Justice Draper's absence.

The Premier: You are inconsistent; now you want Draper.

Mr. CORBOY: I do not; I have said I agree with the petition for his removal. The Premier has been enjoying one of his little uaps.

The Premier: I shall have another if you are not careful.

Mr. CORBOY: We have no objection to Mr. Justice Draper as a judge of the Supreme Court, but we do not want him in the Arbitration Court, nor do we want, as president of the court, any other gentleman that has just been fired out of politics and belongs to one particular side. If a Labour Government came into power to-morrow and the member for South Fremantle (Mr. McCallum) had been defeated at the election, I for one would not tolerate his appointment as president of the Arbitration Court.

Mr. McCallum: Then I shall not speak to you again.

Mr. CORBOY: Any man who has just left the hurly-burly of politics, with its representation of class interests, should not be put in the position that Mr. Justice Draper was.

The Minister for Mines: Would you take me on?

Mr. CORBOY: The Minister has belonged to all parties, and might therefore be able to represent the lot.

Mr. Teesdale: He would be quite accustomed to abuse, anyhow.

Mr. CORBOY: Yes, and it would fall off him with a good deal less hurt than off some people. The award creates a unique position. In almost every other industry, even to the civil service, State and Federal, there is a clearly recognised principle of a district allowance on account of the peculiar conditions applying on the goldfields. As recently as

September last the State Arbitration Court gave the railwaymen on the goldfields a district allowance of 1s. 6d. per day. Mr. Justice Northmore's award takes the district allowance from the miners. The mining industry, in which there is greater danger, in which there are more hardships, in which the working conditions are worse despite all our palliative legislation, in which so little is done to relieve the employees and the result of working for any number of years in these death traps is inevitable, is singled out for the abolition of the district allowance. There is also the proposal to deprive the miners of the special consideration granted in view of the dangers attendant on this industry. Every special privilege these men have obtained because of the danger of the calling and the bad conditions under which they are compelled to earn a livelihood is to be taken away under this award. In 1920 Mr. Justice Burnside gave what I believe was the first decision given by the State Arbitration in the mining industry. He took full evidence. Scientific and medical testimony was produced relating to the health of the workers. He made the fullest possible inquiry in all directions, and inspected the mines for himself. The Minister asked how much he would learn from his inspection. Perhaps not much, but I learnt sufficient from my inspection to resolve not to stay there.

Mr. Teesdale: If you had only stayed there!

Mr. CORBOY: I daresay the hon. member will precede me below. The court fully investigated the whole of the conditions of the industry. In 1922 Mr. Justice Draper did likewise and confirmed the decision of Mr. Justice Burnside. Those two presidents were in agreement that the men were entitled to the district allowance and to a special consideration on account of the dangers lurking even in the atmosphere underground. Those two gentlemen decided that certain conditions should operate, but Mr. Justice Northmore, without hearing such evidence or without obtaining the same grip of the subject, decided that both were wrong in the basis they adopted. Can we wonder at the men kicking against such a decision? Can we wonder at it after two judges have fully investigated the conditions and decided that certain things should operate, and another judge, without making full inquiries, curtails the privileges previously granted? The only wonder is that the men are prepared to continue working and to leave it to us to endeavour to rectify the trouble. It shows how extremely tolerant they are.

The Minister for Mines: It is not operating yet.

Mr. CORBOY: I am aware of that, but if they let it go, as some people in the political arena may let go their chances of taking on a fight, they may miss their opportunity.

The Minister for Mines: Your reference is not quite clear.

Mr. CORBOY: I am prepared to explain it to the Minister in private. Why were the mining cases taken out of their turn? Why

was it found convenient to push these cases to the top of the list so that Mr. Justice Northmore could hear them in Mr. Justice Draper's absence? Was it because influence was brought to bear? Was it because the Chamber of Mines was certain Mr. Justice Draper would have no alternative to affirming his previous decision and that of Mr. Justice Burnside? Was it because there was no course open to Mr. Justice Burnside and Mr. Justice Draper other than to say their decisions regarding the district and danger allowances were correct? Are the court and the Government available to the Chamber of Mines to such an extent that they can get cases taken out of their proper order to secure the decision they want?

The Minister for Mines: You were quite right until you connected the Government. They have nothing whatever to do with it.

Mr. CORBOY: The Minister will tell me the Government had nothing to do with the appointment of Mr. Justice Draper.

The Minister for Mines: I am referring to the arrangement of the cases.

Mr. Hughes: The member for West Perth (Mrs. Cowan) was responsible for Mr. Justice Draper's appointment.

The DEPUTY SPEAKER: I have permitted members to discuss the judges long enough. I have allowed certain latitude because the court is composed of members apart from the judge, but the practice in all Parliaments is that the conduct of a judge may not be discussed except on a substantive motion. There is no substantive motion before the House and I ask members to refrain from criticising the judges.

Mr. CORBOY: I have endeavoured to avoid coming into conflict with our Standing Orders, but it is extremely difficult. I always try to observe the rules of the House, because otherwise it would be impossible to carry on the business. Let me put it this way: During the last two or three years we have had decisions that have been not merely drastic, but oppressive to the workers. Recently we had the disastrous experience of the water supply men striking as a result of a decision that deprived them of certain working conditions representing the only real benefits they had gained in 20 years. Now we find this mining case taken out of its proper order during the absence of the president, who had awarded certain conditions, and when the case is heard, another judge deprives the men of the conditions previously awarded. The court today seems to be conducted in such a way that the right judge is available at the moment to give the decision wanted by the Chamber of Mines, or whoever it may be. I realise this is a very serious thing to say. The workers have been justifiably suspicious of the whole of the arrangements of the Arbitration Court during the last two or three years, and have every reason to say to us, "What is the use of going there?" Almost every day we, as representatives of

the organised working class movement, are asked to assist in preserving industrial peace, and to do our utmost to see that cases are taken for settlement to the Arbitration Court. We are asked on every conceivable occasion to secure the amicable settlement of grievances and troubles. Every time during the last two or three years, since this Government have been in office and have been arranging the Arbitration Court bench, case after case has been listed and decisions given that are driving the workers out of the court. My advice to them is to keep out until they get a better deal there. If the decisions of the court are to stand, the workers will be mad to take their cases there, and spend hundreds of pounds in getting them put through. Arbitration is one of the most costly undertakings the workers have to face. It is not as costly as striking, but it runs it very close. The workers of Australia spend thousands of pounds annually in bringing their cases before the court. If they are going to have their hours increased and their wages reduced, and are to be deprived of their hard-won privileges, how can we ask them to continue to go before the court and spend their money? As a representative of the Labour movement I consider I should be disloyal to the workers if I asked them to go to the Court while decisions of this sort are given. I do not know whether the Government will accept the suggestion of the member for North-East Fremantle (Hon. W. C. Angwin). That remains to be seen. If this practice of arranging the Arbitration Court bench, and giving decisions that in a wholesale manner deprive the workers of concessions that they have won, is to continue for a month or two longer there will arise the greatest industrial chaos. We are sincere in our desire to avoid that if possible. We know what suffering industrial turmoil creates for the men, their wives, and their children. There are members on both sides of the House who have been through that mill. The women and children pay the penalty, not only during the strike, but usually for many months afterwards, in an endeavour to win back the lost ground. The workers of this country are becoming so disaffected by the decisions of the Arbitration Court that very shortly it will be impossible to induce them to go to the court, and we shall be brought face to face with an industrial crisis of inconceivable magnitude. If Parliament is to be representative of the people it must do its utmost to find some solution of the difficulty now facing us. Whoever is responsible for tinkering with the bench, and turning it into a field for exploitation by certain vested interests, should knock that sort of thing on the head, and allow the workers to get a fair deal.

The Premier: You have no right to say that.

Mr. CORBOY: I mean every word of it.

[Mr. Angelo took the Chair.]

Mr. LAMBERT (Coolgardie) [9.20]: I support the motion, but I regret the necessity for it. The decision of the court has come as a bomb-shell to almost all members. The question of the personnel of the Arbitration Court is beside the point. That its decision was unfair all sections of the community will agree. I will read a resolution that was carried at a public meeting in Kalgoorlie, presided over by the mayor, an employer of labour, and who, as a metallurgist, knows the conditions obtaining in the industry. He telegraphed to the member for Kalgoorlie (Mr. Cunningham) as follows:—

Miners' arbitration case. The following resolution was carried unanimously at a public meeting convened by the mayor of Kalgoorlie: That this meeting of citizens convened by the mayor of Kalgoorlie enters a most emphatic protest against the iniquitous decision of the Arbitration Court in reducing the miners' wages 1s. 6d. a day against strong, convincing, and overwhelming evidence produced for the continuance of existing wages and conditions; that this meeting of citizens of Kalgoorlie views with apprehension and disapproval the recent award of the Arbitration Court in reducing miners' wages, and requests the member for the district (Mr. Cunningham) to move the adjournment of Parliament for the purpose of demanding that a copy of the minutes and the evidence be laid on the Table of the House, as in the opinion of this meeting the award is an unwarranted attack upon the workers' standard of living and working conditions.

A similar resolution has been telegraphed by the mayor of Boulder. I do not wish to reflect upon the impartiality of the judge, or his fitness for the position of president. The present constitution of the court, however, has been proved to be altogether unsatisfactory, and it will be necessary for Parliament to accept the responsibility of devising other means of settling industrial differences. On previous occasions the Premier has not been unmindful of the standard of living required by the workers on the goldfields. I ask him to make an endeavour to put forward a suitable formula for the successful adjustment of this likely trouble. Quite recently the Government announced their willingness to make a substantial reduction in the charges for water consumed by the mines, on the plea, which to some extent is justified, that mining had reached such a point where all expense possible should be saved to permit of a greater amount of ore being profitably treated. The Premier and the Minister for Mines considered the matter and discovered a formula for removing to some extent the burden that had previously been imposed upon the industry. Perhaps they can find a formula for the successful adjustment of this trouble. I believe most of the mine managers of the Golden Mile do not favour a reduction in wages. Some of them, I feel sure, are still prepared to concede the right of the unfortunate workers, who spend their lives in the deep mines, to a reasonable standard of living. The

present proposal almost borders upon a starvation wage. I am puzzled to know how the men can live and bring up their families under present conditions. We are face to face with trouble. There is no need to make any threats of strikes. The award of the court will probably operate next week. Whether the judge was unconsciously biased, or whether he was led away by wrong premises, or whether the evidence was such that it gave him a wrong impression of the standard of living, it is too late for us to inquire; but it is not too late to urge upon the Premier the responsible position in which he finds himself. I do not know that the Premier has ever refused to use his good offices in the proper adjustment of any industrial trouble, or that he has not to some extent sympathised with the workers on the goldfields. He has been very reasonable. As a result of his recent visit to the goldfields, he must have a picture in his mind of the arduous nature of the task of miners who are working during the summer on the surface, and he must have an even deeper impression of the hardships faced by those who are working thousands of feet below the surface. He must know the great risks they have to run, and the trying conditions under which they have to toil. He must realise that the wages given are not commensurate with the work that has to be done. Perhaps he may find it convenient to go to Kalgoorlie, as he did once before on the occasion of industrial trouble there, when a stoppage of work was threatened in the mining industry. He could then discuss the matter with the Chamber of Mines and find out their view point. He could ascertain whether it was feasible to revert to the wage that would have obtained but for the action of the court. Some time ago he promised to assist the mining industry by a rebate in water charges. He could now suggest to the Chamber of Mines that when he agreed to make that reduction it was not in his mind that the miners would be penalised to the extent of a reduction of £60,000. I do not think one manager on the Golden Mile expected it. In the case of the woodcutters, he went to Kalgoorlie at the expiration of the 1919 award. He was very good and very fair. He tried to find a formula for the adjustment of the trouble, and acted throughout in an unselfish and disinterested manner. Without bringing forward any political considerations, he was successful in finding a way out of the difficulty. I believe all political parties would feel particularly indebted to the Premier if at this juncture he would recognise the necessity for proceeding to Kalgoorlie to discuss on the spot the trouble that is looming on the horizon of our great mining industry. We do not want a stoppage of that industry. We as representatives of the workers know all that a strike spells to the worker and the worker's home. We know that it means foodless women and children. No one is more anxious than the direct representatives of the workers in this House to avoid such trouble. Cannot reason be brought to bear now, before either

the miners strike or there is any show of ill-feeling on the goldfields? Let the Premier and the Minister for Mines openly and frankly ask the mine owners whether it is not possible to let the industry go on. But for my part I would rather see the industry close down than see the miners' standard of living reduced. I have some knowledge of miners and their conditions of living, since my father represented miners as a union secretary for 30 years. The Premier and the Minister for Mines, who have only recently shown good feeling towards the mine owners by increasing, in their behalf, the financial obligations of the State by £30,000 or £40,000 per annum, could handle this difficulty with prospects of success. I ask the Premier to become seized of the importance of the matter. To hesitate for any length of time would possibly be fatal. When industrial trouble has been precipitated, it is too late to make up leeway. Nothing but good can come of an intervention by the Premier. With regard to the Arbitration Court, I have long felt that something should be done to remedy the conditions obtaining throughout Australia to-day. It is generally unfair, and in many cases all but unthinkable, to ask the workers to approach the Arbitration Courts as constituted to-day. That is a regrettable thing to have to say, but it is true. Certainly the present Parliament will not have an opportunity of dealing with this all-important question, but it is to be hoped that the next Parliament will consider carefully all the ramifications of industrial arbitration. The subject is being given a great deal of consideration throughout Australia. It is felt that the present duplication of courts, vexatious delays, and unnecessary expense in approaching the court are intolerable in any democratic community. I appeal to the Premier to proceed to Kalgoorlie. Having to a large extent the confidence of all sections of the community, he can at least go there with the desire to adjust the trouble. It would be quite competent for him to tell the mine owners that the State has accepted financial responsibility in relieving them of certain burdens. I believe it is the desire of Parliament to relieve them of further burdens. But they must understand that this can never be done at the expense of the standard of living which should ever be preserved for the men who carry on so precarious an industry. Even the adoption of the suggestion of the member for North-East Fremantle (Hon. W. C. Angwin) can, in my opinion, do little before trouble is precipitated. That is why I hope the Premier will, with the Minister for Mines, use every endeavour to prevent what would probably prove the most disastrous industrial upheaval ever known in Western Australia.

Hon. T. WALKER (Kanowna) [938]: The case has been so well presented and the facts have been so clearly stated that I hesitate to go over the ground again. But I do recognise the importance of something being done by the only power in the State that can

act, and that is the Government. I am convinced that to the Premier and to every member of the Cabinet the award as expressed in the minutes of the Arbitration Court appears objectionable and serious. I hate even to suggest the possibilities that may arise out of this most recent decision of the Arbitration Court. It would appear to be the commencement of cutting down wages in every industry, for the inconsistency of wages upon the goldfields with this award must make itself felt, and may possibly result in a general lowering. As has been pointed out, only quite recently a class of workers, submitted to no especial dangers or difficulties, have been awarded by the Arbitration Court 14s. 10d. per day; and now the latest decision, as applied to the miners, reduces their wages to 13s. 6d.

Mr. Davies: Without any alteration in the index figures as to cost of living.

Hon. T. WALKER: Quite so. The conditions are precisely the same in that respect.

Hon. W. C. Angwin: No; the figures have gone up.

Hon. T. WALKER: If the Government are content to pay 14s. 10d. a day to their ordinary employees, there can be no ground whatever for regarding 13s. 6d. as a just wage for the miners, more particularly when we remember what this State owes to its miners. The mining industry has practically built up Western Australia. In saying this I am not under-estimating our pastoral pursuits and our agricultural pursuits. I recognise them as most important. But there would have been no possibility of our great pastoral and agricultural developments had it not been for the pre-existence of the mining industry. It was mining that attracted to this State the adventurous, the bold, the strong, the hardy, to build up in the wilderness great towns, and to construct the railway which has made possible the transcontinental line. It was the mining industry that built up our resources, paid our taxes, gave us buoyancy, enterprise, hope, purpose, and activity through the many years of the trying infancy of Western Australia. And now it is proposed to reduce that industry to the most dejected of all pursuits, to bring it below the standard of ordinary manual labour in this State, unskilled labour requiring no training, no special aptitudes. Such a proposal amounts to casting a reflection upon the mining industry, and to inflicting a vast injury upon the health and life and spirit of our miners, whom those able to judge have in the past declared to be the most skilled, the most up-to-date, and most reliable body of miners in the whole world. Those are the men whom it is proposed to reduce to this dejection and humiliation. Through their reduction we shall reduce every business, every enterprise, and every source of employment throughout the whole of the goldfields. This proposal must mean the levelling to lower depths, and perhaps even to absolute impoverishment, of every resident upon the goldfields. If anything

will kill this industry which has been so important to the whole of the State, and to this very city of Perth, the last award of the Arbitration Court will do it. I am not going to say one word against the judges, who I have no doubt believed they were acting rightly. There is quite a possibility that the President of the Arbitration Court may think he was taking the only possible step to save the mining industry from stagnation or ruin. That may have been his outlook. But it is a very narrow outlook. The mine managers and the Chamber of Mines in this State have long been agitating for a reduction of costs in order that, as they said, the industry might continue. But, unfortunately, as regards reduction of costs there are many parties whom we cannot bring into the court. That is very unfortunate indeed. We cannot bring before the court all those who seek to profit by the rise in costs generally, or those who supply mining requisites. It is possible that a reduction might be made there if we could bring them before the tribunal and bind them by the court's decision. We cannot do that. Unfortunately, too, those who have supplied the capital for the working of the great mines do not reside here and we cannot reach them. Their human nature cannot be touched by us on this side of the world. They meet in secluded spots where they debate purely on the basis of pounds, shillings and pence and do not seem to care where the pence come from provided they take the ultimate shape of dividends. We cannot reach those people and bring them before the court. Those who run the mining industry here are merely their agents, their marionettes. Those who reside in England and elsewhere decide how our mines shall operate. Their sympathies are not with the worker; they consider him a mere machine though made of flesh and blood. Their sympathies are with their brother speculators, investors and capitalists; their sympathies are with those who are of their own class. If anyone is to go under, it must be the flesh and blood of the workers toiling in the bowels of the earth, absent from sunlight and all the cheer and comfort of day. We live amongst these people and know them; they do not. These workers are our friends. We can grasp them by their hands and hear the music of their voices; they cannot. They are unknown entities, with directors abroad. Being helpless, poor and unable to find the money to fight their own battle, the toilers are the people to be crushed. That is the misfortune of that fine body of men who have built up the wealth of Western Australia, who have made it possible for other industries to flourish. And it is they who are to be victimised! Flesh and blood must recoil against such an act that might even be called tyranny. We are ruining the life of this State. The toll of the death roll of the mines and the schedule of diseases due to mining operations are alarming and appalling. Everyone starting as a young man in a mine must calculate upon his life be-



ing shortened. Few who come out after a term of service in the industry leave it without injured frames or impaired health. They come from their toil as cripples, with wheezing chests, with shrunken bodies, hopeless of outlook. The evil effects are not upon them alone, but extend to their families. The wife, dependent upon the wages earned by her husband to carry her forward, to rear her children and care for the little ones, is all the time anxious and worried and fretting as she sees the silent disease, due to the industry, creeping into the form of one she loves and who is there as her sole protector and guardian. The miseries of these homes and the sorrows that steal into them, no voice nor pen can picture. These little ones on the fields must have a chance to live, but the money earned by the breadwinner is not sufficient to give them nourishment to live, nor yet the clothing that is fitted for children living in this century. This is what is meted out to those who have not only exercised self denial in leaving the lures of the great cities but have gone out into a comparative desert, to the wildness and the privations of life in the outer centres. These are the men who are to be crushed one stage lower by the decision of the court. It seems to me next door—I do not use the word offensively—to inhuman. It not only shows a want of decent gratitude to those who have helped this State so much, but a disregard for human comfort and human rights that should be the due of every citizen in a free democracy. We would not be true to ourselves if we did not feel indignant at a decision of this nature. We would not be worthy of the name of citizens if we did not do something speedily to correct the mistake that has been made and to re-establish these men in better living conditions because of the hardships they endure in spots so far distant from us. It is the duty of the Government to take such steps as they, in their wisdom, shall decide, to prevent the application of this award to an important section of our citizens. If they allow those citizens to go under, other citizens must soon go under, too, one by one, until they are reduced to the fighting point. That is the danger we want to avoid. When they are taught to disrespect one law they lose their respect for other laws and into their hearts is put the rebellious fire that will lead to a conflagration, the end of which none of us can foretell. Wise statesmanship will avoid that end. Prompt action may avoid it; it should avoid it. I have made these few remarks with a view to urging prompt action to remedy the mistake already made. It has not grown to the magnitude it may reach if we are indolent, and careless in the exercise of our duty towards a large and influential body of citizens in this State.

Mr. HUGHES (East Perth) [9.55]: Like other members I was astonished at the decision of the Arbitration Court to reduce the standard of miners' wages to 13s. 6d. a day. I am sorry that the Premier has another attack of his sleeping sickness.

The Premier: I would be a fool if I did not sleep sometimes.

Mr. HUGHES: I am not sure that a sleep will save you.

The Premier: Do not think I miss what you say.

Mr. HUGHES: I can forgive the Colonial Secretary for being wrapped in thought because this debate has given him something to think about.

The Colonial Secretary: It is more profitable than listening to some of the stuff you put up.

The Premier: Don't you think you would do better if you spoke to the motion?

Mr. HUGHES: I would like the position of Opposition members regarding the judges sitting on the Arbitration Court bench to be made clear. During his speech the member for Hannans (Mr. Munsie) said that an explanation was wanted as to why Mr. Justice Draper had been sent to the North-West to try an aboriginal who had pleaded guilty and Mr. Justice Northmore had been sent to Kalgoorlie to hear the miners' case. He gave an explanation, based on circumstantial evidence, as to why he believed it had been done. It was that some little time ago Mr. Justice Draper had given the miners an additional allowance of 1s. 9d. per day to cover the risks and dangers due to their occupation and that it would be impossible for Mr. Justice Draper to go back on that decision.

The Premier: That is nonsense.

Mr. HUGHES: Of course it is. Any protest on behalf of the workers is nonsense in the eyes of the Premier.

The Premier: I referred to the insinuation.

Mr. HUGHES: Of course, the insinuation, too, is nonsense. It is impossible to say that there has been any interference with the court, for that cannot be proved. On the other hand there is circumstantial evidence.

Mr. Mann: Do you suggest there has been interference?

The Premier: He can say anything at all.

Mr. HUGHES: And the Premier cannot stop me.

The Premier: Can't I?

Mr. HUGHES: It would be a poor lookout for the community if we did not have the right to bring under the notice of the people the far reaching effects of a decision such as that given by the court. The member for Hannans made it clear why Mr. Justice Draper could not be expected to take the miners' case and go back upon his decision regarding the special allowance to men engaged in that industry. When the hon. member asked for an explanation as to why another judge had been sent to Kalgoorlie, the Premier immediately seized upon the statement and said we were denouncing Mr. Justice Draper.

The Premier: I said that you were signing a petition to get rid of him. Have you not signed it?

Mr. HUGHES: I will do so with pleasure.

The Premier: I thought you had already signed it.

Mr. HUGHES: I have made the statement before and I will repeat it as often as I can—

The DEPUTY SPEAKER (Mr. Angelo): The hon. member must not indulge in useless repetition.

Mr. HUGHES: It is not useless repetition; it is important.

The Colonial Secretary: It is painful.

Mr. HUGHES: When the Government take a political partisan from the Treasury benches and place him on the Arbitration Court bench to dictate to the workers and determine their wages, they strike a blow at the court and destroy the confidence of the workers in arbitration.

The DEPUTY SPEAKER (Mr. Angelo): You are getting on to dangerous ground.

Mr. HUGHES: I am not speaking of any judge in particular; I am speaking as a maxim.

Mr. Teesdale: You are taking the whole court in a face.

Mr. HUGHES: Not at all. It is the only so-called maxim we have.

Mr. Teesdale: Well, keep on while I look up the Standing Order.

Mr. HUGHES: What confidence can the workers have in the Arbitration Court if the court is to award 14s. 10d. one day and 13s. 6d. the next? Nobody knows where he stands. There is no consistency in the court. To some extent I have been responsible for this reduction in the miners' wages. Unless the workers are prepared to go out on strike and demonstrate their industrial strength, the court has no respect for them.

Mr. Teesdale: It is public respect you want to retain. Never mind about the court. You are not likely to help things by the way you are speaking now.

Mr. HUGHES: As for public respect, we shall have an all round public competition next March, and already the odds are on this side. I am not concerned about public respect, but about what is right.

Mr. Mann: Are not the public the best judges of what is right?

Mr. HUGHES: Not always—how did you come here?

Mr. Mann: We know how you got here.

Mr. Teesdale: He blew in here from the septic tanks.

Mr. HUGHES: Had the waterside workers' strike been gone on with when that award was given to them, we should not have had this trouble in Kalgoorlie to-day.

The Minister for Works: You would have had the miners down from Kalgoorlie to send the water up.

Mr. Heron: They have never scabbed in their lives. We do not want any reflections on the miners.

The DEPUTY SPEAKER (Mr. Angelo): Order!

Mr. Heron: Well, keep the Minister for Works quiet.

Mr. HUGHES: If the waterside workers' strike had been gone on with, the court would

not have dared to reduce the miners to 13s. 6d. The moment our opponents think the workers are not prepared to create industrial strife, another big slice is taken off their wages. The Industrial Arbitration Act provides that no minimum rate of wage shall be prescribed that is not sufficient to enable the average worker to live in reasonable comfort. Would any man say that the average worker can live in reasonable comfort on the eastern goldfields on 13s. 6d. per day? If we are going to allow our judges to misinterpret the Industrial Arbitration Act to the extent of saying that 13s. 6d. per day will allow a worker on the eastern goldfields to live in reasonable comfort, we might as well tear up the Act altogether. It does not say much for the commonsense of the eminent lawyers presiding at the court. Unfortunately, there is no appeal from the court's decision. Members are asked for suggestions. The Government ought to take the extreme step of creating another judge if the present judges cannot interpret the law better than they have done.

The DEPUTY SPEAKER (Mr. Angelo): The hon. member must not reflect on the judges.

Mr. HUGHES: I take it we are allowed to discuss the decisions of a judge, but must not reflect on his conduct. I should like to know what Standing Order I am breaking in discussing the judge's interpretation of the law?

The DEPUTY SPEAKER (Mr. Angelo): It is the usage of Parliamentary procedure according to "May." I will read the paragraph if you wish it.

Mr. HUGHES: I should like to hear it.

The DEPUTY SPEAKER (Mr. Angelo): "May" says—

Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the House. Among these may be mentioned the conduct of the Sovereign, the Heir to the Throne, the Viceroy and Governor General of India, the Lord Lieutenant of Ireland, the Governors General of the Dominions, the Speaker, the Chairman of Ways and Means, members of either House of Parliament, and judges of the superior courts of the United Kingdom.

That has also been a rule of this House.

Mr. HUGHES: Then we are not allowed to reflect on the judges' personal conduct, but their decisions at law are subject to discussion.

Hon. M. F. Troy: That is so.

The DEPUTY SPEAKER (Mr. Angelo): Proceed, and we shall see how far I can let you go.

Mr. HUGHES: I do not wish to reflect on the personal integrity of any of the judges, but I want to test their interpretation of the Arbitration Act.

Hon. M. F. Troy: That is quite in order.

Mr. HUGHES: I contend that a misinterpretation has been placed on the Act by the Arbitration Court.

The DEPUTY SPEAKER (Mr. Angelo): That is all right.

Mr. HUGHES: Well that is all I was contending. The court has decided that 13s. 6d. per day complies with the section of the Act prescribing that no minimum rate of wage shall be fixed below that which will afford the worker a reasonable standard of comfort. That is a distinct violation of the Act, and unfortunately there is no appeal from the decision. Surely it is time the House took the matter into consideration. Is it the only remedy to force the miners out on strike and have an industrial disturbance? Any action the Government might take to counteract the court's misinterpretation of the law will be justified. The Premier ought to approach the Chief Justice, or whoever is in charge of the Arbitration Court, and ask whether the case could be reheard. If no other judge be willing to re-hear it, the Premier ought to create a new judge rather than allow this inquiry to go on. The Government could take the member for Kanowna (Hon. T. Walker), put him on the bench and let him review the case.

[The Deputy Speaker resumed the Chair.]

Hon. M. F. Troy: Or the member for Bunbury.

Mr. HUGHES: The Government could easily find somebody. We know that the employers would not object to the member for Kanowna having a seat on the Arbitration Court, because we have been told that a man's political associations disappear immediately he is created a judge.

Mr. Teesdale: The employers are pretty fair; they do not make much fuss.

Mr. HUGHES: No, but they get there just the same. They carry on their propaganda in an insidious way. We are told we should not make statements unless we have definite proof. We have to act on circumstantial evidence. When the last award was given, propaganda regarding the eastern gold-fields was started from London, and who would be courageous enough to say the latest decision is not the direct result of that propaganda? It is not in accordance with the statistician's figures; there has been no decrease in the cost of living. It is not in accordance with the Arbitration Act. What is it the result of? In the absence of a definite statement, we are entitled to consider the circumstantial evidence, and that points to the propaganda of the London speculators. There is something to be explained. We are not putting up one judge against another. We do not want one judge more than another.

Mr. Teesdale: Do you want any at all?

Mr. HUGHES: Not in the Arbitration Court. A knowledge of law is not required to fix the standard of living. Law plays no part in the Arbitration Court. It is a question of how much bread and butter a man ought to get for his family in return for his labour. We do not want legal luminaries in the Arbitration Court; we want common sense and reasonableness. We want to know the cost of living in the terms, not of currency,

but of commodities. We want a standard as to the food a man is entitled to, and when we ascertain the regimen of food, to fix it from time to time on the purchasing power of money. The statistician compiles correct figures as at the date they are supplied, but the data is not obtained from the workers. No effort is made to get the household accounts of the workers day in and day out, and compile costs from them. The statistician's information is obtained from the anti-labour class—from the traders. The statistician tells us that a four-room weather-board house in Perth can be rented for 14s. 11d. a week. In my electorate are 2,000 houses, and I defy anybody to find more than one that could be rented for 14s. 11d. a week.

Mr. Teesdale: Some of them are worth little more than that.

Mr. HUGHES: In capital value, yes. It is due to our friends, who can pull the strings of the Arbitration Court, that the workers have to live under such conditions. The decisions of the court compel the workers to live in those hovels. It has been said there should be a reduction of wages to permit the mining industry to survive. This statement is not borne out by facts. The report of the Taxation Commissioner shows that the average income per taxpayer in the mining industry for mine owners and tributors was—1918-19, £527; 1919-20, £590; 1920-21, £703, and for those assessed in 1921-22, £1,030. The people that have taxable incomes can show for the four years an increase of 100 per cent. in their average income. A great number of mining companies are registered companies, and would not be included in those figures. The Commissioner, in the table dealing with the classification of the mining companies and the duty collected during the six financial years ended the 30th June, 1922, gave the following figures:—1916-17, £36,000; 1917-18, £37,500; 1918-19, £31,000; 1919-20, £26,000; 1920-21, £40,000; 1921-22, £42,000. Those figures indicate that the people relying on the mining industry for their income have been showing a substantial increase or maintaining their ground. Yet we are told the miners must accept 13s. 6d. a day, to enable the industry to survive. I would not care "tuppence" if the mining industry went out. I hope the day will come when there will be no gold mining industry in Western Australia.

Mr. Teesdale: That is an extraordinary statement if everyone is making something out of it. It appears from your figures to be good payable employment.

Mr. HUGHES: Good payable employment!

Mr. Teesdale: It may be so.

Mr. HUGHES: What is the reward for working in the mines?

Mr. Teesdale: There is not too much work here.

Mr. HUGHES: The reward for working in the mines is a slow, agonising, wasting death.

Mr. Teesdale: The conditions are being improved.

Mr. HUGHES: They are not. Early this year I visited Kalgoorlie after an absence of 11 years and I was shocked to find my schoolmates, young men, wasted with disease, expectorating their lungs. They have the dread miners' complaint. They have nothing in life to look forward to but the sanatorium and death as a happy release from their sufferings. I never realised fully the horror of the miner's life until then. When I left the fields there was a young man in his prime, a picture of health, one of the finest athletes on the Golden Mile. When I returned, there was a knock at my door, and there entered my room one as from the grave, a gaunt figure like a scarecrow, a skin-covered skeleton. It was the athlete of 11 years ago. That is the remuneration awaiting the men in the mining industry. I repeat I hope the day will come when the mines in Kalgoorlie will be flooded, and there will be no more goldmining in the State. It is interesting to note that in summing up the case, the court said there was no warrant for the allowance of 1s. 9d. per day for occupational disease, and that the 2d. per day over and above the rate paid in Perth was sufficient compensation. Where could we get a better warrant than the estimates of revenue and expenditure for the State? I say to the Arbitration Court, "Here is the warrant for allowing the 1s. 9d. Last year the State subscribed to the sanatorium £13,500." If that is not sufficient warrant, the court will never get a warrant. It is a great pity the court did not take a trip to Woolooloo to see the unfortunate men there enjoying the result of the remuneration of the employer referred to by the member for Roebour (Mr. Teesdale). No better warrant could be obtained by any court for granting the additional allowance—£13,500 to provide these unfortunate victims of the industry with a little comfort before they die. We know they cannot be cured.

The Colonial Secretary: You do not. Some are cured.

Mr. HUGHES: In some instances the disease is arrested; it is never cured. If we could take some of the young fellows out of the mines and put them into healthy out-door occupations before the disease gets too great a hold upon them, they could be saved. When we find the court so callous to suffering—it is useless to say they were ignorant of it; anyone who attended the court must have realised the dreadful results of the industry—it is time something was done. No step would be too drastic, and anything the Government could do to remedy that state of affairs would be justified. A good deal of the trouble in arbitration courts generally is due to the fact that no statistics are submitted in opposition to those supplied by the Federal and State statisticians. They compile their figures from the business men, the house and land agents and other people not interested in maintaining a high basic wage. There should be a subsidiary department to the court, a statistical office compiling figures from the invoices the workers get from the traders, so that the other side of the picture could be

presented to the court. If such figures were properly tabulated they would blow to ribbons the departmental statistics. If the Government are not prepared to provide this subsidiary department, it would be better for the workers to conserve some of their funds and devote them to a statistical department of their own. Instead of sending one advocate after another to the court to contest the same issue, it would be better to create a department of their own, even if it cost them £5,000 a year. If we are to have arbitration, and this is to be the fundamental basis of the awards the workers will have to do something to combat the figures of the statistician. If the court will not do it, they should set up their own statistical department, even if they have to bring a man from Europe at a big salary to take charge of it. They must have figures to combat those set up against them.

The Minister for Works: Do you want us to understand that the statistician is biased?

Mr. HUGHES: I said definitely that, from the information supplied to him, the statistician compiles the figures correctly.

The Minister for Works: He should get his own figures.

Mr. Munzie: How can he?

Mr. HUGHES: They are supplied to him from various sources.

Mr. Harrison: That would be the case with any other statistician.

Mr. HUGHES: They must be supplied from some source; they could not come from nowhere, like Topsy. The figures are furnished from traders, house and land agents, and others who are generally unsympathetic towards a high basic wage.

Mr. Harrison: That implies a bias.

Mr. HUGHES: If the hon. member interprets it in that way, I cannot help it. I am biased against the figures, because they are not compiled from facts supplied by both sides.

The Colonial Secretary: You are implying a bias.

Mr. HUGHES: The Minister for Works is wrong in trying to draw the inference that I am accusing the statistician of bias.

The Minister for Works: I cannot understand why he should not be able to get figures as fair as those obtained by anyone else.

Mr. HUGHES: He does not do so.

The Minister for Mines: He gets his figures from traders and not from consumers.

Mr. HUGHES: That is it.

The Minister for Mines: They vary very much.

Mr. HUGHES: I do not suggest that he should drop the trader and take up the consumer, but he should get figures from both sides. The trader could put in a price of 10d. for a tin of jam, and the consumer might be able to get a better article by paying 1s., but as 10d. has gone in as the price, that must stand.

Mr. Heron: There may be different prices.

Mr. HUGHES: Yes. We continually see prices advertised in the paper, but when we

attempt to buy at those prices we are told that the goods have been sold out. That is the class of information the statistician obtains. The best source of information is the invoice of the householder, in conjunction with the trader's price list. A certain number of householders should supply the whole of their invoices day in and day out for the information of the statistician. If this is not done, there is no other way of rectifying the present position of affairs than for the Labour organisations to collect their own data. I suggest that Parliament should accept the responsibility of laying down the minimum basic wage for the State, and the maximum number of hours that can be worked, and that the rest of the business should be left to the Arbitration Court. That would solve the difficulty, and be a boon to both employer and employee. If Parliament stated that 44 or 48 hours was to be the maximum working week, and that 14s. or 15s. was to be the minimum wage, the employers would know where they stood for a definite period and it would save a tremendous amount of repetition in the court. The court could then arbitrate on such things as how much above the basic wage was to be paid for skill, or to employees engaged in dirty work such as in connection with flue boxes, or as to climatic conditions, district allowances, etc. I do not say this scheme would be a whole-hearted success, for it would first have to be tried for a few years. If it were tried it would be the business of members of Parliament to go into all the data, and by a majority decide what should be done. The whole matter would then be more or less in the hands of the people.

Mr. Teesdale: Do you mean a flat rate for each industry.

Mr. HUGHES: Parliament, for instance, could say that 15s. a day was to be the minimum daily wage. A carpenter may consider he is entitled to 4s. a day above that wage, and he could go to the court and argue the matter. Parliament would possess all the information that was in the hands of the court. This is a solution that appeals to me as worthy of a trial. Cases have been awaiting a hearing in the court for two years, because they have not had the influence of the Chamber of Mines behind them. The system cannot be satisfactory when that kind of thing can happen.

Mr. Johnston: Under your scheme you would rather trust the Upper House than the Arbitration Court?

Mr. HUGHES: If the Upper House would not allow the Lower House to fix a decent basic wage, I would trust the people to oust it. If the people supported the Upper House and allowed it to keep them in abject poverty, they would deserve all they got. If the Legislative Council refused to allow this House to fix a decent basic wage, such a storm would arise that every member of another place would take a trip to the House of Commons, and endeavour to have the Constitution amended so that they might come back to Western Australia.

The DEPUTY SPEAKER: We are not discussing the Upper House.

Mr. HUGHES: The hon. member knows that the Upper House would be a stumbling-block. This would be the time to get rid of it. We are facing a serious crisis in Western Australia. The workers are all alarmed at this drastic step. The onus is on the Government to keep the wheels of industry going. Let them take the bull by the horns and have the case reheard before another judge. If they cannot get another judge, let them appoint a new President. I hope at the next elections it will be made an issue that Parliament should fix the minimum basic wage and the maximum hours to be worked. Notwithstanding that the miners have had three awards in the last two years, their case was taken ahead of the cases of people who have been waiting for two years. That must leave a nasty odour in the nostrils of all fair-minded people. For the sake of the court and of the confidence of the people in the judiciary, there ought to be some adequate explanation of this extraordinary circumstance.

Mr. MUNSIE (Hannans—in reply) [10.40]: There is really only one statement to which I desire to reply, and that is a statement made by the Premier. The hon. gentleman said that the motion merely asked that public attention be drawn to the award, and he suggested that I had practically accomplished that aim by bringing the matter before the House, and through the House and the Press before the people of this State. Then the Premier went on to say that the motion did not ask the House to take any specific action. That is the statement I wish to reply to. The Premier knows as well as any member of this House that I could not, in such a motion as this, ask the House to take any action. It would have been out of order to do so.

Hon. M. F. Troy: The motion would not have been accepted.

Mr. MUNSIE: I took the only course open to me. Having made that explanation, I have only to add that, seeing the matter has been discussed fully to-night, seeing that the whole of the circumstances leading up to the making of the award and the probable results from putting the award in operation have been set forth, I am prepared to withdraw my motion, more especially because the member for South Fremantle (Mr. McCallum) has to-day given notice of a further motion bearing on the matter, which motion will be discussed very soon. Accordingly, I ask leave to withdraw my motion.

Motion by leave withdrawn.

## BILLS (2)—FIRST READING.

1, Change of Names Regulation.

2, Friendly Societies Act Amendment Bill.  
Received from the Council.

## RESOLUTIONS (2) — ESPERANCE NORTHWARDS RAILWAY EXTENSION.

### *Council's Messages.*

Message received from the Council requesting the Assembly's concurrence in the following resolution:—

That in the opinion of this House the Government should seek the necessary authority this session to extend the Esperance Northwards railway, now in course of construction, so that it will junction with the main railway system of the State at Norseman.

Further Message received from the Council acquainting the Assembly, in reply to its Message, that

The Council has already passed a resolution which is of like substance to that set out in the Assembly's Message, the only difference between the two resolutions being that in the Assembly's resolution the words "as early as possible" are substituted for "this session" in the Council's resolution. In these circumstances, except for the difficulty which arises from the provisions of the Council's Standing Order No. 120, the Council is necessarily prepared to concur in the Assembly's resolution subject to the alteration above referred to.

## RETURN—RAILWAYS AND TRAMWAYS VACANCIES.

### *Applicants' Birth Places.*

Hon. M. F. TROY (Mt. Magnet) [10.49]: This being a formal matter, I move on behalf of the member for Murchison (Mr. Marshall), who is unavoidably absent—

*That a return be laid upon the Table of the House showing:—1, The total number of applications by persons born outside the Commonwealth for admission to the Government tramways and railways respectively of this State for the year ended 31st October, 1923. 2, The total number of applications by persons born within the Commonwealth for admission to the Government tramways and railways respectively for the same period. 3, The number of successful applicants in both classes in each system respectively for the same period.*

The Minister for Railways: The Commissioner of Railways informs me that the information desired is not available in the department.

Question put and passed.

### LEAVE OF ABSENCE.

On motion by Mr. Mullany, leave of absence for two weeks granted to the member for Moore (Lieut.-Col. Denton) on the ground of urgent private business.

## ANNUAL ESTIMATES, 1923-24.

Report of Committee of Supply adopted.

### *In Committee of Ways and Means.*

The House having resolved into Committee of Ways and Means, Mr. Angelo in the Chair,

The PREMIER (Hon. Sir James Mitchell—Northam): I move—

*That towards making good the supply granted to His Majesty, a sum not exceeding £1,131,846 be granted out of the Consolidated Revenue Fund of Western Australia, and a sum not exceeding £63,000 from the Sale of Government Property Trust Account.*

Question put and passed.

Resolution reported.

## BILL—VETERINARY SURGEONS ACT AMENDMENT.

### *Second Reading.*

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [10.56] in moving the second reading said: The proposed amendment of the parent Act is to enable the Veterinary Board to permit persons who may prove on examination to be qualified or fitted to attend to ailing animals throughout our scattered country districts, to do so where no registered veterinary practitioners are available. It will enable the board to register such persons and permit them to charge fees for the services they render to the farmers. It also protects the present registered veterinary practitioners because, should a registered veterinary surgeon establish himself in a country district, the board may de-register the person whom they have permitted to practice there as a veterinary surgeon. This amendment has been advocated by members for a long time, and the Bill provides all that is necessary. It will overcome the difficulty experienced in country districts at present, because the Act does not permit any farmer in an outlying district to secure the services of a man who knows his work thoroughly, nor does it permit any such man to charge fees for services he may render. If he did charge fees, he would render himself liable to prosecution.

Hon. W. C. Angwin: He has to be 30 miles away from a registered veterinary surgeon?

The MINISTER FOR AGRICULTURE: A radius is prescribed in the Bill. I move—

*That the Bill be now read a second time.*

On motion by Hon. W. C. Angwin, debate adjourned.

## BILL—KOJONUP RACECOURSE.

*Second Reading.*

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [11.2] in moving the second reading said: The purpose of the Bill is to provide for the improving and utilising of a reserve at Kojonup as a racecourse and recreation and show ground. The Kojonup Race Club trustees hold a 99 years lease of reserve 1440 for racecourse purposes. The Kojonup Agricultural and Horticultural Society's trustees hold reserve 17376 for a show ground under a vesting order under Section 42 of the Land Act. Those bodies wish to combine and concentrate their efforts on reserve 17376 by improving and utilising it for a racecourse, recreation and show ground generally, as reserve 1440 is considered to be too far from the centre of the town for the purpose. The race club desires that reserve 1440 be granted in fee simple with permission to sell, freed from trusts, in order that the proceeds may be applied to improving reserve 17376, and the local bodies have agreed to reserve 17376 being granted to the Kojonup Road Board for the aforesaid purposes. The Bill therefore provides for the surrender by the race club trustees of reserve 1440, and the granting of the same in fee simple to the road board with power to sell, provided that the proceeds are applied to the improvement of reserve 17376 to the satisfaction of the Minister for Lands. The Bill also provides for the granting in fee simple to the Kojonup road board of reserve 17376 in trust for the purposes of racecourse, agricultural show ground, and public recreation. I move—

*That the Bill be now read a second time.*

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.

*House adjourned at 11.5 p.m.*

## Legislative Council,

*Tuesday, 20th November, 1923.*

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

## LEAVE OF ABSENCE.

On motion by Hon. J. W. Kirwan leave of absence for six consecutive sittings granted to the Hon. J. Cornell (South) on the ground of urgent private business.

## BILL—WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY COMPANY, LTD., ACT AMENDMENT (PRIVATE).

Read a third time and transmitted to the Assembly.

## BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

*In Committee.*

Resumed from the 15th November, Hon. J. W. Kirwan in the Chair; Hon. T. Moore in charge of the Bill.

## Clause 2—Amendment of Section 15:

Hon. A. Lovekin had moved an amendment as follows:—

*That in line 1 of the proposed new Sub-section 4 the words "under twenty-one years of age" be deleted.*

Hon. A. LOVEKIN: Since the previous sitting this matter has been further considered and I propose to submit an amendment of similar purport, but in slightly different form. I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

*That after "age" the following be inserted:—"or between that age and fifty."*

If that be agreed to, I propose to move to insert after "lift" the words "unless he (a) has served the Empire in any war or (b) is physically incapable of undertaking more exacting or laborious work. Provided that no person so employed shall be paid less than the minimum wage prescribed for adult