make it a better Bill, and to make it lighter for the people. With that object I will move for a rebate to the people who have already paid licenses in one form. I say it is scandalously unfair that a man who has paid directly for the upkeep of the road, that is through property as taxed under the Roads Board Act, should be asked to pay a second time in the shape of a wheel license. At one time I was opposed to the wheel license entirely as in the other States I found that it does not exist. When I was last in South Australia, in the course of conversation with a farmer who was in Adelaide at the time, I asked him if he paid a wheel license, and he said no, he paid only the roads board rates. I say that people should pay whichever rate is the higher, the vehicle tax or the property tax, but they should not be asked to pay the two. I wish to thank hon. members for their indulgence in having allowed me to say a few words with regard to the charges made against me in another place. I want to repeat that the only thing on my part that could be taken to be unfair was where I did not discriminate between the two classes of engines that are used for chaffcutters.

On motion by Hon. D. G. Gawler debate adjourned.

House adjourned at 6.14 p.m.

Legislative Assembly,

Thursday, 2nd October, 1913.

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

BILL—FREMANTLE IMPROVEMENT.

Second Reading.

Debate resumed from the 23rd September.

Hon. J. MITCHELL (Northam): When introducing the Bill the Honorary Minister made it clear to the House that the owners of the land to be resumed at Fremantle had not been consulted, and he also made it clear that it was not intended that they should be consulted. I quite agree that the widening of the streets is an important matter, and that land should not be held when it is required for such public purposes. The Minister, however, told us frankly, and I admire his frankness, that the Fremantle municipality have asked for the right to resume a very large area. Block 328, as will be seen by the schedule, is not in any way connected with the widening of High-street, but blocks 329 and 329A are very large, and it is from these that the land for the street must be taken. I understand that the municipality of Fremantle desire to make this resumption of the three blocks in order that they may derive a benefit financially. It is expected that the widening of High-street will lead to the enhancement of the value of the adjacent property, and it is said also that the land at Fremantle is likely to improve in value, and if the municipality is given the power to raise the £80,000, which they require for the purposes of this resumption they will be able to make a good investment. Is it not possible that the owners of this land have waited for years to reap the reward of their investment, and is it not possible also that some person has bought land

in this area at a value higher than it is to-day. We know that established businesses are to be interfered with, and we know that the people who are now engaged in business on those blocks may have to transfer their businesses to other premises. I do not think it would be right, therefore, to agree to the entire proposal contained in the Bill. I understand that in Sydney a similar course to that proposed by the Honorary Minister was approved by Parliament, and put into operation, but the fact that they did wrong in Sydney should not justify us in doing likewise. The principle I object to is the taking of land from owners under the system provided by the Public Works Act. It is true that compensation will be recovered, but how is it to be recovered. We may assume that the offer from the municipality will be less than the fair value of the land, and the owners will ask probably more than the land is worth, so that arbitration proceedings will be bound to follow. We know what has happened in connection with similar proceedings lately. Much land has been resumed in Perth, and in one case the owner of a not valuable block which might be said to have been worth a twentieth of those referred to in the present Bill, appealed to the Arbitration court, with the result that he had to pay his own costs, which amounted to £230. It may be assumed that the expenses incurred by the Government were at least equal to the costs of the owner. Would it be right for this House to do more than permit the Minister to put through a Bill giving him power to resume a portion of those blocks sufficient for the purpose of widening the thoroughfare.

Hon. W. C. Angwin (Honorary Minister): We have that now.

[*The Deputy Speaker took the Chair.*]

Hon. J. MITCHELL: The Minister is asking for special permission. I do not think it would be right to do more than to give power to resume a narrow stretch, or only that which is actually required. The Minister will tell us that in such a case the shops would have to be moved back, and the owners would have to be compensated. That is probably true. I do not know the value of the buildings on those blocks, but whatever the value may be the council would have to find it. Wherever land is resumed the council should be prepared to pay fair compensation. Of course there is nothing to prevent the council negotiating with the owners.

Hon. W. C. Angwin (Honorary Minister): They are doing so.

Hon. J. MITCHELL: Yes, by holding a pistol at the head of the owners and saying, "If you do not let us have these blocks we will take them."

Mr. Carpenter: Suppose the owners do not want to sell?

Hon. J. MITCHELL: Why did not negotiations precede the introduction of this measure. If the council wished to get special power to raise money, that power could be given after the completion of negotiations. These remarks apply only to the blocks having a frontage to High and Market-streets. I do not propose to argue that it would not be better for the council to resume the whole of the blocks. I believe it will pay them better, but I urge that we should consider the rights of the citizens who in the first place acquired this land fairly and honestly, and it is the duty of Parliament to protect them. Block 328 can have no connection with the widening of the street. It is true that the position of block 328 would give to a portion of block 329A a narrow depth, but that does not entirely justify the resumption of block 328. The Minister has told us that it is not intended to use this land for public purposes, that it is intended to let the land on a building lease. Of course we have to realise that the council will borrow £80,000 and that they must get revenue with which to pay interest and sinking fund on that large sum of money. I have no wish to prevent the widening of the street, and I only enter this protest because I think it is the duty of the House to protect those who have acquired property under the law of the State. I think the Min-

ister will agree that the Public Works Act gives all the power needed to meet the requirements of the Fremantle municipality. That Act rightly says that if land is needed for public purposes it must be handed over to the Crown. Will the Minister show us that the municipality ever consulted the owners? Will he let us know that the owners will be consulted and treated fairly? I think we are right in assuming that they will be treated just as unfairly as some of those persons whose land was resumed for railway purposes have been treated during the last few years, not alone by this Government but by other Governments who have had to deal with a matter of this kind. I intend to oppose the measure, firstly, because it is unfair in regard to the block facing the street, and, secondly, because it would be even more unfair to resume land that has no connection with the street at all. If this land is resumed then no one will be safe on his holding. A man may have a small orchard that he specially prizes and where he spends his week ends, a place that is an everlasting joy to him, but because that garden plot may come in for purposes of public utility, the people of the community must ask for it and the Minister may resume it in order that it may be cut up and let for the advantage of the local authority. No man's land would be safe, because the Minister might take a farm from a landowner, subdivide it into small blocks, and get a revenue from it beyond the 5 per cent. he would have to pay on the borrowed money.

Hon. W. C. Angwin (Honorary Minister): You could not cut this up into blocks.

Hon. J. MITCHELL: It is the principle of the thing. The Attorney General's farm may be the next land taken. It would be just as reasonable to take the farm of the Attorney General, or my own farm, or anybody else's, as to take the land comprised in block 328.

Hon. W. C. Angwin (Honorary Minister): You would not object if we took the Attorney General's land.

Hon. J. MITCHELL: I object to this transaction because the Minister has told us that the owners have not been consulted, and I do protest against land being resumed except for public purposes. I will not be a party to a Bill which sets up a new principle, and destroys security of tenure. I hope, if the Minister is not prepared to agree with my contention regarding the block fronting the street, that he will agree that the block not affected by the widening of the street will remain as it is. I know it is futile to attempt to do more than protest. I have no hope of defeating the Bill, but I do object to the principle underlying the proposal of the Minister. I hope this is the last we shall have of legislation of this kind. I understand that land is to be resumed in the city of Perth for street widening purposes, and I hope the Minister will treat the landowners in that case more fairly than he proposes to do under this Bill, and that the worst that can come of any proposition of that nature will be the taking of the land actually affected. If members will look at the plan attached to the Bill they will see that land in no way concerned in the width of the street is to be resumed and sublet by the municipality, in order that they may earn a revenue which will compensate them for the expenditure. That is entirely wrong. If anyone is entitled to make revenue from this land it is the owner, who has paid taxes on his holding for many years, who bought at a fair value when he acquired it in the first place, and who may now have it taken from him at less than its proper value.

Mr. CARPENTER (Fremantle): Perhaps it is only natural to expect that any speaker on the Opposition side, who considers it his duty to oppose anything brought in by the present Government, should take up an antagonistic attitude towards even so simple a Bill as this. May I begin by expressing the hope that, notwithstanding what has been said by the member for Northam (Hon. J. Mitchell), this measure will not be regarded in any party spirit at all. It would be an abuse of party Government if a mea-

sure of this kind, a Bill for public improvements, were to be made a party question.

Hon. J. Mitchell: We do not object to widening the street at all but to the taking of land you do not want.

Mr. CARPENTER: The hon. member does not object to the widening of the street but he objects to the only method by which it can be done.

Hon. Frank Wilson: Who said it was a party question, anyhow?

Mr. CARPENTER: I am expressing the wish that it will not be made a party question.

Hon. Frank Wilson: It is not a party question.

Mr. CARPENTER: Judging by the remarks of the hon. member for Northam one would naturally conclude that he spoke for the Opposition.

Hon. Frank Wilson: Oh, no. I may oppose it too, but it need not be a party question.

Mr. CARPENTER: I am pleased to accept the hon. member's assurance, and I apologise to the Opposition. If the leader of the Opposition and some of his other colleagues will take a more enlightened view than that taken by his colleague the member for Northam, we shall be very glad. The view we get so frequently expressed by members outside the House is that the right of the private landholder is sacred against anything and everything else, and that is the contention of the hon. member who has just spoken.

Hon. J. Mitchell: Certainly not.

Mr. CARPENTER: The hon. member has gone out of his way to talk such nonsense, as, that if we pass the Bill, no one will be safe on his property and the poor farmer, for whom the hon. member has shed so many crocodile tears inside this House and outside, will not be safe. If we do it in this case, says the hon. member, by-and-by we will have somebody's farm confiscated. We have heard that nonsensical argument *ad nauseam* in this Chamber. This measure is simply an enabling Bill to give the Fremantle Council power to effect a much needed improvement. Anyone who knows the layout of the town knows quite well that in the early days those responsible for planning the township did not see as far ahead as they might have done and had not as much faith in the future of the State as they ought to have had, with the result that they made the streets much too narrow for present requirements, and the evil in this particular vicinity is growing year by year. If the hon. member wants to realise the necessity of this Bill I would advise him to go to the corner of Market and High-streets on a busy occasion and see the danger there is to life and limb through the congestion of the traffic.

Hon. J. Mitchell: I do not object to the widening of the street at all.

Mr. CARPENTER: I quite understand the hon. member's attitude. He says, do it some other way, but I say there is no other way of doing it efficiently and economically. Let me deal with the point which the hon. member has raised. He says that block 328 is unnecessary for the purposes of this Bill. It would be, perhaps, quite in accord with the hon. members idea of town improvement to take a portion only of the block of one owner, cut a piece off, and so spoil the block for any other practical purpose for himself or the purchaser, and leave him with a strip of land that could not be used economically. If we are to have an effective and comprehensive scheme of improvement we must take sufficient land so that there will be space to build on when the portion needed for the street has been excised. I would like the hon. member for Northam to consider himself the owner of the land and have the Government come along and say they proposed to take 15 feet off his frontage and leave him with the balance. He would say that he was being left with that portion of the land which was of no use to him.

Hon. J. Mitchell: Is there only one owner of all this land?

Mr. CARPENTER: More than one.

Hon. J. Mitchell: Who owns No. 328?

Mr. CARPENTER: I do not know.

Hon. J. Mitchell: Who owns No. 329 then?

Mr. CARPENTER: I think they are different persons. I do not know the owners at all. I am not concerned with them but only with the question of making a much needed and effective improvement of the town, and if the hon. member will see the danger that exists at this spot he will realise that this Bill is a necessary and simple means of overcoming the trouble.

Hon. J. Mitchell: Take the Attorney General's farm.

Mr. CARPENTER: The hon. member has failed to point out where the Bill proposes to do anything that is not just and fair. If we were proposing to take the land from anyone without paying full value for it there might be some ground for criticism, but the Bill safeguards the present owner of the land in every possible way, and I am quite certain that if the hon. member were the owner he could not raise any quibble at all. I do not know that he would not raise some quibble because he is so good at that, but he could not raise any justifiable reason as to why, on terms as liberal as those proposed in this Bill, the land should not be taken for public purposes.

Hon. J. Mitchell: It is not for public purposes. It is for private investment.

Mr. CARPENTER: It is for public purposes.

Hon. J. Mitchell: It is to be invested to produce revenue.

Mr. CARPENTER: Is that not a public purpose?

The DEPUTY SPEAKER: Order! This is not a conversation.

Mr. CARPENTER: The council realise that if they excise the frontages the remaining portion of block 329 will be very much depreciated in value as a building site, unless they have the same right to build on block 328 as well, and so make a building which can be put to some practical use. The objection to taking No. 328 is altogether a fanciful one, and, in fact, if this block were not included in the proposal, the owners of No. 329 would certainly have a grievance against the Government for taking only a portion of their land and leaving them with the remainder which would not be of any practical use to them for building purposes. I am hoping that this measure will pass this House and another place too, because I understand the council are anxious to put this work in hand as speedily as possible. Every month increases the danger and inconvenience of the present state of things. The tramway passes so close to the corner of the footpath that one is in constant danger of getting jammed between the side of the car and the necessary posts that have been put at the corner of the street: indeed, it is a wonder to me that we have not had more than one fatal accident there already. In these days, when in every part of the civilised world, the leaders of thought are turning their attention to the subject of town improvement, it is to the credit of the Fremantle councillors that they have taken this step and are asking Parliament to give them this power. I am certain that if Parliament gives them the power asked for it will be used discreetly and to the disadvantage of no one, whilst the results will be of advantage not only to the people of Fremantle to-day but also to those who have to use the streets in years to come. I have much pleasure in supporting the second reading, and I hope the Bill will have a speedy passage through this House and another place.

Mr. BOLTON (South Fremantle): I desire to support the second reading of the Bill, and reply to the futile theories and contentions of the member for Northam. His chief complaint is that the owners have not been consulted or that the Minister said that the owners had not been consulted. The Minister had no right to say such a thing and I do not believe he said it. He did not say that the owners had not been consulted, but he replied to an interjection that he did not know they had been consulted. I do not know why the member for Northam said that the owners had not been consulted. This is not a matter of mushroom growth, but it has been talked of and the owners have known of it by public comment and talk for a considerable time past. As a matter of fact the member for Northam said that the taking of

this block would interfere with established businesses. As a business man it seems to me that that is a rather ridiculous statement to make. If you are to resume 12 feet frontage in these two streets without interfering with established businesses, that would appear to me to be a very peculiar thing. It would certainly interfere with established businesses quite as much by taking their frontages away as resuming the whole area. Now is an opportune time to resume this land. This is a very valuable site indeed, but on that site there are a few ramshackle buildings, and the buildings really consist of frontages only. They have just the frontage; there is no back portion; they can hardly be termed buildings at all. That only applies to two particular buildings. The whole of the land belongs to two owners and the amount of rent received from the whole is £3,776 per annum. The Fremantle council have gone carefully into this matter and are anxious not to burden the ratepayers of the town in this connection. It is considered that it is a scheme of necessity and that it will be a paying one. It will not be necessary even to make a loan rate for the purchase of the property, and if it were for no other reason the resumption is quite justifiable to prevent the present danger that exists at that corner. It does not require a visit on a busy night to see the congestion at that corner, and the member for Fremantle has already pointed out that trams run to within two feet of the corner. All the trams converge at this point and if this matter is put off for a few years until the owners have rebuilt, which they soon will have to do, it will be a more costly matter. I say as a councillor of Fremantle that already the premises on this particular area have been partially condemned and there is no doubt that in the near future the premises will be condemned entirely. Is it not better for the municipal council to now go into the question of resumption at the moment the buildings are not of great value rather than have the owners rebuild and then to see the necessity of going in for a resumption of the rebuilt premises? If that were done it would be too big a scheme for a small municipality like Fremantle to enter into, when palatial buildings have been erected on the block. It is not economical to only resume 12 feet frontages in High-street and Market-street, and not to resume block 328. In the interests of the ratepayers the council should resume the whole of the land so as to take from the ratepayers the burden they would have to bear. To resume the 12 feet would cost almost as much as to resume the whole of the blocks. That is rather a bold statement to make, but it is so. The time has arrived, as a matter of fact it arrived long ago, when something should be done in connection with this busy corner. I am glad that the municipal council took this matter in hand just when they did. The time is opportune and every safeguard has been made in the Bill for the ratepayers being protected in this matter. The council are given, by this Bill, 12 months to resume the land. If the resumption is not brought about in 12 months the power given to the council lapses. I would point out that no scheme has been devised yet as to what is to be done with this particular land. It will be for the incoming council to decide. The Fremantle council have met and unanimously agreed to ask the Government to introduce the Bill to give them this power, if the ratepayers' poll is favourable to it. When we know that a poll is to be taken and that the necessary action is to be taken in 12 months the ratepayers are safeguarded. Provision is made for the resumption at a valuation on the 9th September, 1913. That is the time of the introduction of the measure. The member for Northam said that the council would no doubt offer the owners of the land less than its value. The hon. member had no right to say such a thing. It would have been better if the hon. member had suggested that in Committee he would move an amendment that the land be resumed at the owners' own valuation under the Land Tax Assessment Act. If the proposal of the hon. member for Northam to resume only 12 feet frontage was agreed to we should

interfere with the businesses more than by resuming the whole area. I say there may have to be compensation for interfering with the businesses, and there may be certain leases subject to compensation. So far the owners and ratepayers will be treated well by the local government if the land is taken. Not only the municipal council, but the ratepayers and the people of Fremantle have recognised the urgency of the question for some time. This is not a fad of the present council of the municipality. They have recognised the urgency of this question for some time, and now seek power from the Government to carry it into effect. The hon. member for Northam said that Sydney had introduced a similar measure and that it had become law. That is a fact. The system adopted in Sydney is for the council to resume more land than is necessary to widen a street because it is more economical to do so; otherwise there would be a loss. May I break off here and ask the member what would be the use of the municipal council resuming 12 feet; how would they pay for it; how would it be possible to get anything for their outlay? The money would have to be paid by the ratepayers and the only compensating advantage would be the extra width of the street which the ratepayers would have to bear. On the other hand, by resuming the area, which is a corner block, the ratepayers are possessed of the knowledge that it will be a paying scheme and will not require a loan rate struck to bring about the necessary resumption. I said a few minutes ago that Sydney had introduced a similar measure. They resume more land than is necessary to widen the street and they then let the land out on 40 years' building leases. They take what they require for the street and lease the remainder on 40 years' building leases, when it becomes the property of the council. Surely that is a good scheme for any local government and not a wrong scheme. Sydney has made no mistake, neither has any city laid out like Sydney or Fremantle unfortunately were laid out. The council could get more than their money back by letting building leases or selling the land. They ask for power in the following terms. This is a report of the committee of the council which the council adopted, asking the Government to give them the power. It says—

> That statutory powers be obtained empowering the council to resume the said area, and to sell, or lease or remove all or any of the buildings now thereon and to increase the width of that portion of High-street and Market-street affected thereby. To subdivide, lease, or otherwise deal with the portion of the land acquired which, in the opinion of the council, is not required for increasing the width of the street or for making any new street. Giving power to buy materials, enter into contracts, employ labour, to build shops, warehouses, offices, and buildings of any other description, and to lease, let or sell the same; to collect rents and proceeds.

Going to show if the council are only prepared to resume 12 feet in each of the two streets they could never pay for the cost of resumption. So they went into the question of resuming the whole area because they wanted to make it a self-supporting scheme. I wish to point out once more that the ratepayers are safeguarded. They can demand a poll and also a poll on the scheme that is in the future to be outlined by the new council. I would remind the member for Northam, although the council resume only 12 feet they need not exactly demolish the buildings in the 12 months. It may be done piecemeal. All sorts of things may happen so as not to interfere with existing businesses, but the resumption must take place within 12 months. But the best argument of all for the passage of the Bill is that if the poll is not favourable the Bill will not became law. It is quite competent for the owners to build, as they will have to do by the health by-laws, but the council will be never financially able to resume the land if the owners do build. It is far better to resume the land now, because certain improvements are taking place in that street, not on this particular area, and while the buildings are in the present dilapidated state it would not

cost as much to resume the land as it would in a few years when the land must be resumed at that corner. It must, therefore, be readily admitted that this is the proper time to get the Bill through, giving power to the council to resume this land.

Hon. J. Mitchell: Will you give the present business men the right to the 40 years' lease?

Mr. BOLTON: I think the existing tenants should have the right to the new buildings or a lease of the land where they are carrying on their businesses. That is in the proposal of the council. The council have not decided what is to be done with this property; they may even make a public park of it. There is nothing to prevent them by resolution from doing that. If the ratepayers endorse the scheme it will be adopted. The proposal is to make the scheme self-supporting, either erecting new buildings, the present tenants having the first right to lease, or to let or sell the land. It is not a losing proposition, but a good one for the municipality and for the people of the town, and it will not be a bad proposition, as suggested by the member for Northam for the owners and the tenants, because I repeat here again that it will not be long before the majority of the tenements will be condemned entirely and new buildings will have to be erected. This House will recoginse this is so. It is desirable to have these rights and powers given to the municipality when the property is not worth nearly as much now as it would be if these buildings were pulled down and new buildings erected. Therefore I hope the Bill will pass in this Chamber and in another place, giving the powers desired to the municipality. Supposing the Bill becomes law and the Council do not resume within the 12 months, the Bill lapses. It will be a very sorry day indeed for Fremantle if they have a few years hence to bring up the question of resumption again. It is absolutely necessary that the three blocks shall be taken, and the municipal council are unanimous on the question and unanimous in asking the Government to introduce the Bill. The Minister has consulted with the council and knows that the matter has been under consideration for some time, and that it has been known by the tenants and owners. Everything is ripe for the resumption, therefore I have much pleasure in supporting the second reading of the Bill.

Mr. E. B. JOHNSTON (Williams-Narrogin): The hon. member for South Fremantle has dealt with this Bill exhaustively, and has marshalled all the points in its favour, so that there is no need for me to detain the House more than a few minutes in speaking upon it. The hon. member has pointed out that the principle contained in this Bill is not a new principle, as would be implied by our friends opposite. Anyone who has been to Sydney during the last few years will be struck by the wonderful improvements made in many of the main thoroughfares there, particularly in Oxford street during the last few years, as a result of an exactly similar measure. One point, however, to which I wish to draw attention is the proposed widening of the new street in Fremantle as mentioned by the Hon. W. C. Angwin (Honorary Minister). Every hon. member must admit that the Fremantle Council deserve praise for the action they have taken in tackling this question, and in endeavouring to widen High-street, but I wish to point out that High-street in the very heart of Fremantle is only 50 feet wide, and even if this measure is carried, as I believe it will be, the Hon. W. C. Angwin (Honorary Minister) has told us that the Fremantle Council propose to make the thoroughfare only 62 feet wide.

Mr. Bolton: There is a sweep at the corner.

Mr. E. B. JOHNSTON: But they are going to lay down a second tramline. I hope that they will widen the street to 80 or 90 feet at least, otherwise they will be regretting that they did not do the widening properly while they were about it. Fremantle is bound to be a very big port. We call it the "Golden Gate" of Australia to-day, and I hope the Fremantle Council will remember the Trans-Australian railway, the Naval Base, and other great works which they will have at their door, and that while they are about it they will widen the two streets

included in the project to 80 or 90 feet instead of to 62 feet as is proposed at the present time.

Mr. Carpenter: It will be a question of cost.

Mr. E. B. JOHNSTON: That is so, and I have already stated that I appreciate the fact that the Council are doing good work in facing the matter. I hope they will take advantage of the power given to them under the Bill. I throw this suggestion out in a spirit of appreciation of the action they have already taken. I support the desired resumption, and this Bill, whole-heartedly.

Hon. FRANK WILSON (Sussex): Contrary to the expectation of the hon. member for Fremantle (Mr. Carpenter) I am going to vote for the second reading of this Bill, and I do not do it because the hon. member has announced that my friend, the member for Northam, Hon. J. Mitchell, is trying to make a party question of it.

Mr. Carpenter: I expressed the hope that you would not make it a party question.

Hon. FRANK WILSON: I would be more likely to follow the member for Northam if I followed my feelings of friendship; but according to my judgment I take a different view of the matter; but I want to make it clear that the hon. member for Northam has stated that, so far as betterment of the town of Fremantle is concerned, he is with the hon. member, but he has exercised his right as a member of the Opposition to criticise, and has done his duty in pointing out what he thinks is not absolutely necessary in connection with the improvements that are projected. In that respect I think the hon. member has done wisely. I want to say at once that the betterment of towns and cities in older countries from time immemorial is a work which has been continuous. It has gone on and exercised the judgment and skill and management of different local authorities from ancient times; and thus we have to-day cities which are presentable. Cities which, although they answered requirements many years ago, have in more recent times been made to answer the purposes of the people very much better and to provide greater health facilities than existed heretofore. For this reason I think we ought to encourage our municipal authorities in every effort they may make in this direction, even though we may find fault with some of the details of their projects to improve the towns and cities of this country, where they were built badly in the early days through lack of judgment and knowledge of what would be required by future conditions. Perth may be cited as an example in this respect. Some day I presume Hay-street will have to be widened and other streets will have to be improved. I am heartily with the member for Williams-Narrogin (Mr. E. B. Johnston) who says he doubts very much whether the Fremantle Council are going far enough in making the street in question 62 feet wide instead of increasing it still further when they have the opportunity. I hope that that aspect of the question will be borne in mind, and when they have resumed this land they should not repeat an error which was undoubtedly made in olden times when they did not think it was necessary to have such wide streets as are required to-day. If I thought for a moment that the council were embarking on this proposal in a speculative frame of mind, in order to speculate with money borrowed on the security of the property of Fremantle——

Mr. Bolton: They are not that sort.

Hon. FRANK WILSON: If I thought that I should be inclined to follow my colleague, the hon. member for Northam, in his opposition. If I thought it was an extension of the land nationalisation scheme, I also would oppose it tooth and nail, because I have always from my place in this House protested against local governing bodies, State Governments, and others indulging in what I deem to be unhealthy competition with the citizens of the country who have built it up to what it is at the present day. I think we may, with what has fallen from hon. members opposite, come to the conclusion that the Fremantle

Council are actuated with the one desire of improving their town. It is a very laudable desire. We may also conclude that they are far-seeing men and wish in improving the town to put themselves into a position to make it as light as possible for those who will have to foot the bill and pay interest on the money borrowed. Hence they have taken a course which may appear to be somewhat extreme. According to the sketch supplied in the schedule of the Bill they have decided to resume land which is apparently not required for their improvements at the present time. Block 328, which was referred to by the hon. member for Northam, does not apparently come within the scheme of street-widening proposed. It is proposed to widen a portion of High-street and a portion of Market-street, and therefore I think the Honorary Minister (Hon. W. C. Angwin) would do wisely to give us some information for the necessity for resuming block 328. I can quite understand that they may want sufficient room to give a reasonable depth to the blocks upon which the new buildings will be erected. They may want also sufficient space to give proper access to the different properties which will be in the scheme of the council. I have no doubt that proper rights-of-way and entrances will have to be made, and if it is necessary for that purpose to resume that block, I think the council are doing wisely. We do not want half a scheme, and it would be unwise to limit one's self absolutely to the 12 feet it is proposed to take into the streets referred to. Of course, I do not suppose we, as a party, would as the hon. member was rather afraid, oppose a transaction of this sort, because I have a vivid recollection of having resumed blocks in connection with our railways in Perth. We took blocks which did not actually come into the railway improvement scheme, and we took them up because we could not utilise the balance of the land and get access to it. In one instance we had to put a right-of-way at the back of the land resumed, and to do that we had to resume another block which was not actually touched at all by the railway works. I think that we may safely let this Bill pass its second reading, notwithstanding the attitude of the hon. member for Northam, and leave those who are directly interested in the project to voice their disapproval—if they should have any disapproval—when the matter is put before them by the council and a poll is taken in connection with the proposed purchase. The arguments of the hon. member for South Fremantle that this area is covered with ramshackle buildings of little value, and perhaps a menace to the town to some extent, although it is one which he can strongly advance as a reason for carrying out the improvements, is also one which can return against him to prove that it is unnecessary to take more than the bare land required for street improvement purposes. It would be necessary to find money to pay for the 12 feet resumption, which is the most valuable of the land on the two streets. What I wish to point out is that if this were vacant land entirely there would be no need to take an inch more than was actually required to widen the streets. You would not then put the owner in any worse position, and you would get the desired result without putting through a big transaction of this sort, in which, I understand, some £70,000 or £80,000 is involved. Therefore, it seems to me the action of the Fremantle council, as far as I can gather, is one that ought to be commended. The provision that the value is to be assessed on the date specified in the Bill is a wise one. We do not want speculators coming in, and therefore I think the Minister in drafting the Bill has made a wise provision in fixing the date at which the value of the property is to be assessed, so that those who own the property at that time, and those alone, will get the compensation to which they are entitled. As to turning out the present occupants of the buildings erected on this land, that is a much wider question. Whether they will be reinstated at some subsequent period will be a matter for arrangement with the owners of the land.

I do not think anyone would wish for any rash promise to be made that the tenants by right should have the refusal of the new buildings to be erected.

Mr. Bolton: The council could not do that.

Hon. FRANK WILSON: The tenants, I understand, under this measure, will have a claim for compensation, the same as the owners. That being so, we may safely leave them to make their own arrangements subsequently, so far as occupying any new buildings may be concerned. The safeguard of a poll to be demanded is reasonable, and I for one certainly approve of the provision that all ratepayers should have a voice in connection with a matter of this description. I do not think that because a ratepayer has omitted to pay his rates he should be debarred from having a voice as a ratepayer on a matter of this kind in which he will have to carry his share of the burden. Therefore, taking the Bill as a whole, I am of opinion that we may well pass the second reading. I hope we will have many schemes of this description projected by local bodies in Western Australia within the next quarter of a century, and not only have Fremantle but Perth also brought up to date by city improvements, even as cities of the Old Country and the Continent have been improved from time to time for hundreds of years past.

Hon. W. C. ANGWIN (Honorary Minister) in reply: I thank hon. members for the manner in which they have received the Bill. I wish to point out, in reply to objections offered to the Bill, that provision is made therein giving the council power, when they have the matter under final consideration, to modify the scheme so far as the schedule is concerned. I have here a cutting from the *West Australian* in which I note there are 19 different dwellings erected on this area shown in the schedule as fronting Market-street and High-street.

Hon. Frank Wilson: Are they dwelling houses?

Hon. W. C. ANGWIN (Honorary Minister): No, they are shops. Some of these have no yards whatever. They are on very small areas, and immediately steps are taken to reduce the depth of these areas by twelve feet or more it will be necessary to extend further back into block No. 328 to provide sufficient room to erect any buildings necessary. Moreover, it will be necessary to make provision for a right-of way. There is a private right-of-way going through the property to-day, but that will have to be extended. The final decision of the council has not yet been arrived at. The member for Northam (Hon. J. Mitchell) stated that it is anticipated that the cost of resuming the property will be £80,000. That is not so; half that amount is nearer the mark.

Mr. Carpenter: I believe it will be £50,000.

Hon. W. C. ANGWIN (Honorary Minister): It is as yet a matter of opinion, and will be settled later on. I am told on reliable authority that the property as it stands to-day is valued at considerably under £50,000. The amount of money required to carry out the provisions of the Bill rests entirely on the future actions of the council. Because, as the member for South Fremantle (Mr. Bolton) has stated, the present council will go out of office in November, and the scheme will be put before the ratepayers—and I may say here it is the intention of the council themselves to see that it is submitted to the ratepayers, and the ratepayers will express an opinion on the scheme before any action is taken. Having regard to that, I think the interests of the ratepayers are safely guarded. Then when the new council are elected, they will have an opportunity of considering what they will do with the area when the proposed increased width of streets is carried into effect. Section 6 of the Bill provides for a modified scheme if necessary. The new council may, with the approval of the Governor-in-Council, make it 16 feet or even 20 feet, instead of 12 feet. I am of opinion that once the buildings are removed the council will take a little extra land, so far at least as High-street is concerned. I have nothing further to say. The way in which

hon. members have received the Bill seems to show that it will go through.

Question—put and passed.

Bill read a second time.

In Committee.

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

BILL—MINES REGULATION.

In Committee.

Resumed from the 30th September; Mr. Price in the Chair; The Minister for Mines in charge of the Bill.

Clause 54—Employees to satisfy themselves of safety of appliances :

Mr. MUNSIE moved an amendment—

That the following words be added at the end of the clause—"but without prejudice to any responsibility or liability on the part of the manager or of any other person."

The clause was fairly drastic. As far as possible, employees should take every precaution for their safety, but Section 50 of the existing Act which was identical with this clause, had worked detrimentally to the employees. The South African law contained a section on the lines of the amendment. In many cases where a serious or fatal accident had occurred Section 50 had been quoted at the inquest or inquiry not only by the employer's representative, but by the Government inspectors against the employee. On the Golden Horseshoe mine 3½ or four years ago two men named Hutchinson and Griffiths were killed in a winze. The men had fired a round of holes and Hutchinson went down to send up the dirt. He began to feel a little giddy and called to his mate that he was coming up. Just when he was putting his hand on the brace he was apparently overcome and fell off the ladder. His mate got the bosun's chain, hooked it on and proceeded to descend when the rope gave way and he fell to the bottom. At the inquest the solicitors for the company and the inspectors elicited from the mates of the deceased that they did not examine the knot in the bosun's chain. The responsibility as regarded the safety of tackle should rest with the managers. In many cases the employee would have no first-hand knowledge as to whether a rope was safe, even if he examined it. He had been informed that a man named Valentine Liddle in 1897 was killed through the overwinding of a winch on Hack's mine at Sandstone. The inspectors and representatives of the employer questioned the witnesses as to whether they had complained regarding the safety of the winch for hauling men. The men admitted that the winch was not safe for that purpose. If they had complained they would have had to leave. The representative of the deceased took legal advice as to whether this would jeopardise an action, and the advice was that it certainly relieved the management as regarded damages. William Lane met with a serious accident in the same mine in 1909 through the breaking of a rope. The employees were questioned as in the other cases, and they admitted that they did not carefully examine the rope. Portion of the rope used in this case was tested at the Midland Junction workshops, and the report was that it would be impossible for an inexpert man to tell whether it was good or bad. It appeared to be good, but really it was rotten.

Hon. Frank Wilson : Would he get compensation ?

Mr. MUNSIE : Yes, under the Worker's Compensation Act. Such ropes should be tested periodically the same as winding ropes, and the onus should be on the employer to see that they were in safe condition. If an employee made himself so officious as to examine the winding ropes in a main shaft he would be told to put in his candles and get his time. For accidents of this kind, more compensation should be paid than was stipulated under the Workers' Compensation Act. That was why he had moved the amendment.

Hon. Frank Wilson : Why entitled to more ?

Mr. MUNSIE : If it was proved conclusively that there was neglect on the part of the employee he should be entitled to compensation under the Worker's Compensation Act. The leader of the Opposition had repeatedly maintained that an employee who met with an accident had a claim at common law. No action at common law since the introduction of the Workers' Compensation Act of 1902 had been successful. There was also the case of Peter Daly who was killed recently at the Youanmi mine. That accident happened through insufficient means for getting away from the firing holes. The system there was to have a chain ladder for a certain distance down the winze. It went to the bottom and they neglected to pull it up with the result that they got some iron bars——

The Minister for Mines : Tram rails.

Mr. MUNSIE : They got these bars and made an iron ladder from the bottom of the winze. The unfortunate individual was attempting to get away by a ladder such as this and in some way he slipped off, with the result that he was killed. There again the management put forward the plea that in no instance had any of the employees asked for better contrivances to get away from the firing. It is reasonable that they should put forward that argument, but it is just as reasonable for a man who has had experience underground, to know that if he did ask, and if he insisted upon getting better appliances, in many cases he would be told to leave.

Mr. Harper : Why not come up in the bucket ?

Mr. MUNSIE : Speaking personally, he had worked in a winze where it was almost impossible to come up in a bucket. If he had been firing holes he would have come up in the bucket. He had already drawn attention to the desirability of doing away with the single cylinder Holman hoist where men were being lowered or raised, and particularly when they were being pulled away from shots. He hoped the Minister would agree to the amendment and that the Committee would accept it. It was word for word with what appeared in the South African Act, leaving out the first portion of Regulation 157, because that was already provided in the clause.

The MINISTER FOR MINES: If the clause operated in the direction indicated by the member for Hannans, and it was understood that it had so operated in the past, the amendment should be made, because it was never intended that the non-observance of this clause should relieve the management of responsibility. An instance such as that cited by the hon. member in the Youanmi mine, where it was contended that the men were themselves responsible because they had never asked for better means for getting out, should not relieve the management of their responsibility of seeing that there were proper means provided for getting out of the winze. The clause threw a serious responsibility on the men of seeing that the tackle and appliances were in proper order for the work they had to perform. In the past it had been honoured in the breach rather than the observance. This clause was very necessary in order to impress upon workmen their obligation as well, of course, as the management, of seeing that the appliances were in proper order. The men themselves were often in a better position than the management to know the state of the tackle, because the management could not possibly be always watching the gear. The men who were working it the whole day were in a better position of knowing the condition in which it was. If it had been urged in the past in mitigation of damages that the responsibility was that of the men, then he would declare that that was never intended. The obligation was upon the management to see that all the appliances were in proper order. The amendment was similar to the provision in the South African Act, and he saw no reason why it should not be added to the clause in order to make the position plain.

Hon. FRANK WILSON: There was no intention on his part to oppose the amendment, and even if he did, it would not make much difference. He agreed that it was not intended in drafting this clause

that the management should escape liability because there was a responsibility placed upon the shoulders of the worker. He had already argued that accidents were more often due to workers themselves than to the managers or the bosses in mines, and that was still the case. It was necessary that the management should be properly backed up by the workers, but he took strong exception to the constant assertion which was made that the men would get the sack if they opened their mouths about the condition of the tackle. He did not know why certain members opposite should be imbued with this fteling of animosity and fear. How often had the hon. member for Hannans himself got the sack for having opened his mouth?

Mr. Munsie: I never said that the tools I was working with were unsafe, otherwise I would have got the sack.

Hon. FRANK WILSON: It was not necessary to hold a pistol at the head of a manager, and he was satisfied that if the fact was pointed out that the tackle was not in the order that it should be, and that its condition was likely to cause injury, mine managers would be only too happy to put it right. There were too many liabilities at the present time to ignore advice of this kind which might be given to the managers by the men. Those who employed labour to-day were only too glad to have information on any point which would enable them to safeguard the lives of their employees and also safeguard the carrying out of their operations.

Mr. Green: Consistent with a maximum output.

Hon. FRANK WILSON: It would affect the output if the mine were stopped.

Mr. Green: The manager would not like a man to approach him all the time.

Hon. FRANK WILSON: A man would not be everlastingly complaining. What was wanted was perfect freedom for the employee to report at once. This clause compelled the man to report, otherwise he committed an offence against the Act. Not one manager in a hundred would take offence at such action.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. FRANK WILSON: There was not much to add on the subject of the proposed amendment. He was not opposed to it. It was not easy to see how anyone could take exception to the provision. Under common law there had been, perhaps, a difficulty in some instances in recovering compensation. The member for Hannans (Mr. Munsie) seemed to think there was no possibility of getting proper consideration at common law. There was, perhaps, a difficulty, and it was for that reason that other measures, such as the Workers' Compensation Act and the Employers' Liability Act, had come into existence. There was now ample provision for anyone to secure reasonable consideration and compensation in the case of injury or loss of life.

Mr. Foley: There is always a common employment section in an Employers' Liability Act.

Hon. FRANK WILSON: At all events, the adding of the proposed words to the clause would not interfere with the provision at all. No one would seek to deprive a man of the right of action on just grounds, nor wish to relieve the proper officials of their responsibility for the management of a mine. The amendment would not in any way decrease responsibility or liability.

Mr. HARPER: The clause was one of the most important in the Bill, and certainly it should have been embodied in previous mining legislation. It often happened that men were negligent or careless—indeed this might be applied to any of us. For instance, a little while ago, in carelessly stepping from a tramcar in motion he had himself slipped and sustained a sprained ankle. Miners frequently took risks which could be averted. It was an erroneous idea that the manager of a mine would ask a man to work in a place where he (the manager) would not be prepared to work. There might have been exceptions to this rule, but they were very infrequent. It was a pity some members on the Ministerial side had not had a little experience in the supervision of men, for they would not then

hold so depraved an opinion of mine managers as they were so frequently avowing.

Mr. Foley: Not of all managers.

Mr. HARPER: No better experience of mining could be afforded to any man than to put him in the position of a manager. Such a man would then see both sides of the question and would very quickly learn to modify his opinion of mine managers. Mine managers found it most difficult to induce the men to take proper care of themseves. The clause would have a very good effect in the way of minimising the number of accidents. Probably no mine owners were at all opposed to paying men reasonable compensation for injury sustained in accidents to which those men had not themselves by negligence contributed. In the old days, under a certain judge in Western Australia, it was worth a fortune to a man to sustain a slight injury in a mining accident. He remembered a case in which three men were slightly injured, in consequence of which they were for three weeks incapacitated in a Government hospital. There was in connection with the mine an accident fund, and each of the injured men was entitled to two guineas a week out of that fund. The company had offered to pay them full wages for the period of their incapacity, and each man was therefore to have been paid £5 a week while disabled. With this the men were satisfied, and were to return to work on the Monday. But on the Saturday they fell into the hands of a lawyer who induced them to sue for something like £2,000 apiece. It was twelve months before the case was heard, and the judge awarded those men wages for the full time. All mine managers desired to eliminate accidents as far as possible. The member for Hannans (Mr. Munsie) had referred to the testing of ropes and had declared that the average miner was not an expert in the examination of ropes. As a matter of fact, the best experts in the world were not capable of so judging ropes as to insure against accidents. He had seen a rope apparently satisfactorily tested, but which, later in the same day, was the cause of an accident. On that occasion the management were blamed on the score that the rope had been strained in the course of too severe a test. Not long ago the propeller shaft of the "Otway" had broken in Hobson's Bay. No one could have foreseen that accident, which was ascribable to some imperceptible flaw in the manufacture of the shaft. The clause would serve to induce men to take all necessary precautions to prevent accidents, and if on that account alone mine managers would appreciate it. He disagreed with the member for Hannans in the contention that men were victimised in consequence of defects in plant. That very rarely happened. Unless they had employed men hon. members little knew the great responsibility and seriousness of the position, and how mine managers detested and abhorred the occurrence of acidents. Those supervising the working of mines were human; perhaps they had been working men, and the mere elevation to the position of mine manager did not change their nature and composition. They were not callous to the extent that hon. members suggested, and in all cases they appreciated the pointing out of any defects likely to lead to accidents. An important feature of this clause was that very often men would leave off shift and not examine the ground before they went. The men coming off shift should be responsible for seeing that the ground was safe, or was reported as unsafe to those coming on shift. The same remark applied to tackle and everything else covered by this clause. He had no objection to the clause, but he wished to point out that those in charge of mining operations were just as anxious to avoid accidents as the men working for them.

The Minister for Mines: I do not think anybody disputes that fact.

Mr. HARPER: The Bill left very little to the discretion or judgment of the managers. It was a restriction of mining generally and the managers were pretty well tied up.

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

Clauses 55 to 59—agreed to.

Clause 60—Daily wages:

Hon. FRANK WILSON: This was one of the most pernicious clauses in a pernicious Bill. To legislate to take away from any individual citizen the right to earn the best return he could for his skill and experience was to do an injustice to that citizen and interfere with his liberty.

Mr. Foley: You think the old system gave him that liberty?

Hon. FRANK WILSON: Certainly. Any system whereby a man was allowed to put a price on his own labour gave him an opportunity of getting an increased return for his skill and knowledge, and it was strange that, whilst hon. members, with a block vote, would support this clause, and would say that they never had an opportunity of getting a fair return for their labour in the past, yet they did not practise what they preached. Was the Minister for Works carrying out all his public works on the daily wages principle?

Mr. Green: Practically.

Hon. FRANK WILSON: If the hon. member inquired he would find that instructions had gone forth on to the railway works to sublet. The very thing which the Government were always condemning the Liberals for doing when in power, they were doing to-day.

Mr. Green: There must be a special reason.

Hon. FRANK WILSON: The reason was expediency. The railways were costing too much to-day under the day labour system.

Mr. Thomas: Cheaper than ever before.

Hon. FRANK WILSON: The hon. member did not know what he was talking about.

Mr. Munsie: If this clause is carried, will it prevent the building of railways by contract?

Hon. FRANK WILSON: It would not. But why permit the contract system on railways if they were going to prohibit it on the mines?

Mr. Dwyer: This is special legislation for a special industry.

Hon. FRANK WILSON: The hon. member, versed in the law, would always find some answer, even though it was a foolish one. Hon. members were not sincere in the advocacy of this principle, and the men interested did not want legislation of this description. Why should not the miner on the goldfields have the right to earn all he could by reason of his skill and extra application, more especially as he was already protected by the Arbitration Court's decision, so that he could not possibly get less than a full day's wage, even though he did not earn it? Did it not seem absurd that Parliament should go to the extreme length of prohibiting those men from working on contracts, when we were throwing the door wide open in other industries, and when the Government themselves were exercising their right to sublet work without any restrictions such as the mine managers had to contend with, inasmuch as the mine manager had at any rate to pay the minimum daily wage fixed by the Arbitration Court.

Mr. A. E. Piesse: They let contracts for themselves.

Hon. FRANK WILSON: Government members were not consistent. They would do what they liked in the direction of saving every sixpence so far as their own personal purse was concerned and the very principle embodied in this clause might go to the four winds of heaven. When they were administering Government departments, and they found the day-labour system was costing too much, they let contracts in order to get a better return in connection with railway construction. If hon. members were not consistent in that respect they had no right to introduce legislation of this description. It stood to reason if we were to be consistent, and were to deprive the worker of his undoubted right to sell his labour in the best market—if it was a pernicious habit that had been indulged in during many years past, if it was injurious to our manhood, or if it affected the lives of a large section of the community, then the same argument must apply to other avenues of employment. To be consistent we should immediately legislate to prevent firewood-getters from working on a tonnage rate; the coal miners at Collie from hewing and loading

on tonnage rates; and sleeper hewers from working for the Government at so much a sleeper. We should interfere with the operations of settlers who let contracts for clearing and fencing and other work of that description which was doing much to further the progress of the country.

Mr. Harper: Shearing by contract.

Hon. FRANK WILSON: Yes, shearers should be prohibited from shearing by the hundred, and we should stop any kind of sub-contracting wherever it was in existence. What would the member for Collie (Mr. A. A. Wilson) say if the Minister proposed to make this clause applicable to the coal-mining industry?

The Minister for Mines: This Bill does not apply to it.

Hon. FRANK WILSON: Certain portions of it did and why not this clause? The member for Collie would rise up in his wrath and metaphorically slay the Minister because of undue interference with the industry. What would the member for Forrest (Mr. O'Loghlen) say if the Minister made it applicable to the timber industry, and suggested that as Minister for Railways—one of the biggest culprits—he should be prevented from placing orders for sleepers at so much per sleeper. The bottom was knocked out of the argument for this legislation. The Minister knew he could not get a proper return if he put hewers on by day wages. He would not know what the sleepers would cost. The men worth their salt would protest and would refuse to be put on a level with the chap who could not handle an axe. The whole system laid down by this clause was pernicious. We would lose the best of our miners, who liked to earn something above what the ordinary man could earn on day wages. Parties of men working for six months at a stretch had averaged 26s. a shift in the mines in the Eastern goldfields.

Mr. Foley: Some of them 9s., 10s., and 10s. 6d. a shift.

Hon. FRANK WILSON: That could not be so, because the full daily rate of wages had to be paid. In the other States a man could sell his labour in the best market. Queensland was endeavouring a few months ago to get expert miners from Western Australia to go to Mount Morgan, and guaranteed that experts could earn 17s. a shift. Were we to sit back and calmly see the best miners leave this State, as they undoubtedly would do, to go to other fields where they would have the freedom to earn as much as their skill permitted them? Were we to pass legislation that these men should not exercise the same liberty which we claimed for ourselves? Who were building up the Commonwealth? The men who had liberty to do the best they could; the sub-contractor who took a little job and made a profit over and above the rates of wages and finally developed into a contractor and probably an employer in a large way. These men had made Australia prosperous, and yet we were asked to close the avenues altogether. The men must not work more than a certain number of hours, and must never rise above the daily rate of wages. No matter how skilful they were, they must content themselves with that and always be daily wages men. He could conceive of nothing more injurious to the people or more likely to stamp out ambition, energy, industry, and thrift.

Mr. Green: And bring them all down to the one dead level.

Hon. FRANK WILSON: All to the level of the hon. member.

Mr. Green: A dreary, drab existence.

Hon. FRANK WILSON: The result would be there would be no effort and no ambition to excel. The ambition which filled our forefathers a hundred odd years ago when the first large manufacturing industries were established in the old country, to turn out something better and more expeditiously than others, which resulted in building up the iron masters, the steel manufacturers, and the engineers who had always held precedence——

Mr. Green: And made slaves of their employees.

Hon. FRANK WILSON: That ambition was to be quelled and we were to come down to the one level. The contract work in our gold mines ought to be termed the bonus system.

Mr. Thomas: A sort of blood money, is it not?

Hon. FRANK WILSON: That was where the hon. member displayed his ignorance.

Mr. Thomas: You should not use the word so often when it applies to yourself.

Hon. FRANK WILSON: The hon. member's ignorance was proved, because this work was not increased in arduousness if a man was working at so much a foot. It was because the men had a better method of applying their skill and could get a better return from the machines than men without equal experience.

Mr. Wisdom: And incentive.

Hon. FRANK WILSON: Quite so. A man working for seven hours knew that when the whistle blew he would have earned 13s. 4d. or something more, according to the position he held. He would not apply himself in the fullest degree, as the man who knew he could probably knock out 25s. or 30s. What would be gained by this legislation to preclude a certain section of the people from the undoubted advantage of earning all they could by their skill? Would the health of the community be improved?

Mr. Thomas: Yes.

Hon. FRANK WILSON: Would the risk of accident be lessened?

Mr. Foley: Yes, decidedly so.

Hon. FRANK WILSON: Would the conditions of employment be made easier?

Mr. Thomas: Yes.

Hon. FRANK WILSON: Would there be any advantage from depriving these men of the liberty the hon. member enjoyed? If this was not legislation for a section of the people with a vengeance, what was? Did Ministers intend to carry this principle to the full extreme or would they be satisfied to prohibit the gold miner from working by contract? Would they be true to their principles? Would they prohibit the hundred and one others who were to-day enjoying the full benefit of their freedom from selling their labour at their own price? Above all, would they prevent the Minister for Works from sub-letting on railway construction and other public works? Some responsible pronouncement should be made as to what the policy of the Government was. This insidious introduction of a great principle was inserted in the hope that the Bill would go through. Throughout the Bill there was evidence of a wish to throw obstacles in the way of the enterprise of our people and to restrict the industry. Whether it was at the dictates of the trades hall or whether it was an idea in the Ministerial mind that the caucus or outside body presided over by the all-powerful Mr. McCallum had decided that this sort of thing should go no further and that every man must have his full daily wage whether he could earn it or not; whether that was the reason influencing Ministers he knew not, but he did say it was a pernicious system. If the Government were consistent and believed that contract or piece work, or whatever they liked to call it, was wrong in principle for the gold mining industry, they should carry that principle into other industries of this State and prevent contract work of every description. The present proposal certainly must have the effect of sacrificing highly skilled workers to the inefficiency of the incompetent workers. He did not know whether he could say much more against this clause if he spoke at great length. It was up to the Minister for Mines to justify it up to the hilt, and it was up to the Attorney General and every other member of the Cabinet to have something to say as to why they proposed such legislation, and whether they intended to stop at this if it became the law of the land, or to carry it into other industries in the State.

The CHAIRMAN: The speech the hon. member was making was largely a second reading speech and the clause before the Committee was not one which could be dealt with in that way. The hon. member should deal with the clause as it stood in the Bill, and not as a general principle.

Hon. FRANK WILSON: Might he point out that this was all principle?

The CHAIRMAN: The reason why he had given this direction to the hon. member was that Ministers would not be able to reply to certain of his remarks, as it could not be allowed at this stage of the Bill.

Hon. FRANK WILSON: Surely if a vital principle was embodied in this or any other clause of the Bill, Ministers in reply could indicate whether it was going to be carried a step further. At any rate, if it was out of order—and he was bound to accept the Chairman's ruling in that connection, although it had often been done—we were entitled to some explanation from Ministers with regard to this principle. The clause was very drastic and very far-reaching. It struck the whole fundamental principle of piece work. Why should a tributer be excluded from this if everybody else was going to be included? The tributer was a contractor in a sense. In what he recovered from the mine through his own labour, and perhaps with that of others, receiving payment of certain wages to assist him in his operations, he was a contractor. Where was this going to stop? Were we going to stop all contracts? Were we going to stop the sinking of a shaft by contract, or the erection of a building by contract? Was it only to apply to actual mining operations? How far were we going with this legislation? If any further, let it be known. There were 101 different jobs which were being done to-day by piece work which under this legislation would in the future have to be done on the daily wages principle. In our mining industry men of energy and skill, who had been accustomed to earn their living at piece work, would not take kindly to daily wages hard and fast. They would leave the State and go where they could have the freedom which they had previously been in the habit of enjoying in Western Australia. He (Mr. Wilson) did not know that there was legislation of this kind in any other part of the Commonwealth. He did not think there was such legislation anywhere in the British Empire. Why we should set the example he did not know. The Committee would be wise to reject this clause entirely unless some very good grounds indeed—other and better than the constantly reiterated statement that there was sweating—were produced by the Minister who was responsible for the legislation. He would vote to delete the clause.

Mr. FOLEY: The Minister should allow the clause to remain in the Bill, notwithstanding the threat of the hon. member for York to see the measure dealt with in another place. The leader of the Opposition did not in one instance during his remarks touch the contract question as it affected underground work. He talked around the subject, but never used one argument which showed why the clause should be deleted. What was a contract? First let it be taken that a contract was an agreement or an arrangement between parties. On the one hand one party had to do work for which they were going to receive a certain remuneration. If that was the class of contracting which was to obtain, each and every member on the Government side of the House, if they believed in contracting at all, would say that was the class of contract they wanted, but the leader of the Opposition did not really know what the task system in our mines was. If a man or a party of men took what was termed a contract in underground work they might take it for, say, 100 feet more or less if they were driving. He would read an extract from an award given in his own district when the question of contract was brought under the notice of the Arbitration Court. At that time no allowance was made for minimum wage at all. But there was no minimum wage in the world or any system in the world that was going to better men under the old task system. The president of the court in giving his award said—

> If you enter into a contract you will be bound by the law of the land, that is you will not be subject to any arbitration court. If you enter into a contract to drive 50 feet at 10s. a foot, and you drive 49 feet and then abandon the contract, you would not be entitled to any payment. No employer is bound to pay you if you do not do your work.

No employer was bound to pay a man if he did not do his work; that could be admitted. No man wanted it. This very clause said that if a man did not work there was nothing to compel an employer of labour to employ him, whether on day wages, the task system, or under contract. There had been employers of labour in mines who saw that when a man or a party of men made a certain amount of money they got it, but in his own district, where the alleged minimum wage had been in existence for some years, a man was never supposed to leave the mine without getting the minimum rate of wage, although they were working under an alleged contract system. If a man took a contract to drive 50 feet and the ground became softer one might think it would be well for him, but this man might drive 25 feet in the first fortnight, and under the contract system which obtained in the mine at the present time, the sub-manager could come down and say, "You are on wages to-day." That was bad enough in itself. It might be said he did not do it on pay day, but four or five days after pay day he came around and told the men that for the time they thought they were working on contract they had been working on wages. It was the speeding up system purely and simply. The amendment of the present Act which was proposed was the very thing that would eliminate all possibility of a dispute between employer and employee. If the leader of the Opposition were in his place he could explain to that hon. member why men had been kept down under the pernicious contract system which was in vogue at the present time. A party of men might be given a machine drill to work and that drill might be new. There were parts of a rock drill which the cleverest engineer in the world or even the best miner in the world might not break, but if a break did occur, it would be purely by accident and that accident was charged up against the contract price of the men. Yet the employer was supposed to buy the machinery with which the men had to do their work. The member for Pingelly admitted that that was an injustice to the men, and it was known that that hon. member had never inflicted such a hardship on the men, but there were nine out of every ten mines in Western Australia that did do so. If these machines were well looked after, under the day labour system, should an accident happen, there would be no charge against the men. Under the contract system, however, the machine would be taken from the men, sent out to be repaired, and the new part would be charged up to the men, as well as the time it took to put it in, and while the machine was being repaired, perhaps one of the worst machines on the mine would be sent down, a machine which might break in the first five minutes. Then again, the men would have to pay for that breakage. Then when the men were breaking ore by the fathom or by the foot, it would always be found that the shift boss would say, "I want three feet off that side," and the men would have to take it out and not get one penny for it. This had happened in the Gwalia and many other mines. The members of the Opposition declared that skill should always be well paid for. That was admitted. Under the Arbitration Act, and even before there was an Arbitration Act, there was never any law to prevent an employer of labour paying what was the current rate of wages, and if there happened to be among the miners one who was not regarded as efficient, he would not be there very long.

Mr. Harper: What would you do if miners were scarce?

Mr. FOLEY: Just the same as in any other industry. There was no law which compelled an employer to retain the services of a man who was no good. Employers wanted the best labour for their mines, because they considered that they were paying the best rate of wages, and when they fixed the minimum rate they fixed it for the man who was lowest on the list in regard to ability, while, if a man had more than the ordinary ability, there was scarcely an employer who did not recognise that extra skill. Amongst the miners in Western Australia there was a sense of honesty and honour about them which impelled them to do a fair

day's work, and that was proved by the fact that there was a greater amount of ore broken in Western Australia per man than was the case in any other part of the world. He hoped the Minister would not accept any amendment of this clause, but that he would see that justice was done to the men. Not one argument had been used to prove that the skill of the miner under the day labour system could not be recompensed, neither had there been any argument to show that a man could not assert his individuality under the day labour system equally as much as under the other. We all knew that there were men—and he was sorry to have to say it—who in order to earn a few more shillings a week, were willing to sacrifice their health, and the Committee's duty was to save those men from themselves. Under the contract system, men often rushed into smoke and in this way did more to injure their constitutions than in any other manner. From the point of view of the safety and the health of the men, these matters should be considered, because if the men remained healthy the employers would always get better results from them.

Mr. HARPER: The attitude of the member for Leonora was surprising. That hon. member had clearly pointed out that everyone must be paid the arbitration rate of wages. The minimum was fixed by the Arbitration Court, but under the contract system which had obtained in Western Australia up to date, the average earned—he was quoting the figures for the twelve months ended July, 1913—was 18s. 1d. per day. That was the average amount paid by eight large mining companies in Western Australia. He did not know how hon. members could argue that day labour in mines was different from day labour in any other industry. If there was any place where contract should be carried on it was in a mine, because of the obscure nature of the work. Mining was the most difficult of all operations to properly supervise. It depended entirely on the character of a miner whether or not he would do a fair day's work. No supervision would ensure getting a fair day's work out of every man in the mine. It had been conclusively proved that in Western Australia the miners on contract were earning at least 5s. a day more than the miners employed on day labour. The Attorney General had said the other evening that there were lawyers and and lawyers. It might with equal force be said that there were miners and miners. Some men could do twice the amount of work which others were capable of, and could do it with a smaller expenditure of energy. Seeing how short were the hours which a miner worked, his work ought to be carried on energetically. He was below for only eight hours at a stretch, out of which time he walked to his face and walked back again, and had half an hour for crib. The time of actual work was, perhaps, not more than seven hours a day. We had one big mining centre in Australia where the men had absolutely refused to work on wages. In respect to that centre he had seen a published statement setting out that the average earnings on contract was 19s. a day.

Mr. Foley: What about the ore broken at Broken Hill as compared with the West Australian ore?

Mr. HARPER: That had no bearing on the subject. It all depended upon the size and characteristics of the ore body, as to whether it was soft or hard, whether the ground was liable to rend well, or whether it would come away short without breaking much ground. Then the development of a mine was of great importance, as was also the expedition with which that work was carried out. In a cross-cut remote from the eye of supervision one-third more work would be done by contractors than would be done by men on day labour.

Mr. Foley: You will get an equal amount of work, whether it is day labour or contract.

Mr. HARPER: It was beyond his comprehension how any practical man could arrive at such a conclusion. The Government were to be commended on their adoption of the practice of subletting railway contracts. A number of the sections of the Brookton-Kunjinn line had been sublet on contract, with the re-

sult that the men were working contentedly and taking a real live interest in their work without any supervision whatever. He was glad the Government were learning by experience the right thing to do.

Mr. Foley: Are they on more or less contract?

Mr. HARPER: No. He was not a believer in more or less contract. All contracts should be let on a proper written agreement setting out the work to be done, and the contractor should not be paid more than 75 per cent. on the work carried out. This would do away with the speeding-up problem. It was said that no company could pay less than the Arbitration Court's rate of wages. If that was so the men had everything to gain and nothing to lose under contract conditions. It was desirable that everybody should be given a chance to improve his position and his earnings, but to bring everyone to a dead level and keep him there was retrogression of the worst type. All men were, or should be, anxious to do their best in the interests, not only of themselves, but also of their employers. A good worker made a good employer. This system of paying all men equally was a very bad one. He had let a great deal of stoping per fathom. Some of the stoping in the Golden Pole at Davyhurst had been done at so much per fathom, but it was only taken up an ordinary cut of four or five feet. Under that system thousands of tons of rich ore had been left on either side, with the result that those old stopes were being gone over again to-day. That was a system he did not approve of. Some mines did not lend themselves to stoping by contract, and the Golden Pole, for instance, should never have been worked on any other system but flat stoping and day labour. The rill system and contract had been a mistake, and if day labour and flat stoping had been adhered to many of the disappointments in connection with the mine would have been obviated. Not long ago there had been a strike at the Mount Eliot mine in Queensland as to whether the men should work on contract or day labour, and the majority of the miners voted for contract. At Broken Hill contract was the only recognised system of carrying out work, and the men refused to work under any other system. One great advantage of contract stoping was that it obviated expenditure on supervision, because the men looked after their own interests. Clause 54 would obviate all the dangers which the member for Leonora had referred to, because it threw the responsibility on the men themselves, and it would prevent them from taking undue risks. The question of doing work by contract should be left to the judgment of the men themselves, and as long as an arbitration award was in existence the men had the best of the deal, because even if they were dilatory they must be paid the minimum wages fixed by the court. But experienced men should have the advantage of their experience and be paid for it. It was much against the interests of mining that men with experience and knowledge should not be encouraged. The contract system was the only way by which the better man could earn more than the inferior man. It should be borne in mind that the companies had to train lots of the men and make them experienced in their work, and pay them at the same time. That did not obtain in many walks of life. If it were not for the fact that miners were scarce in every part of Australia at the present time the high rates of wages earned by contractors at Broken Hill would not be paid. The scarcity of miners was also a reason why so many Italians were employed on the mines. He would be sorry to think that Italians were employed in preference to Britishers, and it was only the exigencies of the position that demanded the employment of foreigners. The clause, if passed, would retard development very seriously. It should be remembered that the contract system was a way of setting an example for even the men on day labour to follow. Men knew that where others were working on contract any dilatoriness on the part of those on wages would be shown up.

The MINISTER FOR MINES: Admittedly the clause was an important one, and contained a good deal of debat-

able matter, but he did not intend to announce the policy of the Government with regard to contract generally, as he had been invited to do by the leader of the Opposition, or to traverse the wide field covered by the hon. member in his speech. The hon. member had argued from false premises; he had asked what the Government's policy was with regard to coal mining, and what the member for Collie would say if it were proposed to apply this clause to coal mines. If the same form of contract existed in the coal mines as obtained in gold mines the member for Collie and the men whom he represented would be the first to ask that the daily wage system should be applied. Let members understand the difference between contract on the goldfields and in the coal mines. The men at Collie had a hewing rate fixed by agreement with the owners and registered under the Arbitration Act. That rate was for a fixed period, and the miner knew that whether he earned £1 per day or £2 per day the rate could not be altered during the currency of the agreement. Therefore his earning power could not be interfered with. But there was no such agreement in connection with the gold mines. Men might be stoping on contract at so much per fathom, and if they earned excessively high wages, say, £1 or 21s. per day, the manager would next week terminate the contract. In fact, there was no contract except from pay day to pay day.

Mr. Foley: And the freedom is all on one side.

The MINISTER FOR MINES: Of course. The managers kept to themselves the right to reduce the rate at any time, and if a party were earning £1 or 22s. per day they could be put off and another party put on next week at a reduced rate.

Hon. Frank Wilson: How is it that a party averaged 26s. per day for six months?

The MINISTER FOR MINES: Probably those men were engaged in shaft sinking, and managers were always prepared to pay an exceptionally high wage for shaft sinking because that work required special skill.

Hon. J. Mitchell: They average 18s. in various mines.

The MINISTER FOR MINES: If that was so it was surprising that the managers did not want to get back to the daily wage system, whereby the men were only paid 13s. 4d. per day. There was absolutely no analogy between the gold mines and the coal mines, nor could a comparison be made between contracting in gold mines and shearing. The shearers had an agreement for three years.

Mr. Moore: No.

The MINISTER FOR MINES: At least they had an agreement for one year.

Hon. J. Mitchell: No.

The MINISTER FOR MINES: Pastoralists and shearers agreed on a rate for the season and no matter what sheep were shorn they knew the price would not be reduced. There again there was no comparison between the so-called contract for shearing and mining. The same applied to clearing: the contract price would have to be paid for the whole of the work, and the contractor even if he earned £10 a week, knew he would get his price. Would the mine managers say they would give so much for stoping? No, they reserved the right to reduce the price. When a contract was let for erecting a building the owner could not reduce it. He had to pay the price irrespective of whether the contractor made £1,000 or £5,000. Therein lay all the difference between contracting as properly understood and as known on the goldfields. Such a system of contracting did not obtain in any other calling. It was an ingenious and pernicious system of speeding up men and getting the utmost results at the minimum of cost. It was the old bonus system which had always been recognised as a vicious system which tended to sweating and to the detriment of employees. The hon. member had argued that the men did not desire that the system should be abolished. The best evidence to the contrary was that they had of their own volition abolished the system on the North Coolgardie field.

Mr. Harper : Do not you think that the truckers and mullockers had a lot to do with that vote ?

The MINISTER FOR MINES : Not being concerned, they would be influenced by the opinion of the miners.

Mr. Harper : It has not been abolished at Kalgoorlie.

The MINISTER FOR MINES : No, because of the difficulty, but principally because the men desired to avoid an industrial upheaval.

Mr. Munsie: A big majority favour its abolition.

The MINISTER FOR MINES : Undoubtedly. Over the whole of the Murchison, with the exception of Day Dawn, it had been abolished through the men declining to take contracts.

Mr. Harper : On the Murchison there are short, erratic chutes and the country does not lend itself to contracting from the men's point of view.

The MINISTER FOR MINES : The managers fought strenuously to retain the contract system in those districts. Practically the only place of importance where it had not been abolished was in the Kalgoorlie belt, and wherever the subject had been discussed the men had been emphatically in favour of its abolition.

Hon. J. Mitchell: The men engaged on contract or the whole of the men?

The MINISTER FOR MINES: The whole of the men; all were concerned. If the hon. member would abide by a plebiscite of the miners he would stand by their decision. He had no doubt of the result. This system had the effect of speeding men up to the utmost limit without giving them proportionate compensation in the shape of wages. When men earned what was regarded as good wages, the so-called contract was taken away and the price reduced. Men did not like receiving less than on the previous pay day, and if by straining every nerve they earned as much as before, the rate was still further brought down. The management had retained a free hand. If the contracts had given the men the right to complete a certain amount of work, there would not have been the hostility which had grown up against this system.

Mr. Munsie : I have had to sign a contract three pay days in succession for the same work.

The MINISTER FOR MINES : At a reduced price each time.

Mr. Munsie : Yes.

Hon. Frank Wilson : And if a man earned too little, what then ?

The MINISTER FOR MINES : The man would be pushed out just the same. There was no need to watch men to be sure that they did a fair day's work. The manager had the best of all bosses in the form of a tape, and if a man did not do a fair day's work he was pushed out so that this reason could not be advanced in favour of the system. From a health standpoint, the abolition of the contract would improve conditions under ground. Men would not be compelled to rush back into smoke shortly after firing in order to earn an extra 1s. or 1s. 6d. a day. The abolition of the contract would also minimise the risk of accidents underground. The main point was that the clause was not aimed at the genuine principle of contracting so that the Government were not called upon to pronounce their policy with regard to contracting generally. If there had been a genuine, honest contract system on the goldfields, this clause would not have appeared in the Bill. It aimed at abolishing a pernicious system which operated wholly to the benefit of the owners and to the detriment of the men, and it should be abolished by Act of Parliament because there was no other way of doing it.

Hon. J. MITCHELL : If this was merely an attempt to prevent one-sided contracts it was a clumsy method, and we would get down to the level of the Hindoo who was never able to rise above the occupation of his parents. The Minister wished to prevent any man from getting out of the ruck. The clause did establish a principle. If the Minister desired to compel the owners to make a fairer contract, this was not the way to do it.

Mr. Munsie: We have tried that long enough.

Hon. J. MITCHELL: The Minister practically said that because the contract system was unfair to the worker, it must be stopped for all time.

The Minister for Mines: Will the hon. member agree to a genuine contract system?

Hon. J. MITCHELL: A man who made a contract which was unfair to himself was a fool. There was nothing to prevent a man from refusing to take a contract.

The Minister for Mines: Would the hon. member, in a contract for clearing, retain the right to reduce the price from week to week?

Hon. J. MITCHELL: It would be impossible to find a man foolish enough to accept such a contract.

Mr. Munsie: Then you would never get a job on a gold mine.

Hon. J. MITCHELL: There was no desire on his part to get one. We were told that while a man who built a house or supplied timber was capable of making a contract for himself, a gold miner was not. He (Hon. J. Mitchell) doubted that, as probably there was not a more intelligent body of men to be found. But miners must understand that where they were guaranteed a minimum wage they must give something in return. He agreed that it was not fair to say a man sinking a shaft and having a price agreed upon should have the terms varied week by week, unless the man who sunk the shaft had agreed that that should be the condition. If miners entered upon agreements of that nature, why did they complain about conditions of that sort? The truth was that the contractor did not complain. On the Associated Mine and other mines they were earning an average of as much as 19s. 6d. a day. The Minister considered it was not better for men to work on contract at those rates than to get an average of 13s. 4d. a day. If hon. members were not opposed to the principle of this clause, they should certainly oppose the contention of the Minister that these men should be deprived of the right to earn 5s. a day more than they would get under the day wages system. He (Hon. J. Mitchell) hoped the contract system would long continue, as he believed that every individual should have the greatest possible freedom and the fullest possible result of his labours. The Minister professed to believe that too, but when there was a chance of getting that result, said "Let us stop it." Members representing the goldfields, might know more than they told the Committee, but it would be only fair of them to let us know just what this contract system meant.

Mr. Munsie: There is no contract.

Hon. J. MITCHELL: Yet we were asked to abolish it. He was going to vote for freedom and the greatest possible opportunities. If it was possible for men to get out of the rut, he was going to help them, and assist them to strike out for themselves. Would the Minister take a vote merely of the men engaged upon contract and see what they said? It was unfair to suggest that men who were earning four or five shillings a day more than they would get under the daily wages system, working exactly the same hours, were willing to lose the advantage of the higher wages.

The Minister for Mines: The fact that they are shows there is something wrong.

Hon. J. MITCHELL: It was not possible for him to believe that they would lose this five shillings a day, or that any body of men were at all likely to deprive themselves to that extent. The Minister said that men on the Murchison and the North Coolgardie fields abolished contracts themselves because they did not suit them, without any Act of Parliament or assistance of the Minister. Of course men would always refuse to do work which did not suit them. The Minister had put up a very good argument against his own clause and every member who had spoken from the same side of the House had done likewise. He protested against these unfortunate contractors being attacked by the Minister and he would vote against the pernicious principle which the Minister sought to introduce when he asked the Committee to agree to

the abolition of contracts and the right to do this work.

Mr. MULLANY: If hon. members opposite could be brought to understand this system fully, as it existed to-day, they would support—if not this clause—certainly a modification of it to provide for some fair system of contract. The leader of the Opposition and the hon. member for Northam had made out a very good case from the mine owners' and managers' standpoint, but if they profited by the light thrown on the subject from the other side of the House, they would support the Minister in regard to this clause. Those who said the men themselves did not desire the clause had not gone fully into mining questions or the controversy which had existed on the subject during the last few years. In every place in the State where a ballot of the men concerned had been taken, a majority had been recorded in favour of the abolition of the contract system. Personally he would not take any great exception to a system of contracting where a definite amount of work had to be done, if a properly drawn up contract was made out and signed by both parties, so that each would be bound to carry it out. The main objection to contracting lay in the system of stoping by working by the fathom. The hon. member for Pingelly had stated that according to his own experience stoping by contract could be a pernicious system from the owners' standpoint owing to the mishandling of ore, inasmuch as there was no supervision over the men. That admission, although it showed that the contracting system was not always the very best for the company, opened up another aspect of the question. Mine managers said that under the contract system there was not the necessity to supervise the men to see that they did a fair day's work, that the incentive given to them to earn more than the ordinary rate of wages ensured that the men would do a fair day's work, thus obviating to a great extent the necessity for supervision. This was the very reason why he objected to the system of stoping by contract, as supervision should be given. There was no more dangerous occupation than that of a miner, and there should be constant supervision to see that the men were working under safe conditions. The only men who had authority to see that the work was being done under safe conditions were the manager or under-manager. If they did not go around to see the men were doing a fair day's work, they did not go around to see that other conditions were satisfactory. The hon. member for Pingelly said it would not be reasonable to expect managers or bosses to go to inaccessible parts of the mine to see that the men were doing their work. If so, they would not go there to see that the work was being carried out under proper conditions. This supervision should be exercised if accidents were to be minimised in the mines. While no system would do away with accidents altogether, the only way to minimise them was to have proper supervision all the time. Under the contract system as it existed, if men started to work, and if they did well and the ground as they progressed became more favourable to break out, the contract could be reduced. That was one of the matters in which the manager got the benefit, not only of the work and the muscle of the man, but also his brains. Then there was the question about which the leader of the Opposition was so solicitous, that the good worker should be paid more than the poorer one. Under the present arbitration laws there was nothing to prevent a manager or an employer of labour, if he thought a man was worth more than the arbitration rate, paying that man above it. He hoped that, even though the clause was not carried in its entirety, there would be some more equitable method of contracting evolved.

Hon. FRANK WILSON: The basis of the argument appeared to be that there was not at the present time a fair contract system. A mine manager agreed with a party of men to do shaft sinking or stoping at a certain rate. At the end of, say, a fortnight, it was found that the country was easier than it was supposed to be, and that it was costing more than was warranted, and then the manager

had the right to say to the contractor he could not go on paying the rate because the work was easier.

Mr. Munsie: That is not so with shaft sinking.

Hon. FRANK WILSON: Then, on the other hand, the men had the right to say "We cannot go on working at this rate, we must have an increased price." Therefore, the arrangement was an equitable one up to that point, and in addition to that, if the men had not been able to earn the minimum rate, they could claim pay up to the minimum rate. He admitted that the contract system, as it existed at the present time, was not a contract under the ordinary acceptation of the term, as exercised in the timber industry, or even in the coal mines, or in connection with railway construction. But it was a contract that was on the side of the men. It was clear that if there was any benefit to be derived by either party, the benefit was on the side of the men who were working under the contract. He would not be averse to a hard and fast contract system, and he was not altogether sure that the managers would not be averse to it. The men preferred this system: they preferred to know from pay to pay how they were getting on, and what they were likely to earn, with the sure knowledge that they could not go below the minimum rate. The system had grown up in consequence of a mutual arrangement and had worked well. So far as he was concerned he would guarantee at any time to stand by a vote of the men who were working under contract in our mines as to whether the system should be abolished or not, but he could not accept the Minister's challenge that we should take a referendum of all the workers in the mines.

Mr. Munsie: Ninety-five per cent of the miners on the Golden Mile are working under the so-called contract system.

Hon. FRANK WILSON: On the Kalgurli mine a party of six men in the six months ended July last averaged 26s. 3d. per shift.

The Minister for Mines: Only six men?

Hon. FRANK WILSON: That was one party.

Mr. Munsie: And they took six years off their lives.

Mr. Foley: What did the others in the mine earn?

Hon. FRANK WILSON: On the Kalgurli mine all the miners working under contract during the 12 months ended 31st July last earned 18s. per shift.

Mr. Foley: What did the other men earn in the six months in which the six men averaged 26s. 3d.?

Hon. FRANK WILSON: While he did not have the whole of the details, he had the information that all of the men in the 12 months averaged 18s.

Mr. Munsie: If all the mines would adopt the contract system in vogue at the South Kalgurli, the men would not object.

Hon. FRANK WILSON: Then why not enforce it?

Mr. Munsie: Because they cannot.

Hon. FRANK WILSON: We had it on the evidence of the Minister for Mines that on the Murchison the contract system had been abolished.

Mr. Munsie: Why compare the Murchison with Kalgoorlie?

Hon. FRANK WILSON: Why not? The pay to pay system had grown up and the men liked it because they were not taking an undue risk. The present system was equitable and, if anything, it favoured the men because they could always get their minimum rate. The argument that there was no comparison between coal and gold mining did not hold good. It might be that the terms of the contract differed and it was possible that contracts extended over a longer time. There were really no contracts in coal mining in the same sense as the contracts made in connection with gold mining. The coal mine owners worked with the unions as a whole. The whole thing was summed up that under the Bill we were going to do away with the principle of the men selling their labour in the best market and getting the best price. We were going to refuse to allow our miners to reap the due reward for their extra skill, better judgment and superior energy. It was wrong. The member for Forrest (Mr. O'Loghlen) would very

soon denounce in eloquent terms any Minister who proposed to take away from the timber hewers the right to contract?

Mr. O'Loghlen: I have worked in both industries, and I find there is a big difference.

Hon. FRANK WILSON: Of course it was more agreeable working in a jarrah forest in the open sunlight than working underground. Still, the principle was the same. The worker ought to be allowed to get the best return he could for his skill and energy. He asked the Committee to throw out the clause. Hon. members on the Ministerial side had shown that they were opposed to it. They had said that if they could get another system of contract they would be prepared to delete this proposed legislation. They admitted that the principle of contract was equitable, merely contending that the contract system in operation on the goldfields was neither sound nor equitable. In the circumstances the proper thing to aim at was, not the destruction of the principle, but the making of it equitable and sound.

Mr. LANDER: Was it not nearly time that we should take a division on this clause? The discussion was so much time wasted. Goldfields members had had a fair innings, and it was time a division was taken on the clause.

Mr. MONGER: It was surprising that any hon. member on the side of the big majority should attempt, as the member for East Perth had done, to gag the Committee upon so important a question.

Mr. Lander: Rot! What is the use of wasting time?

Mr. MONGER: Had hon. members ever before heard such an eloquent interjection? He would like to hear the views of the member for Forrest on the contract system. He would like to hear the member for Forrest declare that he was going to do away with all contract work in the timber industry. He would like to hear one or two members representing the industrial industry express their views on the question.

The CHAIRMAN: Order! The question was Clause 60. The hon. member could discuss the clause, but he was not in order in making requests for speeches from other members.

Mr. MONGER: The sole purpose of his rising had been to take exception to the expressed desire of the member for East Perth to put the gag on an important discussion.

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

Ayes	24
Noes	8
Majority for ..	16

Ayes.

Mr. Angwin	Mr. McDonald
Mr. Bolton	Mr. McDowall
Mr. Carpenter	Mr. Mullany
Mr. Collier	Mr. Munsie
Mr. Dwyer	Mr. O'Loghlen
Mr. Foley	Mr. B. J. Stubbs
Mr. Gardiner	Mr. Swan
Mr. Gill	Mr. Thomas
Mr. Green	Mr. Turvey
Mr. Hudson	Mr. Walker
Mr. Johnson	Mr. Underwood
Mr. Lander	(*Teller*).
Mr. Lewis	

Noes.

Mr. Harper	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Layman
Mr. Moore	(*Teller*).
Mr. A. E. Piesse	

Clause thus passed.

Clauses 61 to 66—agreed to.

Clause 67—Accident *prima facie* evidence of neglect:

Hon. FRANK WILSON: Without wishing to traverse the ground covered on the second reading, he failed to see any justice or fairness in the clause. Why should an accident be taken as *prima facie* evidence of neglect on the part of the owner, the agent, and the manager, but not on the part of the worker? If we were to have a clause of this description it ought at least to be equitable and prescribe that an accident was *prima facie* evidence of neglect on the part of all concerned. Common justice was against condemning anyone as guilty until the guilt was proved.

Mr. Munsie: Your Government were instrumental in passing Acts that threw the onus on the worker.

Hon. FRANK WILSON: No. A large number of accidents were due to carelessness on the part of the workers, and the management ought not to be held responsible for accidents of that class. At all events, the owners and managers should have the benefit of the doubt until negligence on their part was proved.

Mr. DWYER: The protest of the leader of the Opposition ought not to pass unquestioned, particularly as legislation which this and the next succeeding clause embodied had had rather a precarious history. The first Mines Regulation Bill passed in this State had been agreed to in 1895, during the Forrest regime. That measure had contained this clause and the next succeeding clause.

Hon. Frank Wilson: They had to be taken out later.

Mr. DWYER: That Act had been taken from New Zealand, and was considered an essentially fair one. At any rate so far as these two provisions were concerned nobody had objected to them at the time, and it was considered that they worked well and fairly.

Hon. J. Mitchell: There was no Workers' Compensation Act then.

Mr. DWYER: In 1902 the Workers' Compensation Act had come into existence. In that Act were two sections which struck out this clause and the next succeeding clause from their places in the Mines Regulation Act. The Workers' Compensation Act had been introduced by Sir Walter James, who gave certain reasons why these two provisions should be struck out from the Mines Regulation Act. It would occur to hon. members that if the reasons advanced by Sir Walter James, the then Attorney General, were sound at the time there might be even now some reason why this clause should not appear in the Bill. But if the reasons were examined and found to be unsound it was incumbent on members to get rid of the injustice and restore the law as it existed prior to the amendment by the Workers' Compensation Act of 1902. An extract from the speech delivered by Sir Walter James when introducing the Workers' Compensation Act of 1902 would prove that there was absolutely no reason why these clauses should have been struck out of the Mines Regulation Act of 1895, and that the law was misrepresented on that occasion. Sir Walter James on that occasion said—

> Now the law apart and without these sections, is simple. If any statute lays down a rule or regulation for the protection of life, limb, or property, and if that rule or that regulation is broken and damage results, then the employer is liable. That is an absolute rule. Under the Mines Regulation Act where a great number of details are laid down, most of which I should have thought ought to have been in the schedule, if an accident occurred by reason of the breach of or omission to observe any of those regulations, an action will lie quite apart from Sections 20 or 27. But Sections 20 and 27 have this effect, that if a person be employed in or about a mine, say, putting a roof on a vat, and an accident happens it is held by virtue of Sections 20 and 27 to be *prima facie* evidence of negligence. So that if a workman be employed on one block of land which is not a mining lease doing exactly the same work, say, repairing a roof, and an injury happened to him, he has to prove negligence in the same way as anyone else has to do; but on the next block of land belonging to a mine you may have a man doing this work, and he in case of accident would be in an entirely different position. That is wrong. The Mines Regulation Act, as it provides regulations, gives sufficient protection at common law to the person who suffers by reason of a regulation being broken; and I can see no reason at all why a special exemption should be given by that Act to persons when a regulation is not broken. If a man is working as a miner these regulations provide for his safety, and if any of the regulations are broken the master is liable for damages quite apart from Section 20 or Section 27.

Then again in Committee, Sir Walter James said—

> By the Mines Regulation Act certain regulations had to be carried out. If those regulations were not carried out, then on proof of the fact of non-compliance with the Act the employer was liable, and the question of negligence would decide the matter. But if an accident happened not by reason of the non-observance of the regulations but by reason of any act of negligence which might apply in machinery, quite apart from mines, then he saw no reason why a man employed in a mine should be in a better position than a man employed in a factory and if he wanted damages, he should prove damages against the employer.

Those reasons were not sound, and they did not state the exact legal position. From 1902 when the Workers' Compensation Act was passed up to about 1906, it was considered, and there were several decisions on the matter, that failure to comply with these regulations and resulting accident to the miner gave the miner or his representative good cause of action under the Mines Regulation Act and damages were recoverable. But in the year 1906 those judgments began to be questioned, and the matter came before the High Court of Australia in connection with the Ricci case. The High Court decided that all the regulations dealing with the rules that had to be observed in mines applied, not to the owner of the mine, but only to the manager. The owner went scot-free, and the manager alone was liable, and if the rules were not observed the only recourse was to sue the manager in a court of summary jurisdiction and recover small damages of an immaterial amount against him. The owner escaped all liability; the obligation was purely a personal obligation on the manager alone to see that the regulations were complied with. The court decided also that the manager being a person in common employment with the ordinary miner, the owner of the mine was not liable for the acts and faults of that manager. It seemed to anyone on a pure basis of commonsense a ridiculous proposition that the manager of a mine, the head of a big concern, the immediate and direct agent of wealthy owners, should be considered a person in common employment with the man who worked with a shovel underground, in the same sense as a mate who hauled at the windlass. Unfortunately, however, that was the legal position established so long ago as 1837 by the extraordinary perversity of common law judges in those days. It had been found impossible to make the owner liable, and since the decision in the Ricci case there had been no verdict awarded against a mine owner under the Employers' Liability Act. There was, of course, the Workers' Compensation Act, but it was no compensation to a miner or to his dependants to be able to sue under the Workers' Compensation Act for injuries or death cause by the negligence of the mine management in not complying with the conditions set forth clearly in the Act. In view of the fact that there were regulations for observance in all mines regarding the safety of appliances and the management and conduct of mines, and that those regulations were clearly expressed in the Act in order to prevent accidents and to safeguard the lives of the men engaged, if those regulations were broken then the owner of the mine should certainly be liable "as for a tort committed." The occurrence of an accident alone was evidence of negligence, and it rested with the mine owner or manager to prove that he was not negligent and that he had carried out the regulations. Surely that was an eminently simple and fair proposition.

Mr. Harper: It is fair to one.

Mr. DWYER: The clause being dealt with said that the occurrence of an accident was *prima facie* evidence of negligence on the part of the owner, agent, or manager, and it threw on the agent, owner, or manager the onus of proving that he was not negligent, instead of, as at the present time, throwing upon the miner the onus of proving that the manager or owner had been negligent. The owner had all the machinery necessary to establish the fact that he was not negligent, but the ordinary worker had not

that necesssary machinery at his command to prove negligence. Some hon. members seemed to think that as soon as an accident occurred the mine owner would be at once liable to pay compensation as for a tort committed, independent of the Workers' Compensation Act, and have large damages assessed against him. That was not so. He would require to affirm before a court of competent jurisdiction that he had used all reasonable precautions and means to carry out the provisions of the Act. He could clear himself of the onus of negligence by proving that he had exercised all reasonable care and precaution.

Hon. J. Mitchell: Would a man get greater damages than under the Workers' Compensation Act?

Mr. DWYER: Yes, and that evidently was where it hurt.

The Premier: If a man was entitled to only what he could claim under the Workers' Compensation Act, this would be unnecessary.

Mr. DWYER: In England the obligation of carrying out the provisions regarding safety in the coal mines rested on the owners, the managers, and their agents, and it had come as a surprise that the same obligation was not incumbent upon mine owners in this State. That was an anomaly which ought to be put right. The legislation whereby servants could recover compensation for injury received in the course of their employment had been wrested and torn almost at the point of the bayonet bit by bit, and the courts by their endorsement of the principle of common employment and their embodiment of the principle of contributory negligence on the part of the employé, had done a grave injustice to the workers. The provisions filched from the worker in 1902 by unintentional misrepresentation on the part of the Attorney General at that time should be restored to the statute-book, and the mine owner should be held responsible if he neglected to provide the necessary safeguards required by law.

Hon. J. Mitchell: Why will not the Workers' Compensation Act do?

Mr. DWYER: That applied over the whole State to every avocation. Now, however, we were dealing with special legislation affecting a particular class. It had been done under the Mines Regulation Act in force in England, and what was good enough there should be good enough here. The Workers' Compensation Act did not give the miner an adequate remedy. Mining was a peculiarly hazardous employment, and was an object of special legislation and protection wherever mines existed.

Mr. HARPER: The amendment would have his support. The decision referred to by the hon. member had been the ruination of many companies. Cases had been taken up by speculative lawyers who made big fees out of capitalists, and malingering in those days was rampant. Some of the managers had thought fit to join with the plaintiffs to get big verdicts, and then derive benefits from the illicit business.

The Minister for Mines: That is a serious reflection on the managers.

Mr. HARPER: That was ten or twelve years ago.

Mr. Dwyer: Were you a manager in those days?

Mr. HARPER: Yes, and was not ashamed of anything he had done. He could enumerate some of the speculative cases and give the names of individuals.

Mr. Dwyer: Give them to us. You are protected from the law of libel.

Mr. HARPER: It was not his practice to make in the House any statement which he would not make outside.

Mr. Dwyer: That means that your statements would be libellous.

Mr. HARPER: Every clause in the Bill was stringent.

The Minister for Mines: Two-thirds of them are merely re-enacting existing laws.

Mr. HARPER: They were hammering away at and putting the managers and owners in a vice. The mine manager was so hemmed in by Acts of Parliament that his position was not worth having. This measure designated him a convict and criminal of the worst type, more to be despised than a leper, something

outside the fold of human beings. The measure right through was a cast iron one militating against the owner and manager. It reminded him of Mr. Keyser, when the latter was poohbah of Mount Bischoff and had control over everybody, he being the local J.P. A man who had been intoxicated was brought before him one morning; Mr. Keyser said to the defendant in broken English, as he was of German extraction, "I ask you to speak the whole truth and nothing but the truth, so help you God. I will give you one month. Are you guilty or not guilty?" It was the same there as it was in relation to the question now before the Committee. The man was convicted as guilty before he got a chance of expressing himself. Hon. members would be making a serious blunder in passing such tyrannical legislation against their own brothers who happened to be in the unfortunate position of mine managers.

The Minister for Mines: It was in the Act of 1895, 18 years ago.

Mr. HARPER: The reason why that Act was abolished was the way in which it was treated. It was known far and wide as a standing disgrace to Western Australia. The late Mr. Hensman gave verdicts of £1,500 and £2,000, as the case might be, and he (Mr. Harper) knew of instances where every witness was a principal in the case, and when they got those huge verdicts they divided the spoils.

The Minister for Mines: That is a serious charge.

Mr. HARPER: The verdict could be depended upon when one could be sure of the witnesses evidence.

Mr. O'Loghlen: Could not those decisions be upset if these facts were made known?

Mr. HARPER: It was the high court of this country. He thought that justified the rescinding of that legislation, which we were now trying to re-establish.

Mr. Dwyer: You are throwing dirt all around and are afraid to quote a specific instance.

Mr. HARPER: It would be possible for him to quote a specific instance which occurred before the hon. member joined the devil's brigade.

Mr. O'Loghlen interjected.

Mr. HARPER: As the Attorney General said the other night, there were lawyers and lawyers, and for that reason we had to respect honest and straightforward lawyers, just as we had to respect honest and straightforward people in every walk of life. He knew that a great many of these cases in those days were taken up for what could be made out of them.

Mr. Dwyer: I cannot endorse that.

Mr. HARPER: If the hon. member had no knowledge of these legal proceedings he (Mr. Harper) could bring them vividly to his knowledge if he wanted to, but he was not going to take advantage of his position in the House to do so. It was, nevertheless, an undoubted fact. He knew of one case particularly which came under his notice, and he had not the least doubt about it. Now we had made so many hard and fast rules against the supervision and management of mines, and the hon. member for Perth had referred to the law not being complied with. To say when such provisions were being complied with would be a debatable question. So many differences of opinion could exist with regard to various clauses that it would be impossible for unanimity in a decision. One expert would argue one way and another would take an opposite view. He knew of one case in which nearly all the inspectors in Western Australia had been called and they could not agree. It would be absurd trying to get finality and justice. As this clause stood the manager was convicted to start with and it was a very tight position for a man to get out of. It was a matter of opinion in many ways and opinions might differ as far as east and west in regard to some points. Something might occur which had never come under the notice of an inspector before and the mining manager might be unjustly condemned.

The ATTORNEY GENERAL: What had fallen from the hon. member for Pingelly was a serious charge against the healthy history of this State, as the hon.

member had alleged that a few years back, within the memory of himself, and while he was a mine manager, there had been great corruption among the mining managers of this State generally.

Hon. Frank Wilson: In some instances.

The ATTORNEY GENERAL: The hon. member said among the mine managers of this State, that they deliberately and with malice aforethought allied themselves with the devil's brigade, for the purpose of corrupting our courts of justice and dividing the spoils which they iniquitously obtained.

Mr. Harper: I mentioned one case at Paddington.

The ATTORNEY GENERAL: We had to keep police courts and civil courts, high courts, judges and arbitrators, for the purpose of dealing with delinquents in all classes of the community. There had been wicked mine managers guilty of conspiracies and frauds such as those cited by the hon. member to-night. There might be repetitions of that even now, but that was altogether beside this Bill. It was a general weakness of human nature. What was the hon. member doing if, knowing these facts, he did not have those people arraigned for perjury? What was the hon. member doing if he knew these mine managers were deliberately getting up cases against owners for the purpose of dividing the spoil by robbery so enormous? Had we not laws then as now for punishing perjury? What did the hon. member complain of? We, forsooth, were foisting upon the public a statute, an innovation, a complete change, whereas the law was old and hoary. In England, the nation which was renowned throughout the whole world for its sense of justice, and in our neighbouring dominion, New Zealand, this law had been in existence for years, and there was no shivering, and no horror, at the iniquities the law had produced. Why did the hon. member put up such a plea for the mine manager? As a matter of fact all the offences that h had described as being possible if this attempt at legislation became law, were possible and prevalent without it. There could be conspiracies if we never passed this clause; there could be perjury if we never passed this clause; there could be the division of spoils obtained from the violation of justice in our courts if we never passed this clause.

Mr. Wisdom: Not so likely.

The ATTORNEY GENERAL: More than likely. He was proud to think that we were living in a more refined age than that which clouded the judgment of the hon. member in his youth.

Mr. Harper: You have not heard many complaints about those cases I have alluded to.

The ATTORNEY GENERAL: The hon. member had not told us of those cases.

Mr. Harper: The cases which were heard before the late Judge Hensman.

The ATTORNEY GENERAL: Yes, both against mine managers and ordinary citizens, merchants, and other members of the community. If there were no frauds and no perjurers, if all men were perfectly honest, we should have no courts of justice or Acts of Parliament. The statement had been made by the leader of the Opposition and the member for Pingelly that we were convicting these men before trial.

Hon. J. Mitchell: That is so.

The ATTORNEY GENERAL: What did the clause really provide? Simply that if an accident occurred it should be *prima facie* evidence of neglect. That was to say, that it should be taken for granted that something wrong had happened. How different that was from convicting. It required one to prove that the law had been observed and that every precaution had been taken to prevent an accident.

Hon. J. Mitchell: You have to prove yourself innocent.

The ATTORNEY GENERAL: No; that a man had done his duty. Every man who went into a court of justice did that. By this clause certain statutory duties were placed upon mine owners and managers and workers generally. So long as one carried out those duties one would be innocent. And it was presumable that if those duties were per-

formed it would be impossible for an accident to take place.

Mr. Harper: Who is to be the judge of those duties?

The ATTORNEY GENERAL: The jury and the judge. The others were the witnesses who would give evidence purely as to facts. If an accident occurred it was evidence that some duty had been neglected. If a man could prove that he had done that duty he would prove that he was not guilty of an omission or a dereliction and he would go unscathed, but if he had no proof that he had observed the law, conviction would naturally follow.

Hon. J. Mitchell: The reverse of the ordinary procedure.

The ATTORNEY GENERAL: No. There was a *prima facie* case against every man who was accused. Every man who was put into the dock had to prove his innocence. Once an accident occurred there was substance for trial. That was all it meant. There were acts of omission as well as commission. This was not a new feature. In the secret Commissions Act and in our liquor laws, and in other laws where direct proof of the commission of the act was always impossible, the onus was placed on the person accused. It was no new principle in British law, either in England or in Australia, and therefore all the talk about the injustice of a mine manager being convicted before being put on his trial was absurd, and unworthy of those who claimed to represent public opinion. The clause was absolutely necessary, because it dealt with a phase of our State life which was peculiar, an industry where accidents were prolific, where extreme caution was absolutely necessary, and the utmost safeguards became indispensable for the protection of the limbs and lives of those working in the industry. That was why it had been inserted in the Bill, and why it had had a place in previous legislation until removed by one more sympathetic with mine owners than with mine workers.

Clause put and passed.

Clause 68—Compensation on injury to or death of worker:

Hon. J. MITCHELL: The Worker's Compensation Act should suffice. A man killed in a mine was in no worse position than a man killed on a timber mill. The clause set up a right to a special claim in excess of the amount provided by the Workers' Compensation Act. It was not reasonable to ask that the relatives of a man killed in a mine should receive more compensation than those of a man killed in any other industry. However, it was futile to discuss the matter further, because the numbers behind the Government were too strong.

Mr. HARPER: In this regard fatalities in mines should stand on precisely the same footing as fatalities occurring in any other industry. There was no reason why because a man was killed in a mine there should be more to pay than if he had been killed in the timber industry. There were already provided all sorts of protections for the miner, but these were not to be permitted to avail the management anything at all.

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

Ayes	22
Noes	7
Majority for	15

AYES.

Mr. Angwin	Mr. Lewis
Mr. Bolton	Mr. McDonald
Mr. Carpenter	Mr. McDowall
Mr. Collier	Mr. Mullany
Mr. Dwyer	Mr. Munsie
Mr. Foley	Mr. O'Loghlen
Mr. Gardiner	Mr. Scaddan
Mr. Gill	Mr. Turvey
Mr. Green	Mr. Walker
Mr. Hudson	Mr. Underwood
Mr. Johnston	
Mr. Lander	(*Teller*).

NOES.

Mr. Harper	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Layman
Mr. A. E. Piesse	(*Teller*)

Clause thus passed.

Clause 69—Application of penalties:

Hon. FRANK WILSON: In view of the decision on the preceding two clauses it would be useless to move

the new subclause of which notice had been given.

Clause passed.

Clause 70—Power to make regulations:

Hon FRANK WILSON moved an amendment—

That Subclause 9 be struck out.

This subclause provided for the granting of certificates of competency to mine managers, shift bosses, mine surveyors, and others. It would place on the industry another burdensome restriction for which there was no justification. If we had a number of managers, shift bosses, and others controlling the industry who were inferior, and in consequence the industry was suffering, one could understand the desire to pass legislation of this kind. The enforcement of such a paragraph as this would not affect the rich mines, because they could afford to pay the salaries which would be demanded by certificated men, but it would be a hardship to small companies and individual leaseholders, who were certainly not in a position to pay remuneration such as would be demanded by men who would have to undergo examination and obtain certificates. We were legislating too far, and were putting one more obstacle in the way of the successful continuation of the industry. He could see no reason for demanding that the shift bosses and managers should undergo these examinations. Even though those examinations were required elsewhere, that was no reason why the mining industry in this State should now be further hampered.

Mr. HARPER: Members with practical experience of mining would not approve of this subclause. It was useless to try to get theoretically trained men to carry out practical mining. He knew of a number of men, who though most competent underground could not pass this examination.

The Minister for Mines: What examination? You do not know what kind of examination is to be set.

Mr. HARPER: Surely it was a reading-up examination.

The Minister for Mines: Not necessarily. It may be an examination in practical knowledge.

Mr. HARPER: Nothing was said as to who was to conduct the examination. There were many competent shift bosses who could not pass in mine surveying.

The Minister for Mines: It does not say they are to pass in mine surveying.

Mr. HARPER: Men were very often competent through practical experience without being able to pass an examination. It would take a man fifty years to become qualified in every profession that was required to be used in a mine. In New Zealand it was seldom that mine owners went to the school of mines for managers. They required men as managers who were good organisers, competent to employ others, efficient and capable of carrying out the work. It would be possible to have men with book knowledge who would not have the necessary practical knowledge to work the mine safely. Mine owners preferred to judge the competency of men from their own observation. The subclause was superfluous and would be another injustice to the industry. He was speaking from an unbiassed point of view because it did not matter a brass farthing to him whether the subclause was agreed to or not. His experience ought to be of some use to the Committee but he was afraid no notice would be taken of the greatest authority on mining in the State. If this measure was put into force, tons of money could be made.

Hon. Frank Wilson: Are you going to "bear" the market?

Mr. HARPER: Yes, "bear" the market till the cows came home. This subclause was one of the insidious provisions of the measure which, in the interests of the continuance of mining, should be deleted.

Amendment put and negatived.

Clause put and passed.

Clause 71—agreed to.

Postponed Clause 40—Mines regulation board:

The MINISTER FOR MINES: This clause was postponed by arrangement with the leader of the Opposition so that

an amendment might be framed. The amendment, however, had not arrived and he asked that progress be reported.

[*The Deputy Speaker took the Chair.*]

Progress reported.

PAPER PRESENTED.

By the Premier: Public Service list for 1913.

House adjourned at 11·28 p.m.

Legislative Council,

Tuesday, 7th October, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Government Savings Bank.—Annual balance-sheet, report, and returns for year ended 30th June. 2, Report of the Select Committee of the Legislative Assembly appointed to inquire into the removal of E. H. Hamel from the Public Service. 3, Public Works Department.—Roads Act, 1911.—By-laws of the following Roads Boards:—(a.) Perth Roads Board. (b.) Warren Roads Board. (c.) Shark Bay Roads Board. (d.) Yalgoo Roads Board.

QUESTION—EARLY CLOSING PROSECUTIONS.

Hon. W. PATRICK (for the Hon. R. D. McKenzie) asked the Honorary Minister (Hon. J. E. Dodd): 1, Have any prosecutions been instituted in the metropolitan district under Sections 9 or 12 of the Early Closing Act, 1902, or its amendments? 2, If so, how many, and what was the result? 3, Have any exemptions under the same sections of the Act been granted? 4, If so, how many, and why?

The HONORARY MINISTER (Hon. J. E. Dodd) replied: 1, Yes. 2, Under Sec. 9 and amendment—41 prosecutions resulting in 33 convictions, 5 dismissals, and 3 cases withdrawn. Total fines, £11 7s.; costs, £8 5s. 6d. Under Section 12 and amendments—75 prosecutions, resulting in 67 convictions, 2 dismissals, and 6 cases withdrawn. Total fines, £30; costs, £10 8s. 6d. 3, Yes. 4, One. To facilitate stocktaking, one wholesale and retail firm was granted permission in April, 1912, to employ assistants overtime on 24 days continuously in lieu of twelve days in each half-year, as provided by Sec. 14 of the Early Closing Act.

QUESTION—EMPIRE PARLIAMENTARY PARTY'S VISIT.

Hon. W. PATRICK (for the Hon. R. D. McKenzie) asked the Colonial Secretary: 1, Is it in pursuance of a policy of discouraging the mining industry of the State that the Government did not include views representative of the industry in the souvenir programme presented to members of the Empire Parliamentary Association at the social held on 1st October, other primary industries being so represented? 2, If not, then why was the omission made?

The COLONIAL SECRETARY replied: 1 and 2, The object of the Government in compiling the "Souvenir Programme," combined with an official itinerary, in connection with the recent visit of members of the Empire Parliamentary Association, was of a twofold