Legislative Council,

Wednesday, 12th November, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: By-laws of the Fremantle, Geraldton, Harvey, Meekatharra, Merredin, and Preston Road Boards.

STANDING ORDER AMENDMENT.

Hon. W. KINGSMILL presented the report of the Standing Orders Committee on the resolution passed by the House on the previous day in regard to the Order in considering Bill in Committee.

Report received and read.

On motion by Hon. W. KINGSMILL report adopted.

QUESTION—ELECTORAL ROLL, GERALDTON DISTRICT.

Hon. H. P. COLEBATCH asked the Colonial Secretary: 1, Has his attention been drawn to the fact that a very large number of names appearing on the Legislative Assembly roll for the Geraldton electoral district have been illegally enrolled, the essential feature of residence not being specified in accordance with Sections 22 and 44 of "The Electoral Act, 1907"? 2, Will he consult the Chief Electoral Officer as to what action it is proposed to take in the matter? 3, Will persons thus illegally enrolled be permitted to vote at the extraordinary election to be held on Saturday next?

The COLONIAL SECRETARY replied: 1, Attention has been drawn to the fact that in many instances the address of electors is stated as "Geraldton" without a street being named. The name of the street is not an essential part of a claim unless the claimant resides within the municipal boundaries. 2, The Minister administering the Electoral Act will consult the Chief Electoral Officer. 3, By virtue of Section 118, Subsection (5), the electoral roll is conclusive evidence of the right of the persons enrolled to vote, subject only to the voter answering the questions and making the declaration prescribed by that section, if required so to do.

SELECT COMMITTEE, CAPTAIN HARE'S RETIREMENT.

Attendance of Members of Assembly.

On motion by Hon. D. G. GAWLER (Metropolitan-Suburban) ordered: That a Message be sent to the Legislative Assembly asking that House to authorise Hon. W. C. Angwin and Mr. George Taylor to attend to give evidence before the select committee on the retirement of Captain Hare.

BILL—CITY OF PERTH IMPROVEMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to acquire land:

The COLONIAL SECRETARY: This morning he had communicated with the Perth City Council with a view to obtaining the information required by Mr. Moss as to whether the proposal contained in the Bill covered the same ground as the scheme published by notification in the *Government Gazette* in April last. In reply he had received a statutory declaration from the town clerk of Perth, Mr. W. E. Bold, stating that the contents of the Bill were in accord with the resolutions of the city council and with the notification published in the *Government Gazette*.

Clause passed.

Clause 3—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

MOTION—MAIN ROADS, CONTROL.

Debate resumed from the 14th October on the following motion by Hon. C. A. Piesse:—"That in the opinion of this House the Greater Main Roads of this State, leading from—Perth to Fremantle; Perth to Albany; Perth to Busselton via Bunbury; Perth to Geraldton, and circular road from Perth to Perth, via Toodyay, Northam, and York, and Circular road from Perth, via Welshpool, Kalamunda, and Guildford, should be under the control of the Public Works Department, and that legislation providing for same is desirable."

The COLONIAL SECRETARY (Hon. J. M. Drew): I do hope that Mr. Piesse will not press this motion, it is an impossible proposition. We are informed by some hon. gentlemen that it will entail a cost of half a million and by others that it will involve an expenditure of one million at least, whilst my own impression is that two millions will be nearer the mark. Only certain roads are mentioned in the motion and many are omitted, amongst them the Boulder to Kalgoorlie, Perth to Claremont via Karrakatta, Perth-Canning-road to Fremantle, Perth to Wanneroo, Perth to Bayswater, Fremantle to Jandakot, Busselton to the Yallingup Caves, Geraldton to Northampton, and Northampton to Geraldine. All these roads were previously subsidised by the Government and some of them, such as the Perth-Albany-road, have ceased to be main roads for all practical purposes and are used simply by tourists occasionally. The present legislation gives the power and responsibility of looking after these roads to the local authorities, and it seems to me that they would resent their functions being interfered with in this manner. If the responsibility was placed on the Public Works Department money would have to be found for the maintenance of the roads, and, as all hon. members know, that would certainly mean fresh taxation. The principle of local government is to let the people raise local taxes for carrying out local works. It is a sound principle and has worked very well in the past. Provision for the maintenance of these roads has been made in the Traffic Bill. The means is provided without any undue interference with the rights of the local authorities, and it seems to me that it is advisable to give the new scheme a trial.

Hon. J. F. Cullen: What part of the two millions is provided?

The COLONIAL SECRETARY: The proposal contained in the Traffic Bill has received the approval of the different roads boards of the State, whilst the suggestion of Mr. Piesse has not. I think before the House decides to carry a motion of this kind the views of the different local authorities should be obtained in connection with the matter. At the roads boards conference in 1912 a similar proposal was submitted. It was fully discussed, and it was defeated in favour of an amendment that the Government should be asked to classify all trunk roads and subsidise the roads boards in accordance with such classification. That I think clearly indicates the views of the local governing bodies on this question. The proposal would mean relieving the local authorities of liabilities, but I daresay they would still expect to receive the same subsidy that they are receiving at the present time. They would still have the same administrative costs to meet. The reduction of supervision would not be sufficient to justify them in reducing their staff and in addition to that the Public Works Department would have to increase their staff and consequently there would be a duplication of administrative cost. Mr. Piesse's motion is very welcome to the Government as displaying extreme socialistic tendencies, but the financial drain it would undoubtedly involve, and the heavy taxation that would have to follow in its train places it altogether outside the pale of consideration. I am sorry the hon. member is not here, as I should desire him to withdraw his

motion. I have no alternative but to oppose it.

On motion by Hon. V. Hamersley debate adjourned.

BILL—MINES REGULATION.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

The CHAIRMAN: Progress had been reported on Clause 7. From the clause paragraph (c) had been struck out with a view to insert in lieu certain words.

Hon. J. D. CONNOLLY: It was his intention to ask leave to withdraw the amendment of which he had given notice to take the place of the words struck out, and he suggested to the Minister that we should pass the clause now and he (Mr. Connolly) was putting on the Notice Paper an amendment similar to that appearing on the Notice Paper to-day to stand as a new clause to cover inspection by workmen. The reason he was doing that was because it would be rather out of place to put his proposal in this particular clause. It had better stand as a clause by itself. Otherwise in all the following clauses it would involve a great number of amendments. If the Minister did not agree with his amendment then it would be possible for him to move an amendment on the new clause.

The CHAIRMAN: The amendment of which the hon. member had given notice would not be put.

Hon. J. E. DODD: It had been his intention to suggest postponement of the clause, but the suggestion made by Mr. Connolly might meet what was desired. The reason he had wanted the clause postponed was because it was quite possible that he (the Honorary Minister) would give notice of an amendment which might meet the wishes of the Committee and also be of some use to the miners. At present, however, he would accept the suggestion of the hon. member.

Clause, as previously amended, put and passed.

Clause 8—District inspectors:

Hon. J. D. CONNOLLY move an amendment—

That the words "and workmen's" in line 2 be struck out.

This was a small consequential amendment; as the Bill now stood there would be no workmen's inspectors until we dealt with the proposed new clause.

Hon. J. E. Dodd: There were several other clauses in which these words appeared, for instance, Clauses 9 and 10.

Hon. J. D. CONNOLLY: Clause 10 ought to come out for the present.

Hon. J. E. DODD: It was hardly worth while debating the matter, but the amendment of which he might give notice might possibly be an amendment on the lines of workmen's inspectors, but he took it we could deal with the matter on recommittal of the Bill.

Amendment passed, the clause as amended agreed to.

On motion by Hon. J. D. CONNOLLY Clause 9 consequentially amended by omitting the words "and workmen's inspectors."

Clause 10—Workmen's inspectors under authority of district inspectors:

Hon. J. D. CONNOLLY: This clause had no meaning as the Bill stood at present.

Clause put and negatived.

Clauses 11 to 28—agreed to.

Clause 29—Notice of accident to be given:

Hon. J. D. CONNOLLY moved an amendment—

That the words "and to the workmen's inspector" in line 4 be struck out.

This was a consequential amendment following upon the decision in regard to Clause 7.

Amendment passed.

Hon. D. G. GAWLER moved an amendment—

That the word "results" in Subclause 2 be struck out and the words "may be reasonably expected to result" be inserted in lieu.

The clause provided that notice of an accident attended with serious injury to any person should be given within 24

hours and serious injury was defined in the subclause as being injury "such as results in the injured person being disabled from following his ordinary occupation and earning his usual rate of remuneration for a period of two weeks or more." That seemed an anomalous state of things that a man had to give notice within 24 hours of an accident in connection with which he could not find out within two weeks whether it was going to result seriously or not. The words "may reasonably be expected to result" would give meaning to the clause and render it much easier to work. It might be said that in a slight accident such as the cutting of a finger notice would have to be given within 24 hours. The manager would have to give it because it might within two weeks, according to Subclause 2, result in serious injury through blood-poisoning.

Hon. J. W. Kirwan: Are not the words proposed to be inserted implied?

Hon. D. G. GAWLER: One could not see how they were implied, because the subclause supposed a direct result. An official could not wait for two weeks to see whether serious injury did result; he had to give notice within 24 hours. The amendment obviously carried out the intention of the clause and did not make it absurd. If a man did cut his finger one supposed it would not be necessary for a mining official to give notice of that.

Hon. J. E. DODD: There was no serious objection to the amendment, although he could not see that it would improve the clause. The provision was simply for the purpose of having recorded all accidents which might prove to be of a serious nature.

Hon. M. L. MOSS: The clause was perfectly right and ought not to be altered. Serious injury was defined to mean that the injured man had been incapacitated for two weeks; it was not a serious injury until such man had been disabled for two weeks.

Amendment put and negatived.

Clause as previously amended put and passed.

Clause 30—Examination and inquiry as to cause of accident:

Hon. J. D. CONNOLLY moved an amendment—

That in line 1 the words "a workmen's inspector or" be struck out .

The amendment was merely consequential.

Hon. J. CORNELL: It was not at all certain that the amendment was consequential. The clause ought to be postponed, because if the Committee subsequently agreed to the creation of some form of workmen's inspectors these words would require to be reinserted.

Hon. J. E. Dodd: We will recommit the clause.

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

Clauses 31 to 33—agreed to.

Clause 34—Engine-drivers to be certificated:

Hon. F. CONNOR moved an amendment—

That after "shafts" in line 3 of Subclause 3 the words "or winzes" be inserted.

Hon. J. E. DODD: It was rather an important amendment, because winzes were often used as shafts, and a great deal of discussion had from time to time been waged round the definition of a winze. The clause should be allowed to stand as printed, and when the Bill was recommitted the matter could be gone into in the light of additional information.

Hon. M. L. Moss: If you look at the interpretation clause you will see that "shaft" includes "winze."

Hon. J. E. DODD: If the hon. member would withdraw the amendment the clause would be recommitted, when probably the amendment would be accepted.

Hon. F. CONNOR moved—

That the further consideration of the clause be postponed.

Motion passed.

Clause 35—General rules:

The CHAIRMAN: For the convenience of hon. members he would put the subclauses.

Subclauses 1 to 10—agreed to.

Subclause 11—Stoping:

Hon. J. D. CONNOLLY moved—

That the subclause be struck out.

It limited the height of stopes to 10 ft. with the reservation that, in some instances by the permission of the inspector they might go to 15 ft. The passing of the provision into law would be tantamount to the Legislature giving its imprimatur to the dictum that 10 ft. was the limit to which stopes should be carried, and that anything beyond 10 ft. was dangerous. In these circumstances he could not imagine any inspector taking such a risk as to give permission for a stope to go to 15 ft. It would be impossible for the inspector to foresee how the ground would open up, notwithstanding which the inspector would have to take the full responsibility of his action. If an inspector were insane enough to give such permission in face of the law, and a slight accident happened, the inspector must take the full responsibility. How could a leading stope be worked in 10 feet? It would be impossible. Seven feet would have to be allowed for the tramline, 1 foot for timbering, and 4 or 5 feet for filling on the timbering, which made 12 feet, and yet the limit was 10 feet. There would be no room to rig a rock drill, or to get at the stope above that.

Hon. J. F. Cullen : Is not the limit of 10 feet from the top of the filling?

Hon. J. D. CONNOLLY : At present he was referring to a leading stope. In an ordinary stope it would be possible to take out only about 5 feet of ground at a time.

Hon. J. Cornell : Would this apply to a leading stope ?

Hon. J. D. CONNOLLY : Yes, there was no discrimination.

Hon. J. Cornell : There is no timbering or filling in a leading stope.

Hon. J. D. CONNOLLY : Was it not necessary to fill on top of the timber?

Hon. J. Cornell : That is when you have the leading stope out.

Hon. J. D. CONNOLLY: The ordinary stope was limited to 10 feet, and would have to be filled up within 5 feet. Therefore only 5 feet could be taken out at a time. Only a very rich mine could pay under these conditions. From the miners' point of view the Minister had admitted that a 10 or 15 feet stope might be just as dangerous as a 100 feet stope. The present Act left it entirely to the control and discretion of the inspector. If it was not safe to go beyond 10 feet, the stope had to be timbered or made secure. On the other hand, if it was desired to go higher and it was safe, the inspector could permit it. In the report of the State Mining Engineer, on pages 49 to 51, there was a list of fatal and serious accidents, but he could not see one which was attributed to the taking out of stopes to an undue height.

Hon. J. E. DODD : The proposal to limit the height of stopes had agitated the minds of the workers for years. As regarded the list of accidents referred to by the hon. Mr. Connolly, this was compiled from the reports of the inspectors, and, despite the confidence which we might place in them, it was hardly human nature for a man to comment on his own neglect. The inspector's orders were to limit stopes as far as possible to 14 feet. These orders were given by Mr. Gregory some years ago, and it was hardly conceivable that an inspector would say that an accident had happened in a stope higher than 14 feet. Some limitation should be placed on the height of stopes. The height of the ceiling of the Council chamber from the floor of the gallery was 12 feet, and from the floor of the Chamber to the gallery was 18 feet. and he would like hon. members to imagine what control a miner would have over a stope 12 feet high. How could he possibly examine the ground to ascertain whether it was safe, excepting by putting up a ladder or rigging a stage ? He might be working in ground which was continually balking. The ground might be safe one minute and an hour later it might be unsafe. It was an axiom amongst miners that no stope should be higher than they could reach to examine the back with their arms. A 10 foot stope was a very fair thing. Before coming to Western Australia he had never known a higher stope than 10 feet. In Broken Hill they were limited to 7 feet,

and if a man exceeded that he was liable to be discharged. After the big strike which was really over the question of contracts in stopes, they went to greater heights.

Hon. J. D. Connolly : Did you fill the stopes at Broken Hill ?

Hon. J. E. DODD : In the early days they were built up with oregon timber, but that was found to be unsafe and the stopes were afterwards filled. He did not agree with the interpretation placed by the hon. member on the provision for extending stopes to 15 feet. An inspector would have no compunction about giving permission to extend a stope to 15 feet if he considered it safe. In some ground which was hard and solid, it might be safe to work up to 15 feet. In regard to leading stopes the limit of 10 feet would be somewhat harsh.

Hon. J. D. Connolly : Would it be possible ?

Hon. J. E. DODD : Yes, because the height for the tramway would be only 7 feet, and the timber would not exceed 1 foot, and that would leave 2 feet of space between the stope and the timber

Hon. J. D. Connolly : Would there not be greater danger in putting filling on the top of the timber ?

Hon. J. E. DODD : It was not necessary to timber until the first stope was taken out.

Hon. J. D. Connolly : You would not like to work under it.

Hon. J. E. DODD : Timber was rarely used until the next stope was taken out. If a stope was taken out to 10 feet, it was filled up.

Hon. J. D. Connolly: You could not fill it up to 10 feet.

Hon. J. E. DODD: It could be filled up to within 1 foot or 2 feet of the back, but that only applied to back stopes which were almost a thing of the past. The principal stope to-day was the shrink stope, where the whole of the ground was beaten out from one level to another, and only sufficient dirt should be taken away in order to allow the miner to work. As work proceeded, so the stope became filled up. The broken ore occupied more space than the unbroken material, and consequently the stope became filled. The truckers removed sufficient ore to enable the miners to work, but the trouble was that they took away too much. If the miners had complete control in regard to the quantity of dirt to be taken away, it would not be so bad, but the control was in the hands of the shift boss. If the shift boss was short of ore for the mill, he would have more dirt taken away from the stope than would otherwise be the case, and often 30 feet was left between the stope and the ground which was broken. The proposal to limit stopes to 10 feet was governed by the words "so far as may be reasonably practicable." It was impossible to make a hard and fast rule. We had to make these rules elastic as far as possible. At the same time some definite limit had to be made in all the rules, and that was why it was sought to make a definite limit in regard to stoping. Whatever kind of stope there might be there was a serious danger in taking it too high, and he did not think that any inspector who was worthy of his salt would place the interpretation on the clause that Mr. Connolly had done, nor would he place such an interpretation upon it as would be likely to impede the working of a mine.

Hon. A. SANDERSON: This seemed to him almost on all fours with the question of motor speed, which had been changed recently in this country by the throwing out of the speed regulation, casting the responsibility on the driver of the car. He had done his best to understand this stoping business, but he frankly confessed that he knew very little about it. Great importance seemed to be attached to this clause by the Minister and also by the mine managers. The latter were opposed to it, and the Committee had to decide one way or the other. When the Minister told members that the stopes could be safely extended to 15 feet, why did he make this 10-foot regulation. Was it not possible for the question to be left entirely in the hands of the mining inspectors, in the same way as the matter of speed was now practically left in the hands of the policemen?

Hon. J. E. Dodd: We do not need any Bill at all if we are to be guided by that principle.

Hon. A. SANDERSON: It was from the point of view of the protection of life and limb that he was speaking, and he would prefer to err on the side of the protection of the miner rather than that of the development of a mining property. It would be interesting to see whether the followers of the Minister would take the view that he took, and that was the view of one who had done his best, by listening to both sides, to understand the question so as to give an intelligent vote upon it.

Hon. J. W. Kirwan: The words "reasonably practicable," which appear at the beginning of the clause, will have to be read with all the rules.

Hon. A. SANDERSON: If those words meant anything they meant that the questions would have to be decided by the inspectors.

Hon. J. D. Connolly: Read the wording of Subclause 11, and you will find that it is hard and fast.

Hon. A. SANDERSON: That was quite true. There was there a hard and fast 10-foot drop, for that was what it might be called.

Hon. J. Cornell: It is a rise on this occasion.

Hon. J. W. Kirwan: It is governed by the first sentence I just quoted.

Hon. M. L. Moss: No, it is not.

Hon. A. SANDERSON: How far it was governed was open to discussion, but he did not like that cast-iron 10-foot regulation any more than he liked the ridiculous rule that one must not exceed 20 miles an hour in a motor car. Why put in the 10-foot limit, to which mining people objected very strongly? He was bound to confess, listening to the objections, that he was inclined to strike it out, even if it was guarded by the words "reasonably practicable."

Hon. F. CONNOR: In the case of a mine which had absolutely sound walls, what effect would this particular subclause have in regard to stoping?

Hon. J. E. DODD: The hon. member, if he read the clause, would see that it began "when stoping is carried on by any method by which the excavated ground is filled with waste rock, sand, earth, or broken ore," so that if the stope was solid enough and did not need filling, the subclause would not apply. It was only when excavated ground was filled with waste rock, sand, earth, or broken ore that it would apply. In this Bill every effort had been made to meet the varied conditions, and this subclause, as the others, would only apply where "reasonably practicable."

Hon. F. CONNOR: It was satisfactory to have from the Minister an assurance that the subclause would not affect the working of the mines which were of importance to the country, but we did not want conditions placed on new mines which would prohibit their being worked in a practical manner.

Hon. J. CORNELL: One objection taken to the subclause was that it was a hard and fast rule; there was no elasticity about it. The words "so far as reasonably practicable" applied to this subclause; although some hon. members said they could not. This was a most difficult provision to draft, and when he first read the subclause he was of opinion that it was not clear, but after due consideration he had come to the conclusion that it met all purposes intended to be served. The object was to limit the height of stopes to afford facilities to examine the back.

Hon. A. Sanderson: Why did the mining people object to the provision so much?

Hon. J. CORNELL: The limitation of the height of stopes must of necessity add something to the cost of mining, but side by side with that was the question of the better protection of the lives and limbs of the workers. The extra cost would be nothing in the long run as far as the mining companies were concerned, but it meant a good deal as far as the workmen were concerned. At present a mine manager could carry a stope to any height he liked and the inspector could not prevent him. The inspector could order the manager to cease working on the ground that it was not safe, but if the mine manager liked to take the risk of a prosecution he could go on working

and the inspector was powerless. Those members who disagreed with the height fixed in the Bill should move an amendment so that some limitation should be placed on the height of stopes. At present an inspector could not prevent a manager from working a stope because it was too high, but if there was a limit placed in the Bill and the inspector ordered the mine manager to cease when that height was reached, then there would be a case against the mine manager if he went beyond the height specified. If members would not agree to the height as mentioned in the subclause then it was to be hoped they would agree to some modification and not defeat the subclause.

Hon. J. D. CONNOLLY: Members would agree with the Minister if the reading of the subclause was as the Minister stated, because the Minister said that the subclause would not apply to a stope not filled with earth or rock. There was nothing in the subclause which said that. What was the use of the words "reasonably practicable" when one found the clause saying "it shall at all times be kept within ten feet of the back of the stope"? That was a definite instruction. He agreed with Mr. Cornell that this was a difficult matter to legislate upon, still the subclause gave a definite instruction that in all cases the stope must be only ten feet high. If the clause said that it should be a direction as far as practicable that the stope should be ten feet high, then there might be some reason in it.

Hon. F. DAVIS: The word "shall" was used in almost all these subclauses, and yet all were governed by the words "as far as may be reasonably practicable" at the beginning of the clause. He trusted the subclause would be accepted in that spirit.

Hon. A. SANDERSON: Mr. Connolly would do well to see if he could not meet the wishes of the Honorary Minister to some extent.

Hon. J. W. KIRWAN: Mr. Moss had said that the words "as far as may be reasonably practicable" at the beginning of the clause did not govern Subclause 11, but it seemed to be the desire of the Government that the clause should be administered in a reasonably practicable way. It was an important matter to those who were working in mines that the stopes should not be higher, where it could be avoided, than they themselves could test. The light underground was bad and if the stopes were high it was impossible for the miners with their candles to see whether there was dangerous ground. If hon. members were working underground and were in a position in which they were not able to see the ceiling or to touch it with their picks they would be anything but happy. The miners asked that where possible circumstances should be made such that they could test the ground with their picks and so ascertain if there was any danger about. They did not say that the alteration to ten feet should apply to every stope, but only to certain classes of stopes in which the excavated ground was filled with waste rock, sand, earth, or broken ore. When the lives of those miners were at stake, was it too much to ask that the stopes should not be higher than they themselves could test? Evidently the Honorary Minister desired that the words "as far as may be reasonably practicable" should govern this particular subclause, but Mr. Moss said that they did not govern it. He suggested that the clause be postponed so that the Minister might be able to draft another subclause that would embody his views and also those of other members of the Committee, for there was not a great deal of difference between them.

Hon. J. E. DODD: It was difficult to understand the argument in regard to this subclause. The words "as far as may be reasonably practicable" could be taken from the beginning of the clause and applied to every one of the subclauses.

Hon. J. D. Connolly: It would be contradictory to a lot of the subclauses.

Hon. J. E. DODD: That was not so. Those words could be placed at the beginning of Subclause 11, so that it would read, "so far as may be reasonably practicable, when stoping is carried on," etc. What was the difference between having those words at the beginning of the clause

and having them at the beginning of the subclause?

Hon. D. G. Gawler: But what about the words at the end of this subclause, "unless the inspector shall have given permission in writing in the record book for a greater height than ten feet, but which shall not exceed 15 feet." Those words are contradictory.

Hon. J. E. DODD: The subclause did not deal with other stopes which were not filled in the particular way mentioned.

Hon. J. D. Connolly: What percentage of stopes are not filled in that way?

Hon. J. E. DODD: Many of the stopes in prospecting centres were not filled at all. He would be glad to try to get the clause drafted in a way that would meet the wishes of the Committee, but he honestly did not know how it could be drafted to better advantage.

Hon. J. F. CULLEN: The Minister should either allow the subclause to be struck out so that he could insert another one in its place on recommittal, or he should postpone the subclause until he was able to draft a substitute. There was no difficulty in satisfying both the mine owners and the representatives of the mines. All that was wanted, in addition to ensuring the safety of the men, was to allow sufficient latitude to avoid serious penalties being imposed for an unpreventible breach of this subclause. If a blast brought down ground to a height of 20 feet, this rule would be broken and the management would be liable to pay heavy penalties.

Hon. D. G. GAWLER: In re-drafting the subclause the most important words which the Minister would have to readjust were those at the end of the subclause, "unless the inspector shall have given permission in writing in the record book for a greater height than 10 feet, but which shall not exceed 15 feet." He agreed with the Minister's way of illustrating the subclause by bringing in the words "as far as may be reasonably practicable," but the portion which would be the hardest to read together with the words "reasonably practicable" was that at the latter end of the subclause. If the inspector had not given permission, it would not be open for the manager to say that it was not reasonably practicable to observe this limitation. That would mean that the inspector must give permission.

Hon. J. D. CONNOLLY: The Honorary Minister would be well advised to fall in with the suggestion of Mr. Cullen and allow this subclause to be struck out and draft another to be inserted on recommittal. When the words "ten feet" were used they meant ten feet and not "as far as may be reasonably practicable." The Minister was not correct in saying that those words were to be read in conjunction with every subclause, because in Subclause 20 the words "as soon as practicable" were specially inserted. In redrafting the subclause provision must be made for a leading stope, and it should be made clear that any stope which was not filled with rock, but was timbered, would not be subject to this limitation.

Hon. J. E. DODD: There was no objection to allowing the subclause to be struck out, although personally he thought it would be better to allow the subclause to stand and then recommit it.

Sitting suspended from 6.15 to 7.30 p.m.

The CHAIRMAN: Before tea an amendment was before the Committee to strike out Subclause 11 of Clause 35.

Hon. J. E. DODD: It was possible for him to agree to the subclause being struck out with a view to redrafting and reconsidering it on recommittal.

Amendment put and passed.

Subclause 12—agreed to.

Subclause 13—Incompletely centred shaft:

Hon. J. D. CONNOLLY moved an amendment—

That in line 4, the word "forty" be struck out.

It was his wish to insert 60 feet in place of 40 feet. The subclause would then read—

> In every vertical shaft in which men are raised by machinery, other than machinery operated by hand labour, guides shall be provided from the top

of such shaft to within not more than 60 feet from the bottom of the shaft, and there shall be provided and used efficient means and appliances for steadying the load by means of such guides.

During the second reading debate he had pointed out that it was quite impracticable to timber a shaft within 40 feet, as it would practically mean timbering the shaft to the bottom. To timber within 40 feet of the bottom was very much more dangerous than if it was not timbered at all, because shots from the bottom would tear that timber and break it down and cause more danger thereby than if the shaft was not timbered at all. The timbering in these shafts was not taken down a foot at a time, but probably in 40 or 50 feet stretches, and in this way would bring the timber to within a very few feet of the bottom. The Act at present stated 60 feet, and probably the Minister would agree that there would be no great harm if the rule was kept at 60 feet instead of being altered to 40 feet.

Hon. J. E. DODD: The provision was not altogether to deal with the question of timbering the shaft, but was also to try and make it a little safer for the men who were working beneath. The subclause meant that unless one had the shaft timbered one could not have guides, but guides alongside the timber provided a safer means for men getting up and down. The kibble, or whatever means one was pulling from the shaft with, did not swing about so much in the shaft with guides as it would without the guides. It was to render it safe from that point of view, as well as from the point of view of keeping the ground from falling in. The South African rule was 50 feet, and the present Act in Western Australia 60 feet. The Bill proposed to make it 40 feet. Here again we had the same provision applying, that "it should be so far as may be reasonably practicable." There was admittedly a certain amount of danger in hard ground, as Mr. Connolly had pointed out, from explosions injuring the timber. Then, again, it might be unsafe to work six feet from the bottom of the shaft without timbering. With the provision at the beginning of Clause 35 "so far as may be reasonably practicable" the rule in regard to 40 feet could be adopted.

Hon. A. SANDERSON: Would it not be possible to compromise with 50 feet? To the outsider that seemed a reasonable compromise.

Hon. J. D. CONNOLLY: According to the subclause as he read it 40 feet was to be a hard and fast rule, a definite instruction. It was held by some that the "spiders" or guides were not always a factor of safety. From the Mines report of accidents in shafts he noticed one, described in page 50, as follows—

> A fatal accident occurred at the Victorious Mine, Ora Banda, through the fall of a "monkey" or crosshead upon two men in the sinking bucket in the main shaft, knocking one of them down the shaft. It appears that the deceased was the man who should have seen that the "monkey" was free and in place on the rope before the lowering of the bucket was started, but somehow it was overlooked and left behind, and afterwards shook free with the rubbing of the rope.

The accident was caused by having that "monkey" in the shaft. In his opinion there was a danger, when guides were carried so close to the bottom, that an accident of that kind would occur. The provision in this subclause was not economical or practicable from the mine owner's point of view, and was not a factor of safety to the workers as was shown by this accident described in the Mines report as having occurred at the Victorious mine, Ora Banda, through the fall of the "monkey" or crosshead. The matter was one which was difficult to regulate but probably 50 feet would meet the case, and he would be prepared to accept that alteration.

Amendment (to strike out "forty") put and passed.

Hon. R. G. ARDAGH moved an amendment—

That "fifty" be inserted in lieu.

Amendment passed.

Subclause 14—agreed to.

Subclause 15—means of communication and signals:

Hon. F. CONNOR (for the Hon. Sir E. H. Wittenoom) moved an amendment—

That in paragraph (b) the words "unless exempted in writing by the Minister as being impracticable in the circumstances of the case" be struck out, and the words "when required by the district inspector" be inserted in lieu.

Amendment passed.

Hon. F. CONNOR moved a further amendment—

That in line 4 of paragraph (b) the words "to the bottom of the shaft and" be struck out.

Hon. J. E. DODD: Surely there was a necessity to have signal lines to the bottom of the shaft, unless indeed it was to be simply signalling by voice.

Hon. J. D. Connolly: Can you fix signal lines to the bottom?

Hon. J. E. DODD: Perhaps not the same kind of signals as obtained between levels, but it was necessary that a signal line should go to the bottom.

Hon. R. G. ARDAGH: Would the hon. member explain the purpose of the amendment? There must be a knocker line to the bottom of the shaft.

Hon. A. SANDERSON: No reason whatever has been given for the amendment.

Hon. F. Connor: It has been on the Notice Paper for days.

Hon. A. SANDERSON: But no reason whatever had been given in support of it.

Hon. F. Connor: It is not necessary.

Amendment put and a division called for.

Bells rung.

The CHAIRMAN: There being only one member on the side of the ayes there could be no division.

Amendment negatived.

Subclause as previously amended put and passed.

Subclauses 16 to 19—agreed to.

Subclause 20—Passage-ways:

Hon. J. D. CONNOLLY moved an amendment—

That the subclause be struck out.

The provision, while being a very useful one in some instances, would be quite impracticable in others. In the case of the Golden Horseshoe at Kalgoorlie, where the lode underlying from the Boulder disappeared into the Horseshoe country at about 2,000 feet, if the Horseshoe people were going to cut that lode on a block claim it would mean that directly they opened out on the reef they would have to put down another shaft. Possibly the provision would not give rise to any trouble in a big mine with a multiplicity of shafts and winzes, but in a case like the one quoted it would be quite impossible. If the subclause was struck out it would be left to the discretion of the inspector to provide proper ventilating shafts.

Hon. J. E. DODD: This was another very important proposal in the Bill, and one which ought to commend itself to hon. members. It did not provide that there should be two shafts in every mine.

Hon. J. D. Connolly: What other way can you meet it in a prospecting claim?

Hon. J. E. DODD: By winzes. Under Clause 36 the whole of these general rules could be suspended in any area where it was not practicable to apply them. Almost every mine on the Golden Mile had more than one shaft. All that was required where there was only one shaft and still another opening to the surface was that there should be a ladder way constructed in that opening. In every big mine winzes were sunk which afterwards became ore passes. In the Boulder mine they sunk their winzes and built up passes by which the ore was sent down, and alongside each pass was a ladderway. When the pass became chocked with dirt it was possible to remove the obstruction by means of this ladderway built alongside the pass. No hardship would be entailed on the men under this proposal.

Hon. J. D. Connolly: What about the case of a block claim?

Hon. J. E. DODD: Even there if it was worked to any extent at all another

opening to the surface was quite necessary.

Hon. J. D. Connolly: This says "after the opening of each level." You may not open out until you have reached 1,200 feet or more.

Hon. J. E. DODD: In a mine of that kind there would certainly be other means of communication with the surface than the main shaft through which the dirt was pulled. With only one shaft there was a poor chance of getting good air. The new rule was designed to prevent such a catastrophe as that which occurred at Mount Lyell, where the main shaft was the only means of communication with the surface. This would entail very little extra expense on the mines. Most of the big mines at Kalgoorlie were already equipped. So far as prospecting shows were concerned, it was only after the opening of each level that this passage way would be required, and it was competent for the inspector to exempt any mine.

Hon. J. D. Connolly: Where is the power to exempt?

Hon. J. E. DODD: Under Section 36. The rule was fair and reasonable.

Hon. A. SANDERSON: This provision seemed very much like the requirement for extra exit doors at a theatre. As the Minister had stated it would not entail much extra expense he would support the sub-clause.

Hon. H. P. COLEBATCH: With a view to saving the sub-clause, he suggested inserting after "mine" the words "if required by a district inspector."

Hon. A. G. Jenkins: They will all require it.

Hon. H. P. COLEBATCH: No, only where it was reasonably practicable.

Hon. J. CORNELL: The subclause would not entail any hardship on the big mines. In the case of the Horseshoe Mine it would be necessary to go down to about 2,900 feet in order to strike the lode, and then a crosscut would be put in. All the Bill required was that when the lode was struck and the level opened up, it should be connected with the nearest level.

Hon. J. D. Connelly: But that would be the surface.

Hon. J. CORNELL: No, in the Horseshoe it would be about the 1,800-foot level. The object of the subclause was to provide for means of exit other than the main shaft where practicable. Fifty men might be working in one level, with no other exit than the main shaft, and it would not be fair to ask an inspector for permission to allow that to continue. The onus should be on the Government, and not on the inspector. Reasonable time would be allowed the mines in which to comply with this requirement.

Hon. A. G. JENKINS: The second connection would have to be in the mine where the main shaft was. It would not be possible to use the shaft in another mine as a means of exit. The connection must be between each level and the one above it. He foresaw great difficulties if the subclause was passed.

Hon. H. P. COLEBATCH: If the hon. Mr. Connolly would withdraw his amendment and allow his suggestion to be considered, his proposed amendment might make the clause more acceptable to a number of hon. members.

Hon. J. D. CONNOLLY: Prospectors sinking in an underlay claim might have to go down 300 or 400 feet. A main shaft would cost £10, £12, or £14 a foot, and hon. members could imagine the cost of having to sink another shaft just for the sake of an extra outlet. No great number of men would be employed until the mine was extensively opened up. There would be no trouble in regard to Kalgoorlie, and it would be disastrous if big mines were allowed to rely on only one outlet. He asked leave to temporarily withdraw his amendment, in order that the hon. Mr. Colebatch's proposal might be considered. So long as this power need not be enforced in regard to prospectors, it would be all right.

Subclause 20, Passage-ways:

Hon. H. P. COLEBATCH moved an amendment—

That after the word "mine" in line 1 the following words be added "if required by the District Inspector."

So far as Clause 36 was concerned the discretion of a district inspector apparently applied only to mines employing not more than four persons underground. There might be a mine employing five or six persons but the inspector would have no discretion there, whereas if the amendment were inserted the inspector would be able to exercise discretion. If the district inspector thought these conditions were necessary they ought to be carried out.

Hon. J. E. DODD: It was not his intention to oppose the amendment, at any rate with any force; at the same time it was absolutely unnecessary. It would only put in a number of superfluous words. There had to be read at the beginning of every clause that the provisions of every one of them had to be carried out so far as they were "reasonably practicable."

Hon. H. P. Colebatch: You notice that in this particular subclause the word "practicable" only is applied; "reasonably" is left out.

Hon. J. E. DODD: But the words "reasonably practicable" were at the beginning of the rules and they applied to all the rules.

Hon. J. D. Connolly: The Committee agreed that the words did not apply to subclause 11.

Hon. J. E. DODD: It was difficult to see why we should stumble over that provision at all. He would be willing to place the proviso in front of every rule in the Bill.

Amendment put and passed.

Subclause 24—Brake and indicator:

Hon. J. D. CONNOLLY moved an amendment—

That in lines 3 and 4 the words "with an indicator approved by the inspector" be struck out, and "when required by the inspector with an approved indicator" be inserted in lieu.

This was merely a transposition of words, and there ought not to be any objection to the amendment.

Hon. J. CORNELL: As the subclause read, it meant any mechanical contrivance which was used for the lowering or raising of persons. The idea of the brake was for the safety of the engine, and the idea of the indicator was to show the driver at what part of the shaft the cage was at any given time. That indicator had to be approved by the Inspector in the same way as the brake. The purport of the amendment was that until such time as the inspector declared that the engine should be fitted with an indicator, there should be no indicator used. His experience of winding engines was that if a brake was essential, an indicator was equally essential. There would be no hardship with the exception, as Mr. Connolly pointed out, in some cases where Holman hoists were used in sinking winzes. It was not the intention of the Government that in the sinking of winzes an indicator should be on a Holman hoist. The purport of the amendment was that it should apply to mechanical contrivances.

Hon. J. D. Connolly: No.

Hon. J. CORNELL: It was not the intention of the Minister that it should apply to Holman hoists. If the Minister gave that assurance the amendment might be withdrawn.

Hon. J. D. CONNOLLY: The object in moving the amendment was to provide that there need not be an indicator on a Holman hoist in a winze. If the Minister said that this did not apply to winzes then he would not press the amendment.

Hon. J. E. DODD: The hon. member would see that this particular subclause in the last few lines stated "the position of the cage or load in the shaft." The definition of "shaft" was "shaft includes any winze which, in the opinion of the district inspector is used as a principal shaft." Sometimes a winze was used as a shaft, but very rarely. Sometimes a winze would be sunk in a level some distance from the main shaft and that would be used as a principal shaft.

Hon. J. D. CONNOLLY: In view of the definition of "shaft" there would not be any need for the amendment, and he would ask leave to withdraw it.

Amendment by leave withdrawn.

Progress reported.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Restraint of marriage:

Hon. D. G. GAWLER: For reasons which had been stated on the second reading the clause should be struck out.

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

Ayes	11
Noes	7
Majority for	4

AYES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. H. P. Colebatch	Hon. A. G. Jenkins
Hon. F. Connor	Hon. J. W. Kirwan
Hon. F. Davis	Hon. C. Sommers
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(*Teller*).

NOES.

Hon. J. D. Connolly	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. W. Patrick
Hon. V. Hamersley	Hon. A. Sanderson
Hon. R. J. Lynn	(*Teller*).

Clause thus passed.

Clauses 10 to 32—agreed to.

New Clause—Amendment of Section 191:

Hon. D. G. GAWLER moved an amendment—

That the following new clause be added to stand as Clause 2:—"Section 191 of the Code is hereby amended as follows:—By the addition of the following paragraph—"Any person found committing any of the offences defined in this section may be arrested by a police officer without warrant." By striking out the words "two years" in the eighteenth line of such section, and inserting in lieu thereof the words "not less than one and not exceding two years."

Section 191 dealt with the offence of procuring. In speaking on the second reading, he had said that he proposed to take no action in regard to the white slave traffic which was really an extension of the offence of procuring, but he had been asked to move this amendment in order to bring the law more into line with the English Act. The 1907 amendment of the criminal law in England went further than the existing section in the Code, for it provided that the offence of procuring should be punishable by flogging, and that a constable should have power to arrest without warrant. Under the Criminal Code the constable was only allowed to arrest without warrant where the offence was a crime or where he was given special powers under the Act. He asked the Committee to agree that procuring was a crime. The second part of the amendment dealt with the punishment, and proposed to strike out two years and make the minimum term of imprisonment one year.

The CHAIRMAN: The amendment could be moved as a new clause, but it was unusual for an hon. member to move a new clause which had not appeared on the Notice Paper.

Progress reported.

House adjourned at 8.44 p.m.

Legislative Assembly,

Wednesday, 12th November, 1913.

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

PAPERS PRESENTED.

By the Premier:—Return of Cruelty to Animals Cases at Moora Police Court (ordered on motion by Mr. Lander).