Legislative Council,

Wednesday, 29th October, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Woods and Forests Department—Report for year ended 30th June, 1913. 2, Department of Lands and Surveys—Report for the year 1912-13. 3, Land Act, 1898—Regulations. 4, Land Act Amendment Act, 1902—Timber Tramway Permits. 5, Cemeteries Act, 1897—Regulations. 6. Roads Act 1911—(a) By-law of Wickepin District Road Board: (b) By-law of Balingup Road Board.

ELECTORAL ROLLS, LEGISLATIVE COUNCIL.

The COLONIAL SECRETARY (Hon. J. M. Drew): On the 9th of this month the Legislative Council passed a motion—

> That in the opinion of this House it is desirable that instructions be given to the Chief Electoral Officer that in compiling new rolls for the Legislative Council provinces, the names of all persons who are shown by the municipal or road board lists to possess the necessary qualification be placed on the new rolls.

That was sent on to the Attorney General's Department, and submitted to the Chief Electoral Officer, and the Chief Electoral Officer in a minute to the Attorney General states that it is impossible to comply with these instructions to the full. I think it advisable that the Legislative Council should possess this information, and with the permission of the House I will read the minute—

> The Hon. the Attorney General: 1, A proclamation dated the 8th July last directed that new rolls should be prepared for each electoral province. 2, No specific instructions have been issued pursuant to Section 38 of the Electoral Act, either in the proclamation or by regulation. 3, I am therefore guided by Section 40 of which the marginal note is "Names to be inscribed from existing rolls, etc.," and by which it is enacted that in preparing new rolls, the names of persons who appear to be qualified shall be inserted and the names of persons who appear to be disqualified shall be omitted; and the Chief Electoral Officer is required to give notice to any person whose name is omitted, if such name appears on an existing roll, with a view to a claim being made and dealt with. 4, The resolution of the Legislative Council dated the 9th instant is now referred to me. By that resolution the House expressed the opinion that it is desirable for instructions to be given to the Chief Electoral Officer that in compiling new rolls for the Council provinces the names of all persons who are shown by the municipal or road board lists possess the necessary qualification be placed on the rolls. 5, As regards road district electors the qualification as expressed in the Constitutions Acts Amendment Act, 1899, Section 15, is "If the name of such person (*i.e.*, a natural born or naturalised subject of His Majesty who has resided in Western Australia for six months) is on the electoral list of any road district in respect of property within the province of the annual ratable value of not less than seventeen pounds." But by the Roads Act, 1911, the system of rating on the unimproved capital value was substituted for the annual ratable value except so far as the board might adopt the system of annual valuation in any townsite or other prescribed area within its district, and the effect of this alteration of the law was, it seems to me, to annul

the road district ratepayers' qualification, except in such townsites and other prescribed areas where the system of annual valuation is adopted by road boards. 6, I am therefore unable to enrol any person under the road district ratepayer's qualification unless assessed on an annual valuation in respect of property in some townsite or prescribed area; and I must necessarily issue to such persons as are now enrolled as road board ratepayers under the unimproved capital value assessment a request to claim in respect of their freehold, household, or leasehold qualification. 7, But in municipal districts, assessments continue to be made on the annual ratable value, and as regards Parliamentary electors already enrolled in respect of such qualification, I am prepared to accept existing registration on the Council rolls as *prima facie* evidence that in other respects the elector was duly qualified, and to transfer their names to the new rolls accordingly, unless for some apparently sufficient cause it should be deemed necessary to omit their names, in which case notification will be issued, with the view to a claim being put in pursuant to Subsection 3 of Section 40 of the Electoral Act. 8, The resolution of the Legislative Council which I have quoted above states that the Chief Electoral Officer should be directed to enrol the names of persons who are shown by the municipal lists to possess the necessary qualification, but the fact that the name of a person is on the electoral list of a municipality is not in itself a qualification, any more than the fact that a person is a freeholder or a leaseholder. 9, Section 15 of the Constitution Acts Amendment Act of 1899 prescribes as the qualification of Council electors:—(a) that he is a person of full age, (b) that he is a natural born or naturalised subject, (c) that he shall have resided in Western Australia for six months; and subject thereto the qualification of freeholder, householder, leaseholder, and municipal or road board elector follow with the proviso that no aboriginal native of Australia, Asia, or Africa, or person of the half blood shall be registered, except in respect of a freehold qualification, and that a naturalised subject must have been naturalised for at least twelve months; and the disqualification of persons of unsound mind or in receipt of relief from the Government or any charitable institution, and of convicted persons is prescribed in Section 17. 10, the fact that a person's name is on the electoral list of a municipality is no proof that he has resided in Western Australia for any definite period prior to such registration, or indeed at all; nor is there anything in the Municipal Act to disqualify the aboriginal native of Australia, Asia, or Africa or persons of the half blood, if natural-born, or naturalised nor to require a naturalised person to have been so naturalised for twelve months, nor to disqualify persons in receipt of relief from the Government or any charitable institution, or persons otherwise disqualified for the Parliamentary franchise. 11. It is therefore apparent that an automatic transfer of the names of persons from the municipal electoral lists to the Parliamentary rolls is impracticable: and as regards persons whose names are on a municipal list, but who are not already enrolled on a Parliamentary roll, there seems to me to be no alternative but to invite such persons to put in claims so that particulars of those other matters essential to their qualification as Legislative Council electors may be supplied. E. G. Stenberg, Chief Electoral Officer.

Hon. J. F. Cullen: Has the Attorney General replied to that? If so the House would like to have his reply.

The COLONIAL SECRETARY: The Chief Electoral Officer forwarded the minute to the Under Secretary for Law, with the following note—

> Will you please submit the minute hereunder for the consideration of the Hon. the Attorney General.

This was done, and the Attorney General added—

Please forward to the Hon. the Colonial Secretary so that he may convey to the Legislative Council the minute of the Chief Electoral Officer in such manner as he may deem best.

I have since seen the Attorney General and he asked me to read the minute to the Legislative Council.

Hon. J. F. Cullen: It is to be hoped the Attorney General will reply to it. It will be of great interest to the House to have his reply.

Hon. Sir E. H. Wittenoom: He will not reply.

SELECT COMMITTEE, COMPANIES ACT AMENDMENT BILL.

Extension of time.

On motion by Hon. W. KINGSMILL the time for bringing up the report of the select committee appointed to inquire into the Companies Act Amendment Bill was extended for one week.

LEAVE OF ABSENCE.

On motion by the Hon. R. G. ARDAGH leave of absence for twelve consecutive sittings granted to the Hon. B. C. O'Brien on account of urgent private business.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1. Friendly Societies Act Amendment.
2. Supply (No. 2) £1,025,000.

BILL—DECLARATIONS AND ATTESTATIONS.

Second Reading.

Debate resumed from the previous day.

The COLONIAL SECRETARY (Hon. J. M. Drew) in reply: I hope Mr. Kingsmill will not move his proposed amendment, because it is quite unnecessary. There is already ample provision in the Bill to make the appointments desired. The Government were quite prepared to meet all reasonable requirements in this respect. The Bill has already made a radical alteration to the existing system. At the present time only justices of the peace and a few other officers can attest documents, but this measure extends the power very considerably. Under the Bill, a town clerk, a secretary of a roads board, an electoral registrar, a postmaster, a classified officer in the State or Commonwealth service, a classified State school teacher or a member of the police force can attest documents which previously could only be attested by a justice of the peace. No undesirable consequences are likely to follow the extension of the present system. All the persons I have named occupy either public or semi-public positions and their appointments can easily be traced. They can be proved from the public records of the Government service or from the public records of the municipalities or roads boards, but the same cannot be said of bank officials. No one can have access to the records of a bank except some person who is a shareholder in the institution. A document attested may be disputed perhaps 20 years hence on the ground of the invalidity of the attesting witnesses and there may be some difficulty in proving 20 years hence that a certain person was a bank manager or that he was a security clerk, whereas there would be little difficulty in proving that he was a police constable or a town clerk or the secretary of a roads board because the latter are in regular communication with the public departments. It is necessary in the opinion of the Government that where persons do not occupy public positions or semi-public positions, where it is possible without much difficulty to verify their appointments, that there should be some public record kept of these appointments, and this is what it is proposed to do under this Bill. There will be kept a record of all appointments that are made by the Government in connection with this measure, so that there will be no necessity for the suggested amendment. With regard to the objection raised by Mr. Moss, I have consulted the Solicitor General, who states—

> This Bill deals not only with statutory declarations but the attestation of documents. The Evidence Act has not dealt with the statutory law relating to attestation of documents. There is no reason why these provisions should not be incorporated in the Evidence Act, but it is not essential. The present Bill is much needed and it is not desirable that it should be withdrawn with the view to a fresh Bill being introduced to amend the law of evidence.

In other words, it could be done by the method suggested by Mr. Moss, but at the same time, it is not an improper course to pursue. The Solicitor General adds—

> If the law as to attestation of documents is to be included in the Evidence Act (it is not so in New Zealand), the following, amongst other matters, must be dealt with:—the attestation of wills, instruments under the land laws, bills of sale, etc.

With regard to the objection raised by Mr. Cullen, the Solicitor General points out that the term, "Commissioner for Declarations" is adopted from the Commonwealth Act relating to statutory declarations, and he does not know of any better term. There may be a certain amount of honour and glory attached to the designation and if there is it will be well earned. We will not have people running after the positions. It will be difficult indeed to get suitable people.

Hon. J. F. Cullen: Will it apply to police?

The COLONIAL SECRETARY: Certainly.

Hon. J. F. Cullen: Then why should they be under a different category?

The COLONIAL SECRETARY: There must be an appointment, and in order to make the appointment there must be some designation of a position. A policeman will be, *ex officio*, a commissioner of declaration.

Hon. J. F. Cullen: It comes to the same thing.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Authority to take declarations and attest instruments:

Hon. J. F. CULLEN: Having listened to the explanation of the Colonial Secretary as to the need for the term "commissioner" he recognised that there must be some designation, but he did not know whether it was wise to use the term "commissioner." We were accustomed to high-sounding titles, but where were these going to end? He would have been glad if the friends of the Bill could have seen their way to use some designation which would have given these other persons the appearance of superiority over the numerous classes previously mentioned in the Bill. To the public mind these commissioners would be entirely apart from the other persons authorised to witness declarations. There was no desire to take the matter out of the hands of the Minister, but one foresaw a multiplication of titles. The Minister might also inform the Committee why Subclause 2 referred only to "a commissioner for declarations" instead of "declarations and attestations." If these commissioners were to witness attestations as well as declarations, why not put it in the clause? This limitation was also followed out in the next clause and if there was a reason for it he would like to know what it was.

The Colonial Secretary: A commissioner for declarations has power to attest. If the hon. member reads the whole thing he will get at the meaning.

Hon. J. F. CULLEN: The framer of the clause must have had some idea in his mind, because in the next clause he distinctly limited it to declarations.

The Colonial Secretary: There is no doubt about the clause covering the whole ground.

Clause passed.

Clause 3—Commissioners for declarations:

Hon. J. F. CULLEN: The commissioners should be given power to witness attestations as well as declarations.

Hon. M. L. Moss: They have it in Clause 2.

Hon. J. F. CULLEN: There is nothing about attestations in this clause.

The Colonial Secretary: The power is given just the same. They are given all the powers of a justice of the peace under Clause 2.

Clause passed.

Clause 4—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—MINES REGULATION.

Second Reading.

Debate resumed from the previous day.

Hon. J. F. CULLEN (South-East): The champions of this Bill, Messrs. Dodd and Cornell, evidenced two qualities in their speeches that must command interest and respect from every member. They knew what they were talking about, and they felt what they said. The absolute sincerity of those speeches must certainly have great weight with hon. members, but there was this very serious discount, that, like the Bill itself, they dealt with only one point of view, and that point of view was not really the miners' point of view. I could understand their leaving the mine-owners' point of view for other speakers had they spoken purely from the miners' point of view, but they did not take the miners' point of view. They took the point of view of the miners' unions, and I consider there is a very clear distinction between those two points of view. As a matter of fact, a very large number of the miners are opposed to some of the main provisions of this Bill. I know, for I have lived two years amongst them, and it was part of my daily duty to study the position of the miners on those fields. I would like to say in passing that amongst the miners are some of the finest men on the face of the earth. The great body of miners are amongst the best men that this country or any country can desire to have, but I deny that the average union official properly represents the attitude of the miners. I do not think the two advocates of this Bill who have spoken so far are so readily able to judge the average union official as many an outsider is. Those gentlemen are so entirely sincere and so reasonable and moderate that they cannot properly grasp the attitude of the average union official, and my chief complaint about their speeches and about the Bill itself is that the point of view is the point of view of the average union official. As a matter of fact, the framers of this Bill consulted no mine-owner, no mining investor, and no responsible manager, nor did they consult the miners, but they took the advice of the union officials and the whole Bill betrays it; it is the union every time. Even when the Bill comes to deal with the inspectors who represent the men in the mine it is not the men who are allowed to elect those inspectors but the unions, and the unions include great numbers of men who are not in the mines at all.

Hon. F. Davis: That was contradicted yesterday.

Hon. J. F. CULLEN: The hon. member is in error. The statement was that there was in the union a larger percentage of men who are in the mines than men who are on the surface. But the unions represent numbers of men who are really not concerned in the Bill, and the voice that spoke for the unions in helping the framers of the Bill was the voice of the average union official, who, I repeat, does not properly represent the average miner. As I have been some years away from the fields I am going to be guided largely on the details of the Bill by hon. members who are now in touch with mining affairs, but there are certain great principles in this Bill which affect all industries, and no hon. member of this House can allow precedents to be worked into Acts of Parliament that would prejudice and injure the industries generally of the country. The three principles I am going to deal with particularly are the abolition of freedom of contract, the restriction of the employment of non-Britishers—I say non-Britishers in preference to the word foreigner; some of the supporters of the Bill used not only the word foreigners in its most offensive sense, but also spoke of

aliens in order to work up a stronger case against them—and the third principle is the giving to partisan inspectors nearly all the power of the neutral inspectors appointed by the Government. The first two of these, abolition of contract or piecework and restriction of the employment of non-Britishers, may be bracketed together. The objects of the two are the same, and what are they? To get into the hands of the union officials absolute control over the mines of the country. That is the object. It is easy to understand that contractors or piece-workers must be thorns in the sides of the union official who wants, not only to fix the conditions of labour, but to say how much work shall be done for the wage given. I am using these words deliberately. The gospel of the average union official is this, "The most money for the least work."

Hon. R. G. Ardagh: Rot!

Hon. J. F. CULLEN: I defy any union official to contradict me. The idea of the union official is this, "How can I get the maximum of money for the minimum of labour"? and the union officials have not hesitated at all to say, "If the arbitration court does not give all the wages we think we ought to have, well regulate the work accordingly," and they not only say so, but effect is given to that advice. I am going to say straight away that I want to show the House and especially the champions of the Bill that if they really desire to perpetuate and maintain trades unionism, they will take care not to fight against freedom of contract, for freedom of contract is the salt in the industrial world, and if it is done away with I know of no stimulus sufficient to keep trades unionism from rotting and perishing. It is all very well to say that trades unionism has worked fairly well, and that the union man is generally a good man. He is all the better for the knowledge that alongside of him there is this demonstration of what a man ought to do, and of what a man at his best can do, and if by any folly the legislature consented to blot out contracting or piece work, I say I know of no stimulus sufficient to keep trades unionism from rotting and decay. Similarly the non-Britisher is a thorn in the side of the union official. He has not learned to tone down his energies and his sense of what is due to the man who pays him his wages. Mr. Cornell gave us to understand yesterday that he is in process of learning this lesson; that as a matter of fact the non-Britishers who come from cities and towns pick it up quickly and become good unionists, but the men who do not come from the cities and towns and are less sophisticated do so much work that the employers like them and give them preference to Britishers. As a matter of fact in the speeches of both Mr. Dodd and Mr. Cornell, to anyone who could read between the lines there was this admission, that the main fault with the non-Britisher is his virtue.

Hon. F. Davis: Good heavens!

Hon. J. F. CULLEN: The non-Britisher gives too much for the money, and he is too obedient and too adaptable, and shames the staid regular trades unionist. That is really between the lines of both those speeches. I want to point out to the supporters of this Bill that there is a very serious danger of the slowing down process wrecking trades unionism. As a matter of fact it is to-day seriously retarding the industries of the State. I quoted a few evenings ago the case of a good trades unionist taking 15 minutes to saw a weatherboard through because he had three yarns in the course of it. I want to mention another illustration to-day and I am very serious about it. I say the saving salt in the industrial world is freedom of contract and piece work. Here is an actual case that happened only a few days ago in this city. An iron pipe about 1½in. in diameter and under 100ft. long, erected about 12ft. above the ground, and running around several shop fronts, had to be painted on behalf of the Commonwealth Government. Good authorities say there was about two hours' work on that little job. There had to be only one coat of paint but three or four different colours, because the pipe crossed three or four shop fronts of different colours. About two hours would have sufficed, but how long was that work in execution? There were two painters, and a labourer to remove the ladder, and

on the fourth day someone said to the poor unfortunate ladder shifter, who was seated on a box smoking, "It must be pretty slow for you." He replied, "Yes, but of course you do not quarrel with one job until the next is ready, and we are waiting for the next job." Four days for two painters and a labourer to do about two hours' work!

Hon. R. G. Ardagh: You are painting a lovely picture.

Hon. J. F. CULLEN: There is the result of slowing down, and I am entirely serious when I point out to the Honorary Minister and Mr. Cornell that there is grave danger connected with this slowing down process. It is not simply an isolated case like this. Ask any contractor to-day in this State how his quotations compare with those of five years ago, and he will say that in many items they are double to-day what they were then. Why? Partly because of the uncertainty of labour. He does not know how long men will go without failing him. He does not know what his work will cost and he must have a margin to cover that. Apart from that, that the tale of work rendered for a day's wages is considerably less to-day than it was five years ago. I have stated absolute facts and I contend that no Legislature can afford to bar freedom of contract and of piece work, and I am satisfied that this House will not pass that provision in this Bill. With regard to the non-Britisher, this Bill provides two ways of choking him. One is the language test and the other is a numerical restriction. That numerical restriction is one of which I am sure any House of Legislature ought to be ashamed. Any member ought to feel ashamed on behalf of the British workman. Is the British workman afraid of non-British competition? I say that in this matter the union official does not represent the British workman. The miners as I knew them some seven years ago would scout a proposal of this kind. They would say, "Give us fair play and we will stand up with any non-Britisher." This numerical restriction is equivalent to saying, "We dare not let these men come into fair competition with our men, lest they beat us." Mr. Cornell admitted that in general they had better physique and that they were more ready to carry out instructions, and therefore the argument is that we should let only one in ten get a chance of employment, and even that one in ten we will try and choke out with a language test. I admit that the first introduction of the language test had some excuse. It was introduced in connection with the coming in to our country of undesirable aliens. The legislators feared that they could not in a manly open way block them because of diplomatic relations with other countries, and they hit upon this indirect and somewhat unmanly device of putting the unfortunates to a language test at which they were bound always to fail, because the test could be made such as they would not get over. I admit there was some excuse for that because there are certain people who ought to be kept out by any means, and by some means or other they must be kept out. But the marvel is that any Legislature could stoop to the application of that test to men as good as ourselves and of European races whom we should be glad to welcome here as settlers—Germans, Frenchmen, Danes, and Swedes. Is it not, when one comes to think of it, a humiliating, a pitifully humiliating device that a British community should call upon these men to pass a language test before being allowed to earn a living in a common avocation of this kind? Surely every Britisher should be ashamed of it. "Oh," say the champions of the Bill, "that is not the idea. The idea is that if they went below and did not understand our language they might be a source of danger." I submit in the most deliberate way that that is an absolute subterfuge. If the circumstance of danger arises we do not expect a literary essay, or an elocutionists' display, but we want the shortest, sharpest exclamation that a man can utter, and where is the man fool enough to fail to make himself understood in circumstances of danger? It is a poor subterfuge. It is a device to try to prevent competition from Europeans with our own men. I say it is a cowardly thing of which we

ought to be ashamed. During my time on the goldfields I met more high school men among non-Britishers than I have met in the Western Australian Parliament. I want to give just a little bit of history and, as the President would say, "for greater accuracy" I have a copy of a report with me. Just about the time when the application of the language test came to be used in this way there was a meeting on a certain goldfield to discuss it, and the promoters of the meeting took the precaution of clearing the room of non-Britishers. An intelligent German was the last to go out, and he asked and obtained permission to say a few words before going, and this is the substance of what he said, "If you decide to apply the language test, which English will you put to us? I learnt English in the high school of my native town, but I confess I do not understand all that passes for English on this field. I have heard half a dozen dialects from Scotchmen and Irishmen and at least a score from Englishmen. Which English are we to be tested in?" Of course he went out. I am not going to report all that was said at that meeting but I have just a few extracts which I will try to read. I wish I had here the countrymen represented to pronounce the words, but I will do the best I can. The first speaker was Dave Lee from Sheffield and he said—

> Oaal as a' can zaay is zoom people loike vurr'ners an' zoom doant. A' doant.

Then came Sandy Wilson from Scotland, and he said—

> Hoots, mon. It's no a matter o' lecken or no lecken. You mixti-maxties hae putten coantrac for the day's darg. Oot wi' them stick-an-stone.

The next speaker was Bat Harper from the North of Ireland, and a North of Ireland man is supposed to be a Scotchman improved. He said—

> Listen till me now. The not a hate a' care what lingo they blether in. But if ussens be till keep fut with Jarmans, and dagoes, an' froggies, gi' me the bogs of Ireland. Thigenthu?

Then came the Chairman, Toby Ryan, and he remarked—

> Aisy bhoys, aisy, put the langidge on them. Shure it's the broth of a rimedy. Thry them to shpell "bejabers."

Now the German's request as to which English he was going to be tested in is much more than a joke and yet Parliament is asked to submit our fellow Europeans, many of whom are far better educated than we are, to a language test before we let them use a pick and shovel in our mines.

Hon. F. Davis: If they are better educated they should pass the language test quite easily.

Hon. J. F. CULLEN: But what about the education of the man who legislates to require that these men should pass a language test under pretence of making these mines safe? Now let us pass on to the other principle, that of putting partisan inspectors on top of the neutral inspectors appointed by the Government or alongside them. I was going to remark some time ago that, apart from those propositions which I have criticised as embodying dangerous precedents, there is really nothing in the Bill which is not in the present law. That is a matter to be dealt with when the House gets into Committee. But in regard to this appointment of workmen's inspectors, of course hon. members know that under the present law the men working in a mine may appoint practical workers, either of their own number or from outside, to inspect the mine at least once a month and report. In favour of the proposal in the Bill it is said—"Oh, they are afraid to do it." What are they afraid of? There is a great mouthful of a word which we frequently hear, namely, victimisation. It is thrown at us wherever we go in industrial circles, but it is seldom or never that there is any definite allegation of a case, much less proof of a case, of victimisation. Under the present arbitration law the thing is practically impossible. How is it that if the mines are in such a dreadful condition this provision of the present law has not been put into operation? Sir Edward Wittenoom very aptly remarked that the fact that no amendment of the

law had been sought for six or seven years is an evidence that the law must be working very well.

Hon. J. E. Dodd (Honorary Minister): Sir Edward Wittenoom was entirely wrong there.

Hon. J. F. CULLEN: I do not think entirely. There has been no serious effort to bring in amendments of the law. Certain men who profess to represent the miners have asked for amendments, but there has been no strong move on the part of the miners themselves, and as a matter of fact it is a general admission that the law has worked very well. There is not only that provision in the present law, but there is power on the part of the Government to appoint as many inspectors as the Governor-in-Council may think necessary. It is said that that will cost money, and the provisions in the Bill concerning workmen's inspectors are brought in without a hint of any payment. As a matter of fact the public were led to assume that these were going to be honorary inspectors. That was to be assumed as the real reason why the Government were not asked to appoint a greater number of inspectors; these were supposed to be honorary inspectors. But it has leaked out that provision is to be made, not in the Bill, but quietly, afterwards, under regulation, for paying these inspectors; and no doubt full salaries, because I do not think the Labour Ministry would fail to do what they conceive to be their duty in that regard. If these workmen's inspectors are to be paid, where is there any argument against the Government appointing a greater number of impartial inspectors who would do their duty to the public, fearing neither the union nor the employers, absolutely independent of both, having allegiance to the public only? Why should not the Government appoint any number of inspectors necessary, seeing that the cost will be no greater than that of the proposal in the Bill? I got hold of one of the most ardent advocates of this proposal, a Labour member of Parliament, and I put it to him: "Apart from party politics, do you think it a sound or rational proposal to have partisan inspectors with practically the same power as Government inspectors, and that mine managers and mine owners should be at their mercy, or rather at the mercy of the unions? Do you think it sound or rational"? And he frankly admitted to me "I am quite content with Government appointed inspectors if the Government appoint enough to meet the case." I do hope that not only a great majority of this House, but also hon. members who have been inclined to support the Bill will see that it is not a reasonable proposition that inspectors appointed by a number of workmen employed on a mine—I need not limit it to a number of workmen in a mine, but will say inspectors who are appointed by the unions outside—should be able to come in as partisans and practically hold the management of the mine at their mercy. Is it a rational proposition? I cannot see how any member of Parliament can take that stand. I will not labour this, because it has been very ably dealt with by other hon. members, but I would point out that these three great principles I have dealt with really bear upon all the industries of the country. The Legislature cannot safely interfere with freedom of contract or the right to have piece work done in any industry. It is an atrocious thing to attempt to restrict our fellow Europeans whom we are inviting and entreating to come and help us develop the country. Instead of appointing partisan inspectors the proper course is for the Government, where it is found necessary to add to the number of inspectors, to do so by appointments by the Governor-in-Council, appointments that will command the respect of all concerned in the mines, whether as mine owners or managers or workers in the mines. I repeat that the main object of the Bill is to give the unions a dominant power over mine managers, and I repeat that it would be disastrous. It would only lead to the closing of a vast number of mining propositions, many of which now have but very slender margins, and some of which are working at a loss in the hope of profit later on. I know that when the Honorary Minister gets up to reply he will say, "Do you want the mines

to be unsafe? The Bill is designed to make the mines safe." Well, the safest mine of all is the mine which is closed down, and that is the kind of safety this Bill would promote.

Hon. D. G. GAWLER (Metropolitan-Suburban): In speaking on this measure, I do not propose to say much about its objects, nor anything about the technical aspect of it. What I want to refer to chiefly are the principal portions of the Bill already referred to in debate, and perhaps I may be able to throw fresh light upon them. First of all, my objection to the Bill is broadly to the disastrous principles it introduces. It is a serious extension of the tendency to encroach on the employer's business by the unions of workers. The encroachments which are already inflicted on the employer's business by the unions are sufficiently shown on the statute-book at the present time by the Arbitration Act and the Workers' Compensation Act. I hold that both these measures are unjust infringements on the employer's business. The employer's business under existing circumstances is very often a misnomer. It is not an employer's business but is largely the business of the unions, and this proposed measure will emphasise that aspect of industrial affairs. It is not as if the State proposed to nationalise and take over all industries. They acknowledge that these industries are the businesses of employers, but they take a portion for the worker. They do not attempt to do it by co-operation or by taking portion of the profits; but the unions have an indeterminate amount which they ask for, and one does not know on what principle they ask for it. The Workers' Compensation Act is an unjust tax on the employer's business. The employer is asked to pay for the insurance of his employee without the employee contributing anything whatever towards the expense. It is undoubtedly a tax on the employer's business, and is an encroachment on that business. The principles laid down in the Bill constitute a further very serious encroachment on the employer's business, principally that of the appointment of check inspectors. This is a very serious and a very full power to give to the worker, a power whereby he can get into his hands or the hands of his union almost the whole control of the employer's business. Again, the employer is told that although a man is willing to work for the amount which the employer is willing to pay him, the employer is not to be allowed to employ that man. Later on I will show reasons why that provision should not be in the Bill. Another reason for objecting to the measure is—I think the point has been alluded to before by other members—the encroachment that it shows on the functions of the Arbitration Court. The Arbitration Court has the power at the present time to deal with almost every single point laid down in the Bill. It has power to deal with the appointment of these inspectors, it has power to deal with contract work, and it has power to deal with the many other matters laid down in the Bill. If every statute brought forward is going to whittle away the powers of the Arbitration Court there will be nothing left for the court to do. I submit that the principle on which the Arbitration Court is established, if correct, should be allowed to remain in full force. That was the tribunal constituted by the legislature for deciding these matters. Therefore, these matters should be left to the decision of that tribunal. It has been agreed, and I agree, that Mr. Cornell's views which he gave last night were humane and honest, and of considerable use to this Chamber on the technical aspect of the measure, and we all welcome the views of the miner on such a Bill usefully put forward. But the hon. member's views were purely on one side of the industry and one side only, and we have to ask ourselves, even assuming all that Mr. Cornell said to be correct, is this Bill the proper way of correcting these abuses? Is it a fair way of correcting them? I say it is not the proper way to correct these abuses. I may say at once, the correct way in connection with workmen's inspectors is for the Government to appoint more inspectors. The Bill puts too much power into the hands of one party to the dispute, that is the worker.

On the question of check inspectors, to my mind this Bill proposes to infringe two of the great principles of British justice. It will make the miner a judge in his own case and will make him a partisan prosecutor. Mr. Cornell has fairly said that if it is a question of allowing the mine owners to have the appointment of their inspectors too, he was quite willing to do that, but my opinion is, one impartial inspector on the part of the Government is sufficient. The provision in the Bill, for inspectors to be appointed by one party to the dispute, should not be allowed. Under Section 8 of the present Act the disqualification of inspectors is there recognised. That section provides—

> No person shall be qualified to be appointed or to act as an inspector who practises, either alone or in partnership with any person as a land agent, mining engineer, manager, viewer, agent, or valuer of mines, or as an arbitrator in any difference or dispute arising between owners, agents, or managers of mines, or is otherwise employed in, or is the owner or part owner of, or interested as a shareholder in, any mine within the State.

The principle in that section is that neither the mine owner nor the worker was to become an inspector. The principle of their interest in the work was recognised. Under the Bill, according to Clause 12, that disqualification is restricted now to the district inspector only; as regards the workers' inspector it is taken away. It is up to the Government, I think, to show why that disqualification of interests or employment in one case is taken away and in the other left. I would like to refer to the powers given to the workmen's inspectors. They have already been referred to by Sir Edward Wittenoom, but I should like to refer to them again. Clause 11 gives the inspector power to make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with: To enter, inspect and examine any mine and every part thereof at all times by day and night, but so as not unnecessarily to impede or obstruct the working of the mine: To examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and of all matters or things connected with or relating to the safety or well-being of the persons or animals employed therein or in any mine contiguous thereto. Then this is the amended portion of the section and it is very significant—

> And for the purpose of such examination or inquiry the inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly.

There we have the workmen's inspector put in the position of a sort of examining magistrate. He can call on a mine official to come before him, he can take down statements from the mine official, and it goes further and to a much more serious extent in Clause 30, for in the case of an inquiry into an accident the mine manager has to notify the mining inspector—

> Upon receipt of any such notice the district inspector or, in his absence, a workmen's inspector or any person appointed by the warden or mining registrar shall proceed to the scene of the accident, examine the place where it occurred, take down the statements of any witness,

And here is a significant provision again—

> or of any person who can give any evidence as to the cause thereof (and such statements shall not be taken in the presence of any person interested except when dying depositions are being taken from the person injured), and thereupon forward to the warden or mining registrar a full report.

Do hon. members realise that? When an accident occurs the workmen's inspector can go to the scene of the accident, take down the statements of any person who can give evidence as to the cause of the accident, and tell the mine official he must go away and not be present when the statements are being taken down. That is a great power to give a workmen's inspector. Further, there is the power given to him under Clause 11 of initiating and conducting a prosecution against persons offending against the provisions of the Bill. We first have his appointment as practically a detective, then as a pro-

secutor, and later on we shall find he can attend inquests and elicit evidence.

Hon. Sir E. H. Wittenoom: And then as a persecutor.

Hon. J. E. Dodd (Honorary Minister): Anyone can attend an inquest.

Hon. D. G. GAWLER: But not to examine witnesses and elicit evidence. In addition to the workmen's inspector attending inquests and eliciting evidence, and examining witnesses, power is given to the unions to send a representative to the inquest. That is a double-barrelled harassing of the mine officials and to that extent, surely, it is unfair, to say the least of it. Then, again, we find in Clause 64 the principle of the partisan is introduced. I do not say it is wrong but it is very questionable. Clause 64 says—

> All proceedings for offences under this Act shall be taken by an inspector or some other officer authorised by the Minister.

Then it goes on to provide—

> All costs incurred by or awarded against any inspector in connection with any such proceedings shall be payable out of moneys from time to time appropriated by Parliament, and the inspector or officer shall not be personally responsible for the same.

We do not find in ordinary common law proceedings the prosecutor—and the inspector under these powers will come under that head—freed from the liability to pay costs. If the inspector has unjustly prosecuted the mine official somebody should reimburse the official his expenses. We also have, bearing in mind this partisan nature of the appointment, the fact that these inspectors are called check inspectors. When the Minister introduced the Bill he used the words "check inspectors" and I asked him why he called them check inspectors. He said he did not know; it was the term generally applied. I do not know the meaning of that term except the ordinary dictionary meaning, and if that is to be accepted members will find a check really means an objection, a hindrance, an obstacle. If that is so, the idea contained in the appointment of check inspector is that he is to be a hindrance, or obstacle, or objection, to some other person. Who is that other person? The impartial inspector appointed by the Government. So that he is to be an obstacle, a hindrance, an objection to the person who should stand impartial between the two parties. I draw attention to that to emphasise the nature of the appointment. Then, as Sir Edward Wittenoom points out, under Clause 10 the workmen's inspector shall be under the authority and control of the district inspector. Yet that workmen's inspector has to be a check on the man under whose authority and control he has to be. The term is wrongfully applied or the two positions are absolutely inconsistent and unfair.

Hon. J. E. Dodd (Honorary Minister): The check inspector is the ordinary name used where there are inspectors.

Hon. D. G. GAWLER: I admit all that. There are not many places where he does exist, though.

Hon. R. G. Ardagh: In all coal mines.

Hon. Sir E. H. Wittenoom: Is it a technical name, check inspector?

Hon. J. E. Dodd (Honorary Minister): Yes; he is called the check inspector.

Hon. D. G. GAWLER: I am entitled to go back to the ordinary meaning of such a term and the only meaning I can find the word is allowed to take is that of the dictionary meaning, the ordinary meaning conveyed to the man in the street—an inspector is to be a check on somebody else and that other person can only be his superior officer. Perhaps it is an ill-chosen term. Another point I would like to emphasise has some bearing on the powers given to the inspector, that is the question of an accident being *prima facie* evidence against the manager. That is dealt with in Clause 67. Mr. Cornell in dealing with this question said it is quite fair because in the case of a miner found with a piece of gold in his boot, or in his cap, he has to prove how he came in possession of it. He has to give an explanation of why he is found in illegal possession of the gold. But the presumption of guilt in the case of gold found in a man's possession is surely different from the case of a mine manager being held guilty of neglect because an accident occurs.

By some misfortune or by the carelessness of a workman an accident may happen in a mine and the mine manager or owner may be hundreds of miles away at the time. The onus in that case should not be thrown on the manager of proving his innocence. It is a very different case from a man being found in possession of somebody else's property.

Hon. J. E. Dodd (Honorary Minister): It is a very cruel doctrine.

Hon. D. G. GAWLER: That does not justify the comparison drawn by Mr. Cornell of the case of the miner in possession of stolen gold, and the mine official in the case of an accident who may be perfectly innocent, yet has to prove that he is so. The cases are not parallel at all. What I wish to point out is, what chance has that mine manager, under the powers I have just detailed, and which are given to the inspectors, of proving his innocence? Immediately an accident happens the workmen's inspector goes down, shuts everyone else out, and takes down the statements of witnesses on the spot when the occurrence is fresh in everyone's mind, but the statements are not taken down in the presence of any mine official at all.

Hon. J. E. Dodd (Honorary Minister): The district inspector may not allow him to go there.

Hon. D. G. GAWLER: It has been pointed out that the district inspector may be several hundred miles away, and that that is the object of having workmen's inspectors appointed. This has been the cry all through the debate—"We want workmen's inspectors because the district inspector may be far away."

Hon. J. E. Dodd (Honorary Minister): I have not heard that used during this debate.

Hon. D. G. GAWLER: Under Clause 32 hon. members will find that when an accident occurs, the place is not to be interfered with except for the purpose of saving life or preventing any further injury until the spot has been examined as provided under Clause 30, or when the accident has resulted in a fatality, until the coroner has granted permission. That part of the mine is to be practically closed down until the coroner's consent is given to it being reopened, and a mine official will not be able to have access to the very place where he desires to go in order to get evidence to prove his innocence. Then again, we find that under Clause 39 very wide and stringent powers are given to the inspectors. The marginal note reads, "Inspector may give notice of dangerous or defective matters not provided for." Hon. members will see that provision is made for the inspector to give notice in writing to the owner, agent, or manager, specifying the nature of the danger or the defect, and that on receipt of such requisition the owner, agent, or manager shall forthwith comply with the workmen's inspector's requirements, or if he intends to object to comply with the requisition, he shall cease to use the mine or any part thereof until such time as the matter shall have been determined, provided that the Minister may allow the work to proceed. So that if a mine official says that he does not agree with the workmen's inspector's recommendations, he would have to shut down the mine, and if he wanted to open it up again he would have to go down to Perth and get the Minister's permission. If the manager objected to comply with the requisition he could, within seven days, send his objection to the inspector, who should send a copy to the Minister, and thereupon the matter would be determined by reference to the Mines Regulation Board. It would be noticed that though the manager had to object within seven days, there was no provision regarding the period in which the inspector must forward the objection to the Minister. The inspector might keep it in his pocket for any length of time, and keep the mine shut down simply because the workmen's inspector may require something absurd to be done which the official refused to have done. I point this out to show the extraordinary power which is given to the workmen's inspectors, and to demonstrate what terribly harassing provisions these are for the mines and mine officials. The effect of these provisions to which I have already referred is really this: that the mine official is liable to be convicted four times in respect of an accident. He is liable to have to face an inquiry, he is liable to have to face an inquest, he is

liable to a prosecution for breach of the provisions of the measure, and he is liable to an action for damages. In three of those cases the workmen's inspector is to be the prosecutor, and in two of the cases the union officials as well as their own inspector can appear at the proceedings. Taking all these provisions into consideration, it seems to me that this House is asked to enact legislation which will be of the most embarrassing nature to the mining industry, and I ask why should one party in the industry be invested with these tremendous powers? Is it to be expected that these great powers will not be exercised in the interests of the people who are employed? Will not the workmen's inspectors have to do their best to show the members of the unions that they are alive to their interests? Will not the workmen's inspectors have to find fault with everything they possibly can? It is only human nature to do so. They have to check the district inspectors, and we can be sure that they will find something to check.

Hon. J. E. Dodd (Honorary Minister): I think the hon. member is deliberately shutting his eyes to the real position.

Hon. D. G. GAWLER: All these powers are given to the workmen's inspectors and Clause 10 can only operate when the district inspector happens to be there to take control, or in the event of him leaving instructions for the workmen's inspector to follow. But an accident occurs at a moment's notice, and the district inspector might be hundreds of miles away. The workmen's inspector in such a case is not required to communicate with the district inspector. Though he may be under the district inspector's control that control cannot be exercised if the district inspector is not there to exercise it. The term check inspector is not used in the measure and I merely point that out to show the idea which was evidently in the minds of hon. members when speaking of the duties of workmen's inspectors. Again, what qualifications are these inspectors to have beyond five years' experience in underground work? Clause 35 provides 57 general rules for the management of mines which the workmen's inspectors may take up and see are properly administered. I have not been all through these rules. They may be perfectly simple and may require a very small amount of knowledge or experience, but I would be very much surprised to know that such is the case. I would like briefly to draw the attention of hon. members to the correspondence which took place between the Chamber of Mines and the Minister for Mines early this year. This correspondence was in connection with the appointment of inspectors of mines, of course under the existing Act.

Hon. R. G. Ardagh: I thought the chamber was never consulted.

Hon. D. G. GAWLER: It was not consulted in connection with this Bill.

Hon. R. G. Ardagh: Inspectors refer to this Bill.

Hon. D. G. GAWLER: No. I think this was before the present Bill was put on the stocks. It refers, to inspectors under the existing Act. The *Monthly Journal* of the Chamber of Mines for July states—

> For the purpose of considering the applications received for positions as inspectors of mines, the Department of Mines decided to refer the applications to a committee consisting of the State Mining Engineer (chairman) and a nominee each of the chamber and of the miners' union. Before the council agreed to nominate a representative of the committee, the views of the chamber regarding the qualifications of candidates for the office of an Inspector of Mines were placed before the department. Subjoined is a copy of the correspondence that passed between the department and the chamber on this subject.

I will not read the whole of the letters, but the following is a letter from the secretary to the Minister for Mines under date 22nd May, 1913—

> In acknowledgment of your letter of the 12th instant, I have the honour to inform you that the executive council of the Chamber of Mines has given its careful consideration to the Hon. the

Minister's proposal to refer the applications for positions as inspectors of mines to a special committee, consisting of the State Mining Engineer (chairman) and a nominee each of the chamber and of the miners' union. The chamber appreciates this opportunity of expressing its views on a matter of such vital importance to all concerned in the industry, but if the chamber be correct in its assumption that it is the intention of the Hon. the Minister to appoint inspectors of mines without requiring the candidates to pass a thorough examination by a board of examiners, the chamber protests against any such method of appointment; and is firmly of the opinion that the present status of the inspectors should certainly not be lowered, but, on the other hand, should, if practicable, be raised. The position of an inspector of mines is one of great power and responsibility and should be filled by a man of the highest qualification and integrity. . . . . It is believed that the Hon. the Minister will be at one with the chamber, when it expresses the following views on the qualifications desirable in candidates for such office:—an inspector of mines should possess such experience as renders him perfectly familiar with underground operations in all their many details; he should be thoroughly conversant with methods of development, systems of stoping, and timbering best adapted to varying classes of ground; he should understand the principles and approved practice in haulage, ventilation, and sanitation; also it is desirable that he have at least some elementary knowledge of such machinery as is used underground. The foregoing qualifications in turn necessitate some technical training on the lines provided by the Government School of Mines. The duties of an inspector also demand that he be competent to conduct inquiries, prosecutions, and the ordinary clerical routine of his office. Lastly, it is most essential that his personality should be such as will command the respect of both employers and employees. The executive council of the chamber desires me to ask you to be good enough to supply it with further details so that it may have a fuller knowledge of the powers the Hon. the Minister intends conferring on the committee. On receipt of this information further consideration will be given to the proposal. The chamber views with approval the Hon. the Minister's desire to increase the staff of inspectors, believing that a large and competent staff must be of much benefit to all parties concerned. In conclusion it would again emphasise its opinion that men holding such positions must be thoroughly qualified to perform the responsible duties appertaining to the office, and, further, that the selection of such officers is best secured by a careful examination of their qualifications, practical technical, and personal, conducted by a board of experts.

The Minister replied on the 26th May as follows :—

> I have the honour by direction to acknowledge your letter of the 22nd instant on the above subject, and to say that the Minister cordially agrees with the views expressed by your Chamber as to the qualifications desirable in candidates for the office of inspector of mines, and is at one with your Chamber's opinion "that the present status of the inspectors should certainly not be lowered, but, on the other hand, should, if practicable, be raised."

The letter then went on to state that the Minister had intended to give the committee or board a free hand in deciding its procedure and then followed his personal views on the matter. Among his views he set out that he thought the board should conduct the examinations. The Minister cordially agrees with these tremendously important qualifications which the Chamber of Mines set out as being necessary for the appointment of inspectors of mines, and I ask hon. members to consider carefully whether five years' experience underground is sufficient to fit a man with such import-

ant qualifications. I say that in regard to inspectors of mines the system under the present Act is quite sufficient and it is only a matter of appointing more inspectors under the present Act. I desire to draw attention, as other members have done, to the provision that if men consider there is any danger in connection with their work, they can at once call on the inspector to inspect the particular mine. If the inspector cannot be there to do the work when he is required, let more men be appointed, and I am perfectly certain that this House will agree that the safety of the men is a most valuable consideration, particularly in the interests of humanity, but do not let us have a pernicious system of inspectors such as this Bill proposes to introduce when the same safety can be accorded to the men under the existing Act. With regard to the contract system, the minimum wage is provided for under the present Act. Therefore no man can get less than the minimum wage, even though working on contract. Every man, however badly he works, must get the minimum wage, and therefore it is not a question of the man who takes the contracts depriving of employment others who are not prepared to take on contract work. They are getting the minimum wage and they cannot get less. What is the object of abolishing the contract system? Does it mean anything else except the absolute discouragement of thrift and enterprise and industry on the part of the men?

Hon. R. G. Ardagh: Not in mining.

Hon. D. G. GAWLER: We have had two reasons put forward for the abolition of the contract. One is that it injures the health of the men, and another is that it encourages speeding up, as I understand it is called. If the contract system injures the health of the men, surely it is a matter for the men themselves. If the men's health is injured, surely they will not take on the work.

Hon. R. G. Ardagh: Have you ever been underground.

Hon. D. G. GAWLER: I have not, but I think the hon. member will find it difficult to convince this House that a man should be protected to this extent against himself. If a man finds that the work is injurious to his health, will he take it on? Surely he is a free agent, and shall we say that because a man will take on contract work and will not study his own health, we should look after his health for him?

Hon. C. Sommers: We might as well provide that nobody shall be allowed to go to the tropics.

Hon. D. G. GAWLER: Yes, it is an example of coddling which is quite unnecessary. If a man has had the misfortune to get into debt and desires to pay it off, or if he wants to buy a home for himself or save up a little money for a rainy day, are we going to prevent him from earning a little more by taking contract work, simply because it is said to be injurious to his health?

Sitting suspended from 6.15 to 7.30 p.m.

Hon. D. G. GAWLER: I was referring, at the adjournment, to the question of the abolition of the contract system, and I was stating that, to my mind, it was an undue stifling of the energy, enterprise and thrift of the worker. It seems to me to be a case of levelling down to the least able instead of as we should expect an endeavour being made to raise the capacity of the worker. It seems strange that this should be the case in view of one of the proclaimed planks of the Labour platform being the "right to work." I cannot reconcile the attempt shown in this Bill to prevent a man working and exercising his energy and thrift in possibly a good cause, with another of the Labour party's principles, which is the "uplifting of humanity." It seems to me that the proposal in the Bill is intended to attempt to stifle enterprise and thrift on the part of the men and to prevent them doing what, in the mind of all reasonable people is a meritorious thing. It is evident, or we would not see this legislation brought forward, that there must be many men who are anxious to do this work. It is evidently considered a matter of importance in the eyes of unions, for what reason I do not know, to prevent members from indulging in contract work, and if it is found of such importance to take this action, it shows

that there must be a large number of the unions' members who are anxious to do it. Another reason alleged for insisting upon the abolition of the contract system, is that it leads to speeding up. If that is a reason, surely it must be intended by this Bill to lead to the converse, which is "easing down." Is that a right principle to introduce in any industry? I speak from the point of view usually accepted by the man in the street. This will mean the preventing a man exercising his capacity to the full in order that he shall not do too much or more than is necessary so as to allow the work to go all round. That principle of easing down has been recognised by the unions and has been insisted on by them in the past, and I would point to one illustration. The other day I was told that a few years ago in a leading warehouse in Perth, a notice was posted up by order of a union, that any man taking up work to be completed within a fixed time, or taking on contract work, that is to say work which was apart from the ordinary conditions, in other words, piece work, would be fined £10 by his union. I shall be very glad to hear that contradicted, but I have been assured by the proprietor of this leading warehouse that the notice was put up on his premises. He however, promptly tore it down, and kept it for many years, but unfortunately at the present time, he is not able to find it. Obviously one does not wish to disclose names in a case like this, but if it is correct, it shows that it is the intention of the unions to pursue this policy of easing down. With regard to the matter of the employment of aliens, there is no doubt about it that it raises a question of national interests as against union interests, and are we going to allow the interests of unions to prevail against those national interests? This exclusion of aliens from employment in our mines will, undoubtedly lead to international difficulty. I do not see how it can be other wise under the Commonwealth legislation —it was formerly State legislation. A man is entitled to come to the State and he is allowed an opportunity of becoming naturalised. He then puts in an application, and, having satisfied the authorities on certain points he is granted all the rights of a British subject. One of these rights is the right to work. If we say to a foreigner, "Because you are a foreigner we shall cut down your rights," we shall surely have an international protest. It may be said that they can engage in industries other than mining, but hon. members will recollect the debate in another place recently wherein it was suggested that these men should find occupation in the timber industry, but the hon. member who represents the timber industry in that House said, "We will not have them there." Therefore, if one union will not employ them, it almost goes without saying that other unions will take up the same attitude. If that is so, it is obviously setting up union interests against national interests. What is the reason for this restriction of the number of aliens in the mining industry? Two reasons were given to us, one that it is advisable in the interests of the worker that foreigners shall not be permitted to be employed in mining because of their inability to speak and understand the English language, but this, I would point out is provided for in the present legislation, so that it cannot be a reason for its inclusion in the present Bill. The other which was given by Mr. Cornell, was that these foreigners whenever they applied for work, were given preference over British workmen because they would undertake more strenuous and dangerous occupation than the British workers. Mr. Cornell's argument surely places him on the horns of a dilemma, because he is confronted with one of two alternatives, each of which must be distinctly unsatisfactory to himself. If it means anything it means either that foreign labour is better than Australian, or it means that we should naturally expect the proportion of accidents amongst foreigners to be greater than that amongst our own workmen. I think we are entitled to have figures put before us to show whether that is the case. Again we are confronted with that plank of the Labour platform, the right to work. Those foreigners against whom we are asked to

legislate are members of unions and they are entitled to the privileges of their union, and one of those boasted privileges is the right to work. All contribute to the union funds but now their fellow unionists deny them the right to work, in other words, a union will take the foreigners' money, but at the same time they will deny a section of their members the right to earn that money. Again, dealing with the question of naturalisation, what right have we to say to these foreigners that they may come here to reside for two years and then by denying them the right to work to compel them to go back to their own country or starve. We have no right to do so. I have referred to various points which have particularly struck me. I have not endeavoured to deal with the measure from a technical point of view, because I do not feel competent to do so. I have dealt with it on the principle of the introduction of legislation, which should not find a place on our statute-book, principles which show a tendency to encroach on the rights of the employer and on his business and although I intend to vote for the second reading of the Bill, I hope that all the pernicious points in the measure will be removed and that the Bill will be passed in such a way that it will be of use to the mining community.

Hon. H. P. COLEBATCH (East): I am not so satisfied as the hon. member, who has just resumed his seat, that I can agree to vote even for the second reading of the Bill, because after listening to the remarks of the hon. member and others who preceded him, it seems to me that if all the amendments which have been suggested are made, there will be nothing left of the Bill that is additional or supplementary to or an improvement of our existing Mines Regulation Act. To my mind the more honest course, if we find ourselves unable to agree to any of the salient features of the Bill, would be to reject it on the second reading rather than whittle down the provisions to nothing, so that we should merely have the satisfaction of casting on the Government the onus of rejection. The attitude I prefer to take up is that if I cannot agree with the substantial features of the Bill, I think it better to oppose the second reading rather than let the Bill go into Committee with the avowed object of whittling away the provisions to which its sponsors attach any importance. I should be quite content to accept the suggestion made by Mr. Cornell, that we deal with this measure from the point of view of two parties —the employers and the investors, because if we look at the matter from these points of view, we will do what is best in the interests of the State. I hope it will not be suggested that only on the side of the party which introduced this measure are to be found humane feelings, and the desire to protect the lives and health of the miners in every possible way. Mr. Cornell himself, referred to the munificent legislation introduced into the English Parliament by the Earl of Shaftesbury, and I do not think that gentleman was a member of the Labour party. I do not think there are in the Labour Party in this State any men who have a more sincere desire to do what is best for the protection of the lives and health of the miners and people employed in other occupations than those who pin their political faith to a different party altogether. Personally, I do not profess to have any technical knowledge of the mining industry. Like other members of this House I have lived some length of time, about eight years, in mining communities. I have been engaged during a good deal of that time in what is generally known as newspaper mining reporting, an occupation which gives a man a certain amount of knowledge of the industry which may be of use to him so long as he is careful to understand its limitations; but which is likely to be dangerous to him, and more dangerous to others if he does not understand its limitations. For my own part I know enough of the mining industry to realise how little I do know of its technicalities. I have seen enough of mining fatalities to have every possible sympathy with those engaged in the industry, and I have seen enough of the splendid, one might almost say, reckless heroism displayed by fellow workmen when a mining disaster occurs. I do not think anyone of

us needs such instances as the Mt. Lyell disaster, or the more recent fire in the colliery in Wales, to remind us of the hazardous nature of this occupation, any more than we need maritime disasters like the sinking of the "Titanic," or the burning of the "Volturno" to remind us of the dangers that beset those who go down to the sea in ships. Even on the railways we hear of accidents happening every day, and I think all of us are fully seized of the necessity for trying to minimise the risks in all those dangerous occupations. The reason I intend to oppose the measure is not because I am opposed to anything that will minimise the risk of the miner's occupation, but because I cannot see anything in the Bill that will tend in that direction. I can see certain clauses that are more likely to increase the danger than to decrease it, and I can see a number of clauses that, without giving any additional protection to the miner, must do serious injury to the industry itself. I am content at the outset to look at the Bill purely from the point of view of the working miner, and I should like now to make a personal appeal to the Honorary Minister. I want him in the course of his reply to remove the impression, probably a wrong impression, that has crept into my mind, that he has misled this House in a most inexcusable fashion in regard to one of the salient features of this Bill. I make this statement with a full appreciation of its seriousness, but I think it is better and fairer to the Minister that I should say exactly what is in my mind, so that if I am wrong he can put me right, because I do not think any of us would like to think that the Minister had deliberately and intentionally misled the House in regard to an important provision in this Bill. Speaking in regard to the clause relating to the appointing of workmen's inspectors, the Honorary Minister stated that the workmen had tried unsuccessfully to have this principle embodied in the existing Mines Regulation Act when it was passed in 1906. He further stated that the Commission presided over by Dr. Jack, which sat in 1904, had recommended these workmen's inspectors, and he read this extract from the report of that Commission:—

> In view of the importance of ventilation and good sanitary conditions in and about mines to the health of the men employed it seems to us reasonable that they should themselves have facilities for inspection and report in metalliferous mines in the same way as they have in collieries.

The Honorary Minister asked the House to be guided by the recommendation of that Commission. He stated that the Commission had recommended these inspectors, and he asked the House to be guided by the recommendation of the Commission, and consequently support Clause 7 of the Bill now before us. It is there that I say the Minister, probably unintentionally has misled or endeavoured to mislead this House. What are the facts? That Commission sat in 1904, and the recommendation of the Commission in this particular was, as the Minister has told us:—

> In view of the importance of ventilation and good sanitary conditions in and about the mines to the health of the men employed, it seems to us reasonable that they should themselves have facilities for inspection and report in metalliferous mines in the same way as they have in collieries.

The recommendation of the Royal Commission was that they should have those facilities for inspection and report in metalliferous mines in the same way as they have in collieries. The Commission sat in 1904, and if hon. members like to turn to the Coal Mines Regulation Act of 1902, they will find that Rule 50 is the one which gives the workmen power to appoint their own inspectors. In the Mines Regulation Act of 1906, Section 16 enacts practically word for word, and is identical in principle with the whole of Rule 50 of the Coal Mines Regulation Act of 1902. That is the position. A Commission sits in 1904 and recommends that the miners in metalliferous mines be given the same privileges as are enjoyed by the miners in coal mines.

Hon. J. E. Dodd (Honorary Minister): Read right on.

Hon. H. P. COLEBATCH: I have not the report here, but I am reading the extract quoted by the Honorary Minister.

That Commission recommends that the men in metalliferous mines shall have the same facilities for inspection and report as they have in collieries, and the Mines Regulation Act of 1906 gives the miners in metalliferous mines the same privileges in regard to workers' inspectors as they have in coal mines.

Hon. J. Cornell: Did not the Commission say they should be subsidised by the State?

Hon. H. P. COLEBATCH: They may have done so, but that is unimportant. My point is that the Commission recommended something which has been placed on the statute-book, but it is nothing in the nature of the proposal in the present Bill.

Hon. J. E. Dodd (Honorary Minister): That is where you are mistaken.

Hon. H. P. COLEBATCH: The Commission recommended that the miners in metalliferous mines should be given the same privileges as they have in coal mines; those privileges are given in the Mines Regulation Act of 1906. In regard to the appointment of these check or workmen's inspectors, it is a significant fact that in another place it was found impossible to obtain any information from Ministers as to whether the State is going to pay these inspectors. One private member of the party from which the Bill emanated, stated positively that it was not intended that the State should pay workmen's inspectors. The Honorary Minister in this House, when moving the second reading, stated that this matter was to be provided for by regulation. What he meant by that I do not know, and we had to wait for Mr. Cornell to candidly tell us that the intention was that the State should pay these inspectors. In those circumstances what does the clause mean, and how do these inspectors differ from the ordinary inspectors? If there is a difference, they differ in this one point only, that the ordinary mining inspector must have certain qualifications; he must be able to pass an examination before a Board, whereas these check inspectors need have no qualifications whatever. Both classes of inspectors are to be paid by the State; both of them may have to perform the same duties, but one is to be competent and the other man has only to secure the approval of his union. Mr. Gawler quoted from certain correspondence which passed between the Minister for Mines and the Chamber of Mines at Kalgoorlie in regard to the appointment of additional inspectors, and this correspondence is dated as far back as May of the present year. The Chamber of Mines made it clear "that the Chamber views with approval the Hon. the Minister's desire to increase the staff of inspectors, believing that a large and competent staff must be of much benefit to all the parties concerned," and the Minister in his reply in addition to saying, as has been pointed out by Mr. Gawler, that he was at one with the Chamber of Mines' opinion, that the present status of the inspectors should certainly not be lowered, but on the other hand, should, if practicable, be raised, went on to state the course that the proposed committee should follow in the appointing of mine inspectors to ensure that the men appointed would have the necessary technical knowledge to qualify them to carry out their duties. He wound up by saying—

> As the appointment of these inspectors has been delayed somewhat unduly, the Minister would feel obliged if your Chamber could give early consideration to the matter and reply with as little delay as possible.

Now the proposal of the Minister was that instead of having a Board for the appointment of mining inspectors there should be a committee consisting of the State Mining Engineer as chairman, and a nominee from each of the Chamber of Mines and the Miners' Union. At the outset the Chamber of Mines, so far as one can gather from the reports, seems to have dissented from the proposal of the Minister, but receiving the assurance of the Minister that it was the intention to raise rather than to lower the present status of inspectors, and also after receiving the outline of the course which the proposed committee would pursue to satisfy itself that the applicants had the necessary technical knowledge, the Cham-

ber of Mines withdrew its objection and appointed its representative. That was in May last, and I hope the Honorary Minister when he replies will explain how it is that the Minister, after going to the trouble of getting the Chamber to agree to his own proposal in regard to the appointing of additional inspectors, does not seem to have taken advantage of the consent which the Chamber of Mines gave.

Hon. J. Cornell: He appointed three inspectors under this board.

Hon. H. P. COLEBATCH: Then why does he not appoint all the qualified inspectors he wants? The only difference between the inspectors appointed on the method suggested by the Minister and these workmen's inspectors is that one class must be skilled and the other need not be, and need only work five years underground and receive the approval of their unions. It must be readily admitted that a man may work five years underground without being qualified for the position of an inspector.

Hon. J. E. Dodd (Honorary Minister): Their duties are different.

Hon. H. P. COLEBATCH: That is not apparent in the Bill. In another place an effort was made to insist that the five years' practical experience should immediately precede the appointment, and a further effort was made to define the difference between the powers of the two classes of inspectors, but both those endeavours were resisted by the Government, so that the Bill was to be retained in the form in which it was drafted and, the inspector's experience underground might be ten years ago or at any time, and so also that the powers should be defined as they are in the Bill, which gives the check inspectors just the same power as the ordinary inspector, except that in one clause it is stated that the check inspectors shall be under the control of the ordinary inspector. In all other respects the workmen's inspector has the same power as the ordinary inspector, and in some cases may act on his own initiative. If the Government are going to pay the check inspectors, why do they not appoint as many as are wanted under the system proposed by the Minister and approved by the Chamber of Mines, and presumably by the unions also? In fact, the proposed method of appointing them seems to suggest that a nomination from the Miners' Union would be received with approval, except that the person nominated would have to satisfy the committee that he was competent. To my mind we are not going to decrease the risk of mining accidents by having incompetent inspectors.

Hon. J. Cornell: The mining inspectors think otherwise.

Hon. H. P. COLEBATCH: I do not think they are of opinion that we are going to decrease the risk of accident by having incompetent inspectors. If they do think that, I venture to differ from them. There is at the present time ample provision for appointing any number of competent men, and I do not see why the Government should want power to appoint men who may not be competent. I do not intend to refer to the possibility that nominees of the union may take a biassed view, but the point I wish to stress is that these men must be competent. We know that accidents in mining as in other industries result quite frequently from negligence on the part of the employees themselves. And from that point of view I think it would be rather dangerous to clothe these inspectors with such great powers as is contemplated under this Bill. It has also been stated, and I have no doubt there is something in it, that these workmen's inspectors might exercise a very pernicious influence during boom times. I believe it is the practice of mine managers, when the interests of their shareholders seem to dictate such action, to be very careful as to who they allow in certain portions of the mine to watch the development work in progress. It might be very awkward to have workmen's inspectors who would be allowed at any time at their own sweet will to go into any portion of the mine. An inspector appointed by the State has his qualifications, his reputation, and his position to lose. The workmen's inspector, depending on the vote of his union, has nothing to lose and would be a dangerous man to be allowed

to go into the mine, that is, to any part of the mine, and carry away information to whom he cared.

Hon. J. Cornell: He has his manhood to lose.

Hon. H. P. COLEBATCH: In the case of a Government position the inspector is bound down not to reveal certain information that he gets. This consideration is of far less importance than the necessity to have competent men, but this is a feature which commands some consideration, and from the standpoint of the shareholders in a mine it might be of great importance. I have not heard any valid objection to carrying out the provision for workmen's inspectors which is contained in the present Mines Regulation Act. It is the same as prevails in regard to coal mining, as it is practically word for word with rule 50 of the Coal Mines Regulation Act, 1902. I understand that it works satisfactorily in regard to coal mining, and that in 1911 the same provisions were enacted with regard to metalliferous mines in New South Wales and are at the present time being acted upon in the Broken Hill mines, whether with satisfactory results or not I am not in a position to say, but I have been informed that these provisions do work satisfactorily.

Hon. J. Cornell: And the unions pay their men to do it.

Hon. H. P. COLEBATCH: They pay them £200 a year I believe. The matter of payment is not to my mind very important. It is not a matter of who has to pay this particular £200 a year, although it might be dangerous if in every mine in the State the union was allowed to appoint one or more inspectors to be paid by the State, as it might become a very expensive matter indeed. With regard to these general rules in the Bill I do not intend to go into any details, but I would like to point out that there are a number of matters here that seem to me to be altogether out of place in a measure of this kind; such matters, for instance, as regulating the height of stopes. I noticed the other day in the *Boulder Star* of the 18th September that Mr. Bradley, president of the Miners' Union, stated that he did not approve of limiting the height of stopes to 10 feet, so apparently it is a matter upon which the workers themselves are not agreed. Surely it is a matter best left to the inspector, because it does not require any great technical knowledge of mining to know that conditions differ tremendously, and in one case 5 feet might be unsafe, whereas in others 20 feet would be safe. I repeat that it is a matter better left to the inspector. The same objection may be taken to alterations that are proposed to be made in regard to the sinking of shafts below the timbering. Instead of 60 feet as under the existing Act, the Bill makes it 40 feet. Surely the inspector can insist that you shall not go more than 40 feet if it is necessary. But if it is safe, what is the good of making a restriction of that kind, which will not increase the safety of the mine from the point of view of the miner, but will make it extremely difficult from the point of view of sinking the shaft and developing the mine. If the duty is left to the inspector he can at any time check the manager and say how far he shall go. In Rule 20 there is rather a curious provision. On page 10 of the Bill it is laid down, "that the following general rules shall, so far as may be reasonably practicable, be observed in every mine," but when we turn to rule 20 we find that the word "reasonably" has been knocked out. Whether the word "reasonably" appearing at the top of the clause is to govern all these rules, I do not know, but I do not think it would in a case where the word is deliberately omitted from the rule itself. Rule 20 says—

> In every mine there shall be constructed as soon as practicable after the opening of each level one or more passage-ways for men from each level to the one above it and to surface, independent of and separate from the main shaft or other principal entrance to the mine, and such passage-way shall be maintained in good order and kept unobstructed and at all times ready for use as a means of entrance into and exit from the mine.

That rule says "as soon as practicable." They have knocked out the word "reasonably," and the mine manager as soon as he gets far enough away from the shaft to put up a connection would have to do so although it might be only 10 feet long. Whether it is necessary from the point of view of safe working or not is not the principal consideration, because the Bill says "as soon as practicable." Surely, however, that is a matter which could better be left to the inspector to decide on the merits of each case.

Hon. J. E. Dodd (Honorary Minister): In a case such as you mention it would not be practicable.

Hon. H. P. COLEBATCH: It would be very stupid, I admit, but I want to know why the word "reasonably" has been left out in this particular instance. If the word "reasonably" were included it would give a different sense to the rule, and to my mind it is peculiar that it should have been omitted. With regard to the question of limiting the height of rises, I know that that is an expensive form of operation and that the management avoid it as much as they can. In any case, having given the inspector full power to check this matter, what are we going to gain by limiting such a thing to feet and inches, when we know we have to deal with varying conditions?

Hon. J. E. Dodd (Honorary Minister): The hon. member simply wants a Bill appointing an inspector of mines and thinks that will be sufficient.

Hon. H. P. COLEBATCH: The Honorary Minister must admit that there are circumstances in which the provisions he is asking in this Bill would not be necessary. With reference to the appointment of the proposed Mines Regulation Board, I do not know that there is any very strong objection to it, and if it were the worst feature of the Bill, the measure might be allowed to pass. Clause 40 provides that two of the members shall be appointed on the nomination of the registered unions of mine workers. As the hon. Mr. Gawler has pointed out, it is very significant that throughout this Bill the men working in the mines are not given any of these powers, but it is the members of the miners' unions, and this House having in many previous measures, or in one or two previous measures, determinedly set its face against the principle of preference to unionists, hon. members can hardly go back on it to the extent of saying they are going to give special privileges to members of miners' unions over other persons employed in the mines. I am not prepared to give preference in regard to the appointment of these representatives of the workers on the board, any more than I am in any other direction. I do not intend to labour such points as the reduction of working hours, which have been fully dealt with by other members, or even the abolition of the night shift. I do not know whether those who are advocating this provision in the Bill contemplate a reduction in the total number of men employed. Do they intend by abolishing the night shift to reduce the total number of men employed, or is it their intention that the number of men at present employed in the three shifts shall be crowded into two? If the latter is the case, it seems likely that they will defeat the very object they are supposed to have in view in introducing this provision, because they will make the mines more crowded than they are at present and therefore, from the point of view of pure air and ventilation, the last stage is likely to be worse than the first. I think it was admitted by Mr. Cornell that many of the small mines would not be able to provide ore sufficient to keep a ten-head battery going if they are going to work only tow shifts.

Hon. J. Cornell: That is admitted.

Hon. H. P. COLEBATCH: By giving effect to any provision of this kind we would close down many small mines that are in the development stage, and that means that in the long run we would close down the industry itself, as those mines which are able to do without this night shift are those which have practically reached the end of their tether. Take the case of the Great Boulder. The shareholders know they have several years' work in sight, but they have stopped de-

velopment work, having run to the end of their tether. All they have to do is to take out the ore already opened up or located, and they can do without the night shift. Mr. Gawler has dealt very fully with the question of employment of aliens and I do not intend to say anything on that subject more than that I thoroughly endorse all he said in that regard. There is no excuse whatever so long as we can ensure that the men working underground have sufficient knowledge of the language to contribute to their own safety and the safety of other men working with them—there is no more excuse for limiting the number of foreigners employed in mining than there is for limiting those employed in any other industry. The timber industry is probably just as dangerous as mining, and probably it is just as necessary that the men employed in that industry should have some knowledge of the English language. The Bill goes further and leaves the language out of court altogether, and says that the mere fact that they are not British subjects either by birth or naturalisation shall be a bar against their employment. I do not know what it is suggested these people should do pending the establishment of an irrigation scheme that the Government are going to put before the country by-and-by, and which we understand will be suitable for Italian labour. In the meantime I do not know what these men are to do.

Hon. J. W. Kirwan: The Bill has been killed.

Hon. H. P. COLEBATCH: That is information to us; we thought it had been considerably improved.

Hon. J. W. Kirwan: The hon. member knows very well that the Bill is now quite inoperative.

Hon. H. P. COLEBATCH: I know nothing of the kind. I know that no alteration has been made in that Bill which can in any way affect its efficiency in regard to irrigation. However, that is not the Bill which we are now discussing. In regard to Sunday labour, it is provided that emergency work cannot be undertaken without the previous consent of an inspector. Surely that is the wrong way in which to put it. Surely emergency work can be carried out at the discretion of the management, and if subsequently an inspector finds it is not emergency work on which the Sunday labour has been employed, he can go and prosecute the manager responsible.

Hon. J. E. Dodd (Honorary Minister): You wanted to leave everything to the option of the inspector just now.

Hon. H. P. COLEBATCH: Quite so. I am not limiting his powers. Does the Minister suggest that when an emergency arises the manager shall not be at liberty to deal with it? The inspector may be 100 miles away, may not be within reach at all. I cannot see any good object to be served by taking the question of emergency work out of the discretion of the mine manager. In a further clause provision is made that all managers, shift bosses, and other people of that class, shall have certificates. They are all to be certificated men, but although certificated men they are not supposed to be competent to deal with an emergency, while the inspector, who need have no qualification at all except that he is regarded with favour by his union, and has worked for five years underground, is supposed to be efficient to tell the manager when he may go on with emergency work and when not. Then Mr. Gawler made some interesting remarks in regard to contract. I think it is generally admitted that the best men prefer contract work and make more money out of it; not as suggested by some of the sponsors of the Bill, because they work harder, but because they work with better judgment, and do their work more cheaply, because they use less explosives and in that way contribute to a better condition in the mine. One of the earliest results of this clause, if passed, will be to drive out of Western Australia some of our best miners. They will not be satisfied to go back to daily wages, and instead they will go back to Broken Hill and other places where they will still be allowed to carry on contract and thus earn better money than they can hope to gain by day labour. I have here a return showing comparisons of costs under the two sys-

tems. As a matter of fact, the one system given here is the bonus system. The schedule rate of wages was paid and an additional payment was made for work in excess; and in every case the cost under the bonus system was less per foot by from 10 to 25 per cent., and in every case the earnings of the miners employed under this system was greater by from 25 to nearly 50 per cent. than under the day labour system.

Hon. J. D. Connolly: The contract system we have here is virtually the bonus system.

Hon. J. E. Dodd (Honorary Minister): Where was this?

Hon. H. P. COLEBATCH: At the Princess Royal mine at Norseman.

Hon. J. Cornell: How long ago?

Hon. H. P. COLEBATCH: Within the last 12 months.

Hon. J. Cornell: They sunk an internal shaft. That is all the work that has been done there for the past five years.

Hon. H. P. COLEBATCH: This is driving and winzing. But the chief benefit of contract work is that it allows the management some opportunity of ascertaining whether they are getting value for the money paid. Surely we have had sufficient experience in our State railway construction. At the recent Labour Congress, the Parliament of Labour, held at Fremantle a few months ago, no less a person than the Minister for Works told the conference that in some cases he got value for his money under the day labour system, but that in others the reverse was the case. That particular Minister, who has had every opportunity of seeing which is the better system of the two, realises very fully that the day labour system has its disadvantages. Under the old system of railway construction in this State the practice was to combine the day labour and contract systems. Contracts would be called, and the department invited to tender to do the work under the day labour system. Even if the work was carried out by day labour there was provided the check of the contractor's price. That is what the manager wants to be able to do. He wants the right to check his day labour system by letting contracts if necessary. If we take away that right we will increase to a large extent the cost of mining.

Hon. J. Cornell: Are you aware that not 15 per cent. of the miners are on contract?

Hon. H. P. COLEBATCH: There may be only five per cent. The very fact that the manager has the right to let contracts gives him a check over the day labour system. If we abolish the contract system we will find the costs go up, the same as they did in respect to railway construction, because we will have abolished the check. In railway construction the cost of day labour has increased because of the abolition of the check, and consequently a smaller return is given than when the check was there. I believe that in the ballot which Mr. Cornell referred to there were over 400 men who professed preference for contract work. What right have we to say to those 400, "You shall not be allowed to work on contract." I am not suggesting that the minority should dictate to the majority, but at the same time the majority has no right to dictate to those men in this way. I believe that in Kalgoorlie they average 18s. a shift. Is it right that these men should be brought down to 12s. or 14s. a shift? As I said before, they make this extra money, not so much by working harder as that by their additional experience they are able to do more work with less effort.

Hon. J. Cornell: The hon. member was never a contractor, or he would not talk in that way.

Hon. H. P. COLEBATCH: I have worked in a trade in which most of the work is done on the piece work system, which is equivalent to contract; and for the same reason, namely, that every good man in a business likes to get all the money he earns. If we abolish piece work we will drive out the good man or, alternatively, we will steady him down to the pace of the slowest workman, which means an increased cost and a decrease in the efficiency of the men.

Hon. J. E. Dodd (Honorary Minister): It must be remembered that 33

per cent. of the contractors are suffering from miner's phthisis.

Hon. H. P. COLEBATCH: I do not think that the fact that they work on contract is likely to be responsible for that. Probably there are many other reasons for it. I do not pretend to be sufficiently familiar with the details of the industry to deal with that question, but it is absurd to say that those 400 men who wish to work on contract and whom the mines wish to employ on contract shall not be allowed to work under that system. If we are not satisfied with that condition of affairs surely we can leave it to the Arbitration Court to decide, and not decide it ourselves by legislation in this fashion. I do not intend to refer to any other features of the Bill. Mr. Gawler has dealt with the matter of the occurrence of an accident being regarded as *prima facie* evidence of neglect on the part of the management. I think when Mr. Gawler was speaking Mr. Cornell was out of the Chamber and probably did not hear Mr. Gawler's reference to that hon. member's remarks. It struck me as peculiar that Mr. Cornell should have pointed to the fact that if a miner was found with gold in his boots it was regarded as *prima facie* evidence that he had stolen it. Even if that section were not in the Police Act, and simply judging by our own commonsense, if we found a miner coming away from a mine with gold in his boots we should certainly think it was up to him to explain how it got there.

Hon. J. E. Dodd (Honorary Minister): Suppose you found a man walking with him, would you necessarily regard that man as an accomplice?

Hon. H. P. COLEBATCH: The man walking with him is not likely to be so regarded. It is only a man on the premises where the gold is found who is responsible. There is nothing in the Police Act to make a man walking alongside the man with the gold responsible as an accomplice.

Hon. J. E. Dodd (Honorary Minister): If I stole gold and you were found alongside of me you would be arrested too.

Hon. H. P. COLEBATCH: For being in bad company probably, but for nothing else. The provision refers only to persons found on premises where stolen gold is discovered. As Mr. Gawler has pointed out, there is a distinct difference in the case of stolen gold. What right has a man to it? The mere fact that he is in possession of raw gold is sufficient to justify one in demanding an explanation. There are only two ways in which he may lawfully secure possession of raw gold: first by buying it, for which he must have a gold dealer's license, and secondly by mining it in his own mine. So if he has not a gold dealer's license and has not a mine he cannot be lawfully entitled to the gold which is found upon him.

Hon. J. Cornell: How can the hon. member account for a man being arrested on his own mine on the charge of unlawfully having gold in his possession?

Hon. H. P. COLEBATCH: In cases of that kind it is necessary for the prosecution to prove unlawful possession, and in some cases they have failed to prove it. I do not know of any strong exception being taken to the provision requiring mine managers to hold certificates, although I can quite conceive that in the case of small mines it may lead to hardship, and, therefore, I would ask hon. members to carefully consider whether there is any necessity for this provision. Do not mine owners in their own interests endeavour to secure thoroughly competent men, and is it not a fact that the standard of efficiency among mine managers in this State is exceptionally high? Therefore is it necessary to pass legislation which may materially interfere with some of the smaller mines? However, it is not a matter of very great moment, although is worth considering. At the present time I believe our mines have a wages sheet of something like £60,000 a week, and we have to remember that the position of the industry, although most of us hope that it will very materially improve in the near future, is not as bright as we might desire. We look at the *Statistical Abstract* and find that in 1903 our mines

were producing gold to the value of 8¾ millions per annum and paying dividends to the value of over 2 millions per annum, Last year, instead of 8¾ millions the production of gold was less than 5½ millions. Instead of over two millions in dividends the dividends amounted to only £814,000.

Hon. J. E. Dodd (Honorary Minister): Which was the best year for the State?

Hon. H. P. COLEBATCH: I should say 1903 was and I doubt whether last year was very beneficial to the State so far as mining companies are concerned. The total value of the gold produced has been 113 millions and all that has been paid in dividends has been 23 millions. Of the 113 millions produced 90 millions has remained in the State. Of course there are mines which have produced gold and which have not declared dividends, mines which have been worked by individual bodies of prospectors, and there are many mines into which large sums of British capital have been put and which have not returned any dividend so that on the whole I do not think that the State has been badly treated by the mining companies, from that point of view. Generally speaking the mining investor has not been on too good a wicket even in Western Australia. Some have made a good deal of money, but some have lost a good deal of money. The statistics show that out of 113 millions produced, only 23 millions has been available for dividends.

Hon. J. E. Dodd (Honorary Minister): They have fairly big reserves.

Hon. H. P. COLEBATCH: Some of them have fairly big reserves and some of them have lost the whole of their capital. I have a return which I had prepared by a man whom I know was quite competent to do it, showing the average number of men employed, the tonnage treated, the yield, the value of the yield, and the profit during the 12 months ended 30th September, 1913—that is, to the end of last month. There is the Associated mine employing 287 men which produced for the year gold worth £105,000 and which showed a net loss of £33,000 for the year. There is the Golden Horse Shoe which employed 914 men, produced gold of a value of nearly half a million and showed a profit of only £36,000, a very small margin of profit indeed when we consider the amount of wealth which has been taken out of that mine. Then there is the Great Boulder Perseverance which employed 498 men and produced gold for the year worth £269,000 and which showed a profit of only £25,000 for the year—so small a margin of profit that we cannot afford to interfere with it, because if that margin of profit is interfered with it does not mean merely that investors will lose their £25,000 but that the whole of the 498 men will be thrown out of employment and that the production of this gold will cease.

Hon. J. Cornell: If the Bill is passed?

Hon. H. P. COLEBATCH: If we impose unnecessary hardships; if we knock out contract work or if we do anything to unduly interfere with the industry. The Great Boulder Proprietary during the same period employed 657 men and produced gold worth £574,000 and showed a profit of £310,000. If all our mines were in the same position as the Great Boulder from that point of view we might feel eminently satisfied, but I do not think any secret is made of it in the mining world and the shareholders of the Great Boulder fully appreciate the position that they are practically at the bottom of the mine and that a comparatively few years will see its exhaustion. We cannot regard the profit made by the Great Boulder as an indication of the profits made by other mines throughout the State and we cannot say that because the Great Boulder is making this enormous profit we can afford to put burdens on the industry generally. If we deduct the profits of the Great Boulder from the list of mines which I have before me, it will be found that the 10 biggest mines in the State are working on a very very narrow margin of profit indeed. The Lake View and Star for the year ended the 30th September last employed an average of 442 men, the value of the yield was £249,000 and the profit was only £43,000. That is a good deal better than some of them, but it is not so large but that we should realise the danger of unduly interfering with the industry. Then there is the South Kalgurli mine which employed

247 men, had a yield of £128,000 and showed a profit of only £11,000. With one or two exceptions there are no mines in Western Australia that can afford to bear a bigger burden than they are carrying at the present time. I am not going to say that this Bill, if passed, will have the effect of closing down these mines, but it behoves every member of this Chamber and particularly those who know something about mining to ask themselves when they come to consider any of these clauses whether the carrying of any particular one will have the effect of increasing the cost of mining. If it will have that effect, we must not do it unless it is absolutely necessary.

Hon. J. Cornell: What about the health of the miners?

Hon. H. P. COLEBATCH: I say unless it is absolutely necessary. I have yet to find out that these clauses will have the effect of improving the health of the miners. I know that the hon. member, Mr. Cornell, by interjection last night stated that he would agree to the closing down of the mines and to the abolition of the industry because he thought the health of the miners was of paramount importance. I do not give way to the hon. Mr. Cornell in my consideration for the health of the miner, but I do say that I am not prepared to see the mining industry closed down any more than I am prepared to see the shipping industry closed down or railway lines closed, because some lives are lost in those dangerous occupations. I would support a clause if I was satisfied that it would tend to improve the health or protect the lives of the miners, but I can see no clause which will have that effect and I say that some of the clauses providing for the appointment of inspectors who need not be competent men are likely to increase the danger and that clauses which provide for the abolition of contract work must put up the cost to such an extent as to cause some of the mines to close down. A little while ago the Lancefield mine closed down simply because the burdens were greater than it could bear, and the chairman of the company according to this morning's paper despairs of being able to raise the money to carry on because of the harsh labour conditions prevailing in Western Australia. The chairman says that there is £300,000 worth of gold in the mine which could be extracted and would be extracted if there were reasonable conditions.

Hon. R. G. Ardagh: If they had the proper plant?

Hon. H. P. COLEBATCH: If they had the proper plant and reasonable conditions of labour. The last straw on the camel's back in connection with the Lancefield mine was the unjustifiable strike which occurred a few months ago and which resulted in the mine closing down apparently never to open again.

Hon. R. G. Ardagh: The men working there were nearly all foreigners.

Hon. H. P. COLEBATCH: That has nothing to do with the case. I am not suggesting that the foreigner is any better than the Britisher. The hon. Mr. Cornell was the only hon. member who said that the foreigner was better from the manager's point of view. I do not say anything of the kind. Practically every argument adduced by the Honorary Minister and by the hon. Mr. Cornell would apply to a general resolution in favour of closing down the mining industry of this State. I am not prepared to agree with them.

> No game was ever yet worth a rap
> For a rational man to play,
> Into which no accident, no mishap,
> Could possibly find its way.

Men like the calling of mining; in spite of its risks it has its compensations and rewards. In the same way, although the investor in mines loses more money than he makes—in Victoria it is said that every ounce of gold costs £8 to mine—we find people still willing to invest in mines if they can get a fair run for their money. If we pile this legislation on to other legislation passed in recent years, the investor will say that in Western Australia he is not getting a fair run for his money and we as a State cannot afford to do injury to the mining industry which I believe will be done if this Bill is passed. I have nothing more to say except this: that I consider it to be the duty of the Government to present to Parliament a

workable and acceptable Bill. If there are some small things in the Bill with which hon. members do not quite agree, the proper course is to pass the second reading and have amendments made in Committee, but so far as I can see the things on which the Government are most strongly determined in regard to this Bill are the ones which I cannot accept. Therefore I prefer that the Bill should be rejected on the second reading rather than that we should whittle away all these important provisions in it merely for the satisfaction of saying that we cast on the Government the responsibility of dropping the measure.

On motion by Hon. A. Sanderson debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: A motion was passed in 1911 authorising the compilation of the Criminal Code under the provisions of the Compilation Act of 1905. This Bill is the result of the authority given by that resolution. It is, however, a little more than a compilation. Certain inconsistencies and anomalies have been discovered in the code and this Bill will remove them. To give a few illustrations there is a chapter in the code dealing with electoral offences. Since the code received Parliamentary sanction, these offences have been included in the Electoral Act. The same thing has occurred through the amending of the Municipal Corporations Act and the Roads Act, and it happens that the penalties provided in the special Acts are in many instances quite different from those provided in the code. This is a condition of things which I think it will be admitted should not be permitted to remain. Then, again, Section 296 provides that a person who wilfully and unlawfully causes by an explosive substance an explosion likely to endanger the life of any person is liable to imprisonment for life. That we do not propose to alter, but we do propose to repeal the subsection which reads—

> For all purposes of and incidental to arrest, trial, and punishment the crime when committed out of Western Australia is deemed to have been committed in the place in which the person liable to be punished under this section is apprehended or is in custody.

This subsection was copied word for word from the English Act. The Imperial authorities have power to deal with offences committed in any part of the British empire, but the authorities in Western Australia have no such power, and this was included in the code merely through an oversight. We have no jurisdiction outside our own State, although the provision in the code would lead anyone to suppose that we had. The same principle is followed in various parts of the Criminal Code, and the whole will be amended by this Bill. Another defect is that incest can only take place as between descendants and there can be no offence on the part of an ascendant, and not only that but there must be a relationship by marriage. What we propose to do is to bring the Bill into line with the English Act. Then, again, we have introduced into the Bill the Commonwealth provisions of the Secret Commissions Act. The Commonwealth law will not excuse a man who refuses to answer interrogatories which may incriminate him. Ours does. We are making an amendment to bring our law into line with the Commonwealth legislation. The Bill also provides for the appointment of a curator to take charge of the property of a convicted person. There is no law in existence now to enable that to be done.

Hon. W. Kingsmill: Will the Colonial Secretary refer to the clauses? If he did that it would be a convenience.

The COLONIAL SECRETARY: I have only brief notes, but I will be able to explain the clauses in Committee. I thought it better to deal with the general principles of the Bill on the second reading. There is no provision in the Western Australian law to permit of the appointment of a curator to take charge of the property of a convicted person. There is a law in England and we propose, with the permission of Parliament, to enact it

here. The powers of the Crown with regard to the challenging of jurors are not at present clearly defined. The Bill removes that ground of complaint, and places the law on a level with that of the Eastern States and England. Provision is also made to enable a judge to order a convicted person to make monetary compensation to a person whom he has injured. The Bill is largely a Committee one, and when the measure reaches that stage I will be prepared to give any explanation that hon. members may require.

On motion by Hon. W. Kingsmill debate adjourned.

PAPERS—SEED POTATOES, IMPORTATION.

Debate resumed from 23rd October on the motion of the Hon. V. Hamersley:—"That there be laid on the Table of the House all the papers in connection with the experiment of importing seed potatoes from England, including—(1) the cost of the seed; (2) the money derived from disposal of same; (3) the results of the experiment."

The COLONIAL SECRETARY (Hon. J. M. Drew): I have no opposition to offer to the motion.

Question put and passed.

House adjourned at 9.49 p.m.

Legislative Assembly.

Wednesday, 29th October, 1913.

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

QUESTION — STATE STEAMSHIP "WESTERN AUSTRALIA," COLD STORAGE.

Mr. MALE asked the Premier: 1, Is it a fact that the cool storage cargo for Broome, carried by the s.s. "Western Australia" on the recent trip up the coast, had to be destroyed, being unfit for human consumption? 2, Is it a fact that the same steamer landed a quantity of her own stores for storage at Broome, maggoty rabbits, etc., which, to avoid prosecutions by the health authorities, had to be incinerated in a local boiler furnace? 3, Is it not a fact that the cold storage plant was newly installed into the "Western Australia" shortly after her purchase by the Government? 4, Is it not a fact that the cool storage chamber and plant have been working unsatisfactorily almost ever since the steamer started running on the coast? 5, Is it a fact that the "Western Australia" arrived in Roebuck Bay from Port Hedland on Wednesday morning, the 15th October, but did not land her mails till nearly midnight, with the consequence that the public did not get their letters until 10.30 the following day? 6, Why were the mails not landed by the ship's crew on the day of her arrival at Broome, so that the public might have received their letters the same day?

The PREMIER replied: 1 and 2, No reports are to hand from the ship or the coast as to any failure of the refrigerator. 3, The plant was in the ship when she was