

Legislative Council,

Wednesday, 18th September, 1929.

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

QUESTION—RAILWAY PASSES FOR PENSIONERS.

Hon. J. R. BROWN asked the Chief Secretary: 1, To give old-age and invalid pensioners an opportunity to visit their relatives or friends once a year, will the Government provide them with free railway passes from the goldfields to the coast, and vice versa? 2, If so, on what conditions?

The CHIEF SECRETARY replied: 1 and 2, A wholesale approval of this nature could not be given. An arrangement is already in force whereby people of this class are given a pass in specially approved cases on application to the Premier's Department.

BILLS (2)—THIRD READING.

1, Water Boards Act Amendment.

Returned to the Assembly with an amendment.

2, Roads Closure.

Passed.

BILL—MAIN ROADS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.36] in moving the second reading said: The most important amendment in this Bill is the repeal of Section 30 of the principal Act. That section was introduced as a result of the report of a select committee and has given no end of trouble. It is the section which enables the Main Roads Board to assess local authorities for the interest and sink-

ing fund in connection with the construction and maintenance of main roads whether those roads directly or indirectly benefit them. The financial provisions raised a storm of protest throughout Western Australia, and have proved to be absolutely unworkable. Those provisions were copied from the Victorian Act, and the Main Roads Board in Victoria found, as we have found, that it was impossible to give effect to them. In Victoria the result has been that the local authorities have to meet the full charges for any work done in their districts. It seems to be only fair and just that those people who use the roads should be compelled to pay for them. Only two systems of taxation have yet been devised that would appear to achieve this principle—the petrol tax and the licensing fees. Our Parliament passed a petrol tax and it was collected for nearly a year. The South Australian Parliament did likewise but the Commonwealth Government challenged the jurisdiction of the States to pass the law and the High Court declared it ultra vires. The petrol tax having been ruled out, the only discoverable system of making the users of the roads pay was through the licensing fees. Conferences between the local government bodies and their executives have been held during the past two years with the Main Roads Board, the Premier, and the Minister in charge, and many different proposals to meet the financial provisions have been discussed. Eventually the Executive Committee of the Country Road Boards Association proposed to the Minister that the present system of financing should be scrapped, and that in lieu thereof 25 per cent. of the traffic fees should be paid to the Government. Many of the local authorities supported that view. But there have been many objections, mainly on the ground that a district may have no main roads passing through it, and therefore would not be saved any expenditure. A select committee of another place examined the proposal and made a very exhaustive investigation. Over 40 witnesses were examined and after representations had been considered from practically every local governing body, the provisions of this Bill were devised. The taking of a certain percentage from the traffic fees, as proposed, will allow the local governing bodies to know exactly where they stand from week to week, whereas

under the existing Act the local authorities did not know what their obligations under the Main Roads Act would be until they had received a bill from the Main Roads Board. Under the proposals in the Bill there will be no need for any increased taxation on the part of the local authorities. So far as can be ascertained at present no local authority will be called upon to pay more than approximately £600. Under the scheme each local authority receives an average of £2,000 per year over ten years free for developmental roads. Consequently all local authorities will be £1,400 better off each year, and in the aggregate, over the 10 years, £14,000 better off than they were prior to this scheme of road construction coming into force. That is a valuable benefit which did not exist a few years ago. The proposal is to grade the different districts under three headings. A. grade will consist of those districts through which main roads pass. B. grade will be the districts contiguous to those through which main roads pass, and in C. grade, all the remaining local authorities will be grouped with the exception of the North-West, which is exempt from the Bill. Under B. grade it is felt that there will be certain road boards which, although contiguous to a district that has a main road, will still be too far away from a main road to derive any benefit, and it is proposed that the Main Roads Board may advise the Governor that those boards be allowed to contribute a lower percentage. The metropolitan area will be classed as A. grade, although there is no main road in the metropolitan area and all the money will be spent in the country. It is felt, however, that the metropolitan area indirectly gains much by the development of the State, that a very large percentage of metropolitan cars use the country roads and that the metropolis can afford to contribute the same percentage as the country districts through which a main road passes. The financial side of the Bill will mean a loss to the Treasury over the ten years of approximately £100,000, but in order to get a settlement and to provide a system that is likely to give smooth working between the local authorities and the Main Roads Board, the Treasurer is prepared to accept the situation. The only roads in the metropolis that will come under the scheme will be that from the City Boundary at Victoria Park to Armadale, which is the main road up to that point to both Albany and Bunbury; and the road

through Armadale along the railway through Jandakot on to Fremantle. All the other roads in the metropolis will have to be financed from the Metropolitan Traffic Pool. So I think it can be held that the country districts are being very generously treated, in view of the fact that practically the whole of the expenditure is to take place in the country. The country districts will be saved not only the cost of construction but the cost of maintenance of their main roads, while the metropolitan district will get none of the money and, in addition, will have to find funds to construct and maintain its own roads. It is anticipated that if the provisions of this Bill become law, the Main Roads Board will probably from the 1st July last be able to take over the whole of the main roads throughout the State. This is not definite, but if not from last July, in all probability it will be from next July that the local authorities will have no further care whatever in regard to the main roads, and the provisions of this Bill will be all they will have to subscribe to. It may be stated that this is the only State in Australia where the local authorities retain the traffic fees. In every other State these fees are collected by the police and handed over to the Main Roads Board for maintenance work. I shall now explain the different clauses of the Bill. Clause 2 is merely a definition of "Developmental Road." It was omitted from the interpretation section in the original Act, which was passed in 1925. As regards Clause 3, the board have of themselves no power to enter on property for the purpose of carrying out work, but must, in each instance, secure the approval of the Minister—which means so much loss of time. The object of this amendment is to enable the Minister to delegate all or any of his powers in this respect to the board. It is considered that the proviso to Section 17 of the principal Act limits the power of the board to the expenditure of £1,000 only in regard to the particular things mentioned in the section; and that outside those things it can spend whatever it likes without Ministerial authority. Clause 4 seeks to limit the board's authority to contracts not in excess of £1,000. Beyond that amount the Minister's approval will be necessary. Clause 5 supplies an omission in the principal Act. It provides a penalty for those who interfere with survey pegs, etc., erected by the board in the course of taking levels or setting out any land for the purposes of the Act. It is intended as a check against vandalism. As

to Clause 6, developmental roads are, for the most part, roads which were in existence and vested in local authorities at the time the principal Act came into force. The formal declaration of those roads as developmental roads under the principal Act did not divest the local authorities of their interest in such roads or of their rights and obligations in regard to them. The board, while entering upon a declared developmental road for the purpose of carrying out work, did not take over the road from the local authority. Yet the principal Act says that when the work is completed, the board shall hand over the road to the local authority. This is an incongruity which should not find a permanent place in legislation. Clause 7 is a consequential amendment following on Clause 6. In paragraph (a) of Clause 8 a deletion is made because the Main Roads Development Act has lapsed, being superseded by the Federal Aid Roads Act. Moneys received from the Commonwealth under the latter Act are not paid into Main Roads Trust Account, because of the insistence of the Commonwealth that such moneys, together with State contributions, shall be paid into a joint trust account. In regard to the words which it is proposed to add, paragraph 10 (2) of the Schedule to the Federal Aid Roads Act provides for the payment by the Commonwealth to the State of 2 per cent. of the value of work carried out under such Act. This money becomes the property of the State, and is rightly credited to the Main Roads Trust account, as this account bears the debits for supervision, etc., for which the 2 per cent. is a partial reimbursement. Paragraph (b) is necessary owing to the proposed amendment of Clause 30. With reference to Clause 9, the provisos in the principal Act have no effect, and therefore may be deleted. The words it is proposed to add constitute what was the financial responsibility of local authorities under the principal Act. Since it is proposed to take from the local authorities a percentage of the traffic fees, the words ensure that the funds derived from such appropriation shall be used for the same purpose as the principal Act contemplated. Clause 10 I have already dealt with. The proposal in the Bill as at first submitted, was to take 25 per cent. of the traffic fees of all local authorities except those in the North-West area. This proposal made no discrimination between local authorities in regard to benefits received by

them as a result of expenditure on construction and maintenance of main roads. A select committee was appointed, as already stated, in another place, and Clause 10 of the Bill as now printed is the result of the committee's deliberations. The section of the parent Act puts the onus upon the Main Roads Board of assessing the benefits each local authority received from expenditure on main roads. It has been found impracticable to develop a formula or scheme by which such benefits may be determined, and which would bear equitably on the various local authorities. The acceptance of the amending clause will eliminate entirely the obligation cast upon the board of assessing benefits and will define what amount the various authorities will be required to pay as contribution to the construction and maintenance of main roads. Under Sub-clause 5 the assessment made by the board for 1926-27 will be waived. Clause 11 stipulates that any deputation shall interview the Minister and not the board. As introduced, the Bill had a provision similar to that in the Government Railways Act. It read:—

Any deputation in which a member of Parliament takes part, or at which he is present, shall interview the Minister and not the Board.

The select committee appointed by another place altered this, so that now it reads that any deputation shall interview the Minister and not the board. In the first place, it is desirable that the board, being a corporate body, should be removed from all political influence. In the second place, Parliament, to which the Minister is responsible, should keep control of the purse strings; and in order that he may be in touch with what is going on, it has been considered better that the requests of deputations should go through the Minister to the board. I move—

That the Bill be now read a second time.

Hon. Sir Edward Wittenoom: Before the Minister sits down, I would like a little information. I have not had time to study the Bill, and wish to be informed whether it contains a condition that all the members of the board shall go out of office at one time instead of, as at present, proportionate numbers at different times.

The CHIEF SECRETARY: I am afraid my explanation cannot have been quite lucid. I was dealing with the Main Roads Board, not with the various road boards of the State.

Hon. Sir Edward Wittenoom: I quite understand that.

The CHIEF SECRETARY: The members of the Main Roads Board will go out at a stated time, having been appointed at the same time.

Hon. Sir Edward Wittenoom: I fully understand now.

On motion by Hon. G. A. Kempton, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th September.

HON. C. B. WILLIAMS (South) [4.58]: I support the Bill. The miners have enjoyed a 44-hour week since 1917, when Mr. Justice Powers, of the Federal Arbitration Court, fixed that number of working hours for the gold-mining industry of Western Australia, subject to the exception, at that time, of the Murchison goldfield. Mr. Justice Powers allowed the mining companies seven or eight months in which to set their appliances in order so as to provide battery bins with sufficiently increased capacity to take the tonnage needed in order to compensate for the reduction of four hours in the week's work. The 44 hours came into force on the 1st March, 1918. That arrangement has never been challenged by the mining companies. I have read "Hansard" interjections from members of this Chamber to the effect that probably longer hours ought to be worked. If members have a copy of the report of the Mines Department before them, I ask them to read the statistics that are made available there, statistics that show the unhealthy nature of the work of mining underground and on the surface as well. In the first year referred to in the report 1925-26, 4,023 men were examined and of that number 142 were found to be suffering from tuberculosis, complicated in some cases with silicosis. The number suffering from miners' phthisis in an early stage was 459 and 183 were suffering from it in an advanced stage. There we get a total of 784, or a fifth of the men examined. In the next year, 1927, there were 3,728 men examined and 381 were found to be suffering from miners' phthisis in its early stage and 93 in the advanced stage, plus 128 suffering from tuberculosis

and 10 from tuberculosis only. I ask the House to remember that in the first year of these examinations, 1925-26, every man who was supposed to be suffering from tuberculosis, or who showed a sign of it, was supposed to be withdrawn from the mines. Yet 12 months afterwards we find no fewer than 128 men suffering from tuberculosis and a total of 612 suffering from industrial diseases out of a total of 3,728 employed. In 1928 the number examined was 3,483 and of that number 362 had got dust, 98 were suffering from advanced phthisis, 42 from phthisis plus tuberculosis, and four from tuberculosis only. That is not all. The men who were suffering from these diseases have had to be compensated under the Third Schedule of the Compensation Act. I would like here to read a few lines from the report:—

It is gratifying to note that the 1928 figures indicate on the whole a considerable improvement as compared with those for 1927. Of the 2,977 normal cases, 2,738 were previously reported as normal, while 259 are new cases, that is, cases reported for the first time. Of the 362 cases of miners' phthisis early, 303 were previously reported as suffering from miners' phthisis early, 47 as normal, while 12 are new cases. Of the 98 advanced cases, 79 were previously reported as advanced, 16 as early, one as normal and two are new cases. Out of the total of 460 early and advanced cases of miners' phthisis, 62 were fresh cases comprising 60 early and two advanced, as compared with 71 fresh cases (63 early and eight advanced) out of 474 in the 1927 examinations. Of the 42 cases of miners' phthisis plus tuberculosis, 10 were previously reported as suffering from miners' phthisis advanced, 14 from miners' phthisis early, 10 as normal, while three are new cases and five are outside the provisions of the Act. Since the Miners' Phthisis Act was proclaimed on the 7th June, 1925, 326 men have been reported to be suffering from tuberculosis. Of this number 81 have died, 128 are totally incapacitated from work, two have been repatriated, 31 do not come within the provisions of the Act, ten cases are pending medical examination as to their fitness for other suitable employment, and 74 are fit for ordinary or light work, and have been placed in suitable occupations. The number of beneficiaries in receipt of compensation in respect of themselves and their dependants is 240, and the aggregate amount of compensation paid to the 31st December, 1928, was £83,670. The total number of the dependants of deceased and totally incapacitated men still eligible for compensation is 463, comprising 82 wives, 77 widows, and 304 children under 16 years of age, while the dependants of the men who are fit for work number 130, including 52 wives and 78 children.

My reason for reading this extract from the report is to draw the attention of hon.

members to the conditions that are existing amongst those employed in the mining industry, and the unhealthy nature of the work. The report of the department and the work that has been carried out at the Kalgoorlie laboratory prove that in this particular industry the number of working hours should be the lowest worked in any industry. The object of the Bill we are discussing is to preserve the health, if possible, of those engaged in this occupation. The unions concerned do not want overtime to be worked underground. They say that eight hours a day on five days and four hours on one day are quite sufficient for any man engaged underground. That that is so is proved by the Mines Department's report. Hon. members are aware that 90 per cent. of the work carried out underground is piece work, but that argument does not enter into the matter at all. Probably the repairing of shafts, timbering and other similar work is all piece work. Even some of the skip men are on piece work.

Hon. G. W. Miles. Do they do more on piece work than by day labour?

Hon. C. B. WILLIAMS: I do not suggest that a man on piece work does any more than a man on day labour. Probably I would be able to earn a crust on piece work where Mr. Miles would starve.

Hon. A. J. H. Saw: It does not look like it.

Hon. C. B. WILLIAMS: But it is a survival of the fittest, and the man who goes down is thrown on to the industrial scrap heap. I do not think Mr. Miles could earn two bob a day on piece work.

Hon. A. J. H. Saw: Could he earn full wages on day labour?

Hon. C. B. WILLIAMS: Provided he got a job. Piece work is just a phase of the question and as such it appeals to me and should appeal to every hon. member. As I have stated, 90 per cent. of the labour is carried out by piece work, and a 44-hour week underground is quite sufficient. The Act says that the hours to be worked shall not be more than 48, and I do not see any harm in having the 44 hours incorporated in the statute, so that the men shall be protected. No less than £80,000 of the people's money, as I have read from the report, has been paid to assist those who have been taken out of the mines suffering from one or other of the diseases associated with the

industry, the object being to try to improve the health of those remaining. That is a heavy burden on the State, and the payments are still going on.

Hon. A. J. H. Saw: Cannot the Arbitration Court say that no overtime shall be worked?

Hon. C. B. WILLIAMS: I do not think the hon. member would agree that the court should say it. The unions, probably, might say that no overtime should be worked, but then they would be in conflict with the employers. Fortunately, the employers and the employees on the Golden Mile have worked harmoniously. As a matter of fact, in Kalgoorlie are to be found the most law-abiding body of workers in Australia, or even in the world. The principal object of the Bill is to declare that work underground is so unhealthy that no longer than 44 hours shall be worked there.

Hon. J. R. Brown: Even that is too long.

Hon. C. B. WILLIAMS: For the past 11 years the men employed on the mines have worked a 44-hour week, and never once has there been a challenge by the employers in any court or at any round-table conference. Therefore we feel confident in asking for the Bill sympathetic support from members of this House. Some time back this House agreed to legislation—the Factories and Shops Act—in which it was set out that in certain occupations no longer than 44 hours a week should be worked. But in no industry, other than mining, could anyone produce figures that could stand comparison for awfulness with those that I have read from the Mines Department's report, and it is for that reason I appeal for support. I have given the number of men who have succumbed as the result of working in the mining industry and have gone where we shall all go some day.

Hon. E. H. Harris: Shall we all go to the same place?

Hon. C. B. WILLIAMS: I am inclined to think that all politicians will go to the same place. I appeal to members to do this one good turn in their lives and support the Bill. Realising the mortality that has taken place as the result of working in the mines, hon. members must be sympathetic towards the Bill and put human welfare above profits. With regard to the second amendment in the Bill, the limita-

tion of foreigners in mines, I have a pretty fair knowledge of the subject. It has been said in this Chamber that if we allow foreigners to come into the country we must also permit them to work. That is admitted, but as I have said before, we in Australia are a part of the British Empire.

Hon. A. Lovekin: This is specially provided for by Section 92 of the Arbitration Act. The court has power.

Hon. C. B. WILLIAMS: The court has never taken it upon itself to say that preference shall be given to Britishers, naturalised British subjects or Australian-born. There are on the goldfields young Australians, born in Boulder, many of whom have never seen Perth and whose mothers perhaps are widows, the fathers having died from miners' troubles, who are not able to get work underground because of the competition of foreigners. That in itself should appeal to hon. members. Their own kith and kin, born probably within half a mile of the Kalgoorlie mines, are unable to get employment on those mines while new-chum foreigners, here perhaps for about three months, experience no difficulty in getting work. If that in itself is not sufficient reason for amending the Act in the direction sought, I do not know what is. The Bill merely asks that the employment of foreigners on the mines shall be one to every ten Britishers. If all these Britishers were taken out of the mines and placed in some other reasonable and remunerative occupation, it would probably be possible to get them out, because not a better body of working men will be found in Australia.

Hon. W. T. Glasheen: Have you still to pay the shift boss before you get a job there?

Hon. C. B. WILLIAMS: I do not wish to discuss that matter now. I understand the man referred to is in Fremantle almost dead with tuberculosis. Our kith and kin are entitled to precedence over foreigners. During the war I was a working man on a mine when we had a strike. We saw no reason why the Britisher should be dragged away to the war and foreigners left behind to get all the plums on the mines. We therefore took action. I think conscription was in the air. We declined to support the principle of Britishers being taken away from the mines and foreigners being allowed to remain safely behind in employment. I

think it was the Mitchell Government who appointed a Royal Commission. The result was that some men were removed from the mines, but hundreds of others were allowed to remain. I notice from the Press that the Returned Soldiers' Association have decided to take no action. That does not worry me much. They are not sticking to their own members who should get preference over Southern Europeans, especially when such people may have come from Austria or Czecho-Slovakia. The man who has risked his all and given his all to the country of his adoption cannot even get work in preference to foreigners.

Hon. G. W. Miles: In preference to unionists.

Hon. C. B. WILLIAMS: I am not talking of unionists.

Hon. G. W. Miles: I am.

Hon. C. B. WILLIAMS: I am talking of Southern Europeans, a matter I know something about. The hon. member knows nothing about unionists or unionism. I am also talking of a man who has given his all for his country.

Hon. G. W. Miles: And he has to stand down for the unionist.

Hon. C. B. WILLIAMS: He has to stand down for the Southern European. This occupation is one of the lowest a white man can find.

Hon. J. J. Holmes: According to your union, the Britisher has to stand down for the unionist.

Hon. C. B. WILLIAMS: I know nothing of the sort. I always try to talk about something I understand, not something I know nothing about. It is no good guessing. The guess may be wrong. It is not nice at any time to be made to look foolish. The order of preference in Kalgoorlie on some mines, on mines which have received Government assistance, is preference to the Britisher over the foreigner. That is what the Minister for Mines arranged in connection with the Sons of Gwalia and the Lake View and Sturt mine. Wherever a Britisher presented himself for work amongst foreigners, preference was to be given to him.

Hon. E. H. Harris: Is that provided today?

Hon. C. B. WILLIAMS: I have not been there lately and do not know.

Hon. J. Nicholson: What about the qualifications?

Hon. C. B. WILLIAMS: The Britisher and Australian are 100 per cent. above the Southern European.

Hon. J. Nicholson: I am speaking of the qualifications. Two or three men may present themselves for work, and one may have better qualifications than another. What do you suggest?

Hon. C. B. WILLIAMS: I would suggest common sense. If three persons presented themselves to me, the man who appealed to me most would get the job. Business is business in every walk of life.

Hon. J. Nicholson: That is what we want.

Hon. C. B. WILLIAMS: What would the hon. member do? There are Britishers reared in the town, the sons of miners, and they have seen nothing else but mining all their lives. Starting off scratch, would they be more likely to be qualified than the foreigner who had never seen a mine, a hammer, a rock drill, a shovel, or a truck? The new chum comes into the country and is supposed, according to the Mines Regulation Act, to be able to speak English well enough to make himself understood when working underground. Members can well imagine what happens when such a man is appealed to. He will at once say, "I do not understand." What chance have his fellows of making him understand that he must get away from bad ground? He will reply, "No, I do not understand." One of his fellows may appeal to him to get out of danger and may be knocked on the head instead of him. That is what happens when these new-chum foreigners come into the mining industry. I say nothing about the foreigner who has married in the country, has become naturalised, and is rearing a family. I look upon him as of our kind. They are electors and citizens of the country. Australian gold has been taken out of the ground and Britishers are walking the streets in their hundreds looking for work. On the other hand we find hundreds of foreigners in employment. We may see them in Perth to-day, but a few days later we learn that they have gone to work on the mines. Reference has been made to their joining unions. Everyone who works under an award is entitled to join the union which has spent money in securing improved wages and conditions.

Hon. C. F. Baxter: Is he not compelled to join?

Hon. C. B. WILLIAMS: I know of compulsion only in the case of one union.

Hon. J. J. Holmes: But they cannot get work unless they join.

Hon. C. B. WILLIAMS: I do not know of that. The Lumpers' Union is the only one I know of that has its books closed, and that allows only a limited number to join up. If we pick up the "Westralian Worker" every Friday we can read the notes of the A.W.U. organiser, and learn from him what jobs he visits and what employment is given to holders of union tickets.

Hon. E. H. Harris: That is why a show of tickets is asked for.

Hon. C. B. WILLIAMS: There is no compulsion placed upon any man working in the industry to belong to a union. I defy anyone to prove anything to the contrary. Both Mr. Seddon and Mr. Harris will be able to endorse what I say. Foreigners come and go. They may join a union if they wish. The union is probably not strong enough to compel them to join unless they desire to do so. We do not take their money and then prevent them from working. We only take their money if they wish to join. It is not a question of pounds shillings or pence or of efficiency. The foreigner is cheap but is not efficient. One hon. member said that I wanted a Royal Commission. We tried to get one but failed. It is not the labour that is inefficient but the management. Ninety per cent. of the work underground is piece-work. The man underground works for 14s. 10d. a day. That is the minimum wage according to the award, but is less than is received by the man who fells logs for the Government.

Hon. E. H. Harris: Do you say the management is inefficient on the surface or underground?

Hon. C. B. WILLIAMS: I am not referring so much to the understrapper, but to the managers, who in most cases are inefficient. I would not own a share in any mine in Kalgoorlie. If I were looking for a return on my capital I would not invest a penny in that direction. I wish to refer members to the report of the annual meeting of shareholders of the Great Boulder mine, which bears out what I have said. One shareholder stated that out of £200,000 worth of gold recovered by tributors, the company received only £50,000. The employees are not in question, as we can see from the tonnage of ore produced from the mines. In Kalgoorlie the miners raised per

man a greater tonnage of ore than was produced by any other body of men engaged in a similar occupation.

Hon. G. W. Miles: Foreigners and Britishers included?

Hon. C. B. WILLIAMS: Yes. I refer to foreigners who have been in the country for some years. For the edification of Mr. Miles I would inform him that a skilled miner is one who breaks ore with a machine. No new chum is put on to that work, either Britisher or foreigner. Probably a number of old-time foreigners who are naturalised and have families may reach the stage of doing similar work. I want to see preference given to the Australian born in Kalgoorlie, over the new-chum foreigner.

Hon. J. R. Brown: Why should we ask for it?

Hon. C. B. WILLIAMS: Because the people who employ them are not patriotic. If we get into another war, it will not be the foreigner who will go to the slaughter.

Hon. W. T. Glasheen: The Britisher would naturally get preference if he was more efficient.

Hon. C. B. WILLIAMS: He does not get preference whether he is efficient or not. He gets none in the mining industry. I refer to underground work, in connection with which the foreigners do get preference.

Hon. A. Lovekin: Why do the foreigners get preference down below?

Hon. C. B. WILLIAMS: For a very simple reason. The foreigners represent a class that the employer likes to have available. He likes to have them about because he knows then that he has a surplus of labour on hand. The greater that surplus of labour the less independent are those who are working for the management. Under the contract system that so many hon. members in this House are pleased to boost, experience shows that the more men there are looking for work on machines underground, the less price has to be offered for breaking the rock. That is one reason why the foreigners are favoured. If there were a notice posted up intimating that the rock in a stope had to be broken and the price offered was £2 10s. per fathom the Britisher might not be satisfied with the price. He might be satisfied and be prepared to take the work at that figures. On the other hand, if foreigners were to see the notice, they might come along and tell the manager

that the work would suit them and they would do it for £2 5s. per fathom.

Hon. G. W. Miles: Do the miners get £2 10s. for that work?

Hon. C. B. WILLIAMS: Yes, and even more than that. Of course, the price varies with the width.

Hon. W. T. Glasheen: But what about the minimum wage?

Hon. C. B. WILLIAMS: The minimum wage does not enter into the question at all. The man who does not earn more than the minimum wages on piece work goes at the end of his time, unless there has been some bad luck that has prevented his earning more. If the minimum is 16s. 6d. per day and at the end of a month the miner has not earned more than that minimum for the management, he is off the ticket, and somebody else is put on in his place. The mine managements do not stand for the man who can earn wages only, even though the man concerned may be an old hand. The man has to go unless he can earn above the minimum wage, and that is why competition is so keen.

Hon. W. T. Glasheen: According to your argument the foreigners should be most affected.

Hon. C. B. WILLIAMS: I cannot follow the hon. member's suggestion.

Hon. A. Lovekin: The value of ore treated would be worth £2 per ton?

Hon. C. B. WILLIAMS: Something like that.

Hon. A. Lovekin: Then could the management afford to pay £2 10s. per ton?

Hon. C. B. WILLIAMS: I mentioned a ton, but I should have said per running fathom, and that varies according to the width of the ore. I appeal to hon. members to give preference to our own race. I would remind them that apart from Perth and Fremantle, Kalgoorlie and Boulder represent the two largest and most prosperous towns in the State at present. They are more prosperous than Perth itself, from the standpoint of the earning capabilities of the workers.

Hon. A. J. H. Saw: Under present conditions?

Hon. C. B. WILLIAMS: Yes.

Hon. A. J. H. Saw: Then why interfere with them?

Hon. C. B. WILLIAMS: I was speaking about the towns themselves. Let hon. members go to Kalgoorlie and see where the

Southern Europeans live. Three or four of them herd together in a camp, or 40 or 50 of them live in an old closed-down hotel! They spend nothing in the towns except upon what are the bare necessities of life. If all the men employed on the mines at Kalgoorlie and Boulder were Britishers, there would be at least 4,000 extra people living on those men.

Hon. E. H. Gray: What do the foreigners do with their money?

Hon. C. B. WILLIAMS: I do not know except that they send the greater part of it to foreign countries. Certainly the money is not spent in the towns. All I ask of hon. members is that they shall grant preference to our own kith and kin. I will watch with keen anticipation the votes hon. members will cast. Particularly do I refer to those hon. members who are more or less mainly interested in the money-making concerns of this State. They should realise that the more Britishers there are in the State, the greater will be the amount of money spent with our own people. Particularly do I appeal to the representatives of the agricultural districts, members who are always wanting so much and are constantly seeking good prices for their products, to realise that if there were 10,000 extra Britishers working on the mines there would be 30,000 or 40,000 more people in the State to buy their produce.

Hon. E. H. Harris: The Bill does not exclude those people from working in the industry.

Hon. C. B. WILLIAMS: No. It merely asks that those who are Britishers and want to work shall have preference extended to them under the conditions outlined in the Bill. In 99 out of 100 cases Britishers do receive preference in connection with work on the surface.

Hon. A. Lovekin: But the Bill has nothing to do with work on the surface.

Hon. C. B. WILLIAMS: It has to do with preference to British workers. If it was a matter of surface work that was under consideration, the employers would not hesitate to make the percentage one in a hundred, because they know where efficiency lies and what it means to them to have it.

Hon. A. J. H. Saw: Then what is the object of allowing one-tenth foreigners? Why not exclude the whole lot?

Hon. C. B. WILLIAMS: That would do me, but I am afraid we could not get that much.

Hon. A. Lovekin: That is the real point.

Hon. C. B. WILLIAMS: At any rate, one in ten will not be so bad, if we can get members to agree to that. However, I shall wait with feelings of expectancy the voting of some hon. members. I support the second reading of the Bill.

HON. J. J. HOLMES (North) [5.37]: I desire to say a few words only regarding the Bill. I do not know that I would have spoken at all had it not been for the speech of Mr. Williams. I have tried to follow him in his remarks, and even now I do not understand what it is he is aiming at. I do not know if what he says regarding what is included in the Bill is quite right. He made it clear, however, that he is wasting his time in this Chamber. If he can get 100 per cent. more work out of Britishers than the present mine managers are able to get out of the foreigners on the mines, then Mr. Williams should get into communication with London, where the head offices of the mining companies are located, and by that means get something better to do than merely waste his time in this Chamber. He told us he could get 100 per cent. more out of Britishers than the present mine managers can get from the foreigners! I shall leave that point for the moment and begin at the beginning. Yesterday I congratulated the Honorary Minister upon the earnestness with which he introduces a Bill. I cannot congratulate him upon his earnestness in introducing the Bill now under discussion. He told us that the mining industry was working on the basis of 44 hours per week. I find that that is not so, because much of the surface work is done in a week of 48 hours. The inference the Minister wished us to draw was that the working week in the mining industry was one of 44 hours, and that being so, the passage of the Bill would not interfere with the existing practice.

Hon. E. H. Gray: They work for 48 hours on the surface.

Hon. J. J. HOLMES: The Minister in charge of the Bill should know something about the industry affected by the legislation he is introducing, and should not unknowingly—I emphasise that word—mislead the House.

The Honorary Minister: Will you point out where I made that statement?

Hon. J. J. HOLMES: The Honorary Minister made the statement, and when his attention was drawn to it, he corrected it at the time.

The Honorary Minister: Will you quote what I said?

Hon. J. J. HOLMES: The Minister knows that I am not allowed to quote the debates appearing in "Hansard" for this session. The Minister will have the right to reply later on and can deal with the point then. Mr. Williams said that one of the reasons he wanted to get the foreigners out of the mines and why the Government wanted the hours of work fixed at 44 per week, was that the work underground was not a healthy occupation. If I had an objection to foreigners, such as was indicated by Mr. Williams, I should prefer to leave them with the advantage of the unhealthy occupation and regard that as the best place for them. He further said, "The men of youth and energy who have been reared and introduced into the country will have no opportunity in life of getting underground work." If this work underground is of the description indicated by the hon. member, I would be sorry to see the youth of Kalgoorlie going down the mines to engage upon underground work. He further appealed for preference to our own kith and kin. It is admitted that if there is a foreigner with a union ticket and a Britisher without such a ticket, the union will see to it that the foreigner gets the work.

Hon. C. B. Williams: That is wrong.

Hon. J. J. HOLMES: It is admitted!

Hon. C. B. Williams: No, you are wrong. The PRESIDENT: Order!

Hon. J. J. HOLMES: The hon. member can say that it is wrong, but I repeat that it is admitted.

Hon. C. B. Williams: I have already denied that that is so.

Hon. J. J. HOLMES: And the hon. member can go on denying it. I say that the foreigner with the union ticket will get the work in preference to a Britisher who has no union ticket.

Hon. C. B. Williams: I say you are wrong; you do not know what you are talking about.

Hon. J. J. HOLMES: At any rate, I know that that is so.

Hon. C. B. Williams: You do not.

Hon. J. J. HOLMES: The party to which the hon. member belongs has declared that a man must have a union ticket before he can get a job.

Hon. C. B. Williams: Wrong again.

Hon. J. J. HOLMES: So much for the kith and kin about which the hon. member spoke! Then, again, the hon. member said that the work underground that he wanted the young men to have, represented the lowest occupation that white men could accept.

Hon. C. B. Williams: That is so.

Hon. J. J. HOLMES: With all due respect to the hon. member who knows so much about the mining industry, if work underground is the lowest occupation that a white man can undertake, then, in my opinion, it is a job for the foreigner and not for the Britisher. As a matter of fact, we know that there is something more behind all this. In my opinion this is merely political propaganda. In spite of what the Minister says about the power to pass the Bill, I am prepared to dispute his statement. I know that in a Bill to amend the Licensing Act, we included a clause that prohibited Chinese from working in hotels, and the Governor of the day struck out the clause.

The Honorary Minister: In this Bill we do not prohibit the employment of Southern Europeans.

Hon. J. J. HOLMES: You do!

Hon. E. H. Gray: We are regulating the employment.

Hon. J. J. HOLMES: In the Licensing Act Amendment Bill, we did not prohibit the employment of Chinese, but the clause set out that after a certain date only those who were then employed in the hotels could be further engaged upon that work. That clause was struck out. No doubt that is what is behind this measure. The Bill will have to be withheld for Royal assent; the general election will be over by that time, and it will not matter whether or not the Bill becomes an Act. Then we have the reference to the 44-hour week to be fixed by Parliament. The one clear issue that this House has laid down is that there shall be no interference whatever with the jurisdiction of the Arbitration Court. This measure I think, represents an attempt to get behind the Arbitration Court.

Hon. E. H. Gray: Your party wants to abolish arbitration.

Hon. J. J. HOLMES: I am a party of my own. I shall indicate to the House why I say that the Bill represents an attempt to get behind the Arbitration Court. The present President of the Arbitration Court has made it clear there can be no increased wages for miners because the industry will not stand it. As it is not possible to secure an increase in wages, the Government see that the only way to get any benefit is by decreasing hours. If the industry cannot live under an increased wages bill, with present hours, the only way to get over the difficulty is to increase the hours and the pay will be correspondingly increased too. If for that reason alone, we should leave this matter to the Arbitration Court. Let us assume that we pass this amendment dealing with this glorious occupation for white men, this unhealthy occupation, as it was described by a previous speaker—let us assume that we push those men out of the mines. It is idle to tell me they are employed merely because they are foreigners. They are employed because they give better results than anybody else; in other words, they are specially good workmen. Suppose we push them out of the mines—any good workman can get a job any day in the week—they will take the places of other men now in healthier jobs. That is the position. If we push these men out of these unhealthy jobs, we shall be pushing them out to take the places of other workmen now in healthier jobs. As to the last speaker's statement that there is no compulsion about joining the miner's union, I do not know that I take much notice of such a statement. Perhaps there is no compulsion. The fact remains that if a man does not join a union, he is not allowed to work.

Hon. C. B. Williams: Rot!

Hon. J. J. HOLMES: You cannot sidetrack the public all the time. We know that a unionist will not work with a non-unionist.

Hon. C. B. Williams: Economic circumstances compel him to do so.

Hon. J. J. HOLMES: There are a good many Main Roads Board jobs in hand, and on some of those jobs I occasionally see the secretary of some union wandering around during working hours with a book and pencil. I do not know what else he is doing if he is not making the men unionists on the first day they are on the job.

The Honorary Minister: If you do not know what he is doing, why refer to the incident?

Hon. G. W. Miles: We all know that one cannot get a job at the State Labour Bureau unless he has a union ticket.

Hon. J. J. HOLMES: Let me refer to another matter. I have seen the Chief Inspector of Factories travelling around the country in a motor car. He has been on a visit of inspection and he has had somebody with him. I do not know who his companion was, but if there were any non-unionists in the locality it would be quite useful if he had the union secretary with him and was getting around the country raking them all in. We know it is an established principle with the party in power that you have to be a unionist before you get a job. And if you are a Britisher without a union ticket, and if there is a foreigner with a union ticket, it is the foreigner who gets the available job. In view of that fact, I think it is only a waste of time and a piece of political propaganda to put up such a Bill as this, and therefore I will oppose the second reading.

HON. A. LOVEKIN (Metropolitan) [5.50]: The Bill contains two main principles; one is the 44-hour week, an effort being made to declare that statutory, and the other is the employment of foreigners. In regard to the first proposition in the Bill, time after time in this House we have laid it down unmistakably that we cannot go into the details of employment. We have a court, the Arbitration Court, which fixes the wages and the hours of employment, and if the miners are not satisfied with the hours they are working they can go to the court their grievances will be inquired into and they will get redress.

Hon. C. B. Williams: The 44-hour week has been accepted for years.

Hon. A. LOVEKIN: I do not care; the court has been appointed to fix the hours and wages, and I say let the court do its job. This House is not competent to do it, and therefore the Bill ought not to be passed. In addition, under the Act, the court annually fixes the basic wage and the hours of employment in the ordinary way. But some members have raised the question of piece workers. Piece workers do not get the basic wage, and probably the hours they work are not prescribed. But Section 92

of the Arbitration Act says the court by any award may limit the working hours of piece workers in any industry, except the workers engaged in the agricultural and pastoral industries. So those on piece work at the mines have only to go to the Arbitration Court and get an award that will be just and fair.

Hon. C. B. Williams: But the piece workers cannot work any more hours than they are working now.

Hon. A. LOVEKIN: I do not want to impose more hours on any worker than are just and reasonable; but we have a court and, rightly, we leave these matters to that court.

The Honorary Minister: But I thought the hon. member said the hours would have to be increased.

Hon. A. LOVEKIN: I did not say anything of the sort. We have a court appointed by statute to fix wages and the hours of employment, and it can also limit the hours that piece workers may work. That is the Arbitration Court, and I say let the court function. I do not want to see longer hours worked underground or anywhere else, but men must work a reasonable number of hours and what is reasonable must be inquired into. For that we have a special tribunal, and the court fixes what is fair and just. Therefore we do not want the Bill. I am opposed to making statutory the 44-hour week underground. The court may think the 48-hour week is fair and reasonable, and in any case we must leave it to the court.

Hon. J. Nicholson: The court may make it a 40-hour week.

Hon. A. LOVEKIN: Of course, the court can make it anything it likes. The Bill provides that persons other than those from British countries shall not be employed underground in a greater proportion than one-tenth. As Dr. Saw asked, why have the one? When we passed the Licensing Act, the Governor would not assent to it because in it we sought to exclude Chinese. We can no more limit the Southern European by the Bill than we can limit the working of the Chinese. It is unfortunate for the case made out by the Government. We have the Commonwealth Parliament, to which the question of migration has been left. We have no further concern with it. Under the Commonwealth jurisdiction Southern Euro-

peans and others have been admitted to Australia. And by the law of nations when a person is admitted to a country and becomes domiciled in that country—it is not necessary for him to be naturalised—he has all the rights and privileges of others inhabiting the country. If you want to limit him in his activities you must keep him out altogether. But the Commonwealth having let him in, the State has no power either to keep him out or to limit him in his employment. He has the same right to live and work as has any of us. Therefore this clause in the Bill is certainly not within the constitutional limit. It is the law of every country that when a person becomes domiciled, is allowed to enter a country, he acquires full rights, rights of marriage, the right to live, the right to work. That is the unwritten law from time immemorial of the British Constitution, and it is provided also in written constitutions. For instance, under Article 13 of the Code Napoleon any man resident in France has the right to live and to work. So too here, the Czech-Slavs having been admitted under a law which the Commonwealth was entitled to pass, and having come into this State in search of work, we have no right to say that only one in ten of them shall work. Section 17 of the Commonwealth Act says—

Subjects of the Queen resident in any State shall not be subject by any other State to any disability or discrimination which would not be equally applicable to him if he were the subject of the Queen resident in any other State.

Rightly or wrongly, the Commonwealth has admitted the Southern Europeans, and when they are here they are the subjects of this part of Australia, legally here, and they are entitled to all rights and privileges that we have. We cannot limit the right of any now domiciled in the country, as is proposed by the Bill. We cannot say that only one out of ten Czechos may work and live.

Hon. E. H. Gray: Can we not have some regard to the safety of our workers?

Hon. A. LOVEKIN: Domestic laws are quite another thing.

The Honorary Minister: But the Bill does not say that.

Hon. A. LOVEKIN: We may make our laws for the safety of the workers, just as we have done in the Scaffolding Act, but it must apply generally, not to Czechos alone.

The Honorary Minister: The Bill does not provide that only one in ten Czechos shall have employment.

Hon. A. LOVEKIN: Clearly that is what is intended. It is a limitation of their employment.

The Honorary Minister: The hon. member is misrepresenting the Bill.

Hon. G. W. Miles: In what way?

Hon. A. LOVEKIN: Here is the provision in the Bill—

Persons other than British subjects shall not be employed in any mine in underground workings in any greater proportion than one of such persons to ten British subjects.

Hon. J. J. Holmes: It means they can all be pushed out.

Hon. A. LOVEKIN: Exactly so. This means exactly what probably Dr. Saw had in his mind when he made his interjection. It is the artifice by which the party are trying to get over constitutional difficulties. These people are allowed to come in, and now they are to be allowed to be employed only one in ten. We cannot do that. It has been suggested in another place that the measure is justified because many of the Southern Europeans are not naturalised. In two cases decided by the House of Lords that I have looked up, it has been decided that it is not necessary for people to be naturalised. It is sufficient if they are domiciled; that is, if they are allowed to enter the country. It is laid down in *King v. Foxwell* thus—

A man changes his domicile by choosing a new one, that is, by voluntarily fixing his sole or chief residence in a country, not being the country of origin, with an intention to reside there for a period not limited to time. Naturalisation is neither essential to, nor conclusive of, domicile. It is important as evidence of intention to reside permanently.

I think Mr. Nicholson will agree that that expresses the principle.

Hon. J. Nicholson: That is so.

Hon. A. LOVEKIN: To suggest that we should overcome it by this little trick of providing ten to one is not worthy of the Parliament of this country. In the circumstances I must oppose the second reading of the Bill.

HON. A. J. H. SAW (Metropolitan-Suburban) [6.2]: I intend to oppose the second reading of the Bill. I am opposed to both provisions of the Bill. My reason for

opposing the first provision is because I believe that the farther aloof such industrial questions as hours or wages are kept from the sphere of politics and left to the Arbitration Court that we have set up to decide them, the better. I would have opposed the Bill on that ground alone, but I am also opposed to the Bill because it proposes that only one foreigner shall be employed in a mine to ten British subjects. I think we are all agreed that every country has the right to make whatever immigration laws it pleases, either to admit or to exclude foreigners. That may be contested by certain countries, but it is the principle we hold in Australia; it is the principle held in America, and I think it is proper that we should have the right, if we choose to exercise it, to refuse anyone admission to our shores. Whether it would be a wise thing or not is beside the question at the moment. Once having admitted foreigners into the State, I hold that every man should have the right to earn a livelihood in equal competition with others, provided he is capable, through a knowledge of the language, of doing his work without inflicting injury upon others. That, however, is not the point raised by this Bill. It is a cruel measure that stipulates that only one foreigner to ten Britishers shall be allowed to work in mines. The principle is entirely wrong. Once people come here, whether Chinese, Japanese, Southern Europeans, Germans or other nationalities, it is our duty to give them the right to earn a livelihood. In connection with racial minorities, it would be well to bear in mind the words of Washington in his farewell address to the American people on quitting the office of President for the second time. They express a worthy ideal in the treatment of racial minorities.

Hon. Sir Edward Wittenoom: He is dead now, is he not?

Hon. A. J. H. SAW: He is dead, and as Sir Edward Wittenoom seems to be a little vague regarding Washington, I may also inform him that that gentleman had a reputation for truthfulness. Washington said—

Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness is in some degree a slave.

Hon. W. T. Glasheen: Would you apply that to the White Australia policy?

Hon. Sir Edward Wittenoom: I do not know why you want to go right back to Washington.

Hon. A. J. H. SAW: We are celebrating the centenary of Western Australia and I have frequently seen Sir Edward's name mentioned in connection with it, as well as the name of one of his worthy forebears. Washington's time would not be more than 50 years farther back, and I do not consider that his words lose any of their value on account of the fact that he did not belong to the present century. I think I have explained my attitude both with regard to the question of hours and also the right of anyone once he has been admitted to this country.

HON. SIR EDWARD WITTENOOM (North) [6.7]: This is one of the most important Bills that could possibly be brought before the House and it is one that has caused me a great deal of concern. I have been connected with labour for many years. I do not suppose that any of the young people around me remembers a man named Spence. Mr. Spence was one of the most capable of Labour men. Years ago I attended two or three conferences at which he was present and at those conferences we discussed the question of shearers' wages.

Hon. A. Lovekin: He wrote a book.

Hon. Sir EDWARD WITTENOOM: Yes; he was an exceedingly clever man. He should never have been a Labour man; he was too clever for that.

Hon. J. Cornell: Has not Spence been dead for some years?

Hon. Sir EDWARD WITTENOOM: Yes, almost as long as Washington.

Hon. J. J. Holmes: Then why quote him?

Hon. Sir EDWARD WITTENOOM: I shall tell the hon. member. At the conferences to which I have referred, we agreed on certain matters.

Hon. C. B. Williams: On 44 hours for a week's work.

Hon. Sir EDWARD WITTENOOM: Although the hon. member has a very nice voice, it is indistinct.

Hon. J. Cornell: I am afraid you did not want to hear him.

Hon. Sir EDWARD WITTENOOM: We discussed matters for a long time, and eventually they were referred to Mr. Justice Higgins in the Arbitration Court. Mr. Justice Higgins thought he was a heaven-

inspired man who could make the world a paradise for working men. He always seemed to be actuated with that idea. That was the commencement of wages-raising to the workers, and the wages continued to rise in every industry until the war came. I will not say that they rose to such an extent as to be exorbitant, but they were certainly very satisfactory to the workers. During the war the shearers—

Hon. C. B. Williams: They were then getting £1 per hundred.

Hon. Sir EDWARD WITTENOOM: At the time I am speaking of the price of wool was about 15½d., which was a very high price. Then a lot of it went to 2s. and 2s. 6d. and the consequence was that the wages paid to the shearers were also increased.

Hon. C. B. Williams: Not nearly proportionate to the increase in the price of wool.

Hon. Sir EDWARD WITTENOOM: The rate went up to 38s. a hundred, and I think Mr. Justice Powers actually carried it to 40s. I know of no workers in the country who deserve their money as much as do the shearers. Although 40s. is a big price to pay, the shearers are hard-working men who live the roughest of lives, and I consider they earn what was awarded them.

Hon. E. H. Harris: Is shearing worse than underground mining?

Hon. Sir EDWARD WITTENOOM: I have never done underground mining.

Hon. E. H. Harris: Not down to 10 feet?

Hon. Sir EDWARD WITTENOOM: I went below 10 feet on one occasion to attend a very fine lunch in a mine. When those gentlemanly interruptions occurred, I was showing how considerably wages had been increased, and the increase applies not only to shearing but to all other industries. Whenever the Arbitration Court was called upon to give an award, it raised the wages.

Hon. C. B. Williams: The judge said that, as wool was bringing such a good price, the shearers were entitled to share it.

Hon. G. W. Miles: Are the shearers accepting less now that the price of wool is down?

Hon. Sir EDWARD WITTENOOM: What about the prices at yesterday's wool sales? All the workers who approached the Arbitration Court received an increase of wages.

Hon. C. B. Williams: An increase of about 10 per cent., while the cost of living advanced by 200 per cent.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. SIR EDWARD WITTENOOM : Before tea I was discussing the evolution of wages. That is my text. I maintain that up to a recent period awards of the Arbitration Court, ruling not only in Western Australia but throughout the Commonwealth, rose to such an extent that our industries unfortunately were unable to observe them.

Hon. E. H. Gray : What industries do you refer to?

Hon. Sir EDWARD WITTENOOM : All industries with which the Arbitration Courts have ever had anything to do. Recently one or two awards have decreased wages, but no one would observe them. An extraordinary stage has been reached in the evolution of wages. For a long time wages have been at a very high point, though not too high from the aspect of what the men deserve. No wages are too high from that aspect. However, the Arbitration Courts have raised wages to such an extent that the industries in which the men have been employed cannot continue to employ them.

Hon. E. H. Gray : But that does not apply to the pastoral industry.

Hon. Sir EDWARD WITTENOOM : Absolutely it does. I am glad of that interjection. Nothing could have been more apposite. Not many years ago pastoralists were receiving from £20 to £25 per bale for their wool. Yesterday they received £14. Either the hon. member interjecting has been talking nonsense, or he has made an inconsiderate remark designed to embarrass a young, inexperienced speaker like myself. Yesterday's wool prices are the lowest ever known. Many pastoralists hold that it will be extremely difficult for them to pay their way on such prices, but rather than reserve their product from sale they have said, "We will take current rates." They did not go on strike. Yesterday 20,000 bales of wool were sold at an average price of about £14.

Hon. C. B. Williams : The pastoralists must have had a good margin of profit previously, otherwise they would not have continued growing wool.

Hon. Sir EDWARD WITTENOOM : No doubt the hon. member knows all about it. We pastoralists are not like the workers; we do not grumble when we get a knock in the eye such as we received yesterday. We take the poor little money we can get, instead of the large money the workers get. That is the difference between employer and employee. Wages are bound to come down. I repeat, every worker, I care

not whether he is a wages man or a man like Mr. Holmes or myself, is entitled to what he earns, if he can get it. But if the person called upon to pay the wages cannot pay them, how can they be paid at all? As the result of unduly high wages awarded by the Arbitration Court we have numerous unemployed. The Arbitration Courts have ruined Australia, and in particular Western Australia.

Hon. C. B. Williams : Just because the price of wool has gone down for one year, on your own admission!

Hon. Sir EDWARD WITTENOOM : We began with Mr. Justice Higgins, who considered himself a heaven-born being sent down to earth to make the earth a paradise for the working man.

Hon. A. Lovekin : That was said by Graham Berry in 1880.

Hon. Sir EDWARD WITTENOOM : Mr. Justice Higgins had queer ideas in his head, although he was an extremely clever man. One of his ideas was that he would make the earth a paradise for the working man.

Hon. C. B. Williams : There is nothing wrong with that sentiment.

Hon. Sir EDWARD WITTENOOM : He tried to raise wages accordingly. In connection with one of his awards I travelled right through Australia, so I know what I am talking about. Nearly all the awards of the Arbitration Courts have been in the direction of increased wages. Except during the last two or three years, the Arbitration Court has done nothing to decrease wages. In consequence the wages man was placed in a position to have a very good time indeed. We now find the worker declaring that his standard of living is such as must be maintained for ever.

Hon. A. Lovekin : Not only that, but he wants to improve it still further.

Hon. Sir EDWARD WITTENOOM : I agree that the standard should be maintained if possible, but unfortunately our industries cannot permit it to be maintained; that is, if they are to carry on. The workers have been placed in a splendid position, on a pedestal, and do not wish to come down from it. Consequently, if anything less than Arbitration Court wages is offered to a worker, he will not accept it, for two reasons, one being that he does not want to accept less money, and the other that his leaders will not allow him to accept less.

Hon. C. B. Williams: They must be extremely powerful leaders, more powerful than Parliament.

Hon. A. Lovekin: They are.

Hon. Sir EDWARD WITTENOOM: Thus we have numerous unemployed. The Government bring out English migrants and put them on the hardest work in Western Australia at 10s. per day, work that no Australian will touch, clearing scrub land. Other workers strike if they cannot get 15s. or 16s. a day. Look at the difference in the foreigner. The Australian worker has been placed on a pedestal, placed in a most excellent position.

Hon. C. B. Williams: Of which you said you were proud.

Hon. Sir EDWARD WITTENOOM: I did not say that. I shall be only too pleased if the position of the Australian workers can be maintained. My argument is that industry cannot continue to pay to Australian workers the high wages which the Arbitration Courts, in their foolishness, have awarded. There are many clever men in the Labour Party: they have brains, but unfortunately they are badly used.

The PRESIDENT: I ask the hon. member to connect his remarks with the Bill which is an amendment to the Mines Regulation Act.

Hon. Sir EDWARD WITTENOOM: I am coming to that if you will allow me.

The PRESIDENT: I ask the hon. member to connect his remarks with the Bill.

Hon. Sir EDWARD WITTENOOM: I shall make some reference to the employment of foreigners. Our workers have been raised to a splendid pedestal by that awful institution the Arbitration Court, and they are not now allowed to depart from it, neither by the court nor by their leaders. The foreigner comes here, and what happens? He agrees that 12s. 6d. a day will suit him very well indeed. Our own people say that 15s. a day is what they ought to have, but the foreigners have been accustomed to receiving 7s. 6d. or 8s., and the 12s. 6d. that is offered is considered by them to be very satisfactory. Thus we can understand why the foreigners are employed instead of our own people. I am a native of Western Australia, and I have every sympathy with our own men. My desire is that they shall get the work that is offering, but if they will not take it then let us employ those who will. The Bill proposes that one foreigner shall be employed to

every ten Britishers. What will happen? There will be no work done at all.

Hon. A. Lovekin: Fair odds, ten to one.

Hon. H. A. Stephenson: A good winning price.

Hon. Sir EDWARD WITTENOOM: The question is most difficult, and the only remedy that I can see is to do away with the Arbitration Court, which is responsible for all the mischief. Then we can let the people settle their differences between themselves. I have been an employer of labour and I have had many quarrels with men, but we have always managed to settle our differences. What does the Arbitration Court do? It keeps on increasing wages until employers cannot afford to pay them. Do not think for a moment that we desire that wages shall come down. That does not matter to me, because wages do not affect me. But it is no use asking for wages that people cannot pay. I do not know whether I would be out of order if I suggested how the Government could handle the unemployed in what I would call a practical manner.

The PRESIDENT: The question of settling the unemployment difficulty is outside the scope of the Bill.

Hon. Sir EDWARD WITTENOOM: I will not discuss it to any extent.

The PRESIDENT: An incidental reference may be made to the unemployment difficulty.

Hon. Sir EDWARD WITTENOOM: If I am given a few minutes, I will convince the House that I am perfectly correct. If the Bill goes through no work at all will be done on the mines. Here is another point. We propose to substitute 44 hours for 48 hours. Does that mean from bank to bank?

Hon. C. B. Williams: It means no alteration from the present system.

Hon. Sir EDWARD WITTENOOM: I am told on good authority that it takes three-quarters of an hour to get to the bottom of a mine.

Hon. J. Cornell: A week, sometimes.

Hon. Sir EDWARD WITTENOOM: I am not weak enough to believe that.

Hon. C. B. Williams: That three-quarters of an hour is in his own time.

Hon. Sir EDWARD WITTENOOM: If we deduct the time it takes to go down the mine and come back again, the hours are reduced to 42 or 41. Then how are you going to pay wages. I am in favour of paying

good wages, but if there are a number of draw-backs, how is it to be done?

Hon. G. Fraser: Pay no directors' fees.

Hon. Sir EDWARD WITTENOOM: We are told by Mr. Bruce that if a man works properly, living conditions will be maintained. My theory is that living conditions are absolutely dependent on wages.

Hon. W. T. Glasheen: Partly, not wholly.

Hon. Sir EDWARD WITTENOOM: Unless production is maintained, we cannot get along. But I have not yet been told whether the 44 hours is from bank to bank.

Hon. C. B. Williams: The 44 hours has been in existence for 11 years.

Hon. Sir EDWARD WITTENOOM: But the Bill has been before us only 11 hours. The question is whether there is to be the loss of 1½ hours in going down the mine and a similar time in coming up. I believe that 44 hours underground is enough. I have nothing more to say, except to thank members for the patience they have displayed in listening to my remarks. I have given the subject a good deal of consideration, and I know from experience gained as an employer that it is not a bit of use paying more wages than an industry can afford. I intend to oppose the Bill.

HON. J. CORNELL (South) [7.58]: If anyone assumed that the Bill in its present form would become law, he would be a super-optimist. There are a few phases I desire to deal with and a few misconceptions I hope to straighten out. I listened with much interest to Mr. Williams in his quotations from the report of the Mines Department. I have read the document and have followed closely the toll of human life that has been taken by the gold mining industry. I am still a close student of that subject. When the toll of human life in the industry is totted up and viewed calmly and dispassionately it will make any humanitarian wonder whether or not the industry is worth while. I do not subscribe to the doctrine that if the conditions of mining are unhealthy the Dagoes should do the work. It is not subscribed to in South Africa, where the conditions under which the natives work are precisely those under which the white man works. Ever since I have taken an interest in the question of safeguarding miners from pulmonary complaints, the all-absorbing question to me has been not so much that of compensation for harm suffered, but re-

moving the cause which has led to the wreckage of human life. Despite all that has been done by the present Government, for which I commend them, in the way of compensating the wreckage of the industry, I maintain that careful and scientific thought and measure have not been devoted as they should have been, to those factors leading up to the creation of this wreckage, namely the atmosphere and conditions under which the men work. We should lay it down as a guiding principle that where any man works, be he black, white or brindle, we should endeavour to make the conditions such that the employment should not impair his health irrespective of the hours worked.

Hon. E. H. H. Hall: Has that endeavour not been made?

Hon. J. CORNELL: We are still making it. It is no argument to say that the hours have been reduced because of the bad atmosphere, or that other people have been imported to work in that atmosphere in place of our own men. We should set about so to improve the atmosphere under which our own men and others can work that their health is not impaired for the future as it has been in the past.

Hon. J. J. Holmes: Could that be done in our mines?

Hon. J. CORNELL: It could be done.

Hon. J. J. Holmes: Then why is it not done?

Hon. W. T. Glasheen: Because it is too costly.

Hon. J. CORNELL: It is costly. This opens up the question whether it is worth while carrying on the gold mining industry. Is any public man justified in being a party to allowing men to work in an industry which impairs their health to the extent as to lead to the figures quoted by Mr. Williams, figures that we know are correct? Such a public man would be culpable.

Hon. J. J. Holmes: You mining men should give us the lead.

Hon. J. CORNELL: Yes.

Hon. J. J. Holmes: Mr. Williams' complaint was that there were in Kalgoorlie rising young men who could not get a job on the mines.

Hon. J. CORNELL: I appeal to the Government and the Minister for Mines, despite all they have done in the way of compensating some of the wreckage, to consider

that the time is overdue when a thorough and scientific investigation by a competent tribunal should be made into this question.

Hon. C. B. Williams: Nearly 10 per cent. of the men now engaged underground on machines work only for 36 hours a week.

Hon. J. CORNELL: That is the angle from which we should tackle the question. I claimed and said when the third schedule of the Workers' Compensation Act was under consideration, and I took my political life in my hands when I said it—I was prompted by advice from the mining representatives and the mine workers' representatives in Johannesburg—that the question of miners' industrial disease should find no place in the Workers' Compensation Act because it was a condition of the industry and not an accident. As will be seen from "Hansard" I pointed out that under the Third Schedule the man who would receive any degree of compensation for miners' complaint practically had to fall down on the job in order to get out of it, and would have to be carried away from it. I want no more justification for that statement which I made four years ago than the illustrations advanced by Mr. Williams on the Address-in-reply. That was the outstanding weakness of our mining legislation so far as underground work is concerned. I desire to view the Bill on its merits. The chief argument against making the 44 hours underground statutory, although it has been in operation for 11 years, is that it is no part of our business to interfere with the court of arbitration. That is the tribunal to fix the hours of labour and conditions of the workers. The Mines Regulation Act provides that work underground or in any mine shall not exceed 48 hours in one week. That Act was passed in 1906. The Industrial Arbitration Act was passed in 1902, and gave statutory powers to the court to fix wages and conditions. The other Act, passed four years later, by statute limited the number of hours of work for men underground to 48 per week. The same provision will be found in the Coal Mines Regulation Act. If members turn to the Shops and Factories Act 1920, which came into operation long after the hours were fixed at 44 per week for workers underground, they will find that Section 31 says that a male worker shall be employed in or about a factory for not more than 48 hours ex meal time in any one week; for more than

8¾ hours ex meal time in any one day; and that Section 32 says that no woman or boy shall work more than 44 hours ex meal time in any one week, no woman shall be employed between 6 p.m. and 8 a.m. in any one day, and no boy between 6 p.m. and 7.15 a.m. in any one 24 hours.

Hon. Sir Edward Wittenoom: Is that in an Act of Parliament?

Hon. J. CORNELL: Yes.

Hon. J. J. Holmes: When was that passed?

Hon. J. CORNELL: In 1920.

Hon. J. J. Holmes: We have amended the Industrial Arbitration Act since then.

Hon. J. CORNELL: We have, but we have not given any more fundamental powers to the court in its jurisdiction to fix the hours of labour and conditions and pay of workers than was given under the Act of 1902.

Hon. J. J. Holmes: Then we have learned not to interfere with the business of the court.

Hon. G. Fraser: In other words you have slipped back.

Hon. J. CORNELL: I do not say that the 44 hours should be made statutory. I am endeavouring to show that there is no consistency in the argument that the hours should not be made statutory so far as the law is concerned because we have an Arbitration Court to do that. Our statutes show that half a dozen times since the Industrial Arbitration Act was passed, giving these fundamental powers to the court, the Legislature has stepped in and fixed hours and regulated them for men, women and boys.

Hon. Sir Edward Wittenoom: You ought to get rid of the Arbitration Court.

Hon. J. CORNELL: Mr. Harris will agree with me that the late Mr. Justice Burnside on several occasions, when asked by both sides to make an award, said he was bound by the statute and could not go beyond it. Although the question has never been put as to the possibility of increasing the hours beyond 48 per week, if the court were asked to do it they would probably shelter behind the Act and say "We cannot increase the hours, but we can decrease them." I do not think it matters whether the 44 hours underground is made statutory or not. For that reason the House could well agree to this provision. The Arbitration Court as now constituted could not by

any process of reasoning increase the hours underground in the Kalgoorlie mines.

Hon. J. J. Holmes: Does this 44 hours week apply only to underground work?

Hon. J. CORNELL: Only to the auriferous mining industry. I could not imagine the court extending the number of hours.

Hon. J. J. Holmes: Then why waste our time over it?

Hon. J. CORNELL: Since the award was given, some of our mines have gone down nearly another 1,000 feet. The hours were awarded only because of the conditions underground being more arduous than they are on the surface. If any employers or the tribunal endeavoured to make underground workers on the Golden Mile work more than 44 hours, they would not succeed in getting it done.

Hon. J. J. Holmes: Then why bother about amending the Act?

Hon. J. CORNELL: What humanitarian would argue that it could be done in the light of all the circumstances?

Hon. C. F. Baxter: Then this amendment is not necessary.

Hon. J. CORNELL: In one way it is not, but in another respect it could not be harmful. We could equally well pass it as reject it.

Hon. C. F. Baxter: If you are so sure of your ground, why amend the Act?

Hon. J. CORNELL: What harm could arise if we did pass it?

Hon. Sir Edward Wittenoom: The men lose half an hour going down and another half coming up.

Hon. J. CORNELL: As Mr. Williams has already pointed out, the bulk of the machine men on the Golden Mile to-day do not work more than 36 hours a week. I will be candid and generous enough to say that the question whether a man is a unionist or not does not enter into the subject with employers on the Golden Mile. There are two unions operating on the fields. The great bulk of the men belong to the A.W.U., while a section of the men belong to the Coolgardie Miners' Union. Neither union suggests that it is necessary for a workman to go to the secretary of the union to join up before he can get work on a mine. It is merely fair to say that that is the position. The point arises as to what takes place after a man has obtained work on a mine. I have always held there should be no mixing of industrialism with politics. The late Mr. J. E.

Dodd and I always adopted that line of reasoning. But we also held that, where the law of the land set out that the fixation of wages and working conditions was to be determined by an industrial tribunal, and that unions had to be established so that they could approach that court, then it was only fair and reasonable that any workman who secured employment under the terms of an industrial award issued by that court, should be prepared to shoulder his just proportion of the expense of obtaining that award.

Hon. J. J. Holmes: Then the man has to join a union after he starts work?

Hon. J. CORNELL: As it is not possible for an individual to approach the court unless he is a member of an industrial union, I claim that if a man who benefits from the work of that union through an award issued by the court is not prepared to pay his fair quota towards the expense, he is not acting fairly towards his fellow workers.

Hon. E. H. H. Hall: But there are awards observed that have not been made by an Arbitration Court!

Hon. J. CORNELL: I have already made it clear that I do not desire to mix politics with industrialism, and I am arguing purely from the industrial standpoint. Coming now to the second half of the Bill, hon members are aware that it deals with the question whether or not we shall fix a quota of foreign or alien workers to the Britishers engaged in the industry. I use the word "alien" for preference because that is the term applied by Americans to Australians and under this legislation it will be the term applied by Australians to Americans. This matter can be dealt with along two lines only. One is whether the language test that has operated since 1906 is adequate and should remain as the test. The other is whether we should work on the basis of the quota suggested. I will not labour the question of working on the basis of a quota of so many aliens to so many Britishers. I appreciate that it would be futile to do so and would be merely beating the air, because of the vote that has already been indicated on this matter. I will support the second reading of the Bill because I have always held that the language test, particularly in connection with underground work in the mines, has not been sufficient and has not been applied so as to secure the greatest measure of effect. Until the passing of the Miner's Phthisis Act, any workman could

apply for and secure work in our mines. That is not the position to-day. Before a man can be employed in a metalliferous mine here, he is required to go to a recognised medical examining officer who must testify that the man is not suffering from tuberculosis.

Hon. Sir Edward Wittenoom: And does the examining officer collect a fee?

Hon. J. CORNELL: Has the hon. member ever known a director or a doctor who would work without a fee?

Hon. C. B. Williams: Not only tuberculosis, but a dozen other complaints, too.

Hon. J. CORNELL: Yes, but why is the certificate necessary regarding tuberculosis in particular? It is because it is a well-known fact that tubercular contagion is more communicable underground than on the surface. It is communicable by means of men expectorating on tools, along walls and elsewhere. It is recognised that it is easier to contract tuberculosis by means of the hand rather than by inhalation. The tubercular germ will live much longer underground in the darkness than in God's light on the surface. That is why tubercular men are excluded from the mines in South Africa. They are not allowed to be employed on mines there if they are found to be suffering from the disease. It is from the same standpoint that the test is applied in connection with our mines. Personally I do not think it is rigorous enough. To-day a miner has to show a clean bill of health because of the menace to workmen underground. If such a test is needed in those circumstances, it is equally reasonable that we should require an individual who desires to work underground to show that he is proficient in the English language. The suggestion I make is that the foreigner shall be required to pass a test in English, just as the miner has to present a clean bill of health. It will present no greater hardship to the foreigner than does the necessity to secure a certificate of health, such as we require under the Miner's Phthisis Act from our own people. I suggest to the House that if hon. members cannot see their way clear to agree to the 44-hour week, or to the quota of aliens to be employed to Britishers in the mines, that at least they should concede the other point and provide for a proper and definite language test being applied to men desirous of securing work underground. That is a reasonable request to make.

Hon. W. T. Glasheen: Are these men not required to pass a language test under the migration laws?

Hon. J. CORNELL: No. Of course the Commonwealth, if they so desire, can exclude any person by asking him to pass a language test, and make sure of it by requiring him to submit to a test that they know he cannot pass. The language test to be applied to foreigners who desire to work underground in our mines need be a simple one only. It should not be made too hard. There is no getting away from the fact that a man who cannot communicate reasonably with Britishers underground is not so much a menace to his fellow workers as he is to himself. The illustration given by Mr. Williams of foreigners having to be pulled out by Britishers, and the latter being liable to get the knocks that the foreigners probably would have received, was no exaggeration by any means. I ask the House to be reasonable and to agree that the foreigner should submit to a language test just as we make our own people submit to the medical examination. I will be frank and say that if we adopt that course, there will be more aliens of the type we desire to exclude affected in that way than would be excluded under the quota provision. If hon. members are desirous of perpetuating the language test, let us pass the Bill and amend it so as to tighten up the present method of applying the test.

On motion by Hon. E. H. H. Hall, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.26]: I move—

That the House at its rising adjourn till Tuesday, the 24th September.

Question put and passed.

House adjourned at 8.27 p.m.