

no law made under this paragraph or regulation under such law shall allow of competition with a State instrumentality in the carriage of passengers or goods except on terms approved of by the State."

I do not intend to speak to that amendment, because the ground has been fully covered during the discussion of the last amendment. But this amendment makes it definite whether we want to take any steps to protect ourselves, although we know that otherwise the inevitable result will be that our State instrumentalities will suffer grievous harm.

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

Ayes .. .. .	16
Noes .. .. .	19
Majority against .. ..	3

## AYES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Hughes  
Mr. Keenan  
Mr. Kelly  
Mr. Mann  
Mr. McDonald  
Mr. McLarty

Mr. Perkins  
Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. Thorn  
Mr. Watts  
Mr. Willmott  
Mr. Doney

(Teller.)

## NOES.

Mr. Berry  
Mr. Collier  
Mr. Coverley  
Mr. Fox  
Mr. Hawke  
Mr. J. Hegney  
Mr. W. Hegney  
Mr. Johnson  
Mr. Leahy  
Mr. Needham

Mr. Nulsen  
Mr. Panton  
Mr. Sleeman  
Mr. Tonkin  
Mr. Triat  
Mr. Willcock  
Mr. Wilson  
Mr. Withers  
Mr. Cross

(Teller.)

## PAIRS.

AYES.  
Mr. Abbott  
Mr. Hill  
Mr. North  
Mr. Patrick  
Mr. J. H. Smith  
Mr. Stubbs  
Mr. Warner

NOES.  
Mr. Holman  
Mr. F. C. L. Smith  
Mr. Rodoreda  
Mr. Wise  
Mr. Raphael  
Mr. Styants  
Mr. Millington

Amendment thus negatived.

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

Ayes .. .. .	19
Noes .. .. .	16
Majority for .. ..	3

## AYES.

Mr. Berry  
Mr. Collier  
Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Hawke  
Mr. J. Hegney  
Mr. W. Hegney  
Mr. Johnson  
Mr. Leahy

Mr. Needham  
Mr. Nulsen  
Mr. Panton  
Mr. Sleeman  
Mr. Tonkin  
Mr. Triat  
Mr. Willcock  
Mr. Withers  
Mr. Wilson

(Teller.)

## NOES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Hughes  
Mr. Keenan  
Mr. Kelly  
Mr. Mann  
Mr. McDonald  
Mr. McLarty

Mr. Perkins  
Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. Thorn  
Mr. Watts  
Mr. Willmott  
Mr. Doney

(Teller.)

## PAIRS.

AYES.  
Mr. Holman  
Mr. F. C. L. Smith  
Mr. Rodoreda  
Mr. Wise  
Mr. Raphael  
Mr. Styants  
Mr. Millington

NOES.  
Mr. Abbott  
Mr. Hill  
Mr. North  
Mr. Patrick  
Mr. J. H. Smith  
Mr. Stubbs  
Mr. Warner

Question thus passed; the paragraph agreed to.

Progress reported.

### BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).

Received from the Council and read a first time.

*House adjourned at 6.59 p.m.*

## Legislative Council.

*Wednesday, 10th March, 1943.*

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

### BILL—COAL MINE WORKERS (PENSIONS).

*In Committee.*

Resumed from the previous day. Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2: Interpretations:

Hon. L. CRAIG: Before I deal with the amendments standing in my name, may I congratulate the President on the success and gallantry of his son, as recorded in this morning's paper? I am sure he must feel gratified that he has such a remarkably efficient son who so far has come through a most dangerous part of the fighting. I would personally like to congratulate him on

the honour conferred upon his son and to say I hope the young man will come through the war safely.

Members: Hear, hear!

Hon. L. CRAIG: In placing my amendments on the notice paper, I have had only one object in view, namely, to confine this pensions scheme to underground workers. I am not an authority on coalmining or mining of any sort. I have not consulted anybody about the Bill, but after reading it as a layman I felt that the people of this country would be definitely against giving a pension to everybody who has any connection with coalmining, which is what this Bill, as it stands, does do. It provides pensions for those who cart coal to the trucks, but not for those who take the trucks somewhere else. I feel that the people of this country, knowing what Australia has done in connection with coalminers generally, would be willing to grant pensions to those who hew the coal but not to all the other people who are indirectly connected with the industry. I am quite satisfied that all the amendments I have prepared are not complete. Other members may have just as important amendments which I have not seen or of which I have not sufficient knowledge to give a considered opinion, but I want the Committee to bear in mind that my only objective is to confine pensions to underground workers who get the coal.

Hon. J. A. Dimmitt: You said during the second reading debate that your objective was to chop the Bill about.

Hon. L. CRAIG: I want to chop it about and put it into shape, just as one chops down a tree and makes quite handsome furniture out of the timber. The Minister took me to task for using the word "rotten." That is a figure of speech. One speaks about a rotten book, or a rotten picture. When members consider the repercussions of this measure, I think they will agree that portions of it are pretty rotten. Perhaps the expressions I used are not as artistic as those of some other members.

The Chief Secretary: Yours may be a rotten opinion!

Hon. L. CRAIG: Yes, perhaps it may be; but I think that even though my opinions are rotten, the majority of members will agree with me. My first amendment is one that explains itself, the purpose being to eliminate from the benefits of the Bill those

who are not working underground. I move an amendment—

That in lines 1 and 2 of paragraph (a) of the definition of "mine worker" the words and parentheses "(whether underground or above ground) in or about" be struck out, and the words "underground in" inserted in lieu.

The Minister claims that many other people who are covered by the Bill have been, or will be, working underground. They are included because they have earned the right to a pension.

The CHIEF SECRETARY: Whatever the Committee decides regarding the amendment will determine whether or not the Bill is to be cut about as suggested by Mr. Craig, who is anxious that the pensions scheme shall apply to men who work underground. Therefore it is important to consider fully the implications of the amendment. We may accept Mr. Craig's explanation of the terms he used during his second reading speech. Knowing him as I do, I did not attach the same importance to his expressions as I might have on other occasions. I was surprised to hear him say that he knows very little about coalmining. I should have thought he would know sufficient about the industry at Collie to indicate to him that the provision of pensions along the lines suggested by him in the amendments he has placed on the notice paper would be quite unacceptable to those engaged in the industry and would inflict a gross injustice upon a number of men, few though they might be. Yesterday afternoon I took the opportunity briefly to explain the position of some of the men who would be deprived of the right to a pension if the amendment were agreed to.

I shall repeat some of the information that has been supplied to me for the information of the Committee. The effect of the amendment, if agreed to, will mean that practically all the men working in the coalmining industry who are not employed underground will be excluded from the pensions scheme. There may be one or two who on account of the time limit will be included but others will be absolutely excluded. It must be remembered that the underground workers are frequently recruited from the young men who commence their association with the industry by being employed on the surface. Employed there also are older men who have been for 20 or more years below ground and are given employment on the surface when their physical

condition is such that they can no longer work underground. This serves to indicate how difficult it is to draw a fine distinction as between underground and surface workers with regard to pension rights. As I previously intimated the Bill has been designed to bring the various sections of the coalmining industry of Australia into line with regard to pensions. The definition of "mine worker" which appears in the Bill is in practically the same terms as the definitions that appear in the three similar Acts that are at present operative in Australia.

Hon. H. S. W. Parker: Can you tell us where those Acts are operative?

The CHIEF SECRETARY: In Queensland, New South Wales and Victoria.

Hon. H. S. W. Parker: Can you tell me the date of the Queensland Act?

The CHIEF SECRETARY: It was passed in 1940 or 1941.

Hon. L. B. Bolton: Has not the New South Wales Act been suspended for the period of the war?

The CHIEF SECRETARY: Not that I know of.

Hon. L. B. Bolton: I understand it has been suspended for the currency of the war.

The CHIEF SECRETARY: The hon. member appreciates that the Government does not propose to proclaim during the war period the provisions in the Bill with regard to the retirement of coalminers when they reach 60 years of age. Mr. Mann has an amendment on the notice paper with the object of putting into statutory form what is the intention of the Government in that regard. The desire is to make the several Acts throughout the Commonwealth reciprocal, and if the amendment were agreed to it would mean that surface workers now employed on coalmines in the Eastern States where they are entitled to a pension, would not enjoy similar pension rights if they came to Western Australia to work on the surface at Collie. That indicates that members must be careful regarding what they do in seeking to amend the Bill. I have emphasised the fact that it is difficult to draw a distinction between surface workers and underground workers in various directions. Yesterday I referred to the position of check-weighers. There are only five men involved and each has spent many years underground. The check-weighers at the Griffin, Stockton and Co-operative mines are all suffering from the effects of accidents and were ap-

pointed to their present positions by their mates because they were not able to undertake any other class of work on the mines.

Hon. L. Craig: Have not those men already earned their right to a pension?

The CHIEF SECRETARY: Yes, if retired at the present time.

Hon. L. Craig: They will not be excluded.

The CHIEF SECRETARY: I differ from that view. If those men are employed for a period of five years in the positions they now occupy as surface workers, they will be excluded from the pension scheme because Mr. Craig by his amendments seeks to make it apply only to underground workers. They will not be mine workers within the meaning of the legislation. Mr. Craig may not have given any thought to that aspect, which is very important. Moreover the check-weighers hold their positions for a quarter and should they recover sufficiently to take their places alongside their mates underground or to do some other work, it is possible that the men would not be re-appointed to their present positions—although that is not very likely at present. At the Cardiff mine the check-weigher has worked underground for 30 years, but he would be disqualified from the right to a pension under the five year provision, if Mr. Craig has his way. The same position arises at the Proprietary mine where the check-weigher is a man who has 20 years of underground service to his credit. The workmen's inspector, who is also specified in the Bill, is appointed under the provisions of the Coal Mines Regulation Act, 1902-40. He is really an underground worker, 90 per cent. of his time being spent underground.

Hon. L. Craig: He was an underground worker?

The CHIEF SECRETARY: He actually is now. He would be excluded from the benefits of the measure when it is proclaimed. Strong exception has been taken to the inclusion of the union secretary. That provision can affect only one individual, as I pointed out yesterday. I am aware that some members place a different interpretation on the provision from the one I advance. The only individual affected in this connection is the general secretary of the miners' union, and I believe he has had something like 30 years' experience underground as a coalminer.

Hon. A. Thomson: Would not he be entitled to a pension?

The CHIEF SECRETARY: Not if the definition is amended as suggested. Then he will be excluded as not being an underground worker. He is subject to election every 12 months; and it is reasonable to expect that the gentleman who holds the position, being who he is and being as capable as he is, will retain it for a considerable time.

Hon. C. B. Williams: He might never require a pension.

The CHIEF SECRETARY: In any event, his contributions have to be paid by the union. I see no just reason for the exclusion of these men from the benefits of the measure, more particularly when I point out that we desire this legislation to be reciprocal in its incidence with corresponding legislation in the Eastern States. One hon. member on the second reading objected to the Bill applying to miners only, although associated with the manual side of labour. He referred to certain individuals not included in the Bill. So far as I am aware, there still exists a fund which provides pensions for the administrative staff of Amalgamated Collieries. Those who have read the various reports on the Collie coal industry, and especially the Herman report, will be aware that there is in that fund a considerable sum of money. The fund was established by the company quite voluntarily to provide pensions for administrative officials. I have been supplied with information that the corresponding Queensland Act was assented to in December, 1941; the New South Wales Act, in 1942; and the Victorian Act, in 1943. I am also advised that pensions are now being paid under those Acts. That answers Mr. Bolton's question as to suspension of the New South Wales Act. If the Bill becomes law, it is not proposed to proclaim the compulsory retirement section until after the war.

Hon. W. J. Mann: I think the New South Wales Act was amended in 1942.

Hon. H. S. W. Parker: Has the Chief Secretary any particulars as to the manner in which the fund for the Amalgamated Collieries Company's clerks is raised?

The CHIEF SECRETARY: It is raised from the company's own funds, similarly to such funds established by many large companies. Mr. Mann may be perfectly correct in suggesting that the New South Wales Act was first passed in 1941, and amended in

1942. My information, however, is that the measure was assented to in 1942.

Hon. H. S. W. PARKER: As regards persons employed, in paragraph (a) of Sub-clause (1) the word "employed" is used, and in paragraph (b) the word used is "engaged." Why are distinct words used in the same subclause unless they have different meanings? However, I can raise that point later.

Hon. W. J. MANN: In considering the amendment we should take care that we do not penalise certain men who work most of their time underground and only a small proportion on the surface. An engineer employed on a mine works a fair amount of his time underground, and the balance in his office. An electrician, again, spends a great deal of his time underground, and the rest of his time aboveground making preparations for the work he has to do below the surface. Then there are men who have charge of timbering below ground. They come above ground to prepare the timber. All these men in my opinion are entitled to consideration. My contention is that there should be another clause defining the position of men who work part of the time underground. The New South Wales Act is quite interesting in this respect. The parent Act of that State, I notice, was assented to on the 8th October, 1941, and the amending Act on the 19th June, 1942. The latter makes the parent Act apply to the manager and the under-manager. Engineers and electricians were expressly excluded from the parent Act; but the 1942 Act restored them to the parent measure, thus showing that they have a right to be classed as mine workers. I think the amendment will penalise certain persons who have a perfect right to be classed as part-time miners.

Hon. L. CRAIG: I have no intention of doing an injustice to any man who has worked underground and thus earned his right to a pension. The reply of the Chief Secretary was not convincing. He said that most of the workers had been underground workers and as such had earned the right to a pension. Because New South Wales has done something is not to say that we should do it. The conditions in Western Australia are different from those in New South Wales. We must not be guided altogether by what another State does. I am sure that the electors of Western Australia are not in accord with the idea that everyone con-

nected with the coalmining industry should be granted a pension. Had it not been for my amendments that appear on the notice paper I believe this Bill would have been lost, and that the coalminers would not have been put in the way of receiving pensions. The miners owe me a debt of gratitude for saving the Bill.

Hon. J. G. HISLOP: I support the amendment, because I feel we should limit the payment of pensions to those men who work underground. Many of the difficulties foreseen by the Chief Secretary could, I think, be rectified by considered attention being given to Clause 6. When we come to that clause we can amend it to cover any disabilities that may arise. There will be men who have worked for long periods underground and then accepted positions on the surface. I do not want to see any man penalised because he has accepted a job on the surface after he has been working underground for, say, 20 years.

The CHIEF SECRETARY: I am sorry my explanation has not altered the opinion expressed by either Mr. Craig or Dr. Hislop. Both members are under a misapprehension. In no other industry is the community engaged in it so self-contained as is the case with those connected with the coalmining industry. Members have suggested distinguishing between men who are working underground and others who may be engaged wholly on the surface—but that would not work. All these people are engaged in the one industry, and all are essential to the mining of coal. Dr. Hislop thinks we should wait until we reach Clause 6. I suggest we should do nothing with the clause now under consideration, so that it would not then be necessary to rectify anything at a later stage. The proportion of surface workers to underground workers is something like 180 to 900. Numbers of young men are working on the surface, but will eventually find their way underground, so that very few will be left of those who are not working underground. In both New South Wales and Queensland the definition of "mine worker" has been extended rather than restricted. We would be making a grave mistake if we interfered with the definition contained in the Bill. Mr. Parker asked what difference there was between "employed" and "engaged." As those words are used in the Bill there is no difference between them. I have made the position

clear and I shall be sorry if the amendment is agreed to.

Hon. T. MOORE: It has been said that many young men are gravitating underground after they have been employed for some time on the surface. That being so, it would be a good idea to bring all those young men into the pensions scheme as soon as possible. That could be achieved by passing the clause as printed. When this Bill becomes law those men who are at present working on the surface should at once commence making their contributions to the scheme.

Hon. C. F. BAXTER: The example of New South Wales and Queensland with respect to legislation of this kind has been advanced as an argument why this clause should be passed. If members are allowing themselves to be guided by what has been done in those States in industrial matters, I can only say they have not gone very carefully into that phase. Mr. Moore suggested that the younger men should immediately begin contributing to the pensions scheme, although still engaged on the surface. Why bring in men who are not running the risk that is being run by the underground workers? Members who have supported the Bill so far desire to give relief to underground workers on reaching the age of retirement, not to men who have been working only on the surface. I point out that as a result of this pensions scheme the price of Collie coal will go up, and the railway charges will have to be increased to meet that. The charge for coal to private consumers will also go up. Eventually increases all round will take place. Are we to continue loading industry in this State? We already have to meet excessive costs and privileges under our Industrial Arbitration Act.

Hon. C. B. Williams: I submit that the hon. member is not speaking to the amendment before the Chair. He is making a second reading speech!

Hon. C. F. BAXTER: How many industries will we have carrying on after the war? What will they produce? The reason we have not more industries is not because Western Australia is so far from the Eastern States but because Mr. Curtin—

#### *Point of Order.*

Hon. C. B. Williams: On a point of order, Mr. Baxter is not addressing himself to the

question before the Chair. What has Mr. Curtin to do with it?

The Chairman: Will you, Mr. Baxter, please confine your remarks to the proposed amendment?

*Committee Resumed.*

Hon. C. F. BAXTER: We will certainly load industry if this amendment is not agreed to.

Hon. E. M. HEENAN: This legislation appears to me to be very wise and generous. It may be described as experimental. I have been under the impression that its general principle is to give pensions to men employed in the coalmining industry. Are we going to split straws and say that certain of the men in that industry are not to receive these benefits—and a very small proportion of the men, too? I take it that later similar legislation will be introduced to deal with other large bodies of workers. That is the present-day trend, and most of us hope that the principle embodied in this measure will be extended. It will only make for trouble and be unwise for us to differentiate between the surface and underground workers. It would also be unfair to the men in the industry. Let us look at this in a liberal way and embrace everyone employed in the industry.

Hon. C. B. WILLIAMS: I oppose the amendment. It seems that certain members are determined to defeat the Bill. It is impossible to carry out any scheme of insurance unless all the employees in the industry are included. When this Parliament passed a somewhat similar Act dealing with goldminers, it included the surface workers. If members know anything at all about the working of the Mine Workers' Relief Fund, they will know that the surface workers represent about 2 per cent. of those in the goldmining industry, and that they would probably never come under the relief fund, as they have to undergo the laboratory test before entering the industry. Nevertheless, these men have to pay their 9d. per week the same as the underground men. It is unlikely that they will benefit to the extent of even a penny-piece. It is the same with the coalminers. A surface man would not desire to be retired at 60 years of age. His work is not so strenuous as that of the underground worker. I see no reason why the surface workers should not be included. The whole argument in support of the

amendment is that the companies will have to pay so much extra for the surface men, but we should have the fund.

The CHIEF SECRETARY: I wish to refer to Mr. Baxter's remarks. It is as well perhaps that we should have his viewpoint on the principle involved in this Bill. He is opposed altogether to pensions for coalminers.

Hon. C. F. Baxter: I said that in my second reading speech.

The CHIEF SECRETARY: I do not find fault with the hon. member for holding that view, but because of the argument he used to substantiate it. It will make no difference to the mining companies whether the surface workers are included or not. The Bill provides that there shall be a contribution of a certain amount per ton on coal produced as a contribution to the pensions fund. Therefore, it does not matter very much to the mining companies whether the surface workers are included or not. It might make a difference to the amount estimated as necessary to meet the liabilities of the fund, but it would not alter the fact that the companies must contribute in accordance with the quantity of coal produced. It would make no difference, either, to the proportions of the other contributors. There is nothing in the argument, therefore, that they would be affected in that way. We would be making a very serious mistake if we endeavoured to split the ranks of the workers by differentiating between the underground and surface workers. Sufficient has been said, not only by myself but by other members—even those opposed to this Bill—to indicate clearly that the general consensus of opinion throughout the Commonwealth is that those engaged in the coalmining industry should be provided with pensions legislation of this kind. As I have already said, some of the clauses of this measure, and this one in particular, are practically word for word with sections in the existing Acts in the other States.

Amendment put and a division taken.

The CHAIRMAN: Before the tellers are appointed, I give my vote with the ayes.

Division resulted as follows:—

Ayes	..	..	..	14
Noes	..	..	..	12
				—
Majority for	..	..	..	2
				—

## AYES.

Hon. C. F. Baxter  
Hon. L. B. Bolton  
Hon. Sir Hal Colebatch  
Hon. L. Craig  
Hon. J. A. Dinmity  
Hon. F. E. Gibson  
Hon. V. Hamersley

Hon. J. G. Hislop  
Hon. H. S. W. Parker  
Hon. H. L. Roche  
Hon. H. Seddon  
Hon. F. R. Welsh  
Hon. G. B. Wood  
Hon. G. W. Miles  
(Teller.)

## NOES.

Hon. C. R. Cornish  
Hon. J. M. Drew  
Hon. E. H. Gray  
Hon. E. H. Hall  
Hon. E. M. Heenan  
Hon. W. H. Kitson

Hon. W. J. Mann  
Hon. T. Moore  
Hon. A. Thomson  
Hon. H. Tuckey  
Hon. C. B. Williams  
Hon. W. R. Hall  
(Teller.)

Amendment thus passed.

Hon. H. S. W. PARKER: I move an amendment—

That paragraph (b) of the definition of "mine worker" be struck out.

This qualification includes a person who was at any time after the 31st December, 1937, engaged as a coalminer in this State. The object of the paragraph is to make the measure retrospective to 1937, and I can see no reason for so doing. It is most unusual for a pensions measure to be made retrospective. Subscriptions cannot start until the Act has been proclaimed or assented to, and that should be the starting point for the pensions.

The CHIEF SECRETARY: There must be a qualification period, and if Mr. Parker had his way, a miner retired at 60 years of age would not be entitled to a pension until five years had elapsed from the time of the proclamation of the Act. I am astounded that the hon. member should make such a suggestion. Every provision of the Bill has been carefully considered with a view to providing an equitable measure for the coalminers. Queensland and New South Wales, in their legislation, went back to 1928, whereas we have fixed a period of approximately five years. Many miners who will be 60 before the war ends and others who have turned 60 will be affected. The hon. member should have studied the implication of his proposal before submitting it to the Committee.

Hon. H. S. W. Parker: What is the implication?

The CHIEF SECRETARY: If the paragraph is deleted, there will be no pensions for miners who at present are 60 years of age.

Hon. H. S. W. PARKER: Is it intended to grant pensions of £3 a week or so to miners who are now 60 years of age?

The Chief Secretary: Yes.

Hon. H. S. W. PARKER: I did not think we were committing ourselves to such a wide proposal. Clause 6 refers to a worker employed at the commencement of this part of the Act or at the date upon which he attains the age of 60 years. I thought the object was to provide pensions for miners who at some future time reach the age of 60.

Hon. C. B. Williams: Would you exclude the others?

Hon. H. S. W. PARKER: They would be in the same position as men who have already retired from the industry and for whom no pensions were provided. After the Minister's explanation, I feel more convinced than ever that the paragraph should be struck out.

Hon. C. B. WILLIAMS: If a miner is 58 years of age and the war continues for another two years, he will not be catered for under the amendment. If he is 61 and on the termination of the war is 63, he will not be catered for. There must be a starting point. The provision, according to my reading, means that a man who was working in the mines in 1937, if 60 or over when the measure is proclaimed, will be eligible for a pension. What would the hon. member substitute for this paragraph? Seemingly he wishes to provide that if the measure is proclaimed in 1946 and a miner is then 66 years of age, he will not be entitled to a pension. Surely Mr. Parker does not propose that the measure should cover only those who enter the industry in the future! The object of the Bill is to make provision for the old men, so that they may leave the mines and not stand in the way of younger men who would be able to break more coal.

Hon. C. F. BAXTER: I agree that there must be a starting point, but it must be on a sound basis. The paragraph, however, would introduce the vicious principle of retrospective legislation which has been so strongly opposed in this Chamber, and it is to be applied to a pensions scheme, the financial limits of which cannot yet be determined. I would agree to the pensions dating from the time the measure is assented to. Retrospective legislation is rotten legislation and reflects discredit upon those who support it. The Superannuation and Family Benefits Act applying to public servants was not made retrospective. Why should the coalminers have their pensions made retrospective for 5½ years?

The Chief Secretary: That is the qualification.

Hon. C. F. BAXTER: Yes, the qualification for the pension. The date of assent or proclamation should be the starting point.

The CHIEF SECRETARY: I am astounded that such a viewpoint should be expressed by any member. If the amendment were agreed to and the war ended tomorrow, all the coalminers of 60 years and over would not be entitled to a pension.

Hon. H. S. W. Parker: Assume there is no war.

The CHIEF SECRETARY: We cannot do that; it is an actual fact. The measure will not be put into operation until the end of the war. If the war ended today every miner who could qualify would be entitled to a pension, but under the amendment miners over 60 would have to be compulsorily retired and would have no pension rights. Yet some of those men may have served in the mines for 30 or 40 years. Mr. Parker, who is a member of the legal profession, has some knowledge of the drafting of the Bills, and I hope he will not subscribe to the view expressed by Mr. Baxter that any clause having a retrospective effect is vicious.

Hon. H. S. W. Parker: I do.

The CHIEF SECRETARY: Is it vicious that we should make provision for a mineworker compulsorily retired at the age of 60 years? We might just as well drop the measure if we agree to an amendment of this kind. I trust the sentiments expressed today will not receive sufficient support to secure the agreement of the Committee.

Hon. H. S. W. PARKER: There appears to be a misunderstanding. The Bill provides that any person who retires from the coalmining industry after the 31st December, 1937, and before this Act is proclaimed or assented to, shall be entitled to a pension, provided of course that he complies with the other conditions. In my opinion, that is wrong. A man who retires from an industry before a pensions scheme is inaugurated is not entitled to a pension. It is perhaps bad luck for him, because had he remained in the industry a little longer he might have obtained his pension. No man will be retired compulsorily from the industry until the Bill comes into force, unless there is some unwritten law requiring a man of 60 years to retire. I point out that we have already amended paragraph (a),

which now provides for underground workers only. This provision leaves it open to any person who has been engaged in the coalmining industry of this State to secure a pension, and that is a very wide provision.

Hon. H. SEDDON: If paragraph (b) were amended to conform to paragraph (a), that would be a better way of carrying out what is obviously the intention of the Committee. I favour the idea of giving a man who was engaged in the industry in 1937 and has been retired the benefit of a pension, because I consider that he, having been perhaps engaged in the industry for a very long period, would be entitled to it. I support the retention of the paragraph.

The CHIEF SECRETARY: On that particular point, there is no need to include the word "underground."

Hon. H. Seddon: Are you satisfied that those men would come under the scheme?

The CHIEF SECRETARY: Yes. By paragraph (a) a mineworker is defined as a person working underground. With regard to the point raised by Mr. Parker, I point out that the object of this measure is really to bring our coalmining industry into line with the coalmining industry in the Eastern States, as far as this class of legislation is concerned. We have not gone quite as far as have the other States, because we go back only five years, whereas they go back 12 or 14 years.

Hon. H. S. W. Parker: The other States go back to 1928.

The CHIEF SECRETARY: I see no reason at all for this quibble. Why should we exclude miners from the benefits of this scheme simply because they have attained the age of 60 years and retired after 1937? If for some cause or other they have been forced out of the industry, I see no reason why we should exclude them from the limited benefits provided by this measure. I consider the Committee has already done sufficient damage to the Bill; if it cares to do some more, then, as usual, the Legislative Council will have to bear the blame.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	16
					—
Majority against	..	..	..	..	6
					—



AYES.	
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. F. R. Welsh
Hon. J. A. Dimmitt	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. E. H. H. Hall
	(Teller.)
NOES.	
Hon. C. R. Cornish	Hon. W. J. Mann
Hon. L. Craig	Hon. T. Moore
Hon. J. M. Drew	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. Seddon
Hon. F. E. Gibson	Hon. A. Thomson
Hon. E. H. Gray	Hon. H. Tuckey
Hon. W. R. Hall	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. E. M. Heenan
	(Teller.)

Amendment thus negatived.

Hon. L. CRAIG: I move an amendment—

That in line 7 of paragraph (c) of the definition of "mine worker" the words "or about" be struck out.

This is a consequential amendment.

The CHIEF SECRETARY: I agree, and am not opposing it.

Amendment put and passed.

The CHAIRMAN: The next amendment is to delete paragraphs (d), (e), (f) and (g) of Subclause (1). I propose that these paragraphs be dealt with one by one.

Hon. L. CRAIG: I move an amendment—  
That paragraph (d) of the definition of "mine worker" be struck out.

This and the next three amendments are more or less consequential. We have defined a mine worker as a man who works underground or who has worked underground. These four paragraphs bring in certain other people. To make quite sure of the position, I want these paragraphs eliminated. As the Chief Secretary has said, most of them will be entitled to a pension through having worked underground.

The Chief Secretary: I have not admitted that.

Hon. L. CRAIG: I understood the Chief Secretary to say that. I thought he said that most of those now working on the surface were previously underground workers. Is that so?

The Chief Secretary: Yes.

Hon. L. CRAIG: That is all I have to say. The point is that most of them have worked underground. The Chief Secretary did say that if this measure was proclaimed at a certain time, certain men would be excluded. That might be so but by and large most of these people have been miners and have worked for the required period. I wish to exclude those people who are nothing but transport drivers, who drive lorries with coal from the mines to the trucking yards.

I do not think they can be regarded as miners unless they had previously earned that right.

The CHIEF SECRETARY: I cannot subscribe to the view that paragraph (d) and the subsequent paragraphs are consequential.

Hon. L. Craig: More or less consequential, I said.

The CHIEF SECRETARY: I cannot agree that they are more or less consequential. Certainly the Committee has amended the definition to limit mine workers to underground workers, but here we are providing that people who are engaged in a particular section of the coal industry shall also be regarded as mine workers within the meaning of the Bill. I want to remind members that the object of the Bill is to provide for pensions for men in the coalmining industry and the men who are involved in these particular classes are absolutely essential to the proper conduct of that industry. These paragraphs were inserted specifically because they are also included in corresponding legislation elsewhere. I know some members will say, "The same excuse again. There is no reason why because somebody else has done something we should do the same thing." But I want to stress the absolute importance of this Parliament doing as much for the coalminers of Collic as other Governments have done for the coalminers in their respective States.

I do not want any member at a later date to use the excuse that he did not think the matter was as important as it is. In these particular paragraphs we are making provision for certain individuals and I have explained to the best of my ability the type of individual we cover. What I have said regarding check weighers does not apply to the transport workers. They are a small section of workers who are just as essential as the others and I hope the Committee, notwithstanding its previous decision regarding underground workers, will agree that these workers, whether employed underground or not, should come within the provisions of the Bill. I am supposed to discuss only paragraph (d). I do not know how many men are involved, but there cannot be very many.

Hon. L. CRAIG: No doubt the Committee must give the Chief Secretary credit for being most astute. If we agree to all these paragraphs we shall almost destroy the new

definition we have decided upon for the words "mine worker." We defined a mine worker as a man working underground or who has worked underground. This paragraph brings in other people. The Committee has already declared itself in opposition to the granting of pensions to people who do not work or have not worked underground and there are four classes of such people set out in the last four paragraphs. I hope the Committee will stick to its original decision as to the definition of a "mine worker" and will eliminate these four classes starting with the one set out in paragraph (d).

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

Ayes	..	..	..	16
Noes	..	..	..	10
Majority for	..	..		6

## AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. C. R. Cornish	Hon. H. Seddon
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. E. H. Hall

(Teller.)

## NOES.

Hon. J. M. Drew	Hon. W. J. Mann
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. H. Tuckey
Hon. W. R. Hall	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. E. M. Heenan

(Teller.)

Amendment thus passed.

Hon. L. CRAIG: I am sure that having deleted paragraph (d) the Committee will agree to delete paragraphs (e), (f) and (g) and I suggest they be taken together.

The Chief Secretary: I would rather they be taken separately.

Hon. L. CRAIG: Then I move an amendment—

That paragraph (e) of the definition of "mine worker" be struck out.

I think the Chief Secretary said the men who are employed as check weighers have all been miners. Under ordinary circumstances they are still entitled to a pension. Unless it can be demonstrated that they are or have been underground miners, they should be eliminated.

The CHIEF SECRETARY: I understand there are five men who fill the position of check weigher or miners' check inspector. I have already explained on more than one occasion the reason why more often than not they are appointed to these positions. The men who are occupying the positions at pre-

sent have many years of underground work behind them.

Hon. A. Thomson: Would they not be covered?

The CHIEF SECRETARY: No. That does not qualify them unless this paragraph is specifically agreed to. I want the Committee to be absolutely sure of that. If members are going to say that men who have spent up to 30 or more years in underground work but are now employed in a different capacity—in each case at the present time, the man is employed in that capacity either through accident or sickness, or some physical disability—and who are only appointed to those positions for a limited period and if they were not so appointed, would have to seek employment elsewhere, should not receive a pension—well, this Committee has done quite a number of things that cannot be justified. I say very definitely that this is one of the few proposals that members could not reasonably attempt to justify. I defy any member to attempt to convince the Colliery miners that a check weigher is not entitled to consideration as an underground worker.

Hon. L. Craig: Why are these men not covered now?

The CHIEF SECRETARY: Because they would not be underground workers within the meaning of the definition now contained in the Bill.

Hon. L. Craig: Why?

The CHIEF SECRETARY: Because they are check weighers and are employed on the surface.

Hon. L. Craig: If they have served their time underground, they have qualified.

The CHIEF SECRETARY: By his earlier amendment the hon. member has deprived them of their right to qualify for a pension.

Hon. L. Craig: I am not at all convinced.

The CHIEF SECRETARY: I can only warn members who feel that I am not correct in my statements that they are making a big mistake. The five men involved are essential to the carrying-on of the industry. Without check-weighters, there would be no contract work; without contracts, there would be no coalmining.

Hon. H. S. W. PARKER: I opposed the second reading of the Bill, and objected to this particular provision in it, but from a standpoint different from that indicated by

Mr. Craig. I am prepared to justify my attitude.

Hon. G. Fraser: To attempt to justify it.

Hon. H. S. W. PARKER: I agree with the Chief Secretary that these men will not now be qualified for a pension because they are not doing the ordinary work of coalminers underground.

Hon. W. J. Mann: Yes, they will have lost that qualification.

Hon. H. S. W. PARKER: That is so. I oppose this provision on the basis that, in connection with all pensions schemes, if an individual cares to retire from the particular avocation that entitles him to a pension if he continues in that work, then he loses his right to a pension. Many people suffer from that disability. If a man voluntarily ceases to enjoy his qualification, he should not be dragged back under any scheme.

Hon. W. J. MANN: The question of check weighers retiring is hardly the point at issue. The coalminers have to safeguard their interests as contractors, just as the mineowners are required to do. Both have check weighers. As I understand it, the miners select one of their number and say to him, "You go and be our check weigher." If the paragraph is deleted from the Bill, and a check weigher has been employed in that capacity for any appreciable period, he will forfeit his right to a pension.

Hon. L. Craig: For how long would a man be a check weigher? Would he be there for 20 years, or for how long?

Hon. W. J. MANN: He might be there for an appreciable period.

Hon. H. S. W. PARKER: Will the Chief Secretary inform me whether the check weighers would not be covered by the reference in the definition of "mine worker" to persons who at any time after the 31st day of December, 1937, were engaged as mine workers in the coal industry?

Hon. E. M. Heenan: No.

Hon. H. S. W. PARKER: Why not?

Hon. E. M. Heenan: Because "mine worker" is specifically defined.

The CHIEF SECRETARY: The Committee has already defined a mine worker as one who works underground, not as one who "has" worked underground. It is useless arguing. Members have amended the Bill so that mine workers are only those who work underground.

Hon. H. S. W. Parker: That was not the intention.

The CHIEF SECRETARY: But that is what the Committee has done. There can be no argument on that point, and that was in accordance with Mr. Craig's intentions. The Committee has supported Mr. Craig. Members cannot blow hot and cold every two minutes. Five men are involved in this matter and under the amendments agreed to they are now disqualified because of the circumstances in which they are employed, to which Mr. Mann has referred. Some of the men may have held their positions for years.

Hon. L. Craig: That would be rare.

The CHIEF SECRETARY: On the other hand, it is possible that they may be employed in their present positions for a short period. The men are appointed by the contract miners. However, I do not feel disposed to argue the matter any further.

Hon. L. CRAIG: I would be the last man to do an injustice to anyone who is a genuine miner. I am not at fault with every detail of coalmining, nor do I think is any other member of this Committee. I desire that those who have worked and earned the right to a pension shall receive it. No others should be entitled to that privilege. I understood a check weigher to be a man who was placed in that position for a month or two because he had suffered some injury and was not quite capable of doing underground work. If that is the position, the amendment would not exclude him from enjoying pension rights. If a man has worked underground since the 31st December, 1937, he would not be excluded. The Chief Secretary suggests that my amendment will exclude men who have been miners for 30 years, but I am not sure about that; if I were, I would ask the Committee to vote against my amendment.

Hon. F. E. GIBSON: Are there two types of check weighers, one for the companies and another for the contract miners?

The CHIEF SECRETARY: The men concerned are appointed by the miners themselves and are paid by them to check the weight of coal in the skips.

Hon. L. Craig: What about the check weighers appointed by the companies? They might not be miners at all.

The CHIEF SECRETARY: I am informed that those men are not described as check weighers.

Hon. F. E. Gibson: Are they doing the same type of work?

The CHIEF SECRETARY: Yes, both the company's men and the miners' representatives check the weight of the coal in the skips that are hauled out of the mine.

Hon. L. Craig: You exclude one type and include the other?

The CHIEF SECRETARY: If Mr. Craig is satisfied that these men would be covered by the definition included in the Bill, why object to the paragraph?

Hon. L. Craig: You exclude the company's representative. The men do not have to appoint miners to do the check weighing.

The CHIEF SECRETARY: It would be strange if the miners appointed anyone else.

Amendment put and negatived.

Hon. L. CRAIG: I move an amendment—

That paragraph (f) of the definition of "mine worker" be struck out.

The paragraph refers to the inclusion of a workmen's inspector under the pensions scheme.

The CHIEF SECRETARY: This refers to one man only.

Hon. L. Craig: That is no reason for his inclusion.

The CHIEF SECRETARY: The inspector is not appointed by the men but by the Government, and he spends the greater part of his time underground.

Hon. L. Craig: He does not do any work underground.

The CHIEF SECRETARY: He does not come within the category of an underground worker.

Hon. F. E. Gibson: But he would do his work underground.

The CHIEF SECRETARY: I wish I could be as sure on the point as Mr. Gibson is. We provide that a mine worker is a man who works underground but the workmen's inspector who is appointed under the provisions of the Coal Mines Regulation Act is not engaged in hewing coal.

Hon. E. M. Heenan: Nor is he employed by the mineowner.

The CHIEF SECRETARY: No, he is employed by the Government.

Hon. L. Craig: And should the company contribute towards a pension for that man?

The CHIEF SECRETARY: It would be rather serious if the company had to contribute towards one pension, would it not?

Hon. L. Craig: That is not the point.

The CHIEF SECRETARY: I think it is. This inspector is essential for the safe working of the mine.

Hon. C. F. Baxter: And that is the point.

The CHIEF SECRETARY: In order that he may carry out his duties, it is necessary for him to spend a great part of his time underground.

Hon. H. S. W. PARKER: Assuming the inspector retired at the age of 40 after being in his position for five or 10 years, would he be entitled to a pension?

The Chief Secretary: There is a provision in the Bill for the return of contributions if a man retires before he becomes entitled to a pension at 60 years of age.

Hon. L. CRAIG: I hope the clause will be deleted. The official in question goes down a mine, but he does not hew coal, and his health is not affected. Moreover, he need have worked only 300 days during the preceding five years in order to qualify. Again, the man is a Government official, and may be transferred to another position, and a successor appointed. All the arguments have been in favour of the men who work with pick and shovel underground, to the detriment of their health. This man does not come within the category at all; he has not a difficult job, and I do not regard him as an underground worker.

Hon. E. M. HEENAN: Mr. Craig, I think, has made an error. We must bear in mind, where the term "mine worker" is used, that an underground man—

Hon. L. Craig: This paragraph will bring him into the category of "mine worker."

Hon. E. M. HEENAN: No. Clause 6 does that. Unless we include him under paragraph (f), he will be excluded.

Hon. L. Craig: If we leave the man included in this paragraph he will come under Clause 6.

Hon. W. J. MANN: I do not agree that the workmen's inspector has a light job and is less likely to become injuriously affected than other men who work underground. At any time when there is a suggestion of foul air or of a break in the overburden, the workmen's inspector has to go into the place and remain there and do some work. He may spend some considerable time in a bad part of the mine. His job is onerous, most responsible, and one involving much danger. The workmen's inspector should be included.

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

Ayes .. .. .	8
Noes .. .. .	16

Majority against .. ..	8
------------------------	---

AYES.	
Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. G. B. Wood
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
	(Teller.)
NOES.	
Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. W. J. Mann
Hon. G. Fraser	Hon. T. Moore
Hon. F. E. Gibson	Hon. H. Seddon
Hon. E. H. Gray	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. C. B. Williams
Hon. E. M. Heenan	Hon. C. R. Cornish
	(Teller.)

Amendment thus negatived.

Hon. W. J. MANN: I move an amendment—

That in lines 7 to 11 of paragraph (g) of the definition of "mine worker" the words "of which union or organisation the membership is principally confined to persons falling within any one or more of the classes referred to in paragraphs (a) to (f) of this definition" be struck out.

If the amendment is agreed to I shall move to insert in lieu of the words struck out the following words: "who has actually worked in or about a coal mine in Western Australia for periods aggregating in all not less than five years." The restriction in the definition of "mine worker" making it apply only to workers below ground rather affects my amendment, inasmuch as it possibly disqualifies certain persons who might otherwise be eligible under the clause. In Victoria the position is that not more than two elected officials can be appointed representatives, and they are appointed by different bodies. I am not greatly in love with the provision; but I consider that in the case where the secretary of, say, the miners' union is an ex-miner, and may have become disqualified by reason of having been absent from underground work for a period of five years, he might justly be included under the clause. The carrying of the amendment will render it certain that the elected official will be a miner. One elected representative should be sufficient.

Hon. G. Fraser: What do you mean by "five years"? Calendar years?

Hon. W. J. MANN: Five years from 1937.

The CHIEF SECRETARY: Naturally I would prefer the paragraph as it stands.

It is not likely that the coalminers would elect as their general secretary a person not a member of their organisation. Indeed, I believe the union's constitution provides that he must be. Thus there is little danger in the suggestion thrown out by Mr. Mann. Speaking from memory, I would say that those who have occupied the position of general secretary of the coalminers' union have held it for many years. Two predecessors of the present occupant of the position were in office for many years, remaining there until they died, and they had had considerable experience of coalmining. In normal circumstances coalminers would feel that nobody could do their work for them as efficiently as one of their own men who has been through the mill. If they are prepared to appoint one of their own men who has not had five years' experience to be their general secretary, we should not worry about that at all. He would probably be a young man who perhaps had not had the opportunity to gain a longer experience in the industry but was considered to be the most efficient man available at the time. I have already told the Committee that this position is occupied for 12 months, after which the occupant has to seek re-election. In other words, there is an annual election for the position of secretary, and he is about the only person to whom this can apply.

Hon. W. J. Mann: The Bill does not say that.

The CHIEF SECRETARY: No, but that is the position. I do not know that we should say to the coalminers' union that certain persons would be eligible and others would not be. The union is entitled to expect us to say that we do not care who the man is so long as he is elected to fill that position. Consequently I am opposed to the amendment, although I would prefer it to the excision of the paragraph.

Hon. H. S. W. PARKER: Are the workers in the coalmines connected with any other union besides the miners' union? I take it there is the engineers' union and possibly the transport drivers' union.

The CHIEF SECRETARY: Under this Bill there is only one organisation that can qualify. There is only one in this State whose membership comprises principally those employed in the coalmining industry. Mention has been made of the engineers' union, but it is not a separate mining organisation; it covers industries

throughout the State. At one stage it was suggested that even the shop assistants would be included. That statement was made because the person speaking at the time had not studied the Bill. I am advised that it is not possible for any other organisation but the coalminers' union to be affected.

Hon. H. S. W. PARKER: In view of that statement, I would suggest that the paragraph be postponed because it seems absurd to use all these words when only the miners' union is involved. Why not make it perfectly clear and avoid all arguments? An "organisation" can be anything. It might be a small committee which would deal principally with miners, and its chairman or secretary would come under this scheme. It could be any organisation which could come under the Arbitration Act. It is possible to have rival organisations. One may function under the Commonwealth Act and one under the State Act, in which case we would have two of them. Again, do I understand that the miners' union automatically discharges its secretary at the age of 60? If he is allowed to work after that age he should not come under this measure. If not, when would the secretary or official of the union be entitled to draw his pension? Would he have to wait until he is 60, or when he ceases to be secretary? Obviously if he ceased work because of misbehaviour, he would not receive it.

The CHIEF SECRETARY: The Bill specifically states that no person can draw a pension until he is 60 years of age and has been retired. As to whether he shall retire at 60 years of age, we can at the present time, at any rate, leave that to the Collie Miners' Union. In this Bill we provide that an elected official of the union shall be entitled to a pension under the provisions of the measure because he is not an underground or mineworker while he is acting as secretary of the union. Specific provision has to be made for him. I feel that possibly the paragraph could be altered. But again I point out that right through the Bill certain clauses have been included which are practically word for word with the legislation in the other States. The idea has been to get as close as possible to that legislation. Different conditions may prevail in the other States, and there may be other organisations. There may be two miners' unions, for all I know. One may cater for miners and another for other

classes of workers solely engaged in the coalmines. That would account for the particular verbiage here. It cannot do any harm as it stands. I have no objection to altering it if the Committee so desires so as to make it apply only to the secretary of the Collie Miners' Union.

Hon. H. S. W. Parker: It might include the president and secretary.

The CHIEF SECRETARY: I do not see how that is possible at the one time.

Hon. Sir HAL COLEBATCH: I would like to ask Mr. Mann his reason for deleting these words. I take it that he proposes to make an additional qualification, namely, that in addition to being secretary of the union he shall have worked five years underground. If the words are deleted the man might be a member of any sort of union not connected with the mining industry at all. The hon. member surely does not suggest that because a man worked five years underground and was then appointed to some union that has nothing to do with the mining industry, he should be entitled to a pension at 60 years of age.

Hon. W. J. MANN: This amendment was framed prior to the vote being taken which disqualified all other persons, apart from those working underground.

The CHIEF SECRETARY: I think Sir Hal is quite correct in his contention. It is perhaps essential that we should retain some of the words that Mr. Mann desires to strike out. In order to achieve his object Mr. Mann should add suitable words to the end of the paragraph, and we would still be restricting its application to a person who is an elected official of an organisation comprised mainly of persons employed in the industry.

Hon. W. J. Mann: And not disqualified by the previous amendment?

The CHIEF SECRETARY: That is so. It might be necessary to alter these words, or add the word "and." I do not agree with the amendment, but I would prefer it to deleting the paragraph as it is at the present time.

Hon. W. J. MANN: As there is some doubt, that would be quite acceptable to me. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. W. J. MANN: I move an amendment—

That in line 11 of paragraph (g) of the definition of "mine worker" after the word

"definition" the following words be added:—"and who has actually worked in or about a coalmine in Western Australia for periods aggregating in all not less than five years."

Hon. L. CRAIG: It is just as well to see where we are. Mr. Mann's amendment is that a union official shall be included, provided he has worked in or about a mine for five years. My amendment was that the union official should be excluded unless, by his previous years' working underground, he had entitled himself to a pension. I have no objection to the present amendment because it states that the union secretary shall be a man who has earned the right to a pension by having previously worked underground. I have no objection to that, with this exception, that Mr. Mann has used the words "has worked in or about." I move—

That the amendment be amended by striking out the words "or about."

That will define him, as originally agreed to, as an underground worker.

The CHIEF SECRETARY: I am in a quandary. Mr. Craig has made it clear that he is not prepared to accept Mr. Mann's amendment unless it is restricted to miners who have worked underground. That is tantamount to saying to the miners' union that unless the secretary has qualified as an underground worker he shall not be eligible for a pension, no matter how long he has worked on a mine or served as secretary.

Hon. L. Craig: That is so.

The CHIEF SECRETARY: I favour the paragraph with Mr. Mann's amendment unaltered. We ought to take a broad view. It should not matter who is the union secretary so long as he has been engaged in the industry.

Hon. L. Craig: It is not a question of the secretaryship; it is a question of the pension.

The CHIEF SECRETARY: We should not penalise an official simply because he has not worked underground. The union should be able to exercise discretion in the appointment of a secretary and the secretary should not be put in the position of automatically barring himself from qualifying for a pension on the score that he was not an underground worker. Possibly a man who had never been employed underground might be appointed secretary.

Hon. L. Craig: Why should he receive a pension?

The CHIEF SECRETARY: We should give the representative of the men, while

he occupies the position, the privilege that is extended to the men.

Hon. W. J. MANN: I can visualise a man of special ability who would make an excellent secretary for the union, perhaps better than any other man working underground. Yet that man would be excluded from receiving a pension. I do not think that is quite fair.

Hon. L. CRAIG: We should bear in mind the principle that has been laid down. It is not a question of who would make a good secretary. We are dealing with public and company funds and have determined that, to be entitled to receive a pension consisting of money contributed from these funds, a man must have worked for his living underground. I hope the Committee will insist on my amendment and confine the privilege to underground miners.

The CHIEF SECRETARY: If we accept Mr. Craig's amendment on the amendment, the elected official of the union would not be entitled to a pension unless he had worked underground for a period of five years.

Hon. L. Craig: That is right.

The CHIEF SECRETARY: The words that Mr. Craig seeks to have struck out should be retained. We should not place any disability on the secretary of the union so long as he has been engaged in the industry.

Hon. Sir Hal Colebatch: Is there any limit to the number of elected officials?

The CHIEF SECRETARY: There is only one.

Amendment on amendment put and a division taken with the following result:—

Ayes	..	..	13
Noes	..	..	10
<hr/>			
Majority for	..	3	
<hr/>			

AYES	
Hon. I. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. E. H. E. Hall	Hon. G. B. Wood
Hon. J. O. Hislop	Hon. F. E. Gibson
Hon. G. W. Miles	(Teller.)
NOES.	
Hon. I. M. Drew	Hon. W. J. Mann
Hon. E. H. Gray	Hon. T. Moore
Hon. W. R. Hall	Hon. H. Seddon
Hon. F. M. Heenan	Hon. C. B. Williams
Hon. W. H. Kinson	Hon. G. Frazer
	(Teller.)
PAIR.	
AYE.	NO.
Hon. C. F. Baxter	Hon. C. R. Cornish

Amendment on amendment thus passed.

Amendment, as amended, agreed to.

Hon. L. CRAIG: I move an amendment—

That in lines 5 and 6 of paragraph (b) of Subclause (2) the words and parentheses "(whether underground or above ground) in or about" be struck out and the words "underground in" inserted in lieu.

This is a consequential amendment.

The CHIEF SECRETARY: I do not oppose the amendment.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 1 of paragraph (c) of Subclause (2) the words "A person" be struck out.

These words are redundant.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That in lines 5 and 6 of paragraph (c) of Subclause (2) the words and parentheses "(whether underground or above ground) in or about" be struck out and the words "underground in" inserted in lieu.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That Subclause (4) be struck out.

I do not wish to give power to the Government to include workers who are not mentioned in the measure. If members will turn to the definition of "mine worker" they will notice that it is not intended to include the superintendent, manager, under-manager, a person engaged in clerical work and others. The Committee has decided that the definition shall mean a man working underground. Under this subclause the Government would have power to include almost any worker, and I am sure the Committee will not agree to that.

The CHIEF SECRETARY: In view of the expressions of opinion this afternoon by Mr. Craig, I am not surprised that he desires to strike out this subclause entirely. If the Committee permits it to remain, then we shall subsequently be spared the trouble of introducing an amending Bill to bring this legislation into line with that of Queensland and New South Wales. There is a difference of opinion as to whether some of the persons mentioned should not be included. I draw the attention of the Committee to subparagraph (ii) of paragraph (b), which makes provision for a later retirement age than 60 years. The provision is intended to cover a worker who is affected merely by age or by the fact that he has reached that age in the employment of a coal company. One can well under-

stand that there might be some employees whose working powers might be just as effective at the age of 64 as at 60. I would prefer that the subclause be not struck out, but in view of what has happened this afternoon I will say no more on the subject. We might put it to the vote at once, so that we shall know where we stand.

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

Ayes .. ..	13
Noes .. ..	9

Majority for .. .. 4

AYES	
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. C. R. Cornish	Hon. H. L. Roche
Hon. L. Craig	Hon. A. Thomson
Hon. F. E. Gibson	Hon. F. R. Weir
Hon. E. H. Hall	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. L. B. Bolton
Hon. G. W. Miles	(Teller.)
NOES	
Hon. J. M. Drew	Hon. W. J. Mann
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. E. M. Heenan
Hon. W. H. Kitson	(Teller.)

Amendment thus passed, the clause, as amended, agreed to.

Clause 3—Special provisions as to calculation of periods of employment:

Hon. L. CRAIG: I move an amendment—

That in line 6 of Subclause (1) and in line 4 of Subclause (2), the words "or about" be struck out.

These are consequential amendments.

The CHIEF SECRETARY: In order to help the hon. member, I will agree to the deletion of these words.

Amendment put and passed.

Hon. L. CRAIG: I propose to move that Subclauses (4) and (5) be struck out. Subclause (4) states that the actual occupancy of the position of secretary of a union shall constitute work within a mine. I think the Committee will not agree that that constitutes the qualification of a mine worker. The same remarks apply to Subclause (5).

The CHIEF SECRETARY: I was under the impression that the hon. member had put this amendment on the notice paper in the belief that previous amendments would be agreed to. It would be really consequential on one or two other amendments being passed. But there are one or two amendments to which the Committee did not agree. We have already decided that so long as a union secretary can qualify by having worked a total of five years in a mine he shall be



entitled to be classed as a mine worker. All Subclause (4) provides is that while he occupies the position of secretary he shall still be classed for that period as a mine worker. So long as an elected official has qualified in the first place as a mine worker in accordance with what we have decided, while he is occupying the position of secretary he shall be deemed to be a mine worker in order that that period shall qualify him for a pension and during that period he will have to pay his contributions.

Hon. L. Craig: I take this to mean that his period as a union secretary shall constitute a period underground.

The CHIEF SECRETARY: We have already provided in another clause that the elected official must have the qualification of five years in all as a worker in a mine.

Hon. L. Craig: To get a pension?

The CHIEF SECRETARY: Yes.

Hon. L. Craig: This gives him the right to regard his job as equivalent to working underground. This would qualify him whether he had been working underground or not.

The CHIEF SECRETARY: I take the opposite view. How is the elected official to get a pension unless we agree to this? This is for the purpose of qualifying him under Clause 6 of the Bill. We have said that before a man can qualify he must have had a total of five years' employment in the mines.

Hon. L. Craig: Underground.

The CHIEF SECRETARY: Whatever the wording is; that is immaterial. This is necessary in order to provide that, having that qualification, although he is now in the position of secretary he shall be entitled to a pension under Clause 6.

Hon. A. Thomson: The position will be met if the words "or about" are struck out.

Hon. L. CRAIG: The Committee has agreed not that a man must have worked five years underground before he can be secretary of a union but that he must have worked five years underground to qualify him for a pension. My interpretation of Subclause (4) is that his being an elected official constitutes underground work. It says that such an official "shall be deemed to have actually worked in or about a coalmine . . . for the whole of the period during which he held office as such elected official." I would say that that would exclude him

from the necessity of having actually worked underground.

The CHIEF SECRETARY: I am wondering whether the hon. member has considered the effect of deleting Subclause (5). It would be necessary to amend that subclause because it deals with paragraph (d) in the interpretation, which we have already struck out and also with paragraph (c) which we have retained. It seems to me that the hon. member's desire would be adequately met by striking out the words "or about" in line 7 of Subclause (4) and in line 4 of Subclause (5).

Hon. L. Craig: No, that will not do it.

The CHIEF SECRETARY: And also the letter "(d)" in line 2 of Subclause (5). We have already agreed upon the qualification and to several consequential amendments. It seems to me that unless we accept these subclauses, notwithstanding the fact that we have agreed that an elected official will be able to qualify for the pension, while he is occupying that position he is not entitled to a pension.

Hon. L. Craig: I do not agree.

Hon. H. Seddon: Your contention is that this provision is necessary to enable him to contribute.

The CHIEF SECRETARY: To contribute and to receive a pension. Otherwise he does not come within the purview of the Bill. These subclauses must be retained in order to provide that while the men concerned occupy their positions they will be, for the purposes of this measure, classed as mine workers entitled to a pension in accordance with the definition as altered by the Committee.

Hon. L. CRAIG: I will accept the Chief Secretary's assurance if he informs me that the position is not covered by the concluding words of Subclause (4) which reads that any elected official shall—

For the purposes of this Act be deemed to have actually worked in or about a coalmine in this State or in Australia for the whole of the period during which he held office as such elected official.

Surely that means that his service as union secretary or elected official shall be deemed to be underground work. If the Chief Secretary assures me that it does not mean that at all, I will accept whatever interpretation he places upon those words.

The CHIEF SECRETARY: That is very generous of the hon. member!

Hon. L. Craig: You have your adviser sitting alongside you.

The CHIEF SECRETARY: Clause 3 is governed by the definition clause and surely we have had sufficient discussion on the definition of "mine worker." Mr. Craig has secured a restriction affecting that definition, the effect of which is that no person shall be entitled to a pension unless qualified by working underground. When it comes to the position of the elected official we specifically provide in Subclause (4) of Clause 3 that he shall be entitled to be brought within the purview of the Bill provided he is qualified by having had at least a total of five years' work underground.

Hon. L. CRAIG: All I want to ensure is that no one will be allowed to creep in and claim a pension when he is not entitled to that right. If the Chief Secretary gives me an assurance on the point, I shall accept it.

The Chief Secretary: I give you that assurance.

Hon. L. CRAIG: Then I accept it.

The CHIEF SECRETARY: I draw the hon. member's attention to the necessity to amend Subclause (5) in view of amendments agreed to earlier.

Hon. L. Craig: If they are not regarded as consequential, I shall move the necessary amendments.

Hon. J. G. HISLOP: Would it be possible for the union to appoint a secretary who has not worked underground and yet after a period of five years he would be eligible for a pension? I want to be convinced that his five years as secretary of a union will not qualify him as an underground worker and therefore entitle him to a pension.

The CHIEF SECRETARY: I give the hon. member that assurance. I am surprised at the persistence of some members in seeing that some individuals, particularly the elected official, shall not receive any privileges under the provisions of the Bill. Regarding the five-year period I would point out to the Committee that as the Bill stands it may be that a man may not possess the qualification of a total period of five years' work underground, although he may have been an employee of the company for 15 years or more. It would be quite possible for a man to work underground periodically for 20 years and yet not be qualified in that respect. Some members do not quite appreciate the difference between work in a coal-

mine and that enjoyed in an ordinary factory. It is all right in war-time when there is a demand for coal and the men are working seven shifts a week. Normally, there are periods when they may be required to work only two or three shifts a week, or may be stood down altogether for periods covering many months. By that means it is quite possible that a man could be working for 15 or 20 years as a miner, and yet not qualify under the five-year period.

Hon. L. B. Bolton: Surely that would not be so.

The CHIEF SECRETARY: I assure the hon. member that it is so.

Hon. J. A. Dimmitt: The Minister means that possibly for 75 per cent. of his time the miner is not working underground.

The CHIEF SECRETARY: I mean that a man may be employed by the company during the whole period and yet not be employed continuously underground. That is one of the peculiarities of the industry.

Hon. L. CRAIG: I move an amendment—That in line 7 of Subclause (4) the words "or about" be struck out.

Amendment put and passed.

On motions by Hon. L. Craig, Subclause (5) amended in line 2 by deleting the parentheses, letter and word "(d) and" and in line 4 by striking out the words "or about."

Clause, as amended, agreed to.

Clause 4—Reciprocating States:

Hon. H. S. W. PARKER: From my reading of this clause I understand that we reciprocate with the other three States if the Governor so desires. This seems to me extraordinarily dangerous. The latest figures as to coalminers that I have are from the 1939 Year Book. That gives the number of coalminers employed in Western Australia as 723; in New South Wales, 14,981; in Victoria, 1,749; and in Queensland, 2,442. It seems to me rather absurd, as well as dangerous, that our little pensions scheme should reciprocate with the schemes of those States. For one thing, we are too far away from them. Again, this proposal means getting as close to unification as we can. Here we propose to do something to which, from another aspect, many of us are opposed. With our very few coalminers, we should not join in with the immense number in New South Wales. Further, if New South Wales and Queensland amend their Acts, must we amend our measure? Let us have either a measure of our own, or

else a Commonwealth measure. But on no account let us have a measure under which we should be controlled by New South Wales with 14,981 coalminers as against our 723.

The CHIEF SECRETARY: I do not desire to contest the hon. member's opinions to-day.

Progress reported.

## BILL—VERMIN ACT AMENDMENT.

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting the Council to grant a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

## ADJOURNMENT—SPECIAL.

The CHIEF SECRETARY: I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

*House adjourned at 5.51 p.m.*

## Legislative Assembly.

*Wednesday, 10th March, 1913.*

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

## QUESTIONS (3).

### RAILWAYS.

#### *As to Berths for Returned Military Personnel.*

Mr. SEWARD asked the Minister for Railways: 1, Is he aware that military personnel returning home on leave from New Guinea were unable to procure sleeping berths on the Kalgoorlie-Perth express on the nights of the 4th and 5th March? 2, Were civilian passengers able to secure sleeping berths on that train? 3, Does the

Western Australian Government Railway Department control the booking of sleepers on the Kalgoorlie-Perth train, and if so, will he issue instructions that, when military personnel are returning home from a fighting front, sufficient provision of sleeping berths is made? 4, If not, why not?

The MINISTER replied: 1, Military personnel travelling by rail are under the control of the movement branch of the Army, who arrange all necessary details for their accommodation. 2, Yes. 3 and 4, Answered by No. 1.

### TAXI CARS.

#### *As to Control and Charges.*

Mr. SEWARD asked the Minister for Works: 1, Is it intended to introduce a system of closer control over taxis operating in the metropolitan area? 2, If so, will he arrange, (a) That a central bureau be established through which only taxis must be engaged, thus placing all sections of the community desirous of obtaining a taxi on an equal footing and, if not, why not? (b), That printed lists of fares be prominently displayed inside all taxis, and that it be made an offence punishable with deprivation of license for any taxi owner whose vehicle is found without such notice prominently displayed?

The MINISTER replied: 1, Yes, pursuant to power under National Security (Land Transport) Regulations delegated by the Commonwealth Land Transport Board to Mr. R. L. Millen, Director of Emergency Road Transport. 2, (a) The plan to be implemented by the Department of Emergency Road Transport includes provision for the establishment of a control bureau through which taxis will be made available compulsorily for essential service. Essential service includes carriage of persons with luggage and children to and from transport terminals, persons who are ill, hospital cases, doctors to patients, and other like cases. (b) The State traffic regulations provide that every owner and driver of any passenger vehicle plying for hire shall fix or cause to be fixed inside such vehicle in such a conspicuous position as to be easily read by any passenger therein a copy of the table of fares for the time being chargeable under the traffic regulations, printed in clear and legible characters. Instructions have been issued to enforce compliance with this regulation.