

tion, should receive extra payment after having been paid well as a director for many years.

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

Clause 160—agreed to.

Progress reported.

House adjourned at 6.8 p.m.

Legislative Council.

Wednesday, 3rd February, 1943.

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

QUESTIONS (2).

FIREWOOD SUPPLIES.

Hon. E. H. H. HALL asked the Chief Secretary: What action, if any, has the Government taken to endeavour to prevent a shortage of firewood supplies, during the coming winter, to people in the metropolitan-suburban areas and in country towns?

The CHIEF SECRETARY replied: Everything possible is being done by the Government in an endeavour to assure adequate supplies of firewood for all essential purposes. The question is principally one of manpower, but contributing factors such as shortage of railway trucks, motor transport, and motor parts seriously hamper its efforts. Employees of the Forests Department will, as far as possible, be engaged on firewood cutting, and camps of enemy aliens have been established under the control of the Forests Department at Jarrahdale, Dwellington, and Mundaring Weir to cut firewood.

LAND RENTS.

As to Departmental Notices.

Hon. J. CORNELL asked the Chief Secretary: Are notices being sent out by the Lands Department threatening forfeiture of locations in the Lakes areas east of Newdegate for non-payment of land rents? If so, for what reason?

The CHIEF SECRETARY replied:—There has been no general action in this direction; each case is treated on its merits. It is impossible to say how many lessees in this area have been threatened with forfeiture without investigating each account, which would take several days, but the number would certainly be few. The authorised practice is only to threaten forfeiture where information obtained reveals that the lessee should be able to make some payment, or where he will not supply information or reply to correspondence.

LEAVE OF ABSENCE.

On motion by Hon. W. R. Hall, leave of absence for six consecutive sittings granted to Hon. E. M. Heenan (East) on the ground of urgent private business.

RESOLUTION—GOLDMINING INDUSTRY.

Assembly's Message.

Message from the Assembly received and read notifying that it had concurred in the Council's resolution.

BILL—BUSINESS NAMES.

Report of Committee adopted.

BILL—VERMIN ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the Council's amendments.

BILL—COAL MINE WORKERS (PENSIONS).

Second Reading.

THE CHIEF SECRETARY [2.24] in moving the second reading said: For many years the coal miners in Australia have been advocating better working conditions in the coalmining industry and they have claimed that, as a result of the disabilities suffered by them through underground working conditions, workers should be compulsorily retired from the mines upon reaching the age of 60 years, and that, in view of the fact that few miners are able to provide for their old age during their working life it was necessary to make provision for some form of pension which, to some extent, would compensate for their withdrawal from industry.

New South Wales was the first State in the Commonwealth to take any action in the matter, and arising out of investigations which were made prior to 1941, a Bill was introduced in the Parliament of that State providing for the compulsory retirement of mine workers at the age of 60 years on a pension contributed to by themselves, the mineowners and the Government. With a recognition of the miners' claims in that State, representations quickly followed for similar recognition in Queensland, and in 1941 the Parliament of that State passed a Bill identical in title and based on the provisions of the Act of New South Wales. Victoria in the last few months has dealt with and passed a Bill on similar lines to the legislation of New South Wales and Queensland.

It will be apparent, therefore, that the principle of compulsory retirement of workers in this industry and the payment to them of a pension has become established in three of the four States of the Commonwealth of Australia where coal is produced in any considerable quantities, and therefore we think it only reasonable and just that this State should give like consideration to the workers in the coalmining industry here. Arising out of representations which had been made to the Government, a committee consisting of the Under Secretary for Lands, the Government Actuary, the Under Treasurer, and a representative of the Commissioner of Railways was recently appointed to examine the provisions embodied in the three statutes passed by the States I have mentioned, and if necessary to suggest any amendments which might be desirable to meet the position here. After considering the matter from all angles, and having due regard to the implications of the introduction of a scheme in this State, the Government, on the report of the committee, decided to submit this Bill.

The measure differs little from the Acts in operation in New South Wales, Queensland and Victoria. It is divided into five parts. Parts I. and V. commence automatically upon assent being given by the Governor; Parts II., III., and IV., commence upon a date to be specified by proclamation. Those are the principal portions of the Bill and they cover—

(a) Funds and contributions;

(b) compulsory retirement of mineworkers at 60 years of age; and

(c) the establishment of a tribunal to administer the fund and generally manage the scheme.

The tribunal is to consist of three members, all to be appointed by the Governor-in-Council. One member to be appointed by the Government will be chairman and will continue in office for a period of six years, at the completion of which term he will be eligible for re-appointment. The second member will be appointed on the nomination of the Mine Workers' Union, and the third member on the nomination of the coalmine owners. These two nominees will remain members of the tribunal for a period of three years and will be eligible for re-appointment at the end of that period.

As soon as practicable after the commencement of the operation of that part of the Act which establishes the tribunal, it will be required to make an estimate of the amount needed to finance the pensions scheme, including administrative expenses, and the establishment of a reserve to the next succeeding 30th day of June. Thereafter the tribunal shall, before the 31st March in each year, estimate the amount of income required to finance the scheme during the next succeeding financial year and fix accordingly the rates of contribution to be paid by the Government, the miners and the mine owners during that year. The fund to be established under the Bill is to be known as the Coal Mine Workers' Pensions Fund. It is to be kept at the Treasury and administered by the tribunal.

The Government's contributions are to be limited. In the less than full period of the first year's operation of the fund the Government will contribute such portion of the sum of £2,000 as the period bears to a full year. It is assumed that the fund will commence at some time during the year but not necessarily at the beginning of the year. In the first full year the Government's payment will be equivalent to one-quarter of the total amount estimated to be required by the tribunal to finance the fund, or the sum of £2,000, whichever is the lesser amount. In the succeeding years the Government will pay one-quarter of the total amount required, with the following limitations:—

Second completed year ..	£3,000 maximum.
Third	£3,000 maximum.
Fourth	£4,000 maximum.
Fifth and all succeeding years	£4,500 maximum.

Of the balance required in each year, the mine owners are to pay two-thirds and the

mine workers one-third. It will be understood that the contributions to be made by the miners and the mine owners may vary from year to year according to the financial requirements of the scheme. It is desirable to outline the more important points contained in the Bill. Quite a number of men are engaged in the industry who are doing work other than underground mining.

Hon. J. Cornell: That is to say, a fitter who never went underground would come under the scheme.

The CHIEF SECRETARY: I think he would, so long as he was employed in the industry. I take it that surface workers are just as much members of the industry as are the men who go underground.

Hon. J. Cornell: And that fitter would not be able to work after reaching the age of 60 years.

The CHIEF SECRETARY: Men who have worked underground for a long time might later be employed on the surface. The definition of "mine worker" is fairly extensive, covering as it does, a person employed at the commencement of the Act in or about a coalmine by the owner of the mine; a person employed in or about a coalmine at any time after the 31st December, 1937; a person who after that date and before the commencement of the Act became permanently incapacitated by accident or injury suffered whilst employed in a coalmine, the injury or accident having been suffered in such circumstances as to entitle the mine worker concerned to compensation under the provisions of the Workers' Compensation Act; a person employed by the owner of a mine and principally engaged in the transport of coal from a mine to the railway; a check-weigher or miners' check inspector; a workmen's inspector appointed under the Coal Mines Regulation Act, and an elected official of the Mine Workers' Union. All these are essential in the production of coal and should therefore share in whatever benefits this Bill seeks to bestow.

Hon. H. S. W. Parker: In some places they are essential in non-production.

The CHIEF SECRETARY: The hon. member can elaborate on that matter when he speaks to the Bill. In respect of a union official, similar provisions exist in the pension schemes approved of by statutes in New South Wales, Queensland, and Victoria. Such an official's contribution to the scheme

as is provided for in this Bill is on a different basis from the other contributions. He will contribute at the same rate as a mine worker but the balance of the contribution will be paid by the union. Therefore, in that particular case neither the owner nor the Government will contribute towards the pension which such official will receive or be entitled to.

The term "mine worker" does not include a superintendent, manager, under-manager, clerical worker, coke worker or superintendent or instructor of any mine rescue corps or body. The Bill contains special provisions for the calculation of periods of employment. Mine workers absent on war service or war work and absent from the State are deemed to have been still resident in this State and to have continued in their employment. They are not, however, required to make contributions during such absences.

Hon. J. Cornell: I know of goldminers in the goldmining industry who are over 70 years of age.

The CHIEF SECRETARY: I understand that there are some workers over 70 years of age in the coalmining industry.

Hon. J. Cornell: But those in the goldmining industry are getting no consideration at all.

The CHIEF SECRETARY: It is commendable that in a period of crisis, such as we are passing through, men of 70 years of age are prepared to return to work at the coalmines, even though they may not be as efficient as they were years ago. They are assisting the war effort by helping in the production of coal. Persons over the age of 60 who are not employed in a mine at the commencement of the Act cannot obtain employment in a mine thereafter. The tribunal to be set up under this Bill will have power to suspend the operation of the relevant clause in this connection. In other words, it will have the right to say that mine workers over the age of 60 can continue in the industry or be engaged for the first time in it. This power would be particularly appropriate in war-time. That will be appreciated as being a protection to those coalminers who have joined one or other of the Fighting Forces.

Hon. J. Cornell: Very few of them will be wanted for the next 15 years.

The CHIEF SECRETARY: That may be so. At the same time, they are entitled to the

protection which this clause of the Bill provides. The Bill sets out that award holidays, annual leave, sickness or accident do not break the fixational continuity of employment. Even short absences from the State do not affect the workers' right as long as one-tenth of the total period of absence is not exceeded. Elected union officials are deemed to work in a coalmine during their period of office. More often than not, the union official is a coalminer who has been elected to that position and who relinquishes his work in the mine while occupying that position. If it should be his misfortune—shall I say—to lose his official position in the organisation, of course, he automatically returns to the industry.

There is a provision in the Bill allowing reciprocal arrangements to be made with other States which have or which pass similar legislation, and agreements may be entered into to protect mine workers who come to this State. It will be agreed, I think, that this proposal is both reasonable and practical, it being most desirable that protection of this kind should be extended to workers engaged in the same industry. I have already briefly mentioned that the employment of a mine worker over the age of 60 years is prohibited. It is provided in the Bill that mine workers over that age must be retired, and those who are over that age when the Act comes into force must cease activities within three months of its commencement. If this Bill becomes an Act, then those at present employed in the industry who are over 60 years of age—and there is a number of them and one or two over 70 years of age—they will be enabled to continue working so long as the tribunal decides to exercise its powers in that connection.

Dealing with pensions, the Bill provides that a mine worker in employment when the relevant part of the Act commences, or when he becomes 60 years of age, whichever is the later, or who is not employed when that part of the measure commences to operate but was so employed during the twelve months prior thereto and worked for at least 40 days as a mine worker, is entitled upon retirement to a pension of £2 per week, provided the residential and working qualifications as set out in the Bill are complied with. The Bill also provides for a pension of £2 per week in the case of mine workers permanently incapacitated.

It is not often that we meet with such an expression as "hard luck" cases in an Act of Parliament, but the expression is the only one that appears to fit the bill. Dealing with "hard luck" cases, it is proposed that the tribunal shall grant a pension where it considers it just and equitable to do so. The tribunal, of course, would have to observe the principles of the Act when making a decision in these cases. There will be a number of what might be called border-line cases, in which it will be difficult to decide whether they are definitely covered by this legislation. Therefore, it has been considered advisable to give the tribunal the power to which I have just referred.

Regarding pension payments to the dependants of a deceased worker, it is provided that if a worker who has been receiving a pension dies, or a worker who is not a pensioner is killed by accident arising out of or in the course of his employment, his dependants are entitled to pensions as follows:—

£1 10s. per week for the widow or female relative who is looking after his children; and

8s. 6d. per week for each child, and step-children, under 16 years of age.

The dependants cannot collect a pension in addition to workers' compensation or common law damages. If the worker claims compensation for the injury from which he eventually dies, or the dependant receives or is entitled to receive workers' compensation, account is taken of the compensation received.

Shortly, then, it may be said that compensation and damages cannot be received simultaneously with a pension. If compensation or damages are received, the right to a pension is postponed for an appropriate period. A pension is payable to a worker until his death. He cannot receive more than one pension under the Act and the total amount payable to any worker, including all additions, shall not exceed £4 5s. 6d. per week. This is the sum fixed in similar statutes in Queensland, New South Wales and Victoria, and is necessary because of the reciprocal provisions contained in this Bill and the Eastern States statutes.

Hon. G. W. Miles: Will it not relieve the Commonwealth Government of certain payments on account of old-age pensions if these amounts are given?

The CHIEF SECRETARY: No. That is the maximum a man can receive. So far as

the old-age pensions are concerned, the fund will, I am given to understand, be relieved of the amount to which a man would be entitled on account of being an old-age pensioner. The Bill sets out the requirements which are necessary concerning all applications for a pension under the scheme. A registrar is to be appointed under the Act and he will have the duty of making investigations into any claim. He will then submit the application and his report to the tribunal. The tribunal may allow or disallow an application or may refer the matter to the Court of Arbitration. The court is given jurisdiction to hear any such application and may make regulations fixing the practice and procedure. The decision of the court is final and binding. If the tribunal or the court allows an application, it fixes the rate of pension and the date for commencement thereof.

I have already briefly referred to the important matter of contributions. I indicated that the tribunal first of all must make a calculation of the amount required by the fund for the period from the commencement of the Act up to the end of the first financial year—that is, the 30th June next following—and that thereafter the tribunal must make a similar estimate every twelve months. The estimate, of course, will be made in advance. Reserves may be created and the annual estimate must be made on or before the 31st March. Having calculated the amount of money necessary for the purposes of the fund the amount must then be collected from the contributors—the Government, the mine owners and the workers. In accordance with the principles established in other States, the Government's share is, as already stated, one quarter, with a fixed maximum payment for each year. The balance is to be contributed, one-third by the workers and two-thirds by the owners.

The proposal is that regulations may prescribe the basis of the contributions of workers and mine owners. A mine worker who contributes for five years and then resigns, or is dismissed from the industry so that he is not entitled to a pension, is entitled to a refund of the amount actually paid by him. It is provided that the workers' contributions may be deducted at the source by the employers, this being the most economical method of collecting the contributions due. Mine owners are prohibited from including more than half of their total

payments in the cost of production of coal, and are expressly prohibited from increasing the price of coal by more than 2d. per ton. It will, therefore, be noted that they will not be permitted to pass on the whole of the contributions which they are called upon to make to the fund.

To assist the finances of any company which may happen to be an "owner" within the meaning of the Act, the dividends payable on ordinary or preference shares may be reduced proportionately. The shareholders, therefore, will bear some of the burden of the contributions by the owners to the pension fund. The Bill provides that pensions are to be inalienable, that is, the worker himself cannot transfer his pension. The tribunal, however, may pay the whole or part of the pension to someone else for the use of the pensioner and the tribunal may apply the pension in payment of the worker's debts. Any person who attempts to obtain a transfer or assignment or security of or over a pension is liable to a penalty. If a pensioner is sentenced to more than three months' imprisonment his pension rights are suspended during such period, and his dependants are entitled to a pension as if the pensioner were dead. Similarly, if a worker becomes an insane patient, his dependants receive the statutory benefits. The wife of a worker deserted by her husband who shows that she has exhausted all legal avenues to obtain maintenance from her husband, and that she cannot trace him, is eligible for a pension: provided, of course, the worker himself is eligible for, or in receipt of, a pension.

Those are the main provisions in the Bill, all of which can be further dealt with during the Committee stage, should members desire additional information. Such proposals as those that allow for the recovery of overpayments of pensions, the keeping of proper books of account, the presentation of statements to Parliament after audit by the Auditor General, an actuarial examination and report every three years, penalties for offences under the Act in respect to false statements, fraud, etc., and which allow for the framing of regulations to implement certain provisions of the Act, are more or less of a machinery nature and can be more conveniently dealt with in Committee.

I submit to the House that this is a measure which should receive the wholehearted

support of members. Notwithstanding the arduous nature of the calling of the coal-miner, I point out that the coalminers of this State have a particularly good industrial record, one that is second to none in the Commonwealth. I feel sure that, viewing the matter from that angle, seeing that it is so necessary that we should make provision for the supply of fuel in this State—that is, our native coal—it will be conceded that we should be prepared to give to our own coalminers at least similar conditions to those that apply to coalminers in other parts of the Commonwealth. I know there has been a lot of discussion in regard to the shortage of coal in recent times, and that there has been a lot of criticism concerning the stoppages of work that have taken place in many mining centres throughout Australia. So far as coalminers in this State are concerned, there is little we can criticise them for in that direction. I understand that a large percentage of our coalminers are in one or another of the Armed Forces. Their places have been taken in many instances by men of advanced years. While it can be said that at present the production of coal in Collie is not, unfortunately, up to the quantity which is really required, I do not think we can blame those who are engaged in the industry at present for that shortage.

Hon. J. Cornell: All that the Minister has said can equally well be said of the goldminers of this State.

The CHIEF SECRETARY: That is all right, but my remarks at present apply to the coalminers of this State. I do not think the hon. member will quibble at what I have said.

Hon. J. Cornell: No, but I could not have one section of the community singled out for special treatment and leave another section in the air.

The CHIEF SECRETARY: The hon. member is at liberty to deal with that side of the subject later if he wishes. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Hal Colebatch, debate adjourned.

ADJOURNMENT—SPECIAL.

The CHIEF SECRETARY: I move—

That the House at its rising adjourn till Tuesday, the 16th February, at 2.15 p.m.

Question put and passed.

House adjourned at 2.57 p.m.

Legislative Assembly.

Wednesday, 3rd February, 1913.

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

QUESTIONS (5).

PETROL.

As to Per Capita Consumption.

Mr. DONEY asked the Premier: Will he seek from the Commonwealth Government a statement setting out the per capita consumption of petrol in each of the six Australian States and in the Federal Territory—the words “per capita” to be interpreted not as “per owner of vehicle or vehicles” but as per head of the population?

The PREMIER replied: Yes, but it is unlikely, for security reasons, that the information would be made public.

MILK.

(a) As to Quality.

Mrs. CARDELL-OLIVER asked the Minister for Agriculture: Is he aware that there are many complaints regarding the poor quality of milk distributed in the metropolitan area, especially the non-keeping qualities of pasteurised milk, and that it is often found to be dirty?

The MINISTER replied: No.

(b) As to Prosecutions.

Mr. NORTH asked the Minister for Agriculture: 1, Is he aware that prosecutions have been launched against Mr. Cookesly of Cottesloe and against Mr. Abernethy, the farmer who supplied him, respecting milk in each case allegedly below standard? 2, Is it within the province of Mr. Cookesly to obtain his supplies elsewhere? 3, If the conditions today militate