

Legislative Council.

Thursday, 18th March, 1943.

Question: Money found, as to payment of reward	PAGE
Bills: Commonwealth Powers, 1A.	2907
Vermin Act Amendment, Assembly's request for conference	2907
Coal Mine Workers (Pensions), recom.	2907
Adjournment, Special	2916

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

QUESTION—MONEY FOUND.

As to Payment of Reward.

Hon. V. HAMERSLEY (without notice) asked the Chief Secretary: 1, Does the statement in an article headed "Tale of a Coat," attributed to Sergeant Wyatt and published in "The Daily News" newspaper of Friday, the 12th March, 1943, relative to a sum of £60 having been found and handed to the police, correctly state the facts? 2, If so, to what use did the Government put the money? 3, Was any reward paid to the finder of this particular sum of money? 4, If not, does he think this is likely to encourage honesty? 5, Is it the practice of the Government to pay no reward in such circumstances?

The CHIEF SECRETARY replied: Although Mr. Hamersley gave notice of the question, I am in a position to reply to it without that notice owing to the fact that a similar question was asked in the Legislative Assembly and, due to that House having adjourned its sittings temporarily, the question cannot, for the time being, be answered there. The replies to the questions are: 1, Too much reliance cannot be placed on the accuracy of the statement by an accused person. There is no record of any such sum being handed in to the department. 2, Any such money would be paid to revenue as provided by Section 76 of the Police Act. 3, No rewards are paid by the department for found or unclaimed property handed into the department. 4, Any money or goods handed into the department and not claimed within three months would be returned to the finder if he so wished and an indemnity taken from him as provided in the Police Code. 5, Yes.

BILL—COMMONWEALTH POWERS.

Received from the Assembly and read a first time.

BILL—VERMIN ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly requesting a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers, now considered.

HON. G. B. WOOD (East) [2.25]: I move—

That the Assembly's request for a conference be agreed to, that the conference be held on a date to be fixed, and that the managers for the Council be Hon. L. Craig, Hon. L. B. Bolton and the mover.

HON. C. B. WILLIAMS (South): I object once again to conference managers being nominated. They should be elected by the House.

The PRESIDENT: If any hon. member so desires, a ballot must be taken.

Hon. C. B. WILLIAMS: I do. Conference members should be elected, not nominated.

The PRESIDENT: Then I shall put the motion in this form—

That the Assembly's request for a conference be agreed to and that the conference be held on a date to be fixed.

Question put and passed.

The PRESIDENT: As objection has been taken to the nomination of managers, a ballot must be held.

Ballot resulted in Hon. G. B. Wood, Hon. L. B. Bolton, and Hon. L. Craig being appointed as managers for the Council.

Message accordingly returned to the Assembly.

BILL—COAL MINE WORKERS (PENSIONS).

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 2, 3, 5, 6, 15 and 19.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Interpretations:

Hon. H. SEDDON: I was under the impression that the Bill had been brought be-

fore the House with the concurrence of all parties concerned, but I have received a letter today which leads me to a different conclusion. Perhaps the Chief Secretary, if he can see his way clear to do so, would make a statement with regard to the preliminary negotiations that occurred before the Bill was introduced.

The CHAIRMAN: This is a little irregular. The Chief Secretary can please himself whether or not he makes such a statement.

The CHIEF SECRETARY: I have no statement to make, except to say in reply to the hon. member that representations were made to the Minister by both parties.

Hon. H. Seddon: By both parties?

The CHIEF SECRETARY: Yes.

Hon. H. S. W. PARKER: Before I move the first amendment appearing in my name on the notice paper, I desire to move to alter the word "is" in the definition of mine worker. The definition will then read: "a person who was employed underground in a coalmine in the State by the owner of the coalmine at any time after the 31st December, 1937." The definition at present appearing in paragraph (b) really has no meaning. It says, "who was at any time after the 31st day of December, 1937, engaged as a mine worker in the coal industry in this State." We therefore come back to the question, what is a mine worker? The definition appearing in the New South Wales and Queensland Acts is "a person who was at any time after (a certain date) engaged in the coalmining industry." The words "as a mine worker" were not included. They have been inserted in paragraph (b) in error. The alteration I propose will give effect to what the Committee intended. It is my intention to move an amendment as follows:—

That in line 1 of paragraph (a) of the definition of "mine worker," the word "is" be struck out with a view to inserting the word "was."

The CHAIRMAN: Your amendment does not appear on the notice paper.

Hon. H. S. W. PARKER: No, but this is not the third reading stage.

The CHIEF SECRETARY: In my opinion Mr. Parker is making a mistake. The present definition of "mine worker" is "a person who is employed underground in a coalmine in the State by the owner of the mine." There is nothing wrong with that definition.

Hon. H. S. W. Parker: Read the next paragraph.

The CHIEF SECRETARY: Never mind that; we will deal with this paragraph.

Hon. J. A. Dimmitt: Which is one definition.

The CHIEF SECRETARY: Yes.

Hon. H. S. W. Parker: I want to extend the definition, so that it will include everybody in the industry after 1937.

The CHIEF SECRETARY: Paragraph (b) reads: "a person who was at any time after the 31st day of December, 1937, engaged as a mine worker . . ."

Hon. H. S. W. Parker: Yes, as a mine worker; but what is a mine worker?

The CHIEF SECRETARY: A man who is employed underground.

Hon. H. S. W. Parker: No. The definition now is, "a mine worker who is at any time after a certain date engaged as a mine worker." We must now define what a mine worker is.

The CHIEF SECRETARY: I do not think the alteration will make any difference.

Hon. H. S. W. Parker: Yes, it will.

The CHIEF SECRETARY: The hon. member's idea is to make the definition read: "a mine worker is a person who has been employed in a coalmine in this State from the 31st December."

Hon. H. S. W. Parker: After the 31st December! That was the intention of the Committee.

The CHIEF SECRETARY: For my benefit, the hon. member might go over the ground again, because I cannot see any real necessity for the amendment.

Hon. H. S. W. PARKER: It is not my intention to alter what has been agreed to by the Committee. This would merely carry out the intention of the amendment moved by Mr. Craig, to the effect that a "mine worker" should mean an underground worker. Take paragraph (e) as a check on paragraph (b)! Each paragraph must be taken distinctly and separately from the other. If the paragraph is left as it is, any worker in a mine could claim a pension. He would say, "I am a mine worker. I was a mine worker after 1937, therefore I claim a pension." He would be told that the Legislature had stipulated that a mine worker meant an underground worker, but it is not stated what a mine worker actually is. If the two words "mine worker" are omitted there would be

a meaning to the term "mine worker," namely, a person who at any time was engaged in the coalmining industry. We have distinctly stated that we do not want the definition to include everybody but only underground workers, and I am only suggesting an amendment which will conform to what I believe to be the intention of the Committee.

The CHIEF SECRETARY: I see the hon. member's idea, but I suggest that a better way to meet his desire would be to amend paragraph (a) to read somewhat like this—

A person who is or at any time after the thirty-first day of December, one thousand nine hundred and thirty-seven, has been employed underground in a coalmine in this State by the owner of the mine.

Hon. H. S. W. Parker: I have no objection to that.

The CHIEF SECRETARY: I think perhaps we might postpone consideration of this clause until a later stage of the proceedings to see whether we can reach unanimity in regard to the actual wording.

Hon. H. S. W. PARKER: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by the Chief Secretary, further consideration of the clause postponed.

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

Hon. J. G. HISLOP: I move an amendment—

That in line 5 of Subclause (4) after the figures "1941" 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 Section 2 of this Act" be inserted.

I still maintain that this paragraph is somewhat ambiguous and that there are words in paragraph (g) of Clause 2 which have been left out of this subclause and which if inserted would make it quite clear and beyond all doubt. It is those words I propose to have added.

The CHAIRMAN: Before the Chief Secretary replies I point out that on Tuesday last he sought my advice on the recommittal of this Bill. I suggested to him that I thought it would meet the wishes of the Committee if he gave a day's grace in order that the Bill could be studied and that members could put amendments on the notice paper. This the Chief Secretary did. I think that met with the approba-

tion of the Committee. Now Dr. Hislop has come at the eleventh hour with eight amendments which do not appear on the notice paper.

Hon. G. W. Miles: There are others that do not appear.

The CHAIRMAN: I think that is a breach of faith. I have read the hon. member's amendments. Some are highly contentious. It is difficult for members to follow the amendments if they are not in front of them. However, Dr. Hislop has complied with the usual rule that three copies of proposed amendments be supplied to the Chamber, and I now call on the Chief Secretary to reply.

The CHIEF SECRETARY: I do not look on this as a breach of faith, although it is awkward when one receives a number of amendments like this at the last minute. I did not see them before one o'clock today. I am expected to know something about the subject-matter, but as the House met at 2.15 there was not much time to digest the amendments. Nevertheless, I do not think there is any real reason why we should not deal with them. So far as this one is concerned, the words are really redundant because the interpretation clause provides what is meant by an elected official. Consequently I do not know that it makes any difference whether the words go in or stay out. Clause 2, Interpretation, defines an elected official, and that definition is what Dr. Hislop desires to insert.

Amendment put.

The CHAIRMAN: I suppose silence indicates consent.

Hon. L. CRAIG: It indicates that this Committee does not really know the portent of the amendment. I agree with the Chief Secretary. I cannot see that it makes any difference, but I feel some diffidence in saying yes or no unless I know what I am talking about. I first knew what this amendment was when it was read out. I think it might have some serious consequences, but if I take it and read it for half an hour at home I might change my mind. This Committee should not vote without knowledge.

The CHAIRMAN: If the Committee is not sure of its ground the clause should be recommitted.

Hon. Sir Hal Colebatch: Would you, Sir, mind reading the amendment?

The CHAIRMAN: Yes. The amendment is to insert after the figures "1941" 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 Section 2 of this Act." The Chief Secretary has pointed out that the words are redundant.

Hon. H. S. W. PARKER: They are the same words that appear in Clause 2.

Hon. W. J. MANN: I think I moved that amendment previously, and my object was to make it clear that the elected officials should be from the miners' union and not from any other of the unions that may be represented by other persons, such as electricians working in the mine.

Hon. J. G. HISLOP: I am sorry that such a position has arisen. In these busy days when one is attempting to do a lot of war work outside this Chamber it is extremely difficult to assemble one's views on a lengthy Bill such as this, and after so many amendments have appeared on the notice paper, within a short period of time. If it would please this Committee better I would ask for a recommitment of the clause so that my amendment might appear on the notice paper. If that suggestion is agreed to I would like to do the same with the other amendments I have brought forward.

Hon. C. B. WILLIAMS: I do not know why we should waste time on such a simple matter. This amendment only seeks to add certain words that appear somewhere else. I am in favour of those words being included. I do not agree that a trade union secretary who has never worked in a coal mine, should come under this scheme. I said, at the second reading stage, that the position was very open. A man from any trade union could be included.

The CHIEF SECRETARY: What we desire is to have the position clarified so that there may be no mistake as to what is meant. That would be better achieved if, instead of adding these words, we deleted some words. We would then make the subclause read as follows:—

Any elected official as defined by Section 2, paragraph (g)—

Hon. L. CRAIG: Will you move that amendment?

The CHIEF SECRETARY: Yes.

Hon. J. G. HISLOP: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: I move an amendment—

That in lines 1 to 5 of Subclause (4) the words "of an industrial or trade union of employees, or of an association of employees, registered as an organisation under the Commonwealth Conciliation and Arbitration Act, 1904-1934, or under the Industrial Arbitration Act, 1912-1941" be deleted with a view to inserting other words.

Amendment put and passed.

The CHIEF SECRETARY: I propose to move to insert, in lieu of the words struck out, a provision setting out that the elected official shall be as defined in the definition of "mine worker."

Hon. H. S. W. PARKER: I do not desire to quibble about words, but a mine worker is not "defined" in Clause 2, although the requisite particulars are set out there.

The CHIEF SECRETARY: I will accept that suggestion. I move an amendment—

That the following words be inserted in lieu of the words struck out:—"as set out in paragraph (g) of the definition of 'mine worker' in Section 2."

Hon. W. J. MANN: If the amendment were agreed to, would it not be possible for more than one elected official to be brought within the scope of the Bill? I want the provision narrowed down specifically to one official. Other unions have members who work on the mines. The Victorian Act provides for two elected officials, and under the New South Wales Act I think any number of officials can be brought within the scope of the legislation. I do not think the amendment is as definite as that originally suggested by Dr. Hislop.

The Chief Secretary: You could not have anything more definite than my amendment!

Hon. W. J. MANN: So long as the position is covered from the standpoint I have mentioned, I am satisfied.

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

Clause 5—Employment after 60 years of age prohibited:

Hon. H. SEDDON: It will be remembered that when we amended the clause the idea we had in mind was that any mine worker employed in the industry at 60 years of age should be allowed to remain working if he so desired. To attain that objective and to prevent any question being raised as to his being prohibited from working, I secured the deletion of Subclause (1) and amended

paragraphs (a) and (b) and the proviso in Subclause 2, retaining only the original paragraph (c) of that subclause. I wanted the position properly safeguarded and therefore consulted the Crown Solicitor. As a result, I think my objective will be better attained if we reinsert Subclause (1) with the addition of a few words, and delete paragraph (c). The effect then will be to provide that any man in the industry who is 60 years of age may, if he so desires, remain at work and will also make it clear that no new man may take work in the industry if he is 60 years of age. If that is not provided for, members will realise how possible it would be to break down the pensions scheme. I move an amendment—

That a new subclause be inserted as follows:—“(1) Subject to this section no person shall take into or retain in his employment as a mine worker any person who is of or above the age of 60 years, and no person of or above the age of 60 years shall accept or continue in employment as a mine worker except as provided in Subsection (2) of this section.”

The additional words I mentioned earlier are, “as provided in Subsection (2) of this section.” Later on I will move for the deletion of paragraph (c) of Subclause (2).

The CHIEF SECRETARY: I do not raise any objection to the amendment. It really means restoring the original subclause. So long as Mr. Seddon has the requisite amendments to move to give full effect to what is desired, the subclause certainly should be re-inserted.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That paragraph (c) of Subclause (2) be struck out.

With the re-insertion of Subclause (1), no man may be employed in the industry after he has reached the age of 60 years, and no man may be retained after the age of 60 years except as provided in Subclause (2). This subclause stipulates that a miner of 60 or more may retire from employment as a mine worker upon the expiration of three months after the commencement of this part of the Act. Therefore there is no necessity for the provision in paragraph (c) that a person of or above 60 not employed at the commencement of this part shall be employed afterwards.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That a further proviso be added to paragraph (b) of Subclause (2) as follows:—“Provided

further that if in the opinion of a tribunal a mine worker of or above the age of sixty years is unable to continue his employment by reason of his physical disabilities, or if in the opinion of the tribunal the employment of such mine worker would be detrimental to the safety of his fellow mine workers, such mine worker shall be retired by the tribunal.”

The Bill as amended provides that a miner of 60 may retire or may continue working. Some men of 60 have a false idea of their physical abilities and may claim to be able to continue their work. The tribunal should have a right to say to such a man, “You are not fit for the work, and you may be a danger to other men in the mine,” and retire him from the industry.

The CHIEF SECRETARY: I raise no objection to the amendment. When a mine worker of more than 60 years insists upon working underground and, in the opinion of the tribunal or of the men working with him, he is a danger to fellow-employees, the tribunal should have the right to retire him from that work, and he should be entitled to receive a pension.

Hon. C. B. WILLIAMS: This amendment will negative all that Mr. Seddon has aimed to accomplish. He has secured amendments to permit a man to remain in a mine after reaching 60 years of age, and this amendment will afford means of getting rid of him.

Hon. H. SEDDON: If a miner is considered to be a danger to his fellow-workers, the tribunal will have power to determine that fact. I cannot conceive of the mine management then retaining his services. I see no great harm in the amendment.

The CHIEF SECRETARY: The point arises whether the words have been inserted in the right place. Dr. Hislop might consider whether the better place for them would be at the end of Clause 5, either as a proviso, or as a substantive subclause.

The CHAIRMAN: The question now is that the words be inserted as a further proviso to Subclause (2).

The CHIEF SECRETARY: I move as an amendment on the amendment—

That the words proposed to be added to paragraph (b), be added at the end of the clause to stand as Subclause (7).

Hon. C. F. BAXTER: It would be much wiser to report progress. The amendments are not on the notice paper, and we really do not know what we are dealing with. How are we to follow long amendments read out by the Chairman?

Hon. A. THOMSON: This Bill, if passed, will have far-reaching effects. I do not know how members can intelligently follow the various amendments when they are not on the notice paper. It would be satisfactory to know what we are voting on, instead of voting in the dark. I protest against the present method.

Amendment, on amendment, put and passed; amendment, as amended, agreed to.

Clause, as amended, put and passed.

Clause 6—Pensions, mine workers who are retired:

Hon. J. G. HISLOP: In view of the reluctance of members to discuss these amendments while they are not on the notice paper, may I explain that it is extremely difficult to review a Bill of this character in such a short time, especially when one is attempting to do much war work outside. I would ask the Chief Secretary to consider re-committal of the amendments.

The CHIEF SECRETARY: I am anxious to make progress with the measure. We adjourned the House over yesterday in order to be able to do so. I suggest confining the present discussion to amendments that can be grasped readily. A slight misunderstanding has arisen with regard to one amendment, but those that follow are quite clear. I have a vivid recollection of having had on numerous occasions to deal at a moment's notice with long and involved amendments in a number of Bills, amendments of which I had had no notice. I do not think members have cause to complain bitterly of the fact that they have, in the circumstances, had no notice of these amendments. Dr. Hislop wrote to me explaining why he was unable to put these amendments on the notice paper. We should proceed with the Bill in an endeavour to make progress.

Hon. J. G. HISLOP: I move an amendment—

That at the end of paragraph (b) the following proviso be added:—"Provided that a mine worker who because of ill-health certified to by a medical certificate was unable to work 60 days in his last year of employment, but who has fulfilled all other obligations under this Act, shall not be debarred from receiving a pension under this section."

There is a possibility of injustice, because, on the present wording, a mine worker in order to receive a pension must have fulfilled the requirements of Clause 6, Subclause (1). If a worker is unable to continue working

for 60 days in his last year, then, as the Bill stands at the moment, he would be allowed a pension of only 30s. a week. If he has given 20 years' service and is overtaken by illness in his last year of work, and is consequently unable to complete 60 days' service in that year, he should not for that reason be deprived of 10s. per week.

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

Clause 15—The tribunal:

Hon. J. G. HISLOP: I move an amendment—

That in line 1 of Subclause (2) the word "three" be struck out and the word "five" inserted in lieu.

The Bill proposes that the tribunal shall consist of one nominee of the Minister, one nominee of the coalmine owners and one nominee of the coalmine workers. I question whether such a tribunal would be workable, in view of the fact that there are two coalmine owners, and these would have only one representative, who might not be au fait with the working conditions in both coalmines.

The CHIEF SECRETARY: I hope the amendment will not be agreed to, as there is no necessity to increase the number of members of the tribunal from three to five. On Dr. Hislop's argument, if there were three or four coalmining companies, it would be desirable to add three or four members to the tribunal to represent the various companies. The tribunal will not have to determine something which will be detrimental to one company as against another; I cannot imagine that state of affairs arising. A tribunal composed of three members would be able to deal with matters referred to it far better and more expeditiously than would a tribunal composed of five members. I have no objection to the idea underlying the amendment, but I think a tribunal of three is sufficient in the circumstances.

Hon. W. J. MANN: I hope the clause will remain as it is. As constituted, the tribunal will function quickly and without any ambiguity. If the members were increased to five in number and other interests were represented I do not know that that would meet the position any better. The coal mine owners will agree amongst themselves as to their representative, and he will represent their side of the industry as does an advocate in the Arbitration Court. By the same token the unions will have their representa-

tive and a third person will be appointed by the Minister.

Hon. J. G. HISLOP: I feel that the tribunal has some other things to decide apart from who will get pensions and when. If members will refer to page 25 of the Bill they will realise that the tribunal has to decide upon the amount of reserve which is to be held each year. The remarks of the Chief Secretary might have weight if there were several companies but, when there are only two, I wonder whether it would not be fairer for each of them to have a representative.

The CHIEF SECRETARY: The contributions to the reserve fund will be subject to actuarial advice, and I do not know that an increased membership of the tribunal would affect the position very much. Certain information will have to be supplied, but we provide in the Bill that there shall be no alteration of benefits and so on except after an actuarial examination, and the reserve fund will be established on the advice of the actuary. If the hon. member fears there is going to be a difference of opinion between the two companies there might be something in his argument, but I cannot see why there should be such difference. There are only two companies involved.

Hon. L. CRAIG: At the moment; there may be more later on.

The CHIEF SECRETARY: Other companies may be formed, but I do not know that we should be prepared to say they should have representatives on the tribunal.

Hon. L. CRAIG: The Arbitration Court, which consists of three members, has much more important matters to decide than this tribunal will have. The tribunal will work according to rules laid down. All it has to decide is whether a man is entitled to a pension. The amount to be allocated to reserve each year will be actuarially based and the tribunal will have nothing to do with that. I do not see that five men could do any more than three. In cases of dispute the decision will be made by the chairman.

Amendment put and negatived.

Clause put and passed.

Clause 19—Contributions:

Hon. G. W. MILES: Before the Chief Secretary brings forward his proposal I would like the Committee to consider the deletion of all the words in Subclause (6) from "Notwithstanding" down to "ton." If the

Committee decides upon that there will be no need for the proviso.

The CHAIRMAN: Dr. Hislop has five other amendments before that. I will leave the Chair until 4.15 p.m.

Sitting suspended from 3.57 to 4.18 p.m.

Hon. J. G. HISLOP: I move an amendment—

That in line 11 of Subclause (1), after the word "amount," the words "not exceeding one-halfpence ($\frac{1}{2}$ d.) per ton" be inserted.

I have introduced this amendment to emphasise the fact that we have been working on the idea that a certain degree of cost will be borne by the company, and, as the Bill stands at the moment, no owner shall, in consequence of any payment to the fund, increase the price of coal to any consumer beyond 2d. per ton. I draw attention to the fact that, because of the necessity for building up a reserve fund, we are adding a further impost on the company. Perhaps some limit should be placed upon the reserve. It is with that idea that I propose to insert the words "not exceeding one-halfpence per ton." From figures I have gathered I believe that would work out at about £1,500, and it is a very tidy contribution which might be divided equally between the mine workers and the company. A reserve of more than this amount might be against the interests of both parties. I understand that the amount will be arrived at on an actuarial basis but, as we were informed the other day, this actuarial basis is not by any means accurate, and we are assuming that it will be 4d. per ton. I consider the amount being asked of this company may eventually grow to quite a considerable total. I am drawing attention to that aspect by moving this amendment. I know that by so doing I am limiting the reserve, but I think that, at that amount, the reserve should be sufficient to carry out what is necessary. It appears to me to be about one-eighth of the total cost.

The CHIEF SECRETARY: I cannot agree to the amendment, although I have no knowledge as to whether the reserve fund, when created, would amount to even $\frac{1}{4}$ d. per ton. The point is that this fund is to be established on advice from the Government Actuary. As I advised the Committee previously, the Bill, as it relates to the establishment of the pensions fund, has been based on a contribution of 4d. per ton by the companies. Since that actuarial calcu-

lation was made, the Committee has materially altered the Bill which is now applicable only to those miners who are employed underground. The fund will not now cater for the same number of men as was originally proposed. The tribunal, with the benefit of the advice of the Government Actuary, will probably find that the amount of money required will not be as large as formerly estimated. Any action taken regarding the establishment of a reserve fund will be in accordance with advice tendered by the Government Actuary. I do not consider that the members of this Committee are entitled to affect the soundness of the fund by decisions arrived at here. If we are to say that the contributions of the company are to be limited to $\frac{1}{2}$ d. per ton, should we not also say that the contributions of the mine workers to the reserve fund shall also be limited correspondingly? I am not in a position to say what the worker's contribution should be to bring it into line with the $\frac{1}{2}$ d. per ton, which it is suggested should be contributed by the companies. The Committee would make a great mistake if it tied down the tribunal in the direction suggested. We should leave such a matter to the tribunal acting under the guidance of the Government Actuary. Another point to be considered is that regulations framed under the Bill will have to be placed before both Houses of Parliament and, should one or other party consider it was being unfairly dealt with, means would be found at once to deal with the position.

Amendment put and negatived.

Clause put and passed.

Clause 19—Contributions:

Hon. G. W. MILES: I understand the Chief Secretary intends to move for the reinsertion of the proviso to Subclause (6). Previously the Committee agreed to strike out that proviso leaving the rest of Subclause (6) in the Bill. I am opposed to the subclause as a whole, and I want to test the feeling of the Committee on the question of retaining the portion that remains. I move an amendment—

That Subclause (6) be struck out.

The CHIEF SECRETARY: I presume that if Mr. Miles's amendment is agreed to, I would then have an opportunity to move that the proviso deleted in a previous Committee be re-inserted. There are two points. One is whether the companies should be allowed to pass on more than 2d. per ton,

and the other is whether the companies should be allowed to pay their contributions to the fund out of the dividends of the preference shareholders.

The CHAIRMAN: Assuming that Mr. Miles succeeds, it is immaterial whether the proviso is inserted as a subclause or as a new clause.

The CHIEF SECRETARY: I should think that what was the proviso could be inserted as a new clause.

The CHAIRMAN: Yes; it could not be inserted as a subclause except on further recommitment.

The CHIEF SECRETARY: It is immaterial to me in what form it is inserted so long as it appears in the Bill.

Hon. L. CRAIG: I wish to be clear on the point. If Mr. Miles succeeds, the companies may pass on the cost. Then, if the proviso is inserted as a new clause, the companies will still be able to pass on the cost but may deduct the amounts from the dividends due to ordinary or preference shareholders.

Hon. C. F. BAXTER: In voting against the proviso, some of us thought that the whole of the subclause would be deleted. I have yet to learn of any record of the amount of money that will be required. We do not know how many miners will come under the measure in any one year. All we know is that the Government Actuary at the last moment placed before the Chief Secretary something based on records that are not complete. How could an actuarial decision be arrived at in such circumstances? We should put the matter on a sound commercial basis.

Hon. G. W. MILES: I appeal to the Committee to support the amendment. The cost of the pensions might be more than 4d. per ton and the companies would be allowed to pass on only 2d. Let us put the matter on a business basis. The pensions scheme should be arranged between the employers and the employees and treated as part of the business, just as other employers arrange superannuation funds for their men. If my amendment is accepted, there will be no need for the proviso because the companies will be in a position to pass on their contribution. That would be only fair to the companies. They should not be required to take the money required for pensions from the dividends of preference shareholders.

The CHIEF SECRETARY: This is one of the most important provisions of the Bill.

We are arranging for those who have had the privilege of working the coal mines at Collie to make some provision towards the pensions for miners. If the subclause is negatived, the mine owners may pass on the whole of their contributions to the consumers of coal. In view of the fact that the Government normally uses 90 per. cent. of the output and at present is taking 100 per cent., the Government would be called upon to pay the whole of the contributions to the fund other than the portion paid by the mine workers. If it is a fair thing for the mine owners to avoid any liability regarding the pension fund, it is also a fair thing that the mine workers should be provided with the equivalent of their contributions. One cannot get away from the logic of that argument.

Hon. L. Craig: It is not logical.

The CHIEF SECRETARY: I consider that it is. The Bill provides that the Government shall pay approximately one-quarter of the cost of the pensions fund, that the companies shall pay two-thirds, and the mine workers one-third of the balance, and, further, that the companies shall pass on to the consumer one-half of the two-thirds which is the consumer's liability. The Bill provides also that that charge shall not exceed 2d. per ton. The companies have an obligation in this matter. For many years they have exploited the Collie coalfields, and they are to-day exploiting that national asset; and there is no reason whatever why those who are drawing dividends from the exploitation of the fields should not pay their share towards the pensions of the men who make it possible for the shareholders to draw dividends. We cannot very well agree to the consumers being relieved of any obligation in this respect while we ask the miners to pay their share.

Hon. Sir HAL COLEBATCH: After the proviso had been deleted I voted for the retention of this part of the clause; but since the Chief Secretary is not content to stand on that and intends to reinsert the proviso, the effect of which would be to inflict monstrous injustices—to which I shall make no further reference unless the matter comes up again—I shall support Mr. Miles's amendment.

Hon. G. W. MILES: From my reading of the matter, the pension claim has been ill-conceived. I do not think the Government

for a moment expected that this House would carry the second reading of the Bill. The proviso which the Chief Secretary wishes to re-introduce—

The CHAIRMAN: Order! We are not on that.

Hon. G. W. MILES: The same procedure is to be adopted here as was adopted by Dr. Evatt—

The CHAIRMAN: Order! That matter is not before the Chair.

Hon. G. W. MILES: Not once but a dozen times actuarial figures have been asked for in relation to the Bill. Last week the Chief Secretary said he had such figures and would bring them forward at the proper time. The right time to produce them was before members were asked to agree to the second reading. If the Committee accepts the Bill as put forward by the Government, similar Bills will be asked for on behalf of the lumpers' union and other unions. The Industrial Arbitration Court takes into consideration the pensions question when fixing the wages. The companies get £18,000 a year if they produce coal of a certain calorific value, but under the Bill the figure will come down to £16,000. The whole thing is wrong. Full inquiry should be made before we agree to any further concessions. I trust the Committee will delete the words proposed to be struck out. Then the companies will be left to run their business in a business-like way.

The CHIEF SECRETARY: It is nice to have Mr. Miles's views stated so clearly. There is no doubt where he stands. We have already had one division on this clause, relative to the principle enunciated that all parties to the industry should be contributors to the fund. It is strange now to find one member who supported that principle, namely Sir Hal Colebatch, adopting the attitude that because I agreed to have a certain clause re-committed, he will vote in exactly the opposite direction to that in which he voted previously. I have agreed to the re-committal of numerous clauses, but it does not necessarily follow that I want the amendments proposed to succeed or not to succeed. In any event, so long as we understand the principle of the matter I shall not complain. That principle is that all parties concerned in the coalmining industry of Western Australia shall contribute to the pensions fund. And that is all this means.

Hon. Sir Hal Colebatch: That would not be the case if the proviso were re-inserted.

The CHIEF SECRETARY: The position would still be the same; all those who are interested in the coalmining industry of this State would be contributors to this fund. If I may reply to Sir Hal Colebatch, I would say, taking the experience of the last two years as a guide, that the people for whom he is talking are the only ones who have got anything out of the industry, they having taken all the profits that have been made. However, that has nothing to do with this amendment, to which I hope the Committee will not agree.

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

Ayes	14
Noes	6
Majority for	8

AYES.

Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. C. R. Cornish
Hon. L. Craig
Hon. J. A. Dimmit
Hon. F. E. Gibson

Hon. J. G. Hislop
Hon. G. W. Miles
Hon. H. S. W. Parker
Hon. A. Thomson
Hon. F. R. Welsh
Hon. G. B. Wood
Hon. V. Hamersley

(Teller.)

NOES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. C. B. Williams

(Teller.)

PAIRS.

Hon. E. H. H. Hall
Hon. H. Tuckey

Hon. E. M. Heenan
Hon. W. R. Hall

Amendment thus passed.

The CHIEF SECRETARY: The proviso that was inserted in the Bill in order to achieve some equitable arrangement whereby those who received incomes from the working of the Collie mines might pay their share of the contributions to the pension fund having been defeated—their position has been made particularly clear—I have no option but to move—

That progress be reported.

Motion put and passed.

Progress reported.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move —

That the House at its rising adjourn till 2.15 p.m., on Tuesday, the 23rd March.

Question put and passed.

House adjourned at 4.58 p.m.

Legislative Council.

Tuesday, 23rd March, 1913.

	PAGE
Questions: State Ferries, as to "Duchess II." ..	2914
Bags, etc., as to measures for preserving ..	2916
Bills: Coal Mine Workers (Pensions), recom.	2917
Commonwealth Powers, 2R.	2917
Adjournment, Special	2929

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

QUESTIONS (2).

STATE FERRIES.

As to "Duchess II."

Hon. H. S. W. PARKER asked the Chief Secretary: 1, What was the cost to the Government of putting into commission the South Perth ferry-boat "Duchess II."? 2, Who designed this ferry-boat?

The CHIEF SECRETARY replied: 1, £6,665; 2, Mr. W. H. Taylor, general manager, Tramways, Ferries and Electricity Supply.

BAGS, ETC.

As to Measures for Preserving.

Hon. V. HAMERSLEY asked the Chief Secretary: 1, Referring to damage to bags and tarpaulin covers caused by present-day superphosphate, if not already investigated will he inquire whether—(a) keeping tarpaulins clear of bags by pieces of timber or other means; or (b) allowing space between bags whether in trucks or in farmers' sheds; and (c) paying greater care to drying of superphosphate before packing would contribute to preserving bags? 2, If investigations of these matters have been made, what conclusions were arrived at? 3, Have investigations been made into the tanning of bags with red gum, and, if so, with what result?

The CHIEF SECRETARY replied: 1 and 2—(a) Keeping tarpaulins clear of bags by pieces of timber or other means will largely effect preservation of the tarpaulins. It should reduce somewhat the action on the bags by providing some ventilation and keeping down the temperature on the surfaces of the topmost bags which would come in contact with the hot tarpaulin; (b) allowing space between the bags whether in trucks or in farmers' sheds would considerably reduce the damage; (c) turning of the superphosphate to promote aeration and drying