Legislative Council,

Tuesday, 11th November, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Papers in connection with the experiment of importing seed potatoes from England. 2, Water Supply Department.—Exemption from detailed audit under Section 48 of the Audit Act, 1904.

ASSENT TO BILLS.

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

1, Fisheries Act Amendment.

2, District Fire Brigades Act Amendment.

3, Water Supply, Sewerage, and Drainage Act Amendment.

4, Declarations and Attestations.

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have to report the receipt of the following letter from the Audit Department under date 11th November, 1913:—

Sir, In pursuance of Section 53 of the Audit Act, 1904, and following the procedure adopted last year, I have the honour to transmit, for presentation to the Legislative Council, a copy of the Hon. the Colonial Treasurer's Statement of the Public Accounts of the State of Western Australia for the financial year ended 30th June, 1913, together with Part I. of my report thereon. Part II. is in course of preparation, and will be transmitted to you at an early date. I have the honour to be, Sir, Your obedient servant (signed), C. S. Toppin, Auditor General.

LEAVE OF ABSENCE.

On motion by Hon. F. CONNOR, leave of absence for twelve consecutive sittings granted to the Hon. R. W. Pennefather on the ground of ill-health.

On motion by Hon. J. F. CULLEN leave of absence for six consecutive sittings granted to the Hon. C. McKenzie on the ground of ill-health.

MOTION—STANDING ORDER AMENDMENT.

Hon. W. KINGSMILL (Metropolitan) moved—

That it is desirable that Standing Order 191 (Order in considering Bill in Committee) be amended by the transposition of "proposed new clauses" and "(2) Postponed clauses (which have not been specially postponed)," and that the Standing Orders Committee be requested to make the said amendment and to report the same to the House.

He said: In commending this motion to the House, very few words indeed are necessary. The motion is to request the Standing Orders Committee of the House to make a certain amendment to Standing Order No. 191. Standing Order 191 is the Standing Order which prescribes the sequence in which clauses and other parts of any Bill before the Committee shall be taken. In my opinion, from a practical working point of view, and from an experience gained during some years, the order as laid down in Standing Order 191 is not such as is conducive to the best results. Standing Order 191 begins as follows—

The following order shall be observed in considering a Bill and its title:—1. Clauses as printed, and proposed new clauses. 2. Postponed clauses (which have not been specially postponed). 3. Schedules as printed.

The only portion of the Standing Order with which my motion deals is Nos. 1 and 2, namely, "1, clauses as printed and proposed new clauses," and "2, postponed clauses which have not been specially postponed." It is my desire to transpose proposed new clauses and the postponed clauses. Hon. members will know that this session more than any other which I remember, the fashion of postponing clauses has been availed of and it is necessary, in my opinion, when a clause is postponed that it should be postponed to some definite place. This, however, has not been done. Under the Standing Order it is impossible that it should be done because no one knows what proposed new clauses may be brought forward practically without more than a day's notice. I consider that that in itself is one reason why the Standing Order should be altered. Again, the Standing Order as it stands is practically necessitating the addition of another stage to the consideration of a Bill in the way of an extra recommittal. If we take the clauses as printed and proposed new clauses first, it is obvious that if the postponed clauses are so altered as to demand the addition to the Bill of further new clauses, those new clauses can only be added on a recommittal. This would mean that the Bill would need an extra stage and that necessitates a great waste of time and a good deal of waste of printing. I think that to those hon. members who take an interest in procedure, and who have watched the effect, the motion will commend itself. At all events, the object is to request the Standing Orders Committee, which is provided for this purpose, to make the amendment and to report to the House. If the Standing Orders Committee on consideration do not see their way clear to make the amendment, then I presume they will report to the House that they do not approve of it and that the amendment cannot be made. Speaking as, perhaps, the person most interested, as Chairman of Committees, I can only say that I strongly, from my experience, commend this motion to the House. I have stood the present state of affairs for, I think, five years now——

Hon. F. Davis: And it is beginning to tell.

Hon. W. KINGSMILL: And it is beginning to tell, I suppose, because, as I have said, the fashion of postponing clauses has been more in evidence this session than ever before.

Question put and passed.

MOTION—AUSTRALIAN HISTORY, INSTRUCTION IN SCHOOLS.

Hon. C. A. PIESSE (South-East) moved—

That in the opinion of this House enlarged copies of the six maps of Australia, as they appear on pages 17 and 18 of the "Official Year Book" of the Commonwealth," illustrating the creation of the various States of Australia, be placed in the schools of this State, and that with a view to more general instruction in the history of Australia, a school pamphlet descriptive of such evolution be prepared for educational purposes.

He said: I move this motion in the interests of the youth of Australia and also in the interests of Australian history. Another reason is to draw attention to the *Year Book of the Commonwealth,* which does not come within the reach of all the people of Australia and certainly not as many as it should do. This excellent publication is a credit to Mr. G. H. Knibbs, who is responsible for its issue. On pages 17 and 18 of the *Official Year Book* there are six maps showing Australia as it was almost from the day it was discovered up to the present time. There is a great deal of ignorance in other parts of the world, and in Australia also, as to the creation and evolution of these different States and there is much ignorance with regard to Australian history generally. Those who are fortunate enough to possess a copy of the *Official Year Book* will realise what an advantage it would be to have maps on the same lines as those shown in the book provided for use in every school. From

them, at a glance, the history of Australia can be seen. Map No. 1 deals with Australasia as it appeared from 1786 to 1827. Australia as it was then known consisted of one-half of what is Australia proper to-day; in fact less than one-half, and the rest was unannexed. That was the case for 41 years. The importance of this fact to us to-day is undoubted. To the Japanese, or those who are casting envious eyes on that great portion of Australia, it must be a source of regret to them that they did not take an opportunity of annexing it when it remained idle for 41 years. An interesting feature about Map No. 2 is that Tasmania was supposed to be a portion of Australia proper and New Zealand was also known as a portion of Australia. I have only one regret in regard to these maps and it is that they are incomplete in this respect, that from 1770, when Captain Cook took possession of the eastern portion of Australia, until 1786, there is no map showing the portion which was then annexed. The reason given is that there was no definite boundary to the westward. That is the only thing missing from these excellent maps. There is clearly shown in each successive map the history of the progress of Australia. Map No. 2, which deals with Australasia from 1827 to 1836 is especially interesting to this State as showing the creation of Western Australia. In fact it is remarkable to notice that this map gives Western Australia the same area in that year which it enjoys to-day. Western Australia was the second of the States to be created and the map illustrative of that gives the history at a glance and should be in every school to demonstrate the position in this period, 1827 to 1836, showing two of the States in existence. In map No. 3 we have an illustration showing the creation of South Australia. A feature of that is the fact that a portion of New South Wales in the period between 1836 and 1851 intervened between South Australia and Western Australia. If we told that to anyone, as I have done on various occasions, we would be laughed at. I remember being told this myself at one time by a gentleman who was interested in Australia. He informed me that Western Australia and South Australia were at one period of the history of Australia divided by a portion of New South Wales. I resented the statement and thought how ignorant my informant was, whereas what he told me was quite correct, as map No. 3 in the *Year Book* shows. As a matter of fact South Australia was proclaimed out of New South Wales, when it was established as a separate colony with 60,000 square miles of New South Wales territory still between Western Australia and South Australia. This map also, if it were published, would help considerably to dispel the ignorance which exists, not only in our own country, but abroad, in regard to this matter. We find, therefore, that up to 1851 there were three colonies created. The fourth map which appears in the *Year Book* shows us the creation of the colony of Victoria, and it is interesting to note that even then a portion of New South Wales still divided Western Australia and South Australia. New Zealand, which was part of Australia, was proclaimed a separate colony in 1841. The fifth map gives us Queensland. The areas were not as they are to-day, but they closely approximate them. The sixth map shows us Australia as we know it to-day, and as we see it displayed on the maps in our educational institutions.

Hon. J. W. Kirwan: New Guinea, which is a part of the Commonwealth, has been left out of these maps.

Hon. C. A. PIESSE: It is not shown in these maps; they only show us Tasmania and New Zealand. My desire is merely to draw attention to these maps so that our rising generation may derive some instruction by their publication and use in the schools. I have looked in vain to the Education Department to take action in the direction of my suggestion. I consider that such maps as these should be made general use of in connection with school work, and I might suggest to my friend, Sir Winthrop Hackett, that it would be a good idea if he were to have these six maps reproduced in the *Western Mail*. It is astonishing

to find what ignorance exists in regard to the proclamation of the various colonies of Australia, and in view of the existence of that ignorance the time which I have taken up in referring to the matter I think will not have been wasted. It is indeed regrettable to find that such little knowledge exists about the division of Australia into colonies.

Hon. J. W. Kirwan: Those maps on page 35 of the *Year Book*, referring to the progress of Australian exploration, are equally interesting.

Hon. C. A. PIESSE: I admit that is so, but everyone should be conversant with the history of Australia in the direction that I have referred. I do not know that there is any need to say much more on the subject. One cannot help but congratulate Mr. Knibbs on the excellent publication that he has given us, and this is the sixth edition. It is full of instruction and is as useful as any that can be found. By causing the reproduction of the maps to which I have alluded, we will go a long way towards dispelling the ignorance that exists at the present time. The matter is one which might be referred to the Federal Government, and I think we can well leave it in their hands. If action is taken in the direction I suggest we will remove a wrong impression which exists, not only here, but elsewhere. Unless something authentic and with the hall mark of the Commonwealth goes out to the world we shall always have the misconception which exists to-day. I commend my motion to hon. members.

Hon. J. F. CULLEN (South-East): I would like to suggest to the mover that it is not desirable to lay down a hard and fast instruction to the Education Department, and it would be more effective, as well as more in accordance with our usual procedure to slightly alter the wording of this motion, and make it read as follows:—

That this House commends to the Education Department the desirability of having enlarged copies of the six maps of the Commonwealth as they appear on pages 17 and 18 of the "Official Year Book of the Commonwealth" illustrating the creation of the various States of Australia, placed in the schools of this State, and of having a school pamphlet descriptive of such evolution prepared for educational purposes.

Hon. C. A. PIESSE: I will accept that and will withdraw my motion.

Motion by leave withdrawn.

Hon. C. A. PIESSE: I will now move the motion as suggested by Mr. Cullen.

On motion by Hon. R. G. Ardagh debate adjourned.

BILL—CITY OF PERTH IMPROVEMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is introduced for the purpose of giving full effect to a proposal which has already been before the ratepayers of the City, for the improvement of the means of communication between the City and the newer suburban areas, principally towards the north. Were it not for the restricted nature of the powers conferred by the Municipalities Act in some respects this Bill would not be introduced into Parliament, as the subject with which it deals is principally one for the consideration of the city council. It has long been felt that the development of the City and some of the suburbs has been retarded by the difficulties of communication between many of our metropolitan areas. The city council have for some time past had the matter under consideration and determined that the extension of some of the existing thoroughfares and the opening up of other means of communication is in the best interests of the City. A comprehensive scheme of City improvement by the widening and extension of certain streets has been evolved, and to meet the necessary expenditure the city council announced in April last their intention of raising a loan of £108.377, the schedule to which sets out the thoroughfares upon which it is proposed to spend this

money. The scheme involves the purchase of certain land in order to permit of the continuation of some of the streets to junction with other open thoroughfares, giving the suburbs access to the City by a more direct route. The notice of intention to raise the loan was exhibited for the period prescribed by the Municipalities Act, and no notice having been lodged against the proposed loan, on the 19th May last the city council adopted a resolution embodying a special order in proper form for the borrowing of this money. Some of the land has been purchased, of course without the necessary authority, and this Bill, if passed, will ratify that purchase. While the council have power under the Municipalities Act to purchase land for the widening or extension of streets, they have no powers to purchase lands for other purposes. This Bill is required to give the council the requisite authority and to give them the same power, as any person already owning land, to deal with that land in such a way as they may wish, but with the exception that they must have the approval of the Governor-in-Council, if it is their intention to sell. In the *Government Gazette* of the 18th April last the following appeared:—

> Perth City Council—Proposed loan of £108,377—Notice is hereby given that the council of the municipality of the city of Perth proposes to borrow the sum of £108,377 (One hundred and eight thousand, three hundred and seventy-seven pounds sterling), to be expended in the purchase and construction of works and undertakings in the said city of Perth, the said works and undertakings being as follows:—Hyde Park improvements, £4.000; construction of band stands, £400; construction of river baths, £3,000; construction of latrines, £3,000; construction of latrines, Wellington-square, £500; drainage, £12.267; paving and partial paving of streets and footways—Central ward £5.770, North ward £6.060, South ward £16,598, East ward £6,180, West ward £4.902—£39,510; paving of proposed extension of William-street northwards to Clifton-street, £3,000; total, £65,677; purchase of land for the extension of William-street northwards to Clifton-street £13,000, purchase of land for the extension of Stirling-street northwards to Lincoln-street £8,000, purchase of land for the extension of Pier-street northwards to Brewer-street £8,000, purchase of land for the extension of Aberdeen-street eastwards to Pier-street £7,200, purchase of land for the extension of the new municipal yard, being the whole of town lot W66 at the corner of Moore and Lord-streets £3,500 (all as shown on plans which may be inspected at the office of the City Engineer)—£39,700; purchase of three commercial motors (chassis and alternative bodies, complete), £3,000—£108,377.

No objection whatever was raised by the ratepayers, but the council in some respects assumed a power they had not, and this Bill is introduced for the purpose of rectifying their action. The proposed extensions are: William-street to Clifton-street—this will make almost direct communication to Hyde Park and will make an outlet to Amy-street, Ruth-street, Edith-street, and Primrose-street, which at present have no direct communication from one street to another but have dead ends. Stirling-street to Lincoln-street — Stirling-street is a wide thoroughfare to Padbury-street; from Padbury-street to Bulwer-street is a narrow thoroughfare; between Bulwer-street and Lincoln-street there is no continual and direct thoroughfare; half way between Lincoln-street and Bulwer-street there is a very narrow thoroughfare named Cecil-street, running south towards Bulwer-street. The proposal of the council is to take Stirling-street full width to Lincoln-street, this being one of the main thoroughfares of the City. Pier-street to Brewer-street—Pier-street is also one of the principal thoroughfares from the north of the City to the river, but Pier-street runs to a dead end into Newcastle-street. It is proposed to continue Pier-street through to cross Parry-street, Edward-street, and Brewer-street. This will junction at the south-west corner of Loton's Paddock, which is used

as a recreation ground, with Goode-street, which will provide direct communication from North Perth (Walcott-street) to the river. Aberdeen-street to Pier-street—this proposal will give direct communication between the east and west boundaries of the City. A street named Short-street runs westward from Lord-street to Pier-street. The proposal is to continue Aberdeen-street to Short-street. There is no thoroughfare running east and west between James-street and Newcastle-street. I beg to move—

That the Bill be now read a second time.

Hon. W. KINGSMILL (Metropolitan): It gives me much pleasure indeed to support the second reading of this Bill, and I hope there will be no trouble in getting the measure through this Chamber. Hon. members will realise that when a stranger visits a city for the first time a great deal of his impression depends upon the way in which that city is laid out. Perth has been fortunate in most respects, but it so happens that in the northern portion of the City the streets have been laid out in a somewhat irregular and erratic manner. I presume this is due to the fact that the northern portion of the City, that beyond Newcastle-street, at any rate, was not in the original survey of the City. It consisted of private estates which were added to the City by private enterprise bit by bit, and so the streets lack that continuity which was necessary in any definite and considered scheme. As hon. members will see from the plans which have been laid on the Table, it is proposed to make these main arteries of the City practically continuous and as straight as possible. Hon. members who have travelled along the northern portions of William-street will know that there are two very annoying turns in the continuation of that street, which this scheme will cut out. I may mention that the money which it is proposed to spend for this purpose amounts to a sum of approximately £36,000. This sum was included in the loan schedule read by the Colonial Secretary, and in this instance the principle which is so dear to this Chamber has been adhered to, that is that the owners shall be the persons to decide as to the spending of the money; and, may I add, it might have been better for another Bill which has been lately before this Chamber if the same procedure had been followed in that instance as has been followed in this. In this case the appeal to the ratepayers who are most affected by the proposed improvement of the City has been already taken, and all that is wanted for this House to affirm, is to give the city council a power which they do not possess under the Municipalities Act, that is the power to obtain certain property which is not actually included in the area of the streets which it is proposed to extend and lay out to join other streets, but which is absolutely necessary for the carrying out of the scheme now before this House. And let me say that two factors which will commend this Bill to this House are these; in the first place two, possibly three, of those eye-sores—and more than eye-sores, because they offend more senses than one—the Chinese gardens in the centre of the City will be deleted under this scheme; and, secondly, it will be possible to obtain three or four small reserves similar to that between St. George's-terrace and Mount-street, and it is the intention of the city council to put some of the land obtained under this scheme to that use. Small reserves for the recreation of the public will be provided under these plans. When we consider that some of the Chinese gardens in the centre of the City will be done away with, and when we further consider that more of the reserves which are so badly needed will be given under this scheme, I think those considerations will go a long way to recommend the Bill to the House. For the reasons I have given I have very much pleasure in supporting the second reading of the Bill.

Hon. M. L. MOSS (West): I have no intention of opposing this Bill, but before I knew that the contents of this schedule had been published in the *Gazette* it was my intention to put up very strong and strenuous opposition to the measure. Even now I want an ab-

solute assurance from the Minister that the schedule of lands contained in this Bill is the same as the lands alluded to in the *Government Gazette* of the 18th April, because unless we get that assurance from the Minister we are giving authority to the municipal council of Perth to borrow a large sum of money without any vote of either owners or ratepayers. The principle, which was strongly affirmed in this House, a few days ago in connection with the Fremantle Improvement Bill, ought to be applied with the same force to Perth as it was applied to Fremantle. When the Bill goes into Committee I shall ask for a definite assurance from the Minister that the lands mentioned in this schedule are the same as those mentioned in the *Government Gazette* notice in April last. I have only one other word to say and that is this: Frequently in this House complaints have been made against local governing authorities doing things that they have no authority to do by law, and then coming to Parliament to get a ratification of their action as a matter of course. The duties and obligations of the local governing bodies are clearly defined by their Statutes, and it is highly desirable in the public interest that those bodies should act within their powers. There is no doubt about it that this Bill is sought to cover up the tracks of the Perth City Council in having done something entirely *ultra vires*. They went by their loan proposal and purchased in some instances, and in others they hope to purchase, land to the value of something approximating £40,000 without any authority for the purpose. It appears they have powers to purchase lands for the making of streets, but not power to purchase land for other purposes. In defiance of the limited authority vested in them in the Municipal Corporations Act they claim the credit of the State to the extent mentioned by the Colonial Secretary without any statutory authority in the matter.

Hon. W. Kingsmill: They could reappropriate if they could not spend it for that purpose.

Hon. M. L. MOSS: No, they could not. They cannot take loan moneys and do just as they think fit with them.

Hon. H. P. Colebatch: They can with the consent of the ratepayers.

Hon. M. L. MOSS: That is true; but the difference between this and the Fremantle Improvement Bill is that there certainly has been a proposal submitted to the ratepayers and owners in Perth, and apparently no appeal was demanded as required by the Municipal Corporations Act, and we may assume, save and except that they got beyond the statutory powers I have mentioned, that there is approval of the ratepayers in what is proposed to be done. In these circumstances if everyone is satisfied that the expenditure of this money will be an improvement to the city of Perth—and I do not suppose any objection will be offered—all I want to know is that the lands in this schedule of the Bill are the same as those alluded to in the *Gazette*. Subject to that I am prepared to support the measure.

The COLONIAL SECRETARY (in reply): I was given to understand it was so, but I will make sure. Clause 2 of the Bill shortly explains. It states—

> The council of the municipality of the City of Perth may, in the name and on behalf of the municipality, purchase by agreement from the respective owners thereof, who may be willing to sell the same, or may take compulsorily under and subject to the provisions of the Public Works Act 1902, all or any of the lands described in the Schedule hereto, and may pay the purchase price or the amount of compensation awarded and all costs incidental thereto, as the case may be, for all or any of such lands out of the municipal funds or out of the loan moneys borrowed (*inter alia*) for street extensions, pursuant to the special order made by the said council on the nineteenth day of May, one thousand nine hundred and thirteen.

Hon. M. L. Moss: Why don't you lay on the Table a copy of that special order?

The COLONIAL SECRETARY : When the Bill is in Committee I will produce a copy of the special order. It was given to me and it is an oversight that I have not brought it along. I would like to give the House the assurance at the present stage, although I am pretty certain it is exactly the same.

Question put and passed.

Bill read a second time.

BILL—LEGAL PRACTITIONERS' ACT AMENDMENT.

Second Reading.

Hon. M. L. MOSS (West) in moving the second reading said: In rising to move the second reading of this Bill I may say it is intended by it to amend the Legal Practitioners' Act of 1893. Section 14 of that Act sets forth a number of persons who are entitled to be admitted as practitioners of the Supreme Court, the qualifications being—

> (a) Is a barrister admitted and entitled to practise in the High Court of Justice in England or Ireland, or (b) Is a writer to the Signet in Scotland; (c) Is a solicitor admitted and entitled to practise in the High Court of Justice in England or Ireland, or in the Supreme Court of Scotland, or (d) Is a solicitor or attorney admitted and entitled to practise in the Superior Courts of Law in those of Her Majesty's Colonies or Dependencies where in the opinion of the board—(i) The system of jurisprudence is founded on or assimilated to the common law and principles of equity as administered in England, and where (ii) The like service as mentioned in the next subsection under articles of clerkship to a solicitor or attorney and an examination to test the qualification of candidates are or may be required previous to such admission, and where (iii) Practitioners of the Supreme Court of Western Australia are entitled to be admitted, or (e) Has actually and *bona fide* served under articles of clerkship to a practitioner as required by this Act and has so served for the full term of five years or in case such person has taken the degree of Bachelor of Law at any University recognised by the Board in England or Ireland, or any of the Australian colonies, including Tasmania and New Zealand, has so served for the full term of three years.

In addition to that there is one other qualification which was added on to the principal Act by the measure passed by this Parliament in 1909, whereby certain managing clerks who could bring themselves within the provisions of this Act were also entitled to admission in Western Australia. It is now sought by the Bill before the House to make a small extension in this regard, that persons who have served as judges' associates for the period of 10 years shall be put on the same footing as managing clerks, and with this difference, that in the case of a managing clerk he is only expected to pass the final examination, whereas it is intended to impose on judges' associates who serve 10 years an obligation of passing the intermediate examination and the final. The proposition sought to be embodied in the law is not entirely a new one in Australia. In Queensland persons who serve for five years as judges' associates are put on the same footing as persons who serve five years under articles to a practitioner, and to a limited extent the same provision applies in Victoria, while in the Dominioin of New Zealand, when articles were compulsory—they are not compulsory at the present time—an officer who filled the same position as a judge's associate in this State—a judge's secretary he was called—was entitled to the privileges of an articled clerk, that is to say, he was entitled by five years' service as a judge's secretary to be put in the same position as if he served five years' articles to a practitioner of the Court. Hon. members know, without my mentioning it, that judges' associates in this State are appointed by the judges, who always appoint a well-educated young man, and all that it is sought to do here is to excuse these associates from passing the preliminary examina-

tion. No associate who has been appointed in the past has been appointed, and they are not likely in the future to be appointed, unless educated above the standard prescribed for this preliminary examination. These associates are engaged in performing legal duties the whole of their time, and are obliged to assist the judges in chambers. They also attend upon the judges in Court and in that way acquire a good deal of practical experience.

Hon. W. Kingsmill: Is the training they get in that way equal to what they would get under articles?

Hon. M. L. MOSS: I will candidly say no, it is not, but I would point out that they are expected to serve for the period of ten years and not five. It will be an inducement to these associates in the future when they know there is something at the end of ten years' service, and it will be an inducement to them to study a great deal more than at the present time, and I need hardly say the public service will benefit to a greater extent by the additional amount of knowledge these associates will acquire. I quite recognise that there is always a danger in tinkering with the Legal Practitioners Act. The Legislature is not in my judgment altogether the most suitable body to commence laying down what the standard of qualifications should be for the admission of a legal practitioner, any more than the Legislature is a highly competent body to decide what should be the qualifications for a medical man or a person taking Holy Orders. I think the Legislature will have to look at this in a very light way, and as a matter of fact I do not think the Legislature as a whole possesses sufficient confidence to enable it to express a distinct opinion on the matter of these qualifications. It is much better to leave it to the Barristers' Board to lay down what the qualifications should be. This Bill has been moved in another place. I do not know whether it has been referred to the Barristers' Board, but the Attorney General who is *ex officio* chairman of the Board put up a very strong opposition. The second reading was moved in another place by Mr. Hudson, and I have taken on myself the responsibility of piloting the measure through this House. I know there are quite a number of amendments proposed to be moved by hon. members, and if the second reading is carried I do not propose to go into Committee today, as I want to see all these amendments on the Notice Paper. What I am saying now is not intended in any way to reflect upon those who intend to move amendments, but is an intimation of the attitude I propose to assume. If there are amendments which I feel to be highly undesirable in an important measure of this kind, I will not be prepared to go on with the measure through all stages in this House. We have a right to ask that Parliament shall always bear steadfastly in view the fact that at the present time there is complete reciprocity between Western Australia and other States of the Commonwealth and there could be if it were sought, I am sure, complete reciprocity between Great Britain and Western Australia, for all, I think, the authorities have to ask is for the publication of an Order in Council, which the Soveriegn would be advised, I have no doubt, to publish if the Secretary of State for the Colonies were asked to extend the provisions of the Colonial Solicitor's Act to Western Australia, but if we vary to any extent the qualifications of the persons entitled to be admitted, the result will be that our reciprocity with other parts will be lost. If a number of amendments were put on the Notice Paper which in my judgment would affect the reciprocity which exists at present, I would be the first to attempt to defeat this Bill. There is no danger of this occurring in connection with the amendment which is now moved, in view of the position I have explained in regard to Queensland and Victoria. In extending this principle in the Act of Western Australia we are not going to do any harm to the legal practitioners as a whole, but if a number of amendments are going to come along which, in my opinion, will affect the reciprocity we are entitled to, I will not consider it my duty, although

I am moving the second reading of this Bill, to persevere with the measure until it becomes an Act. I move—

That the Bill be now read a second time.

Hon. W. PATRICK (Central) : I have much pleasure in seconding the motion for the second reading of this measure, and I need scarcely say that it would be quite unnecessary for me to argue in favour of any measure which will make an alteration in the position of solicitors in Western Australia when that measure has been approved by such an authority as one of our leading King's Counsel. I am quite satisfied to think that anything in this measure is quite satisfactory from the point of view of the legal profession in Western Australia, or otherwise it would not be supported by my friend the hon. Mr. Moss. Since he has referred to amendments to this measure, I would like to say I intend when in Committee to move an amendment. I can assure the hon. member that in my opinion that amendment will not in any way interfere with the dignity of his profession in this State.

Hon. D. G. GAWLER (Metropolitan-Suburban) : Without in any way wishing to depreciate the value of the advocacy of Mr. Moss of a measure like this, I would like to say that the Bill has in it a very undesirable principle in that it does away entirely with the necessity for practical experience in the case of the persons whom it seeks to admit. I have every respect for the associates. There is no necessity for me to say that they are all educated men and men of high character. At the same time it cannot be suggested that the office of an associate allows the occupant thereof any practical experience in law. The duties of an associate are merely to attend cases while they are being heard. He may or may not even be in attendance throughout the whole length of the case. He may have occasion to leave to transact the business of his office, and the utmost experience which an associate gains is a certain amount of experience in chamber work in connection with the practice of the Supreme Court. He has no experience in practical office work. For these reasons I must suggest to hon. members that it is undesirable to allow the admission into the profession of men without any practical experience at all. I would be quite prepared to allow an associate to be admitted after even two years of service as an associate, provided he had also three years practical experience. The Bill proposes to insist upon his being an associate for ten years. Personally I think that time is far too long. If he is to gain any experience as an associate, he can gain in three years just as much as in ten years. Therefore, in my opinion, ten years is too long a term. But, as I say, if the Bill be allowed to be amended to provide that he has three years practical experience in an office, I would be quite prepared to move the amendment, and admit the remainder of the provisions of the Bill. There is another thing to be considered in respect to this, and that is, as regards an associate, he has an advantage over the ordinary articled clerk; because, while he is an associate he is earning a salary, whereas a man articled in an office earns no salary, or only a small salary during the latter part of his term if he has paid a premium. Therefore, to that extent there is an advantage in the case of an associate who, as I say, gets a salary during the whole of his term. I am quite willing to recognise in an associate a man who has other qualifications which possibly the ordinary articled clerk has not. We can take it for granted that the associate, by virtue of the fact that he has been chosen to be an associate to a man occupying the high position of a judge of the Supreme Court, is a man of unimpeachable character and of a certain amount of education. Therefore, he has those two qualifications attached to his office. Another point of view from which I object to the Bill is that, so far as I know, it has not gone before the recognised body of the legal profession, the barristers' board. The barristers' board is there to protect the interests of the public and to see that the business of solicitors is so conducted that the interests of the public are

thoroughly safeguarded. I think a body like that should have an opportunity of saying whether or not they approve of the provisions of the Bill. They know better than anybody else the qualifications required. I may also mention that, to my mind, the necessity for sending to the barristers' board a Bill of this nature is shown by the fact that, I, and I think other hon. members, have been bombarded with all sorts of proposed amendments to the Bill, amendments allowing other men, under certain conditions, to be admitted. I think all those amendments should be equally taken into consideration with the proposed amendment in the Bill. The whole subject should be generally considered by the barristers' board, and a Bill covering all the proposed amendments brought forward. Then there has been an objection raised in another place on the ground that it is a one-man Bill. Personally, I place no value on that objection. I do not think it is a one-man Bill, because it affects a very important and respectable and large class of men in our midst, namely, the judges' associates.

Hon. W. Kingsmill: A large class?

Hon. D. G. GAWLER: So long as there are judges there will always be judges' associates, and these are the men whom this Bill affects.

Hon. W. Kingsmill: But they are not a large class.

Hon. D. G. GAWLER: The associates are continually changing, and there are many men whose interests are affected. Therefore I place no value whatever on that objection. Mr. Moss has referred to the fact that a Bill of this sort requires to be carefully scrutinised to see that it does not cut down the qualifications necessary from the point of view of reciprocity with the other States. We all know that each State largely works upon the qualifications required by the other States. Therefore, if the qualifications of this State are brought below those in the other States it means that a man admitted here, if he should wish subsequently to practise elsewhere, will find it very difficult to get admitted. My friend has pointed to the fact that in two States, Queensland and Victoria, judges' associates are admitted under these conditions. But on the other hand, in South Australia and New South Wales, apparently they are not so admitted. That being so, any practitioner wishing to go from this State to those States would be met with the objection, "The qualifications in your State are lower than are ours." I want it to be thoroughly understood that I am raising these objections in the interests of the legal profession and of the public. If my objections are right, namely that it is necessary, in the interests of the public, that any man carrying out legal business for them—and hon. members will be aware that in many instances the legal business transacted by a solicitor is of an extremely delicate and complicated nature—should have certain qualifications, I think hon. members will agree that men who carry out that business should have practical experience of a general practitioner's work. The amendment brought forward in 1909 still kept to the idea of practical experience. It allowed to be admitted men who had served in positions as clerks for ten years, or as managing clerks for five years, but it stuck firmly to the idea that they should have practical experience. My objection to the Bill is that it does away with the necessity for practical experience. We might almost compare the position of an associate with the position of a chemist's assistant who stands by and hears a prescription prescribed, and possibly assists in making it up. Without wishing to be offensive, we might almost say that a man in that position would be as well qualified to act as a doctor as would an associate to act as a general practitioner. I propose to move a very harmless amendment. I only desire that these associates should have a certain amount of practical experience, and I propose that it shall be three years. With that accepted, I shall be glad to agree to the remaining provisions of the Bill.

Question put and passed.

Bill read a second time.

BILL—MINES REGULATION.

In Committee.

Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Classification of inspectors:

Hon. J. D. CONNOLLY moved—

That paragraph (c) be struck out and the following inserted in lieu:—"The majority of persons employed in any mine may, at their own cost, once in every month, or oftener if they think fit, appoint two of their number or any two practical working miners, not being mining engineers, to inspect the mine, and the persons so appointed shall be allowed, once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine and to inspect the shafts, levels, planes, working places, return airways, ventilating apparatus, old workings and machinery. Every facility shall be afforded by the owner, agent, or manager, and all persons in the mine for the purpose of inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in the record book and shall be signed by the persons who make the inspection, and if the report states the existence or apprehended existence of any danger they shall forthwith cause a true copy of the report to be sent to the inspector."

Probably it was not necessary to give any lengthy reasons for asking the Committee to strike out paragraph (c), which provided for the appointment of workmen's inspectors, to be elected by duly registered unions of mine workers. It was an entirely new provision. If it could be shown that it would add to the security of the men working in the mines he would support it: but it had not been shown that it would add to the safety of those men. The Minister had told us a great deal of the hardships and accidents which occurred in the mines, but he had not shown that this provision would add to the safety of the miner. The Minister had pointed out the great hardships to which the miner was subjected, but he had not adduced a single argument in favour of workmen's inspectors. Although members sympathised with the miner, in consequence of the dangers he had to undergo, still the Committee should look at each clause and consider the arguments put forward, to see whether there was anything in the clauses which would obviate the dangers, or lessen the dangers, which the Minister had spoken of. This clause allowed the union workmen in a mine to elect one of their number as an inspector, to have all the powers of an inspector, and under Clause 11 an inspector had very wide powers. There was no difference between a workmen's inspector and a district inspector. The Minister might say that under Clause 10 the workmen's inspector was under the authority of the district inspector. That was so, but if members turned to the interpretation clause there was no difference between a workmen's inspector and a district inspector. The only thing in Clause 10 that the Minister could rely on was that the workmen's inspector was under the district inspector. Still the workmen's inspector had all the powers contained in Clause 11. If a workmen's inspector was given all the powers contained in Clause 11, there was no reason for the provision for workmen's inspectors, because under the present Act the employees in a mine could report any weakness or danger in any part of the mine to enable the district inspector to take action. In regard to miners suffering from miners' complaint: the Minister had condemned workmen's inspectors as a preventive of this complaint, because speaking in reply on the second reading debate he said that workmen's inspectors would not be highly paid men. That they would not be paid as much as district inspectors; perhaps half the salary, or much less, because workmen's inspectors need not be so highly qualified as district inspectors. If a district inspector had to deal with the ventilation and sani-

tation of a mine he must be a well qualified man, yet the Minister admitted that workmen's inspectors would not be well qualified men, so how could they prevent danger. It had been said, "Why not appoint more Government inspectors," and according to the Minister's argument, if more district inspectors were appointed there was more likely to be the prevention of pulmonary diseases than by the appointment of workmen's inspectors, who would not have to pass a technical examination. While all deplored accidents occurring in mines, and they were very numerous, still they were not nearly as numerous as might appear at first sight, and would compare favourably with the number of accidents in the other States than had been stated by the Minister.

Hon. A. Sanderson: Are you referring to accidents, or fatal accidents?

Hon. J. D. CONNOLLY: Both. In the Mines report for 1912, fatal accidents were dealt with on pages 49 to 52, and it was better to deal with fatal accidents than serious accidents, because if we took serious accidents it would require an exhaustive examination. Taking the fatal accidents referred to in the Mines report, almost without exception, no amount of inspection would have prevented an accident. Take one case. A man was killed in the Ivanhoe mine, and the report stated that the fuse used was tested and found to be good. Therefore, no amount of inspection would have prevented that accident. The same could be said about the eight fatal accidents in shafts. Here was a case at the Golden Horseshoe mine. A man met his death through walking into the main shaft at No. 1 plat. From the evidence at the inquest it would appear that after being lowered and waiting for about three minutes he was seen to stoop and go under the guard rail of the south compartment, immediately disappearing down the shaft. He was subject to absent-mindedness at times, which might account for the accident. No amount of inspection would have prevented that accident. Take another case. A shift boss on the Associated met with a fatal accident while ascending a ladder to No. 1 level. He had been suffering from influenza and became dizzy, and fell to the level below, sustaining such serious injuries as to result in his death a day later. A verdict of accidental death was returned by the coroner's jury. Here was a regrettable accident, but no amount of inspection would have prevented it. Take another case. A miner in the Sons of Gwalia mine, Leonora, was killed while riding in the trolley used during sinking the main inclined shaft below the lowest level to which the skips ran. He was sitting on the back of the trolley in a position which required him to crouch down in order to avoid being struck by the timbers, and in passing one of the plats he held his head too high and was knocked off, receiving injuries from which he died. There again it was the miner's deliberate act, and no amount of inspection would have prevented the accident. In regard to falls of ground, which the Minister told members rightly, was the greatest danger in a mine, at the Golden Horseshoe two men working in a stope at the 1,700 ft. level fired out a round of holes and then worked down the loose ground. They then noticed a large piece of rock had a crack in it, and tried to bar it down but could not do so, and started to rig the machine. One then noticed some loose rock and began to knock it away with a bar, when the large piece previously tried came away suddenly and killed him instantly. The coroner's jury found no blame attachable to anyone. There again no amount of inspection would have prevented that accident. Almost everyone of the cases which were given in the Mines report were of such a character that no amount of inspection would have prevented them. He quoted these cases to show that the inspection in the mines to-day must be good, because in all the fatal accidents reported no blame was attachable to anyone. It was not through the want of inspection that accidents occurred. There was a provision in the 1906 Act by which workmen could appoint their own inspectors. The Honorary Minister said this was not practicable, that a man could not be a miner and a workmen's inspector, he would be victimised; but the same

argument might apply to the provision in the Bill before the Committee. At the present time, if a miner saw any dangerous ground it was easy for him to communicate with the inspector of mines, and this he believed was done every day. When the miner came from the shaft he could inform the secretary of the union, who could ring up the inspector of mines, and the inspector could visit the spot the next day. If there were these facilities, what need was there for workmen's inspectors?

Hon. J. Cornell: What about the man who was not in a union?

Hon. J. D. CONNOLLY: The majority of miners were in the union, and the man who was not in a union could make a complaint. There was no additional safety given to the miners by appointing workmen's inspectors; but it meant taking the control of the mine out of the hands of the management and giving all the power to one of the workmen to direct the control of the mine. There was no justification for this. If the clause was passed as printed, a great many mines would immediately have to close down, and in a few years a great many more, and it would prevent the opening up of many mines. We ought to do everything possible to ensure the opening up of mines, still there should be due regard to the safety of the miners. The work of such inspectors would not add one iota to the safety of the miner but would harass the management beyond all reason.

Hon. J. E. DODD: The amendment would strike at the most important provision in the Bill, as it would simply replace the provision which already existed in the 1906 Act, and which had not been taken advantage of on more than one or two occasions and never would be. The system was not new; it was in operation in a good many parts of the world and in some parts of Australia.

Hon. J. D. Connolly: What parts of Australia?

Hon. J. E. DODD: The reason why the present system was inoperative could not be better expressed than in the statement issued by the Chamber of Mines. Under the present system the workmen's inspector could continue working; they could go through a mine twice a month.

Hon. J. D. Connolly: They can go through it every day.

Hon. J. F. Cullen: And they need not be working in the mine.

Hon. J. E. DODD: The Chamber of Mines' statement read—

> Are these workmen's inspectors to continue working in the intervals of fulfilling their official functions? Will they expect to draw pay for mining from the mine owners as well as what they can make from inspecting? If so, there is likely to be an intolerable situation created.

That was exactly the position under the existing Act.

> It would be absurd to expect a manager to pay men as working miners who might be called upon to leave their work for the purpose of inspecting other mines whenever the occasion arose.

Could any better arguments be advanced?

Hon. J. D. Connolly: Does not that apply to this clause?

Hon. J. E. DODD: No, because if inspectors were appointed as proposed, they would be independent.

Hon. J. D. Connolly: Who will pay them?

Hon. J. E. DODD: That was a matter for later consideration.

Hon. J. D. Connolly: Oh no.

Hon. J. F. Cullen: That is the all important question.

Hon. J. E. DODD: If hon. members were so anxious about it, why did not one of them move an amendment?

Hon. J. D. Connolly: Surely you know what the intention of the Bill is, whether they are to be paid by the Government or by the union.

Hon. J. E. DODD: The method of payment would be fixed by regulation. The Royal Commission on the Ventilation and Sanitation of Mines recommended that workmen's inspectors should be paid by the miners' associations with a subsidy from the State. He could say nothing better than that.

Hon. J. F. Cullen: Is that the Government's intention?

Hon. J. E. DODD: The intention of the Minister for Mines was not known to him.

Hon. M. L. Moss: You ought to find out.

Hon. J. D. Connolly: How can the Government make a regulation for the unions to pay? Must not it be by a regulation for the Government to pay?

Hon. J. E. DODD: In New South Wales, where the system prevailed, the unions paid the whole of the salaries. He saw no objection to the unions here paying one-half or more of the salaries, provided they received some subsidy from the State. He failed to see why the State should not pay something when the State would reap a considerable advantage by the adoption of a system of workmen's inspectors.

Hon. J. D. Connolly: No, they are either Government or workmen's inspectors. Which are they?

Hon. J. E. DODD: Workmen's inspectors.

Hon. J. D. Connolly: Are they to be paid by the Government or by the workmen?

Hon. J. E. DODD: In New South Wales they were paid by the workmen.

Hon. J. F. Cullen: There is no money in a regulation.

Hon. J. E. DODD: If that was the sore point, an amendment could be fixed up.

Hon. J. D. Connolly: No. We want you to say what the intention of the Government is.

Hon. J. E. DODD: The question had not been considered by him.

Hon. J. D. Connolly: Are the workmen's inspectors in New South Wales paid by the Government?

Hon. J. E. DODD: No, by the unions.

Hon. J. D. Connolly: Under provisions similar to those in the 1906 Act.

Hon. J. E. DODD: Yes, in the collieries.

Hon. F. Connor: The Minister stated the other night that I was in a hole. I return the compliment to him now.

Hon. J. E. DODD: The State Mining Engineer wrote to New South Wales to find out how workmen's inspectors were paid. The letter to the Chief Inspector of Coal Mines of New South Wales stated—

> We have been informed that in your State, check inspectors appointed under rule 39—

That was the same as our proposed rule.

Hon. J. D. Connolly: Is it fair to quote that? We have coal mines, but this Bill is to deal with gold mines.

Hon. J. E. DODD: The letter says—

> We have been informed that in your State, check inspectors appointed under rule 39 are, in some cases at any rate, paid regularly for the work and devote all their time to it. Will you kindly inform me if this is the case and also whether such men are in any way paid by the Government or responsible to the inspector of mines? Has any exception been taken to the appointment of check inspectors on the ground that they thereby cease to be working miners and if so what has been the ruling in your State on the point, whether departmentally or by a court? Here it has been contended that a practical working miner is a man at present making his living as a miner, and does not include one whom at the same time has been a miner. This interpretation is said to have been upheld by the courts in England, and is referred to in the evidence given before the Royal Commission on mines there last year.

The Chief Inspector of Coal Mines stated in reply—

> No exception has been taken to the appointment of check inspectors by the owners, managers, or the Mines Department, but the question was raised in the Newcastle district by the miners themselves. The result was that a check inspector after serving a term resumed his occupation as a miner for a few days in order to again qualify for the position.

Hon. J. D. Connolly: A small amendment of the Act was made to overcome that.

Hon. J. E. DODD: The inspector then referred to a case heard in England, and to the decision of the court, which was as follows—

> We have listened very carefully to the able arguments on both sides to this important question. We are asked to order the defendant to allow William Indian to act as inspector on behalf of the men. Rule 38 points out two classes of persons qualified to act as inspectors. The first is that the persons employed in the mines may appoint two of their number to act as inspectors. It is not contended that prosecutor should be appointed as one of them; then the only point before us is, does Mr. Indian come within the second class of persons qualified as a practical working miner? We do not think that Mr. Indian comes within the designation of a practical working miner, and therefore dismiss the summons with costs.

That decision showed that the court would not allow the unions or the workmen to appoint workmen's inspectors as they desired. They could appoint inspectors to make occasional inspections but these men would have to resume their occupations in order to be qualified.

Hon. J. D. Connolly: How do they manage in Broken Hill?

Hon. J. E. DODD: No exception had be taken to it there.

Hon. J. F. Cullen: What answer did you get from New South Wales in regard to the pay?

Hon. J. E. DODD: The letter just quoted dealt with New South Wales. The following was a copy of a telegram received from Mr. Barnett, secretary of the miners' union at Broken Hill—

> Check inspectors elected by employees different mines, paid by miners' association; system working well; managers under New South Wales Act cannot prevent check inspectors visiting stopes where complaints have been received. Managers early stages did not view it favourably but at present time offer no objection. Check inspectors after visiting any place write a report in book kept at mine office, also suggesting alterations for better working conditions. Check inspectors allowed at any time while men working below to inspect every part of mine. Every facility to be afforded by owner or manager.

The Minister for Mines in New South Wales telegraphed as follows:—

> System works well at Broken Hill. Miners' representatives paid by union; visit workings on own initiative, entering result of inspection in book at mine office. Copies of these reports then transmitted to department.

This was a system similar to that which existed under the present Act, but under a ruling given by an English court——

Hon. J. F. Cullen: Do not bother about that ruling.

Hon. J. E. DODD: It was held that the men appointed must return to work in order to be qualified. They could not be permanently appointed as workmen's inspectors. That was not a desirable system. The Royal Commission which sat in 1904 stated emphatically that provision similar to the one under discussion should be adopted. The association should elect the men. They should not be merely employees told off from time to time to visit the mines, but should be permanently appointed by the miners' association and paid by the unions with a subsidy from the State. That was all that the Bill sought to provide. If hon. members thought anything more was being asked he would like them to point it out.

Hon. J. D. Connolly: Look at Clause 11.

Hon. M. L. Moss: Read Clause 8.

Hon. J. E. DODD: Clause 8 made it clear that workmen's inspectors would not have the powers which hon. members contended they would have. The district inspector would be under the Public Service Act, but not the workmen's inspectors.

Hon. M. L. Moss: No, they will be public officials, but outside of that Act.

Hon. J. D. Connolly: Look at Clause 11.

Hon. J. E. DODD: Clause 10 governed Clause 11, and made it more emphatic

in that it was stated the workmen's inspector would be under the control of the district inspector.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. E. DODD: If the clause was struck out it would destroy the most essential part of the Bill. A good many members viewed this provision with a certain amount of suspicion, but that was only because they did not understand what it meant. For the past five years there had been a Commission sitting in England dealing with the question of mining. The sittings extended from 1906 to 1911, and the reports of that Commission and the minutes of evidence were to hand. It was a most exhaustive report, and since 1911 there had been a second report. It was his intention to give a few extracts from the report, and also to read to members the comments on the report made by the State Mining Engineer. With reference to the clause under discussion, the State Mining Engineer said that the power which was given in that clause slightly extended that contained in the Mines Regulation Act of 1906, and that there had been a few instances in the State in which the workers had availed themselves of the powers contained in the existing Act. With regard to the question of workmen's inspectors in England, the report of the Commission stated that they had come to the conclusion that good results would follow its introduction in England, and its introduction would be an inducement to officials to keep the mines in good order. The Commission went on to say in the report that its use could be extended and improved, and it was a matter which the Home Office suggested should engage the consideration of the Commission. That was an extension of the powers we had at present in this State in our Act. In France the system was in operation; the workmen's inspectors were elected by secret vote of the men every three years to inspect workings twice a month and the cost was borne by the State in the first instance and collected from the mine owners later.

Hon. J. D. Connolly: Does that refer to coal or gold mining?

Hon. J. E. DODD: This particular report dealt with coal mining, but the priniciple of workmen's inspectors was similar. Mr. Connolly was seeking to mislead the House because the very clause he was endeavouring to put into the measure was embodied word for word in the Coal Mines Act.

Hon. J. D. Connolly: I object to the Minister saying that I am seeking to mislead the House.

The CHAIRMAN: Both hon. members were out of order.

Hon. J. E. DODD: The clause in the English Coal Mining Act was similar to that in the present Act in this State.

Hon. J. D. Connolly: You know that the powers of an inspector on a coal mine should be and are entirely different from those of an inspector on a gold mine.

Hon. J. E. DODD: The Commission then went on to refer to the reports of the delegates, and they found that the delegates made trustworthy reports. The Government inspectors it was stated, fully approved of the system of workmen's inspectors. We in this State had an exactly similar state of affairs. If we read the evidence which our inspectors had given on this matter, hon. members would find that the chief inspector especially entirely approved of the system of check inspectors. The State Mining Engineer also gave his approval to the system, and although there might be something in the Bill which he did not believe in, there was no doubt about his opinion in regard to the proposal of check inspectors. In fact, the State Mining Engineer signed the report he had before him, and some extracts might be given from it. Here was one—

> The first report of the British Commission does not deal with our present subject all, but the second report discusses it very fully. Section (iii) page 21, on "Qualifications of Government Inspectors" and (iv.) p. 26 on "Examination of Mines on behalf of workmen," containing the conclusions of the Commission, while page 214 con-

tains a minority memorandum on qualifications of Government Inspectors, and page 216 one on Inspection by Workmen. On page 228 is a memo. on the system of inspection of mines in France. The various arguments on all sides of the matter of appointment of inspectors of mines appear to be very fully and fairly stated in the above references, and special attention is directed to the remarks on page 25, wherein the Commission recommends that inspectors of mines should be of two classes (1) highly trained technical men of wide practical experience, and (2) a new class of assistants to inspectors. Regarding the latter, the Commission say "We are not of opinion, however, that is essential that all the work of Government inspection should be carried out by men who are equally qualified. We think that a useful field of work is open to a new class of assistants to inspectors. The type to which we refer is men who have had thorough practical experience in work underground.

There was nothing contained in that proposal which was not in ours, and there was nothing more in ours than was contained in theirs. Here were one or two matters which the Commission declared these inspectors could deal with—

The work of inspection delegated them ought to be suitable to their qualifications. It is not to be expected that they should decide difficult questions, but matters of detail affecting the sufficiency of timbering, shot firing, and kindred matters could be dealt with by them with advantage. In fact, as regards many details, such men as these would have special knowledge which would prove very valuable to the higher grade inspectors in the same way as the assistance of a practical mason is of great value to an architect in the examination of a building.

The State Mining Engineer further said—

The proposals in our Mines Regulation Bill of 1913 in the original draft retained Section 16 of the Act of 1906, in addition to the proposals for workmen's inspectors, and the latter proposals are a combination of the ideas of French delegate system with the Commission's proposals for second class inspectors, much on the lines above shown as existing in Belgium. The local ideas however were locally evolved, without being influenced by the work of the British Commission, which had not yet taken up the matter when it was first brought up here.

The State Mining Engineer, in summing up the proposals of the British Commission and some of the evidence, stated as follows:—

The system proposed in the Mines Regulation Bill, 1913, now before Parliament provides for election of workmen's inspectors by the duly registered unions of mine workers already recognised by the Legislature as the official representatives of the workmen as a body, subject to regulations and approval by the Minister, and on appointment these inspectors will become Government officials during their term of tenure of the office. The Minister will have complete control of them once they are appointed, and may remove them at his pleasure. The method of their appointment would secure that they are men in whom the workmen have confidence, and if their term of office were restricted by the regulations to one, two, or three years as may be decided, their desire for re-election would doubtless operate to keep them always in close touch with the workmen and anxious to meet their views. At the same time they would be under the control of the district inspectors, and unable to take any independent action on serious debatable questions without reference to them, and if necessary to the Minister, so there need be little fear that any ill-judged or hasty action on their part could seriously injure the interests of the mine owners.

That was not the opinion of the Minister; it was the opinion of Mr. Montgomery, the State Mining Engineer, a man who had a great deal of experience in these

matters in Tasmania and in New Zealand, who had been in the State for a considerable time. There was another point that might be mentioned and it was that this would not harass mine-owners, but would be of extreme benefit ot them. Members already seen in the Press that, owing to the workmen's inspectors being engaged in Tasmania at the time of the Mount Lyell disaster, this was held, by those making an inquiry into the cause of that trouble, to free the management from any idea of negligence. The State Mining Engineer said on this subject—

> In the recent Mount Lyell mine fire disaster in Tasmania an examination by the workmen's representatives had been made only a short time before the fire broke out, and their testimony to the generally safe condition of the mine was the strongest defence of the management later in reply to accusations of negligence.

The fact that the workmen's inspectors had examined the mine and passed it as safe was the strongest defence the management had. The workmen's inspectors had not raised any question as to the lack of precaution against fire, and that reasonably enough had been held to be proof that there was no reason to anticipate danger in the mine through fire. That did not suggest any likelihood of the workmen's inspectors doing anything to harass the managers, and he was satisfied that there was no justification for the fear that workmen's inspectors, if appointed in this State, would harass the managers in any way. Any sane man would try to bring about safe conditions in the mine which would benefit both the men and the management. A Royal Commission which sat in New Zealand had also reported that workmen's inspectors should have authority to inspect a mine once in a fortnight and in addition at all reasonable times on receiving notice from any two miners that the mine or any part thereof was by them considered dangerous, the workmen's inspectors to notify the manager of any proposed inspection, and if the inspector was of opinion that the mine was dangerous he should enter his report in a book and ask the manager to withdraw the men from that portion of the mine.

Hon. J. D. Connolly: Is that not the same provision as we have here?

Hon. J. E. DODD: It was the same provision which up to the present had never been availed of in this State, and never would be availed of.

Hon. H. P. Colebatch: Why not?

Hon. J. E. DODD: It had been in operation since 1905, and the fact that it had not been availed of would show that the provision was absolutely useless.

Hon. H. P. Colebatch: It is the same provision which you told us works well in New South Wales.

Hon. J. E. DODD: New South Wales was entirely different. The same provision was in existence there, but the conditions were different. At Broken Hill one mine would cover nearly as much area as the whole of the Golden Mile and would employ 2,000 or 3,000 men, and it was easy enough to appoint a workmen's inspector to devote his whole time to that mine. How could that be done in Western Australia where the mines were so much smaller and could not afford to provide an inspector for each mine? The New Zealand commission to which he had referred had reported only last year.

Hon. M. L. Moss: Have the recommendations of that commission found their way on to the statute-book?

Hon. J. E. DODD: There was no information on that point, but the report of a commission representative of all interests should be considered fair and unbiassed. Mr. Connolly had quoted a number of accidents and had asked in what way the workmen's inspectors could possibly have obviated any of those occurrences. First of all, the hon. member had drawn attention to an accident on the Ivanhoe mine in which the man "was last seen preparing sandblasts, and about to fire them, but there is no direct evidence to show how it came about that the explosion occurred before he got to a place of safety. Two reports were heard, but only one sandblast was found to have been fired." If that was a true account of the accident, all he could say

was that the workmen's inspector would undoubtedly have done something to have prevented that accident. In this case one man was firing a sandblast, and the fact of him firing it by himself was the strongest argument for the appointment of workmen's inspectors. Whether or not there was a regulation on the subject, the fact remained that it was the custom that no man should ever fire by himself.

Hon. D. G. Gawler: How would the inspector prevent that?

Hon. J. E. DODD: The workmen's inspector would report to the inspector of mines that those men were compelled to fire by themselves.

Hon. D. G. Gawler: Cannot the men do it now?

Hon. J. E. DODD: But they did not do it now.

Hon. M. L. Moss: Cannot the men report to the union secretary and the union secretary to the inspector of mines?

Hon. J. E. DODD: As union secretary for many years he had enjoyed the confidence of the men and the managers, and yet a large number of the men would not report to him. Sometimes they had reported and he in turn had reported to the inspector of mines, and he was pleased to say that he had never known the confidence to be betrayed by the inspector in any way: yet the fact remained that the inspector had not sufficient time to attend to all those matters.

Hon. M. L. Moss: As secretary of the union you would not give away the men who gave you the information.

Hon. J. E. DODD: It was not a question of the men being frightened of their confidence being betrayed, but there was a natural disinclination on their part to report in the way suggested. Mr. Connolly had asked in what way any one of the accidents to which he had referred would have been obviated, and he was pointing out the way in which one particular accident would have been prevented by workmen's inspectors.

Hon. J. D. Connolly: Take any of these accidents that are owing to falls of ground.

Hon. J. E. DODD: Then take the accident at the Golden Horseshoe, where a man met his death through walking into the main shaft at No. 12 plat. The paragraph in the Mines Department report referring to that accident stated—

> From the evidence at the inquest it would appear that after being lowered and waiting about three minutes he was seen to stoop and to go under the guard rail of the south compartment, immediately disappearing down the shaft. He was subject to absent-mindedness at times which may account for the accident. The coroner's jury expressed dissatisfaction with the lighting of the plat, but according to the evidence given it was well lighted.

In that case, if the plat had not been well lighted, the workmen's inspector would have had that fact pointed out to him, the plat would have been better lighted, and the accident might not have happened.

Hon. J. D. Connolly: The evidence showed that the plat was well lighted.

Hon. J. E. DODD: The coroner's jury had expressed dissatisfaction with the lighting, and his experience of coroner's juries on the goldfields was that, although they were often members of the union, if they could possibly bring in a verdict which would not bring the company into disrepute, they did it. Few verdicts by coroner's juries blamed the companies.

Hon. M. L. Moss: My experience is different from yours. I always find they put the companies down if they get half a chance.

The CHAIRMAN: Order! I must ask hon. members to, as far as possible refrain from making remarks until their turn to speak comes.

Hon. J. E. DODD: The coroner's jury were supposed to inquire into the cause of death, rather than the amount of negligence shown, and he had always found them most anxious to give a fair deal to the mining companies. Another accident was mentioned on page 50 of the Mines Department Report—

> At the Golden Horseshoe two shovellers who were rather inexperienced in mining work were removing loose rock

under the stage on which a machine drill was working, when a large rock fell from the side of the stope upon one of them, killing him instantly. The support of the rock probably had been removed by the loose ore being shovelled away. A verdict of accidental death was found by the coroner's jury, but as the inspector of mines was not satisfied that proper supervision had been exercised, proceedings were instituted against the general manager of the mine for failure to comply with General Rule 9 of Section 32 of the Mines Regulation Act, 1906. A fine of £25 and costs £5 12s. were inflicted by the R.M., whereupon an appeal was lodged.

He believed that appeal had been successful. Here again was a verdict by a coroner's jury which did not blame the company, but the inspector instituted proceedings against the company on whom a fine of £25 was inflicted.

Hon. J. D. Connolly: Do not overlook the fact that "the support of the rock had probably been removed by the loose ore being shovelled away."

Hon. J. E. DODD: In that case also the workmen's inspector would have had his attention drawn to the matter, because this question of working under a stage was a very sore point with the workers on the Golden Mile. There had been arbitration between mine managers and the inspector of mines as to whether truckers should go behind machine men and work under the stages. There was no question that the existence of workmen's inspectors would have done a great deal to have prevented some of those accidents. Mr. Connolly wished to know how the appointment of workmen's inspectors would effect any improvements in the conditions in mines. The regulations to be framed under this measure might deal with, amongst other things, the prevention and laying of dust in mines, including the uses of water sprays, atomisers, and other damping appliances in working places, especially while boring, the use of apparatus for collecting and filtering dust, and also the use of respirators. It was here that the workmen's inspectors might be extremely useful. It was stated by the inspector of mines that if the men wore respirators they would very much mitigate the effect of dust on their systems. The difficulty was that it took the miner all his time to get the air he wanted without wearing anything which would obstruct his breathing in any way. So it was that the men did not, to any extent, use respirators. It was quite possible that the workmen's inspector might do much in the way of inducing the men to try these respirators, to see whether or not they would be of any use to them. The workmen's inspector would be able to bring a good deal of his practical knowledge to bear in connection with water sprays, etcetera. A good deal of experience was necessary in connection with damping appliances, because one could make the air so humid that one was more likely to get a disease of the lungs by the use of these damping appliances than simply by allowing the dust to operate in the ordinary way. There were a hundred and one ways in which the workmen's inspector might be of great use to the men, without inflicting any hardship on the employers. It was to be hoped the Committee would not delete the provisions in regard to workmen's inspectors. It was a point in the Bill which he thought would tend to bring about better conditions more than any other. He did not think this particular provision would in any shape or form injure the mine.

Hon. H. P. COLEBATCH: Up to the present he thought he would have to support Mr. Connolly's amendment, chiefly for the reason that the Minister had given the Committee no information on the points we really wanted to know. If it could be shown that these workmen's inspectors were likely to make the mine safer or more healthy for the men, he, for one, would not oppose expenditure by the State in that matter, but, at the same time, even on that question of expense it would be part of our duty to the country to obtain some idea of what the expense was going to be. Were we not told how many of these inspectors there were going to be or how they were to be

paid? The Minister insisted on trying to make the Committee believe that this clause was practically identical with the recommendation of the Royal Commission which sat in 1904. It was nothing of the kind. In replying upon the second reading the Minister said it was unreasonable to suggest that the clause in our existing Act relating to the workmen's inspectors was the result of this recommendation of the Commission, because the clause in the existing Act really appeared in the previous mining legislation. That was not a fact. Previous to the Mines Regulation Act of 1906, the appointment of workmen's inspectors was only a casual thing. It was only in emergency that they had a right to appoint these inspectors. The Commission gave as a specific reason as to why there should be workmen's inspectors: "in view of the importance of good ventilation and good sanitary conditions . . . in the same way as they have in collieries." When the 1906 Act was introduced the same provisions as were applying in the collieries were introduced into it. The Commission did not recommend that these check inspectors should exclusively be permanent employees. There was no power given in this Bill to the Minister to dismiss these inspectors, if he thought fit; there was no provision in the measure for payments by the associations with the aid of a subsidy from the State. The Bill made no suggestion of payments by the associations, but rather implied, according to Mr. Cornell, that they should be paid entirely by the State. Thus in every way the clause was opposed to the recommendation of the Commission. There was no reference here to reporting through the inspectors of mines. Among the things the workmen's inspectors had power to do was to initiate and conduct prosecutions, whereas the Commission said they should report to the inspectors. Clause 11 gave them full power to do everything an inspector could do under the existing regulations. There was no recommendation of that kind from the Royal Commission. So far, the Minister had not given us a single instance of a country in the world that had the provisions which he was now seeking to place on our statute-book. On the other hand, we had instances which were practically identical with the amendment which was now submitted by Mr. Connolly.

Hon. J. F. CULLEN: The Honorary Minister had begged the question from start to finish and had told us with sovereign assurance that he did not think the proposal in his Bill would do any harm. Then he had gone on to argue as though the amendment would blot out workmen's inspectors. That was not the point at issue at all. The amendment provided for workmen's inspectors, but workmen's inspectors appointed in a different way and paid in a different way, and the Minister did not advance one iota of argument against the point at issue between the amendment and the Bill.

Hon. J. E. Dodd: How can the hon. member say that, when I gave him the argument of the Chamber of Mines?

Hon. J. F. CULLEN: The hon. member gave away many things, and quoted harrowing details without any application. It reminded him (Mr. Cullen) of the man who came along and said "There has been a dreadful accident and a lot of women and children are starving; lend me five bob." There was just as much connection between the harrowing details the Minister gave us and the proposals of his Bill, that not the miners in the mine, but the miners' unions and their nominees should come on the Government for fat salaries. The Bill provided that the miners' unions should appoint workmen's inspectors. The amendment said that the men in each mine should select their own inspectors. A very vital difference.

Hon. J. E. Dodd: Very vital.

Hon. J. F. CULLEN: No one would object to the miners having their check inspectors, and the Minister had admitted that the system provided in this amendment had worked splendidly in New South Wales, not only in the collieries but in the silver mines in Broken Hill. Why then not let well alone? Why try to please someone by making changes? Not the miners' union, but the men in each mine should appoint their inspectors. Why drag in the miners' union?

The miners' union was composed partly of men concerned and partly of men not concerned. Furthermore, a number of the men concerned were not in the union.

Hon. J. E. Dodd: Very few.

Hon. J. F. CULLEN: Then why drag in this outside authority to come in intruding where it had no right to intrude between the management of the mine and the employees of the mine? The other point of the amendment was that these inspectors should be paid by the men. The Minister intended that if the Bill went through these men should be paid out of the State Treasury. If not, what did the Government intend?

Hon. J. E. Dodd: The Government intend that the terms and conditions of employment shall be subject to regulations.

Hon. J. F. CULLEN: Which meant that the Legislature should give the Government a blank cheque to fill in by regulation for any amount they liked. However, there would be a provision inserted in the Bill that either House could disallow the regulations. He would move as an amendment on the amendment to delete certain words providing that an inspection could be made once in every month or oftener if they thought fit.

The CHAIRMAN: The hon. member would move the amendment after the paragraph was struck out, if it was struck out.

Hon. J. F. CULLEN: When the time came it would be quite necessary to move this amendment, because these and other words had inadvertently crept into the amendment.

Hon. J. CORNELL: It was to be hoped the amendment would not be carried. The question was whether or not the union should appoint its own inspectors. One of the arguments brought forward against the clause was that the Government would have to pay these inspectors. If the Committee agreed to the provision it would be standing in its own light not to agree to the Government paying the workmen's inspectors. However, if hon. members were prepared to see the workmen's inspectors appointed, but preferred that those inspectors should be paid by the unions who appointed them, the matter could easily be got over by a simple amendment.

Hon. J. D. Connolly: That would not do.

Hon. J. CORNELL: Clearly the Committee did not want the union to appoint their own inspectors, even though the unions were willing to pay them.

Hon. J. D. Connolly: You have that provision already.

Hon. J. CORNELL: There were two methods by which the unions could appoint inspectors, and after the arguments heard to-night, he was inclined to advise the unions to do as the unions had done in the Newcastle collieries 20 years ago, when they insisted on appointing their own inspectors. For years the opportunity had been awaited of introducing this provision in another place, and having it brought up to this Chamber. One of the methods by which the unions could appoint their own inspectors was by legal enactment, and the other by force of organised labour. He did not wish to see the miners use force, but he ventured to say that if the principle of workmen's inspectors was not approved and greater facilities given to the miners, then the miners would be justified in standing out and using the only other means at their disposal, namely, force. If this provision was not agreed upon in some modified form, if the Committee were not prepared to allow the miners to appoint their own inspectors and pay them, or to make certain modifications, as that they should report to the district inspectors, then there was only one thing left for the miners to do, namely, to try the other remedy. He did not advocate the miners trying the other remedy, but if there was to be no material improvement in the conditions appertaining to our mines, then the miners would be absolutely justified in taking the only course open to them, namely, of fighting the battle in the best way they could. At all events if the Legislature refused what they wanted then they could try this.

Hon. F. Connor: They will all be Carsons.

Hon. J. CORNELL: If they were Carsons they would go down to posterity and

not be put into gaol, but if they were Larkins they would be imprisoned. The amendment was exactly the same as the section in the Act, and was of no utility. The fact that the provision had been in the existing Act for seven years without having been put into operation proved either that there was no need for it or that it was not capable of being put into operation. The largest mine on the Golden Mile employed only 900 men, and of these only 500 would be affected by the various workmen's inspectors. That left, say, 450 men to elect these two inspectors. Unless they were to elect retired miners, the men they elected to inspect the mine would probably be looking for work the next day. Obviously a man could not serve two masters, could not report on the mine in the interests of the workmen one day and expect a job on the mine the next day. If the workmen could appoint a check inspector who would devote the whole of his time to the work, there might be something in it. If the Committee wished to see that it could be provided for by a simple amendment. It was of no use beating the air. After the interjection made by Mr. Connolly that he would not agree to an amendment that the unions should pay their own inspectors, he did not think there was much more to be said on the question. If the amendment was carried he would test the feeling of the Committee on the right of the workmen not only to elect but to pay their own inspectors. He hoped the Committee would realise that if the amendment was carried, we would be denying the miners something they had advocated and fought for for many years. It was a problem that had agitated the minds of the miners throughout the world and Royal Commissions had decided that something was necessary in this direction. If the Committee denied it, the miner would have only one recourse and that was to do their best in the old-fashioned manner.

Hon. M. L. MOSS: The hon. Mr. Cornell was always outspoken but he deeply regretted that we had been obliged to listen to a speech from him almost urging the miners to insurrection in case of the refusal of this principle. If the hon. member's speech was not a strong advocacy of that step he was at a loss to understand the English language. With regard to accidents which arose to persons employed in any occupation attended by great risk, familiarity always bred contempt. One would think there were no restrictions against an employer who was guilty of neglect or who suffered conditions to continue when an accident arose from negligence. With all the workmen's inspectors, it would be impossible to educate a body of men to that standard of excellence which would teach them to exercise care in carrying out their work. There was a remedy in the hands of every workman, or of his relatives, remedy at common law, and under the Employers' Liability and the Workers' Compensation Acts, and Clause 67 of this Bill proposed to re-enact a principle to which he would not object, that when an accident occurred the onus would be cast on the employer. The miner was well looked after and would stand on a better footing than any other employee. His objection to the proposal under consideration was that in plain language it meant an attempt to take control from the owner and the managers of the mines. The proposal had never been translated into legislation anywhere else in the world, and it would not be very encouraging for people who were anxious to put their capital into this country to know that they would not be entitled within reasonable limits to control their own business. It was a direct violation of the principle which should exist between the master and his servant. The master, subject to all reasonable regulations, should be entitled to run his business in his own way. While the hazardous character of mining was greater than a good many other occupations, once we admitted this principle it would be a strong argument that similar inspectors should be employed in every other industry, and particularly in hazardous employments where machinery was used. It was not fair that people with money invested in these indus-

tries should be treated in this way. There was no objection to the Government appointing any number of inspectors who were Government officers. The Government who were the direct representatives of the Labour party, could modify the Bill by having district inspectors and workmen's inspectors and they could appoint them as civil servants, giving them lesser powers but making them public servants. It was most objectionable to ask that the miners should have the appointment of workmen's inspectors and that the Government should pay for their services. There was all the difference in the world between men appointed under these conditions and men appointed by the Government. It was quite obvious that if the payment was to be provided by regulation it would be a payment by the Government. The Honorary Minister had not made that clear. There was evidently some attempt on his part to wriggle out of giving a straight answer to that question but the regulations apparently would provide for payment to be made by the State. Then the miners would appoint men of five years' experience to take control of the mines and the Government would pay them. That would be intolerable. Under Clause 8, district inspectors were to be under the Public Service Act, but the workmen's inspectors would not be subject to the provisions of that Act. They would be paid by the Government and they would not have the privileges of public servants under the Public Service Act, but they would, none the less, be deemed to be Government officers. If he was wrong in regard to the question of the payment of workmen's inspectors, he desired the Minister to point out which provision imposed the obligation on the unions to pay for these inspectors. If the money was to be paid by the unions it would be impossible for the working miners to contribute it, even if provision was made by regulation. The State Mining Engineer apparently thought that these workmen's inspectors might be removed by the Minister. Such inspectors could exercise all the functions of a district inspector, except the power stipulated in Subclause 2 of Clause 11, which provided that a district inspector might take such action as he thought necessary to safeguard life and health and the owner, agent or manager, must comply with the notice. The workmen's inspectors could exercise all the other powers and such powers as were necessary to carry the Act into effect. That was about as wide as it could possibly be made. He did not think the men regarded this as a burning question. They had very large power of this kind under the 1906 Act by virtue of a recommendation by a Royal Commission and they had never exercised it.

Hon. J. E. Dodd: The hon. member is wrong. It was in the 1895 Act.

Hon. H. P. Colebatch: Not at all; nothing like it.

Hon. M. L. MOSS: It was his impression that as a result of a recommendation by a Royal Commission it had found its way into the 1906 Act. At any rate it was there and the miners had never exercised that power.

Hon. J. Cornell: They would get the sack if they did.

Hon. M. L. MOSS: The 1906 Act gave power to appoint two or more practical miners and it was possible to appoint two miners who might be employed in another mine. As a matter of fact they could appoint practical miners who might at that time be engaged in keeping a store or were following any other occupation. It was a fair thing now for the legislature to say, "You have had this power for seven years, and you have never exercised it or decided whether it is of value." Now it was declared that this was absolutely useless, and that they wanted larger powers which would take the control out of the hands of those who found the capital to work the mines. If he (Mr. Moss) thought that the enactment of this clause would not have the effect of taking the control of the mine from the people who provided the capital, and that its only effect would be to make the risk of accidents less than at present, he would without hesitation cast his vote in favour of it, but he did not think so. There was

a much deeper laid scheme about this proposal than the question of the safety of the miner. All kinds of impossible conditions would arise under this and we did not want to place barriers in the way of people who were putting their money into the industry. If there were not sufficient inspectors now, by all means let the Government appoint any number of fit persons. Let them go to the extent of appointing a certain class of subordinate inspectors, who might have lesser powers, but let them be responsible to the Government and not appointed in this way which would keep them under the thumb of the men.

Hon. A. SANDERSON: It was a matter of regret that this, perhaps the most crucial clause in the Bill, came up for discussion first. He had listened to every speech with the closest attention remembering that on the second reading he had promised that if he could stretch a point in favour of a measure for the protection of miners' lives and limbs he would do so, but he had not been satisfied with the explanation made by the Ministers who, of course, had the responsibility which his followers behind him had not. It was not surprising, therefore, that members had to go to the rank and file rather than to the Minister to understand the position. After Mr. Cornell's speech he (Mr. Sanderson) understood the subject a great deal more clearly. It confirmed him that the impression was growing that this provision should not be passed by the Committee, and if the matter was of such importance as members were led to believe, let it be tested by the demonstration which was threatened. It would be unfair to put this hampering provision on the mine managers for two reasons. Firstly, the 1906 Act which the Minister repeatedly denied was of any use, gave ample power in the direction in question. There was no question of men being sacked for making reports because that Act gave power for the appointment of two practical miners employed on a mine or away from it. The second reason was that looking through the report of the State Mining Engineer he could not see, even if those inspectors were appointed, that their appointment would improve the position from the point of view of safety. All the evidence he had read and the speeches he had listened to showed him that these accidents, which all deplored, were caused by a combination of circumstances, that the appointment of inspectors, such as desired, would not remove. The report of the State Mining Engineer declared that every effort was made to render the work of the miner as safe as possible, and that the prosecution for breaches of the Act and its regulations had only numbered four in the preceding 12 months. If the Minister or his supporters would tell the Committee that this report was not up to date or not accurate he would ask what were members to believe? As far as members were concerned, to bring themselves up to date with regard to mining they turned to the State Mining Engineer's report of the preceding 12 months. In that report they found that the prosecutions only numbered four and that one was dismissed and that in another case notice of appeal was given and that the decision was given in favour of the mine manager. If the rejection of the proposal meant a declaration of war by the miners, let us have it.

Hon. Sir J. W. Hackett: You were always light-hearted.

Hon. A. SANDERSON: That was the only tribute of light-heartedness he had ever had paid to him in his political career. He assured hon. members, however, that he was treating this matter most seriously. When the Minister was reduced to quoting the Chamber of Mines' report in his favour, things must have come to a pretty pass. He regretted that it was impossible to support that which the Minister had told the Committee aimed at the protection of life and limb. In his introductory remarks, his reply, and the discussion in Committee, the Minister had totally failed to satisfy him that the appointment of workmen's inspectors would have any appreciable effect on the protection of life and limb in the mines.

Hon. J. W. KIRWAN: Members of the Committee should understand the

seriousness of the question they were now considering. Mr. Cornell had indicated how seriously the matter was regarded by those whom he represented, more particularly the miners actually concerned. Mr. Moss had said that the miners did not regard the appointment of workmen's inspectors as a burning question, but, with all due respect to the hon. member's knowledge of the views held by the miners on the Golden Mile, he was of opinion that the members who represented the goldfields, who lived amongst the miners, and who knew their opinions, were better authorities than Mr. Moss on the feeling of the miners in this regard. The miners did regard the Bill as one of considerable importance to them. It was a matter of constant discussion amongst them, and probably the most important portion of the Bill was the clause dealing with workmen's inspectors. Members should consider very carefully before they approved of the very drastic alteration which was proposed. He would point out to the Committee the fair and reasonable way in which the Honorary Minister had spoken on this clause. Two objections were raised to the provision in the Bill, one as to the payment of inspectors and the other as to the election of inspectors being confined to members of the union. What could be fairer than Mr. Cornell's proposal that the clause should be amended so that the unions themselves should pay the inspectors? Surely that ought to be sufficient answer to the objection raised against the payment of check inspectors by the State, but immediately that proposal had been made two or three members had cried out that it would not do. In regard to the election of inspectors, the Honorary Minister when speaking on the second reading had plainly intimated that he did not consider the confining of the election to members of the unions to be a principle of vital importance; the hon. member was prepared to accept an amendment that the election should be by the mine workers. Surely that again was sufficient answer to the objections raised. Those members who did not go the whole length with the Government might go a little further than they had yet gone to meet the wishes of Ministers. The Minister in charge of the Bill had plainly intimated that the Government were prepared to go a long way to meet the views of those members who did not agree with this particular clause, and he trusted that something would be done to put the clause in a form that would be acceptable to the Committee. The proposal to substitute another clause for that in the Bill would not mean any advancement on the present Act. The provision in the 1906 Act had not been availed of in the past, and would not be availed of in future. There was not the same objection to be raised to the appointment of check inspectors as was raised against other portions of the Bill, and there was no doubt that if workmen's inspectors were appointed they would help to a considerable extent to relieve managers, shift bosses, and others of some of the responsibilities which now rested upon them.

Hon. J. D. CONNOLLY: The proposed amendment could be altered so as to meet any objection the Honorary Minister had raised against the section in the present Act. Instead of appointing two of their number every month the men employed could appoint two of their number at any time they chose and for as long a period as they chose. Mr. Cornell had stated his readiness to accept an amendment that the union should pay the workmen's inspectors. If the hon. member was satisfied that the union should pay workmen's inspectors, what was the objection to the section in the 1906 Act?

Hon. J. Cornell: It is too circumscribed.

Hon. J. D. CONNOLLY: The hon. member's objections were met by the existing Act. If the proposed amendment were carried two men from amongst the miners employed could be appointed to inspect the whole of the Golden Mile. The men on all the mines could join together, and the employees on every mine would not have to go to the expense of appointing two inspectors from their own particular mine. The men employed on the Golden Mile could appoint two practical miners to inspect the whole of

the Golden Mile. He had no objection to the system of check inspectors, which had been in force in one form or another from the very beginning. In the 1895 Act, it was provided that if any portion of a mine was considered unsafe by the miners working therein they could appoint two competent miners to inspect the workings, but they were required to give 24 hours' notice of their inspection. Under the amendment it was not required that any notice should be given at all. The Minister said that under the Bill the workmen's inspectors would have no more powers than they had under the 1906 Act, and Mr. Cornell said that the miners themselves were prepared to pay the check inspectors. If the workmen's inspectors under this Bill would have no more power than they had under the 1906 Act, and the unions were prepared to pay the men, what did the Minister want the provision in the Bill for at all, and why did he object to the amendment? According to the amendment the men employed would be able to appoint two practical miners from amongst their number at their own cost. The Minister was not right in his contention that the only powers conferred by the Bill were those conferred under the 1906 Act.

Hon. J. E. Dodd: I did not say that.

Hon. J. D. CONNOLLY: The Minister had pointed out that the workmen's inspectors were subject to the district inspectors. It would be difficult to give much wider powers to the workmen's inspectors than the Bill conferred. The Honorary Minister had quoted extensively from the report of an English Royal Commission, but the comparison was not fair. That commission had reported upon conditions in coal mines, and even in this State there were separate statutes dealing with the regulation of coal mining and gold mining. New South Wales also had been quoted. In that State there was a provision similar to Section 16, except that the New South Wales Act required that two miners should be appointed who during the last five years had worked underground. They were in exactly the same position as we were. A deputation of the Broken Hill miners waited on the Minister for Mines in New South Wales and asked that these inspectors should be paid. The Minister refused to pay them on the ground that they would then be Government inspectors and not workmen's inspectors at all. That was the Minister for Mines in a Labour Government. The Broken Hill miners to-day paid two men.

Hon. J. Cornell: Who elects them, the union or the workmen?

Hon. J. D. CONNOLLY: On account of the percentage of unionists at Broken Hill no doubt that was a distinction without a difference. If the Honorary Minister's contention was right that the workmen's inspectors had only power to report to the mining inspector, that brought us back to the 1906 Act. They, however, were to have every power that the district inspector had at the present moment. There was no objection whatever to workmen's inspectors, but let them be workmen's inspectors. In the Mines report of 1912, page 25, there was a diagram showing the accidents and the nature of accidents that had happened since 1894. It would be seen there that accidents were not on the increase, but rather on the decrease. In 1912 the number of fatal accidents in mines in Victoria was 1.33 per thousand, in New South Wales 1.56, in Queensland 2.45, and in Western Australia 2.43. In 1913, however, the number in Western Australia was 1.74. In saying that it was 1.74 he would explain that he had arrived at the figures in this way: up to the present there had been 21 fatal acidents, 18 underground and three on the surface. If we calculate upon them going on at the same rate for the remaining six weeks of the year the total would be 24, so if we did not exceed the average number of fatal accidents in the remaining part of the year we should have only 24 altogether, and this would be the lowest which had occurred in mining for 17 years, and would reduce the percentage from 2.43 to 1.76. In justice to Western Australia, one must point out in comparing the number of accidents with those occurring in other States, that there was a much larger proportion of

men employed on the surface in Victoria and New South Wales, and in such occupations as alluvial working, dredging, etcetera, the employment was not so dangerous, so if we took the percentage of underground men in Victoria or New South Wales and took those of Western Australia it would put Western Australia in a different light altogether. He did not suppose that there was any country in the world where in mining fewer men were employed on the surface than was the case in Western Australia.

Hon. J. Cornell: More men are employed on the Golden Mile on the surface than underground.

Hon. J. D. CONNOLLY: That was not the point. He said a smaller percentage were employed on the surface compared with other countries.

Hon. F. CONNOR: While anxious to make the best possible provision for the safety of the miner, he was greatly concerned as to what the effect would be in the future of the gold mining industry if the suggested laws were passed. These did not apply to any district, mines, or class of mines, but to the industry generally. What was likely to happen in connection with the future development of the mines? Would we not be passing regulations that were hampering in a general way, affecting the future development of the gold-mining industry? He did not think we were likely to get people to rush into new prospects, and the developing of new mines, or take over half developed mines and develop them still further, if any more regulations than already existed were put upon the industry. The conditions of gold mining here were as good as anywhere in the world at present, and if it were possible to make the place an elysium we would be very pleased indeed, but we should not make the industry carry conditions which it would not be able to stand. There might be individual mines where regulations such as those which were suggested here might be necessary, but it did not follow that, because some mine was so far worked down that these regulations were necessary, the whole of the industry should be saddled with regulations which it did not require. He was not opposed to helping the miner in any possible and reasonable way that could be devised, but he was opposed to putting hampering restrictions on the gold mining industry, on which to a large extent the State would have to depend. If these regulations were carried nobody could say that there would not be dual control, and the dual control would consist of the owner of the mine and the man appointed by a labour union. The labour unions would elect these inspectors, but who controlled the labour unions? Generally speaking, one clever agitator, or perhaps two or three clever agitators, who had personal magnetism or power over the men. If this proposition was carried the labour's representatives would be selected not really by the union itself, but by some man who had so much influence with the union that whoever he suggested would be nominated. That control had been taken out of the hands of those people, and we were now asked to do the same in regard to the mines. These restrictions could only have one effect—they would retard the industry.

Hon. J. E. DODD: Mr. Sanderson had failed to see what had been brought forward to induce the Committee to agree to the clause. Mr. Cullen also had contended that insufficient argument had been adduced. He (Hon. J. E. Dodd) had quoted extensively from the report of the Royal Commission on mines, a body of impartial men who knew all about the subject; and in addition he had quoted the State Mining Engineer, the highest authority in the State upon mining matters, an official who was strongly in favour of the proposal. Further than that, there were the recommendations of the Commission which sat in 1904 and which had gone thoroughly into the matter.

Hon. J. D. Connolly: The State Mining Engineer's opinion is subject to his own interpretation of the Bill.

Hon. J. E. DODD: Even so, if the Committee thought that interpretation wrong they could bring forward amendments embodying their own interpretation. Mr. Connolly's proposed amendment was merely a reversion to the pre-

sent Act. In New Zealand they had a proposal similar to that in the Bill. Section 264 of the New Zealand Act read as follows:—

> Where workmen are employed in a mine, or any of the workmen employed in a mine are members of a society formed in connection with the mining industry and registered under the Industrial Conciliation and Arbitration Act of 1908 as an industrial union of workers, such workmen or society may, at their own cost, appoint two persons, whether employed in the mine to be inspected or not, to inspect the mine.

Hon. J. D. Connolly: That is the same as in our Act.

Hon. J. E. DODD: No, it was not the same. This was a society registered under the Industrial Conciliation and Arbitration Act.

Hon. M. L. Moss: You alter the clause to conform with that and I will vote for it.

Hon. J. E. DODD: We might report progress and see what could be done in that respect. Mr. Sanderson had pointed out that it had been found necessary to go to the Chamber of Mines for an argument. What other body could be better approached for an argument than a body which had control over the conditions in a mine? The Chamber of Mines had said it was absolutely absurd to expect them to continue to pay men to work in the mines when those men were paid to inspect those mines.

Hon. D. G. Gawler: The complaint was that they could go and inspect other mines

Hon. J. E. DODD: The point raised by Mr. Connolly was that the men in one mine could elect representatives to inspect that mine.

Hon. J. D. Connolly: No, it says "or any person."

Hon. J. E. DODD: At all events it would be impossible to get any unanimity as to what men were to be represented. He did not intend to reply to figures read by Mr. Connolly, for that had been already done by Mr. Cornell. The Committee had made up their minds, and no words of his could induce them to alter the resolution they had come to. The only thing he regretted was that the Committee had not grasped what was really required. He would point out to Mr. Connor that these conditions were not to apply to every mine, that they could be suspended in any part of the State, and could deal with one mine or any group of mines. He hoped the clause would remain as printed.

Amendment (to strike out paragraph c) put, and a division taken with the following result:—

Ayes	12
Noes	7
Majority for ..	5

AYES.

Hon. H. P. Colebatch	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. F. Connor	Hon. W. Patrick
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. C. A. Piesse (*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	(*Teller*).

Amendment thus passed.

Progress reported.

House adjourned at 9.43 p.m.