Legislative Council,

Tuesday, 3rd September, 1935.

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

QUESTION—DAIRYING INDUSTRY.

Hon. J. M. MACFARLANE asked the Chief Secretary: 1, Is he aware—(a) that dairy organisations throughout Australia are providing funds, supplemented by a generous vote from the Commonwealth Bank, for investigation into mastitis and contagious abortion; (b) that further sums are still required: (c) that the Agricultural Council at Canberra recently resolved to recommend their Governments to assist; (d) that several Governments have already granted the assistance required? 2, (a) Have the Government of this State yet considered the matter? (b) If not, will he endeavour to have the subject considered?

The CHIEF SECRETARY replied: 1, (a) Yes; that some dairy organisations are providing funds. (b) Yes; it is possibly the case for future work. (c) No. (d) Yes. 2, (a) Yes. (b) Answered by (a).

MOTION—MINES REGULATION ACT.

To disallow Regulation.

Debate resumed from 28th August on the following motion moved by Hon. J. Nicholson:—

That Regulation No. 17a, made under "The Mines Regulation Act, 1906," as published in the "Government Gazette" on 8th March, 1935, and laid on the Table of the House on 6th August, 1935, be and is hereby disallowed."

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I very much doubt the wisdom of Mr. Nicholson in moving the disallowance of this regulation. The hon. member evidently does not realise the great objects behind its promulgation. They are objects which should command the sympathy of every person who is concerned in the health and safety of the men who work in our mines. A heavy toll in human life has been paid in the development of the mining industry. Mention could be made of the enormous cost the State is involved in in caring for those who have been stricken down with disease—disease occasioned to some extent by failure fully to observe hygienic conditions. But that is an aspect of only secondary importance. To reduce the percentage of victims is a matter of far greater concern and this objective can be achieved if the observance of hygienic conditions is insisted upon as far as practicable. It is the duty of the underground supervisor, among other things, to see that these conditions are not ignored. There is an underground manager to whom he may refer when a knotty point arises, but the underground manager is not continuously in the mine—he is there only one shift out of three—and the supervisor must possess sufficient knowledge to be able to act on his own initiative, whenever it is required of him to do so. If he has not the necessary knowledge, how can he do so intelligently and satisfactorily? Very important, also, is it that the underground supervisor or "shift boss," as he is generally known, should have a fairly lengthy practical experience of mining underground. In fact, the State Mining Engineer tells me he is the most important man employed underground in the mine. The supervisor should be able to decide, as a result of his experience, to avoid courses which would lead to falls of earth and consequent serious or fatal accidents. Even with the exercise of the soundest judgment, these accidents occur, but it stands to reason that they are likely to be more frequent if the man in charge of operations is not equal to his job. What has been happening at Kalgoorlie? On one, at least, of the large mines, young men have been employed as shift bosses—young men who have had practically no experience whatever of underground mining. Surely this is a state of things which should not have been permitted to continue a moment longer than was necessary to bring it to an end. There is provision in the regulation for a five years' underground experience on the part of the shift boss. That is the experience required of a district inspector of mines before he is appointed. If it is necessary that the district inspector should pass this test, it

is equally necessary that the underground supervisor should have to pass it as well.

Hon. J. Cornell: The Minister is not asserting that the supervisor should pass the same test as the district inspector, is he?

The CHIEF SECRETARY: He should pass the test required by this regulation. The inspector visits the mine only occasionally for the purpose of seeing whether the regulations have been observed. But, the health and the lives of the men are in the hands of those who carry the responsibility in the meantime. To place that responsibility on young fellows who know next to nothing about mining from the practical side would be, in my opinion, to show a callous disregard of the dangers likely to arise in consequence. I submitted the question of responsibility of supervisors to the State Mining Engineer for report, and in reply he stated—

It is the duty of underground supervisors to give instructions regarding all matters relating to the safety of the men and the working conditions underground. It is necessary for them to see that the miners handle and use explosives in a safe manner, that they keep their working faces safe, and generally to see that all parts of the mine are kept safe for the men employed therein. It is also their duty to see that the necessary steps are taken to prevent miners breathing dangerous dust, to see that the mine is well ventilated, and that temperatures are kept down. Generally speaking, the miners receive all their instructions from the underground supervisors.

Hon. J. Cornell: A lot of that requires technical skill.

The CHIEF SECRETARY: I do not understand Mr. Nicholson's statement that had Mr. Munsie been here before the publication of the regulation it would have been presented in a totally different form. As a matter of fact, Mr. Munsie signed the Executive Council minute. The regulation was gazetted in March and Mr. Munsie did not leave the State until May. He, therefore, knew all about it. With regard to Mr. Nicholson's statement that most of the mine managers were absent in Perth when the conference relative to the regulation was being arranged, it is evident that the hon. member has been misinformed. The conference was held last October, and all the large mines were represented. There were present Mr. Thorn, manager of the Lake View and Star Mine; Messrs. Warwick and Hamilton, who control the Great Boulder Mine; Mr. Agnew, in charge of large interests on the fields; Mr. Rosman, who is also associated with the Lake View; Mr. Paton, who represented the South Kalgurli Mine, and Mr. Blackett on behalf of the Perseverance Mine.

Hon. J. Cornell: Was the five years agreed to by the conference?

The CHIEF SECRETARY: I will tell the hon. member what was agreed to. The following are notes taken of the conference proceedings—

The regulation was read by the Chairman (Mr. Thorn). Mr. Thorn said they did not want to be brought into it as the Chamber of Mines. The Chamber was agreed that the term —five years—was a little more than was necessary. Nor did they want the union to do the examining in connection with it; it should be some official of the Government. They did not want to be mixed up with it in any way. Otherwise, they were perfectly agreed that shift bosses and underground managers should be examined.

The Minister said he took it, then, that the suggestion was not agreeable to the Chamber of Mines, and would not be accepted by that body.

Mr. Thorn said that they were all agreed that any examination should be by some Government official. Members of the Chamber did not want anything to do with it. They would much prefer that the examination be made by the School of Mines or Technical College, or the State Mining Engineer.

Mr. Warwick said the matter was to be left in the hands of the Mines Department.

Mr. Thorn said it did not make any difference to the Chamber if the Minister decided an examination to be necessary. So long as it was acceptable to the Government, it meant nothing to them.

The Minister said he was pleased at the attitude because he thought the time had arrived when there should be some qualification.

Mr. Thorn suggested three years, provided the men had technical experience and knowledge.

The Minister said the five-years term had been put in to bring it into line with another regulation.

Mr. Thorn said that was their only objection, and they thought the man with technical training should have a little preference.

Hon. J. Cornell: That is all they say now.

The CHIEF SECRETARY: Mr. Nicholson has gone considerably further than that, as I shall show before I conclude my remarks. Mr. Thorn continued—

Any man who had not, should pass the examination, with which, however, the Chamber of Mines wished to have nothing to do.

The Minister said he could have fixed up a board without the Chamber of Mines, but he wanted to give them all a chance. A competent board could be appointed outside of that altogether.

As the Minister for Mines stated, there were only differences of opinion on two points—the period of five years and the constitution of the Board. But Mr. Nicholson seems opposed to the regulation, lock, stock and barrel.

Hon. J. Nicholson: I did not say that. I said the period was too long.

The CHIEF SECRETARY: The hon. member did not say that exactly, but that is what he expressed in a great many words. For instance, he said—

> The actual question which prompts itself to be asked is why, if it is found not necessary to impose regulations with regard to the qualifications of mine managers, should it be necessary to impose qualifications with regard to supervisors of mines, whose position is much lower in connection with the working, control, and management of a mine?

Whose views, I wonder, was Mr. Nicholson expressing? Certainly not the views of the conference.

Hon. J. Cornell: No, but one would naturally assume that if shift bosses were required to pass an examination, mine managers should also be subject to the same requirement.

The CHIEF SECRETARY: Views in that very direction have been expressed by mine managers themselves, as I shall show as I proceed. So far, mine managers have not been asked to comply with that requirement, for reasons that I shall indicate later. The representative conference told Mr. Munsie that they considered an examination necessary; that both shift bosses and underground managers should be examined and that they did not want to be connected with the examination, but that they thought the five years' term was a little more than was necessary. Apart from the five years' term, which the conference thought a little too long, Mr. Munsie met their wishes in full. He provided for an examination; he saw to it that neither the union nor the Chamber of Mines was represented on the examining board; he appointed to the board the State Mining Engineer, the Director of the School of Mines, and an inspector of mines. He adopted the five years' term, because it is one of the qualifications necessary for a district inspector.

Hon. J. Cornell: Did he intend it to have retrospective application to shift bosses who held their positions when the regulation was framed.

The CHIEF SECRETARY: I will come to that point.

Hon. J. Cornell: That is all that concerns me.

The CHIEF SECRETARY: Mr. Nicholson argues that, because the manager is exempt, the underground supervisor should be exempt also. The position is this: The manager has so many other responsibilities to attend to that he cannot keep a close eye on the internal working of the mine. He casts some of the responsibilities on the underground manager, and some on the underground supervisor. Both these employees come under this regulation, wherever 12 men or more are working. Mr. Nicholson would leave the whole matter of appointment to the discretion of the mine managers. He says that "it will be admitted there has been no gross failure to be found in respect to the method adopted by these managers in selecting men to fill positions as supervisors." I say that it is not admitted, and the very fact, to which I have already alluded, that in at least one large mine at Kalgoorlie, inexperienced young men are being employed underground to direct operations, shows that strong reasons exist for a regulation such as Mr. Nicholson seeks to disallow. Mr. Nicholson says the regulation is distinctly novel. But, even if it were novel, that fact would not be a reasonable argument in favour of the neglect of the past being perpetuated. What the regulation aims at is done in the case of managers of our coal mines, but it has never been insisted upon in connection with the goldmining industry. The Under Secretary for Mines, writing to me, says:—

> I would like to add that, in conversation with several mine managers, they have expressed the opinion that the requests contained in the regulation are very wise, and some of them have also suggested that we should impose a condition as to qualifications in the case of mine managers as well. We do it in the case of managers of coal mines, but it has never been insisted upon in the case of metalliferous mines.

Mr. Nicholson states that supervisors who have been employed from 15 to 20 years and who have passed the day when examinations would appeal to them, will be thrown out of employment. I may say that they will not be asked to pass any examination while they are in their present positions.

Hon. J. Cornell: There is nothing in the regulation to that effect.

The CHIEF SECRETARY: The Minister has given a direction in this respect. It reads—

> No person shall be deprived of the position he holds as a mining supervisor, but should he desire to accept a new position, it will be necessary for him to comply with the provisions of Regulation 17a of the Mines Regulation Act, 1906.

Hon. G. W. Miles: When was that written?

The CHIEF SECRETARY: It was written within a few weeks, certainly without any delay, by the Minister for Mines—a long time before he left for London.

Hon. G. W. Miles: Would you be prepared to amend the regulations to include something to that effect?

The CHIEF SECRETARY: I cannot say offhand. Of course, there is nothing binding in the regulations in that direction. It could be cancelled at any time by the present Minister for Mines (Hon. S. W. Munsie) or by one of his successors, but I do not think anything of the kind would be likely to happen. It simply means that if a supervisor were to leave the position he held, he would have to comply with the regulation before he could take another similar post.

Hon. J. Cornell: Then if a man had held the position of shift boss in the Lake View and Star Mine for 4½ years and went to the Great Boulder Mine to take a similar position, he would have to pass the examination?

The CHIEF SECRETARY: He would.

Hon. J. Cornell: That is absurd.

Hon. C. F. Baxter: It would mean putting good men out of employment.

Hon. J. Cornell: Yes.

The CHIEF SECRETARY: Mr. Nicholson argues that the regulation is something novel—that it insists on something that was never insisted upon before; and that the mine managers should be left unhampered in their selection of underground supervisors. This argument ought not to carry weight with anyone who recognises the necessity of minimising the loss of health and the loss of life among workers in our mines. There are many mine managers who are fully alive to their responsibilities, and if all were like them, there would be no need for this regulation. There are others who may not have such a keen sense of duty, and it is they that the regulation will reach. I have already given one instance in proof of that contention. When this regulation was not in force, action was taken by companies to place young men in charge of work underground, although those young fellows were not qualified to accept the responsibilities imposed upon them. Are those managers entitled to consideration? Are they to be permitted to follow the bent of their own sweet wills? Or is a check to be placed upon them? I have seen details of the examination which an underground supervisor has to pass. It is an examination that every man who has been working in a mine for five years should be able to pass, unless he is lacking in ordinary intelligence. If he is defective in that respect, he is not fit for the position. What was done in the old days when the mining industry was flourishing, is no safe guide as to what should be done now when it has taken on a fresh lease of life. We have had the experience—the bitter experience—of the intervening years to help us. We have had the experience, which we crystallised into legislation in order to combat the effects of our negligence of the past, and to comfort the few remaining years of those who were doomed to early death by reason of the occupation they followed. With regard to miners' phthisis, legislation was introduced to deal with that phase of the industry, and the Government are now endeavouring to minimise the possibility of outbreaks of that disease. I referred this matter to the State Mining Engineer, and he replied—

> There has been a marked decrease in the number of miners' phthisis cases since the introduction of the compulsory medical examination of mine workers, combined with the improved standard attained in the mines during recent years as regards dust prevention and ventilation, but to maintain the improvement, constant care and vigilance in controlling all factors relating to ventilation, dust prevention and other improvements in the underground workings of the mines must be sustained.

He stated further that, out of a total number of 5,563 men examined under the Miners' Phthisis Act, during the year 1934, 369 were suffering from silicosis early, 37 from silicosis advanced, 12 had silicosis and tuberculosis, and 5 had tuberculosis early. He also informed me that in 1933, 22 men were killed and 546 were injured in mine accidents, whilst in 1934 the number was 33 killed and 930 injured. The death rate per 1,000 men employed at gold mines was 2.16 per cent. in 1933 and 2.45 per cent. in 1934. Not only that, even in the best-

conducted mines, serious and fatal accidents happen from time to time. Such accidents are likely to be more frequent where every precaution is not taken for their prevention. The purpose of this regulation is to safeguard the workmen, and its observance cannot add to the cost of the mine-owner, even if that were a factor which should outweigh all other considerations. Mr. Nicholson has made out no case for the disallowance of this regulation, and I would strongly advise him to withdraw his motion. If not, it should be rejected by the House.

HON. C. G. ELLIOTT (North-East) [5.15]: I am surprised that the motion for the disallowance of Clause 17a of the mining regulations, which has to do with the appointment of supervisors, should have been moved in this House. By virtue of their occupation, the men who have to go underground, it is well known, have to perform work which is inseparable from danger by way of accident and disease. If we now do anything that will in any way aggravate the state of affairs existing at the present time, it will really be a serious matter. The disallowance of the regulation will mean a continuance of the same old policy of neglect for the well-being of the men who work underground.

Hon. J. Cornell: Nothing of the sort.

Hon. C. F. Baxter: The matter has had every consideration in this House.

Hon. C. G. ELLIOTT: I am referring to the disallowance of the regulation and to mining underground which has been responsible for many accidents to life and limb. It is true that many shift bosses who have been appointed during the past few years have been quite inexperienced. That is common knowledge, and is beyond question. So far as a practical knowledge of mining is concerned, their experience has been far from being what should be required for the position of supervisor. It can be taken for granted that some of the men who have held the appointments do not know the difference between a shrink, drill or flat-back stope, and many have not had any knowledge of the dangerous ground in faces, backs or stopes. Bad ground has been responsible for many accidents and even deaths, more so than anything else connected with mining underground. Some of the men who have held the position of supervisor have not been able to recognise the danger of ground until that ground has given way. Shift bosses carry a big responsibility in that they have to study the wellbeing of the men engaged in mining. It simply means that if a shift boss is inexperienced he can order a man into a face which is probably not safe.

Hon. J. M. Macfarlane: How do inexperienced men come to be appointed?

Hon. C. G. ELLIOTT: I can reply to the hon. member by saying that kissing sometimes goes by favour. Many statements made by Mr. Nicholson when moving the motion were not correct.

Hon. J. Cornell: How do you know? You were not here when he spoke.

Hon. C. G. ELLIOTT: I have read his speech. For instance, the hon. member stated that the qualifications needed by the supervisors would not be required by the mine managers, the inference being, I presume, that mine managers would not be able to answer questions put by examiners. I am afraid Mr. Nicholson has not a high opinion of present-day mine managers. Mr. Nicholson also stated that the qualifications required were not demanded elsewhere. So because other mining States were neglecting the safety of the men working underground, this State was not to advance in the good work of taking precautions against accidents. He also stated that it would debar men from continuing in jobs they had held for years.

Hon. J. Nicholson: So it would.

Hon. C. G. ELLIOTT: I do not agree with the hon. member, and I will tell him why. The questions that will be asked by the examiner, if any questions are asked of those old miners who have held positions as shift bosses for many years, will not be complicated. On the contrary, the questions will be of the simplest nature.

Hon. J. Cornell: Where can we see those questions?

Hon. C. G. ELLIOTT: I have them here. The main feature of the qualification for a shift boss is five years' experience underground. I quite agree that it is necessary that men should have experience of practical mining before being appointed supervisors, and they cannot have that unless they work in a mine for at least five years. I know that because I have worked in mines for 25 years. Mr. Nicholson also suggested that this matter should remain in abeyance until the return of the Minister for Mines. I consider that a futile suggestion. I have discussed this matter on more than one occasion with

the Minister for Mines, and I can assure members that Mr. Munsie is fully conversant with the position, and his opinion is pronounced that at least five years' experience underground is necessary before a man can take the position of supervisor. In that respect I agree with him. The question now is whether we are going to carry on in the same slipshod manner as in the past, not worrying about accidents, or whether we are going to tighten up matters by taking precautions to safeguard the lives of men, those who are primarily responsible for our gold production. I hope to see members of this House registering in no uncertain manner their votes against the disallowance of the regulation.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT.

As to Reinstatement of Order.

Message from the Assembly received and read requesting that the consideration of the Bill for an Act to amend the Plant Diseases Act, 1914, which lapsed during last session of Parliament, may be resumed by the Legislative Council.

BILL—NORTHERN AUSTRALIA SURVEY AGREEMENT.

Received from the Assembly and read a first time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. C. F. BAXTER (East) [5.13]: The Bill seeks to amend Sections 6 and 21 of one of the most important Acts we have on our statute-book, the Industrial Arbitration Act, and I do not subscribe to the view of some people, that because Governments, not merely one Government, have been at fault in administering the Act, we should do away with it altogether. If we go back to the early history of Australia, the period of the 'nineties, before we had Acts of Parliament which held the scales of justice evenly between the employer and the employee, or did so as nearly as possible, we find that the employees were down-trodden in many respects. The advent of various Acts of Parliament remedied that position. The Industrial Arbitration Act has to a great extent meant peace in industry. Without that Act there would, in my opinion, have been far more industrial trouble in Australia. There is another side to the picture, which, however, is owing not to the principle of arbitration but to the administration of that principle. Had the Industrial Arbitration Act been administered soundly, had it been lived up to in its entirety, the industrial world generally would have been much the better for it, and various industries in which difficulties have occurred would not have suffered colossal losses—a remark which applies equally to the employers and the employees affected. The Bill is designed to validate errors of registration, involving faulty constitutions of several unions now operating under the principal Act. It also provides means for enabling the constitutions of unions to be amended. In point of fact, the Bill provides a short cut for such unions. I make that statement because the unions in question have had the opportunity of meeting the position by other means. Without this amending Bill, the difficulties of those unions could have been overcome. Provided the Bill is amended in two or three respects, possibly the best course will be to pass the measure, thus enabling numerous unions that are in difficulties to-day to put their house in order. I repeat, however, that those unions could find a remedy in existing legislation. That has been done by the Carters' Union, which has gone ahead with various registrations and secured various awards. There is a natural fear on the part of some unions that their awards may go by the board if they re-register. I do not subscribe to that view, because employers are just as anxious for industrial peace as employees are. After all, the challenging of current awards would mean trouble and expense for employers as well as employees. Paragraph (c) of proposed new Section 6 provides that in the case of a faulty order having been made in the registration or amendment of rules of any society, every award, judgment, order or decision of the Arbitration Court, and every act, matter or thing which may have been done on the faith of such registration or amendment being valid shall be validated as from the date thereof. One of the chief reasons for the introduction of the Bill is the fear of the unions, as I have

mentioned before, that in following the process outlined by the principal Act they would lose the benefits of current awards. However, some of those awards should not be validated—for instance, an award including different branches of trade. Such a position is not sound. Take the case of motor works like Winterbottom's or Sydney Atkinson's. Under this validating Bill—for that, really, is what the measure amounts to—one union would include all the employees of such a business. There would be engineers, carters, truckdrivers and mechanics all in one union, and probably with not much voice in the conduct of the union's affairs. I feel that the engineers' union, for instance, should embrace all engineers, but should not include employees of other descriptions. The same sound principle should apply to every union. I am not opposed to unionism, and never have been: for I realise that in properly conducted unions we have the best possible safeguard for peace in industry. It is when unions are not properly conducted that trouble arises. Clause 3 of the Bill provides for the giving of complete authority to the President of the Arbitration Court to decide whether or not certain classifications of workers should belong to the applicant union. Let us take another aspect of that question. A union desiring to be registered approaches the President of the Arbitration Court in Chambers. The application is granted, and the union becomes registered. The position is rather unfortunate for the President of the Arbitration Court and others who may be concerned, because that registration may embrace descriptions of workers who desire to put their case before the president. Is it not reasonable that the president should have the fullest information prior to granting registration to any particular body? One of the amendments of which I have given notice is intended to secure that. Another important section entitled to be heard in such a matter is the employers. They should have the opportunity of stating their views, through a representative, to the President of the Arbitration Court if they so desire. The effect would tend towards peace in industry, and to a better feeling between employers and employees.

The Honorary Minister: Your suggestion would not lead to that.

Hon. C. F. BAXTER: Yes, it would. Surely the Honorary Minister has the same faith as I have in the President of the Arbitration Court. The president should have information laid before him by each side, and then sift the matter out.

The Honorary Minister: Do you agree that the employees should have the right to appear in opposition to the registration of a union of employers?

Hon. C. F. BAXTER: There is no reason why the principle should not cut both ways. In the recent case of the vineyard and fruitgrowing employees, a union was to all intents and purposes registered before the workers themselves knew anything about it. That union took in such employees as drivers of lorries, clerks, and men in wineries, who had never heard of it before finding themselves members of it. How can one reconcile the work of men employed in orchards or vineyards with the work of men employed in wine cellars, or the work of clerks in offices, or that of men on lorries? Yet that union was registered without these other branches knowing anything about the matter. Such a position is utterly wrong. It should be open to all those associated with an industry to be heard by the president in Chambers. Then the president would have a grasp of the various classes of workers a registration, if granted, would embrace. The clerks should be in the clerks' union, and the lorry drivers in the drivers' union, and the men in the wineries in the brewery employees' union. Then the registration would be on sound ground, and diverse interests would not be forced into one union. Under paragraph (c) men excluded from a union would still be covered by awards granted to the union. Our endeavour should be to make the Industrial Arbitration Act sounder than it is to-day, and better calculated to secure peace in industry. The feeling now existing between employers and employees is not hostile, but it could be improved. Above all, let us amend the Arbitration Act so that one body will not embrace numerous different sections. Let each section have its own union for its particular work. I realise that amendment of the principal Act is necessary, because the unions which have not been brave enough to follow the example of the carters' union, still deserve some recognition which I am pre-

pared to give them, subject to certain modifications proposed by the amendments of which I have given notice. With that reservation, I support the second reading.

HON. L. B. BOLTON (Metropolitan) [5.29]: The amendments proposed by the Bill appear to me simply designed to legalise some difficulties which have arisen in connection with the parent Act, and to be in the nature of things which have been practically agreed to for some years past. As I understand that there is no intention to register any new unions under the Bill, if passed, I see no reason why the second reading should not be supported. Much has been said in this Chamber regarding industrial arbitration; but until something better is devised, I shall support the continuance of the present system, though I prefer wages boards. I would like to see direct representatives of each side, men thoroughly conversant with the industry under consideration, and with an independent chairman, in place of the Industrial Arbitration Court. I repeat, however, that while I am unable to get wages boards, I advocate continuance of the existing system. Certainly I do not support those who, having given an undertaking to abide by the decision of the Arbitration Court, deliberately flout the law, and in so doing are at times supported by the Government. The Government deserve the severest censure for their action in connection with the recent goldfields trouble. What I ask myself is: While we did at times have occasional strikes and trouble, under present conditions how much worse off would we be if we had no tribunal to adjust the working conditions and wages in our various industries? The position would be infinitely worse than it is to-day. I think therefore this is a time when the apprenticeship conditions should be considerably modified, and if any amendment of the Arbitration Act is to be made, those conditions should receive serious consideration. In my opinion a lesser term than the five years for the training of apprentices might be considered. It is heart-breaking to have, day after day and week after week, applications from youths of 18, 19 and 20 years of age for apprenticeship, youths who have had temporary positions from the time they were 14 up to 16 or 18 years of age, and then, because their wages must rise with their years, they are pushed out, but are then too old to secure apprenticeship, youths who in normal conditions would be well on their way to become trained artisans. Many of those lads are so anxious for employment and to learn a trade that they could make themselves proficient in two, three or four years, while under present conditions it is practically impossible to apprentice them in any of our industries, although in most other industries there are many trades where it would not be necessary to apprentice a lad for so long a term as five years. I agree that there are trades to become proficient in which takes even more than five years, but at a time like this we should consider the question of reducing that term. While under the Act there is nothing to prevent an employer apprenticing a youth of any age, there exists the danger of older youths terminating their apprenticeship at 21 years and thereby throwing themselves unskilled on the labour market. If the Act were amended by reducing the term of apprenticeship, the apprentice would be put on his mettle and, knowing that he had only three years instead of five years in which to complete his training, he would strain every point to make himself proficient in that time. A few days ago I was approached by a parent who desired to apprentice his lad, aged 19 years. So keen was he to have that lad trained in some industry that he offered to enter into a bond of £100 that the boy would continue his apprenticeship for the full term. There are hundreds of other cases in almost every other industry to-day. While it is the duty of every employer to take his full complement of apprentices, it is the unfortunate youths between 18 years and 21 years who require and deserve some extra consideration. By giving them this, we would be materially assisting a movement to place our lads in positions and relieve the great shortage of skilled labour so pronounced in our midst to-day. If any confirmation of this is required, we have only to turn to the work done by the Boys' Employment League, on the executive of which I have been ever since the foundation of the league in 1932. During the period of the league, to the end of August, positions have been found for 5,690 youths spread over nearly 60 various occupations. Unfortunately, although a percentage of those are permanent, and most of the engagements have been in the country, the position to-day is that while there are many openings in the country for lads, it

is most difficult to get boys to accept them. All our farm training schools have vacancies for boys. When a position is advertised in the city, however, there are hundreds of applicants, and recently over 1,000 applications were received for apprenticeship at the Midland Junction Workshops. That the position is improving is confirmed by a Perth employer who, when advertising a position two years ago, received 170 applications, but for a similar position a fortnight ago received only 20 applications. The Boys' Employment League is still placing between 40 and 50 lads per week, while two or three years ago the league had nearly 400 lads calling daily for positions. This number is now greatly diminished, and recently we were advised that no boys were available for the country. When considering this question, it must be remembered that no fewer than 3,500 lads leave school in the metropolitan area alone every year. These are the things that require amendment, and I earnestly throw out the suggestion to the Government. I will support the second reading, but in Committee I will give the consideration they deserve to Mr. Baxter's amendments.

HON. J. NICHOLSON (Metropolitan) [5.36]: The amendments proposed in the Bill, I thought at first, could have been conveniently included in Subsection 5 of Section 6 of the existing Act. That subsection refers to certain validatory proceedings. It reads as follows:—

> The Metropolitan Shop Assistants and Warehouse Employees' Industrial Union of Workers or any other society registered, or purporting to be registered, under the Industrial Conciliation and Arbitration Act, 1902, may apply to the court or the president for an order validating its registration, or supposed registration, and the court or president may make such order as they or he may think just, notwithstanding that such society or union consists of persons who are not all employers or workers in or in connection with one specified industry.

On looking further into this matter I realised that the existing Act apparently applied only to awards, etc., which might have been made under the 1902 Act; but no doubt amendments could be made to that to extend it to the existing Act of 1912. Obviously there was something in the contemplation of the Government of the day when they introduced a section such as that to which I have referred. The object of the Bill has been explained by previous speakers, particularly Mr. Baxter, and it would appear that now it is thought that the amendment of this Section 6 could be better accomplished by including something more comprehensive. Section 6 of the Act, as I have stated, has something in it at present, dealing with the validity of the awards or orders. I do not know whether Subsection 5 of Section 6 was fully considered at the time the Bill was drafted, but probably the Honorary Minister will be pleased to explain why some amendment was not made in Subsection 5 so as to include the amendments in the Bill. I am inclined to agree with what Mr. Baxter said, namely, that there is sufficient machinery provided by the present Act for a union to get out of its existing difficulties.

Hon. J. Cornell interjected.

Hon. J. NICHOLSON: I have realised from the remarks of the President of the Court that it would be simplified if some amendment of the law were introduced to get over the present difficulty. But there is the method provided by Section 27 of our existing Act for de-registration, and Mr. Baxter did refer to what the carpenters have done. They have been de-registered and they are getting over the difficulty by the registration of a new union, including in the union those occupying certain positions within the industry. But from what has been said I gather that many unions have amended their rules at various times, and included various branches, or people occupied with certain diverse occupations in one industry, which, the court held should not be included, and the idea is to validate some of those amendments which have been made to the rules, and leaving it to the Court to decide whether the awards shall or shall not extend to each of those sections included in the amended rules of the union.

Hon. J. Cornell: But a union can neither narrow nor extend its constitution.

Hon. J. NICHOLSON: That statement rather places the constitution of the union on a par with the memorandum of association of a company, which defines exactly the scope within which the company may operate. In the memorandum of association there are set out the various things the company may do, and the various enterprises it may embark upon. The company is confined in its operations to the carrying out of those objects, and if the directors are unwise enough to do something outside the scope of

those objects set out in the memorandum they are doing something which is ultra vires of their constitution. So in regard to those unions, obviously the President of the Court has reasoned somewhat on the same lines.

The Honorary Minister: In those cases the Registrar accepted the alterations to the rules.

Hon. J. NICHOLSON: Exactly, and it was afterwards when the President examined them that he found where the difficulty had arisen.

The Honorary Minister: Years afterwards.

Hon. J. NICHOLSON: Yes, and he was confronted with the present position. My contention is that the difficulty could be overcome by de-registration, and then by the registration of a new union. There is a lot to be said in support of Mr. Baxter's view.

Hon. J. Cornell: How would your suggestion affect existing awards?

Hon. J. NICHOLSON: Unless some provision were made to validate them, the result would be that existing awards would not extend to the invalid constitution of a union, any more than an invalid operation on the part of a company could be validated by a mere alteration of the articles of association. I realise that the unions, when registered again, would have to come under a new award.

The Honorary Minister: That would lead to a state of chaos throughout the country immediately, and instead of having peace in industry, you would simply be precipitating other trouble. We want to avoid that.

Hon. J. NICHOLSON: No one wishes to cause chaos.

The Honorary Minister: We have heard enough of that recently.

Hon. C. F. Baxter: The Arbitration Act was sound enough. It was the administration that was criticised.

Hon. J. NICHOLSON: The mistakes no doubt have been made quite innocently. The Registrar accepted the registrations and the amendments, thinking that they were quite in order.

Hon. J. Cornell: In the case of the engineers, they had two awards.

The Honorary Minister: They acted on the advice of the Registrar of the court in the first place, and the awards were issued afterwards. They carried on for a period of years, and then another case had to be taken into court and the President discovered the flaw. Here is the reply, that the Act should be amended in order that the action already taken might be validated.

Hon. J. NICHOLSON: There is one view to be advanced even in connection with the amendments proposed in the Bill. Paragraph (e) of Clause 2 reads—

> When the court or the president makes any order validating the registration or any amendment of rules of any society or industrial union under this section, every award, judgment, order or decision of the court, and every act, matter or thing which may have been done in the faith of such registration or amendment being valid shall be validated as from the date thereof.

Hon. J. Cornell: That is all right.

Hon. J. NICHOLSON: Let us assume that the court, in its wisdom, deemed it desirable to make an order to validate the constitution so as to make it applicable to a certain number of the different branches of one industry and not to extend to the whole of the occupations which might be included in one union at present. Mr. Baxter gave instances of men in occupations so diverse as those of a clerk, a driver, and a host of other things. One can see that the ideals and requirements of the clerical portion of an industry would be quite different from those of men engaged in outside work such as driving or other operations.

Hon. J. Cornell: They have never been mixed up yet.

Hon. J. NICHOLSON: I understand that many of them have been mixed up.

Hon. J. Cornell: Not in the mining industry.

Hon. J. NICHOLSON: Yes, in the mining industry. I understand it has been sought to bring under the engineering award men who were engaged underground, on the surface, in the plumbing trade, and so forth.

Hon. J. Cornell: They were in the Engineers' Union, but were ruled out.

Hon. J. NICHOLSON: If there are instances in which the President of the court considers that the validating order should apply to only certain of the persons concerned, then there should be some limitation showing that the validating order would apply to the extent of the matter actually validated, but not otherwise.

The Honorary Minister: Would not that be the case?

Hon. J. NICHOLSON: I do not know that it would be precisely, but it should be expressed.

The Honorary Minister: What about paragraph (b)?

Hon. J. NICHOLSON: There is a paragraph regarding that point, but I think it should be followed up with something in paragraph (c). However, that is a matter which can be considered in Committee.

The Honorary Minister: You will get into very deep water if you prosecute that idea.

Hon. J. NICHOLSON: I am merely mentioning these matters in the hope that the Honorary Minister will give them consideration. Mr. Baxter has indicated some proposed amendments. I do not intend to oppose the second reading, but certainly the amendments to be proposed by Mr. Baxter are very desirable. They will give full effect to the intention and should help to maintain that to which the Honorary Minister has so often referred, namely, peace in industry.

Hon. J. Cornell interjected.

Hon. J. NICHOLSON: The reason why the employer should appear is that the President, who would hear such applications, might have before him the views of all who were interested, whereas, if we take the Bill as it stands, he would have the views of only one party, instead of the views of all parties concerned in the industry.

Hon. J. Cornell: The hon. member would give the employer the right to intercede in some unions and not in others.

Hon. J. NICHOLSON: I would give them that right in regard to every union.

Hon. J. Cornell: The amendment would not accomplish that.

Hon. J. NICHOLSON: If the hon. member considers it necessary to widen the amendment to give every employer that opportunity, he should make a suggestion.

The PRESIDENT: I suggest that a discussion of the details of proposed amendments be left to the Committee stage. While there is no objection to general references being made to the amendments, it would be better to leave the actual details till the Committee stage is reached.

Hon. J. NICHOLSON: I will defer further reference to details until the Committee stage is reached. The amendments are desirable from the standpoint that at present the employer has not an opportunity to submit his views on the matter, and I hope favourable consideration will be given to that aspect.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th August.

HON. C. H. WITTENOOM (South-East) [5.56]: When the Bill came before the House last year I was not attracted by it, but I supported the second reading. This session several additional clauses have been included, and to my way of thinking the Bill is nothing like as attractive as that of last year. Therefore I intend to vote against the second reading. I am not speaking without having given due consideration to the measure. I listened carefully to the remarks of the Honorary Minister in moving the second reading and I have also listened to nearly every speech that has been delivered so far.

Hon. G. Fraser: Cannot you support the second reading and move in Committee to delete the objectionable parts?

Hon. C. H. WITTENOOM: I have already said that when the Bill was before the House last year, I was not attracted by it, but the inclusion of the new clauses on this occasion has caused me to determine to oppose the second reading. I recognise that the Bill contains some very good points. It is suggested that in those backyard factories employing one or two hands, where furniture making, dressmaking, the manufacture of foodstuffs and similar work is undertaken, unfair competition is created against recognised factories that employ four or more hands, which would include some of the very large factories that are bound by all sorts of regulations, many of them, I daresay, quite unnecessary. I am inclined to think that the competition so created is not at all serious. The small factories are too heavily handicapped. When we consider the fine equipment that the big factories have and that the small factories have not, we must realise what a heavy load the small factories have to carry. They have only small plants and employ only a limited number of hands, and limited mechanical power. Under the Act I think the small factories are allowed to have engines equal to only one-horse power. Another point is that their financial position prevents them from having up-to-date plant and machinery. Even if they had up-to-date plant and machinery, the fact of employing only one or two hands or, at the

most, three, prohibits them from undertaking anything in the form of mass production. A factory that possesses the necessary financial resources with which to equip itself with all its requirements has a greater opportunity to turn out goods more cheaply than has a backyard factory. After all, a small factory should not constitute competition of a serious nature. The Honorary Minister suggested that labour was being sweated in these backyard factories. He said the employees were working excessive hours, and that the hygienic conditions under which the people worked were anything but what was desirable.

Hon. H. V. Piesse: That is why supervision is required over them.

Hon. C. H. WITTENOOM: It is for the health authorities to look after the hygienic aspect.

Hon. H. V. Piesse: You cannot get at them.

Hon. C. H. WITTENOOM: The Honorary Minister said he could quote many of these cases. There may be many cases where, under stress of circumstances, people have had to seek employment under conditions that are not altogether satisfactory. I doubt if there are many such instances in Western Australia. Such cases would be very rare. People may be working 12 hours a day at times, but small factories often go for several days without getting any orders. I am totally in agreement with the Honorary Minister in his desire to cut out any sweating of labour that exists.

Hon. G. Fraser: Support the Bill and prevent it.

Hon. C. H. WITTENOOM: Last year members said that if backyard factories were brought under the provisions of the Act, it would be almost impossible for them to carry on. I agree with that view. If they are compelled to abide by all kinds of special conditions, many of them quite unnecessary, and are required to have all sorts of special sanitary arrangements, and other impositions, they will be unable to continue. Many of these places are on all fours with a private house. If they are brought under the Act, they will require to go even further than would be required in the case of a private house. An ordinary cement floor may be quite suitable in the laundry of a private house, but in a small factory some unusual kind of flooring may be required.

The Honorary Minister: There is nothing about that in the Bill.

Hon. C. H. WITTENOOM: These places will have to comply with all sorts of conditions, as to so many cubic feet of air, heating appliances and all manner of other things. In the case of large factories it is necessary to have these things. They must be installed in those places, but they cannot be necessary in small establishments where only two or three persons are employed.

Hon. E. H. Gray: Why not?

Hon. C. H. WITTENOOM: Mr. R. G. Moore raised the question of interference by the health authorities. I think the Honorary Minister said these small places could not be dealt with by the health authorities. In Albany there is no trouble on that score. If in a private house the drainage is bad or the building in a state of disrepair, the health inspector soon sees to it that the faults are remedied. As that is the case in Albany, I assume it is the case in every other town.

Hon. G. Fraser: You have some Mussolinis down there.

Hon. C. H. WITTENOOM: I cannot imagine that a backyard factory would be overcrowded with one or even three employees. The Bill will automatically make all premises of that kind a factory.

Hon. H. V. Piesse: That portion could be amended.

Hon. C. H. WITTENOOM: They will be made subject to all kinds of inspection. The Bill also allows the Minister to override the Act, and at his discretion declare that certain premises shall not be regarded as factories. Several members intimated their intention to oppose that particular clause, Mr. Piesse being amongst them. In my opinion that is the only ray of sunshine in the measure, for it will permit the Minister to allow some of these small places to continue.

Hon. H. V. Piesse: It places too much responsibility upon the Minister.

Hon. C. H. WITTENOOM: I should be very sorry to see that clause deleted.

Hon. R. G. Moore: It is the worst clause in the Bill.

Hon. C. H. WITTENOOM: I do not agree. This Bill will make it impossible for any man to start in a small way, if he has to employ labour under the same conditions as are imposed in the case of

larger factories. It will close practically all, and force the employees on the dole.

Hon. E. H. Gray: How do you arrive at that conclusion?

Hon. C. H. WITTENOOM: It is a definite step against industrial progress. A backyard factory is only a weak competitor of the larger places. At the same time, up to a point it compels the larger factories to produce their goods more efficiently and at a cheaper rate. If goods are produced at a cheaper rate and of better quality, it will prevent a great deal of competition from the Eastern States. There is no doubt some of the big factories have grown up from backyard factories. This measure will prevent the ambitious man without capital from making a start. I regret that the Government have added certain clauses to last year's Bill.

Hon. G. Fraser: To which do you refer?

Hon. C. H. WITTENOOM: I refer particularly to that portion of the Bill which deals with apprentices in hairdressing saloons. It is unjust that a young woman who has a natural gift for hairdressing should not be allowed to take her place in a hairdressing saloon, without first going through a long term of apprenticeship. I oppose the second reading of the Bill.

On motion by Hon. L. B. Bolton, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly,

Tuesday, 3rd September, 1935.

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

QUESTION—EDUCATION, WIRELESS RECEIVING SETS.

Mr. HAWKE asked the Minister for Education: Will he make overtures to the Postmaster General's Department with the object of having free licenses issued in respect of wireless receiving sets used exclusively in schools?

The MINISTER FOR AGRICULTURE (for the Minister for Education) replied: This matter was discussed with the Broadcasting Commission last year and the reply given was that the Commission had no control over broadcast licenses, the matter being fixed by the Commonwealth Government. The Acting Director of Education personally approached the Chairman of the Broadcasting Commission recently, who said the matter would receive the consideration of the Postmaster General's Department.

QUESTION—RECLAMATION, CAUSEWAY AND FORESHORE.

Hon. P. D. FERGUSON asked the Ministers for Works: What was the amount expended on the Causeway and adjacent foreshore reclamation works—(a) prior to 1st May, 1930; (b) from 1st May, 1930, to 1st May, 1933; (c) from 1st May, 1933, to 30th June, 1935?

The MINISTER FOR WATER SUPPLIES (for the Minister for Works) replied: (a) £100,068; (b) £40,486; (c) £47,901.

BILL—PLANT DISEASES ACT AMENDMENT.

As to Reinstatement of Order.

On motion by the Minister for Agriculture ordered: That a Message be sent to the Legislative Council to the following effect: "The Legislative Assembly requests that consideration of a Bill for an Act to amend the Plant Diseases Act, 1914-1933 (which lapsed during last session of Parliament), may be resumed by the Legislative Council."

BILL—NORTHERN AUSTRALIA SURVEY AGREEMENT.

Read a third time, and transmitted to the Council.

MOTION—BULK HANDLING OF WHEAT.

Consideration of Royal Commission's Report.

Debate resumed from the 29th August.