

MR. TAYLOR: As he understood, the ruling was that one could not move to strike out a clause.

THE MINISTER FOR MINES: The object of the hon. member (Mr. Wallace) was to make it necessary for any holder of a lease to be the holder of a miner's right. If we struck out the word "not," the clause would read "shall be necessary," which would make it obligatory for a holder to have a miner's right. He (the Minister) would oppose that, for it was impossible to expect any holder of a lease to be bound to take out a miner's right. If the whole clause were struck out, there would be nothing to say that the holder of a mining lease should be the holder of a miner's right.

MR. WALLACE: It was absurd that the conditions of Clause 114 should be upheld by the Minister whilst power was given in Clause 288 to impose a fine on a man, not being the owner of a miner's right, found to be engaged in mining on Crown land. A holder of a lease should be a miner, and if one could hold a lease without a miner's right, what would be the use of enforcing a penalty under Clause 288? Either the one or the other clause should come out, and holding the opinion he did that every miner should be the holder of a miner's right, it was for him to urge the deletion of either the whole of Clause 114 or the word "not." In order to meet the wishes of the Minister, he moved as an amendment—

That the word "not," in line 1, be struck out.

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

Ayes	...	...	...	6
Noes	...	...	...	13

Majority against ... 7

AYES.  
Mr. Bath  
Mr. Hastie  
Mr. Johnson  
Mr. Reid  
Mr. Taylor  
Mr. Wallace (Teller).

NOES.  
Mr. Atkins  
Mr. Burges  
Mr. Diamond  
Mr. Ewing  
Mr. Ferguson  
Mr. Gardiner  
Mr. Gregory  
Mr. Hayward  
Mr. Hopkins  
Mr. James  
Mr. Piesse  
Mr. Reason  
Mr. Higham (Teller).

Amendment thus negatived, and the clause passed.

Progress reported, and leave given to sit again.

# ADJOURNMENT.

THE PREMIER moved that the House at its rising do adjourn until half-past seven o'clock p.m. the next day, to enable members to attend the Guildford Show.

Question passed.

The House adjourned accordingly at 11:18 o'clock, until the next evening.

## Legislative Assembly, Wednesday, 21st October, 1903.

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The SPEAKER took the Chair at 7:30 o'clock, p.m.

# PRAYERS.

## PAPERS PRESENTED.

By the MINISTER FOR WORKS: By-laws of Broad Arrow District Roads Board. Plan of Stock Routes from Fitzroy to DeGrey River, moved for by Mr. Pigott.

Ordered, to lie on the table.

## ASSENT TO BILL.

Message from the Governor received and read, assenting to the Bread Bill.

## QUESTION—RAILWAY CLERKS, OVERTIME.

MR. MORAN asked the Minister for Railways: 1, Whether he is aware that several clerks in the Railway Storekeeper's Department Branch at North Fremantle have been on overtime since last March, at the rate of three hours per night. 2, What remuneration they receive for this overtime. 3, Upon whose instructions this overtime was commenced.

THE MINISTER FOR RAILWAYS replied: 1, No. Considerable overtime has, however, been worked: firstly, on stock-taking and preparation of stock sheets; secondly, inaugurating new system, opening up new books, taking control of several branch stores with the necessary stock-taking, etc. 2, Liberal remuneration in connection with preparation of stock-sheets, entering up arrears of work in Government Storekeeper's books and closing same. Overtime other than this not paid for. 3, The Chief Railway Storekeeper's.

#### QUESTION—LAND SALES, AUCTION SYSTEM.

MR. WALLACE asked the Minister for Lands: 1, Whether the Cold Harbour Estate, or any part of it, was disposed of by public auction. 2, If yes, what was the minimum and maximum price.

THE MINISTER FOR LANDS replied: 1 and 2, Yes. One conditional purchase block was sold by public auction. This course was rendered necessary because of an agreement having been arrived at between the persons competing. The property carried valuable improvements; the upset price being £7 per acre. It realised £12 13s. per acre. Fourteen conditional purchase blocks were submitted to competition between applicants. These blocks realised from 20s. to 78s. per acre. Suburban lots were sold by public auction, which is the established practice of the Lands Department. Suburban lots realised from 60s. to £7 14s. per acre.

#### MINING BILL.

##### IN COMMITTEE.

Resumed from the previous day.

MR. ILLINGWORTH in the Chair; the MINISTER FOR MINES in charge of the Bill.

Clause 115—Interpretation of terms:

THE MINISTER FOR MINES moved that the word "private" be inserted after "of," in line 18.

Amendment passed.

THE MINISTER moved that the words "for mining purposes except coal-mining" be inserted after "occupied," in line 27. This would enable the Minister to grant a right to mine for gold or other minerals on any land leased for coal-

mining. Though it was improbable that gold would be found on coal-mining leases, still, in view of the large areas of these leases, this right must be reserved.

Amendment passed, and the clause as amended agreed to.

Clause 116—agreed to.

Clause 117—Precious metals the property of the Crown:

MR. HASTIE: No power was reserved to compel the working of precious stones.

THE MINISTER FOR MINES: The amendment made in Clause 59 gave all the power requisite. This clause determined what was reserved to the Crown, and was correct as it stood. The conditions made in the Lands Act of 1899 could not now be altered.

MR. HASTIE: But if precious stones were discovered, there was nothing to prevent the taking up of 48 acres. The Minister could not make special regulations for precious stones.

THE MINISTER FOR MINES: The ground must be worked subject to such royalty as the Government might impose. He would not grant a lease of such a large area as 48 acres in country containing precious stones; and a lessee could not mine for precious stones save with the consent of the Minister and under conditions prescribed by him.

MR. HASTIE: If precious stones were discovered on private property alienated from the Crown since the year 1899, the Minister certainly had not power to allow such land to be taken up in small areas.

MR. TAYLOR called attention to the fact that the direct Opposition benches were empty.

THE CHAIRMAN: The hon. member was out of order.

Clause passed.

Clause 118—agreed to.

Clause 119—Qualified exemption of certain private lands:

THE MINISTER FOR MINES moved that the following be inserted as Sub-clause 5:—

Within two hundred yards laterally of the workings, whether above ground or under ground, of any coal mine without the consent of the owner.

This referred to exempted areas, and would disallow mining on a coal-mining lease for any mineral other than coal within 200 yards of the workings of the

coal mine, whether above ground or under ground, without the consent of the owner.

Amendment passed.

THE MINISTER moved that the words "and of what constitutes a working within Subsection 5," be added to the last paragraph as printed. This would make the Minister the sole judge of what was a "working" within the meaning of Subclause 5.

Amendment passed, and the clause as amended agreed to.

Clause 120—Exemption of certain lands:

MR. HASTIE: This clause exempted certain land set out in the second schedule, the land being the Hampton Plains. The Minister might give the information he had promised the House concerning this land.

THE MINISTER FOR MINES: As the hon. member had an amendment on the Notice Paper that the second schedule be struck out, it was anticipated that the argument on the Hampton Plains question would be raised upon that amendment, so that he had not come prepared to furnish the information the hon. member desired. If the second schedule was struck out this clause would need to be struck out, on recommitment. When the second schedule was reached all possible information with regard to the Hampton Plains would be given.

Clause passed.

Clause 121—agreed to.

Clause 122—Compensation:

THE MINISTER FOR MINES moved that the words "except coal when the land resumed is leased for coal-mining" be added.

Amendment passed, and the clause as amended agreed to.

Clauses 123 to 126—agreed to.

Clause 127—Grant and permit:

MR. HASTIE: This clause provided that a warden might grant a permit to a miner to look for gold on private property, but the permit only extended for 30 days, and there was no power given for renewing it. The period of 30 days seemed too short. It would be better to extend the time or to provide that there should be a renewal of the permit. As the prospector might be at a considerable distance from a warden, it would be more satisfactory to extend the time.

THE MINISTER FOR MINES: The clause was copied from the old Act, its object being to enable persons to go upon private property and remove a certain amount of ore, but not to indiscriminately prospect over the land. The prospector only had the right to determine where he should mark out a prospecting area. The limit of 30 days was a fair one, and there had been no objections to it in the past, though a good many permits had been granted to enable persons to go on land and mark out prospecting areas.

MR. HASTIE: A right of renewal might meet the case.

Clause passed.

Clauses 128, 129—agreed to.

Clause 130—Privilege conferred by permit:

THE MINISTER FOR MINES moved that the words "except coal where the land entered upon is leased for coal-mining" be added after the word "mineral" in the second line.

Amendment passed, and the clause as amended agreed to.

Clauses 131 to 138—agreed to.

Clause 139—Owner, etc., may inspect underground workings:

MR. BATH: This clause provided that owners and occupiers of private land on which a mine was situated might inspect the underground workings. If this meant that they could order a survey at any time they liked it would greatly prevent mining on the land.

THE MINISTER FOR MINES: This could only be done when, in the opinion of the warden, it was deemed necessary.

MR. BATH: It was not fair that the cost of the survey should fall upon the miner. The person desiring the survey should bear all the expense. He moved as an amendment,

That the words "and at the expense of the lessee or miner" be struck out.

THE MINISTER FOR MINES: This was dealing with mining on private property, not on Crown lands. A survey could only be demanded by the owner of the property, who had to apply to the warden, and then the survey could only be made at such a time as the warden deemed necessary. If the warden did not think a survey was necessary it could not be made, but if he deemed it

necessary then the survey could only be made at the cost of the lessee. [MR. HASTIE: Why?] There might be encroachment on adjoining property which would put the owner to loss. A lease might be taken up in a man's paddock. The clause was a fair one.

MR. HASTIE: We were dealing with lands which had been alienated since the 1899 Act. The owner had nothing to do with the matter. The Bill re-enacted the present law in regard to the search for minerals on private land, and it provided that a person could lease the land and work the minerals. The clause provided that if a survey had to be made it should be at the expense of the man working the minerals. If the owner of the land wished a survey to be made he ought to pay for it.

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

Ayes... .. 9

Noes... .. 14

Majority against ... 5

Ayes.	Noes.
Mr. Bath	Mr. Ewing
Mr. Diamond	Mr. Foulkes
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gregory
Mr. Johnson	Mr. Hayward
Mr. Reid	Mr. Hicks
Mr. Taylor	Mr. Hopkins
Mr. Wallace	Mr. Isdell
Mr. Daglish (Teller).	Mr. Oats
	Mr. O'Connor
	Mr. Phillips
	Mr. Rason
	Mr. Smith
	Mr. Higham (Teller).

Amendment thus negatived.

MR. BATH: Seeing that he had been unable to get the words struck out, he moved a farther amendment:

That the words, "But only one such survey should be allowed in each" [twelve months] be added.

After the way the Committee had safeguarded the interests of the landowner in every way, with compensation to be paid before a man was allowed to mark out a claim, it was not right that extra expense should be placed on the lessee by having to pay for a survey. If more than one survey was made in one year, the person taking up the lease ought not to be harassed. If a survey had to be paid for, not more than one survey should be allowed every twelve months.

THE MINISTER FOR MINES opposed the amendment. Members should place their amendments on the Notice

Paper, so that some consideration could be given to them beforehand. As to the protection given to the private owner, there were provisions in this Bill which could not be found in any other Bill in Australia dealing with exempted lands. In other places where land had been sold with the right to the baser metals, persons were entitled to go on the land under certain specific conditions and work those metals. This Bill went farther than any Parliament had gone in Australia in regard to mining on private property; therefore he desired to see some protection given to the person whose private land was to be taken from him, and the clause provided that surveys should not be granted except with the approval of the warden, who would not grant a survey if it was not necessary.

MR. BATH: This provision was inserted to admit of miners going on the land under certain conditions; but a pretence should not be made of giving the right to mine on private property and by certain other provisions make that right useless. Undue restrictions should not be placed on those who desired to go on private land. Every protection was given to the owner of the land, and no private owner could complain of the provisions which had been inserted, for compensation had to be paid before going on the land. It was only a natural request that where surveys were ordered against the lessee they should be made at the expense of the owner of the land, and that the lessee should not be unduly harassed by having more than one survey in the 12 months. Unless it was considered that there were two parties to the bargain we should be making the Bill a non-mining on private property Bill, for it would be useless for the purpose for which it was desired.

MR. DIAMOND: The request was fair and reasonable. Owners of land in Australia, as far as he remembered, always harassed the man who desired to mine on private property. He could call to mind numbers of instances which occurred in South Australia. In nine cases out of ten the warden would be on the side of the owner. One survey in 12 months was reasonable.

Amendment put.

MR. TAYLOR (before decision given) called for a division.

THE CHAIRMAN: The Ayes had it. The hon. member would have to vote with the Noes.

Division taken with the following result:—

Ayes	...	...	...	8
Noes	...	...	...	13

Majority against ... 5

AYES.  
Mr. Bath  
Mr. Daglish  
Mr. Diamond  
Mr. Hastie  
Mr. Holman  
Mr. Johnson  
Mr. Reid  
Mr. Wallace (Teller).

NOES.  
Mr. Ewing  
Mr. Foulkes  
Mr. Gardiner  
Mr. Gregory  
Mr. Hayward  
Mr. Hopkins  
Mr. Isdell  
Mr. Oate  
Mr. O'Connor  
Mr. Phillips  
Mr. Rason  
Mr. Taylor  
Mr. Higham (Teller).

Amendment thus negatived, and the clause passed.

Clause 140—Right of way :

THE MINISTER FOR MINES moved that after "lessee," in line 4, "or claim-holder" be inserted, and that after "lease," in line 5, "or claim" be inserted. There was simply an error in drafting.

Amendment passed, and the clause as amended agreed to.

Clauses 141 to 146—agreed to.

Clause 147—Measure of compensation :

THE MINISTER FOR MINES moved as an amendment—

That the following be added to the clause: "Except where the land is held under a coal-mining lease, in which case compensation shall be allowed for any payable coal of which the owner is deprived by the granting or registration of the mining lease or claim."

We had inserted a clause which gave the right to mine for gold or minerals on land granted as a coal-mining lease; therefore, when we allowed a gold-mining lease or mineral lease to be granted on land previously leased as a coal-mining area, in assessing compensation allowance must be made for the coal the lessee would be deprived of. It was a fair thing to insert the words he proposed, otherwise we should be doing injury to the person who took up the coal-mining lease.

Amendment passed, and the clause as amended agreed to.

Clauses 148 to 150—agreed to.

Clause 151—Compensation for farther damage :

THE MINISTER FOR MINES moved that after "the," in line 1, the words "lessee or" be inserted, to read "If while in occupation of a mining tenement the lessee or miner causes any damage."

Amendment passed, and the clause as amended agreed to.

Clause 152—agreed to.

Clause 153—Re-entry by owner :

MR. HASTIE: We had already passed a number of clauses by which people could take up leases of mining ground on private property. Under this clause either the lessee or the landowner, if also the lessee, would have 12 months after getting the right to mine in which he need not do anything. Twelve months seemed too long.

THE MINISTER: The hon. member was not correct.

MR. HASTIE: The clause said: "If mining operations have not been commenced during the 12 months following the registration of a mining lease or claim."

THE MINISTER FOR MINES: The hon. member apparently misunderstood the clause. This was only the right of re-entry by the owner. The owner then resumed land for which compensation had been paid, if no mining work had been done on the ground for twelve months. If the hon. member reduced the period to three months, that would make it all the worse for the miner. The land must be abandoned for twelve months before the owner could come in and re-take possession of it. Clause 132 dealt with the question of these mining tenements, and said the application should be granted subject to the provisions of the Act and the regulations; that was, that the application for a lease, whether for gold-mining or mineral, on private land was subject to all the same conditions as any other lease. Those who obtained the lease would have to comply with the labour covenants and do all the works required by the Mines Regulation Act in every sense the same as would have to be done on leases of Crown land; and if the land was left unworked for a week, or three days, or a day, application for forfeiture could be made. Clause 144, he thought, also dealt with the matter, and made every lease granted on private property subject to all the conditions of this measure, so that the case

would stand in this way, that a man would apply for a gold-mining lease on private property, and if he abandoned it or did not work it in accordance with the Act, any miner could come along and apply for the forfeiture of it, and obtain a forfeiture, and get a lease of the same land. But if the land was abandoned for 12 months, then the owner could resume and re-take possession of it. We made provision that where land was resumed and was afterwards used for mining, the amount of compensation which had been paid was to be taken into consideration, so that the owner would not get the same amount, if any, as he had previously received. The hon. member would probably see he had misunderstood the object of the clause, because by reducing the term to three months he would give the owner the right to re-enter nine months sooner than was proposed in this Bill.

**MR. HASTIE:** The Minister was perfectly right, but the landlord would already have been paid for the land much more than its value, yet in 12 months he might be able to get the land back for nothing.

**THE MINISTER:** The amount already paid would be taken into consideration.

**MR. HASTIE:** That was true; but the owner would get back what he had already been paid for.

**MR. FOULKES:** The other evening the hon. member (Mr. Hastie) complained very bitterly about 12 months' exemption being granted to miners with regard to mining on the goldfields, but when it was a question of mining on private property that hon. member seemed to think 12 months not half long enough.

**MR. HASTIE:** No; he asked for three months.

Clause passed.

Clause 154—Petition to bring land under Act:

**DR. O'CONNOR:** One would like an explanation as to this and the next two or three clauses. It would seem that if a person found asbestos or that kind of thing he would have to apply to the Minister, and the Minister would appoint a geologist to make an inspection. If that officer reported favourably, the owner might come along and claim the right to mine on the whole of that land if he

made his application within six months. One would like to know if that was what was meant.

**THE MINISTER:** Yes.

**MR. WALLACE:** Why did the Minister exclude gold?

**THE MINISTER FOR MINES:** Because gold had always been reserved. We could mine for gold on any land except that mentioned in the second schedule of the Act. We had a right to mine for gold, silver, or precious metals on any land unalienated. This clause would only relate to the baser metals, which were not reserved to the State by the Act of January, 1899. If we passed these clauses they would give us the right to mine for baser metals on land held before January, 1899, upon which the Crown sold to these people the right to the baser metals. Having sold the right to the baser metals to these people when we sold the land, we must give the owners of that land preference right to the mining. That was only fair. We said in this Bill, as the hon. member had mentioned, that we wanted to allow mining upon these properties. Upon land being reported on by the Government Geologist and declared a mineral district, notice was sent to the owner or owners, and they were given six months in which to take up a mining lease. If they took up a mining lease, they were subject to all the provisions of the Act, their lease being liable to forfeiture if they did not comply with all those provisions. We said farther to the owner: "We are taking away something which is yours. We think in the interests of the State these minerals should be worked. If you will not work them, we are going to give a right to others." Therefore, if at the end of six months an owner did not take up a mineral lease, right would be granted to others to take up such lease. But we gave back to the owner all rents or royalties received by the Crown, less 10 per cent. for collecting them. That was the principle upon which we brought forward these clauses. It was a duty to give to these people the first right to mine on land upon which we had sold the baser metals. After the expiration of six months those people would lose all right to mine and others could obtain that right.

MR. WALLACE: What consideration was the Minister giving to the man who owned these minerals?

THE MINISTER FOR MINES: These clauses did not deal with ordinary exempted lands, but with lands sold prior to 1900.

DR. O'CONNOR: Would the finder of mica or asbestos be likely to tell the landowner?

THE MINISTER FOR MINES: The finder would have to apply to the Minister to have the locality declared a mineral area. Large areas of country would come within these clauses. On granting of the application the owner of the land would have the first right to work for the baser metals only—not for gold, silver, or other precious metals. The owner would have six months in which to take up a mineral lease; and if he did he must comply with the provisions of the Goldfields Act and the Mines Regulation Act as if he were a lessee of Crown lands under mineral lease.

DR. O'CONNOR: Why give so long a period as six months?

THE MINISTER FOR MINES: The clauses had been well considered. If the hon. member thought them unsatisfactory, let him move an amendment.

MR. HASTIE: It was claimed that these clauses referred to lands sold prior to the year 1900. These would include the Midland lands; and the clauses would prevent any prospector getting a mineral lease on such lands if the company considered it would pay them to work the ground for minerals. The prospector would have to mark off the ground and make an application; and the Midland Company would have power to take up the ground at any time within six months afterwards.

THE MINISTER FOR MINES: The prospector had not to mark off, nor had he a right to do so.

MR. HASTIE: But the owner could take up the ground under mineral lease; therefore the prospector would not have any ground save that which the owner considered unpayable. The prospector had no encouragement. The Minister said it was necessary to protect the landowner; but why not copy the English law, allowing the taking up of alternate blocks, or allowing the owner to set aside

reserves, as was done by English proprietary companies? The prospector must have some encouragement. Better discuss now the notice given by the member for the Irwin (Mr. Phillips) to specially exempt all land sold before the date of Responsible Government; for if the hon. member's clause were carried, there would not be much need for these exemption clauses, seeing that the Midland and similar companies could prevent mining on their lands.

THE MINISTER FOR MINES: The hon. member misunderstood the position. The prospector need not peg out an area. Mineral areas were easily determined. There were some around Arrino. On application being made to the Minister to have a mineral district proclaimed, he would send the Government Geologist to examine the district and define an area which would come within the provisions of the Bill, and the owner would have six months in which to apply for a mineral lease on that area. After six months, in default of such application the prospector could get a lease, and not before.

MR. TAYLOR: Must the prospector disclose his find?

THE MINISTER FOR MINES: No; he need only state that he had found the metal in a certain district. As the Crown had sold the land, the interests of the purchasers must be safeguarded if it were desired to pass this Bill. These provisions were quite new, and there was a general impression that they went too far; but it was believed that minerals existed on private lands, which minerals the owners would not work; and it seemed hard that the Government could not insist on their being worked. He (the Minister) hoped the proposed new clause of the member for the Irwin would not pass; and if it did it would not apply to all the mineral lands in the country. With the lands sold between the end of 1898 and the 1st of January, 1900, the baser metals also were sold; and on these lands some new discoveries had recently been made, but, to protect the prospectors, had not been announced. These clauses dealing with exempted land would not apply to all the land we wished them to apply to; still, they might apply to many areas in

which minerals were not now known to exist.

MR. WALLACE: Admitting that the owner should have the prior right proposed, surely the prospector who located the minerals and induced the Government to declare a mineral area, was entitled to some reward. If at the instance of the prospector the Government Geologist visited a certain spot, the owner would be at once aware of the locality of the find, and would become possessed of an unearned increment. Should not the prospector be given a certain reward area, or at least a right to some of the minerals?

MR. HASTIE: None but a prospector who had personally visited the ground would ever ask for the declaration of a mineral area.

THE CHAIRMAN: This discussion was out of order. The clause had nought to do with a prospector or a mineral area. It dealt with bringing land under the Bill. Certain lands were not under the Bill, and the clause sought to include them.

MR. HASTIE: The clause mentioned a petitioner; and none but a prospector would petition for the land to be brought under the Bill after inspection by the Government Geologist. There was no provision that the petitioner should be rewarded.

THE MINISTER: Nor could such provision be inserted in this clause.

MR. HASTIE: This was the only clause upon which the position of the prospector could be discussed. It was a mistake on the part of the Minister to say that the prospector would get a chance, because it was impossible for the prospector to get any reward, directly or indirectly.

Clause put and passed.

Clause 155—agreed to.

Clause 156—Power to bring land under Act:

DR. O'CONNOR moved that the word "six" in line 5 be struck out, and "three" inserted in lieu.

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

Ayes	...	...	...	10
Noes	...	...	...	10
				—
A tie	...	...	...	0

# AYES.

Mr. Bath  
Mr. Daglish  
Mr. Foulkes  
Mr. Hastie  
Mr. Holman  
Mr. Johnson  
Mr. O'Connor  
Mr. Reid  
Mr. Wallace  
Mr. Taylor (Teller).

# NOES.

Mr. Ewing  
Mr. Gardiner  
Mr. Gregory  
Mr. Hayward  
Mr. Hopkins  
Mr. Isdell  
Mr. Oats  
Mr. Phillips  
Mr. Rason  
Mr. Higham (Teller).

THE CHAIRMAN gave his casting vote with the Noes.

Amendment thus negatived, and the clause passed.

Clause 157—Owner may register land for mining:

MR. WALLACE: Would the Minister consider the question of giving the prospector some reward for his services?

THE MINISTER FOR MINES: One could not see how a reward could be given to the prospector unless the clauses were entirely altered. He would look carefully through the Bill and see if there were any means by which the man making the discovery on exempted lands could be in some way recompensed. If so, an alteration could be effected on re-committal.

MR. WALLACE: The prospector got a reward on Crown lands.

THE MINISTER FOR MINES: The cases were different. These clauses dealt with land which had been sold. A contract had been made with the owners of the land, who purchased the baser metals with the land. Now we said to the owner, "You have got a piece of ground which we believe contains baser metals. We demand that you work it in the interests of the State. If you do not, we are going to work it." That was where the difficulty arose in giving a reward claim to other than the owner. The Government, however, would always have the right to give a cash reward.

MR. WALLACE: That would not be advisable, considering it was private land that was being prospected.

THE MINISTER FOR MINES: On any land sold since January, 1899, a prospector could get a reward. These clauses dealt only with land upon which the right to baser metals had been sold.

MR. TAYLOR: There was no incentive for a man to prospect these lands.

THE MINISTER FOR MINES: The clauses had been carefully drafted with a view to acting fairly to the owner, at the same time compelling him to work the land or give others the right to do so.

In preceding clauses every right had been given to the prospector, but the same power did not exist in regard to these exempted lands. If we went too far the clauses would be lost. They were absolutely new, and went farther than any Act of Parliament in Australia had ever gone; and there would probably be strong opposition to them from a constitutional standpoint. Hon. members might well let the clauses go through.

MR. HASTIE: Provision was made by which leases taken up on these lands could be forfeited. The original prospector should have the first right in this respect.

THE MINISTER: It was hard to define who was the prospector.

MR. HASTIE: The prospector was the person who first asked the Government to get the Government Geologist to declare it was mineral land.

Clause put and passed.

Clauses 158 to 160—agreed to.

Clause 161—Hearing:

MR. HASTIE: The clause provided that a deposit of £10 should be made by anybody applying for the forfeiture of a lease, while it was not provided that the application should be held in a warden's court, but that it should be some secret inquiry by the Secretary for Mines.

MR. TAYLOR: The Secretary for Mines was a warden under the Bill.

THE MINISTER FOR MINES: The clause could be amended so as to bring it into line with an earlier clause providing that a deposit might be demanded. He moved that the word "shall" in line 3 be struck out, and "may" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 162—Report:

MR. HASTIE moved that the words "in open court" be added after "oath" in line 2.

THE MINISTER accepted the amendment.

Amendment passed, and the clause as amended agreed to.

Clauses 163, 164, 165—agreed to.

Clause 166—Owners of pumping machinery may require contribution from owners of claims for the drainage thereof:

THE MINISTER FOR MINES: When the clause was under discussion on the second reading, it was pointed out

that persons holding leases adjoining other leases might be compelled to pay compensation for the drainage of their mines while not receiving any benefit from such drainage. He promised to amend the clause, and he now moved as an amendment—

That the following words be inserted after the first paragraph: "Provided that no owner of any mine shall be required to pay any contribution exceeding the amount of the benefit actually derived by him in respect of such drainage."

That would meet the objection raised by members. Any benefit actually derived by a leaseholder would have to be paid for.

MR. TAYLOR: How would the amendment affect the latter portion of the preceding paragraph?

THE MINISTER: The power of the warden was limited.

MR. TAYLOR: The warden would say what was reasonable.

Amendment passed, and the clause as amended agreed to.

Clauses 167 to 183—agreed to.

Clause 184—Return of land and survey fee:

MR. WALLACE: How would the question of the return of the survey fee arise? If a man lodged the application and survey fees and the application was rejected, would not the applicant have the right to get back his survey fee?

THE MINISTER FOR MINES: The applicant might desire to have a survey made before the application was dealt with, in which case the survey fee would have to be paid by the applicant. If a survey was made at the request of the applicant, then the applicant would have to bear the expense.

MR. WALLACE: If an application was rejected, would it not be consequent on the land being given to some other applicant?

THE MINISTER: Not necessarily.

MR. WALLACE: The ground for refusing an application was, as a rule, that there was a prior applicant. If a survey had been made, surely the person who got the lease would require a survey and should pay for it?

THE MINISTER FOR MINES: The hon. member might move to add the words, "if the survey is made at the request of the applicant." If the survey

was made at the special request of the applicant he would have to bear the expense of it.

**MR. WALLACE:** If a survey was made at the request of one applicant and another one got the lease, would not the successful applicant have to pay the survey fee?

**THE MINISTER:** In that case the survey fee would be refunded.

Clause passed.

Clauses 185 to 196—agreed to.

Clause 197—Mining leases may be granted thereof:

**THE MINISTER FOR MINES** moved that the words, "except so much as may be required for building, shafts, and workings" be added to the clause. This amendment was necessary, so that no difficulty should crop up as to surface rights. A lease of the surface rights was not given, only the full underground rights. The owner of a lease had not the right to the surface as in an ordinary gold-mining lease. The object of the amendment was to save loss of time in having the ground declared abandoned so that the surface might be resumed.

**MR. HASTIE:** Was it not necessary to have power to resume the whole of the land? Land that was taken up under miners' homestead leases was usually alluvial ground where deep leads might be found. If this means of taking up ground had obtained in Kanowna about five years ago, several thousands of claims on the deep lead would have been under miners' homestead leases. It would be well if the Minister could reserve power to cancel miners' homestead leases, because after all they were of secondary importance; the principal thing being mining. So far the system in operation had not done harm, but he was certain in future the Minister might wish he had the power to cancel many of the leases already granted. This was about the most dangerous clause in the Bill.

**THE MINISTER FOR MINES:** There were ample powers in the Bill. According to Clause 196, any miner might mark off, apply for, and take up for mining purposes any land comprised in a miner's lease as if it were Crown land. A person might take up for a mining lease any land comprised in a miner's homestead lease, but according to the amendment he would not have the

surface. It was not desired to give a sort of dual title over the land. There were certain reservations that the lessee should not destroy water rights, and so on. If damage were done the owner of the lease might apply for compensation. There was power to resume under Clause 191. For mining purposes we had, he thought, under this Bill every right we desired, so as to give every facility that any person could really wish for mining. He always recognised that if a person put in a crop and someone started mining, compensation should be given if the crop were destroyed; but otherwise no compensation would have to be made to the holder of the lease. Clause 196 made it very clear that people could go upon this ground as if it were unoccupied Crown land.

**MR. HASTIE** said he had in his mind one or two places in Kanowna. There was a section of ground smaller than an ordinary miner's homestead lease, and it was occupied by dead people; yet it was found necessary to allow that ground to be mined, and all the places supposed to be on the lease were fenced off. That section was abandoned. Similar cases might occur, except that instead of going through the narrow end of this cemetery the line of reef might be going a long way along miners' homestead leases; and although a man might enter, on payment of compensation, still what was required would take a very considerable time. He would like to see the Minister endowed with such power that, if any case similar to the one he (Mr. Hastie) had indicated occurred, the hon. gentleman could at once resume. It was very difficult to suggest how what was needed should be done, because if a man was damaged by that resumption he ought to be compensated. However, if the Minister was satisfied that he had full powers under these clauses, he (Mr. Hastie) would say nothing more about it.

**THE MINISTER** said he had such power.

Amendment passed, and the clause as amended agreed to.

Clause 198—agreed to.

Clause 199—Compensation for land:

**THE MINISTER FOR MINES** moved that the words "applicant for a lease," in line 4 of Subclause 2, be struck out, and "mining lessee" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 200, 201—agreed to.

Clause 202:

THE MINISTER FOR MINES moved that the word "lease," in line 1, be struck out. The appearance of the word was a drafting mistake.

Amendment passed, and the clause as amended agreed to.

Clause 203—agreed to.

Clause 204—Interpretation:

MR. HASTIE: Was alluvial gold excluded or included?

THE MINISTER: Included.

MR. HASTIE: Then if this included alluvial, it would be a dead letter in seven-eighths of the goldfields, for neither this Government nor any other could enforce it. People must have permission to sell gold. His recollection was that in the original drafting of the Police Act alluvial gold was included, but it was arranged to strike that out.

THE MINISTER FOR MINES: This definition was, he thought, taken from the definition of gold given in the Criminal Code Act passed last year.

MR. JOHNSON: The Police Amendment Act.

THE MINISTER FOR MINES: We said here that "gold" included gold. Of course gold there meant any sort of gold, therefore it would mean alluvial gold. He could hardly see how we could take away alluvial gold from the definition, but we made special provision for granting temporary gold-buyers' licenses to enable gold to be purchased by others than the ordinary dealers. One could sell to a storekeeper.

MR. HASTIE: That would not get over the difficulty in one case out of ten. Many people were looking for alluvial gold, five, ten, or twenty miles away from where there was any storekeeper, yet if one happened to exchange gold he was liable to a heavy penalty. It was said that no sale or exchange of gold should take place except between parties one of whom was registered. That would mean that people could not deal with gold at all unless they were near to some person who was registered. If this clause were passed, it would not, he thought, stop the sale of gold; and if we were going to have legislation, let us have it passed in such a way that it would be observed.

Last year when discussing the Police Act we had a definition suggested by, he believed, the Premier, which included alluvial gold, and he (Mr. Hastie) fancied that it was on the suggestion of the member for Coolgardie (Mr. Morgans) that alluvial gold was excluded.

MR. TAYLOR: The object of the clause was presumably to prevent the stealing of gold. The only cases of gold stealing that had ever come before the Courts in this State had been cases of gold stealing at gold mines where the gold was won from reefs or lodes; so we could exempt alluvial gold, considering that there had been no stealing of alluvial. The alluvial diggers did not steal from one another. The gold stolen was taken from big mines, and as far as this clause was concerned it would be inoperative on new rushes, because on new rushes it was the custom to exchange gold for provisions; yet unless a man had a gold-buyer's license he could not sell food for gold. It was absurd on the part of the Minister not to exempt alluvial gold. By no means could persons make it appear that gold extracted from ore was alluvial gold. With all the mining experts we had in the department there would be no danger. We had been discussing this measure with the number of members present as low as 12, and now there was not a leading member of the Opposition here. He had complained from the start of the discussion on this Bill of the indifference of members other than goldfields members, and when the goldfields members discussed clauses to which the Minister objected, all the Government had to do was to resurrect members out of the Refreshment Room to vote down the goldfields members. Such members as those to whom he referred were not present last night, nor were they here to-night until the division-bell rang.

MR. HASTIE moved as an amendment:

That after "include," in line 6, the words "alluvial gold" be inserted.

The last portion of the clause would then contain the words "but does not include alluvial gold, coin, or things manufactured of gold."

THE MINISTER FOR MINES: One or two clauses had been adjourned by him to please the member for Kanowna

(Mr. Hastie), and he (the Minister) asked that this clause also should be adjourned. He was quite satisfied that he could carry the clause as it stood, but he did not wish to do that, for what he wanted was to get a good Bill. He would promise the member for Kanowna to look into this question. What he wished to determine was whether it would be possible to retort gold in such a way that it could easily be mistaken for alluvial gold.

MR. HASTIE: This clause would lock up the back country.

THE MINISTER FOR MINES: Expert advice must be obtained as to whether gold could be smelted so as to imitate alluvial gold. If that were possible he would object to the amendment. If not, he would have no objection. The hon. member (Mr. Hastie) should agree to postpone the clause to the end of the Bill.

MR. HOLMAN: The alluvial miner would be in serious difficulties if not allowed to use his gold as a medium of exchange. Last year's Police Act Amendment Act had been a menace to the safety of people in the back country. Only last week two well-known and reputable business men of Peak Hill, resident there for nine or ten years, were stopped at Meekatharra on their way to the Eastern States, and searched under warrant, being supposed to be in possession of 150 ounces of gold. One of them was taking with him six dwts. four grains of alluvial gold to make a ring; the other had about seven ounces of gold and a few specimens. Both were taken to the court at Nannine, remanded on bail, and had to pay their own fare back to Peak Hill.

THE CHAIRMAN: It was hard to find what this had to do with the clause.

THE MINISTER FOR MINES: The hon. member should seek to amend one of the following clauses.

MR. HOLMAN: It was dangerous for a man to have in his possession a few pennyweights of alluvial gold. Something must be done to deprive the police of power to harass, disgrace, and imprison innocent men, who were liable to arrest for the mere possession of alluvial gold. Alluvial gold should be excluded from the scope of these gold-stealing clauses. He would again bring before the House

the case of the two business men mentioned.

MR. TAYLOR: Naturally the Minister desired to prevent the stealing of gold extracted from ore bodies on mines. Pass the amendment, and the clause would still meet that requirement. It was impossible by smelting gold to make it so resemble alluvial as to deceive any alluvial miner.

THE MINISTER FOR MINES: But juries were not always alluvial miners.

MR. TAYLOR: All attempts by smelting gold and dropping it through leaves, to make it assume peculiar shapes like those of alluvial gold, were failures. The amendment would minimise the dangers of this and the following clauses down to 214; and if these were passed, the liberty of the alluvial miner would be farther jeopardised, though already sufficiently endangered by the atrocious Police Act of last year.

THE MINISTER FOR MINES: That Act did not apply to alluvial gold.

MR. TAYLOR: No; but a previous speaker (Mr. Holman) had shown how the Act had been abused. The Minister and his followers should think twice before passing such clauses.

Amendment withdrawn, and the clause postponed.

Clause 205—Dealer's license:

MR. HASTIE: The clause provided that no person should buy or sell gold in any quantity unless one of the parties to the transaction was licensed. Goldfields people habitually bought and sold gold in small quantities; and to make this criminal was to make a crime of a very common action. He moved as an amendment—

"That the words "over the value of twenty pounds" be inserted after "gold," in line 2.

This, while saving immense inconvenience, would prevent the stealing complained of.

THE MINISTER FOR MINES: How many sales a week should a man be allowed to make?

MR. HASTIE said he did not know; but the Minister, to protect the property of a few foreigners in Kalgoorlie, would sacrifice the convenience of the bulk of the goldfields people. The buying, selling, and exchange of gold had been habitual from the inception of the goldfield, and its total prohibition was an absurdity.

**THE PREMIER:** The hon. member could not be serious. [**MR. HASTIE:** Perfectly serious.] The amendment would nullify the whole clause. We wished to secure honesty and not dishonesty. None could deny the existence of constant and well-grounded complaints of gold stealing, of which there had been several gross and flagrant instances during the past few months. The Police Act of last session resulted in many offences being discovered; and the fact that it had not discovered other offences should not be a reason for its abolition, but for amendment of the law. The Act had done much good. Any amendment or extension of the criminal law must inflict some hardship. The object was to abolish complaints and to meet known difficulties, which the Police Act had largely met. This clause would practically re-enact the old law. Let its opponents show how the old law had inflicted hardship or injustice.

**MR. TAYLOR:** The member for North Murchison (Mr. Holman) had shown that in the Premier's absence.

**THE PREMIER:** But that member's charges were not treated seriously.

**MR. HOLMAN:** The Premier treated with criminals.

**THE PREMIER:** True; sometimes in Parliament.

**MR. HOLMAN:** And some of them near the Premier.

**THE PREMIER** asked the serious members of the House to indicate where the existing law went too far, and what matters required amendment, and also where serious injustice was done. Members would surely admit that the old condition of affairs was undesirable, and that there was some need for amendment of the law which existed prior to last session.

**MR. HASTIE:** The existing law did not create hardship because it was not enforced. It was practically illegal to buy gold without a license, but at the same time hundreds of persons bought and sold gold every day, otherwise there would be tremendous inconvenience. If the clauses were put into this Bill, the Attorney General would issue instructions that the Act should be carried out as far as possible, which would create terrible hardships and make it absolutely impossible for hundreds of people in the State

to sell their gold. One or two convictions in the back blocks would so frighten people that they would have to leave the district or else not sell their gold. He had not heard of many cases of hardship, but he was prepared to believe such a story as was told by the member for North Murchison (Mr. Holman), because the administration of the Act was in the hands of any policeman who, by these clauses, could put people to any amount of inconvenience and expense. The clauses practically handed the liberty of any person with gold in his possession to the keeping of any ignorant policeman. One was surprised that there were not far more cases of injustice occurring. The clause was so dangerous that it could only be limited by limiting the amount of gold that could be sold.

**MR. BATH:** Under the Police Act a man who was stealing gold could hide his own criminality by planting the gold in the tent of another person, and so placing the blame on an innocent person, who would probably be brought up and convicted. It seemed to be inferred that gold stealing was rife throughout the State. The Government had been absolutely intimidated at the instance of a very small section of people in the old country, and they therefore put the brand of criminality on the whole of the gold-fields. The number of people charged with gold stealing was infinitesimally small compared with the number of crimes that took place every day of stealing other kinds of articles, and the few instances were magnified at the instance of people who cried out that they were being robbed, and that gold stealing was rife, and legislation was introduced of which any State Parliament should be ashamed. The provisions would do a great deal of injustice. Quite recently a gentleman came down in the train having purchased a very pretty specimen of gold from a man on a lease, and under the clauses, unless he was a licensed buyer, he could be prosecuted and fined. A man would not be able to dispose of a specimen to a friend. We were doing absolutely wrong in passing such provisions.

**MR. HOLMAN:** The Premier posed as an authority on the intelligence of the House, but his idea was that all the intelligence was limited to those who

followed him. He (Mr. Holman) did not intend to follow the Premier, but would do his best to enlighten the House wherever he could.

**THE PREMIER:** No man could do more than his best.

**MR. HOLMAN:** Last week two men who were leaving Peak Hill were stopped by a policeman and brought on to Nannine, and then remanded back to Peak Hill. They had to pay their expenses of travelling, and their expenses while they were at Peak Hill, and their fare back again to Nannine. It cost them something like £20. They were charged with having in their possession gold reasonably supposed to be stolen. It was supposed that they had stolen 150 ounces of gold. One man had seven ounces and a few specimens; the other had six pennyweights four grains. They had worked leases in Peak Hill long before the company arrived there, and one of them owned a battery. They were prospectors who were leaving for a holiday. It seemed strange that the police should have authority to stop these men, and compel them to spend money out of their pockets to clear their characters. When the case was heard in Peak Hill the men stated that the gold came from their own leases, and the charge was dismissed; but even then the policeman threatened they would be stopped again before they passed Cue. If the police could threaten to stop anybody from travelling about the country it was time something was done to take away this power. As one of the men owned a battery himself it would not have been surprising if he had had 150 ounces of gold in his possession, and it was a disgrace that there should be a law to take away his liberty. Members should pass no more unjust Acts of this nature. He called attention to the state of the House.

Bells rung, and quorum formed.

[MR. QUINLAN took the Chair.]

**THE MINISTER FOR MINES:** The amendment meant that any gold under £20 worth could be sold to any person other than a dealer, so that persons could sell up to £19 worth continuously, and the effect of the clause would be nullified.

**MR. BATH:** How could it be done without being discovered?

**THE MINISTER:** One could not understand the position of the member for Hannans, who had so many mines in his district so closely interested in this legislation.

**MR. BATH** was not troubling about his own district, but about the State.

**THE PREMIER:** The Government would look after the State.

**MR. BATH:** The Government were making a bad job of it.

**MR. HASTIE:** What amount would the Minister suggest?

**THE MINISTER FOR MINES:** Gold should be sold to a registered buyer, to the banks, or be sent to the Mint. Gold which was the result of the crushing of ore should be sold to a licensed gold dealer. The clauses were not harsh. He would read to the Committee a section of the Transvaal law which was in force years ago under the Kruger Government. The section was as follows:—

Any person found in the possession of amalgam or unworked gold or precious stones, and can give no proof how he obtained possession of the same in a lawful manner, shall be punished with a fine not exceeding £500, or imprisonment with or without hard labour, not to exceed two years, or both together according to the nature of the case, for the first offence. For the second offence a fine not exceeding £1,000 or three years' imprisonment, with or without hard labour, or both together, and for farther offences fines or imprisonment, or both together, according to the judgment of the Court, besides the forfeiture to the State of the amalgam, unworked gold, or rough precious stones found in his possession.

This law was passed some years ago on account of the illicit diamond trading in South Africa. The law was exceedingly stringent. According to the clause of the Bill, if gold had to be sold or purchased one of the parties to the transaction should be a registered dealer. He was content to omit "alluvial" from the definition if it could be done.

**MR. HASTIE:** And gold? The Police Act said "reef gold and alluvial gold."

**THE MINISTER FOR MINES:** That could not be consented to. A great mistake would be made if that were done. Either the buyer or the seller must be licensed. [MR. HASTIE: Why?] So that there would be an absolute record of all sales that took place. [MR. HASTIE: What was the object?] There was no objection amongst the leaseholders in his district to the

clause, as the gold was taken to the bank, and if a leaseholder did not wish to sell the gold to the bank, then he got the bank to send the gold direct to the Mint, paying a small charge for that being done. That was how the matter was managed in his constituency, where there was a greater number of small leaseholders than anywhere else. The gold, as the result of ore being treated at the State batteries, should be sent to the Mint. He could not understand why there should be any objection to the clause. Leaseholders would not raise any objection, nor would those who had come by the gold honestly. Men should not be allowed to sell gold to a storekeeper or a pedlar who was traveling through the district and who would buy the gold at half its value. The Government desired to see the gold sold to the Mint or to a licensed gold dealer for the purpose of obtaining a proper record. The object was to put down the illicit buyer. It must not be dreamt for one moment that he thought the working man stole the gold. There were comments in the goldfields newspapers last week on this subject, and it was pointed out that those persons in charge of the surface had a thousand times greater facilities for stealing gold than the men working below. He wished to make this Bill just as severe on the bank manager, the manager of the biggest mine, as upon the meanest workman in the mine. Let the clause apply to all. Let the bank manager send in returns showing from whom the gold was bought, where it was obtained, the battery at which it was crushed, and the fullest particulars to the department.

MR. BATH: That should be done without an injustice being effected.

THE MINISTER: Where did the injustice come in?

MR. TAYLOR: There was the alluvial gold.

THE MINISTER: Every consideration would be given to that matter. The question of alluvial gold could be debated later on, and if the Committee insisted on alluvial gold being put in the interpretation, members must try and get the clause recommitted. If it were possible to omit "alluvial gold" from the interpretation, he would do it.

MR. TAYLOR: Why not postpone these clauses and go on with others? This matter could be discussed at some future time.

THE PREMIER: The Committee were dealing with Clause 205, and the definition of gold would depend entirely upon the framing of Clause 204. If alluvial gold was to be taken out of the interpretation of Clause 204 it would also come out of the interpretation of Clause 205. Was not the real point to endeavour to have in Clause 204 an amendment to exempt alluvial gold from the definition of gold? Suppose alluvial was exempted from the definition of gold in Clause 204, would there be any objection to Clause 205? [MR. HASTIE: Yes.] If that were so there was no use postponing the consideration. If there was an objection to Clause 205, notwithstanding the amendment of Clause 204, was it not better to dispose of the question now?

MR. TAYLOR: There was a certain amount of force in the argument of the Premier. His (Mr. Taylor's) desire was to enable those who were working alluvial gold to be able to sell their gold to a storekeeper or dispose of it as they liked, because he did not think there had been a case in the history of the State in which any person had been charged before a warden with stealing alluvial gold. The clause was framed to reach those who stole gold from a mining proposition, gold extracted by a battery or by cyanide process. His desire was to protect the alluvial man, because he felt confident there were no cases in which alluvial gold had been stolen and had become a menace to the State. The trouble had cropped up in connection with gold extracted from ore. That being so, alluvial gold could be exempted from the definition of gold. The member for Kanowna was of opinion that some provision should be made for reef gold, but he (Mr. Taylor) was not so strong on that point, because the person who extracted gold from the reefs whether a large or a small holder, must give an account of the gold he got from the reef; and if any person stole this gold it was only right that he should be punished. There was no intention to screen the gold stealer; he had no sympathy with such persons, and did not want to protect them; they should be brought to justice whether the gold was

stolen from the big man or the small man, or whether the big man or the small man stole it. It was a crime just the same. If alluvial gold was brought under the clause, the alluvial digger would be hampered. No alluvial gold was stolen.

**THE MINISTER FOR MINES:** If Clauses 204 and 205 were postponed there was nothing that would be objected to in the remaining clauses on this subject, and these two clauses could be discussed later.

**MR. HASTIE:** It had been decided to leave the alluvial matter to be discussed later on. Then the question arose, was there anything which it was desired to exempt besides alluvial gold? He thought it was even more important to exempt dollyed gold. In this State there were hundreds of people living 10, 20, or 30 miles away from where there would be a licensed buyer. At present these persons did not suffer any inconvenience, because every storekeeper on the goldfields bought gold; he must buy it, and storekeepers would not get even a temporary license to buy gold. The Minister desired to put down gold stealing, and to prohibit dealing by unlicensed people. If the clause was passed as printed inconvenience would follow; it would practically stop all prospecting in outside districts. No one wished that. That was a sufficient answer to the Premier's remark that if alluvial gold were exempted from the definition of gold, there would not be any trouble. He (Mr. Hastie) knew of many places where the majority of people in a district lived by dollying gold. That was not alluvial gold. He asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Clauses 204 and 205—postponed, on motion by the MINISTER.

Clauses 206 to 219—agreed to.

Clauses 220—temporary licenses:

**MR. HASTIE** thought the Minister for Mines had an amendment on the paper to alter the wording and make it very similar to what was agreed to by the Chamber of Mines, that wording being very much better than this. After the word "locality" let the following be inserted: "which in the opinion of the warden is too far removed from any licensed gold-dealer to be served by such dealer."

**THE PREMIER:** That would not do.

**THE MINISTER FOR MINES:** This clause would carry out all that was necessary. The special object of it was to provide that where any rush occurred the warden might issue temporary licenses to any storekeepers who might apply. In old-settled districts there would be the ordinary gold-dealers' licenses. Where there was any rush the warden would satisfy himself as to the merits of the application the same as he would do in granting ordinary licenses.

**MR. TAYLOR:** This clause dealt with alluvial diggers, and there was no necessity for it to apply to them.

**MR. HASTIE:** The Minister was going to cause people no end of inconvenience simply on account of a few persons in Kalgoorlie whose honesty was suspected. Although a gold-dealer's license was required on the goldfields at the present time, nearly every storekeeper on the fields bought gold, and would continue to do so. There were dozens of places where storekeepers who had no licenses bought gold. The Minister for Mines said that he was going to enforce this provision. He (Mr. Hastie) wished to save the hon. gentleman's constituents a great amount of inconvenience. The reason there had been no complaints made to the Minister was that the law had not been enforced.

**MR. TAYLOR:** There was no necessity for this portion of the Bill to apply to a new rush.

**THE PREMIER:** No; but would not that point be covered by the definition of "gold."

**MR. TAYLOR:** Gold stealing was done principally on large mines. He did not see why we wanted a provision dealing with new rushes, because as soon as the batteries were erected such district would come under the other portions of the Bill. People dealt out gold when they required provisions. They did not carry money and there was no money in circulation, but gold took the place of money with the storekeepers, and if this class of legislation were enforced we should simply hamper and ruin the men who had opened up this country.

**THE PREMIER:** Those observations did not apply to Clause 220.

**MR. TAYLOR:** Yes; because the Minister spoke of temporary provision in the case of a new rush. It was not on

new rushes that gold stealing was carried on, but gold stealing was carried on when the machinery came.

**THE MINISTER FOR LANDS:** There was more gold stolen in Kalgoorlie before the erection of the batteries than there had been since.

**MR. TAYLOR:** The Minister ought to know that the passing of this clause would hamper the opening up of back country.

**MR. ILLINGWORTH:** Supposing this new license were issued, presumably it would be issued to one man, and the effect of it would be that every man who wanted to sell his gold must go to that particular store to do so; so this clause would give a pre-emptive right to that particular storekeeper. In the early days of the goldfields the whole of the trading was done with gold. People paid for their provisions with gold, and if the storekeeper could not take the gold, what was going to happen? Must the man first of all go to a storekeeper who had a license to sell his gold, and then go away to some other store to obtain his provisions? The effect would be to compel every miner in the district to go and buy stores at the one particular store, the owner of which had a gold dealer's license. The thing was ridiculous and unworkable, and would cause no end of trouble. Nor would it in any way effect the object for which the clause existed, because the object was to prevent gold stealing, and none of these men were affected by it. One could understand the clause as applied to reef gold and gold in process of extraction, but he could not understand why it should apply to alluvial gold when there was a new rush at places where men were getting gold, just dollying it or anything of that kind. If this proposal were passed, a great amount of inconvenience and annoyance and loss would be visited upon the very men we desired to help us in the exploitation of our goldfields. He hoped the Minister would look at things a little more moderately in this respect.

**THE MINISTER FOR MINES:** What did the hon. member suggest about the clause.

**MR. ILLINGWORTH:** The suggestion he made was that we did not want any licenses for storekeepers.

**THE MINISTER:** We granted temporary licenses.

**MR. ILLINGWORTH:** If the Government proposed to issue licenses, how many would they issue? Would licenses be issued to every storekeeper? If not it would place one storekeeper at a disadvantage as compared with another.

**THE MINISTER:** The hon. member knew that the promises which had been made with regard to the interpretation were in reference to the alluvial gold.

**MR. ILLINGWORTH:** That clause had been postponed. He wanted to know what would be done if there were five or six storekeepers in a district where there was a new rush. Should we issue a license to each storekeeper who applied, or only issue one license to one storekeeper and give that storekeeper a pre-emptive right over the whole field? As a matter of fact, in practice every one of the storekeepers would take gold. Men had not money to pay for their goods, but gold would be taken, and in trading it practically came to buying gold.

**THE MINISTER FOR MINES:** Members must read this clause with Clause 204. Clause 204 said that all gold would have to be purchased through licensed buyers, and "gold" included alluvial gold and every other class of gold; so members would see that, having such clauses as 204 and 205 in the Bill, it was absolutely necessary that when fresh finds occurred the warden should have power to issue temporary licenses in those places.

**MR. ILLINGWORTH:** What would be done in the case of gold that was dollyed?

**THE MINISTER FOR MINES:** Clauses 204 and 205 dealt with what kinds of gold must not be sold to unlicensed buyers. This clause gave power to grant temporary and not ordinary gold-buyers' licenses. The warden could only recommend to the Minister, who could grant the licenses only on recommendation of the warden. Even if the postponed clauses were altered as some members wished, it was still advisable to have power to grant these temporary licenses. This was simply a machinery clause, inserted because the Government originally intended that all gold, including alluvial, must be sold to none but licensed buyers; and the clause would give additional facilities for the issue of licenses in new districts. This would be useful to

the prospector even if he were not compelled to sell his gold to a licensed buyer.

MR. ILLINGWORTH: That did not meet the difficulty. The warden might license one storekeeper on a rush, and thus give him the monopoly of the whole business.

THE MINISTER: The miner could sell his alluvial to whom he liked.

MR. ILLINGWORTH: Would the Minister promise to issue licenses to all storekeepers applying?

THE MINISTER: No.

MR. ILLINGWORTH: Then one storekeeper might be given a monopoly. Put all respectable storekeepers on the same footing, and the objection would not lie. The warden might refuse to license more than one man.

THE MINISTER: The same objection applied to hotel licenses.

MR. ILLINGWORTH: True; but there was a reason for restricting them, and none for abolishing gold as the medium of exchange on new rushes. It was not at new rushes but on big mines that gold stealing took place. No matter what law we passed, every storekeeper would take gold for goods.

Clause passed.

Clauses 221 to 223—agreed to.

Clause 224—Sale includes exchange or pledge:

MR. HASTIE: As this clause depended on the fate of Clauses 204 and 205, he would not press his amendment that it be struck out. Let it be postponed.

Clause postponed.

Clauses 225, 226—agreed to.

Clause 227—Continuance of existing courts:

THE MINISTER FOR MINES moved that the words "with wardens offices," in line 3, be struck out. Their inclusion was a clerical error.

Amendment passed, and the clause as amended agreed to.

Clauses 228 to 232—agreed to.

Clause 233—Venue:

MR. HASTIE: Where the Secretary for Mines presided as warden over a court, the court should be open.

THE MINISTER FOR MINES: That was understood; but if necessary, it would be specifically prescribed.

Clause passed.

Clause 234—Procedure:

MR. HASTIE: When two parties in dispute stated a case in writing, the warden could at his discretion hear them, not necessarily in court, but on the ground. All such cases had been amicably settled. There were now fewer wardens on the goldfields, and places were sometimes not visited by a warden for several weeks. He moved that, in line 3, the words "or in his absence the Mining Registrar" be added after the word "warden." Where two parties by the amendment agreed to leave the matter to the arbitration of a warden or registrar, the latter gentleman should have the power, in the absence of the warden, to hear the case and decide it.

Amendment passed, and the clause as amended agreed to.

Clauses 235 to 237—agreed to.

Clause 238—Power to authorise entry and inspection:

THE MINISTER FOR MINES moved that the words "and if a licensed mining surveyor such" be added after "examination," in line 10.

Amendment passed, and the clause as amended agreed to.

Clause 239 to 252—agreed to.

Clause 253—Copies of decision or order to be supplied:

THE MINISTER FOR MINES moved that all words after "any" (first line) be struck out, and the following inserted in lieu: (any) "person may, on payment of the prescribed fee, obtain a copy of any judgment, decision, or order of a warden."

Amendment passed, and the clause as amended agreed to.

Clause 254—Proof of decision of Warden's Court:

THE MINISTER FOR MINES moved that all the words after the opening words "A document purporting to be" be struck out, and the following inserted in lieu: "A copy of a judgment, order, or decision of a warden or of any document filed by or any entry in a register kept by a mining registrar and certified by the mining registrar as a true copy thereof, shall be admitted in all courts as sufficient evidence of such judgment, order, decision, document, or entry, and the signature of every warden and mining registrar to any document shall be judicially noticed." This clause had been

sent to him by the Crown Law officers, who thought it would give great facilities, when cases were being heard in Perth, to enable these documents to be sent from the local offices instead of the whole of the books having to be sent down.

Amendment passed, and the clause as amended agreed to.

Clauses 255 to 270—agreed to.

Clause 271—Application for lease or claim, to state number of shares :

MR. HASTIE: The clause provided that claims could be divided into shares, but no authorised holding or miner's homestead lease could be divisible into shares or units. Why was this proviso inserted, for it would create a hardship? At the present time it was usual to give a sleeping interest to a storekeeper or some one else to provide the miners with stores to enable them to go on. No harm would be done by striking out the provision.

THE MINISTER: The provision was in force now.

MR. HASTIE: Then the law could not be carried out because there were many shows in which persons had interests.

THE MINISTER FOR MINES: All the records in connection with authorised holdings were kept on the fields and not in the Perth office. These holdings were held by virtue of a miner's right, and considerable difficulty would arise if we allowed the holdings to be divided into shares or units. No trouble had arisen in the past. If he found there was anything in the member's remarks, he would recommit the clause.

Clause passed.

Clauses 272 to 275—agreed to.

Clause 276—No person to mine under railway reserve except on certain conditions :

MR. HASTIE: The clause provided that no person holding a coal-mining lease could mine under a railway or a road. That was right enough, but was the clause retrospective? On the Collie coalfield between the Collie railway station and the Collie-Cardiff lease the railway line was undermined to a considerable extent. Would the clause compel the leaseholders to strengthen the mine so as to make the line safe?

THE MINISTER FOR MINES: Leaseholders had not the power to mine

under a railway except on conditions laid down by the Minister.

MR. EWING: Had the Government power to compel the leaseholders to rectify this matter?

THE PREMIER: Clause 272 contemplated future workings under a railway. There would be no right to mine under a railway unless previously consent was obtained. The clause would not apply to cases where to-day the railway was being undermined. It would not be right to say that a leaseholder should put in additional supports now.

MR. HASTIE: There was a very large open space below a considerable portion of the railway line at Collie, and at any time a serious accident might occur. Had the Government power to compel the leaseholders to strengthen the line in that place, or by the insertion of a few words make the clause retrospective?

THE MINISTER FOR MINES: There was power at present to stop work under a railway line.

MR. HASTIE: It had been suggested by the member for Claremont that the words "or continued to mine"; be inserted.

THE PREMIER: It would not be advisable to say "or continued to mine;" that might go farther than was intended.

MR. FOULKES: Last year when some members visited Collie it was found that the ground underneath the railway line just outside the Collie railway station was undermined to a considerable extent, and the mining inspector admitted that the ground was not safe. Could not the clause be made retrospective, so that the owner of the colliery could be made to shore up the portion which had been undermined. It might happen that no conditions had been imposed in the past on the colliery proprietors when they started mining, and if no conditions were imposed they were justified in continuing the undermining.

THE PREMIER: If the lessees had the right to mine now, how could it be taken from them?

MR. FOULKES: Something should be done for their safety, just as much as for the safety of the travelling public. It might happen that the ground would fall in, and the miners or even the mine proprietors might be seriously injured.

It was as much for their protection as for the passengers on the railway.

**THE MINISTER FOR MINES:** The point would be looked into, but he thought all the powers necessary were at present in the hands of the Government.

**MR. FOULKES:** If the Government did not exercise the power at the time, nothing could be done, unless the clause was made retrospective. That was why he suggested that the words "or continue to mine" should be added.

**MR. EWING:** It was not quite clear whether the excavations were made before the railway was built or not, therefore to impose conditions on a company now would be unreasonable. He had pointed out that there was a very serious inconvenience to people living six or seven miles out of Collie in not being able to use the train service which was running at the present time. Of course as member for the district he made representation to the Government in this direction, but he had never gone so far as to try and urge them to carry passengers where there was any danger. He understood the matter had been considered. This was not merely mining under a railway line, but there were huge excavations, and either the Government or the company must at an early date find the money necessary to shore up that portion.

Clause passed.

Clauses 277 to 280—agreed to.

Clause 281—Lien for wages:

**THE MINISTER FOR MINES:** It would be wise to report progress now, as the clause could be argued for some little time, and he knew there were certain members absent who would like to speak on it. He moved that progress be reported.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at three minutes past 11 o'clock, until the next day.

## Legislative Assembly.

Thursday, 22nd October, 1903.

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**THE SPEAKER** took the Chair at 4:30 o'clock, p.m.

PRAYERS.

#### PAPER PRESENTED.

By the **MINISTER FOR WORKS:** Return to order of the House, dated 30th September (moved for by Mr. Reid).

#### QUESTION—SAVINGS BANK ADVANCES AND SECURITIES.

**MR. HASSELL,** for Mr. Stone, asked the Treasurer: 1, Whether he will supply the House with a description of the securities held by him for moneys advanced from the Post Office Savings Bank funds; and 2, A list of the names of those in arrears with their interest, and the amounts overdue.

**THE TREASURER** replied: 1, Freehold Securities £92,422 10s., Mortgage Bonds £157,310, Agricultural Lands Purchase Debentures £62,721 11s. 2d., Local Inscribed Stock Certificates £904,853, Metropolitan Waterworks Board Debentures £407,520 12s. 9d., Goldfields Water Supply Administration Debentures £65,537 19s. 4d., Municipal Debentures £55,000, Canning Drainage Board Debentures £500; total, £1,745,865 13s. 3d. 2 (list of those in arrear with interest), £3 19s. 4d., half-year 30th June, 1903; £12, year, 30th June, 1903; £12, half-year 30th June, 1903; total, £27 13s. 4d. The amount of £15 13s. 4d. has since been paid, leaving £12 outstanding.

#### QUESTION—FREMANTLE HARBOUR, MR. LESLIE'S REPORT.

**MR. MORAN** asked the Premier: 1, Whether he intends to lay on the table of the House the special report of Mr. Leslie on the working of the Harbour Trust. 2, If so, when?

**THE PREMIER** replied: 1, Already answered in reply to a question put by