could make a good working measure of it.

Sir E. H. WITTENOOM (North): I only propose to say just one word in connection with the Bill, and that is that I am in accord with most of the Bills brought down which have for their object the consolidation of many other measures, because legislation is then put in a more circumscribed space, and from that view the measure has my support. I have no particular knowledge of boilers or anything of that sort; therefore I listened with a great deal of interest to the experts in the House, and I shall in a great measure be guided by their views. I understand this Bill is to be administered by the Mines Department; therefore when we come to Clause 4 of the measure, where it says that the Bill shall not apply to any boilers or machinery used on or employed in the working of the Government railways under the control of the Commissioner of Railways, I shall propose an amendment that the measure shall not apply to any boilers or engines that have hitherto been under the inspection of the Railway Department.

The Colonial Secretary: Do you wish to conserve the existing system of inspection of railway material by railway officials?

Sir E. H. WITTENOOM: Yes; for railway boilers and engines. As far as I know, the present system is satisfactory to all parties. I intended to ask the same question Mr. Randell put in respect of Clause 80, as to where the Government are to get authority for prescribing regulations as to how and in what circumstances engines used for agricultural, dairy, or any other purposes may be driven by uncertificated persons; because it seems to me that the whole policy of the Bill is, as far as possible, to make every driver a certificated driver, and it was with some curiosity that I waited to hear the Minister explain whence the power would come to make such regulations. I think the power is necessary, and I want to have clearly pointed out how such regulations can be made. I shall have pleasure in supporting the second reading as far as I possibly can.

On motion by Hon. C. E. Dempster, debate adjourned.

REDISTRIBUTION OF SEATS BILL.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at two minutes past 6 o'clock, until the next day.

Legislative Assembly.

Tuesday, 13th October, 1903.

The SPEAKER took the Chair at 4·30 o'clock, p.m.

Prayers.

URGENCY MOTION—RAILWAY SERVANTS AND THE ARBITRATION COURT.

AMENDMENT OF THE LAW SUGGESTED.

The SPEAKER: The member for Subiaco (Mr. Daglish) has placed in my hands notice of a motion he desires to move, which reads thus:—

To move the adjournment of the House with a view to drawing attention to the decision of the Arbitration Court, that the Court had no power to make an award which should bind the Commissioner of Railways in any dispute between him and the railway employees.

The question is, That the hon. member have permission to move this motion.

Question passed.

Mr. H. DAGLISH (Subiaco): I beg to move the adjournment of the House for the purpose of bringing this case under the notice of members, with the object of getting from the Premier a statement whether he is prepared to amend the law in order to bring it into approximation with what I think was the opinion of this House and another place when the Conciliation and Arbitration Act was passed. Briefly I may refer to the case which has led up to this motion.

Certain railway servants had an industrial agreement with the Commissioner of Railways, which expired very recently. Immediately after it expired, an application was made to the Commissioner of Railways for its renewal or discussion for its renewal, with any amendments that might be desired. No really satisfactory arrangement was come to between the Commissioner and the men who were interested in the agreement, those being the members of the Locomotive Engine-drivers, Firemen, and Cleaners' Union; consequently they resolved to make an appeal to the Arbitration Court. But before the Court had an opportunity of considering the appeal of this society, the Commissioner gazetted a number of new regulations which covered the ground previously covered by this industrial agreement, and very considerably modified the provisions which the industrial agreement had contained. Subsequently the regulations were temporarily suspended for the purpose of allowing the question in dispute to be settled by decision of the Arbitration Court, and with that view it was arranged that at the earliest possible opportunity the matter should be submitted to the Court for its decision. In consequence of this the case came forward, and was continued to-day in the Arbitration Court. As a result, the Court gave a certain decision, of which I will give to the House as nearly as I can some of the words. The decision of the Court was that—

> The present Commissioner of Railways was appointed by statute, and it appeared that he should have the management and control of the railways. So that the Commissioner by this statute, which was passed subsequently to the Arbitration Act, was appointed agent for the Crown for the purpose of maintaining and managing the railways. One of his powers was to fine, employ, and dismiss employees, and a list of these was given, and included members of the union now before the Court. By Act appointing the Commissioner he was placed in a position entirely apart from the Crown. In the performance of his duties he could act as he wished, and was under nobody's control. Prior to that the Legislature made the Minister an employer of labour. The Arbitration Act made no mention of the Commissioner of Railways. He was apparently quite outside the Act. . . . The serious question which arose was that in the question of the dispute between the Commissioner and the union the Court had no power to take cognisance of any dispute between the Commissioner or other than the Minister. He was an entirely free agent, and if he came there and said he was the representative of the Minister, it would be the duty of the Court to say he had no power. He thought it best to make these remarks in order to place before the union its true position in relation to the Arbitration Act, and in respect to the Commissioner. They had no power, and consequently they would only look foolish in making an award which the Commissioner might disregard. There was one point on which both parties were agreed, and that was that the Court should determine the mode of classification. The Commissioner was not empowered by the Act to enter into an industrial agreement, and though he had entered into agreements, they had no value.

This is not the whole of the judgment delivered by His Honour Mr. Justice Parker, but it contains the main points of that judgment as they affect the issue to which I wish to draw the attention of this Chamber. I venture to say that the object of this Chamber, when passing the Conciliation and Arbitration Act, was to apply that Act to the State servants engaged in the Railway Department. I do not think there can be two opinions on that, when members consider the very lengthy discussions which we had on certain clauses contained in the measure, which were put in with this sole purpose, and till very recently we were under the impression that the Act was effective, and were fully convinced that these clauses were not entirely useless. By a judgment given last week in the Full Court our doubts were first raised as to the question whether the Arbitration Court really exercised any control over the administration of the Railway Department. There it was held that the Commissioner had entered into an agreement that was really an illegal agreement, an agreement he had no power to make, and therefore he had a perfect right to break the agreement which he himself had made. From the ruling of the Court that appears very possible, from its legal aspect; but the action of the Commissioner seems a very doubtful one, even though it may be strictly legal. To-day, however, I understand—and I am speaking of course from information and not from actual knowledge—it was a suggestion of the Arbitration Court that both sides should allow the Court, while it had no legal power to enforce the award, to give a decision, and that both sides should be

free to accept that decision. I understand that such an arrangement was made, and both parties started with the object of having the case presented before the Court; but, unfortunately, when the case was being presented, something occurred which ruffled the dignity of the Commissioner of Railways, the upshot of that being that because his dignity was ruffled the Commissioner withdrew from the Court, and it therefore became impossible for the Court to go on with the hearing of the case. Now the position is this, that a certain amount of friction has for some time been existing between the Commissioner and other employees of the Railway Department. This friction does not conduce to the successful management of the railways, and the longer it goes on the more intense it becomes. It was hoped that the settlement of this and one or two other questions by the Arbitration Court would entirely set at rest any differences there may be between the Commissioner and other employees. I personally very much regret that an unhappy display of temper by the Commissioner should have prevented a settlement by the Court of the case that was in dispute this morning. It seems to me that the Commissioner has allowed himself to sacrifice the interests of the State in order to preserve what appeared to him his own dignity. I wanted to point out that in my opinion —and I believe I am speaking with the concurrence of the majority of the members of this Chamber—it is very desirable that we should have the same law applying to the State employer as applies to the private employers. We should have the same safeguard as regards our State servants against strikes as we have thought fit to make in regard to the servants of private employers. I am quite satisfied that we do not desire a repetition of the disastrous strike we had two and a-half years ago. We do not desire to see State servants who feel they have a grievance forced to take any but legal measures to obtain redress of that grievance, and for that reason we were unanimous in asking that arbitration should embrace them. I am satisfied there has been nothing since that time which could justify us in coming to a different conclusion. I want to appeal to the Premier, as we have conclusive evidence from the recent judgment of the Full Court as well as from the judgment of the Arbitration Court to-day, that the law we passed is not effective so far as the railway employees are concerned. I appeal to the Premier to give us immediately some amendment of the Arbitration Act or of the Railways Act, or both if the amendment of both be necessary, in order that the provisions of the Arbitration Act shall be made effective so far as the railway employees are concerned. In doing so I speak not as one who is anxious to represent the wishes of the railway employees themselves, but as one who is desirous of expressing what I believe are the wishes of this community, that all labour disputes, whether between the State and its servants or between private employers and their servants, shall be settled by the peaceful decision of the Arbitration Court. We do not want to have disagreements simmering through the departments of this State, until finally they reach boiling point and result in some catastrophe, before taking action in the matter.

MR. PIGOTT: There is no use in using threats.

MR. DAGLISH: I am not making threats, but am putting the case as it appears to the public, that some peaceful means for the settlement of disputes should exist. We know that disputes will arise, that disputes have arisen in all classes of labour; we know unfortunately that disputes have arisen in the railway service of this State in the past, and we want to prevent them from arising in the Railway Department in the future. That is my object in speaking as I do; but I do not hesitate to state possibilities in dealing with my argument; and we must realise and discuss these possibilities in order to come to the best conclusion for preventing them. I wish simply to urge the Premier to give careful consideration to the question, and see whether he can promise that some provision shall be made to settle these disputes in the manner which Parliament has decided is the best way disputes can be settled, that is by peaceful arbitration; and at the same time I want to point out that I do not think members of this House or the other House intended, when the Arbitration Act was passed, that the Commis-

sioner of Railways should have supreme power, that he should be really above the Minister and above Parliament, as well as above the Arbitration Court. The position is that at present the Commissioner sits supreme, that neither Court, nor Parliament, nor Minister can interfere with him. If that is the case, and the Court has decided that it is, I hope the Government will see the wisdom not only of giving that effect to the Arbitration Act which Parliament intended, but restoring to Parliament the control of the Railway Department of this State. I beg to move the adjournment of the House.

MR. C. J. MORAN (West Perth): I second the motion. No doubt the discussion which took place over the appointment of Mr. J. W. George as Commissioner of Railways will flash vividly before the minds of members this afternoon. His high powers as Commissioner, and the probability that he would take an extraordinary view of his powers if appointed, were pointed out in this Chamber fully at the time that the appointment was under discussion; also the extraordinary method of the appointment, and the serious departure the Government were then making, were objected to by a large section of this House. I think we feel this afternoon that we are practically at one over this matter. I should hesitate to do anything which would lend the slightest colour of party politics to this serious business. [MEMBER: It was a party question before.] If it was a party question before, I hope it will not be treated so now. The matter is too serious now for any member to attempt to extract party *kudos*, and there are sufficiently grave issues before us. We have not in this State the necessity for retrenching and reducing the public servants, or dealing harshly with them, as was the case in Victoria. We are a prosperous and flourishing State, according to the statement placed before us by the Treasurer the other evening. We are luxuriating in a surplus of £200,000; therefore it cannot be urged that it is necessary to deal harshly with any servants of the State. It has been a question all over Australia, and has been discussed in this House, whether one of two systems should be adopted. The first and best known system was to have kept the railways under the control of Parliament; and there would always be sufficient men in this Chamber to see justice done to the laws and to the servants in every department of the State. The second system, the one adopted by the Government, was to appoint a Commissioner, a proposal which I opposed at the time, and I was prepared to put the Government out for their extraordinary action if I and others who took that view had been supported sufficiently at the time. We have now arrived at this position, that we have to consider the question and deal with it in such a way as not to drag in party politics, unless it cannot be helped. There are two systems, as I have said—one to enable this House to get back the control of its railway servants; and the argument always advanced is a sound argument, that if we are to control the people's purse we in this House ought to control the wages paid to the servants of the State, as otherwise our estimates may be upset. I do not say I was ever strongly in favour of removing the railway service from the control of Parliament; but in dealing with the matter and in appointing a Commissioner of Railways, the intention was to set up an independent tribunal, an Arbitration Court, and to say to the Commissioner, "If you have disputes with your servants, you must go to the Arbitration Court and settle them there." These were the two schemes which this Chamber had to consider; and in deciding to appoint a Railway Commissioner it was understood that in setting up one who was to be independent to a large extent, there should be placed high above him and above the men he had to control, an Arbitration Court. If that Court was thought good enough to fix the wages and conditions of labour for the thousands of employees throughout the State, members in this House felt that it was good enough to deal with the railway servants of the State. It is a tenable position, for if you believe the Arbitration Court is competent to do justice to the great mining industry, to the timber industry, and to every other industry in the State, there is nothing extraordinary in holding the view that it is also competent to do justice between the Railway Commissioner and his servants. Now we have arrived at this stage, that we have neither of these two systems; for it

has been decided to-day by the Arbitration Court that the Court has no authority over the Railway Commissioner; that he is practically quite independent both of Parliament and the Arbitration Court. I do not think that was intended by a majority of this House. It was either intended to make the Commissioner responsible to Parliament by giving to the Minister for Railways an ultimate control—and I did think until lately that the Minister had an ultimate say in regard to any matter affecting the railways of the State, though the Court now says he has not—it was either intended to make him a stop-gap between the men and the Minister, with large power but not ultimate power, or else to place him in the position of a large employer of labour, and subject to the Arbitration Court. I feel positively certain that the Government are seized with the seriousness of the position, and I believe that if we approach the matter carefully and entirely apart from party considerations, we can evolve the latest and best wisdom in this matter, and we can review the whole question of the appointment of the Commissioner, with a view to either giving us back our servants under the old control, or else giving the men their legitimate position under the Arbitration Act. I hope the Government will give the assurance that they are seized with the importance of the question, and that they intend to act. Farthermore, I cannot separate this question from the question of the civil servants, which is an equally important matter. The other day Mr. Justice McMillan, in dealing with the civil service of this country, said that the Act was a sham and a delusion, an empty shell containing no substance, which did not give to the civil servants of the State what it purported to give—that for which we have been fighting for generations all over Australia, for which the Premier himself fought in this Chamber, and for which I myself fought, a proper Civil Service Act in this State.

THE SPEAKER: I do not think that matter has anything to do with the question before the House—the decision of the Arbitration Court to-day.

MR. MORAN: I hope that the Premier will look on this matter in the light that we are willing to help him to do the best we can for the civil servants of this State, and particularly the railway servants. At the same time I hope and trust the discussion will be kept on this line, that nobody will be considered as having held out any threat of consequences. However, it would be unwise to shut our eyes to the possibilities and to what has happened in other States. There is no occasion in Western Australia to do other than treat the servants of the State with the utmost fair play. When the time comes in Western Australia that we cannot finance ourselves without retrenchment and economies, everybody will have to suffer and not one part of the community, and the civil servants and the railway servants, when that time comes, must loyally accept the position of the State. Such conditions have not arrived, and they give no evidence of arriving. Prosperity seems to be ahead of the State, and the civil servants should share in it. I hope that is also the view of the Government, and I trust that the Premier will say he will give an opportunity in this session of reviewing the matter and of placing the railway servants on a more satisfactory basis.

THE PREMIER (Hon. Walter James): I do not think in this House we will find very many members who will be lacking in sympathy towards the railway servants whenever a dispute arises. My own difficulty is to find a number of men who appreciate that there is a certain entity called the State, and that its interests are to be preserved just the same as the interests of its servants, who have privileges and rights to be respected. I approach this question quite free from any fear of ultimate and possible consequences. These matters of course always rest with the parties concerned. The State is, I believe, quite strong enough to meet any emergency; and I desire to approach the consideration of this question with this fact impressed on my mind. I have too frequently noticed, and I very much regret it indeed, suggestions of lock-out and strike whenever a dispute arises between the Commissioner and certain bodies of railway servants. These expressions are most undesirable and most improper coming from the lips of either the Minister, the Commissioner, or the

men. Their use in discussions of this nature introduces an undesirable and improper element; and while I have the privilege of being Premier of this State, I shall disregard them entirely and do what I believe to be right, satisfied with the knowledge that the great bulk of the State will support those who, while doing their duty to the servants of the State, will never forget their duty to the State itself. We have heard this evening of the amount of friction existing in the railway service; but I cannot shut my eyes to this also, that it is idle to throw the blame on one side, and on one side only. It cannot be that for years past we have had men in charge of the Railway Department who have always been doing a wrong and injustice to the servants, and that the injustice rests only on the shoulders of one of the parties to the contract. I go farther and assert that, even if there has been this dissatisfaction, no body of servants in any State occupy a better position than the railway servants, or are better paid, or have greater privileges; and I am at a loss to understand, in view of these facts, why there should be this friction. I repudiate the idea that the responsibility for this friction rests upon the officers responsible for the control of the department, and assert that there is no suggestion of dealing harshly with any servant, and that no case could be brought forward of any attempt being made to do so. If members will follow me I will endeavour to point out the difficulty that exists to-day. An industrial agreement was made twelve months ago, which was in my opinion in a very great number of provisions unfair to the State. I said so at the time, and at that time I did not occupy the position I now hold. One particular provision was that of the Conduct Board, and under this provision no man in the railway service could be disrated or dismissed, nor could a 5s. fine be imposed upon him. All an officer could do was to say that he would report a man to the Conduct Board, which would decide the matter. Then it seemed to me obvious, as it seems now, that such a system would absolutely paralyse all administration. I am glad to see, judging from what took place yesterday, that there is now no dispute on that point, and that the railway men are prepared to agree with our suggestion that we should not have a Conduct Board of that nature, but an ordinary Conduct Appeal Board to which the employees could appeal when they felt that any injustice was being done to them by suspension or dismissal. When the period of the industrial agreement was drawing to a conclusion, negotiations took place for the purpose of entering into a new agreement; and I think I am right in saying that nearly all the terms were agreed to except one or two. I knew pretty accurately what was going on, and in many instances the Commissioner made some concessions, or what I believed and what he believed to be concessions, for the purpose of avoiding disputes. The men said, "We can agree to all your terms except three." One of these was, I think, the Conduct Board. Another was that they required first-class railway fares instead of second-class fares when passing to and from their work. The third was the matter of the classification of engine-drivers. These were nominally the three outstanding disputes when the matter was referred to the Arbitration Court. I gather that yesterday, when they got before the Court, the dispute was limited to the matter of classification of engine-drivers only; and I propose to keep to that point only. In the past the system was to have different classes or grades of engine-drivers, by which a man entering one would gradually pass to the others according to seniority, unless there was something against him. The consequence of that system was that in the first-class we were having some men who were doing work that did not belong to that class; and there were cases where really first-class engine-drivers were drawing second-class pay, and cases of first-class engine-drivers not being so fully competent for the position as others who were paid less. The Commissioner of Railways put the matter to me—and I want to accept full responsibility in this matter—that this was an undesirable condition of affairs. I replied "How many first-class men should you have? In this service there is no reason why you should have more men in one class than we need. See if you cannot fix a fair amount." The Commissioner fixed a certain percentage of first-class and second-class men, and

provided that as vacancies arose in the first-class the men from the second-class should pass into it. I think that this is, on the face of it, reasonable. There should not be in the State, other things being equal, a large body of first-class men and no second-class men. The dispute arose on that point. The men naturally wanted the old system because they all became first-class engine-drivers, although the State did not want so many first-class engine-drivers. In addition to that, as first-class engine-drivers they would be drawing rates accordingly, although we did not have work for them to do in that class. [MR. MORAN: They denied that in the Court to-day.] The Government took up the position that we were not going to have more first-class men than we could find work for. The Commissioner of Railways fixed a percentage. If the State required a higher percentage, the men did not demand it. There was no dispute upon that point. Then there was a great deal of correspondence in the Press, and we had talk of a dispute and a threat. I paid no great attention to that because, as a matter of fact, there was no dispute before the Arbitration Court until the Court had been appealed to, and until the Court had decided that the matter was sufficiently grave to call for its investigation. We were then anxious to have the matter settled; but as the men were contending one way and the Government another way, and as the former industrial agreement had come to an end, we were in an undesirable position; so we decided to expedite matters and publish regulations. Eliminating one or two questions which are in dispute, we will find in these regulations that they embody all the matters agreed upon, and bearing in mind that there is only one point in dispute now, the matter of classification, we will find that the regulations practically include all the matters agreed upon except that one point in dispute. When these regulations were published I regret that we had some observations of some lock-out. That is an observation I do not like. I do not think that it should be used any more than we should talk about a strike. Then the men said they were anxious to have this matter brought on before the Court, and we had the regulations suspended. The procedure that we might have adopted was waived, and the matter yesterday came before the Court. The point in dispute was the question as to the classification of engine-drivers. I myself would submit with due respect that I know of no decision of an Arbitration Court which deals with questions of classification at all. All the Arbitration Court say is that if a man is doing certain work he is entitled to certain money. They do not say that if he has served a certain time he shall pass into another class. I know of no decision to that extent.

MR. BATH: It is continually done in New Zealand.

THE PREMIER: There is no decision by the New Zealand Arbitration Court dealing with points of classification. If a man does a different class of work he is paid a different rate of wage, but beyond that I know of no decision which states that, if a man has been employed a certain time, whether his work is altered or not he shall have an increased rate of wage, and that whether he is needed in a higher class or not he shall pass into that class. The effect would be to compel an employer to put more men in a certain class than he has a need to employ in that class. When this case came before the Court it was conducted by the Commissioner of Railways, and I was not aware what objection he was going to raise. My desire was that the question in dispute should be submitted to the Court so that we should have their decision, and whether that decision was called technically an award or called a suggestion, it amounts to practically the same thing, because both our Act and the New Zealand Act recognise that every award of the Court could only be dealt with out of moneys voted by Parliament, and Parliament itself must control the financial purse-strings. Therefore, as pointed out by the member for West Perth (Mr. Moran), whatever decision is given, it cannot be enforced unless there are moneys available to meet the obligations.

MR. MORAN: They are available.

THE PREMIER: When I say available, I mean available by Parliament. I myself do not consider whether the decision is called an award or a suggestion, because in either case I should regard it as equally binding. When this came

before the Court, the decision given this morning was to the effect that whereas, by Section 109, we provide that the Minister himself is subject to the Arbitration Court, by the Act passed last year, dealing with the Commissioner of Railways, we say nothing about the Commissioner of Railways being subject to that Court, and there is no existing legislation which puts the Commissioner in the same position as the Minister. That is an oversight which ought to be rectified, and it must be rectified in the Bill now before the House dealing with the administration of the railways. I myself was not aware of the point, and if I had been certain provisions would have been made earlier; but as we have now a measure dealing with railway administration, we must make up for it in that, and put the Commissioner of Railways in the same position as the Minister in relation to the Conciliation and Arbitration Act. That was the decision given to-day on that point, and, as I say, the Act must be rectified and the Commissioner placed in the same position as the Minister. After that decision was come to both parties agreed that the matter should be left to the Court, that the Court might make a suggestion which would be acted upon by both parties; but I regret to say that this fell through, by no fault of the men, I think the Commissioner of Railways being entirely to blame. I regret indeed the action he took, and I think it is open to very strong criticism, and is very much to be deplored. I hope the Commissioner of Railways in future, occupying that position and being a man for whom I have the greatest respect for his ability, honour, and integrity, will deem it advisable, where circumstances occur like that, to curb his somewhat naturally hasty temper. Members will see that so far as this dispute is concerned there is no cause of dissatisfaction except the hasty action of the Commissioner of Railways at the last moment. I regret that action.

MR. TAYLOR: That action had been anticipated from the date of his appointment.

THE PREMIER: I regret that as much as any other member of this House. The member for Mt. Margaret says that action of that kind has been anticipated; and if that be so, members themselves appreciate that it was not due to any hostility to the men. It may be natural, and I myself believe that Mr. George, occupying the position he does, is the best friend the men have, in my experience of him. I believe he is a man who tries honestly to do his duty, and that the men under him themselves have the utmost confidence in him.

MR. TAYLOR: Not when he is in that frame of mind.

THE PREMIER: None of us are always in the frame of mind we ought to be in, none of us being able to thoroughly control our tempers, and I want to point that out. I think we should bear in mind that whatever his faults may be in that way, he is a man—and I know him pretty closely—in whom I believe the men have complete confidence, and a man who at all events is more prepared to pay higher wages and give them greater privileges than to go in a contrary direction. I hope that this difficulty, which after all is a comparatively small difficulty, will be settled; and if it be the fact that the percentage of first-class engine-drivers mentioned by the Commissioner of Railways is too small for the service, it ought to be increased. On the other hand I do not think the State ought to be called upon to pay a larger number of first-class or second-class engine-drivers than the needs of the State demand.

MR. DAGLISH: The question is how these matters should be settled, and not the matters themselves.

THE PREMIER: I am coming to that point. I am quite willing, if they cannot agree on that point, to myself personally ask the Arbitration Court to take up the position they took up this morning, which I think ought to have been carried out, so that they could deal with it by making suggestions as to which is the fairest way of dealing with the question. But I want it to be distinctly understood that if the Court are going to consider this matter, I do not wish them to consider merely whether the old system or the new system should be adopted, but I want reasons to be put forward why the old system should be continued; and to know what need there is for us to have a system under which we may have more first-class engine-drivers than we require and have

to pay men for higher services than we have need for. I want that dispute settled, and it is because I want it settled that I deplore so strongly the difficulty which has arisen to-day. The question of jurisdiction pointed out by the member for Subiaco when he referred to the decision of the President, is one that should be rectified. That, I repeat, is a point I was not aware of, but it will be rectified in the Bill now before Parliament dealing with the railways, in which we propose to put the Commissioner of Railways in the same position as he would occupy in relation to the men if he were the Minister. The Court will then have over him by this measure or other Acts the same power as they have over the Minister. If members will look at the New Zealand Act of 1900, Section 109, the number of the section being the same as that in our own Act, they will find that the two sections are almost word for word the same. We give in this State the same control to the Minister as they do in New Zealand, the only difference being that the New Zealand Act by Subsection 9 says—

> In making any award under this section the Court shall have regard to the schedule to the Government Railways Department Classification Act, 1896.

Whereas we say in Subsection 7—

> In making any award under this section the Court shall have regard to the provisions of any Act in force relating to the classification of the Department of Government Railways.

I think members will see that in substance Section 109 in each case is substantially the same. If by the Railway Bill now before the House we rectify that and place the Commissioner in the same position as the Minister, I see no cause of complaint. So far as the present dispute is concerned, I hope the Commissioner and the men will be able to settle it without farther ado; but if that difficulty cannot be overcome—and I regret indeed that the arrangement fell through this afternoon, again let me say through no fault of the men—if an amicable settlement cannot be arrived at, I shall be very glad indeed to ask the Court to renew their offer to make suggestions as to the settlement of this one difficulty. I am glad to think that in connection with this agreement, which involves so many points and gives the men so many privileges, there is only that one point of difficulty in the whole. I want members to bear in mind when they talk as they somewhat glibly do about the justice of making the State subject to the Arbitration Court the same as individuals, that was tried the other day in connection with the Government Printer. And what was the difficulty? The whole position really is this: Are the Government servants prepared to abandon all their privileges and be subject to the Arbitration Court, who will decide their wages exactly as they would decide the wages of the outside workers who have no privileges? The difficulty is that there are departmental privileges and there is always this claim for outside pay. Railway employees cannot expect Parliament to acquiesce in an arrangement which cuts both ways in their favour. It is a matter which I think deserves very careful consideration, and I must candidly admit that the demands being raised are rapidly forcing me to the conclusion that the only satisfactory way to deal with the public servants will be to abolish these privileges, and make the public servants amenable to the Arbitration Court.

Mr. R. HASTIE (Kanowna): I think the Premier's remarks are in many respects very satisfactory, but there is one point which the hon. gentleman did not explain. In the judgment given today by Mr. Justice Parker, that Judge took up the position that even though the words "Commissioner of Railways" were in the Act, the Court have no jurisdiction over this Government department; that they could make an award but they could have no power whatever to enforce that award; therefore the Court hesitated to make an award. I may also remind the Premier that when the Government Printer's dispute was on, the Court in that case did not make an award but made a recommendation, and I understand that there is always a hesitancy on the part of the Court in making an award for the reason that they have no means whatever of enforcing it. I anticipate that the Premier will reply to this, that if the Arbitration Court make an award no Government is likely to disregard it.

The Premier: Should we put the Minister in gaol for not carrying out the provisions?

MR. MORAN: Certainly.

MR. HASTIE: I am not wishing to deprive the Premier of his Ministers, and I would not suggest that, but I have seen in a civil Court an award go against a Ministerial department. Could the award not be enforced on somewhat similar terms to those?

THE PREMIER: That is a judgment. You cannot enforce a judgment against the Government by issuing execution. If the Government will not pay, you cannot force them to do so, unless you go to the Privy Council.

MR. HASTIE: I would like the Premier to enlighten us on the matter as to what would be the best mode in which to act, because the Arbitration Court hitherto have hesitated to give anything in the shape of an award against the Government of the day. That requires to be got rid of. This House has decided that all such disputes shall be determined by an independent authority; therefore we should have such amendments made in the law as will rightly bring us to that point. Seeing that the judgment of the Court is always obeyed, if the Premier will give us an assurance that whatever award is given by the Arbitration Court it will always be accepted by the Ministry, I firmly believe that this House will be satisfied with an assurance on this most important point.

MR. DAGLISH (in reply as mover): I am very pleased that the Premier has seen his way to give the assurance that he will amend the Railways Act in the direction necessary to make this provision effective. I admit with him that the State has certain interests to preserve; and as I am anxious that these interests should be preserved, I do not know that we could intrust them to any more suitable body than the Arbitration Court for their preservation. The Premier has suggested that where there is friction we cannot assume that one side rather than another is solely to blame for it. I merely pointed out the fact that friction exists, and I was careful not to draw any inference whatever. The most effective way would be to refer disputes to some impartial body in order that the friction might be removed; and my remarks had nothing to do with any case that is in dispute. My contention is that the Arbitration Act should be made operative in regard to the particular Government department. I agree with the Premier that Parliament should have and must have always the control of the purse; and I recognise that any decision given by the Arbitration Court must be subject to the decision of Parliament, when dealing with the question of supplies; but in recognising that, I think we should make the heads of Government departments amenable to the decisions of the Arbitration Court, leaving it to this House to provide whatever funds are necessary to carry out the decisions of the Court. On the assurance of the Premier, I have pleasure in withdrawing the motion.

Motion by leave withdrawn.

QUESTION—FREMANTLE HARBOUR PILOTAGE.

MR. JACOBY, for Mr. Hassell, asked the Premier: Where was the pilotage collected, as given in answer to question on Wednesday, 30th September?

THE PREMIER replied: At Fremantle.

WATER SUPPLY BILL.

Introduced by the PREMIER (for the Minister for Works), and read a first time.

REDISTRIBUTION OF SEATS BILL.

Read a third time, the Speaker stating there was an absolute majority of members present. Bill transmitted to the Legislative Council.

MINING BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 77—Application for lease may be postponed (consideration of clause resumed):

MR. HASTIE: At the last sitting he had proposed an amendment, but he hoped that the Minister would now, after the farther consideration, be in a position to propose a better title. We should rather encourage the granting of interim leases, because there were many places on the goldfields where people could work both lode claims and alluvial alongside each other. At the previous sitting he (Mr. Hastie) suggested that conditions similar to those in the 1895 Act should be embodied in this clause. Was the

Minister now in a position to say he would provide a better title to persons who proposed to work a reef on ground where others might be working alluvial alongside.

THE MINISTER FOR MINES: The title proposed to be given in the clause was sufficient under the circumstances, and he had no desire to reintroduce the system of dual title to which the hon. member referred. The clause provided that instead of granting or refusing a title, the Governor might grant a license to any person who applied to work the reef or lode on the area applied for, but subject to the privileges conferred on miners by Clause 67 (right to enter for obtaining alluvial). This license would enable the applicant to work a reef or lode on the property pending the granting of a lease, but the application would be held back until such time as the alluvial was worked out. A man might take up an area and apply for a lease; and if alluvialists came on the land, the application would be held back until a report was obtained showing whether the ground was likely to develop alluvial or not. If it were likely to develop alluvial, the application would be held in abeyance until the alluvial was worked out. This clause would enable a person to apply for a license, and would still allow the alluvialist to work out any alluvial there might be on the ground; so that the applicant could go on working the lode, if he had marked out the ground before the alluvialist came on it. In this way the department would not have to deal with two classes of license.

MR. HASTIE: This power would authorise a party to go in and work a reef, but it did not empower the Minister to give that man any particular ground.

THE MINISTER: Yes, "on the land applied for."

MR. HASTIE: But under the clause the alluvialist could go all over the ground. There were cases in which men working on quartz reefs should be protected.

THE MINISTER: Such men got one-eighth of the ground.

MR. HASTIE: As the member for Mount Margaret had given notice of an amendment upon which the question of dual title could be discussed, he would not press his amendment.

Amendment withdrawn, and the clause passed.

Clause 78—agreed to.

Clause 79—Covenants and conditions of mining lease:

THE MINISTER FOR MINES moved, as an amendment, that the words "executed by the Minister, and registered," in Subclause 2, be struck out, and the words "approved by the Governor" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 80—Registration and issue of leases:

MR. HASTIE: The clause provided that £1 should be charged for having a lease instrument issued. The present charge was only 10s., and he had yet to learn that it was an improper fee.

THE MINISTER FOR MINES: It did not quite cover the cost.

MR. HASTIE: The whole tendency of the Bill was to make things as cheap as possible, so that people with very little money could take up leases and work them. The fee of 10s. which had always been charged ought to be maintained. He would not vote against a motion to abolish any fee at all. He moved as an amendment that the words "one pound" be struck out, and the words "ten shillings" inserted in lieu.

THE MINISTER FOR MINES: There had been a slight loss in the past in issuing lease instruments, and the loss should not fall on the department. At the very least departmental expenses should be paid. By the reduction in the charge for miners' rights the department would lose £3,000 a year. A lease instrument would only be taken up once in a life-time, and the extra 10s. would not be felt very much. He hoped the amendment would not be pressed.

Amendment by leave withdrawn, and the clause passed.

Clause 81—agreed to.

Clause 82—Register of leases:

MR. HASTIE: A mistake had been made in this clause, the word "leases" occurring twice.

THE MINISTER FOR MINES: The wording of the clause was correct, though at first sight there might appear to be an error.

Clause passed.

Clause 83—Local register:

MR HASTIE: The clause only referred to a request that every mining lessee should register his name and the particulars of his lease at the warden's office; but the whole question of local registration was raised, and as it was an important matter, he would ask the Minister if he intended during this session to do anything so that local registration would be used more than it was at present. There was a local registration Act, but during the last three or four years it was absolutely a dead letter. Was the Minister likely to provide for the enforcement of that Act during the current year?

THE MINISTER FOR MINES: The member for Kanowna referred to a matter dealing entirely with the Companies Act. He (the Minister) would do his best to induce the Government, not only to enforce the local registration of companies, but also to do something to compel the residence of directors within the State. Something might be done in this way to give Western Australia its proper mining business. It was a matter for serious consideration, and he hoped action would be taken during the recess to prepare some scheme to provide better facilities for those who chose to put their money into Western Australian mining companies.

MR. WALLACE: It was the people's fault that local share registers were not used.

THE MINISTER FOR MINES: The matter had not been fully discussed by the Government as yet, but he hoped something would be done in regard to the Companies Act which would give a little security and greater facilities to the people living in the State.

MR. REID: It was provided in the clause that books could be inspected in a registrar's office on payment of the prescribed fee, which was 2s. 6d. Persons desirous of searching these books often had to make a number of searches, and a fee of 1s. would be quite sufficient. He moved as an amendment that the words "of the prescribed fee" be struck out, and the words "one shilling" inserted in lieu.

THE MINISTER FOR MINES: The clause should be left as it stood. Representations could be made to the department when the regulations were being framed, and it might be prescribed that 2s. 6d. should be imposed for the first search and 1s. for subsequent searches. The department had gone a long way farther than had been done in the past. Instructions had been given that a book containing all exemptions, concentrations and protections, and written up to date, should be kept at every office in the State, and placed on the counter so that anybody could inspect it free of charge. In this way a person desiring to make inquiries could first see if he had a good case, and then he could pay his 2s. 6d. fee before he went into Court. The department should have the 2s. 6d. fee when business was being done. All information was given free to the man who desired to see if he had a good case before going farther.

Amendment by leave withdrawn.

MR. WALLACE: The other register referred to by the member for Kanowna dealt with registration of shares. Every member knew we had failed to establish a mining market in this State, and that persons would not put their shares on a register where there was no market. There was necessity for the Minister to make any promise of reconsidering the question of a local register.

Clause put and passed.

Clause 84—agreed to.

Clause 85—Permit to erect church, etc.:

THE MINISTER FOR MINES moved as an amendment that the word "mine" be struck out, and "lease" inserted in lieu.

MR. EWING: In cases where there was a large quantity of timber on leases and men erected their little homes, their only tenure being the work they received on the mine, should no provisions be made whereby the owner of the property could use the timber for the purpose of building houses for the workmen? The owner might charge a nominal rent, which could perhaps be fixed by the Minister. Often it was not suitable to declare a townsite, and people spending money in erecting dwellings should have some protection. His desire was to protect the men, and not put money into the pockets of the owners.

THE MINISTER FOR MINES: No objection was offered by the department against the lessee allowing workmen to

build cottages on the lease, provided they left them in a proper sanitary condition; but he thought it would be the thin end of the wedge if we allowed the lessee to build houses and charge rent. The provision with regard to the erection of eating-houses on leases was inserted because there were many requests. He supposed that when approval was given, power would be kept so that in case of trouble removal could be ordered.

Mr. WALLACE: When reference was made to eating-houses allusion was made to sly grog-shops. Had the Minister made any provision in the Bill for the cancelling of a permit in such a case?

The MINISTER FOR MINES: When giving approval, power to cancel would, he thought, be retained.

Amendment passed, and the clause as amended agreed to.

Clause 86—Amalgamation of leases:

Mr. HASTIE moved as an amendment,

That the words "ninety-six," in lines 2 and 3, be struck out, and "forty-eight" inserted in lieu.

Since the year 1898 amalgamation of gold-mining leases could be allowed up to 96 acres, but this was the first time when any really representative men who understood anything about these leases had had an opportunity of considering the question. During the debate in 1898 all mining men of any particular standing in this Chamber, with the exception of the member for Coolgardie (Mr. Morgans), protested against amalgamation up to 96 acres, but the House allowed amalgamation up to that extent against the view of the bulk of experienced people that it should be limited to 48 acres. There was no case in Australasia where any company used anything like 96 acres for mining purposes, and had it been fashionable on the Golden Mile in the early days to grant amalgamation up to that extent, we should not have known of more than one or two mines there at the present time. It was urged that if people had a large property they would develop the whole of it; but they never did so, for gold-mining managers were not such fools. If a gold-mining manager had a good lode or reef he concentrated all his hands upon that lode or reef, and never, unless under very exceptional circumstances, endeavoured to develop any other part. It was said that English people would not take a small area, but wanted a big one. That might be true; but we all wanted a lot. People often asked for a very large area so as to have the power to prevent a portion of it from being opened out. One reason people asked for it was that if they developed a small part of it they might be able to sell another part at an enhanced price. Very many of the best mines we had in this State had 24 acres of ground and no more, and no mining manager in his senses wished to manage any mine that had more than about 40 acres. He asked the Committee to agree to his amendment.

The Minister for Mines: What did the hon. member propose with regard to Subclause 2? It was all one subject.

Mr. HASTIE: Subclause 2 he had already looked at, but it did not, in most cases, prevent this huge area from being taken up by one company. There was another reason he did not give the Committee regarding amalgamation up to 96 acres, and it was a very important one. The men were concentrated on one small area of the lease, the owners either looking upon a large amount of ground as absolutely useless, or, if they had no means of selling it at a big price, letting it on tribute, levying blackmail on people who came to work. He knew of at least a dozen cases on the Eastern Goldfields in which people did the work and had to pay not only rent but a great deal more. It might be urged that we could not very well reduce the areas that were amalgamated up to 96 acres at the present time, but he did not see why we could not do it. Even, however, if we could not do so, that was no reason why we should perpetuate this system of giving such a large area to one company.

The MINISTER FOR MINES: When dealing with this clause the hon. member (Mr. Hastie) did not draw attention at first to the fact that we were limiting the area along the line of reef which could be amalgamated. If the hon. member had come forward with an amendment and had said he thought the distance along the line of reef was too short, one could have understood it. His (the Minister's) earnest desire was to cut down the area. Under present conditions

people could take up perhaps over 100 chains along the line of reef, if they took up smaller leases than 24 acres, and if they took up 24-acre leases they could take up along the line of reef to a distance of 88 chains. He had reduced it to 66 chains. If it were proposed to cut that down to 50 chains, that would give the holder of the lease the right to amalgamate along the line of reef two 24-acre blocks. In past days very large holdings had been allowed, and he did not want to do anything which would take away the privileges the holders had enjoyed in the past, except where we found it absolutely necessary for the protection of the industry. It was held that for the erection of a large plant worked by a large company, a big area was necessary; that was the argument. He knew that in Victoria some time ago any length in the deep leads was granted, and in one case about eleven miles of country was granted as one lease.

MR. REID: The Minister would admit that practice was wrong.

THE MINISTER FOR MINES: In Victoria almost any area was allowed to be amalgamated under a system of surrender for the purpose. In Tasmania only 40 acres were allowed to be amalgamated; in Queensland, 50 acres; in New South Wales and South Australia the amalgamation of four leases was allowed. If the hon. member (Mr. Hastie) proposed to reduce the length along the line of reef he (the Minister) would concur. When the previous Mining Bill was under discussion in this House, he was against allowing more than 48 acres to be amalgamated; but now that great developments had taken place in this State, he thought there was greater necessity for large areas to be amalgamated, and 96 acres would be a fair limit. He believed that areas held in this way were prospected in many cases, and he knew that a large amount of boring by companies was done. The member for Yilgarn (Mr. Oats) would bear him out in this matter. It was in the interests of working men to allow such areas to be amalgamated as would induce the investment of large capital, thereby providing more employment.

MR. TAYLOR: It was to be regretted that the Minister could not see his way to accept the amendment. To allow 96 acres to be held under amalgamation by one company was to play into the hands of speculators, for large areas were held really for the purpose of leading shareholders in England to believe that by holding a large area of ground and their property showing gold all over it, as was often said, the shareholders were thus led to suppose they had a very valuable property because of the largeness of the area. The effect of allowing amalgamation of large areas was that the greater part of the ground was left undeveloped, the company in each case concentrating their expenditure on that area of 24 acres in which gold was first discovered in their ground. By allowing the system of amalgamation, other companies were prevented from prospecting those 24-acre leases that were held and not worked. In other parts of Australia, particularly at Charters Towers, those fields were the most prosperous where holdings were in small areas; and at Charters Towers the holdings were worked by local people, the outside companies not getting hold of them. Another difficulty was that working men were prevented from putting up a house and settling in a district where the work was carried on by only one company; because there being only one employer, the workman, if he quarrelled with the employer, could not get any other work in the district and had to leave it. The system of amalgamating large holdings would help the speculator, but was detrimental to the mining industry.

At 6·28, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. OATS: In the past leases had been granted with the object of selling them to outside buyers. That was not the best way of developing the country. It was necessary to have a reasonable extent of country for some mines, and conditions should exist which would give a mine a long life. In order that this could be done the mine should have a good length of reef. He had never approved of a mine holding 96 acres, but he did not mind if a mine held even more than that, so long as the labour conditions were carried out. The Minister had compromised in a very reasonable way by reducing the length along the reef to 55 chains. It was a very reason-

able reduction. Many mines worked rich pockets for big profits, and had pursued the fallacious course of taking the gold out from these pockets without doing a proper amount of development elsewhere. He did not see any reason why any extent of country should not be held, as long as the companies did the amount of work required.

Mr. Hastie: In that case they would not need amalgamation.

Mr. OATS: A mine must be given a fair extent of country so that legitimate working would not be prevented.

Mr. BATH: Members seemed to lose sight of the fact that if companies were desirous of holding large areas they could obtain them by taking up the necessary number of leases and complying with the labour conditions on them. If companies were allowed to hold 96 acres, they could concentrate the work on one area and leave the major portion of the lease undeveloped. The history of mining development in Australia pointed out the mistake of allowing too large an area to be held under amalgamation. Where a company held a large area the district was practically a one-mine district. On the other hand where large areas were not permitted by amalgamation, the mining district comprised a large number of leaseholders, and larger employment was given on the mines, with consequent prosperity to the district and to the State as a whole. The main argument advanced by those who favoured large areas was that it enabled the companies to economise in management. It was admitted that companies must be given a sufficient area to justify them in the expenditure of capital, but if a company held 48 acres with anything like a decent lode on the property, it had an immense amount of stone to deal with, and a great many years' life ahead, If, on the other hand, the lode was small, or the pockets were small, the fact that the company held a large area would not assist it in carrying on mining on anything like a large scale. Those who desired the area restricted to 48 acres wanted to see mining developed in the best way, and that, while encouragement was given to those who invested money, the State reaped benefit from the exploitation of its mining resources. At present numbers of leases on the Hannans field previously separated were now united. If the gain obtained by this amalgamation of management were spent in the development of mining resources of the State there would be no reason to complain, but the fact was that the saving only went into the pockets of the shareholders. To-morrow, if we carried out the idea of economy of management to its logical conclusion and allowed amalgamation to any extent we might have one company working the bulk of the leases in the Hannans district, which would mean a saving of perhaps 50 per cent. on mining operations at Kalgoorlie, but would mean, in one stroke, that Kalgoorlie would be deprived of half its population. With the lodes existing in Western Australia, a 48-acre lease was sufficient area to justify any mining company in the expenditure of the past, and a lease that would give sufficient area for many years to come. We should encourage close settlement in mining as in land settlement, and should regard the interests of the State as paramount, and legislate so that the State would always receive the greater benefit. Such places as Kookynie, Gwalia, or Mount Sir Samuel, if smaller areas had been the rule, would not have been single-mine places. He strongly opposed the amalgamation of 96 acres, because those who desired to have a larger area than was allowed at present could take up more than one lease. If any company was desirous of going in for mining in a legitimate manner, the labour conditions were not in any way a matter hampering or destructive to the industry.

Mr. REID: In the last Parliament the member for Coolgardie (Mr. Morgans) moved that amalgamation should be allowed up to the extent of 96 acres, but the hon. member did so in the interests of the mine-owner, and not in the interests of the mining prospector. He (Mr. Read) had a mandate from the Prospectors' Association of Coolgardie to oppose the amalgamation of 96 acres in favour of amalgamation of 48 acres.

Mr. JOHNSON: When the best leases in and around Kalgoorlie and Coolgardie were pegged out, people could only take up 24 acres. There was no amalgamation then, but, under the amending Act of 1898, in the interests of mining companies in London an alteration was made whereby people could

amalgamate up to 96 acres. Labour members desired to limit the amount to 48 acres, in the best interests of the goldfields and of the State. He hoped the Government would look at the matter from a State point of view, and not vote for the 96 acres simply because the proposal was in the Bill.

MR. FOULKES: The clause did not say that these leases were to be amalgamated as a matter of course, but that application might be made to the Minister, and one took it that the Minister had power to refuse the application.

THE MINISTER FOR MINES: Oh, no.

MR. FOULKES: If it were regarded as a matter of right, it would be stated.

THE MINISTER FOR MINES: It was the same under the old Act, and the words were binding. It meant that if everything was in order, amalgamation should be granted.

MR. FOULKES: The clause was capable of the interpretation he placed upon it.

MR. JOHNSON: It had been ruled otherwise under the old Act.

MR. HASTIE: The word "may" was regarded as imperative. He had heard of no case where the Minister had refused to grant amalgamation.

THE MINISTER FOR MINES: The Government had always held that amalgamation must be granted, if everything was in order.

MR. HASTIE: If there was any doubt about it, the word "shall" might be inserted. The Minister had pointed out that a larger area of ground than 48 acres was often required for the more economical working of machinery. How would it be if we said that amalgamation up to 48 acres should be allowed, and that the area might be extended to not more than 96 acres when it was proved to the satisfaction of the Minister to be necessary for the economical management of the mine? This might be done, because he took it that it would be a very difficult thing for anyone to prove such extension was necessary for economical working. He did not believe there was any reasonable man in the country who would swear to that proposition. The number of mines on the Golden Mile which returned dividends were ten at present. Out of those ten, four—Boulder, Lake View, Associated, and Brown Hill Oroya—had large areas, from 48 acres up to about 100, but not one of the other six, consisting of the Ivanhoe, Perseverance, Horseshoe, Kalgurli, South Kalgurli, and Hainault, had 24 acres. No difficulty had been raised in getting whatever capital was required for these mines, nor could any reasonable man suppose that any difficulty would ever be felt by any company with a small area. The Minister had not given us any reasons showing why it was in the interests of the State that any company should have power to prevent a large amount of work from being done on a gold-mining area. There was nothing to prevent any company taking up as much area as it liked, providing that company would work it.

THE MINISTER FOR MINES: Yes, there was.

MR. HASTIE: No. In some centres there was a certain amount of gold the greater part of which could only be obtained by the prospector, and that gold would never be obtained if the ground were in the hands of one company. How many of the big developed mines we now had worked over a great area? Let one take the Great Fingall. They worked 600 feet, then there was a blank, perhaps 30 or 40 feet, and then they worked 400 feet, and not a foot more. The manager knew it would be throwing away money if he went prospecting outside that area, and he would not do it so long as he could get sufficient gold. If at the end of 1,000 feet that ground belonged to another company, it would be seriously developed. Practically the same principle applied to other parts of the goldfields. What he said just now was not by way of moving an amendment, but with the object of seeing what the Minister might have to say as to whether such a thing could be done or not. Anything done to increase the amount of ground held by one company greatly retarded the development of mining in this State.

THE MINISTER FOR MINES: With reference to the wording of this clause, the Government had always regarded the word "may" as meaning "shall," so that if any person made application for the amalgamation of certain leases and the

application was in order and the conditions of the Act were complied with, such person had a right to demand the amalgamation he proposed. He (the Minister) did not think the member for Kanowna (Mr. Hastie) had brought forward any new argument except that it was probable that smaller areas were better. One did not understand why the hon. member should not go back to quartz claims the same as existed in Victoria in the old days; but there they found that those small areas were not sufficient, and under the conditions of mining existing in that State a large area could be amalgamated so as to enable owners to erect large quantities of machinery and provide for a large output. He (the Minister) did not think we were going to do any injury to the State by leaving the amount at 96 acres. He proposed, when we came to Subclause 2, to agree to a reduction of the area from 66 chains to 55 chains. It would, in his opinion, be wiser to leave the clause as it stood, but he would promise the hon. member to consider that new phase of the question brought forward, that being the giving of a right to amalgamate up to 48 acres, and a permissive power to the Minister to grant up to 96 acres. If we could come to some clear agreement about it, he would be able to consider the propriety of doing that on recommittal. The limit of 96 acres was in the present Act, and under this provision amalgamation had taken place to a large extent. The argument against amalgamation used by some members should not be confined to the Kalgoorlie belt. Taking the case of the Cosmopolitan leases at Kookynie, there was a real necessity for amalgamating a larger area. This applied also to the Sons of Gwalia and the Great Fingall companies. If one company made a profit out of the working of its ground, the company would be likely to do more prospecting outside the main line of reef if amalgamation were allowed, and this had been done in some cases. He would promise to confer with the hon. member with regard to a permissive right of amalgamation up to 96 acres and an actual right of amalgamation up to 48 acres; and if the hon. member chose to move now that the length of amalgamation be reduced to 55 chains along the line of reef, he would agree to that.

Amendment (to reduce the area from 96 to 48 acres) put, and a division taken with the following result:—

Ayes	...	...	10
Noes	...	...	13
Majority against	...		3

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Connor	Mr. Burges
Mr. Daglish	Mr. Ewing
Mr. Hastie	Mr. Ferguson
Mr. Johnson	Mr. Foulkes
Mr. O'Connor	Mr. Gregory
Mr. Purkiss	Mr. Hayward
Mr. Reid	Mr. Hicks
Mr. Wallace	Mr. Hopkins
Mr. Taylor (*Teller*).	Mr. Oats
	Mr. Phillips
	Mr. Piesse
	Mr. Higham (*Teller*).

Amendment thus negatived.

MR. HASTIE moved, as an amendment in Subclause 2, line 2, that the words "sixty-six" be struck out and "fifty-five" inserted in lieu. This would carry out the suggestion of the Minister to limit the amalgamation to 55 chains along the line of reef.

Amendment passed, and the clause as amended agreed to.

Clause 87—Amalgamation of leases under special circumstances:

THE MINISTER FOR MINES: After reading this clause carefully, though he saw no other objection to it, it would be wise to insert the proviso contained in the previous clause by adding the words, "No amalgamation of lease shall be permitted if, in the opinion of the Minister, the length of reef or lode exceeds fifty-five chains." He had no desire to see companies take up large areas; but it would be wise to insert this discretionary power to limit the amalgamation. He moved this amendment accordingly.

Amendment passed, and the clause as amended agreed to.

Clause 88—Amalgamation of coal-mining leases—agreed to.

Clause 89—Cancellation of amalgamation:

THE MINISTER FOR MINES moved as an amendment,

That the following words be added to the clause: "The Minister may, in his discretion, cancel any amalgamation of leases effected before the commencement of this Act, and require the lessee to apply for an amalgamation under the provisions of this Act."

The reason he desired to obtain this power was that in a few cases amalgamation had been obtained under what he

believed to be in some degree fraudulent representation, that was by persons who were not the owners of the whole area amalgamated at the time of the application being made. He found that this had been the case in regard to some of the properties at Bonnievale. Nothing of the kind had occurred lately, because he had insisted that in any application for amalgamation the papers should go before the registrar, who must certify that the areas to be amalgamated were all held by the one person or company. There was no power at present to cancel a lease once granted, and for this reason he desired the power to be provided in the Bill so that if, in the opinion of the department, any amalgamation had been improperly obtained, there should be power to cancel it.

MR. HASTIE: Supposing the amalgamation of certain leases had been granted, and the labour conditions required 20 men to be employed, and say only 15 or 16 were employed, would that make the whole of the property liable to be cancelled, or only part of it?

THE MINISTER FOR MINES: The whole of the property would be liable to cancellation if the labour covenants were not complied with; but in making the application for cancellation a particular portion of the property might be specified, and that portion could be cancelled separately.

MR. HASTIE: The Bill provided a penalty in lieu of forfeiture.

THE MINISTER: Not in this clause.

MR. HASTIE: If forfeiture were to be the only penalty, no Minister in this or any other State would forfeit a property on which considerable expenditure had been made, if in such a case as he had instanced the labour conditions were not fully complied with.

THE MINISTER FOR MINES: We were not dealing with that now; but the whole of the property would be liable to forfeiture, or a portion of it could be forfeited if the labour conditions were not fully complied with. There was power to forfeit a part in that way.

MR. DAGLISH: Was it advisable that the right of amalgamation should be granted for an indefinite length of time, or was it to be limited to a specified period? While a man had to do a certain amount of development work, and possibly put far more into the leases than he was getting out of it, there might be a certain amount of cause for amalgamation; but if a company held a large area of valuable mining land, and was getting very handsome dividends from the one lease on which the labour was concentrated, did the Minister seriously contend that a right to amalgamation should be considered? The Minister should go into the whole question. The tendency of unrestricted amalgamation was simply to prevent the development of our gold resources, and it was to be regretted there was no time limit placed on the power to amalgamate. At the very utmost the right should be subject to annual renewal, and a company should have to show cause why it should be allowed to retain the right once it was granted.

THE MINISTER FOR MINES: This was a matter well worthy of serious consideration. The power was given to the Minister by the proposed addition to the clause, to cancel any amalgamation before the commencement of the Act, but that power was only for the purpose of cancelling any amalgamation wrongfully obtained. There was an impression that amalgamation would last as long as the lease lasted; but now the matter had been brought forward he would give it serious consideration, and see whether it would not be wise to make it necessary that applications for amalgamation should be reviewed perhaps triennially. It was harassing to companies to have to come up for amalgamation and concentration every half-year, because companies would not know where they stood. He (the Minister) did not like the principle of concentration. We wanted companies to understand that, if they expended a large amount of money and did good development work they could retain their larger areas; but it might be wise, as the hon. member for Subiaco pointed out, to make some limit to the time, when we could either cancel or impose special conditions. It would be wiser to impose special conditions in the event of a company not carrying out work considered desirable by the mining inspector.

MR. TAYLOR: Two years should be the longest period of amalgamation. If a company held 96 acres, of which 24 acres or 48 acres kept 20 or 40 head of stamps

going, and employed perhaps 300 or 400 men for ten, twenty, or thirty years, it held another perhaps equally valuable property lying idle, and prevented another, a similar company, from working it; such areas were held purely for flotation purposes, and not for actual development or for the increasing of the gold output. He (Mr. Taylor) would strenously oppose any amalgamation that lasted longer than two years.

Mr. HASTIE: There had been mistakes on the part of the department in the past. Would there not be mistakes in the future? Would it not be as well if the Minister could retain the power over present as well as past amalgamations? The amendment only referred to previous amalgamations; but the Minister should also have power for the future. In spite of the fact that the majority of the House had decided to delay the development of the State for ten or twelve years, he could assure the Minister that, if he brought forward a proposal of the nature suggested, it would be very strongly supported in the House.

Amendment passed, and the clause as amended agreed to.

Clause 90—agreed to.

Clause 91—Exemption from labour:

Mr. HASTIE: The clause mentioned conditions under which people could get exemption. The first condition was that in Subclause 1, which said, "want of capital, after a fair sum shall have been expended." There had been hundreds of cases of people applying for exemption who had no capital to start with, but had put in an immense amount of labour. It was the custom of many wardens to consider the expenditure of labour as equivalent to the expenditure of capital.

The Minister for Mines: They were identical.

Mr. HASTIE: People should be able to clearly see under what circumstances they could get exemption. He moved as an amendment.

That the subclause read, "Want of capital, after a fair sum or fair amount of labour has been expended."

The MINISTER FOR MINES: There was no objection to the amendment, although the additional words were not necessary. Labour was capital. No reasonable man would hold that the expenditure of labour was not the same as the expenditure of a fair sum of money.

Mr. TAYLOR: In the past land would be held by a company simply for flotation purposes. Little work would be done on it, but money would be spent, and the company would obtain exemption on the ground of the expenditure of capital although there was no work as the result of it. An adjoining lease might be worked by leaseholders putting in legitimate labour. If these leaseholders applied for exemption, and the application was opposed, they had great difficulty in having their application granted, notwithstanding that they had sunk 100 feet of shafting, as against 30 feet by the company. It was absolutely necessary that the words should be added to the subclause.

Mr. WALLACE: The words were superfluous, because throughout the past working men had little or no trouble in obtaining exemption on the ground that they had done so much work. Wardens had always, in their discretionary powers, allowed bodies of working men to have exemption equally as liberally as parties who had expended so much cash.

Amendment passed, and the clause as amended agreed to.

Mr. Hastie: The Chairman was proceeding too hurriedly. There was a farther amendment on the Notice Paper to the clause just passed, and now it could not be discussed.

The Chairman: The hon. member had had more time allowed than he would get in the House of Commons. The hon. member could move his second amendment on recommittal. Had it been noticed, attention would have been drawn to it.

Clause 92—Application for exemption:

Mr. BATH: Subclause 2 empowered the warden to grant, without reference to the Minister, exemption for one month. This was not clear. Apparently the warden might, without consulting the Minister, grant, on repeated applications, exemption for several consecutive periods of one month each.

The MINISTER FOR MINES: A limited power was given to the warden. He could grant one month's exemption without reference to the Minister; but records had to be sent to head-quarters, and to grant to the same applicant

several exemptions of one month each continuously would look bad. All exemptions, except the 14 days' protection, had to be granted in open court. Some members who had spoken against exemptions ought in fairness to have drawn attention to the number granted. A new regulation framed by him, No. 120, prescribed that, during the month of August in each year, a report of all exemptions granted during the past year should be laid by the Minister on the tables of both Houses if Parliament was in session, and if not, then within 14 days after the commencement of the next session. For that he deserved some little credit; for any member could see from the return whether undue exemptions had been granted. That complaints were groundless was shown by a return of fees received by the department for granting exemptions during the last four years: 1900, £6,343; 1901, £5,474; 1902, £4,433; and 1903, £3,442—a reduction in four years of nearly 50 per cent., arising from the greater care exercised in granting exemptions. If Clause 93, giving the right to demand exemptions, were passed, he hoped Clause 91 would become almost a dead letter, or would not be used to any great extent.

MR. BATH: There was no fear that the present Minister or the present wardens would grant several consecutive monthly periods of exemption; but we must legislate for the future, and such power ought not to be given. The clause should be altered to read that exemption for one period not exceeding one month might be granted without reference to the Minister, and protection for one period not exceeding 14 days without a hearing in open court. This would render it impossible to defeat the previous provisions of the Bill.

THE MINISTER FOR MINES: A certain discretion must be left to the warden. Special circumstances might render necessary the granting of another month's exemption, or of another 14 days' protection. He always declined, unless in very special circumstances, to receive any application for either protection or exemption which had not first been made to the warden. There might be a fear of some collusion with a view to robbing the holders or a creditor. If he (the Minister) granted exemption refused by the warden, he took the full responsibility. Wardens were not likely to abuse this power.

MR. HASTIE: Did the clause authorise the warden to grant exemption every month?

THE MINISTER FOR MINES: In open court he could grant exemption for this month, the next month, and so on for 12 months; but the warden would not have such power long if he exercised it. He (the Minister) at one time found continuous protections being granted, and he at once stopped the practice. If a second protection were granted, headquarters had to be advised of the reason why. To make the Bill too stringent might do boundless injury.

MR. JOHNSON: As exemptions had to be granted in open court, there was not much danger of a warden granting several consecutive one-month exemptions.

THE MINISTER FOR MINES: These would have to be immediately registered in the head office.

MR. JOHNSON: But exception was taken to Subclause 2, which permitted the warden to grant 14 days' protection without any hearing in open court. In one case a warden granted 14 days' protection after three or six months' exemption; in fact, most companies, after having three months' exemption, reckoned on getting 14 days' protection.

MR. MORGANS: What was the company referred to?

MR. JOHNSON: The Kalgoorlie Amalgamated Company, who received 14 days' protection after their time was up. There was no end of trouble over the continual exemption of the company's leases. In and around Kalgoorlie the whole agitation against continued exemption and so much concentration was caused by this case. Many men had their eyes on the leases, expecting to get tribute if the company would not work them; but the company got 14 days' protection, and afterwards applied to the Minister for concentration, which was refused unless the company would grant tribute in the event of their not working the property. The company declined to grant tribute, went to the warden, and got another 14 days' protection, which the warden was certainly not justified in granting. There was only a week or two between the dates on which the two pro-

tections were granted; and the warden could have continued to give these periods of 14 days' protection. Wardens should not have so much power. If the protection had to be given in open court it would be unobjectionable; but none knew what influences or arguments were brought to bear on the warden. Insert a limit providing that the warden might grant 14 days' protection after consulting the Minister. He moved as an amendment,

That the word "a" in line 8 be struck out and "one" inserted in lieu.

Mr. MORGANS: Perhaps the amendment would not interfere with mining companies; but to unduly curtail wardens' powers would be wrong. A warden fit to hold office could be trusted to decide, either in private or in public, whether it was safe to give a man another 14 days' exemption if required. If the suggestion of the member for Kalgoorlie were adopted, it would be necessary to see that the Minister did not cause an injustice. It was not a matter of much importance as far as it affected the companies, but it would be a mistake to curtail the jurisdiction of the wardens too much. As a rule the wardens exercised their authority with prudence and justice. The hon. member had given one instance in which a warden had granted a fortnight's exemption, but that was not a serious matter. He (Mr. Morgans) did not know what had happened, but he supposed the company did not get farther exemption. He was sure the warden would not allow leases to be amalgamated unless good reasons were shown. No matter how good a law was, some loopholes would be found; therefore it was not wise for the member to press his amendment, because wardens should have a certain amount of power and be trusted.

The MINISTER FOR MINES: Wardens must have discretionary power because we did not know the circumstances of each case. One must take the ordinary acceptation of the clause, but extraordinary circumstances might arise which would render it necessary that exemption should be granted. If a case arose and a warden could not grant exemption, forfeiture must necessarily follow. Such a position could not be tolerated. If the Bill said that protection was not to be afforded to a lessee and he (the Minister) saw good reason why protection should be afforded, he thought he would grant the protection. If the Bill provided that only one period of protection was to be granted a very valuable property might be at stake, at the same time there might be special reasons for granting exemption. If exemption could not be granted the lease would have to be forfeited.

Mr. Johnson: There would be no objection to the Minister granting it.

The MINISTER FOR MINES: The Minister only dealt with *ex parte* statements, while the warden had full knowledge of the circumstances of the case. He was quite agreeable that the application to the warden should be heard in open court, but the application to the Minister could not be heard in open court. He would see if the clause could be so altered as to provide that applications to the warden, after the first period of protection had been granted, should be made in open court.

Mr. BATH joined issue with the member for Coolgardie when that member said this was a matter of no importance. The 1895 Act was as good a law as any State possessed. The inefficiency of the Act was due to maladministration; in the first instance by incompetent Ministers, and in the second place by incompetent wardens. It did not matter how good the law was there would always be trouble if too much discretionary power were given. The Bill should set forth specifically the duties of wardens on important issues, and it should only be in extreme cases that discretion should be left to the wardens. Bad administration had been due to too much discretionary power being given to Ministers and to wardens. He desired to see some limitation placed on the number of periods of protection or exemption. In the case of the first fortnight's protection, that could not very well be heard in open court; some contingency might arise by which it was necessary for a company to discontinue work, and if the application had to be heard in open court, days might elapse, and the lease would become liable to forfeiture. There should be power given to wardens to grant the first fortnight's protection, but the Bill should set forth how many periods of protection should be granted. After the first period of protection, subsequent applications should

be heard in open court, and a decision given on the merits of the case.

MR. TAYLOR: While it was necessary that wardens should have discretionary power, and perhaps plenty of it, it was also necessary that there should be a system of shifting wardens from one district to another. It was all very well for members to say that wardens who resided in a district for a number of years did not make friends; they did make friends, and might be prejudiced without knowing it. Wardens might go into court having the facts of the case in their knowledge; they might have talked it over before the case reached the court, and wardens were only human, and were likely to lean more to the syndicate with whom they were in touch than with the prospector. In outlying districts a warden was just as much in touch with the small men as with the large men, but while discretionary power was placed in the hands of wardens the Minister should have power to remove the wardens from their districts. No warden should be allowed to remain in one district for more than three years. While the argument was strongly in favour of discretionary power being given to wardens, those officers should be removed occasionally. Two years ago he submitted a motion to the House to compel the Minister to transfer wardens at stated periods, and he withdrew the motion on the promise of the Minister that he would carry out the principle as far as possible.

THE MINISTER FOR MINES: A number of changes had been made.

MR. TAYLOR: But the promise had not been carried out. He had no desire to make a charge against any warden, for those he had come in contact with had done their duty honestly and fearlessly, according to their beliefs; at the same time no one was infallible, and wardens made mistakes. These mistakes were likely to arise if wardens, or any one administering justice, remained in a district for a long time, whereas mistakes were not likely to be made if a warden was a stranger and not acquainted with the people with whom he was dealing. A limit should be placed on the number of periods of protection granted by wardens or even by the Minister. According to the clause a warden could keep on giving a fortnight's protection as long as he thought his position was safe. If a great howl were made about it by the Minister, or some member made a noise about it, a warden might consider the number of fortnightly exemptions to be granted. There were mining leases in this very State which had never been worked for 12 months through protection and exemption and shepherding. Men had legitimately jumped these leases, and the Minister had awarded a nominal fine for non-fulfilment of labour conditions. That did not tend to develop the mining industry. Exemption and protection had been granted for 12 months, and afterwards the lessees did not fulfil the labour conditions, and the leases had been jumped.

THE MINISTER FOR MINES: What leases were they?

MR. TAYLOR: This happened at Mount Morgans, and the leaseholders were fined.

THE MINISTER FOR MINES: There was no case, as far as he knew, at Mount Morgans in which the leaseholder was fined.

MR. TAYLOR: It was the Trigg's Hill lease, he thought, but he was not sure. The court was being held when he was in the district, although he did not go to the court. It was generally understood by every person whom he came in contact with that the lease had been legitimately jumped, and that the jumping should have been upheld. He saw in the newspapers afterwards that the Minister had fined the leaseholders, in the face of evidence which was positive proof in favour of granting the forfeiture of the lease. The fine amounted to about £25. This circumstance occurred about eleven months ago. These were rare cases, but we had to deal with rare cases; we should profit in the future by the experience of the past, and after ten years of mining in this State we should be able to pass a workable measure without the loopholes which the member for Coolgardie explained so fully. He deprecated the absence of members from the Chamber when this Bill was being considered. This had been the case from the very start, practically an empty Chamber discussing a Bill of this great importance. It was not a fair thing to the mining industry.

With regard to Subclause 2, he hoped the Minister would see his way to insert a proviso by which the limitation would be "three."

THE MINISTER FOR MINES moved as an amendment:

That the following proviso be added: "That every application to a warden or other officer for a further period of such exemption shall be heard in open court."

This would do what hon. members wished. It gave power to the Minister to grant a farther period of exemption, and it also gave power to the warden to grant the first application at once without its being heard in open court, in order to protect the property. If it were found necessary to make a second application for protection, that application must be heard in open court.

MR. MORGANS: The warden ought to have the right to grant two applications, and the third should be heard in open court.

THE MINISTER FOR MINES: The warden should not have the power to grant two applications as suggested. Where there were no wardens, power was given to the registrar, so that the lessee would be in every way protected.

MR. JOHNSON'S amendment withdrawn.

Amendment (the Minister's) passed, and the clause as amended agreed to.

Clause 93—Exemption as of right:

MR. HASTIE moved as an amendment,

That the clause be struck out.

This clause proposed to abolish appeals in open court for exemption, and under it people were to be asked if they were prepared to sign a statement to the effect that they had spent a certain amount of money on the property. If they replied in the affirmative, they were to get an exemption by right. The Minister for Mines was correct in saying that if this clause were passed, Clause 91 would not be taken much advantage of. Those who knew anything about how these things were done were perfectly well aware there was no trouble whatever in going to the court, making statements similar to those required under this Bill, and demanding exemption. The first provision said that, if one wished to get exemption, he could obtain it for four months by going to the court and making a statement that he had been working on his claim for eight months. That was a very easy thing to say. One knew he ran a risk of being punished for perjury, but it was nobody's business to see if a person making this statement was telling the truth. For years the warden's court had been notorious for the number of deliberate falsehoods told. We were asked now practically to abolish the open court and accept any proposals of people who came before the warden and said they had worked their claim for eight consecutive months. If that were not sufficient, one could, by declaring he had spent a certain amount of money, be entitled to exemption. Under the third provision one did not necessarily require to say he had done much development of the mine, but would be required to swear that he had expended a certain amount of money—£1,500 in one instance and £3,000 in another. On several occasions people were known to go into the box, and although they knew they could be questioned and were liable to a charge of perjury, swear they had spent upon that ground from £1,000 to £5,000, when every person in the court, including in some cases the warden himself, knew that person had not spent £50 upon the property. The court, he admitted, did not always get the truth, but it would get ten times more truth than would be obtained under this secret affair now proposed. Rent on the goldfields was merely a nominal amount, the great thing being the labour conditions. The proposal now made would allow people to very seriously interfere with the labour conditions. Nine leases out of every ten taken up were not taken up for gold-mining purposes. People intended to do a little bit with them, making a pretence of performing the labour conditions, and then endeavouring to sell the property, and those people would to a large extent avail themselves of this clause. A very curious remark was made by the Minister for Mines, who stated that four years ago there were certain exemption fees which amounted to over £6,300, but during the present year only £3,400 was collected, thus showing that wardens were specially warned not to give exemption unless people deserved it, and exemption was less frequent, thus indicating that the conditions were better

carried out now, and that no person who deserved exemption was refused. That indicated that the administration of the Minister worked pretty well; but now the hon. gentleman proposed to abolish that safeguard by giving people a right to obtain exemption in the first place without making application in open court. Some of those who asked for this clause were good speculators, being men like the member for Coolgardie (Mr. Morgans). They would get hold of some property and work it partially, but not more than they could help unless they could get a lot out of it. It was said that wardens should have any amount of power, and that they would not go astray. Wardens were not bribable, but squeezable, and if the hon. member for Coolgardie went before the court to plead his case, could the warden resist the manner in which that member would endeavour to obtain farther exemption? There were many people on the goldfields just as good as the hon. member. It had not been shown that there had been any deserving applications for exemption which wardens had refused, and he hoped the Committee would not agree to this clause until that had been done.

THE MINISTER FOR MINES: This was one of the clauses going to make the Bill a really good measure, and he hoped it would not be struck out. There seemed to be a great impression that these clauses were inserted simply because they would give a certain amount of protection to the capitalist; but was it only to the capitalist this protection was going to be given?

MR. TAYLOR: Those were the only people who would avail themselves of it.

THE MINISTER FOR MINES: A letter had been received by him from a constituent of the member for Kanowna (Mr. Hastie), and this was one of hundreds of similar cases which had come under his notice. The letter said:—

> You perhaps remember a petition to you a few months back asking you to kindly allow the rent on the lease to stand over pending a crushing at the company's battery adjoining, and that you were good enough to do so until the 30th September. It is with the greatest disappointment and annoyance we have to report to you that the company's crushing for us appears as remote as ever. The position just is that we have a show developed, which we have proved payable, and from which we have picked five 10-ton parcels in the course of 10 months, averaging four ounces per ton, costing nearly an ounce for carting and treatment—the last parcel over a year ago, and we cannot, so far as we know, pick any more that will pay for carting to Kanowna. We know by the law the lease must be worked, but what could you do under the circumstances? Is it not the most exceptional case on the fields? Can it be expected we can go on getting stone out and no money ever coming in? Besides I have my little home in Kanowna to keep, where my wife and child are sharing my troubles, but if we are shut out from our lease simply because we cannot comply with the law, whilst ready to pay for crushing, then all our years' pioneering and toil and development is lost to us. We are again trying to negotiate with . . . . . , as the newspapers say the . . . . . mine must close down in a couple of months; but we can get nothing definite so far. As your time limit to us is near at hand, we humbly beg of you to protect us from work and the rent for a few months at least. Consider the rent as a small loan if you will, but we shall be only too pleased to pay you interest and all immediately we can get our stone crushed, when we shall at once leave any other work we may be doing and put men on to work also. We feel sure you would not be exceeding your authority by stretching a point in our favour, and nobody can complain, as the case is so exceptional. Besides the *bona fide* selector is assisted, and why not also the *bona fide* prospector? It is all for the good of the country. My mate and I have been six and eight years in the State respectively, and brought £1,200 between us, mostly spent in mining. We have been longest in Kurnalpi district, leasing the . . . the . . . . . , the . . . . . , and the . . . . . Our work on this last is worth £2,000—six shafts averaging 80 feet and 350 feet of driving. We have a substantial iron-roofed house and a first-class plant. The reef averages a foot wide. We again wish you to believe that we have done our level best to get on without assistance from anyone, and that we have the most solemn and honourable intentions. Hoping that you will grant this petition for which we shall be ever grateful, we beg to remain yours very truly, ——."

This was only one of many cases where men who had been prospecting for some time found that they had come to the limit of their resources, and desired to be able to obtain work, or in some other way obtain capital, to go on with their prospecting. It was mostly to this class of people the Bill was intended to apply; and when we made it apply to one section of the community it was necessary to make it apply to others. He intended in Clause 94 to alter Subclause 2 and make it read:—"The Minister shall direct evidence to be taken by the warden

in open court." All these cases should go through the warden's court and be heard in open court, the evidence being sent down to the Minister, who had the final decision.

Mr. Hastie: Then the clause was of no use?

The MINISTER FOR MINES: The clause would give the right to a man, after doing eight months' *bona fide* work, to obtain four months' exemption. If the property was worked partly by working men and partly by parties who, though not working, were providing the funds, or if a company had a capital of not more than £5,000, the right was given to demand exemption up to three months after nine months' work. In the case of companies the clause provided for six months' exemption after the expenditure of £1,500, and 12 months' exemption after the expenditure of £3,000. In Tasmania the right was given to have exemption up to three years according to the amount expended upon the property. In Victoria, in a new Bill, it was enacted that the right to exemption for three years should be given according to the expenditure of money. Leaseholders were supposed to expend a small amount of money each year. This money was allowed to accumulate, and whatever the owner had expended over and above the required amount entitled him to exemption for a period not exceeding three years. The same clause applied in Tasmania, where mine owners could, for the expenditure of money or for the employment of a certain amount of labour in excess of the amount they were obliged to expend under the Act, have exemption up to three years. The clause in this Bill provided that the money must be expended independently of any gold got out of the mine. If any person made a false declaration he was liable to a very heavy penalty, and his lease was liable to forfeiture. It was necessary to make the penalty strict so that no false declaration should be made. The clause went farther and said that companies would have to grant tribute if they locked up country. The principle of tribute would be as in the case of the tributes on the Cosmopolitan and the Sons of Gwalia mines already provided for. The clause provided that the tribute would be given on any part of a lease except in the main workings, as the Minister might prescribe. It would hardly be right to compel the company to give tributes in the main workings, and then to compel it to lease its machinery to people who might destroy the whole of the plant. The conditions prescribed in regard to the cases mentioned were that in developed country below 50 feet the tribute should be 10 per cent., and only 2½ per cent. in virgin ground or in other ground less than 50 feet in depth. The same conditions would apply in future cases. The clause farther provided that exemption should be granted in respect of any expenditure incurred prior to the date of any expired exemption. There should be no farther occasion for applications for exemption, unless under the special circumstances of the clause, and he hoped that the applications made in the future would be few and far between. The proposal would give the prospector a chance to hold his ground, and it was desired that he should get some protection. He (the Minister) six years ago had moved that the prospector should get exemption by right. The well-educated man was always prepared to come forward and place his case before a warden, but the poor prospector hardly cared to go before a warden and ask for exemption. He should have the right to demand exemption. One could understand the member for Kanowna objecting to the period of the exemption, but after acceding to Clause 91 he should not ask that Clause 93 be struck out. The clause had been referred to the Chamber of Mines and to the Miners' Association. The Chamber of Mines desired a great deal more than was given, but no objections were laid against the clause by either party. There seemed to be a feeling with the association that the clause was not a bad one, but that it was a very fair one indeed, although they might not agree to the whole of it. Large areas of land would not be locked up. Some members thought that companies would desire to close down in order to create a panic in labour troubles; but the labour covenants did not affect mining companies whatever. They only affected prospecting parties. Most of the large propositions working now employed many times the number of men required under the labour conditions. The Great

Boulder could be worked with very few hands to comply with them. He (the Minister) was doing as much as he could to get the working men to work their own leases. By the system of public batteries he was aiding them, and in a few years' time we would find a great many well developed properties held by these people. The clause should be passed, with the few amendments of which he (the Minister) had given notice.

MR. HASTIE hoped the House would not follow the terrible example of States like Victoria and Tasmania, where there had been practically no mining laws and regulations as to speculative companies, where large areas of valuable and "likely" ground were idle, and where the lessees were encouraged to leave it idle. To legislate to encourage our own people to hold mining properties would be all right if it were customary in wardens' courts to refuse such people exemption; but he (Mr. Hastie) had known hundreds of applications by working men, who had always been granted exemption. Wardens were just as considerate as a Minister. If the clause were really needed, then wardens had not been doing their duty. The demand for the clause had arisen because certain people had not legitimately developed their properties, or had published exaggerated reports of the value of such properties, telling their London principals that development had been prevented by the undue interference of the Minister and the warden. Such lies *had* been told hundreds of times. Many of the people responsible were resident in the State, and such misstatements were common in London papers. Hence the London investor said that there was not sufficient security for money sunk in our mines, and that after huge expenditure exemption was not obtainable.

THE PREMIER: Then to pass the clause would prevent many falsehoods.

MR. HASTIE: No. Pass the clause and those people would ask for ten times more.

THE PREMIER: But they would have no farther excuse for complaining.

MR. HASTIE: A goodly number of mine managers in this State could not afford to tell the truth; for if they d d their positions would not be worth three months' purchase. That was the principal reason for this loud cry for exemption as of right. He had lived in a district containing more small mines than any other part of the State contained; and he did not know of one genuine complaint. Subclause 1 was ostensibly for the assistance of the working man, but was unnecessary. Trust the warden to treat the applicant fairly; and until somebody showed a case in which the warden had acted unfairly, there was no justification for taking this power from him. The Minister had just read a nicely-worded letter from a friend of his (Mr. Hastie's) who had been mining near Kanowna. But that man, in addition to writing to the Minister, applied to the warden for exemption, which was granted twice without trouble. People who really deserved exemption would not have any trouble in getting it under Clause 91. Let the Committee take a stand for once, and strike out this clause. Remember that from 1895 to 1898, when leases were taken up hand-over-fist, our mining laws were most strict; no exemptions as now proposed were allowed; and the amalgamation of a great number of leases was impossible. Yet people were anxious to invest huge sums here. It was untrue that investment would decline unless increased privileges were granted.

MR. BATH: The Minister was taking a demoralising course in following Victoria and Tasmania. The general legislation of those States had driven population from their shores; and their mining legislation, if of the *same* character, would probably have the same result. Better rely on the report of our Royal Commission on Mining, presented in 1898 by men who had an opportunity of visiting our mining centres and ascertaining the prevailing conditions. They, though considering it necessary to alter the labour covenant from one man to three acres to one man to six acres, were most emphatic in recommending that due care should be exercised in granting exemptions. New South Wales had precisely the same experience; and the Minister there was in favour of greater inquiry into applications for exemption, and more stringent labour covenants. The great objection to the clause was that it would grant exemption on the statement that the applicant had done a

certain thing. What justification was there for saying that our labour conditions were too stringent and vexatious to encourage investors? He did not know of any mining company, prospector, or working miner, who had legitimately worked a proposition and had been harshly treated by the warden. Wardens were too apt to err on the side of leniency, though one could not blame them for that, for every consideration should be extended to an applicant for exemption who had done legitimate work; but the clause would be altogether too lenient, by allowing people to evade labour conditions on their stating that certain work had been done. He had heard applicants swear that they had sunk so far and driven so many feet at such a cost; whereas any working party of miners, or co-operative company, could go into the mine and do the work for one-tenth of the alleged cost.

THE PREMIER: By the clause the application must be made in open court.

MR. BATH: That was not clear.

THE MINISTER FOR MINES: It would be made clear that it must be granted in open court.

MR. BATH: But was it not infinitely better to have the application made first in open court and considered afterwards?

THE MINISTER FOR MINES: Subclause 2 would be altered with that object.

MR. BATH: Good. But as to the cost, an applicant might be able to prove a certain expenditure, and yet the work done might be infinitesimal compared with what could have been done. Mine managers frequently squandered money with discreditably small results.

THE MINISTER FOR MINES: Still, such companies were worthy of a little consideration.

MR. BATH: Not one instance could be produced of any legitimate mining company or prospector having suffered injustice on application for exemption in open court; but if exemption were made contingent on a certain amount of work, a loophole would be left for underhand business and the non-observance of labour conditions. The whole history of Australian mining showed that labour conditions could not be too stringent. Every ounce of precious metal abstracted from he soil reduced the value of the national asset; and though the State benefited indirectly through the wages fund, it must look to the labour conditions for securing an adequate return. The opponents of labour covenants had not proved their case; and much of this agitation here and in the old country had been fomented by local agents to cover the fact that they had practically plundered investors and had proved themselves incompetent. Hence they wished to lay all the blame on our mining laws.

[MR. QUINLAN took the Chair.]

MR. MORGANS: The member for Kanowna had stated that nine-tenths of the mining leases were not taken up for the purpose of legitimate mining, but for the purpose of selling them. Let members follow that statement to its legitimate conclusion. These leases must be taken up for the purpose of finding a buyer who intended to work the property to get the gold out. Some leases in the boom days no doubt were taken up for the purpose of selling them, but a majority of the leases were taken up to-day by prospectors who hoped to find sufficient money to work them; and if they could not do so then it was only right that they should find a capitalist to buy the lease and work it. If a prospector found a good mine, and he had not the necessary capital to work it, he was justified in looking for a capitalist to sell the mine to. The London companies, or London capitalists, or any combination connected with capital, appeared to be a bogy to the member for Kanowna; for whenever he addressed the House on any mining question, he attributed all the evils to the London capitalists. If the member studied the question a little farther he would see that many of the London companies who had done so much for the development of the mining industry in this country were worthy of more consideration than the hon. member was disposed to give them. If we could make a capitalist of the hon. member, then he might look on the matter from a different standpoint. With regard to Victoria, which had just been quoted, we knew quite well that not many years ago Victoria was a very prosperous mining State, but the mining industry of that country decayed. What was the cause of that decay?

The member for Hannans said that he believed it was on account of the laxness of the application of labour and other conditions to mining. It was a very difficult matter to prove that. No doubt the industry in Victoria had declined because it had become impossible to work many of the mines on account of the cost, the trouble with water, and various other reasons. The great majority of people in Victoria had recognised that the mining conditions were far too severe to induce capitalists to invest in that great industry, and the Victorian Government, recognising the importance of the gold-mining industry, were so anxious to have it resuscitated that they despatched representatives to London to almost go down on their knees and beg capitalists to go to Victoria and recommence operations. On the question of labour legislation, Victoria had been far ahead of any other State in Australia. [MR. BATH: Nonsense!] There had been more labour legislation in Victoria than in any other State in Australia. He was not discussing whether that legislation was good or bad; he was only making the statement that it was so. In Western Australia mining was prosperous, because we had probably the best gold mines in the world, and we had a very large area to operate on; but there was no reason, because the industry was prosperous, that it was necessary to make the laws severe against capital. That was not a good policy, it was not in the interests of the State. It was the greatest mistake in the world to handicap any industry, whether in a prosperous or decaying condition. It was unfair to handicap the mining industry and to name it specially for the purpose of a handicap.

MR. ILLINGWORTH: How would this clause handicap it?

MR. MORGANS: It did not. He was now trying to answer some of the arguments brought forward by the Labour members in the House; he was going to vote for the clause. We had no right to handicap the mining industry any more than we should any other important one, but the mining industry was the only one that was handicapped, and one of the handicaps was the labour conditions, and the labour conditions on mining leases in Australia were simply a reflex of the principle of class legislation. The object of imposing labour conditions on mines was to protect the worker. Why should one man in the State be protected more than another? Ever since he had been in the State he had never applied for exemption on a mine, so that he was not speaking from a personal motive in the matter; he was not likely to apply for exemption. The member for Hannans said the object of the labour conditions was to protect the mining industry, but the real object was to protect the worker and the miner.

MR. BATH: They were introduced before there was a Labour party.

MR. MORGANS: One was not blaming the Labour party. Indeed, he congratulated the Labour party upon the way in which they advocated the principle. He had never raised any strong objection to this except in the course of argument, because it made no difference to him whether there were labour conditions or not. He could assure the member for Kanowna (Mr. Hastie), who had spoken so much about London capitalists and companies, that it was not easy now to get them to put money into mining in Western Australia. It was one of the most difficult matters in the world to get capital from London or any other part of the world at the present time.

THE MINISTER FOR MINES: There was a much better feeling now.

MR. MORGANS: That difficulty was not because the mines were not good, but on account of other reasons. It was a mistake in any legislation to impose conditions which appeared on the face of them to be unfair to one party to the contract, and this clause was a step in the right direction. From the point of view of any capitalist, there was an element of unfairness in the existing state of things with regard to the forfeiture of leases in this State, and now the Minister introduced a clause which, to some extent, met that objection.

MR. HASTIE: What was the unfairness?

MR. MORGANS: The unfairness was that if a man or company had spent several thousands of pounds and the banking account gave out, the whole thing had to be forfeited.

MR. BATH: No.

MR. MORGANS: One could give 50 cases where mines had been forfeited on

account of the individuals not having the necessary means.

The Minister for Mines: People had had to abandon them.

Mr. Morgans: They had had to abandon them simply because they had not the means.

Mr. Taylor: Could the hon. member mention one mine which had been abandoned, and had afterwards turned out to be a good one?

Mr. Morgans: If he had time probably he could give more than 50 cases. Anyhow, that was the view taken by a large number of investors. They said that if they invested their money in mining properties in Western Australia under certain conditions—conditions of shortness of funds and various other conditions—there was a chance of their losing their properties; he would not say forfeiting them, but being obliged to abandon them. Here was a clause which did no harm to the principles advocated by the members on the Labour benches, nor could it do any harm to the class they represented. This clause gave a right to four months' exemption "in respect of any lease the property of working miners, on proof to the satisfaction of the Minister." Was not that a sufficient guarantee, "on proof to the satisfaction of the Minister"? Surely no Minister of the Crown would ever allow himself to be hoodwinked, and it was very difficult to hoodwink wardens.

The Minister for Mines: Applicants must swear a statement, and if they made a false statement they were liable to have their property forfeited and to be called upon to pay a fine of £100.

Mr. Morgans: Yes. A warden was a gentleman who occupied a highly important position under the Crown. He was directly under the authority of the Minister, and all his actions were open to the light of day. There was no public official in the State more watched than a warden; and after all this search-light on the warden the recommendation went to the Minister, and then the Minister had the search-light of this House upon him; so it was not at all probable that anything unfair would be done under this clause. It seemed to him that we could not possibly protect the leases nor could we protect the interests of the Crown very much more fully than had been done in this Bill. The first subclause of this clause was inserted entirely in the interests of the prospector. One could understand there might be some slight objections to Subclause 3 on account of the London capitalist or company. It was, however, nothing but fair that if a company proved to the satisfaction of the Minister that it had spent a certain sum of money and that funds had run short, or for some other reason it could not go on with the work, it should have the exemption provided for in this clause.

The Minister for Mines: The money specified was in addition to any gold the company might have won from the mine.

Mr. Morgans: Yes. The lessee must spend in mining or machinery £1,500 independently of the proceeds of any gold or mineral derived from the mine. If a man had spent that amount for every 24 acres, he had a right to ask for six months' exemption, and if he had spent £3,000 he was entitled to make application for 12 months' exemption. What would an agriculturist say if the Government sold him 500 acres of land on the very easy conditions of paying sixpence per acre per annum, and came round and said, "If you do not employ six men upon every 24 acres, your land will be forfeited"? If one compared the value of agricultural properties and that of gold-mining properties, the sum total would come out very much in favour of the former.

Mr. Bath: The gold was decreasing, but the agricultural property was not.

Mr. Morgans: That had nothing to do with the argument. There was no class which contributed to the coffers of the State so much as the mining class, taking it all round, and that alone was one of the reasons why we should induce men to come on the mines and work them.

Mr. Bath: The Labour party wanted to insist upon people working the mines.

Mr. Morgans: That was not fair, for there might be many reasons which would prevent a man from working his mine. Supposing he got drowned out, he might have to raise £20,000 or £30,000 to put in pumping machinery, and one would like to know whether it would not be a fair thing for that man to ask for a year's exemption.

MR. BATH: Subclause 3 of Clause 91 gave that as a cause for exemption.

MR. MORGANS: Here one was resting on the will of the Minister; but why should not a miner or mine-owner as much as anyone else be allowed to ask for the guarantee?

MR. BATH: The hon. member would not trust the warden.

MR. MORGANS: One was prepared to trust the warden, but where the title of his property was concerned he would not trust anyone; he would want the signature of the Crown for that. If the hon. member bought property he wanted proper transfers and signatures, and people had a right to ask for the same thing in this case. He believed the clause would be a good one, and that it would result in more good to the workers than to the capitalists.

MR. TAYLOR: A new Labour man stood up!

MR. MORGANS: Never had he asked the House to believe that he was either a pronounced democrat or a Labour man.

MR. TAYLOR: It would be of no use.

MR. MORGANS believed he could show that he had done as much good to the labourer in Western Australia as had any man in this State, and he did not think that the worker had in this State a better friend than himself, or one who would do more for him or help him more if he had the opportunity. But it was not his business to stand up here and say he was advocating this on account of labour. He was simply giving his opinion that the effect of the clause would be to do labourers good, inasmuch as it would establish confidence, which was required in the development of the mining industry in this State, and if that transpired, a renewal of confidence in the mining transactions and investments of Western Australia would as a natural consequence benefit the worker. That seemed to be a logical conclusion. He hoped the clause would stand unaltered, because he believed it was one of the best clauses in the Bill. None of the enterprises with which he was connected would be benefited by the clause, so he was advocating it not in the interests of the companies with which he was connected, but in the interests of mining generally. The clause would go far to restore confidence in the mining industry, which was badly needed in Western Australia to-day.

MR. TAYLOR: The speech of the member for Coolgardie had confirmed one's idea that the clause should be struck out. The want of confidence the member for Coolgardie had spoken of had been brought about by the mining promoters, and not by the refusing of exemptions by wardens. He (Mr. Taylor), during 10 years' close observation, had never known of any case of exemption being refused where anything approaching a legitimate case had been made out for it.

THE MINISTER FOR MINES: Many cases had been recommended, but were refused altogether by the Minister.

MR. TAYLOR: That showed wardens had been more than liberal in granting exemptions. The clause need not be inserted in the Bill, since Clause 91 covered that ground.

THE MINISTER FOR MINES: In a little while Clause 91 might be omitted.

MR. TAYLOR: Clause 91 should be maintained to carry on the mining industry of the State. The first subclause dealt with the prospector or working miner. The Mount Margaret electorate was the greatest prospecting electorate in the State, yet he was prepared to forego the subclause so that he might strike out the following subclauses. Mining companies could without rhyme or reason shut up their mines for 12 months and close down whole districts. That was sufficient cause for him, as representing labour in the Chamber, to vote against the clause.

THE MINISTER FOR MINES: If the companies wanted to close down, they need only keep four men employed on 24 acres.

MR. TAYLOR: The labour conditions should be increased. The British capitalist was supported by every member in the House except the Labour party. Members, as soon as a division was taken, would be resurrected from the Committee-room to vote in the interests of the British capitalist. Companies would be able to close down by right, and throw hundreds of men out of employment, ruining business people who had sunk their money in districts, knowing that there would be good mining administration, that with less

plunder and proper supervision the mining industry would go ahead by leaps and bounds, and that the shareholders of South Africa and South Australia would not affect it. Now we found that the conditions were to be altered, and that there would be no proper supervision, so these business people would be ruined. Agricultural members should note this point and assist in striking out the clause. Under Clause 93 exemption would be granted whether money had been expended judiciously or not.

THE MINISTER FOR MINES: Three nights had been devoted to the Bill, and we had not got beyond Clause 93.

MR. TAYLOR: It would take three months to go through it.

THE MINISTER FOR MINES: If there was to be a threat of that sort, steps would have to be taken to get the Bill through. The hon. member knew that the majority should rule.

MR. TAYLOR: The majority was now in the smoking-room.

THE MINISTER FOR MINES: The hon. member worked himself up to a sort of fury about the danger of a township being closed down; but under the present conditions a mining company need only employ four men on a 24-acre lease, and there had been no agitation from any section of the community to have the labour conditions altered. By the clause the prospector, the working miner or the capitalist, after the expenditure of a certain sum of money, could have the right to demand exemption. They need not go cap-in-hand to the warden or Minister, or desire to curry favour with the warden, or bring political influence to bear upon the Minister to obtain exemption, knowing that after they had complied with the covenants they had a right to exemption. Had the member for Kanowna urged that though the right to demand exemption was good in principle we were giving away too much, one could have understood him; but how could anyone calling himself a democrat object to a principle which would avoid all sorts of favouritism? He (the Minister) hoped that in a few years we should be able to do away with the necessity for applying to a warden for exemption. Confidence would be created if the capitalist knew that after a certain expenditure he would not be dependent for exemption on either warden or Minister. It was absurd to say that exemption could always be obtained. Some six months ago, when the warden recommended exemption on some leases at Mt. Magnet, he (the Minister) declined, and declined also to grant some 50 to 60 exemptions recommended last year. In another case the company had spent £100,000 on the property, and got six months' exemption, which the warden refused to extend. On his own responsibility he (the Minister) granted an additional two months, on the distinct promise from the company, who were reconstructing, that on a certain date £15,000 would be sent out to work the property. The money arrived, and the property was now being worked. Had exemption been refused the property would have been forfeitable after an expenditure of £100,000. He was not agreeable to give the freehold, but would go as far as the clause proposed. The clause had met with the approval of all sections of the mining community when placed before them; it would be favourably received in London, and would attract capital, thus doing good to the workmen. It was one of the best clauses in the Bill; it had been fully considered; and members, knowing how he administered the department, especially with regard to exemptions, must believe that the clause was inserted with the full desire to make a good Bill. The object was to get the man now working for wages to try to develop his own mine; and the clause would give him as good a security as he could have. He (the Minister) wished the gold-mining lessee to look on his mine with the same sense of security as the farmer felt with respect to his farm. As to the tribute clauses, the exemption would apply to the main workings only. Even if the prospector wished this four months' exemption, he must be prepared to grant tribute of his leases while under exemption; and so must the mining company, except in the main workings. If the workings were at any depth—as they ought to be after an expenditure of £3,000—damage might be done by tributors in the main workings. The clause would be altered so that applications must be made in open court; and there was provision that any person making a false declaration was liable to a fine of £100 and the lease to

forfeiture. The provisions were stringent; yet the clause would do much good to the State, and give satisfaction to those trying to develop our mines.

MR. TAYLOR: As to the Minister's story of certain leases on which £100,000 was expended, no man knew more about that mine than the warden, who was perfectly justified in refusing exemption. Probably there was not a shaft sunk deeper than 100 feet.

THE MINISTER FOR MINES: What had been spent on cartage of machinery?

MR. TAYLOR: Ah! That was how the British capitalist was plundered. The money was spent on machinery before the mine was located. The machinery was bought in London to boom the show in Australia. Practically £100,000 was spent on machinery at a time when there was not on the lease a hole large enough for the burial of a man.

THE MINISTER FOR MINES: Who would have been the losers in the case of forfeiture?

MR. TAYLOR: Probably the people who had been plundered; but the man who plundered them should have suffered. It was owing to the warden's action that the extra £15,000 was forthcoming for development. There was absolutely no work done on the mine. The batteries had been standing still for the last 2½ years.

THE MINISTER FOR MINES: Last year the machinery started work.

MR. TAYLOR: The whole plant was standing idle nearly two years ago. The British capitalist was plundered by allowing men to import machinery for property which did not warrant the erection of a battery; hence injury to the industry and the necessity for restoring confidence. It was not that our wardens and our mining laws did not give sufficient exemption, but that capital invested was not judiciously expended.

MR. MORGANS: The property referred to was the Lake View mine; but the hon. member was in error in stating that £100,000 was spent on machinery. The prospectors of the mine received £25,000 in cash for the properties, which amount came out of the £100,000.

MR. EWING: Would this clause refer to coal-mining as well as gold-mining?

THE MINISTER FOR MINES: Yes.

MR. EWING: In that case he asked the Minister to agree to report progress, so that the matter could be farther discussed. He could understand the explanation of the Minister in regard to gold-mining, that there would be four men for every 24 acres; but as far as coal-mining was concerned, the conditions were one man for every 30 acres, which would mean 200 or 300 men on one particular property. Supposing an industrial trouble occurred between the coal-miners and the mine owner, and the sum of money provided in the clause had been spent, the owner would be entitled to exemption. He as a coal owner was interested in getting all the protection he could for the industry, but he wished to take a fair-minded view of the question.

THE MINISTER FOR MINES, in moving that progress be reported, asked that greater progress should be made with the measure when again under consideration.

Progress reported, and leave granted to sit again.

ADJOURNMENT.

The House adjourned at 10·45 o'clock, until the next day.

Legislative Council,

Wednesday, 14th October, 1903.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.