

Legislative Council,*Thursday, 9th December, 1897.*

Question: Bush Fires Act—Question: Regulations of Metropolitan Waterworks Board—Question: New Houses of Parliament—Motion: Abrolhos Islands Guano—Motion: Metropolitan Waterworks Board (further report)—Motion: Metropolitan Waterworks Board (accounts wanted)—Mines Regulation Act Amendment Bill: clause rescinded—Industrial Statistics Bill: third reading—Public Notaries Bill: third reading—Police Act Amendment Bill: third reading—Mines Regulation Act Amendment Bill: recommittal; Point of Order; President's Ruling; division on Clause 2—Circuit Courts Bill: in committee—Imported Labour Registry Bill: in committee—Workmen's Lien Bill: second reading; in committee—Adjournment.

THE PRESIDENT took the chair at 4:30 o'clock, p.m.

PRAYERS.**QUESTION—BUSH FIRES ACT.**

HON. C. E. DEMPSTER, on behalf of the Hon. R. G. Burges, and in accordance with notice, asked the Minister of Mines, if the Government intended to amend the present Bush Fires Act.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied that the Government did not propose to do so, not having heard of any complaints in regard to its provisions.

QUESTION—REGULATIONS OF METROPOLITAN WATERWORKS BOARD.

HON. A. P. MATHESON, in accordance with notice, asked the Minister of Mines:—1. If the Metropolitan Waterworks Board had framed any regulations in accordance with their Act? 2. If any such regulations had been gazetted in accordance with their Act; and, if so, on what date? 3. If any such regulations had been laid on the table of the House in accordance with Clause 19 of their Act; and if not, why not? 4. If a breach of Clause 19 of the Metropolitan Waterworks Act invalidated any such by-laws; and if not, what was the value of the clause?

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied:—1. The Metropolitan Waterworks Board framed regulations in accordance with their Act, and these were approved in Executive Council on 31st March, 1897. 2. The

regulations were gazetted on 2nd April, 1897. 3. They have not been laid on the table of the House: the reason I have not yet been able to ascertain. 4. A breach of Section 19 of the Act, in respect of duty to lay the regulations on the table of the House, would not invalidate them, provided they were duly made and published in the *Gazette*.

QUESTION—NEW HOUSES OF PARLIAMENT.

HON. C. A. PIESSE, in accordance with notice, asked the Minister of Mines, whether it was the intention of the Government to take any steps towards the erection of new Houses of Parliament; if so, when?

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied that the Government did not propose, at present, to take any steps in regard to the erection of new Houses of Parliament.

MOTION—ABROLHOS ISLANDS GUANO.

HON. C. E. DEMPSTER, for Hon. R. G. Burges, moved "That all papers and reports in connection with the recent survey of the Abrolhos Islands guano deposit be laid on the table of the House."

Put and passed.

MOTION—METROPOLITAN WATERWORKS BOARD (FURTHER REPORT).

HON. A. P. MATHESON, in accordance with notice, moved—

That, in the opinion of this House, a further report should be furnished to this House by the Metropolitan Waterworks Board, in addition to their report dated November 2nd, 1897, and which shall contain full explanations on the following points:—1. Why 2½ miles of 18in. cast-iron pipes and 2½ miles of 20in. cast iron pipes have been laid on the Canning Flat. 2. Why a larger water supply should not be impounded on the existing reserve, with dated copies of the reports which have been furnished to the board on the subject; also dated copies of reports on the proposed Upper Canning reservoir and reserve. 3. Details of the area proposed to be acquired on the Upper Canning, including the names of the beneficial owners and (or) lessees thereof. 4. An amended table of the comparative cost of the alternative schemes, including, if practicable, a scheme for adding to the water supply from the existing reserve, with full explanations of the methods by which the estimated figures are arrived at. 5. The basis on which the table of estimated revenue on page 7 for years 1896 to 1900 was

calculated, and also a further table showing estimated expenditure over same period. 6. Statement of revenue and expenditure of the Perth Waterworks Company during the last twelve months of its existence. 7. Statement in detail showing the various tenders received for piping since the formation of the board.

His reason for tabling this motion was that although a considerable time had elapsed since the report of the Metropolitan Waterworks Board had appeared, and although that report showed a very serious state of affairs in reference to the water supply of this city, the Government did not appear, up to yesterday, to be inclined to take any steps to deal with it. He had been very carefully through the report and compared it with a report which he had made for himself prior to the purchase of the works by the Government, and it seemed to him that the whole report and the subjects dealt with in it required very grave attention by the House. Hon. members did not, perhaps, fully realise the importance of further works being organised to supply water to Perth. In their report the board estimated the amount needed for this summer's supply at 1,700,000 gallons per day, and for next year at 2,100,000 gallons per day. As a matter of fact, at the present moment there were only 150 million gallons of water in the Victoria reservoir. He believed the estimate of the board that 1,700,000 gallons would be needed for Perth per day was perfectly accurate; but, according to the board's own estimate, there would only be a supply of one million gallons per day in the Victoria reservoir available. In his opinion, this supply of a million gallons per day would only be available for the next five months, and by the end of April the Victoria reservoir would probably be dry. He was assuming that the board supplied the city at the rate of one million gallons per day, which was their own estimate and a perfectly fair one. He believed they could supply a further 100,000 gallons per day. In a number of cases he had found such inaccuracies in the board's report that it was impossible to check the different calculations and arguments from point to point; but, if hon. members were going to debate the question on the basis of that report, it was essential that it should not only be accurate but that it should be ample. He found that in many cases estimates

were made for which no justification was given, though he believed perfect justification could be given; and he had therefore tabled the amendments of which he had given notice, and which he would take later on in detail. His fear was that in January or February, when these facts became more apparent, the Government would be galvanised into action by the shrieks of the press, and a large expenditure would be incurred, which was estimated at £200,000, but which he believed would be very much larger. Unless this question were brought up now, the country would find itself committed to this expenditure, for which the board had asked, without any discussion having been raised in this House, on the plea of extreme urgency, and he wanted to prevent that. He was bound to say, after going through the report and considering all the figures and other statements contained in it, that the existing board were not, in his opinion, persons fit to be entrusted with any further expenditure of public money. He believed the members who composed the board were actuated by the most honourable motives, but they had certainly not been guided in their actions by prudence. He had come to the conclusion that, if any work such as was contemplated had to be carried out, the board should be set aside, and the control of the work and the expenditure of the money entrusted to the Public Works Department. This had been originally contemplated by the department, and he was of the opinion that, if the whole expenditure of £130,000 for this work had been originally left in the hands of that department, a more satisfactory result would have been obtained. In addition to that, if the board were done away with, a large saving of money would be effected in the way of expenses. It would be seen from the report that the general office expenses in connection with the board amounted to £3,795, and that was simply for salaries and fees. He did not grudge the fees paid to the gentlemen on the board, because he thought they were much too small—ridiculously small for any real work to be expected in return. But, all the same, he did not think fees should be paid to any board, if the work could be more efficaciously done by a public authority. He could give good reasons

for considering that the board were not proper people to spend public money. From the accounts it would be found that a sum of £130,000 was voted for the purpose of auxiliary works; that was to say, for works necessary for forming satisfactory waterworks after the sum of £220,000 had been spent in the purchase of the system. One would imagine that business men, knowing there was a limit to the money to be spent, would have made some calculation, or plotted out some scheme, by which the money voted would be made to cover necessary works. But from the expenditure account, it would be found that that had not been the case. The three things necessary for a proper and satisfactory water supply were an increased reservoir for impounding the water, a satisfactory means of conveying that water from the reservoir to Perth, and a further increase in the size of the reservoir at Mount Eliza. That was the conclusion he arrived at, judging from his private report and from public knowledge. The board started with the sum of £130,000, and appeared, during the months of November and December, to have placed orders for £110,685 worth of piping—21-inch piping, 18-inch piping, 20-inch piping, and some 25 or 27 miles of subsidiary pipes. Then the board embarked on a work that was absolutely necessary, namely, the increasing of the reservoir on Mount Eliza. On that work they appeared to have spent £1,649, and judging by the estimate No. 1 they contemplated spending a further sum of £9,000. Therefore, he was justified in assuming that their plans for the No. 2 reservoir on Mount Eliza entailed an expenditure of £10,649. Then the board proceeded to purchase a railway and railway plant. He was unable to see why it was necessary to do that; but the board did make the purchase, and spent £5,768. That made a total of £127,000 out of £130,000. Hon. members would perceive that no margin was left for providing additional water-impounding reservoirs on the Darling Range. He called this useless expenditure, not in the sense that the works were unnecessary, but because no additional water supply was provided, by which that expenditure could be made of use. To that extent the expenditure was useless. The board purchased land and buildings to the amount of £4,857. Although they knew they were limited to

£130,000, the initial expenditure of the board this year reached the sum of nearly £3,000 in excess of the amount at their disposal; and with all that expenditure they could not provide a single drop more water, which, after all, was the main thing they had to consider. He was at some loss to know on what the sum of £130,000 was originally intended to be spent. The Parliamentary vote appeared to have been £350,000, of which £220,000 was to be spent in the purchase of the existing works. He could not find that any question was asked at the time the vote was passed, as to how the £130,000 was to be applied, or that any information was vouchsafed on the subject. The vote simply seemed to have been put in as a round figure, and, so far as he could ascertain, there was no report laid before the House showing what expenditure would be necessary. In fact, he did not think that even members of the Government were themselves aware either of the condition of the system which was bought, or of what was necessary to make it efficacious. The report which was furnished to him at the same time indicated a considerably larger sum as absolutely necessary to put the system in order. The only thing that could guide one as to the intentions of the Government at this time was the statement in paragraph six of the report. It was there stated that "It was intended to duplicate the main from the Victoria reservoir the whole distance, but after an exhaustive examination of the ground it was found quite out of the question to increase the holding capacity of the present reservoir." It therefore appeared obvious that the intention originally, when the purchase was made, was to increase either the holding capacity of the present reservoir, or to obtain a suitable site for a new one, and that the water from such a site was to have been brought into the town. It was perfectly clear from another reason that this was the intention. Immediately the board got into office they invited tenders for a complete, new 21-inch main, which, as they said in the report, would be capable of bringing 4,000,000 gallons of water per day into the city. They were going to carry that main, as they said in sentence six, right up to the Victoria reservoir. The board must have been fully aware

that the Victoria reservoir could only hold, when absolutely full, a supply equivalent at the very outside to 1,500,000 gallons per diem. Therefore, if the board really proposed to carry out that main as far as the Victoria reservoir, it was obvious they intended to construct a new reservoir. If they did not intend to do that, a 21-inch main was absolutely useless. As a matter of fact, the existing 12-inch main, if it had been strengthened in those parts of it which lay on the lower flats, would, he believed, have been—though he spoke subject to expert correction—ample to bring in 1,200,000 gallons of water per diem. Unless the board had contemplated a new dam in that area, the whole of that money was being wasted. A very small expenditure indeed would have been sufficient to provide extra strong 12-inch pipes for that part where there was pressure, and the pressure tanks would have been done away with altogether. He wanted now to show the inconsistencies, or apparent inconsistencies, which appeared in the report. On the first page of the report in the second paragraph there was a statement that “a new main has been laid from the lower break-pressure tank on the Darling Range for a distance of 15 miles.” That, he believed, was a fact. In the accounts it would be found stated the “stock and materials” included a mile and a half of this 21-inch main. That was also a fact. There was, therefore, a total mileage of $16\frac{1}{2}$ miles in 21-inch, 18-inch, and 20-inch piping. Immediately succeeding that paragraph was a statement that the board ordered 11 miles 40 chains of 21-inch steel pipes, and 5 miles 40 chains of cast-iron pipes, which gave a total of 17 miles. If hon. members turned to the accounts at the end of the report, they would find that the cost of $14\frac{1}{2}$ miles of 21-inch main was set out at £70,000 odd, and lower down would be seen the $1\frac{1}{2}$ miles of 21-inch pipes in stock, to which he had already alluded. These two figures put together made 16 miles only. It was obvious there had been a mistake made here. The mileage could not be all three, but must be one or the other. He had asked for a statement showing the tenders received for piping. His reason was that in one part of the report a statement was made that it was impossible to get certain pipes. He was

informed that tenders were refused to be accepted by which these pipes could have been supplied, and he thought it was extremely desirable that this House should have a return of all the tenders received, in order that members who desired to discuss the question should be able to judge whether the pipes could have been obtained in time. One and a half miles of 21-inch steel pipes were at any rate in stock which could not be used, because, as was pointed out in the report, the board had subsequently found it impossible to carry out their original intention of duplicating the main, and the board had been obliged to purchase other pipes of different sizes. Another reason why the board should not be allowed to exist any longer was that all these tenders had been opened in private, and the information as to what tenders were received and the price at which people were prepared to sell pipes had been refused. In the case of a public department, tenders involving the expenditure of large sums of money like this were opened in public; but the board had adopted a contrary course. The original intention had been to duplicate the main from the reservoir the whole distance; but, said the report, “after an exhaustive examination of the ground, it was found quite out of the question to increase the holding capacity of the present reservoir.” It seemed to him extraordinary that a public board should start out on an expenditure such as they proposed to make, without previously ascertaining whether or not it was possible to build a reservoir capable of holding the water which they proposed to bring in, namely, four million gallons a day. The report furnished to him stated that a new reservoir could easily be built capable of holding 666 million gallons, which would practically give very much the same amount of water per diem as the board proposed to supply. He had no reason to believe that that was not now possible. It was evident that, when the board commenced operations, they believed it was possible that such a reservoir could be constructed; and it would be interesting to know the date when they first became aware that such a reservoir could not be constructed; because the House might be able to judge from that, to a certain extent, of their capacity as managers.

Another extraordinary thing appeared to have been that this extra one and a half miles of steel piping had been ordered, but that the first tenders called for were for eight miles of piping only. One would assume that the additional eight miles of piping were ordered at the time when it must have been perfectly possible for the board to have known that the reservoir they proposed to build could not be built. In paragraph seven of their report the board stated that the amount of water that the city would require this summer was at least one and a half million gallons a day, if not more; and they pointed out that this supply could not be obtained from the Victoria reservoir. Even if the reservoir had that capacity, the rainfall in the present year was insufficient even to fill the tank; and the result was that at the end of the winter there were only 196 million gallons in the reservoir, whereas they ought to have had, according to his figures, 240 million gallons. They were, therefore, 44 million gallons short. That was why there was only five months' supply in the Victoria reservoir.

HON. C. E. DEMPSTER: That was, if no rain fell.

HON. A. P. MATHESON: Exactly. This House should have some information placed before it as to the cost of securing the area occupied by the Canning saw-mills, so that this supply might be thrown open. The expenditure advocated by the board was altogether beyond the means of the country at present. The board had also entirely overlooked the expenditure necessary for an increased storage reservoir on Mount Eliza. The existing reservoir had a capacity of 750,000 gallons, and the proposed new reservoir would have a capacity of one and a half million gallons, making a total of 2,250,000 gallons. The board were proposing to pump 4,000,000 gallons a day into Perth, without having made any provision for increasing the capacity of the storage reservoir. It was an axiom that the storage reservoir should contain a two-days supply, so that it was perfectly clear that, if the board obtained the grant of £200,000 for which they asked, we should be immediately called upon to find a further sum in order to make the storage reservoir double its present capacity. In order to facili-

tate as far as possible the grant of this vote of £200,000, the board had belittled the value of supplies to be obtained from artesian boring. They stated in their report that the water in the bore in Wellington Street was anything but satisfactory for domestic purposes. He did not know what the quality of the water there was, but he did know that the water in the bore in the station yard had been found to be contaminated, and he had ascertained by inquiry that this bore was placed in connection with the surface reservoir on Mount Eliza in such a manner that, when the reservoir on Mount Eliza was full, it flooded back into the bore.

HON. G. RANDELL: How was that possible?

HON. A. P. MATHESON: He had been so informed, and the report was strengthened by the fact that the water from the Mount Eliza reservoir contained 0.005 of free ammonia, and the water in the bore and in the city mains contained 0.004 of free ammonia, so that it almost exactly corresponded, so far as free ammonia was concerned, with the water in the reservoir at Mount Eliza. It was impossible to suppose that water coming from a bore many hundred feet under the surface would be contaminated in that way, unless it were that something of the kind he had suggested had happened. It was impossible to suppose that typhoid bacilli could breed many hundred feet underground and through rock. The question the House had to consider was not how the supply was to be increased next summer, but how they proposed to deal with the almost immediate deficiency of water during the existing summer. He thought that, as within the last few days a bore had been put down 950 feet at Guildford which had struck a supply of 450,000 gallons a day, a similar supply could be obtained in the neighbourhood of the four million gallon main, if a bore were put down there. He suggested, therefore, that a bore or bores should be put down somewhere in the neighbourhood of the spot from which all the supplies were obtained from the Canning Range, and that the Victoria reservoir tank should be augmented from that. It was impossible to suppose that a supply obtained from a source 950 feet down could

be contaminated. By boring there a similar supply of half a million gallons a day could be obtained for about £1,000. These bores, including their casing, cost about £1 a foot down to 1,000 feet. The Public Works Department would, he had no doubt, confirm his statement, as also his assumption with reference to the supply of water if the bore were put down at the point named. His object in bringing these matters before the House was to prevent the Government from hurriedly agreeing to the application of the Waterworks Board for the grant of £200,000. So far as he could judge from papers placed before the House, the board's scheme was thoroughly undigested. While advocating all this expenditure the board, in their report, stated that the holding capabilities of the proposed new reservoir site were "certainly an unknown quantity at present," and yet they were proposing to embark on this large expenditure. They went on to say that "our experience of the Victoria reservoir site and other dam sites in similar class of country would lead us to expect the same satisfactory results." He asked the House, why could we not utilise the existing reservoir and take in the Canning Mills area, and not go to the enormous expense of a new main when we could connect that area with the general system? The board further stated, in the 15th paragraph, page 6 of the report, that the maximum discharge of the 21-inch main for the whole distance, from the new reservoir to Mount Eliza, would be four and a half million gallons per day. He thought this was incorrect. He concluded by moving the motion.

Question put and passed.

MOTION — METROPOLITAN WATERWORKS BOARD (ACCOUNTS WANTED).

HON. A. P. MATHESON said he now came to the second motion dealing with the Metropolitan Waterworks Board. His chief objection to the accounts was that they had not been audited, and he noticed discrepancies in them. As the Act provided that these accounts should be audited, he thought it would be only right and proper that the House should insist upon audited accounts being returned. The other topics to which he had alluded in the motion had been raised in consequence of certain statements having been

made to him, which it was desirable in the public interest should be either confirmed or contradicted. He did not want to go into the points at any length, and he would simply move—

That the accounts of the Metropolitan Waterworks Board up to the 30th September, 1897, audited by the Auditor General in accordance with Clause 18 of the Waterworks Act, be furnished to the House in place of the unaudited accounts which have been furnished: and that the auditor be requested to examine into and report specifically on the following points:—1. Have the board kept full and accurate minutes in accordance with Clause 2 of the Act? 2. Has every payment made by the board been authorised at a duly constituted meeting of the board, and properly entered on the minutes: and, if not, to supply a list of such payments? 3. Have any payments been made by the officials of the company prior to their being approved by the board, and, if so, to whom and when were these payments made? 4. Have all pipes, fittings, timber, and railway plant been purchased by public tender, and if not, what pipes, fittings, timber, and railway plant have been purchased privately, and from whom? 5. Has the Governor's approval been obtained to any or all of the extra expenditure of the board in accordance with Clause 14 of the Act, and whether before or after expenditure, and if so, how was it signified, and on what dates?

Question put and passed.

MINES REGULATION ACT AMENDMENT BILL.

RESCINDING OF CLAUSE.

THE MINISTER OF MINES (HON. E. H. WITTENOOM), in accordance with notice, moved—

That the resolution of the Council, agreeing to the insertion of the following clause in the Mines Regulation Act Amendment Bill, be rescinded:—"Within thirty days after the first day of July following the passing of this Act, and thenceforth within thirty days after the first day of every January and July, every mining manager shall, in relation to every mine under his charge, furnish to the Minister a complete survey plan on the scale aforesaid, showing all the working of the mine from the date of the last survey to the days above mentioned respectively; and such survey plan of every mine situate within twenty-five miles of a township shall be made by a surveyor and signed by him."

The Council would remember that, when this Bill was reported, a further clause was put in at the report stage. He had been informed by the President that the Council had not been in order in doing so, and he therefore desired to place the Bill back to the stage at which it arrived

in accordance with the forms of the House.

Question put and passed, and the clause rescinded.

INDUSTRIAL STATISTICS BILL.

Read a third time and *passed*.

POLICE ACT AMENDMENT BILL.

On the motion of HON. R. S. HAYNES, Bill read a third time and transmitted to the Legislative Assembly.

PUBLIC NOTARIES BILL.

Bill read a third time and *passed*.

MINES REGULATION ACT AMENDMENT BILL.

RECOMMITTAL.

The Order of the Day for the third reading having been read,

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved:—

That the order be discharged, and the Bill be recommitted, with an instruction that the following clause be inserted:—"Within thirty days after the first day of July following the passing of this Act, and thenceforth within thirty days after the first day of every January and July, every mining manager shall, in relation to every mine under his charge, furnish to the Minister a complete survey plan on the scale aforesaid, showing all the working of the mine from the date of the last survey to the days above mentioned respectively; and such survey plan of every mine situate within twenty-five miles of a townsite shall be made by a surveyor and signed by him."

POINT OF ORDER—PRESIDENT'S RULING.

HON. A. H. HENNING rose to a point of order, which he based on the words, "with an instruction that the following clause be inserted." According to *May*, page 455, no "instruction" could be moved to a committee of the whole House, "in any form other than the permissive form, namely, 'that they have power' to consider the matter dealt with by the instruction." That was one point. A second point he took was that "an instruction" could not be given to a committee in reference to a power the committee already possessed. That was also stated on page 454 of *May*, and moreover was embodied in Standing Order 359 of the Council, which read: "No instructions may be moved ordering a committee to make a provision in a Bill, nor to empower a

committee to make such provision, if they already have that power." The clause, which the Minister of Mines desired to instruct the committee to insert in the Bill, had already been before the committee, who, exercising their discretion, struck it out of the Bill. The Council could not give the committee an instruction to do that which the committee already had power to do. Anything more emphatic or imperative than the words of the motion could not be imagined; and, if he were right, the Standing Order was against any such motion.

THE PRESIDENT: I have already looked into this matter. The clause in question was struck out in committee, and it was not competent for that committee to again deal with that clause. It is distinctly laid down in *May* that the same committee cannot again deal with a clause that has already been dealt with. At the report stage of the Bill, the Minister in charge moved that the clause be inserted. That was according to the old procedure as laid down in *May*; but our Standing Order, as I said yesterday, clashed with that procedure. Standing Order No. 253 reads: "No clause, schedule, or amendment in substance shall be offered to, be added to, or made, in any Bill in possession of the Council, except in committee of the whole Council." The only way in which that clause can be dealt with is by going back into committee. It is laid down by *Bramwell*: "An amendment or new clause cannot be brought up, if substantially the same as one already negatived by the committee," and therefore dealt with. The same authority says:—

Every question upon the voices of the committee bindeth, and cannot be altered by themselves. [*Bramwell*, 114.] But the House may give an instruction to the committee that they have power to consider any part of a Bill which they have amended; and in that case the amendment will be open to revision.

Then *May*, dealing with the principle that "an entire Bill may be regarded as one question which is not decided until it has passed," says:—

Upon this principle it is laid down by *Halsell*, and is constantly exemplified, "that in every stage of a Bill, every part of the Bill is open to amendment, either for insertion or omission, whether the same amendment has been, in a former stage, accepted or rejected."

The same clauses or amendments may be decided in one manner by the committee, in a second by the House on the report, and, formerly, might have been dealt with again on the third reading; and yet the inconsistency of the several decisions will not be manifest when the Bill has passed.

THE MINISTER OF MINES called the attention of the President to the fact that the clause which was inserted in the Bill at the report stage was different in form from the clause which was excised in committee.

HON. A. H. HENNING: But the substance was the same.

THE MINISTER OF MINES: Perhaps the fact he had stated as to the alteration in the form of the clause would assist the President in his decision.

THE PRESIDENT: The substance of the clause is said to be the same. In matters like this, it is for the House to decide what course they will take; but, in my opinion, the proper way to deal with this clause is to send it back to committee, with an instruction that it be inserted in the Bill. It is of course for the committee to decide whether they will accept the instruction. The committee may strike out the clause or accept it, although the hon. member, Mr. Henning, said just now that the wording of the motion made it compulsory on the committee to accept the clause.

HON. A. H. HENNING: So it would, according to the wording.

THE PRESIDENT: No; the House cannot bind the committee, nor can the committee bind the House. The committee may say, "We will not accept the instruction sent down to us." That is the way in which I look at the position.

HON. A. H. HENNING asked to be allowed to explain the second point of order which he had raised. It was on a question of form he was making the objection.

THE PRESIDENT: It is perfectly optional for any hon. member to move that the clause be sent down to the committee as an ordinary amendment, without any instructions.

HON. A. H. HENNING asked to be allowed to add to his explanation.

HON. J. W. HACKETT rose to a point of order. This was the third speech Mr. Henning had made, and according to the Standing Orders an hon. member could only speak once on a point of order.

HON. A. H. HENNING said his only desire was to make an explanation.

THE PRESIDENT: The hon. member cannot make a fresh speech.

HON. A. H. HENNING said he only wished to explain his second point, and asked the President's ruling as to whether the motion was in order.

THE PRESIDENT: I have already given my ruling.

HON. J. W. HACKETT said it seemed to him, so far as he understood the Standing Orders, that Mr. Henning had made out his case. The instruction given in the motion was in such a form that the committee must insert the clause in the shape sent down to it by the House, without any addition, amendment, or alteration of any kind. That was not contemplated, so far as he (Mr. Hackett) knew, by the rules in regard to instructions to committees. It would be difficult to discover a case where an express instruction had been given to a committee, without power to vary it. The words "with an instruction that the following clause be inserted" should be taken out.

THE PRESIDENT: An amendment to that effect could be moved.

THE MINISTER OF MINES: The motion for the re-committal of the Bill was moved to-day, simply for the purpose of putting the proceedings in order. Through some oversight, this clause was brought forward and inserted in the Bill at a time when such a proceeding was irregular. Under the circumstances, it seemed right and proper that the Bill should be recommitted, and he hoped that hon. members would accept the motion for recommitment, even though the motion should be altered in actual form.

HON. G. RANDELL seconded the motion, and suggested that the words "with an instruction that the following clause be inserted" should be struck out, as unnecessary.

HON. J. W. HACKETT suggested that perhaps the Minister of Mines would consent to the withdrawal of the words referred to by Mr. Randell.

THE MINISTER OF MINES said he had no objection to withdraw the words objected to.

Motion—that the Bill be recommitted—put and passed.

IN COMMITTEE.

HON. A. H. HENNING: According to the Notice Paper, he was led to assume that the Bill was to be recommitted for the purpose of inserting a particular new clause, and, consequently, he had not given notice of amendments which he desired to move. He now moved that progress be reported and leave asked to sit again, to enable him to give notice of his amendments.

THE MINISTER OF MINES said he hardly thought that progress should be reported at that stage. If the hon. member submitted his amendments now, there was no doubt the committee would give them full consideration. Every hon. member had made up his mind on the principle of the Bill.

THE PRESIDENT: The hon. member (Mr. Henning) would have a further opportunity of moving amendments, on the motion for the third reading of the Bill. That would be the more constitutional way of dealing with the matter.

HON. A. H. HENNING asked leave to withdraw his motion to report progress.

Motion, by leave, withdrawn.

Clause 2—Interpretation:

HON. A. H. HENNING moved that in Clause 2, the paragraph defining "surveyor" be struck out. The retention of this definition in the Bill would entail great hardship, and be altogether contrary to a principle already recognised by the committee in this and other Bills. There was no objection to the Mines Department having every facility for collecting statistics regarding operations on mines; but that information should be collected, not at the expense of individuals, but at the expense of the whole community. The principle that vested interests should always be protected had been, as had been said, recognised by the committee, and the Minister of Mines on the previous day had told them that he had no sympathy with retrospective legislation. In the Imported Labour Registry Bill, an amendment moved by Mr. Haynes was carried exempting coloured labourers, who were now south of the 27th parallel of latitude, from the operations of the measure. The same principle had been recognised in regard to the coloured labour now employed on the pearl fisheries and on the Abrolhos Islands, and in

every possible direction where a vested right existed except in the mining industry. Mining people were bound, not only to give these returns for statistical purposes, but to do it at their own expense every six months, under a cash penalty. Under the Bill recently passed for collecting agricultural and industrial statistics, collectors were appointed, but the miner was differently treated, and had thrust down his throat this licensed surveyor to enable him to comply with the Bill. It must not be forgotten that it was the mine-owner who was liable if that privileged individual, the surveyor, made any error. It was difficult to see why the vested interests of the mine-owner and the prospector, who was also a mine-owner, were not respected like those of people in other walks of life. A man who went prospecting and made a hole or holes in the ground would, according to the definition of mine-owner, be compelled to employ a surveyor and supply a biennial report in respect of each of his workings. A mine, according to the Underground Surveyors Bill, included every possible bit of a hole. Then, again, innumerable surveyors who were not licensed, but who had years of experience elsewhere and had come under contract to this country, might be the means of placing their employers in a difficulty. These unlicensed surveyors might refuse to qualify and claim, and urge that they were engaged for a term of years under a contract made before the Bill came into operation. The employers of these surveyors would then be liable for thumping damages for breach of contract. In the original discussion in committee on this point, the principle was affirmed that the mine-owners should be at liberty to employ whom they liked to prepare these plans; and, so long as they furnished complete plans, these should satisfy the provisions and intention of the law. He submitted that no mistake had been made, because the Council had already affirmed by the amendment previously adopted that the same protection should be accorded to the mine owner which was accorded to every other individual in the colony. If this subsection were carried, it would burden the mine owner and harass the industry.

HON. H. G. PARSONS supported the proposal before the committee. He was perfectly in accord with the last speaker.

The feeling on the goldfields was strong on this point. There was no doubt that statistics ought to be supplied, and there was no reluctance on the part of the mine-owner to supply them, but it would cripple and harass the industry at present to supply them on the scale and at the expense contemplated. Later on, perhaps, it would be possible to do this, but at present if statistics were wanted they should be obtained from the mine managers, and we should not force the owners to employ certified surveyors, who were few in number, and whose charges were high. The big mines controlled from London had their surveyors on the mines, who were well paid, and they could easily supply the plans asked for: but it would fall very hardly on the Adelaide mines, and, what was more, the provision would be systematically and effectually evaded. The Bill would be a dead letter, as so many others had been, because it was really impossible for the individually-owned mines and the smaller companies to comply with the requirements of the Bill. The Bill was right enough in principle, but he would strongly support the motion to strike out the sub-section.

THE MINISTER OF MINES: If the sub-section were struck out, it would strike out the whole principle of the Bill. He thought that was obvious to everybody. He congratulated Messrs. Henning and Parsons on their excellent speeches. Having done their duty to their constituents, now perhaps they would look at the matter in a broader light, with a view to the interest of the whole of the colony. He had made inquiries, and he believed that, however capable a mine manager might be to manage a mine and to do the sinking and driving, it did not follow that he was capable of doing the surveying too. The only way to obtain accurate plans was to have them done by qualified surveyors. He had been informed by several mine owners that the furnishing of these plans by licensed surveyors would not harass them, and, moreover, that the record branch would be a most excellent institution. The only objection to the proposal to obtain these returns was that there might be some little expense in connection with them. That could not be helped—there must be some expense in connection with

everything. To meet the wishes of the goldfields members, that part of the Bill calling for certified plans had been limited to a radius of 25 miles of a townsite, beyond which radius the mine managers would be allowed to furnish their own surveys. If that portion of the Bill were thrown out which provided that the plans would have to be furnished by a recognised surveyor, it would be no good at all.

HON. A. P. MATHESON said the Minister seemed unable to make a speech dealing with a goldfields question without imputing motives to the goldfields members. He seemed to have an animus whenever anything relating to the goldfields was brought up. The Minister had implied that Messrs. Henning and Parsons had risen merely to waste the time of the House and to bamboozle their constituents.

THE MINISTER OF MINES asked if the hon. member was in order in accusing him of imputing motives.

HON. A. P. MATHESON said that the Minister had quoted the opinion of some of his friends, whom he had not named, in favour of these returns being made by a surveyor. He (Mr. Matheson) would, on the other hand, quote the opinion of Mr. Callahan, a mining manager who had been imported to take charge of one of the largest mines on the fields, and his opinion was exactly contrary to the opinions quoted by the Minister. Mr. Callahan characterised "the latest fad of the Mines Department" as "sheer nonsense" and "grandmotherly legislation," which would make the department a laughing-stock in the colonies, and only add to the burdens of the struggling mines.

HON. A. B. KIDSON asked what would be the cost of one of these surveys to a small mine?

HON. A. P. MATHESON said that an ordinary licensed surveyor charged 10 guineas for a morning's work to make a small plan. It was impossible to say what an underground surveyor would charge.

HON. R. S. HAYNES said that that would be a subject for regulation. He had heard it stated that mining surveyors had been known to charge 150 guineas for making a survey. If so, they had only followed the example of the lawyers who, it had been asserted, sometimes made a

charge of 200 guineas for going into court, and had a cut into the property as well.

HON. A. H. HENNING said he regarded the remark as a personal one directed against himself, as he was the only lawyer in the Council besides Mr. Haynes.

THE CHAIRMAN said he did not understand Mr. Haynes to be referring to anyone in the Chamber, but that his remarks were intended to be of a general character.

HON. R. S. HAYNES said he had not the slightest intention of referring to Mr. Henning. He had merely repeated what he had heard, that lawyers on the fields sometimes made very heavy charges, and, in his opinion, the lawyers were to some extent responsible for the high charges made by surveyors. The House had on three separate occasions expressed itself in favour of making the mine owners furnish certified plans. He had opposed it till the Minister offered a certain compromise, which had been accepted, whereupon he (Mr. Haynes) had accepted the decision of the majority. He had acted consistently throughout. He now thought the Council would be wanting in dignity if it departed from the decision arrived at on so many occasions. Mr. Henning had said he would force down the throats of the agriculturists the obnoxious clause compelling them to ride a great distance to get forms for statistical purposes with which the inspectors might have failed to supply them, because the mine-owners were to be compelled by this Bill to provide plans made by a certified surveyor. Mr. Henning had also asked the House to reject that provision on the ground that if a man put down 50 holes on his land he would have to furnish 50 surveys. No one but a maniac would make 50 holes on his land, but if he did it was an argument in favour of the measure, as a record should be kept of them. The hon. member would have acted with more manliness if he had moved that the Chairman leave the chair, and thus get rid of the Bill in a straightforward manner, instead of trying to reverse the decision of the House by a side-wind. The argument urged by Mr. Parsons against the clause was that it would be hard on the smaller mine-owners on account of the heavy fees which would be charged owing to the paucity of surveyors,

but when this Bill had been passed surveyors would be numerous.

At 6:30 p.m. the CHAIRMAN left the Chair.

At 7:30 p.m. the CHAIRMAN resumed the Chair.

HON. R. S. HAYNES (continuing): Notwithstanding what Mr. Matheson had said about Mr. Callahan, he (Mr. Haynes) could not alter his views. Mr. Callahan might be a very excellent man in his position, but he could not be allowed to legislate for this country. He knew nothing of Mr. Callahan, and wished to say nothing against him, but notwithstanding one thousand Callahans, there was no reason why the expressed determination of the committee should be altered.

HON. A. P. MATHESON: To-day Mr. Haynes was strongly opposed to the amendment, and apparently considered surveyors most estimable people, and a boon to the community; but a week ago, in the course of a debate, Mr. Haynes said he looked on surveyors as "pests."

HON. R. S. HAYNES said he thought not.

HON. A. P. MATHESON: If it were not irregular to refer to *Hansard* it would be found that Mr. Haynes did say that surveyors were a pest, who would charge fees ranging from 50 to 200 guineas.

HON. R. S. HAYNES asked whether Mr. Matheson was in order in reading extracts from *Hansard*. There was not the slightest objection to the whole of his (Mr. Haynes's) speech referred to being read, because what he then said he still adhered to; but he submitted that Mr. Matheson had no right to read extracts from the report of a speech in *Hansard*, dealing with a different matter.

HON. A. P. MATHESON: It was true Mr. Haynes was then speaking on another clause of the Bill.

THE PRESIDENT: The hon. member (Mr. Matheson) must confine his remarks to the clause before the committee.

HON. A. P. MATHESON: Mr. Haynes had spoken in disparagement of Mr. Callahan, who was a gentleman who had been imported into the colony to manage quite the biggest mine here. He

was a man whose experience was world-wide, and who was conversant with all the mine regulations of every country where mining was carried on. When Mr. Callahan expressed a very strong opinion on any subject connected with mining, he was entitled to very great consideration. He (Mr. Matheson) did not know what claim Mr. Haynes had to equal consideration on this topic.

HON. R. S. HAYNES: Being a member of this House.

HON. A. P. MATHESON: Mr. Haynes had certainly not had the experience that Mr. Henning, Mr. Parsons, Mr. Taylor, or himself (Mr. Matheson) had had.

HON. R. S. HAYNES said he was practising as a solicitor on goldfields when Mr. Matheson was at school.

HON. A. P. MATHESON: Mr. Haynes was then on the goldfields to conduct the legal business of the community, and to profit by their litigious spirit. It was to Mr. Haynes a matter of no importance whether the regulations controlling mining were satisfactory or not; but to him (Mr. Matheson) and others it was of supreme importance that the industry they were chiefly interested in should not be hampered. He hoped hon. members of the House would not be guided by reflections that had fallen from Mr. Haynes on the experience of those whose opinion was really of weight.

HON. J. H. TAYLOR said he was utterly opposed to the Bill, and would support any reasonable amendment that would lead to the defeat of the measure. The whole feeling of the goldfields was entirely opposed to the Bill, as unreasonable, oppressive and absolutely impracticable.

HON. R. S. HAYNES asked whether Mr. Taylor was in order in speaking on the general principle of the Bill.

THE PRESIDENT: The only question under consideration was that of the sub-clause defining "surveyor."

HON. J. H. TAYLOR: The definition of a mine, so far as he understood it, was a gold mine lease operated on. Gold mines might be divided into two classes: those which were really gold mines, like the Boulder, Lake View, or the Ivanhoe; and others which were simply prospects. But under the Act all these were gold mines. Such gold mines as Lake View and others he had mentioned had

surveyors of their own, to prepare plans for the benefit of the shareholders and directors; but according to this Bill those companies would be debarred from using their own staff, and would be obliged to employ an outside licensed surveyor to prepare the plans required by the Government. There were thousands of mines owned by poor prospectors, or by business men who had to send supplies to the men who worked. In many cases it was only with great difficulty that these mines were held on to, and frequently exemptions had to be asked for; but according to this Bill the owner or manager of each of these mines would have to employ a licensed surveyor twice a year to make expensive plans. The fact that mines more than 25 miles from a townsite were exempted from the provisions of the Bill was of no consequence. He did not know of any mine which was not within 25 miles of some proclaimed townsite.

THE MINISTER OF MINES: That showed how well the Government looked after the mining industry.

HON. J. H. TAYLOR: That was quite right from a certain point of view; but the provision that no mine manager beyond 25 miles of a townsite would have to employ a surveyor, though granted as a concession, was really no concession. Many townsites were practically deserted, and no licensed surveyors would be found living there.

HON. A. B. KIDSON: The Minister of Mines had said that there was a licensed surveyor in every townsite.

THE MINISTER OF MINES said he had not said that. What he said was that there would soon be licensed surveyors in every townsite.

HON. J. H. TAYLOR: There were townsites in which there was nobody at all, and licensed surveyors would have to be paid according to the distance they travelled.

HON. A. B. KIDSON: How much did Mr. Taylor think surveyors would have to be paid?

HON. J. H. TAYLOR: In the case of the Lady Bountiful the charge was 60 guineas, although the mine was in a practically civilised place, within three miles of a townsite.

THE MINISTER OF MINES: The fees would be fixed by regulation.

HON. J. H. TAYLOR: supposing a mine-owner or mine manager could not get a licensed surveyor?

THE MINISTER OF MINES: Then he would not have to employ one.

HON. J. H. TAYLOR: But, according to the Bill, every mine-owner or mine manager was compelled to employ a licensed surveyor. He had supported the Licensed Surveyors Bill and he believed in it still, but it was not right to compel people to employ licensed surveyors.

HON. W. ALEXANDER: The whole debate seemed to turn on the question of the fees, and it would assist matters if the Minister of Mines could state whether the fees were to be fixed by regulation.

THE MINISTER OF MINES said the Underground Surveyors Bill gave the Governor power to make regulations, and he had requested the Attorney General to see that in the regulations made under that Bill the surveyors' fees were fixed. Those fees would be recommended by the board of examiners, who thoroughly understood the subject.

HON. A. B. KIDSON: Could the Minister of Mines give any idea what the fees would be?

THE MINISTER OF MINES said he was not a professional surveyor, and could not say what would be fair as fees. Professional matters of this kind were better arranged by those who understood the subject.

HON. J. H. TAYLOR: Whatever was fair to the surveyors would be oppressive on the mine-owners.

THE MINISTER OF MINES congratulated Mr. Taylor on the liberal view he always took of matters before the House, and could assure him that anything the Government could do to meet his views they would be happy to do. There was only one other point to which he wished to refer, and it was one which he had brought so repeatedly before the House, that he was almost tired of urging it. Unless the returns were guaranteed by some qualified professional person, who was under a liability for mistakes, the returns would be worthless. The Government wished to establish a record branch which would be absolutely accurate. It had been stated to him unreservedly that, however competent mine managers might be in sinking, driving, and other similar work, they were not always competent in

regard to surveys. The whole question was whether those returns had, or had not, to be absolutely accurate and reliable. Mr. Matheson had said that the report of the Metropolitan Waterworks Board was not to be relied on because the members of the board were not professional men.

HON. A. P. MATHESON said the Minister had misunderstood him.

THE MINISTER OF MINES: Whether that were true or not, it was exactly the argument he had urged against the plans being supplied by mining managers instead of by licensed surveyors. The hon. member had charged him with having an animus whenever anything relating to the goldfields was concerned. He left hon. members to say whether there was the slightest truth in that. Several hon. members had objected to the returns being made by a licensed surveyor on the ground of expense. If there was a way of overcoming this objection, he would gladly meet hon. members. He had endeavoured to meet hon. members in every way he could. If the committee would allow him to obtain these reliable returns, he was quite prepared to meet hon. members in every way they could suggest.

HON. J. H. TAYLOR said the expense as regards the big mines would not perhaps be a very great hardship, but how about the thousand smaller mines? They could not afford to pay this extra expense. Were the Government prepared to pay the expense that would have to be incurred in the furnishing of these certified plans, by the holders of the thousand prospecting leases, or were the Government prepared to absolve them from the provisions of the Bill?

HON. A. H. HENNING: The Minister of Mines had said that Mr. Parsons and himself, having done their duty by speaking for their constituents, should now do their duty to the country by supporting the Bill. It was for that very reason he had entered his protest against this measure, because he believed it was his duty to the country to do so. If the mining industry was to be harassed in the way proposed, the committee, instead of relaxing the conditions of mining operations and encouraging and fostering the industry, would be hampering and discouraging it. Why were the labour con-

ditions relaxed a little time ago? Why was the Premier interviewed in London by those who were interested in mining, not for the purpose of imposing further hardships, but of relaxing those which already existed? Why also did the Premier promise that on his return he would see that some measure was introduced in order to relax those conditions? And for what reason was the Royal Commission appointed, if not to see whether the mining laws that existed a little while ago, and which it was now proposed to alter, needed amendment? In the face of that Commission which had not yet reported, and would not report during this session, why was it necessary to bring in a Bill to further discourage the mining industry before we had the advice which would be given by the Commission before us? If the labour conditions before were onerous, very careful consideration should be given by the House before we further increased the expense, and added to the restrictions of the mine owners. He had no objection whatever to the mine-owners being compelled to furnish a copy of their plans to the Mines Department, but he objected that plans should have to be made by a licensed surveyor, and that the mine-owner should be compelled to furnish them at his own expense. Why a mine-owner should be singled out to furnish returns at a terrible cost, simply for statistical purposes, more than other people he did not know. Some of the mines had workings extending for from three to five miles, and the expense that would be entailed by supplying plans twice a year of all these workings would be very heavy. The alleged compromise which the Minister had offered, and which the Council had accepted, that outside a radius of 25 miles from a town-site mine managers might supply their own plans, was waste paper, because there were no mines outside that radius. Mr. Haynes had said that his conduct had been consistent throughout, but the hon. member had been entirely inconsistent. The hon. member had also said that only a maniac would put down fifty holes on his property, and that if he did so he should be compelled to supply fifty plans. His (Mr. Henning's) answer to that was that if a maniac did anything and a person required a record of that, he

must be a maniac too. Mr. Haynes had further said that he (Mr. Henning) had not the manliness to move that the Chairman leave the chair, in order to get rid of the Bill. The goldfields members did not object to the Bill as a whole, but only to that portion of it which provided that the mine owners should employ licensed surveyors to make the plans. The Bill as it at present stood, when read with the principal Act, was absolutely in accord with what they considered right and proper. He strongly urged members to support the amendment.

HON. A. B. KIDSON said that if he thought the hon. members who had been supporting Mr. Henning's amendment were in earnest over it—[MR. A. P. MATHESON: That was not fair.]—he would be inclined to meet them to a certain extent, but they were endeavouring to lay a red herring across the track. If this amendment were passed, the Bill would be killed, and the hon. members knew that. Their arguments did not apply to the point at issue, which was whether this definition should remain in the Bill or not. All their arguments had been in the direction of the great expense that would be inflicted on the persons affected by the Bill. The two things did not go together. If we struck out the sub-section with the definition of the word "surveyor," it would be tantamount to moving the reading of the Bill this day six months. If hon. members desired to amend the Bill so that it would impose a less hardship on those who were to be affected by it, they would find no stronger supporter than himself, but he objected to the time of the House being taken up on a false issue. The Minister should endeavour to obtain the information as to what these surveys were going to cost, so that the House would be able to judge whether or no this would be a hardship. If this was to be a hardship, he would not be in favour of it.

THE MINISTER OF MINES said that the Assembly would judge.

HON. A. B. KIDSON: It was for the Council to judge. He was surprised to hear the Minister say that.

HON. A. P. MATHESON said he was not.

HON. A. B. KIDSON failed to see why the Assembly should receive more information than the Council.

THE MINISTER OF MINES said that his reason for saying that the Assembly would judge was that it would necessitate the framing of a regulation, and it would be impossible to do so for some considerable time.

HON. A. B. KIDSON said he quite understood what the Minister meant, but the hon. gentleman could not expect the Council to work in the dark.

THE MINISTER OF MINES said it was a matter of regulation.

HON. A. B. KIDSON: That was a very easy way to get out of it. He wanted to know what the cost of surveying would be.

THE MINISTER OF MINES said he could not tell.

HON. A. B. KIDSON: It ought not to be a very difficult matter to give the House a rough idea of what the expense would be.

THE MINISTER OF MINES: It would have to be settled by professional men.

HON. A. B. KIDSON: If another place could be supplied with information, he did not see why the Council should not. Instead of a survey being made twice a year he thought it should be made once a year.

HON. A. P. MATHESON said that the committee had not come to that point yet.

HON. A. B. KIDSON: The hon. member never would come to it at the present rate. If he were in earnest, he would not be moving in this but in another direction altogether. The present Bill was a good one, but in obtaining these plans the least possible expense should be thrown on the mine owners. With that object he hoped the Minister would give the House some idea as to what the cost was likely to be. He should certainly vote against the amendment.

HON. A. P. MATHESON: The hon. member (Mr. Kidson) had stated that the goldfields members were endeavouring to mislead the House. The hon. member might have said so in perfect good faith, and the few remarks he had made showed how imperfectly he understood the difficulties of the position. The facts were these. In Clause 2, which contained all the definitions, a surveyor was defined as being a particular kind of surveyor. In this whole Bill the word surveyor was only mentioned once, and that was in the clause which

was sought to be introduced that evening. The Minister had set his heart on this clause, and was prepared, if he could, to force it down the throats of hon. members by main force, provided he could obtain a sufficient majority. If he (Mr. Matheson) could strike out the definition of surveyor, namely that a surveyor could only be one kind of surveyor, he and those acting with him would be prepared to accept the clause. It would then mean that all the plans would be prepared twice a year by the manager, or by a surveyor. There were lots of surveyors on the fields, but not many of the kind stated, and there would be still fewer in the future. Under the circumstances he did not think Mr. Kidson was justified in saying that the goldfields members were endeavouring to mislead the House. He and those acting with him were willing to meet the leader of the House in every possible way they could.

HON. H. G. PARSONS said he was glad to see the olive branch, which had, in an unusual spirit, been offered by Mr. Matheson. He (Mr. Parsons) was afraid members were drifting rapidly into a false position as embryo parties in the House; and he would be sorry to see that kind of feeling grow.

THE PRESIDENT said he did not want to interrupt the debate, but, for the future, speakers must confine themselves distinctly to the question before the House, which was as to the striking out of the sub-clause defining "surveyor." He had given a great deal of latitude in the debate hitherto.

HON. H. G. PARSONS: It would be for the benefit of the House and in the public interests if this sub-clause were struck out. If this were not done, the feeling on the goldfields would be strongly in opposition to the feeling of the remainder of the colony. That was a position which had always been deprecated, and which, up to the present, it had been possible to avoid. He had the best possible authority for saying that there was a strong and growing feeling against the Bill in its present form at the present time as an unjust, expensive, and oppressive measure. In principle the Bill was good and sound, and in the interests of the country, and was introduced in that spirit; but the gold-mining community could not stand it at the present moment.

These surveys, if enforced at all, should be left to mine managers where they were able and willing to undertake the work. The big companies invariably engaged competent surveyors. His estimate of £150 a year as the cost for preparing surveys for the department had been questioned, but in three cases that was absolutely the estimate given to him in connection with mines of which he had control, and only one of these mines was paying a dividend. There were not enough surveyors on the fields; and it was a very serious matter to go in opposition to the business sense of the people who were conducting the most important industry of the colony. A little delay would be a fair thing in this legislation, and in endeavouring to obtain that delay hon. members who had not trespassed too far on the patience of the House would fight the matter out to the end.

THE PRESIDENT: The hon. member must not make use of threats.

HON. H. G. PARSONS said he did not mean his expression as a threat. Discussion would be conducted in the same spirit as heretofore; and before the debate was ended the committee would see that the opponents of the measure had not gone too far.

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

Ayes	...	...	...	5
Noes	...	...	...	11
				—
Majority against	...	...	...	6

AYES.
The Hon. A. P. Matheson
The Hon. E. McLarty
The Hon. H. G. Parsons
The Hon. J. H. Taylor
The Hon. A. H. Henning
(Teller).

NOES.
The Hon. W. Alexander
The Hon. H. Briggs
The Hon. F. T. Crowder
The Hon. R. S. Haynes
The Hon. S. J. Haynes
The Hon. A. B. Kidson
The Hon. D. McKay
The Hon. G. Randall
The Hon. J. E. Richardson
The Hon. E. H. Wittenoom
The Hon. W. Spencer
(Teller).

Amendment thus negatived, and the clause passed as printed.

New Clause:

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved that the following new clause be added to the Bill:—

Within thirty days after the first day of July following the passing of this Act, and thenceforth within thirty days after the first day of every January, every mining manager shall, in relation to every mine under his charge, furnish to the Minister a complete survey plan on

the scale aforesaid, showing all the working of the mine from the date of the last survey to the days above mentioned respectively, and such survey plan of every mine situate within twenty-five miles of a townsite shall be made by a surveyor and signed by him, provided a surveyor is available in the nearest townsite.

With the desire to be amicable, and to meet the wish of hon. members, he had added to the clause the words "provided a surveyor is available in the nearest townsite." He was sure hon. members would feel he had endeavoured to meet their wishes in every possible way.

HON. R. S. HAYNES asked whether there was any provision in the Bill compelling a mine owner to send in a plan of the workings up to the passing of the Act, in addition to the plan of the workings from the last survey.

THE MINISTER OF MINES: In Clause 4 it was provided that the mine manager should send in plans of the workings within six months of the passing of the Act. These plans need not be certified to by a surveyor, but all future plans had to be so certified.

HON. A. H. HENNING moved that after the word "Minister" the words "at his expense" be inserted. If the Minister required particulars, he ought to pay for them.

THE MINISTER OF MINES said that the two amendments he had already agreed to make in the clause were on the score of expense, and the hon. member was just a little unreasonable in asking for any further concession in that direction.

HON. A. P. MATHESON: In spite of the conciliatory spirit of the Minister of Mines, he (Mr. Matheson) was compelled to support the amendment. While mine-owners were prepared and anxious to give every assistance to this record office, they were not prepared to employ those underground licensed surveyors. The mine-owners showed even a more conciliatory spirit and a greater desire to meet the Government than the Government had shown in offering to knock off one set of plans per annum. The Minister had weakened his case for accuracy. His sole plea that underground surveyors should be employed was on the ground of accuracy, but if a start was made from a rotten foundation, the building was bound to collapse.

THE MINISTER OF MINES: Then the first plans ought also to be prepared by a licensed surveyor.

HON. A. P. MATHESON: That would be logical, but it was not so provided.

THE MINISTER OF MINES: The desire was not to be too hard on the mine-owners.

HON. A. H. HENNING: The House would not do it.

HON. A. P. MATHESON: The Minister was prepared to accept inaccurate plans in the first instance.

THE MINISTER OF MINES: That was a very unfair and ungenerous argument.

HON. A. P. MATHESON said he only wanted to be logical.

THE MINISTER OF MINES: It was not always possible to be logical with the House against one.

HON. A. P. MATHESON: This was the time when the Minister ought to be logical, because it proved how illogical the balance of the House was. If the Minister of Mines was prepared to admit that he (Mr. Matheson) was logical, then it put the action of the balance of the House in a very unfavourable light.

THE MINISTER OF MINES: Let the hon. member suggest an amendment to make it logical.

HON. A. P. MATHESON said he was at present supporting Mr. Henning's amendment. Later on it might be his duty to propose another amendment. The working plans, with which mine-owners wanted the Government to be satisfied, were the plans on which the lives of the miners depended, and which were absolutely correct. These plans mine-owners were prepared to supply twice a year if necessary, and it was not fair on the part of the Minister of Mines to suggest that the goldfields representatives were going in for factious opposition.

THE MINISTER OF MINES: That had not been suggested.

HON. A. P. MATHESON: The Minister of Mines did not make the suggestion in so many words.

THE MINISTER OF MINES: The hon. member was setting up a supposition and fighting it.

HON. A. P. MATHESON said he did not like to use the word "insinuation," but the Minister did make the insinuation that goldfields members were opposing this clause simply from a desire to render

vain his efforts in the direction of accuracy—that they did not want to facilitate the accuracy of the plans.

THE MINISTER OF MINES: The hon. member was not accused of that.

HON. A. P. MATHESON: If hon. members were not accused of that——

HON. R. S. HAYNES: They thought they were.

HON. A. P. MATHESON: It looked very much as though hon. members were so accused. It was as much to the advantage of mine-owners as to that of the Government that the plans should be absolutely accurate.

THE MINISTER OF MINES: Why object to the surveyors, then? Perhaps all mines were not conducted like those of the hon. member.

HON. A. P. MATHESON: Any mines whose works were worth preserving were properly conducted. The majority of mines were not worth recording on account of their small development work at the present time. It was not until a mine was at a certain stage of development that it became worth while preparing plans for a record office. Where the majority of mines were only shafts, no records were necessary.

THE MINISTER OF MINES: Suppose mines were abandoned?

HON. A. P. MATHESON: Any one could go and see those shafts.

THE MINISTER OF MINES: They might be full of water.

HON. A. P. MATHESON: Then the water could be pumped out. If they were full of water it was the best possible proof they were not worth recording. The Minister of Mines was not in touch with the mining industry, or he would not make such suggestions.

THE MINISTER OF MINES said he knew more about it than the hon. member thought.

HON. A. P. MATHESON: Then it was a pity the Minister did not show more sagacity and intelligence in dealing with the subject.

THE MINISTER OF MINES: The hon. member could not recognise the value of the suggestions.

HON. A. P. MATHESON: The rest of the hon. members could, and no doubt appreciated them.

THE MINISTER OF MINES: They did, as shown by the divisions.

HON. A. P. MATHESON: It was not altogether safe to go by divisions. Mine-owners could get men at small expense to prepare accurate plans. There was no particular advantage in the proposal that the plans should be sent in only once a year, because it was not anticipated the clause would pass in its present form, that night, at any rate. He was perfectly willing to admit the Minister of Mines had gone a long way in his endeavour to meet objections; but still the clause was not acceptable.

HON. D. M. MCKAY: This was a "stone-wall."

HON. A. P. MATHESON said he did not understand what the hon. member meant by "stonewall." It was an expression which the hon. member had certainly not learnt in Skye, but out in the colonies. For the reasons stated, he (Mr. Matheson) regretted he was unable to meet the Minister "half-way."

Amendment put and negatived, and the new clause added to the Bill.

Bill reported with a further amendment, and, the Standing Orders having been suspended, the report was adopted.

CIRCUIT COURTS BILL.

IN COMMITTEE.

Consideration in committee resumed.

New Clause:

HON. R. S. HAYNES having, at the previous sitting, moved that the following new clause be added to the Bill, to stand as Clause 16:

The acceptance of office of Commissioner under this Act by a member of the Legislative Council or the Legislative Assembly shall not be deemed to be an acceptance of office of profit, and shall not render the seat of such member void:

said the clause did not extend the privileges of any section of the community. Under the present Act, counsel who were members of Parliament could appear as advocates for the Government; and there was no reason why counsel similarly circumstanced should not act as judges to try half a dozen cases on three or four occasions. Without such a clause, the object of the Bill would be frustrated. He doubted if there were any members of the bar available and willing to accept the position, who were not members of the Legislature. If the committee agreed

to the clause, the Bill could be sent back to another place.

THE MINISTER OF MINES: There were objections in another place to anything going back just now.

HON. R. S. HAYNES: The business of the court was seriously congested. If we debarred members of Parliament from acting as commissioners, only one or two members would be available, and he believed that neither of them would accept the position. We should therefore be preventing the Government from obtaining the services of the leading members of the bar. It was not a question of emolument, as anyone who accepted the position would lose money by it.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM): This matter had been adjourned for the purpose of allowing him to give serious consideration to it. He was prepared to admit that the best available talent of the bar was in one House or the other. There was no question about that. There were some outside, but the majority were in Parliament, and the consequence was that, if they were not available for the Government to appoint, the selection of the Government would be narrowed to a very small minority, and it might put the Government in a position that, if gentlemen outside were engaged on other work, the Government might be unable to obtain anyone. The House had to consider the precedent that would be established if we exempted members of Parliament under certain conditions from being debarred from accepting appointments of this kind. The most serious point of all was that the Government might appoint a commissioner as judge on a circuit, and among the cases to be dealt with there might be some in which the Government were interested. It would then at once be said, if the member of Parliament whom they appointed as commissioner happened to be on that side of the House which supported the Government, that he was appointed for furthering Government views. He (the Minister) did not say that would be the case. If, on the other hand, a member of Parliament were appointed as commissioner from the Opposition, the public would probably say that the appointment was made with the object of securing the support of that

gentleman. He quite agreed with Mr. Haynes that it was impossible for the Government to do anything of the kind; but the public would always put their own construction upon such an appointment. The House should, therefore, be very careful as to what course it adopted. He would leave it to the House to settle the question entirely. It was one of considerable moment, as it involved a question of precedent—almost a question of Constitution—and he was certainly very dubious how it would be regarded by the public outside.

HON. H. G. PARSONS: The point at issue had been stated very clearly by the Minister and by Mr. Haynes. Mr. Haynes had said that there was no pick outside the House, with one or two exceptions. Under Clause 3, either a judge or a commissioner must be appointed. The judges were out of the running, therefore there were only one or two men outside who could be appointed. He thought they had made a serious mistake in limiting the office of commissioner to one who had served at the bar seven years in the colony. He believed in trades unionism, but this was going rather too far. The lesser of two evils would be to go back on our previous resolution, and allow people to come in who had not been seven years in the colony, rather than allow members of Parliament to accept such appointments. There was a strong feeling against breaking up the constitution in favour of a few lawyers who might have political influence, and he was absolutely opposed, on constitutional grounds, to giving the preference to the few lawyers in our midst over the strangers within our gates, because the latter might have been here only three or five years.

HON. G. RANDELL said this was an interference with the Constitution.

HON. R. S. HAYNES: The Chairman had ruled that it was not.

HON. G. RANDELL was quite in accord with what Mr. Parsons had said. He considered five years would be quite long enough for a person to be in the colony to be qualified for the position in question.

THE CHAIRMAN: This motion did not interfere with the Constitution Act.

HON. A. P. MATHESON said he entirely agreed with Messrs. Parsons and Randell. It would be very much more

satisfactory to the public who resided in places where these courts were going to be held, if the courts were presided over by a judge rather than by a commissioner. It might be a prejudice on the part of the public. Every obstacle that was put in the way of a commissioner being appointed, by limiting the selection as much as possible, and by debarring the legal luminaries who would be suitable in this and the other place from accepting a position as commissioner, would tend to render it more essential that the Government should appoint additional judges. That was the point at which we ought to aim.

HON. S. J. HAYNES said that, while he agreed with the remarks of Mr. R. S. Haynes, he could not support the clause. He quite agreed with what Messrs. Parsons and Randell had said. It seemed to him that it would be unconstitutional to allow members of Parliament to accept the position of commissioner, and we would be setting up a very dangerous precedent if we accepted the clause moved by Mr. Haynes. He agreed with Mr. Matheson that it would be better if the Government would appoint an extra judge to deal with the present situation, and bring the congestion that existed in the law courts to an end. He would rather see one of the judges appointed than set up the dangerous precedent proposed.

HON. R. S. HAYNES: The Government had already refused to appoint more judges.

HON. S. J. HAYNES: The Government might perhaps yield, and so ease the pressure on the Supreme Court.

HON. R. S. HAYNES: It was rather a delicate question for him to have brought forward, but he had done so from a sense of duty. We wanted a circuit court established on the goldfields. Being a practising barrister in Perth, it was against his interests to have such a court established, but he was quite sure it was required. He had no wish to press the amendment, and, with the consent of hon. members, he would withdraw it.

HON. G. RANDELL: There was a strong feeling—he believed a unanimous feeling—that the time had come when an additional judge should be appointed.

Proposed clause, by leave, withdrawn.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

IMPORTED LABOUR REGISTRY BILL.

IN COMMITTEE.

Postponed Clause 24:

HON. R. S. HAYNES: Progress had been reported, on the suggestion of the Minister of Mines, to enable him to consider the proposed addition.

THE MINISTER OF MINES said he had no objection to it.

Amendment—as previously proposed by Hon. R. S. Haynes—put and passed.

Schedule, preamble, and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

The Bill having been recommitted,

Clause 27—Imposing restrictions, &c:

HON. R. S. HAYNES moved, as an amendment, that the words “below the 27th parallel of latitude” be inserted between the words “or” and “in,” in line three. It had been pointed out to him that on the Pilbarra goldfields only Chinese servants could be obtained in the hotels. The object was that in the townships north of the 26th parallel they might be employed in hotels and as servants.

THE MINISTER OF MINES said that this was rather an intricate matter, and he should leave it to the discretion of the goldfields members. He saw no particular objection to it.

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

Bill reported with a further amendment; and, the Standing Orders having been suspended, the report was adopted.

WORKMEN'S LIEN BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: I think this small Bill will meet with the approbation of all members of this House. It is introduced for the purpose of giving working men security for their wages from a contractee as well as from a contractor. It is well-known that occasionally men work for contractors who take contracts from other people, and that sometimes working men are not able to get their wages from them. This Bill is to give working men who have not been paid their wages the first claim on the con-

tractor's estate. The Bill is divided into two parts. The first part deals with cases in which working men have obtained judgment, and the second part with cases in which working men have not obtained a judgment. In the first case, a working man may apply and obtain a judgment for wages, and the magistrate gives him a certificate for the amount for which he has obtained judgment. He can then serve notice on the contractee that he has obtained judgment and that he has got a certificate. The effect of his holding a certificate practically assigns to him the amount of money for which he has a judgment, and which is now in the hands of the contractee. All notices that are served on the contractee, who is the man who deals with the contractor, are held for seven days, and all certificates that reach him within seven days occupy the same position; so that at the end of seven days, if half-a-dozen certificates come in they are dealt with proportionately. A working man may sue a contractee for his money after getting a certificate. If he presents this certificate to a contractee, and the latter does not pay up, and if the contractee have any money due to the contractor, the working man can sue the contractee for the amount.

A MEMBER: Supposing he has not got any?

THE MINISTER OF MINES: Then he cannot pay. Before a contractor gets any money from a contractee, the former must show a statement of wages due, and make a declaration verifying the statement; and the contractee need not pay a single penny until he has seen that statement and declaration. The first liability is for wages, which a contractee must pay and deduct from moneys due to contractor. The men to whom the wages are due may sue the contractee, and there is a provision that men must sign a receipt for wages paid to them by the contractee. The object of the Bill is to secure the wages of working men, and I am sure the House will approve of the measure.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through committee without debate, reported without amendment, and report adopted.

ADJOURNMENT.

The House adjourned at 9.35 p.m. until the next Tuesday.

Legislative Assembly.

Thursday, 9th December, 1897.

Roads and Streets Closure Bill: Amendment on report—Annual Estimates: in Committee of Supply—Police Act Amendment Bill: first reading—Agricultural Lands Purchase Act Amendment Bill: first reading—Paper presented—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

ROADS AND STREETS CLOSURE BILL.

AMENDMENT ON REPORT.

The Bill having been reported with amendments,

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) moved, as an amendment in the schedule, that the following paragraph be added:—

In the Townsite of Coolgardie.—All those portions of Ford Street lying between the north side of King Street and the south side of Elvira Street, and the north side of Elvira Street and the south side of Toorak Street; also all that portion of Macdonald Street lying between a north line drawn from the north-west corner of Coolgardie Town Lot 1090 and the west side of Quarry Street produced to the north side of Macdonald Street.

Put and passed.

Report (with the further amendment) adopted.

ANNUAL ESTIMATES.

IN COMMITTEE OF SUPPLY.

Consideration of Estimates resumed.

ATTORNEY GENERAL'S DEPARTMENT (Hon. R. W. Pennefather).

Vote—Crown Law Officers, £3,445—agreed to.

Vote—Supreme Court, £7,449:

MR. LEAKE: The work of the Supreme Court had accumulated to a considerable extent, and the time of the judges and officers of the court was fully occupied. Particularly was this so in the Registrar's office, where there was need for improvement and more assistance. The clerks employed had very little space to work in, and were subject to many inconveniences. The Registrar was a pluralist, so far as his duties were concerned, but not perhaps in regard to salary. His duties were many and various, for he was Registrar, Master, Keeper of Records, Registrar in Bankruptcy, Registrar of Joint Stock Companies, Taxing Officer, and goodness only knew what else. Another Master should be appointed in the Supreme Court, to get rid of the present accumulation of work; also, there should be a taxing officer appointed, as the business of taxing the bills of actions devolved now on the Master of the court, although this was not work he should be called on to do, but should be the work of a special officer. If a taxing officer were appointed, he would require to be a qualified man; and if an extra Master were appointed, or a Master in Equity, or an assistant master, it would be found that a great deal of the formal work now done in chambers by the judges might be done by the Registrar; and in the event of a particular matter requiring a decision by the Master, there might be an appeal to the judge in chambers, as was done in England. For instance, the judges had to issue formal summonses for attachment, also to grant fiats for probate, and all formal matters which only required a little care on the part of a qualified man to see that the necessary formalities were observed. All this work could be taken off the hands of the judges by a Registrar, or by another Master of the Supreme Court. The salaries in this department had not been increased to any perceptible extent, in this or any previous year. The time had arrived when this office required reorganisation, and the work distributed properly.

MR. EWING: The Attorney General would recognise just as fully as other legal members of this House the necessity for making some further provision for the transaction of the ordinary business of the Supreme Court; and it should be