Legislative Assembly.

Tuesday, 13th September, 1898.

Papers presented — Berthing of Steamer Nemesis, a Question—Question: Penal System and Commission of Inquiry—Question: Railway Stores, Stock and Valuation — Question: Fremantle Harbour, Lighting of South Quay—Question: Officers of Government, Fees for Private Work—Reappropriation of Loan Moneys Bill, third reading—Gold Mines Bill, second reading, debate concluded—Health Bill, recommitted, reported—Crown Suits Bill, Council's Amendments, in Committee—Workmen's Wages Bill, second reading (moved), debate adjourned—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: State Schools, Return showing attendance and cost per head, as ordered.

By the MINISTER OF MINES: Mineral Lands Act, Regulations gazetted 9th September.

Ordered to lie on the table.

BERTHING OF STEAMER NEMESIS, A QUESTION.

MR. LOCKE (Sussex): By permission of the House, I wish to ask the Premier to explain a statement made by him the other night, with reference to the berthing of the steamer Nemesis.

THE SPEAKER: It would not be in order for the hon. member to do that.

MR. LOCKE: Well, how can I do it?

THE SPEAKER: I cannot tell you.

MR. LOCKE: I will have to bring the matter on in some other way.

THE PREMIER: Give notice of a motion.

MR. LEAKE: Give notice of a motion censuring the Government.

MR. LOCKE (after a pause): I give notice that I will, to-morrow, move that all correspondence relating to the berthing of the steamer Nemesis be laid on the table of the House.

QUESTION: PENAL SYSTEM AND COMMISSION OF INQUIRY.

MR. VOSPER (North-East Coolgardie), without notice, and by leave, asked the Premier whether the statement recently published in the daily Press, as to the appointments made on the Royal Commission for investigation of the penal system, are correctly stated.

THE PREMIER (Right Hon. Sir J. Forrest) replied: I think they are correct.

MR. VOSPER (at a later stage): I give notice that I shall move, to-morrow, that the appointments made for inquiring into the penal system of the colony are not calculated to produce the effects desired.

QUESTION: RAILWAY STORES, STOCK AND VALUATION.

MR. KENNY asked the Premier,—1, The date when stock was taken of the Government railway stores. 2, Value of stock on hand at that date. 3, Whether stock was taken at laid down cost or invoice price. 4, How long the greater bulk of the stock was in hand. 5, What percentage was allowed for depreciation. 6, Whether the stock-taking was carried out as in mercantile departments, each article, with its value, being duly listed on stock sheets.

THE PREMIER (Right Hon. Sir J. Forrest) replied):—1, The last occasion on which stock was taken in *detail* of these stores was during the year 1890; since that date, owing to insufficient store accommodation, it has been found impossible to completely check the stock, which was, however, tested by verifying certain lines; subsequently, viz., in October, 1895, the latter system was found to be impracticable, and a complete stock-taking was postponed pending the proper storing and classifying of the stock. 2, £19,712 10s. 5d. 3, Taken at laid down cost. 4, Not known. 5, None. 6, Yes.

QUESTION: FREMANTLE HARBOUR, LIGHTING OF SOUTH QUAY.

MR. HUBBLE, for MR. HIGHAM, asked the Commissooner of Railways—Whether, in view of the frequent arrival and departure after sunset of mail and intercolonial passenger steamers at south quay, Fremantle, he would authorise the imme-

diate installation of several lights for the safety of the public.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied that it was intended to provide lights on the south quay. This could not be done immediately, but no unnecessary delay would take place.

QUESTION: OFFICERS OF GOVERNMENT. FEES FOR PRIVATE WORK.

MR. WILSON, for MR. OLDHAM, asked the Attorney-General,—1, Whether it was not an established principle that Government officials were not allowed to receive fees for private work. 2, Whether the Government permitted its salaried officrs, such as police magistrates, to charge additional private fees for doing work (on which the customary dues had been paid) in Government buildings, with the assistance of Government subordinates, and in ordinary Government working hours. 3, Whether the Government was aware of such fees having been recently charged under similar circumstances by any Government officers; if so, when, and under what circumstances. 4, Whether the stipendiary magistrate of the Perth Local Court recently ordered his subordinate officers not to issue executions in any case, judgment having been duly entered up in the court book, and judgment order issued by the clerk of the court; if so, when, and why? 5, Whether the Government permitted any Government department, that had by written consent become a party to a lawsuit, to thereafter claim any privilege that would not be accessible to a private individual; if so, when, and under what circumstances?

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), replied:—1, It is a rule that no private work for remuneration shall be performed by any person in the Government service, whose whole time is at the disposal of the Government, in the profession, trade, or calling in respect of which he receives an official salary. 2, to 5 (inclusive), No.

REAPPROPRIATION OF LOAN MONEYS BILL.

Read a third time, on the motion of the PREMIER, and transmitted to the Legislative Council.

GOLD MINES BILL.

SECOND READING.

Debate resumed on the motion made by the Minister of Mines, 19th July, for the second reading of the Bill.

MR. WALLACE (Yalgoo): When I moved the adjournment of the debate, I intended to say a good deal; but I have learned that it is the desire of members to get into Committee as early as possible, and in order that the Bill may receive full consideration in Committee I will compress my remarks at this stage. I feel sure members desire to assist in framing laws for the working of our goldfields that will be beneficial to both the alluvial man and the capitalist. We have lately had a lot of trouble, and I hope that when this Bill is passed it will not contain such portions of the law as have, I contend, been responsible for the unpleasantness which has occurred, and has been accompanied not only by loss to those specially interested, but to the whole colony. The troubles that have arisen are retarding the development of our goldfields, and we desire to remove them as early as possible. I hope that before the end of the present year we will have an Act in force which will preserve to each class of people on the goldfields their rights and privileges. Considering the pressure of business, less might have been said by members on the second reading, in order to assist the passage of the Bill through Committee, and secure such practical aid as is generally sought and found. In framing this Bill we must not overlook the rights of men to whom is due the development of the colony; for in developing mines, we develop West Australia as a whole. I refer to those who exploited the wilds of the colony under great privations and great risks; those who are commonly known as prospectors or alluvial diggers. Prospectors and alluvial men generally have been very fairly dealt with under the old Act. Had it not been for the proclamation of that regulation known as 103, none of that unpleasantness to which I have referred would have occurred, because, as is well known, the mining laws up to that time had worked very smoothly; but directly that regulation was issued, the alluvial men saw a loophole, and I do not blame them for taking advantage of it. They observed that they

had an opportunity of grasping what some would probably consider more than their rights, but I do not think they went too far in taking what they thought belonged to them. Whilst admitting that the actions resulting from that belief were not such as I would like to have seen, I would point out that the real alluvial digger and genuine prospector is not the man responsible for this great outcry, or, I might term it, outbreak. Had the newspapers, not only on our goldfields, but in our cities, used the discretion they should have done, a lot of this unpleasantness, which has not yet terminated, would have been avoided. Every precaution should be taken to exclude from this Bill anything with a double meaning, and the rights of both the alluvial men and of companies should be preserved. I feel sorry that a new Bill was introduced at all. We are asked to peruse and debate a Bill of some hundreds of clauses, and it is extremely difficult to know what it really is. I appreciate the intention of the Mines Department, and the careful management of the Minister, who has a desire to establish a law which will work fairly and smoothly, for all sections of the mining community; but I think the Minister of Mines will agree with me that had the old Act simply been amended, it would have had the desired effect. We have worked under the old Act for some years, and we all know the defects of it. It would have been far better for us to have come here and remedied those defects, instead of dealing with a Bill of this great magnitude. It is possible there are errors in the Bill, and if they are discovered we should be excused; but had the old Act been amended, there would have been no excuse at all. We should have given to the mining community an Act that would have been workable in the interests of all classes. I repeat that it is a matter for regret that the Minister of Mines did not see his way to really have the old Bill amended, rather than bring before us the great amount of matter we have before us in the present Bill; and I venture to predict that we will not have that satisfaction which is hoped for, because, although the Bill is readable, it is not so understandable as we would have liked. The Minister of Mines in introducing it did not give the explanation that a Minister introducing a Bill should afford. I carefully listened to him, but failed to derive that amount of information that he should have imparted. However, I will give all the aid in my power towards making the Bill one that will afford satisfaction to all classes. There is one little matter to which I would especially draw the attention of the Minister. Notwithstanding the vast amount of unpleasantness which has arisen in connection with section 36 of the present Act, he again introduces the old sore in clause 76 of this Bill. To my mind there is no excuse whatever for inserting such a clause, because he has had sufficient experience of section 36 to satisfy him it is necessary to totally abolish dual titles. I hope every member will assist in wiping clause 76 out entirely. There are one or two other clauses I would like to refer to; one of them being clause 63, which deals with exemption from labour conditions on certain sums being expended. It will be seen that under this clause the capitalist has received a very vast amount of consideration. He is allowed exemption from 3 to 12 months, on proof of the expenditure of certain sums. Under the present Act, any mine holder is entitled, and in only rare cases is an applicant refused, to have six months' exemption; and, in the face of that, I do not see why, in the interest of the mining industry the capitalist should have this further privilege, which can be availed of only by capitalists and is not available to the poor man. I say that, inasmuch as mine owners can, under the present Act, obtain six months' exemption, this clause in the Bill is quite unnecessary, for it must be clear to everybody that the effect of such a provision will be to lock up mining areas. Surely, if a mining company desires to reconstruct, or desires to introduce or erect machinery, the six months' exemption obtainable under the present Act should be ample for such purposes; and I do think the provisions in this clause will cause great dissatisfaction, for it will give to one class a privilege which the other class is unable to make use of. I understand it is the desire of this House to make laws such as will be available for all classes of miners, whereas this provision is for the protection of capitalists, and will not be equally available to the

working miners who hold leases. On page 65 of the Bill, referring to the penalty for non-working of land, my reading of the provision is that, in the event of a number of men, say four, working a property, it being poor men's ground, and supposing that one abandons his interest in it, the other three must protect their own interest by taking up the abandoned share, because they must carry out the labour conditions. Many instances on the goldfields are known to mining members where it has become a heavy burden on poor men working under these circumstances to take up a forfeited interest; and they have in such cases to obtain the assistance of capital for enabling them to carry on.

THE MINISTER OF MINES: This is a provision in the present Act.

MR. WALLACE: But I want to see it amended. These clauses which are reproduced here from the existing Act are so rehashed or paraphrased that one cannot readily recognise them. Under this clause, the whole of a property can be jumped, in the event of one member of the party abandoning his interest. I think the clause should be made to work so that it will affect only the forfeited interest, and will not cause the forfeiture of the interest of other men working the same ground, in the event of the forfeited interest of one man being jumped. I have had experience where I have had to take up one man's forfeited interest after another in a property, and it is a common occurrence among alluvial diggers. If any portion of a claim is jumped, it should be only that portion which has been actually abandoned, and the jumping operation should not affect the interest of the remaining members who are joined in the claim. Clause 83 provides a lien for wages to the extent of one month.

MR. GREGORY: That is provided for in the regulations.

MR. WALLACE: I am not aware how the regulations apply to it; but inasmuch as many of the mines have monthly pays, it follows that, to get the benefit of this provision, a working miner would have to cease work on pay-day so as not to create any loss beyond the month's money actually due. Where shorter pays are the rule, the miner will risk another week, in the hope of getting his wages for the week that has passed; but in the case of monthly pays, the miner would have to risk two months' labour, by working on after the first month had expired, hoping to get his wages during the second month. Instances have occurred on the Murchison goldfields where miners have had great losses through the monthly pay not being duly made, and the men going on working for a second month, with the result that the company may have further delayed the payment of its wages, through the necessity of waiting for money remitted from outside the colony, and in that way a working miner may have run eight or nine weeks into arrear with his wages. I think the lien should be extended beyond the one month, and that at least two months' protection should be given to the working miner. That would give him an opportunity of receiving the first month's pay during the currency of the second month, so that he need not lose his right to two months' pay. In the present state of the labour market, men cannot afford to take it for granted that they will not get their wages at the end of the month, and retire on the last day, so as not to run further into arrear. These men are compelled, by force of circumstances, to hold on for the next month, in the hope of getting the past month's pay. Turning to the provision for licensing business areas, I ask how this provision will affect storekeepers, where there are registered business areas in almost every town in which the particular storekeeper is doing business on a goldfield.

THE MINISTER OF MINES: A business man can be in only one place at a time, and he holds his business area under his miner's right.

MR. WALLACE: It would be very unjust to restrict business people to one business area, nor it is to the interest of the diggers that storekeepers should establish stores at the various camps on a goldfield; and, in order to do that, a storekeeper needs a business license in each place where he is doing business. If, on the other hand, he is to have only one business area, he will be at the mercy of his employees. This clause should be considered, with a view to amendment in the direction I have indicated. Many other matters I have noted in reference

to this Bill, but I will not speak on them at this stage. My desire is to see the Bill get into Committee as soon as possible; and I hope hon. members, without considering me dictatorial, will be good enough to follow my lead, by making their speeches short on the second reading, so that we may get into Committee quickly, without expending further days in debate on the second reading.

MR. MITCHELL (Murchison): Although I have been connected with mining all my days, I am not a mining member, nor am I a goldfields member; and, owing to my disinclination to talking, I doubt whether I am qualified for that position. Still, I shall be expected to say a few words on this Bill. I may say, firstly, that I intend to support the second reading, not because I consider this a perfect Bill, for it is impossible to frame a perfect measure dealing with the conflicting interests which are involved · but I support the second reading because I consider that an honest effort has been made to meet the requirements of our great mining industry. I support it also because I think the Bill is capable of being put into a shape when it gets into Committee, which should reasonably satisfy all interests. Those members who have studied the Bill will have noted that many of the clauses are of a more or less debatable character, to say nothing of some of the amendments that have been suggested. I therefore reiterate what has just fallen from the last speaker (Mr. Wallace), that we should do well to get into Committee as soon as possible, in order that the Bill may be passed during this session. In view of numerous amendments staring us in the face, and the conflicting elements in mining generally, also in view of certain developments that have taken place recently on the goldfields, I do not think this Bill will have a smooth passage through the House, and I am afraid that our difficulties will begin almost at the first clause. The definition of "alluvial," as set forth in clause 3, seems to me to be not too plain; for it says:—

"Alluvial."—All gold except such as is found in a seam, lode, dike, or quartz reef or vein.

Further on we find another definition:—

"Earth."—Any mineral, rock, stone, quartz, clay, cement, sand, or soil.

I have asked myself the question over and over again, what is a "seam" and what is a "dike," as implied in these definitions? But I may as well ask myself why a lobster turns red in boiling; because if we take the definition in clause 3 and read it in connection with the portion of clause 76 which has been referred to by the hon. member who has just sat down, then I say that one-half of the stuff containing gold now being raised at Kanowna is not alluvial. I do not wish to be misunderstood in this matter, for I do not say it is alluvial, and I do not say it is not alluvial; but I say it is not "alluvial," according to the interpretation I am able to put on the words of the clause. I come to the more important question of the "dual title," and I am glad to be able to think we have already heard the death-knell of that title, which has been and is causing great unrest, not only within the colony, but outside of it. It has stopped, so to speak, the influx of capital. I have often heard it said outside, and I think in this House as well, that we do not want outside capital, and more especially British capital; but this seems to me absurd. Let us not be sentimental in this matter. I say we do want outside capital, and we want British capital as well; and this also I would say, that we shall, I believe, get that capital as soon as we are able to say that we will give an indisputable title in exchange for the money invested in our mining leases. Until we are able to do that, I do not apprehend that we shall have any material increase in our mining revenue. Owing to what I call a pernicious law, many difficulties have surrounded this question; and one attempt to remove them in this Bill is by means of the interim lease. I take it that, under the interim lease, it is proposed to give the alluvial miner an opportunity of discovering or deciding whether there is or is not alluvial on the land which has been applied for by the would-be lessee. I ask hon. members whether they think the alluvial digger will do that. I say that in eight cases out of ten he will not do it. In making these remarks, I do not refer to surface alluvial; but I only refer to deep alluvial, or to what are more commonly known as deep leads. Refer-

ring again to the interim lease, I think that such a lease could in no way be financed. I also say that you would not get anybody within this colony—although there are a great many fools here, I suppose—foolish enough to take up such a lease and hold it under the labour conditions for twelve months with a view of the chance of getting it at the end of that period. No, sir; I prognosticate a total failure for what is foreshadowed here under the interim lease clauses. What I would like to see is this. Whenever a gold-mining lease is applied for, the land should at once be inspected by a Government geologist, the mining inspector of the district in which that land is situated, and a competent and reliable gentleman having no connection whatever with the Government, and who should be chosen by the warden; and, upon report of those gentlemen that this land contains or is likely to develop alluvial, the lease should not be issued; but, on the other hand, if they say there is no alluvial there, then I would suggest that an advertisement be inserted in one or more of the local newspapers stating that such lease will be issued at the end of three months from the date of such notice, unless good cause can be shown why it should not be issued; and, in the advent of no such exception being taken, then I say the lease should issue, and all that is within and upon that lease should be the exclusive property of the lessee or lessees, as the case may be. I think this measure could be dealt with very much better in Committee, and the sooner we can get there the better. I shall reserve any further remarks till that stage. I shall not only vote for the second reading of this Bill, but I shall do all I can to assist in passing it in such form as will be acceptable to all concerned.

MR. GEORGE (Murray): I intend to say only a few words on this matter, merely to emphasise an opinion which I believe is strongly felt by members of this House who are not experts, namely, that the responsibility of this Gold Mines Bill must rest entirely upon the gold-mining members; and I believe that we should have a better chance of getting it passed this session and having it put into proper workable condition, if the representatives of the goldfields were formed into a select committee for the purpose of thoroughly discussing it by themselves, and getting it ripe for us to consider in this House.

MR. MORAN: We are nearly agreed upon it now.

MR. GEORGE: Well, if those members are nearly agreed upon it, they will not have to sit very long in Committee; but I think that for members like myself who have very little acquaintance with gold-mining, and very little experience, it would be presumptuous to put our opinions upon any of those vital points against the opinions of those who are the chosen representatives of the goldfields; and, therefore, I rise for the purpose of stating that, as far as I and many other members are concerned, we look to the members representing the goldfields to make this a workable Bill that will be acceptable to all parties in the colony; and we also look to them to settle this much-vexed question between the leaseholders and the alluvial men. There can be no doubt whatever that the dual title must go and go strongly, and in such a manner that there will be no possible loophole for it to come back again. At the same time, while that can scarcely be questioned, we must try to conserve the rights of both classes of men. The alluvial men—the men who go "on their own"—have to be protected and encouraged. The leaseholders, who are the representatives of large capital, which we require and must have here with which to work the fields when the alluvial men have finished with them, must be encouraged and receive proper titles for their ground. If we fail to do that, we cannot expect to get the inflow of capital such as this colony requires. I do not intend to say any more on this subject, further than to express my conviction that we would get a more satisfactory Bill, and get it in much quicker time, if the House would adopt the suggestion—I do not say it is mine—that the members for the goldfields should be formed into a select committee to consider the matter, and report to the House as quickly as possible. I think we should avoid much discussion by that means.

MR. RASON (South Murchison): I do not intend even to attempt to intrude

upon the time of the House for very long. There is nothing, to my mind, to be gained now by discussing this Bill clause by clause. That is rather a matter for the Committee stage, and I agree with the previous speakers, if we are to have a good mining Bill this session, the sooner we get into Committee upon it the better. But, seeing the importance of the Bill, I think time spent in discussing its general principles, at all events, is time well spent; and I cannot agree with those members who have suggested that the Bill can be best dealt with by a committee of the goldfields members only. There are other members in this House who, though not possessing technical knowledge, have good common sense, and who could make very many valuable suggestions even in regard to the Gold Mines Bill; and I do hope that every hon. member will recognise the importance of this measure, not only to the mining industry, but to the whole colony, and will, if he can see his way to do so, offer such suggestions as may come to his mind. I think we might well consider what should be the aim of a new Mining Bill. To my mind, the objects we should aim at are liberality, justice to all concerned, and efficiency. Although I am speaking in the most friendly spirit, and have, I think, the greatest respect for the Minister of Mines, and those who assist him in his work, I am bound to confess I do not think this Bill, as submitted to us, is of a nature that will meet all these requirements I have specified. To my mind, there are in it many errors, both of omission and of commission; but, still, I think they can be remedied in Committee, and, with that view, I would welcome the attitude adopted towards the measure by almost every member who has spoken; and especially do I welcome the attitude of the leader of the Opposition, and the members for North-East Coolgardie (Mr. Vosper) and Central Murchison (Mr. Illingworth). They have signified their intention of dealing with the Bill in no party spirit, but with an honest desire to suggest such amendments as to their minds are best in the interests of the whole industry, irrespective of any party or any class. I welcome that attitude, and, however I may differ from those gentlemen in general politics, I cheerfully acknowledge that they are particularly well qualified to offer very many valuable suggestions in regard to this Bill; and, for my humble part, when we do reach the Committee stage, I can assure them that I, at all events, shall treat any suggestions emanating from them with that consideration which I know full well they will richly deserve. To my mind, we should aim at liberality. The Premier has frequently said, when speaking on the main question, that what we want in this colony are more men and more money. That is undoubtedly true; but at the present time, if we ask ourselves, which do we want the more, I think the answer will be "money," or rather men with money; and that being so, as undoubtedly it is, we must ask how we can encourage capitalists without injury to those known as the labouring class. As the member for Coolgardie (Mr. Morgans) pointed out, we hear a great deal about capital and labour; "labour" always being brought forward with a large "L" and capital with a large "C"; and we have all grown familiar with those delightful pictures of a very ignorant fat man, who is supposed to represent capital, and an intelligent-looking, over-worked, half-starved individual supposed to be typical of labour.

MR. KENNY: A very fair picture.

MR. RASON: The hon. member says "a very fair picture," but I would remind the House, and that gentleman in particular, that we do not meet capital and labour, but capitalists and labourers, who are human beings; and directly you meet them you have to allow for human nature. The one naturally wants the most he can get for his money, and the other the most he can obtain for his labour—that being the difficulty experienced when you are dealing with mining law and endeavouring to do justice to the capitalist and the labourer. Each naturally wishes to obtain the most he can get for himself; but I wish to do justice to both, if possible. [MR. KENNY: Hear, hear.] But I recognise it is necessary, for the sake of the labourer, to encourage the capitalist, and I do not think they are the natural enemies of one another. In my opinion, the best friend

of the labourer is not the man who seeks to get him to look upon the capitalist as his enemy, but he who endeavours to bring the two together. In order to encourage the capitalist, the dual title must of course go, and it is not necessary to pursue that point, members on all sides being agreed upon it. But there are other ways in which we can encourage the capitalist without injury to the labourer. Not only should we abolish anything like duality of title, but after a considerable amount of money has been spent in labour, or in labour and machinery, on a claim, the owner of that claim should be permitted to have an indefeasible title. Why should such distinction be drawn between mining and any other occupation? I have no wish to discourage agriculture; but compare the lot of a man who follows that occupation with the lot of a person who elects to pursue mining. If one takes up agriculture, he has every information afforded him; besides which he can select a highly suitable block of land eminently fitted for his particular purpose without going near it. He can walk into the Lands Department to look at plans and survey describing the position of the country, and see exactly what the land is capable of growing. He has no trouble at all in selecting it, and, if he chooses, he can have 160 acres for nothing, or, if he likes to rent it, he need only pay 6d. per acre per annum. Now that is not the case with the man who elects to pursue mining. The man who follows mining has first of all to find a piece of ground which it would pay him to work; and, having done so, he has to pay £1 per acre per annum, in addition to which there are survey fees, and, in fact, a thousand and one expenses. He has to employ labour, and then when he has, it may be, spent thousands of pounds on the property he is liable to get it forfeited simply because he has not employed labour on it for three consecutive days. A member in speaking on this point the other night said no hardship had been inflicted, and that no company or individual ever had a lease forfeited unless there was very good ground for it. To my mind that is an idle argument, for the liability to forfeiture remains, and if it is never exercised, why should it remain on the statute book? Either it is necessary and should be exercised, or it is not necessary and should be removed. The bugbear to the capitalist and those who seek to invest in mining properties is the very liability to forfeiture at some time or other. I would like to call the attention of the House to one point, just to prove that it is quite possible. It is provided in the Act that gold mines on which £50,000 or even £100,000 has been spent are liable to forfeiture for not sending in proper returns of the value of the gold. That power is not used, but the liability is there, and that fact alone is enough to frighten any reasonable man who wishes to invest capital. I have briefly pointed out how I think capital should be encouraged, and I would like to suggest some things to encourage the prospector and the working miner. I have no wish to champion the cause of the capitalist as against the working miner. Rather do I desire to see justice done to both, as I have said; but, in order to be just to both you must of necessity be liberal to both. To the prospector you can offer encouragement by giving a reward claim for 21 years, free of rent; and when he makes a discovery outside the limit of any goldfield, surely he is entitled to liberality at the hands of the Government, who reap just as great a reward from the discovery as any individual, and in many cases a great deal more. To encourage the prospector to go out, let him know that if he can find something worth taking up he will be at no expense in regard to his claim, but will, as I say, have an absolute title for 21 years, free of rent. Then you will have prospectors going out all over the country. I would also encourage the alluvial prospector by giving a similar reward claim. I would like to see a sum set aside for a prospecting vote, out of which assistance might be given to prospectors, and a money grant might be given to them in case they made a discovery outside the limits of any well-known goldfield: such reward to be based upon the population carried on that field, say 12 months after the date of the discovery. Another thing which would, I am sure, assist prospecting and working miners

especially would be making it legal for a small prospecting syndicate to register. If they were allowed to form themselves into corporate bodies so that they might issue scrip, you would have five or six working men banding themselves together into a prospecting syndicate. If they found something they would register their syndicate and issue shares, and those shares would be marketable amongst their own circle; so you would find in the course of time that the working miners themselves would all have interests in their own little holdings, and instead of traffic being carried on in these shares upon the exchanges, the scrip would change hands amongst the miners themselves, who know full well the value of the mines. The working miner would never be at a loss to procure the gold from a good mine. We could assist the labourers by means of residence areas, and by giving them security for wages when they are employed upon mines. The great factor in the stoppage of the inflow of English capital has been the feeling of insecurity, which it is idle to deny now exists, and that feeling is due not so much to the bad mining law as to the frequent alterations of that law, and to the hasty and ill-judged regulations.

MR. LEAKE: What about administration?

MR. RASON: I do not know there is so much to find fault with in the administration. It is impossible for the head officers to administer this business throughout a scattered country such as Western Australia. I regret it has not been thought advisable, or that it has been deemed impracticable, to submit the regulations under this Bill with the Bill itself. I hope that if the Bill passes this session the regulations also may be passed by the House, and that having been passed they will not be rashly interfered with. When the Minister of Mines remembers that there are not less than 130 clauses—speaking from memory—in the Bill itself that depend entirely upon the regulations for their working, he must recognise that the regulations are really of equal importance with the Bill; and I trust that when they have been submitted they will not, as previous ones have been in many instances, be in direct contradiction not only to the spirit but the very letter of the Bill. I do not wish to weary the House, but there is a clause in the new Bill which is also in the old Act, and I regret to see it. It reserves to the Minister the power to issue miner's rights to Asiatics and Africans claiming to be British subjects. The answer previously has been that the right has never been exercised; but I can supply the Minister of Mines with a list of Asiatics and Africans who do hold miner's rights and business licenses. I do not say they have been issued with the knowledge or consent of the Minister, but they have been issued, and I am not aware whether the holders are British subjects or not. I do not think the power to grant these rights to Asiatics and Africans should remain; for it places the Minister in an invidious position which he ought not to occupy, and he should be able to say: "I cannot issue a miner's right although you may be a British subject."

THE MINISTER OF MINES: Would you not give a miner's right to an Asiatic who is a British subject?

MR. RASON: No, I would not. Then I would like to know whether the Minister of Mines intends to reduce the survey fees in any way. I would like to point out a distinction which ought not to exist. The survey fees on a mineral lease for 20 acres would amount to only £2 8s., whereas the survey fees on a gold-mining lease for the same area would amount to £7 10s. Why should that be? Surely a gold-mining lease in the majority of cases is far easier to survey than a mineral lease, from the mere nature of the country in which gold is generally found, as compared with minerals. The member for East Coolgardie (Mr. Moran) referred the other evening to the necessity of having a court of appeal on the goldfields for mining cases, and he truly said it was absolutely necessary that a circuit judge should be appointed. It is undoubtedly a great hardship that litigants should be compelled to travel great distances to Perth in connection with mining appeals. The clause in the Bill dealing with appeals says: "The court of appeal shall consist of three judges of the Supreme

Court, sitting together at such time and place as the said judges may fix." It would have been far simpler if the clause had simply read, "The three judges of the Supreme Court, sitting in Perth;" because that is what the clause means. No one can imagine that, there being only three judges, the whole of those judges are going on circuit together; therefore the clause means that the appeal court is to be in Perth for ever. I say that is undoubtedly unjust to the vast body of men who are engaged in mining. We know that mining disputes will arise, and why should litigants be compelled to travel immense distances to Perth, for having their appeals heard? Why should not one circuit judge be appointed, not only to hear mining appeals, but to deal with other circuit business? Another point I wish to mention is the enormous fees that are charged by solicitors practising on the goldfields.

MR. ILLINGWORTH: You cannot legislate on that.

MR. RASON: We can frame a scale of fees to be charged in wardens' courts. I will give the opinion of one gentleman whose authority the House will admit, and that is Mr. Warden Finnerty; for speaking of these charges, he said there is no doubt they are enormously high, and he suggested that it is a question for the Government, who should try to frame a scale of fees. I make this suggestion for the consideration of the Minister; and I do hope a scale of fees will be drawn up, to regulate the charges of solicitors practising in wardens' courts on the goldfields.

MR. LEAKE: Wardens have the power to tax.

MR. RASON: Yes; but they tax on the Supreme Court scale. I know of a case in which the verdict was given for £100, and the costs in the case were £250. I do not think such excessive costs should be allowed in a warden's court. In conclusion, I do hope the Government will see the advisability of establishing a mining bureau of information in London. Other colonies have done it; and although I do not attempt to argue that we should slavishly follow the mining laws of the other colonies, still we may follow their example in this respect. The mining industry in this colony appears to be allowed to drift too much, as if left to take care of itself. No one has much information about it, and it is impossible to obtain much information when one desires to do so. I should like to see the same vitality put into the Mining Department as is demonstrated at present in the Lands Department; for if it is advisable to boom the Lands Department and offer every inducement to people to settle on our lands, why is it not equally necessary to boom the Mines Department, in order to induce people to invest in our mines?

THE MINISTER OF MINES: Give me the money, and I will do it.

MR. RASON: It will be money well spent, if it can be done, for upon the gold-mining industry depends the welfare of this colony far and away above the land. I believe that the land industry and the mining industry can well go hand in hand, but it is the mining industry that is responsible for the advancement this colony has made during the last few years. It is gold-mining that has lifted the colony out of comparative obscurity into its present prominence, and it is upon gold-mining alone that the welfare of this colony must depend to a great extent in the future. When the Bill gets into Committee, hon. members will, I hope, deal with it in the same spirit which has been foreshadowed by those members who have spoken from the Opposition benches; and, if that be so, I am sure we will produce a good workable Bill, such as will be a credit to Western Australia, and be an example of wise legislation for the country's good.

MR. KINGSMILL (Pilbarra): Taking into consideration the warnings offered by hon. members about the necessity of hurrying on to the Committee stage with this Bill, I do not propose to occupy the time to any great extent. There are one or two points to which, taking my stand rather as the representative of a remote goldfield, I would like to refer. I have been rather astonished that, in the various speeches, the subject of mining boards seems to have been left out almost entirely. I am far from owning that mining boards are absolutely necessary on every field in this colony, but I do say that in remote districts, such as the one I have the honour to represent, and

which I say with confidence the Government know practically nothing about, and they are not in a position to learn anything about it through their present organisation—in such an instance, it is absolutely necessary that a mining board or some such source of local information should be created, so as to furnish to the Government some knowledge of remote fields. I cannot say I altogether agree with an amendment which the member for North-East Coolgardie (Mr. Vosper) has placed on the Notice Paper, with regard to the number of members of mining boards to be elected, for I think he has erred on the side of generosity in fixing the number at 10, and I would rather like to see half the number elected to start with. I would also like to see a little more definition as to the mode of election—for, of course, these boards will have to be elected—and as to the people whom these boards are to represent. It must be well known that one field may be distinguished for its alluvial mining, whereas another is distinguished for its preponderance of reef mining; therefore, if we take the miner's right franchise without alteration for electing these boards, the effect will be that in alluvial districts there will be only alluvial men to elect the board, and only alluvial members will be elected, while in reefing districts there will be only reefers to elect, and only reefing members will be elected. The various difficulties which surround the working of mining boards may be fitly met by appointing mining boards to represent all classes of the community, and by creating sections of the community, so that each section may elect members for its own district. I think this can be done without great trouble. Hon. members engaged in mining pursuits or acquainted with mining are aware that a book called a register of miners' rights is kept at each warden's office, and in that book the intending holder of a miner's right has his name entered; therefore it will be simply adding another column defining the occupation of each holder, in order to establish a basis for the franchise in the election of mining boards. While mining boards are not necessary in all districts, they certainly are necessary in the more remote districts. I am induced to say this because the Premier, in his remarks the other night, said the mining conditions throughout the colony were practically the same. I cannot see how the right hon. gentleman could arrive at that conclusion. How can he, for mining purposes, compare the rocky, craggy, woodland surroundings of Pilbarra with the vast alluvial flats of Coolgardie or Kalgoorlie? The conditions are utterly different, and the regulations which should apply to these districts are also utterly different. If the Government have no opportunity of collecting local knowledge, and at present practically they have none, regulations will be made to apply to the whole of the colony which practically may be useful for only one part. With regard to the clause dealing with alien labour, I am glad to see a notice of amendment given for prohibiting alien labour from being employed in any capacity in or about a mine. This is very necessary, because, as the clause stands, any leaseholder can employ alien labour in doing work about a mine. Some months ago reference was made to the employment of aboriginal labour upon some leases, I am sorry to say in the North-West. I would like to point out that aboriginal labour can never be seriously employed on a lease, for the aboriginal is not the sort of miner the leaseholder will employ for serious work. But by not prohibiting him from holding alluvial ground, we are opening a loophole for evasion of the labour conditions; for a leaseholder has only to put a couple of natives on a lease, and he can straightway advertise for labour, and go on doing that for months, resting assured that there is not the slightest possibility of getting any. I am glad to see that the Bill deals fully with the question of residence areas on goldfields; and I hope that, by the time that it becomes an Act, the principle of perpetual leasing will be fully applied to residence areas, and that the speculative residence area holder will not have such a rosy time as the Bill at present promises him. The next subject I wish to mention is the dual title, and it appears to be the concensus of opinion in this House that the dual title must go. I say we have somewhat of a hard task in front of us, for we have firstly to consider the capitalist, and secondly the alluvial miner; while thirdly, and not least important, we

have to consider the country. I would like to point out that, unless we can establish some eminently satisfactory system of inspection of ground before leasing, we cannot altogether do away with the dual title. For my own part, I must say I have thought and thought in the endeavour to arrive at a solution of the inspection scheme, but I cannot see my way out of the difficulty; and the conclusion I have arrived at is that the most satisfactory portion of the Goldfields Act we have had in force is that which provided that alluvial miners should be allowed upon land a lease of which had been applied for, but not upon the lease after it was granted. This, I think, met the case most fully. In speaking thus for the gradual abolition, as it were, of the dual title, I am not considering so much the alluvial miner as the fact that by granting leases over areas of ground which contain alluvial gold, it is not the alluvial miner only who loses that gold, but the country. And I would point out to hon. members that alluvial gold is practically the only form of gold which is strictly a cash return, and which is practically altogether spent within the limits of Western Australia. For my own part, speaking for the field which I represent, I must say I am sorry to see that leases are so much in prominence as a means of holding ground; and for this I think we have to blame the regulation fixing the size of claims. The Minister of Mines is doubtless aware that quartz reefing claims are practically a dead letter. I do not think this should be so, but that reefing claims should be put upon practically the same footing as regards labour conditions as leases. The reason why people take leases at present in preference to claims is because they get larger area for every man employed. In the Pilbarra district, all operations in connection with leases have practically to be performed through the Minister, for the warden has really no jurisdiction over them, and in many instances this means months of delay; whereas with regard to the other holdings, the quartz reefing claims, when they are enlarged to a sufficient extent to render them valuable or desirable holdings, the operations in connection with them are performed altogether through the local warden's court If we could alter the size of the claims so as to make them at all commensurate as regards labour conditions with leases, we should be conferring a great boon upon miners in outlying districts. There is another small clause with regard to a notice for entering upon a pastoral lease; and I cannot think this clause will be taken seriously. It is actually required that a prospector shall give to the pastoral lessee seven days' notice before going upon his lease to prospect. Could anything be more absurd? In parts of the North-West, the miner would probably have to ride 50 miles to give notice to the pastoralist, and then ride back again—all for what?

MR. ILLINGWORTH: And might have to pay, too.

MR. KINGSMILL: Possibly. But for what would he have to travel? For a ten-to-one chance that he would not find anything on the lease. I certainly hope we shall be able to strike this clause out. Clause 52, I think, will also have to come out, when laid before the House in its true colours; for this is the clause which prohibits the taking up of a lease unless the existence of a lode thereon is proved. How will this country ever emulate Queensland? In Queensland, a few months ago, a private party of enterprising speculators sank a shaft to a depth of 2,400ft. before they proved they had a lode on their ground. It would be rather rough upon those people if they could not get any title to that ground until they had sunk to that depth.

MR. ILLINGWORTH: It is the same in Victoria.

MR. KINGSMILL: Exactly. The same applies to deep-mining in Victoria. I must say I think this clause has been framed in some ignorance of the conditions attaching to deep-mining; and I hope it will not remain in the Bill when that emerges from this House. In conclusion, I think myself justified in holding the opinion that this Bill is put forward more as a tentative measure to be beaten into shape in this House; and I hope the attention which not only mining members but other members will give to the subject will result in a measure calculated to satisfy, to as great an extent as possible, both the great sections of the mining community. To satisfy them entirely is, I think, hope-

less ; but I hope we shall all do our best to present to the country a Bill which will be, as nearly as possible, satisfactory to those two great divisions of the community.

THE MINISTER OF MINES (in reply): I think the House will, at this stage of the proceedings, and before the second reading of the Bill is passed, expect at all events a few words from me with regard to the questions raised during the discussion on the second reading. In the first place, I must thank hon. members for the manner in which they have discussed the provisions of the Bill. I fully realise that they have not approached it in any factious spirit, but purely with the object of giving their views for the purpose of making the Bill as effective as possible. There have been many questions raised during the debate. We have had the question of mining boards, and I would like to point out one matter in regard to mining boards —a consideration that weighed considerably on my mind when going into this subject. Victoria, I believe, was the first colony in Australia where gold was discovered ; and Victoria, at the present time, is the only colony in the whole of Australia, Tasmania, and New Zealand, where mining boards exist. It is the only colony where the experiment has been tried ; and it is, to my mind, a most significant fact that none of the other colonies of Australasia have followed the lead of Victoria as regards mining boards. That is an important matter. I have read a good deal about mining boards, and have given this question considerable attention. Mr. Foster was mentioned as the author of the present Victorian Mining Bill ; and his remarks, when discussing that Bill in the Victorian Parliament, about twelve months ago, have been quoted in this debate. But that is not Mr. Foster's Bill ; for it is the Victorian Act of 1890, and is the late Chief Justice Higinbotham's Bill. The Bill of 1897 is purely a consolidating measure, and extended powers were therein given to the mining boards as regards advising the Government, as well as the power to make regulations, which they had enjoyed up to that time during the last thirty years. Virtually the present Victorian Act was framed by the late Chief Justice Higinbotham, who brought in a consolidating Bill, of which he was the draftsman.

MR. ILLINGWORTH: To which Bill do you refer?

THE MINISTER OF MINES: To the Bill of 1890.

MR. ILLINGWORTH : Mr. Higinbotham was a judge then. How could he draft the Bill?

THE MINISTER OF MINES: I think hon. members, if they look into the matter, will find that was the case.

MR. LEAKE : Chief Justice Higinbotham only consolidated it.

THE MINISTER OF MINES: He consolidated the Bill, and put it into shape. At the present time there is, I believe, some little friction between the mining boards in Victoria and the present Minister of Mines ; for I understand that the mining boards, with the extended powers given to them, have been endeavouring to rule the Minister, instead of the Minister ruling the mining boards. I should like to quote a short extract from a Victorian mining paper with regard to Mr. Foster and his support of the mining boards. It is as follows:—

If Mr. Foster had to pronounce upon the subject again to-day, it is more than possible that, putting the political aspect of the matter aside, he would recast his ideas on the subject. "should mining boards survive?" since it is apparent that, for want of something better to do, they are now practically preparing to discuss the subject, "should mining Ministers survive?" Pursuant hereto, and taking advantage of Mr. Foster's eulogistic commentary in retaining them as advisory bodies, the Ararat board has resolved "That, having in view the increased powers granted to mining boards, the Minister for Mines be respectfully requested to cause all applications for assistance from the Mining Development Act in the Ararat district to be remitted to the board before being finally dealt with." To this, the reply was that the department would gladly avail itself of the services of the board in respect of all applications, "where special information was required." Thereupon, by subsequent motion, the Ararat board "expressed its disapproval of the reply from the Mines Department, on the ground that the clause in the Act does not confine them to applications where special information only is required." This means that the mining boards should properly supervise Mines Department administration, the Minister included, instead of the Minister and Mines Department supervising the mining boards. But the idea, being an original one, has "caught on," and the other mining boards of the colony have decided to co-operate with the Ararat board in forcing their views on

their political protector. Furthermore, the Gippsland board requires that members of mining boards should be empowered to sit in the warden's court to assist in settling applications for forfeiture of leases, and in cases arising from complication of the mining by-laws. How far this disposition to fussy interference and positive obstruction can carry bodies with nothing to do but to assert their own importance, has been further illustrated by the example of the Castlemaine mining board. This district, in the throes of industrial dissolution, has been given a prospect of a future prosperous existence, consequent upon the introduction of hydraulic dredging. Therefore, with a degree of intelligence and a regard for the interest it is presumed to have in charge peculiar to the average mining board, the Castlemaine body objects to the prosecution of hydraulic dredging enterprise. Only the prosecution of such ventures can restore prosperity to the district.

MR. VOSPER: What paper is that from?

THE MINISTER OF MINES: The *Australian Mining Standard.*

MR. VOSPER: That simply shows that the *Standard* does not approve of mining boards.

THE MINISTER OF MINES: Exactly; but the hon. member has given the views of the present Minister of Mines in Victoria on this subject, and it is only reasonable that I should give you the views of other people. I think that is only a fair thing. I think mining boards have not been the success it is alleged they have been in other countries. Still, I do not desire to express a view adverse to boards, if members are unanimously of opinion that boards should be established here; but we should pause before we adopt experiments of this kind. It is much better that the mining laws of the colony should be administered from one fountain head, than that there should be little bodies all over the colony administering the laws of the department. Many questions have been raised in discussing this Bill; but at the present time I do not propose to go into them, though it is only fair to touch upon a few. Questions have been raised with regard to courts of appeal, and it is said the appeals should be heard where cases originate. I would ask hon. members to consider, before we get into Committee, whether it is customary for courts of appeal to wander all over the country in this way?

MR. MORAN: District courts.

THE MINISTER OF MINES: Members spoke of courts of appeal. I wish members to consider this point, and to ask themselves how often witnesses attend courts of appeal.

A MEMBER: Never.

THE MINISTER OF MINES: Exactly. I believe power is given to have recourse to courts of appeal, but that is seldom or never exercised, and I again ask hon. members to consider whether it would be in the interests of the mining community to have courts of appeal with all the paraphernalia appertaining to them going throughout the country to hear these appeals, thereby incurring greater expense than would be occasioned by having one court of appeal in Perth.

A MEMBER: Nobody ever asked for it.

THE MINISTER OF MINES: It has been asked for by some members. Another thing is that probably counsel would have to go to the places where the sittings were held, the best in the country being always obtained; and we see now that, where important cases come on, counsel are retained in Perth, and they go from here to attend suits that crop up elsewhere. Is it in the interests of the mining community that an appeal court should, as I say, wander about the country in the manner suggested?

MR. VOSPER: What is the idea of circuit courts, generally?

THE MINISTER OF MINES: Courts of appeal are what members spoke of. They did not mention anything about a judge, for instance, going up for special cases or cases to be stated. Whilst addressing himself to the Bill, the member for North-East Coolgardie (Mr. Vosper) made a strong point on this question, saying he supposed it was intended by clause 187 to deprive men of their right of appeal, in the face of recent events, wherein certain men had won their case. I am sorry he should have made a remark of that kind, because it really looked as if this clause were put into the Bill for some sinister motive. I am sure, when I explain the matter, he will see there is really nothing in it; and I regret that he should have made use of words of that kind. There is no appeal against the warden, in administrative or *quasi*-administrative matters.

MR. VOSPER: This is a question of granting a certificate of title.

THE MINISTER OF MINES: It refers to proceedings in the warden's court relating to applications. If the hon. member will read the clause, he will see it says that proceedings in a warden's court, relating to applications under the specified clauses, shall not be a subject of appeal to the court of mining appeal. I think any member will see it really relates to the subject of applications. In clause 76, power is given to have a certificate granted, and the clause says "such application shall be advertised, and shall be heard in open court, in the manner prescribed in the case of an application for a lease." That is an application for exclusive right to the land which has been held as a lease under the Act of 1895. The applicant has to apply to the warden, and if he can prove there is a reef and there is no alluvial existing on the land, he has a right to all the gold.

MR. VOSPER: There may be many things satisfactory to the warden which would not be to the Supreme Court.

THE MINISTER OF MINES: It only deals with applications, and if the hon. member will think the matter over reasonably and quietly, he will see that there is nothing intended such as he suggested in the remarks upon this subject.

MR. VOSPER: It is an application for a miner's right only.

THE MINISTER OF MINES: It is nothing of the sort: it is an application for a lease, and nothing else. I thank the member for Albany for the way in which he addressed himself to the Bill, and I can quite see the help he desires to give me and the Government in making this a good measure. He referred in the first instance to the definition of Crown lands. I would like to point out to the House that the only reason why timber leases were not considered in the definition of Crown lands is that timber leases are held under an entirely different title from ordinary pastoral leases, the owner having a full right to the land for 21 years, and I believe that the land cannot be granted for agricultural purposes without the consent of the timber lessees. The title is a different one, and in framing the Bill we thought it would be well to bring in the timber leases now in the provisions of the Mining on Private Property Act. I hope members will consider this matter when we get into Committee, because it will be one of the earliest questions we shall deal with in the Committee stage. The reason I have stated is the only one why timber leases were excluded. Of course, if the House considers timber leases should be included in the definition of Crown lands, the Government will have no objection. The member for Albany also addressed himself at considerable length to the question of prospecting areas; but the powers given in this Bill are in no way different from those existing in the present Act, except that the present Act does not distinctly say the Governor or Minister has power to grant to holders of miners' rights prospecting areas as stated in this Bill. Clause 16 of the present Act says:—

> Every holder of a miner's right, and any number of persons collectively, being each the holder of a miner's right, shall, subject to the provisions of this Act and the regulations, be entitled (except as against Her Majesty) to take possession of, mine, and occupy unoccupied Crown lands for gold-mining in accordance with the regulations in force from time to time.

It is provided that prospecting areas may be granted of certain sizes—about 5 acres not within one mile of another holding; about 12 acres not within 2 miles of another holding; and, I think, about 22 acres if 3 miles away from another holding. Therefore, this Bill simply gives power which was not given before for the Government to grant prospecting areas at specified distances from any mines.

MR. MORAN: Is it proposed that a prospecting area should be registered?

THE MINISTER OF MINES: You can register a claim, but still, at the same time, it is proposed to grant a prospecting area at such distances from any mine, and in such manner and subject to such conditions, as may be prescribed by the regulations. It was never intended by the regulations to grant more than one prospecting area. Directly one prospecting area is granted, the next man has to go away. I will admit there is power to grant exemption

on a prospecting area, but the same power exists now. A prospecting area is an authorised holding, and the same power exists for the warden to grant exemption upon prospecting areas as on claims.

MR. MORAN: It is never exercised.

THE MINISTER OF MINES: It may never be exercised, but still it is the same power. The warden has power to grant exemption on an authorised holding, and a prospecting area is an authorised holding under the regulations. We do not propose to give any additional powers. This power of granting exemption is never exercised, and considering the small amount of labour that has to be kept on a small prospecting area, no one is likely to ask for it. The first thing that a man wants is to get a reward claim and a title, so that he may finance his property and obtain money to develop it. Whilst the property was in the prospecting period he would probably not be able to do so. I merely would like the hon. member to compare our present regulations with the provisions of the Bill, and if he does so he will see that there is no desire, at any rate, to do anything unusual in this repect. Of course I will admit that at the present time a prospecting area is free from the encroachment of anybody. No doubt it is a funny thing that such is the case even under our present law; still there has been no trouble. Anyone who takes a prospecting area can get 22 acres right away, and the only land where there is a dual title is a lease granted by Her Majesty. I should be glad to see these prospecting areas provided for by the Bill, and my desire in inserting this clause was to give prominence to prospecting areas, because I thought that every protection and every advantage should be given to those men who go away and prospect and discover new fields. I think that any man who discovers a new field away from any holding, deserves an indefeasible right to that land. He is the man we want to look after, so that when once he obtains the property he ought to be able to keep it without anyone else having the power to touch him or to go on to it. We want to help the pioneers of the country, who go into the back blocks to discover gold, the men with money coming in afterwards to work the property. My desire is, I say, to help these prospectors as much as possible; and I hope that when the question is dealt with it will receive that consideration to which it is entitled.

At 6.30 p.m. the SPEAKER left the chair.

At 7.30 the SPEAKER resumed the chair.

THE MINISTER OF MINES (resuming): Having finished what I wished to saw with regard to the system of granting protection areas, I would like next to make a few remarks on what has been said as to business areas. Hon. members who carefully consider the Bill will find the provisions with regard to business areas are of such a kind as are likely to work much good on the goldfields. We give every right to the miner to take up his residence area under his miner's right, and we allow it to be held for all time under a miner's right. One hon. member took exception to the provision that a habitable dwelling must be erected within 12 months. Every member will admit that a residence area is given for the purpose of a dwelling; but I may say it was never intended that the leaseholder must put up a stone or brick building in order to come within the definition of a habitable dwelling. I consider a tent is just as much a habitable dwelling as a stone or brick building, and that the tub which Diogenes lived in was to him just as habitable a dwelling as was the castle a habitable dwelling for its lordly owner. The words here referred to are the same as the words in the Victorian Act, and the interpretation I have given is that which has always been accepted in Victoria. When we discuss this matter calmly, we will find there is not much that is wrong in these clauses regarding business areas. I know some members have objected to the power given to a miner to purchase his area; but that provision exists in other countries and has worked well there, and it is only in certain cases that the leaseholder is allowed to purchase, and he is not obliged to purchase. Clause 22, I have been told, is contradictory; but the clause says:—

No person shall be entitled to occupy any land as a residence area, or for residence and the carrying on of business, as the case may be,

unless such area shall, for the time being, be registered in a manner to be prescribed by the regulations.

An objection has been made that the area has to be registered before it is taken up; but I may point out that the holder can have no title until it is registered, and when it is registered he has an indefeasible title. This clause exists in other countries, and there is nothing novel about it. Referring next to the question of leases, I may say it has been the desire of the Government in framing this Bill to give, if possible, an indefeasible title to the leaseholder; but at the same time to give the alluvial miner every opportunity of seeking for and taking the alluvial gold before the lease is granted. I am of opinion, and I am pleased to find many members here are of the same opinion, and this also is the opinion of the Government, that when a lease is granted from the Crown, that lease ought to be indefeasible. In looking at clause 54, it will be noticed that

> As from the time any lease, other than an interim lease for a year, shall be granted, the lessee shall have the exclusive privilege of mining on the land demised, and every part thereof.

That is a right the leaseholder has in all parts of the world, and I am certain he has it in Victoria. Some hon. members have said we should have here the same kind of lease that exists in other countries; and I say the lease that exists in Victoria is the same as the lease in this Bill, and that there has never been any but an indefeasible title to the leaseholder in Victoria. In the old days, land on a goldfield was simply held under the miner's right; but, after mining laws began to be framed in Victoria, and certainly during the last 30 years, the leaseholder's title to land has been indefeasible. The object of framing the clause in this Bill with regard to the leasing of land was to give every opportunity to the alluvial miner to find and work the gold before the lease is granted. Some of the provisions have been considered absurd, but I think they will well stand discussion. At the same time, I will point out that I have had many communications and suggestions from chambers of mines and other mining associations on the goldfields, and I would like to state here that I have given all those suggestions most careful consideration, and many of them are already provided for in this Bill. The Government propose to adopt all the suggestions which they believe will be acceptable to Parliament.

MR. KENNY: What about suggestions from the workers? Have you given effect to them?

THE MINISTER OF MINES: I have had suggestions from the different chambers of mines, and from other mining associations throughout the colony, and I have given to the one as well as to the other the most careful consideration. Many suggestions from these bodies have reached me, and they will be of great assistance to this House in dealing with the Bill in Committee. In embodying some of these suggestions in the Bill, we have tried to meet the wants of the alluvial digger, though we do not appear to have succeeded to the satisfaction of all hon. members. The Government have no desire to rush the Bill through this House, but on the contrary we desire to give opportunity for as full discussion as possible, and not in any way to rush the measure through the House; and I am sure the action of the Government in the past points to that fact distinctly. The Bill has now been before the House for a considerable time, about two months; it has also been considered in the country; and I think hon. members have had ample time to completely master all the provisions. If hon. members have chosen, as I have no doubt all the mining members of this House have done, to give due consideration to this Bill, they must grasp all its provisions by this time. I am quite sure we all have but one object in dealing with the Bill, and that is to make it as good a Bill as possible. With the question of leaseholds the definition of "alluvial" is largely wrapped up. That definition comes at the beginning of the Bill, and is very important. I think we have attempted in this colony, in the past, to define something of which no definition has ever been attempted in a Bill of this kind.

MR. ILLINGWORTH: You cannot define it now.

THE MINISTER OF MINES: The hon. member helped to frame the last Gold Mines Bill; and he was, I think, instrumental in introducing section 36 of the present Act. That clause is no child of the Government, who accepted it only in deference to the mining members who were in the House at that time. The Government of the day, when they brought forward the previous mining Bill, only proposed that the alluvial digger should go on the lease until the lease was granted, and that the lease should not be granted until the alluvial was worked out. The warden was not to grant a lease unless he considered the alluvial was absolutely exhausted. The Government brought the Bill forward with that provision in it; but hon. members were not satisfied, though I think they all admit now that they introduced a clause which has been found absolutely unworkable. I admit that it is unworkable.

MR. ILLINGWORTH: It has done good work, anyhow.

THE MINISTER OF MINES: I could deal with that question at some length; but this is not the occasion to do it, though I hope to do so at some future date. At all events, the Government have done their best in the circumstances, to deal with a clause which all hon. members of this House admit has been a most difficult one to deal with, and they have acted to the best of their ability. I consider the late Minister of Mines (Mr. Wittenoom), although he has been severely criticised, has had but one object in administering the provisions of this clause; and that is the general good of the mining community of Western Australia. The hon. gentleman who then occupied the position I now hold was always looked upon in this colony as a shrewd, careful, long-headed man, and a clear-headed one; a man who knew what he was about, who came to his decisions quickly, and acted upon them. I can assure hon. members that the late Minister, in dealing with this question in the past, did not deal with it hurriedly: that he gave the matter every consideration, and tried to meet the difficulties that arose in the best way he possibly could. It is not the desire of the House that we should dwell long on this Bill at the present time; but I must thank hon. members for dealing with it in the way they have done, and they may be quite sure that the Government will be only too pleased to listen to all the suggestions that may come from the different sides of the House in regard to this measure. All I desire is to make a good Bill, a Bill that will give to the miner with his miner's right every opportunity of winning the gold unmolested from the soil, and at the same time give to the man who holds his lease an indefeasible right, if possible, to the land, once his lease is granted. I consider that the effect of the present title that exists with regard to gold-mining leases has done great harm in this colony, and I believe it is very largely the cause of the depression that exists at the present time. I consider that in the future we must be most careful in granting leases, and that we must not grant them for land on which, as far as we are able to judge, alluvial gold is likely to be found. That is what we have to look at, and that is what we will strive to do. The Government have no desire to take the alluvial gold away from the miner with his miner's right; but, at the same time, it is our desire, if possible, to give a good title to a lease when once it has been granted. That title, I think, is as much in the interests of the men in this colony as of the men who come here with their money to invest. I know a good deal about those who hold the gold-mining leases of this country, for I have had special opportunity of gathering information during the last four months; and I can say, without hesitation, that nine-tenths of the leases that are held in this colony are held by men without capital, by working men, by men who have gone out on the goldfields as prospectors, and who at the present time are unable to get financial aid when they particularly want it, simply because no one will invest in mining property where two titles exist to it. I have nothing further to say now with regard to this subject, but have only to thank hon. members for the way in which they have approached it; and I hope we will work out these questions in such a manner as to produce a Bill satisfactory

to those interested, whether inside or outside of this colony.

MR. KENNY (North Murchison): I feel there is an apology due to you, Mr. Speaker, and also to the Minister of Mines, as well as to the House, for my speaking so late. I was under the impression there were other members who were desirous of speaking, and I always prefer giving precedence to gentlemen on the Government side. In this instance I appear to have made a mistake, for which I apologise. The Minister of Mines, in introducing the measure, has claimed for himself—and rightly so, I believe—the very best intentions. I am sure there is not a member of this House who will question the intentions of the hon. gentleman; for whatever he may lack in practical knowledge of mining he makes up in sincerity and goodness of intention, in the discharge of the duties of the position he fills. When this Bill was first laid on the table, I took what I considered the correct and proper course by forwarding copies of it to the various centres of my constituency. I have since received those copies back with suggestions, which I have duly noted. I have no desire to detain the House now, but will give proper effect to the suggestions I have received, when the Bill gets into Committee. I am sure the Minister will not consider I am hypercritical when I say it is rather to be regretted that he did not afford us the same opportunities for reference in regard to the portion of the Bill taken from the Victorian Act, as he did in respect of that taken from our own mining law. Personally, I found it very inconvenient—in fact, I had to abandon the task of endeavouring to probe or find out the authorities for, and the various references to, those clauses which are borrowed from the Victorian Act.

MR. VOSPER: They ought to have been printed in different type, in the style adopted in the Convention Bill, as marginal references.

MR. KENNY: In supporting the second reading of this Bill, I recognise in it the most important measure that has been laid upon the table of this House during the present session; and I look forward to this Bill, when it leaves our hands, as the one measure that is to make or mar the future of this great colony. I look upon the task that is set to this House as no sinecure, but rather as the most important task we have undertaken during this session; and I can only hope and trust that every member will feel the same amount of responsibility in regard to this matter as I do. I am confident that each and every member will feel that it is his bounden duty to turn this Bill out in a way that will be acceptable alike to the capitalist and to the prospector. It was my intention, when the Bill was first laid on the table, to have moved to refer it to a Select Committee, comprising the representatives of the various goldfields, with the Minister of Mines as chairman; but, when I listened to the able speech of the member for Albany (Mr. Leake), when I found the great use that such a gentleman's services would be to this measure; when I found that, although we had mining experts in this House speaking on the measure, not one of them appeared to have apprehended the meaning of the technical and legal phraseology of the Bill, and the effect of the various clauses, as did the leader of the Opposition; and when I heard the speech delivered by the member for Coolgardie (Mr. Morgans), I found that we could not do better than leave the Bill for this House to deal with; and I am sure my decision was a wise one. I feel the position I take up in this House is one that will be recognised by every man here. I will be thoroughly candid with them and say at once that I am here as the representative of the *bona fide* prospector and alluvial digger. I feel that I would be wanting in my duty to those men, as a member of this honourable Assembly, if I did not pay the attention and, I might say, the devotion to this Bill that is necessary. I feel there are men here equally able with me to look after the same interests—aye, superior to me; and I feel there are also superior men looking after the interests represented by capital. But I also feel that, while we have men in this House representing capital, such as the member for Coolgardie (Mr. Morgans), we need have no fear on that score, for we know that they will deal with us honestly and fairly, as we desire to deal with them. I often fear that I am some-

what misunderstood by members in this Assembly in the position I take up on all questions affecting my electorate. Possibly it will not be surprising when I tell this House that not a single vote of a purveyor of bad grog, or "tinned dog," or a company, went into the ballot box for me. I have been sent here by the workers of the North Murchison; and I feel I would be betraying the trust placed in me if I did not advocate their interests upon every occasion when they come before this House. We often hear, and frequently read, of the nobility of labour, and of "nature's noblemen." I claim that they are personified in the *bona fide* prospector and the alluvial digger in this colony. I cannot close my eyes to the very great benefit that has been derived by my native land from the many men who have gone forth prospecting, discovering, and opening up the goldfields of our country. I cannot forget the names of Hall and McPhee, who first discovered gold in Kimberley; followed by the names of Harry Wells and Nat Cook in the North-West, with Peterkin, Robinson, and Connolly at Nannine, and with Tom Cue and Mick Fitzgerald at Cue; of Wilson, Woolhouse, and Jack Park, at Peak Hill; of Paddy Lawler at Lawlers, and Paddy Hannan and Arthur Bailey, of the eastern goldfields, together with others equally brave; nor can I forget the unlisted legions who have left their bones to bleach on the arid plains of the West, in search of the golden treasure. I look upon those men as the pathfinders for the capitalist, and as the men who have given to Western Australia her wealth. A great deal has been said of the labour conditions and the various clauses that have lately been drafted into the new Bill. As far as the prospector and the working digger are concerned, the conditions should be made as light as possible. Every facility should be afforded the prospector to enable him to work his claim. In regard to payment for his lease, it is provided that the money shall be forthcoming every 12 months, but I think it would be an advantage if it were paid every six months. I fully recognise two most important features contained in this Bill, which must be taken into consideration, and will, I am confident, be dealt with fairly by every side of the House. I refer to the abolition of the dual title, and to an indefeasible title to a lease. I may say at once that I am in favour of both. I know that, as far as an indefeasible title is concerned, it is generally accepted that this is all that is required by the capitalist, and that therefore any member who advocates it must be advocating the cause of the capitalist. I say that in advocating the cause of an indefeasible title I am advocating the cause of the men I represent. The larger number of men in my district are now on their leases, having worked four or five years, and they are developing their properties, the result being that they are likely to be there during the next ten years, doing the same thing, unless we are able to say to them, there is a title which cannot be questioned. Then, when a purchaser comes along who has money to offer, the occupier will sell his lease with an indefeasible title, and thus secure for himself a reward for his many years of hard labour. In advocating this, I repeat again that I am supporting the rights of the prospectors and the men who have built up Western Australia. In regard to the dual title I admit that it is a very difficult question to tackle; but I think it is quite possible to set it at rest once and for all. When you grant a lease, everything within those four pegs should belong to the leaseholder; but do not grant a lease while there is any sign of alluvial being discovered; and then, in the event of deep alluvial being found, let it be distinctly laid down that the alluvial gold shall be worked as alluvial, and that it shall belong to the leaseholder only. I am fully convinced it is quite possible to draft a clause which will carry that into effect, and yet as carefully guard the sacred claims of the holder of a miner's right, as the best interests of the capitalist. There is a clause relative to granting rights to Asiatics who claim as British subjects. No Asiatic ought to be granted a miner's right. I decidedly object to it, and as long as I am in this House I shall fight against it. What is to prevent any large company, wishing to dispense with white labour, from securing a few hundred negroes at a few paltry shillings a day, and developing their

mines by means of them? What surprises me still more is that power to grant a miner's right to an Asiatic is left entirely in the hands of the Minister. First let us settle the question whether an Asiatic is entitled to a right or not. Having settled it, if we decide that he should be so entitled, let us grant a right to him the same as we would do to any other man. Another question it would be well to bear in mind is the provision dealing with a lengthy exemption to large companies. That clause is fraught with danger; it is fraught with danger to the men I represent. A large company who have expended probably £20,000 on their lease and extracted £100,000 worth of gold could very well afford to cease work for a while. They would give notice of a wholesale reduction of wages, and if the men took exception to it, they would fall back upon the clause affording them 12 months' exemption from labour, and would turn the men adrift.

MR. ILLINGWORTH: And so reduce the wages.

MR. KENNY: I hope the Government and front Opposition benches will not consider me dictatorial, but I think this is an opportune time to invite the Government to introduce some measure that would settle labour disputes. If they adopt arbitration on similar lines to those in New Zealand, we will hear very little of such troubles taking place in West Australia, as we have read so much of, and which have also been of daily occurrence in other colonies. I notice the clause provides that a working man shall have a lien on the land, but not on the machinery. That ought to be extended, so that everything on the property should be considered a fair lien for workmen's wages. There should also be drafted into the Bill a provision destroying the pernicious custom known as the truck system, which has already been introduced on the goldfields, and I know of one wealthy company making arrangements. On our goldfields are pioneers who are in business as storekeepers, butchers and bakers; yet there are men who are not satisfied with the large dividends they are able to pay, and the wealth they have taken out of the country from the splendid investments they have made, but want to go a little further and get what profits are to be obtained out of the working man by selling him stores. Another matter that requires consideration at our hands is the pernicious system at present existing with regard to shepherding holdings. It is well known that on our goldfields there are hundreds of acres of land shepherded by men with the intention of endeavouring to persuade the Government to purchase it back from them at a big price. These men take up leases round about a township, and hold them, knowing full well that when the township extends the Government will require the land, and they will make money out of the transaction. I would strongly advise that power of resumption by the Government be drafted into this Bill. I also hope to see provision made in the Bill relative to residence areas of working miners. The little house a working miner may have, and whatever he may put upon his residence area, to the value of £100, should be protected. A great deal of hardship has been suffered by men out of work on the goldfields. They are sued, and not only is every little thing they have disposed of, but they are even driven out of their homes by their creditors. The system of affording protection to the extent of £100 prevails in the British Dominion of North America, and I think you will find it would work very well here. I maintain that whether a man is out of work or not, his home is his castle, and ought to be protected. Provision is made for what is termed an interim lease. That is a clause which I think might be improved off the face of the Bill. I am sure the Minister of Mines will not consider I am in any way casting a personal reflection upon him, but I must admit that too much has been left to him. The regulations are too lengthy. I am sorry the Government could not see their way clear to lay beside the Bill a copy of the regulations. We have had too bitter an experience in this colony of what can be done in the way of regulations. I hope that will never be repeated. While I have every confidence in the Minister of Mines in this respect, I say that matters of this sort should be left to this Chamber, and this Chamber only. I think I have detained the House sufficiently long. I, like many other members, am waiting for the Bill to go into Committee to en-

deavour to amend the various clauses, and introduce the views and ideas held not only by myself, but those I represent. In conclusion, I would say let us set earnestly to work, and remember that we have a very serious and important task in hand. The eyes of not only this colony, but of our sister colonies, and of the whole world, are upon us. We have a task to perform, and let us do it. Let no party feeling enter into this discussion, and let not labour and capital be set one against the other, for I conceive that a serious responsibility rests on the shoulders of any man who, in the discharge of his duties in connection with this measure, attempts to bring labour and capital into the question at all. I fully recognise the rights of capital, and equally so the rights of labour. I have only one desire, and that is to see the great resources of this colony developed, and Western Australia continuing in the path of progress and prosperity brought about by the discovery and working of the goldfields. I would say to hon. members, whatever ideas may be uppermost in their minds, do what is fair and right by the men who have taken their lives in their hands and gone out to prospect this colony, who have come here with an honest intention, and who have proved their intention by assisting us to develop the resources of our great country. I think nothing can more adequately express my views than the words of the poet when he said:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

Question—that the Bill be read a second time—put and passed.

Bill read a second time.

HEALTH BILL.

On the motion of the ATTORNEY GENERAL, the Bill was recommitted for further amendments, the Bill having also been reprinted as amended in Committee, with clauses re-numbered.

IN COMMITTEE.

Clause 18—officer of health; appointment, remuneration, and duties:

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) moved as an amendment, that the words "subject to such approval" be inserted after the word "and," in line 3.

Put and passed.

Clause 38—By-laws:

THE ATTORNEY GENERAL moved, as an amendment, that after the paragraph "For the prescribing of precautions to be taken for protecting milk against infection or contamination," the following paragraphs be added:—

> For the cleansing of all vehicles and other things used for the carriage of meat to and from abattoirs, butcher shops, and other places;
> For the precautions to be taken in the carriage of articles of food in vehicles and other things for delivery to purchasers, and the way in which such articles shall be carried.
> For the prevention of the keeping of cows or goats within certain limits of a municipality.

Put and passed.

Clause 49—No defence that milk is reduced in value merely:

THE ATTORNEY GENERAL moved, as an amendment, that the words "or separated," in the last line but one, be struck out, and the following inserted in lieu thereof:—"And no vessel containing milk from which any part of the cream has been taken shall have the word 'milk' upon it, without the word 'skimmed' immediately before the word 'milk,' printed in type of the same size and character as the word 'milk,' under a penalty not exceeding twenty pounds."

Put and passed.

Clause 51—Prohibition of sale of milk of diseased cows:

THE ATTORNEY GENERAL moved, as amendments, that the figures "3.5" in the first paragraph be struck out, and the figures "3.7" be inserted in lieu thereof; that the words "9 per cent. of solids" be struck out, and the words "8.5 per cent. of solids not fat—ash 7 per cent." be inserted in lieu thereof; and that the following paragraph be inserted after the second paragraph:—"No person shall sell as new or fresh milk diluted condensed milk, or milk with which diluted condensed milk has been mixed." He said these amendments were an alteration of the analytical test; because Mr. Mann, the Government Analyst, had pointed out that, from a series of experiments made by him, the tests previously defined were in some cases too high, and in others a little too low. The element, "ash 7 per cent." in the amendment had been completely omitted from the previous definition of analysis.

Amendments put and passed.

Clause 138—Definition of nuisances:

THE ATTORNEY GENERAL moved, as an amendment, that the following words be added after paragraph 8:—"Any smelting works, the fumes from which are injurious to health."

MR. VOSPER: It would be well to add the words "or vegetation," so as to read, "injurious to health or vegetation." He had seen from experience that fumes from smelting works had a devastating effect on vegetation. At Mount Morgan (Queensland), for instance, where large chlorination works were in operation, he had observed that for seven or eight miles the forest vegetation was blasted in the line of a prevailing wind, and this instance showed that it would be a serious matter in an agricultural district to allow the fumes from smelting works to destroy vegetation, as they would by the wind blowing frequently in one direction.

THE ATTORNEY GENERAL: This Bill was one affecting public health, whereas the suggestion of the hon. member referred to an injury to property rather than an injury to health, and it was doubtful whether such a provision should be introduced in a Health Bill, because it might mean the utter annihilation of any smelting works within six or seven miles of any vegetation. That would be carrying the matter too far.

MR. LEAKE: If this provision were added to the clause, it would practically shut up the smelting works at Fremantle; and he asked the Attorney General not to press the amendment, seeing that the meaning of the words was very wide. There was no doubt that fumes from smelting works were injurious to health, if any person imbibed them. The amendment did not say "if the fumes actually caused injury to health," but it said "the fumes from which are injurious to health." All smelting works were injurious to health; therefore no smelting works could exist in this colony if this amendment were passed, because all smelting works would be a nuisance, being injurious to health. He suggested that the amendment should be withdrawn. It did not refer to cyanide works, and they also were injurious to health.

THE ATTORNEY GENERAL: In answer to the observations of the member for Albany (Mr. Leake), and having regard to the fact that no nuisance had, up to the present, been complained of as arising from smelting works in this colony, and that the passing of this amendment would have a dangerous effect in cramping the energy of those persons who were beginning smelting manufacture in the colony, he asked leave to withdraw the amendment.

MR. VOSPER: In almost every instance where fumes arose from smelting works, we might be sure that not only was health being injured, but a waste of by-products was going on. If chimneys of sufficient height and flues of proper dimensions were used, there would be no injury from the fumes. Supposing smelting works were established at Coolgardie or Kalgoorlie, where it was extremely difficult already to get pure air, in consequence of the pervading dust, such works would make the air still more impure, because if the height of the chimneys and the size and dimensions of flues were not regulated, then everything would be left to the smelter to do as he pleased. The attention of the Committee should also be called to a practice growing up in East Coolgardie, of using the tailings from cyanide plants for closing up stopes in some of the large mines. A stope was that space from which the reef had been taken out, and the cavities so created had to be filled up in order to prevent the ground from caving in. The effect of filling these cavities with cyanide tailings was that the cyanide of potassium contained in the tailings, when subjected to the close atmosphere of a mine, poisoned the air, for it was known to be one of the rankest poisons. Already some miners were said to have suffered seriously from splitting headaches in mines where this practice was going on, and those men had to seek relief by going to the drives in order to get purer atmosphere. The practice of filling such cavities with cyanide tailings was obviously so dangerous that it would have to be stopped sooner or later; and in a Health Bill there should be some provision for preventing these tailings from being put into the cavities of a mine, and so causing poisonous fumes to be carried into the passages where the men had to work.

MR. MORAN: The Mines Regulation Act might deal with the matter.

MR. VOSPER: That Act might be amended in this direction; but if local boards of health had control of smelting works, abattoirs, and similar establishments, surely they could control mines and prevent men being poisoned. No one who knew the properties of cyanide of potassium would dream of putting the fumes of such a substance into the atmosphere. He asked the Attorney General to reconsider his withdrawal of the proposed paragraph; and, if possible, to do something to prevent such a pernicious practice.

MR. MORAN: Some consideration should certainly be given, in the near future, to the possible establishment of smelting works. There would be no harm in letting the matter drop for the moment, though there was a good deal in what the last speaker had said. Smelting works had destroyed vegetation at Broken Hill and at Mount Morgan, and people working in such establishments were liable to lead-poisoning, as well as people living in the near vicinity. It was for chemists to say whether these effects could be prevented. He agreed with the Attorney General that to press such a provision at the present moment would look like strangling a new industry; but this point should be borne in mind. The prevention of the throwing of cyanide tailings down mines could hardly find a place, with propriety, in a Health Bill; for it would not be proper to allow a few medical gentlemen in Perth, who might have never seen a goldfield, to govern the mining industry of the colony.

MR. A. FORREST: The goldfields would have their own boards of health.

MR. MORAN: Yes; but the local boards would all be subject to the central board, and there should be as little interference with such matters as possible. In the treatment of cyanide tailings, a large quantity of cyanide was recovered: and it might be found practicable to kill the fumes by some chemical mixture, before putting the tailings away. If the miners were already complaining, it would be well if the mines inspector were to consider the matter; but whatever was done should be done by the Mines Department, and not under the Health Act. The cyanide process was a new industry, and should not be hampered.

Amendment, by leave, withdrawn, and the clause as previously amended agreed to.

Clause 117—Infectious diseases to be reported:

THE ATTORNEY GENERAL: Since the Committee passed this clause, a large deputation of medical gentlemen of Perth and Fremantle had asked him to lay before the House certain grievances which they would suffer under its operation. In the first place they pointed out that there were words in this clause which would, under a heavy penalty, compel a medical man to report the existence of certain diseases—some of them of a particularly private nature—to the local boards; for, after certain diseases had been specifically mentioned, the proviso wound up with the general words, "or any other contagious or infectious disease." The diseases to which the deputation had drawn his attention were clearly never contemplated by the clause; and he at once perceived that such inconvenience must be avoided. Hon. members must see that the request of the deputation was reasonable, for, as doctors were, under a penalty of £50, compelled to report such complaints, it might result in much domestic infelicity, and perhaps in a general scandal. He had therefore to submit a new clause altogether, specially setting out the infectious or contagious diseases which must be reported. The English Act specified all such diseases, and, as the deputation informed him, this was done advisedly, with the very purpose of avoiding the difficulty referred to. The deputation also adverted to the duty imposed on the medical profession to report free of charge, firstly to the local board, and secondly to give a certificate to the householder without fee, and pointed out that in no other part of the British dominions were medical men called upon to perform this duty without some remuneration. Having regard to the penalty imposed in default of compliance with the proviso, it seemed only right that a small fee—say 3s., as suggested by the deputation, which was the fee in Victoria—should be paid them. The fee

under the English Act was 2s. 6d. In justice to the profession, they should not be called upon to perform this duty for a smaller fee than that.

MR. A. FORREST. Who would pay it?

THE ATTORNEY GENERAL: The local board.

MR. A. FORREST: That meant the ratepayers.

THE ATTORNEY GENERAL: The fee was paid in other civilised portions of the British dominions, and it was not clear how a local board in this colony could avoid the liability.

MR. LEAKE: It ensured thoroughness.

MR. A. FORREST: And expense.

THE ATTORNEY GENERAL pointed out to the hon. member (Mr. A. Forrest) that the local boards under this Bill would issue so many licenses of different kinds that they would have a large revenue at their disposal, and could well afford to pay this small fee. The next point of the deputation was that there was no provision exonerating them in the performance of their duty from any action for libel that might be brought against them by any person who considered himself injured by the reporting of a disease. But he replied that he thought, as the clause stood, doctors need not be under any apprehension in that direction; for so long as they performed their duty in good faith, no action would lie against them; but the deputation had asked him to insert a definite provision to this effect in the clause, so as to prevent their being "shot at" by unscrupulous members of the legal profession, by making it clear that no action would lie. There was great force in that request, and he promised to suggest it. The fourth point made by the deputation was that in no part of the British possessions where a clause analogous to this one was in force, was there such a severe penalty as a maximum of £50 imposed. In England the maximum was 40s.; and they suggested that our law be assimilated to that of England. He wished to lay these salient points before the Committee in view of the new clause of which he had given notice. He commended them to the attention of the Committee, as they were well worthy of consideration. He moved as an amendment that clause 117 be struck out. At a later stage he would move the insertion of the new clause. In the new clause, leprosy, one of the most virulent and contagious diseases, had been inadvertently omitted. It should be inserted before the word "small-pox."

MR. LEAKE: A medical man had that day called his attention to the necessity of including in this clause another disease, of which there had been one case in this colony, known as "beri beri"—a disease which came from Hong Kong.

THE ATTORNEY GENERAL said he confessed he knew nothing whatever about it Was it not a kind of leprosy?

MR. LEAKE: No. Its symptoms were a general swelling of the body. It was a most horrible disease, and terribly infectious. He asked the Attorney General whether it was meant, that in addition to the report by the doctor, the occupier of the house also should report. Should it not be alternative?

THE ATTORNEY GENERAL: No. The provision was intended as a double security.

MR. A. FORREST: Would both the doctor and the occupant have to be paid?

THE ATTORNEY GENERAL: No; only the doctor. The medical profession also asked to be relieved of the duty of giving a certificate to the occupant of the house, as they maintained that, once they reported to the local board, it became the duty of the board to place themselves in communication with the occupier. It was argued that a medical man, in dealing with a crowded tenement, would have a difficulty in finding who was the occupier, and it was for the board to give that person notice.

Amendment put and passed, and the clause struck out.

Clause 176—Power to charge a pan rate:

THE ATTORNEY GENERAL: The member for the Murray, in a speech of about two hours' duration, had wished to have it provided that in the municipalities of Perth and Fremantle the owner of the premises should be the person liable for this rate. In all other parts of the colony the occupier was to be liable. One of the reasons urged for the change was that if owners were definitely understood to be responsible they would take care to make the occupants pay in the shape of additional rent, so that it came

to the same thing. He had promised the hon. member that he would resubmit the clause, and he did it now with an amendment giving effect to this proposal. He moved that after the word "use" in line 9, the words "except within the municipalities of Perth and Fremantle where the charge shall be levied on the owner of every such tenement" be inserted.

MR. QUINLAN: This was entirely a new departure. We knew that municipalities had their remedies against owners at all times for any breach or nonfulfilment of any duty. To say that the owners should pay for this convenience was going too far. He hoped the Attorney General would reconsider the matter before he asked that a by-law should be made calling upon the owner to pay for those who might be negligent.

Amendment put and negatived.

Clause 177—Houses to have privies:

THE ATTORNEY GENERAL moved, as an amendment, that the following proviso be added to the clause:—Provided that this section shall not apply to occupiers of a monthly or any lesser tenancy, at a rent not exceeding fifteen shillings a week." Members would remember that when this clause was under discussion there was a strong expression of opinion that the occupiers should be saved from the onerous liability of erecting water closets where the premises were deficient in that respect. There was a great deal to support that assertion, because it really did seem hard that a man renting premises should be compelled to pay out of his own pocket in the first instance to provide a permanent water closet. He wished to relieve from such liability the poorer class of tenant whose rent did not exceed fifteen shillings a week, and whose tenancy was not more than a monthly holding.

Amendment put and passed.

Clause 184—Prohibition of keeping swine or unchained dogs about abattoirs, etc.:

MR. HIGHAM moved, as an amendment, that the clause be struck out with the view of inserting the following in lieu thereof:—"Every occupier or person in charge of any abattoir or slaughter-house who keeps or permits, or suffers to be kept, in or about such abattoirs or slaughter-house, any swine, and allows same to be fed on any manure, nightsoil, filth or any other refuse matter, shall be guilty of an offence against this Act." The clause he proposed to strike out was applicable to Victoria, and more particularly to Melbourne, but not to Perth or Fremantle or to goldfields towns, where it would, as originally drafted, be severely felt.

THE ATTORNEY GENERAL: This clause, he thought, had been discussed at great length in Committee, and if he remembered correctly a division was taken on it.

A MEMBER: The Committee did not understand it.

THE ATTORNEY GENERAL: The result of the division was a majority against the alteration which the hon. member now proposed. Clause 184 was a prohibition against keeping swine in a slaughter-house, and permitting those swine to feed on any blood, offal, manure, nightsoil, filth or refuse. It was proposed by the amendment to eliminate the words "blood" and "offal." The effect of the alteration was that it might be legal for people to keep slaughter-houses and allow swine to feed upon uncooked blood and offal. It was his duty to refer to what occurred during the last two days. It had been mooted all round the country that pleuro-pneumonia was discovered in a herd of cattle. Some of them might be killed in an abattoir, and some might have been suffering from tuberculosis, and there was nothing more serious to eat than tuberculous meat. We knew that tuberculosis was the primary cause of many consumptive complaints which had become almost incurable. In the interests of public health it would not be wise to pass the amendment. If the member who moved it would qualify it by insisting upon blood and offal being boiled, that would no doubt eliminate to a great extent the dangerous element, though not completely. We should be very careful about this matter because we did not know where the disease might be carried. To allow swine to feed on uncooked offal would be about the most dangerous source of disease possible, and if the amendment was pressed he would have to oppose it.

MR. WOOD: The object of the clause was to allow pigs to be kept in the neigh-

bourhood of a slaughter-house. If the hon. member were to add the words "blood" and "offal" before "manure" it would meet the case.

THE ATTORNEY GENERAL: That was the gist of the whole thing.

MR. HIGHAM suggested that the words "blood and offal, unless cooked," be inserted after the word "any." In places where swine could be kept without injury to the people, it would be very hard not to allow butchers to keep them in the neighbourhood of a slaughter-house; and the prevention of that hardship, apart from the question of utilising blood and offal, was one of the objects he had in proposing the new clause. To work slaughter-houses in this colony economically, butchers must centralise their operations as much as possible. One could not have his piggery three or four miles away from his slaughter-house and supervise it as he ought to do, and it was only fair that provision should be made whereby blood and offal should be cooked and utilised, instead of being strewn about the place and becoming a greater pest and nuisance than it would if consumed by swine.

THE MINISTER OF MINES: The definition of abattoir, according to the Bill, was: "'Abattoir' or 'slaughter-house' means and includes the buildings and places commonly called abattoirs or slaughter-houses, and also knackers' yards, and any building or place used for slaughtering cattle, horses, or animals of any description"; so that, if there was a slaughter-house on a farm, the farmer would not be allowed to keep a pig on that farm unless it was for immediate slaughter. Every farmer, under the provision which it was proposed to include, would be liable to prosecution, because every station had its proper slaughter-house, and the piggery was generally adjoining the slaughter-house.

THE ATTORNEY GENERAL: Pigs could not be kept in the abattoir. That was what the clause meant.

THE MINISTER OF MINES: The clause should say "public abattoir or public slaughtering-place." The Bill ought to be altered in some way to protect the farming community.

THE ATTORNEY GENERAL: The clause had been copied from the Victorian Act.

MR. HOLMES: This clause had been copied from an Act which applied to the city of Melbourne, where there were public abattoirs and a daily market. Those interested in stock went to the market and bought, and then took the stock to the abattoir for immediate slaughter. In this colony we were differently situated. Butchers had to buy the best they could and hold for slaughter. The Victorian Act would be utterly unworkable here.

THE ATTORNEY GENERAL: The Melbourne slaughter-house was at Flemington. That was a long way from habitations, and yet the Legislature of Victoria thought fit to protect the public health by having the slaughter-house in an isolated place. The object was to keep swine from the abattoirs, as swine were such gross eaters that they would devour any kind of filth, and those who ate the meat of the swine afterwards might become diseased. A slaughter-house as defined by the Bill was not the slaughter-house which a person had on a private farm. The clause was never intended to cover a private slaughter-house at all. A private slaughter-house was not an abattoir. It was hard to get people interested in the butchering trade to agree as to a fit place for an abattoir. Some time ago the Government tried to get those interested in the butchering trade to agree to a site for an abattoir, but it was impossible to do so. The Government wished to establish a common abattoir. If the proposal before the Committee was carried, it would probably mean a source of disease, which in the near future would be a great trouble and a menace to the community. We knew that diseased animals were slaughtered every day, and what became of these diseased carcases was a matter of speculation. It might be that they were devoured by swine.

MR. MORAN: We ought to study the public health before the convenience of the people engaged in the trade. If any loophole were left in the Bill, advantage would be taken of it. He agreed with the Attorney General that people engaged in the butchering trade should have a common abattoir, and that the Government should subsidise or build an abattoir. Some of the present slaughter-houses were in the midst of population, and it was bad

enough to have these slaughter-houses without allowing pigs to wallow about in them.

MR. HIGHAM: Butchers in this community should comply with similar regulations to those which butchers had to comply with in other communities. Butchers, as a rule, had to keep a number of pigs in a convenient situation for the purpose of the trade, and although these animals might be kept on the outskirts of a municipality, butchers should be compelled to maintain their premises in proper order, so that they would not become a public nuisance. The Attorney General was making a great bogey about swine feeding on the carcases of animals that had died of tuberculosis and other diseases. There was no necessity to seriously consider that question. The proposed clause would meet the requirements of this community for a long time to come, and enable trade to be carried on with due regard to the safety of the population.

Motion put and passed, and the clause struck out.

New Clause:

THE ATTORNEY GENERAL moved that the following, to stand as clause 117, be added to the Bill:—

The legally qualified medical practitioner in attendance at any house in which there is any person suffering from leprosy, beri beri, smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names: tynhus, typhoid, enteric, relapsing, continued, low, colonial, or puerperal; and as respects any particular district any infectious disease to which this Act has been applied by a local board in manner provided by this Act, shall at once report the fact to the nearest local board: and the occupier of such house shall also report the existence of such disease in such house to the nearest local board not later than twenty-four hours after the same shall come to his knowledge; and if any person fails to comply with the provisions of this section he shall be deemed to be guilty of an offence under this Act, and shall, on conviction thereof, be liable to a penalty not exceeding forty shillings for every such offence. For every such report the medical practitioner shall be paid by the local board a fee of three shillings. No action shall lie against any medical practitioner for any report made by him bona fide under the provisions of this section. Any local board may, by resolution, order that the provisions of this section shall apply in their district to any infectious disease other than a disease specifically mentioned in this section; and any such order may be permanent or temporary, and, if temporary, the period during which it is to continue shall be specified therein; and any such order may be revoked or varied by the local board which made the same. The local board shall send a copy of every such order to each registered medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district, and shall give public notice thereof by advertisement in a local newspaper.

This would impose the duty on medical practitioners of reporting to the local board the existence of these diseases. The clause also provided that medical practitioners should be paid a fee of 3s. for each report, and that the penalty should be reduced to a fine not exceeding 40s. The clause also provided that if a medical practitioner made a report *bona fide* he should not be liable to prosecution for libel.

MR. HIGHAM moved, as an amendment, that the second paragraph be struck out. The clause, he said, would be generally acceptable, with the exception of the paragraph which provided that a medical officer should be paid 3s. for every report made. It had been a constant complaint that medical officers tried to avoid this duty, and, considering the slight amount of work they had to do, it would be unjust to tax the municipality to the tune of 3s. for every notice a medical officer sent in.

THE ATTORNEY GENERAL: The clause was exactly similar to the section in the English Act, and similar to the Acts of other colonies. It would be hard to compel the medical profession to perform this duty without any remuneration.

MR. A. FORREST supported the amendment. The ratepayers of a municipality should not be called upon to pay a medical man for reporting a case of fever. In the case of diseases in orchards, or cattle, or sheep, the owner had to travel perhaps 50 or 60 miles to report the same under a penalty of £100. In the case of disease, a medical practitioner was actually paid by the patient himself. Not long ago, about thirty medical practitioners sent a petition to the House complaining of the insanitary state of the city, but now it was found they would not help the municipality in the least by reporting diseases without a fee. A few years ago the local board

in Perth did pay a fee, and a great number of cases were reported which, in the opinion of some people, there was no necessity to report. At the present time, the health of the city was so good that the medical profession were not doing so well as they did before, and nurses were out of employment. Why should the municipality be called upon to pay this fee to a profession which could well afford to look after itself, and which was the only profession the members of which never gave any items in their accounts?

MR. QUINLAN expressed the hope that the object of the Attorney General would be carried out. The fee might be lessened to 2s., but a fee, whatever it was, would be likely to cause reports to be made. Medical men had to submit to a penalty for any violation of the law on their part; and to provide for a fee would leave no excuse for not reporting diseases. Some few years ago the local board of Perth paid a notification fee, while an outbreak of typhoid was somewhat bad, and the only reason it was discontinued was because the local board found they had no power to pay it under the present law. At that time the fee, he believed, was 5s. a case: but fixing the fee at 2s., and taking the number of cases as 500, the total amount in the year would be £50. He did not fear that we were likely to have anything like that number of cases, but it would be a small item to the ratepayers, seeing that money belonging to them was scattered away by the city council in worse directions. It was absurd to raise the question as to the amount of money which the ratepayers would have to pay under the paragraph. As a ratepayer himself, he would be glad to pay his portion, because he believed the doctors would then report cases readily, and the municipality would benefit.

MR. MORAN: The Committee ought to support the proposal of the Attorney General. The burden was placed on the medical men, in the interests of public health, to report disease, and a large sum of money would be expended in carrying out the Bill: and yet a quibble was raised about this small fee. A fee was paid to doctors under similar circumstances elsewhere. Must Western Australia always be different from any other colony? He supported the amendment. As doctors had a certain amount of monopoly in their profession, it was a small matter to ask them to report cases of contagious disease without fee. It was absurd to say it would take an hour to write out and post such a notice. Other certificates, such as certificates of death, had to be furnished gratuitously by doctors.

THE ATTORNEY GENERAL: That was a service rendered to the family of the deceased, by whom the doctor was paid.

MR. WILSON: It was a gratuitous service.

THE ATTORNEY GENERAL: The doctor got his fee.

MR. WILSON: Similarly, the doctor got paid for his attendance on a small-pox patient. If we paid the medical officer, why not pay the occupier? Why were both required to report?

THE ATTORNEY GENERAL: To make assurance doubly sure.

MR. WILSON: Why not pay both?

THE ATTORNEY GENERAL: One was professional; the other was not.

MR. WILSON: A distinction without a difference.

THE ATTORNEY GENERAL said he did not agree with the hon. member.

MR. WILSON: In the interest of the country, other people had to make returns to the Government. Commercial men had to give statistics, and he saw no reason why medical men should not be compelled to do so in the interests of public health.

MR. MORAN: Doctors were not asked to do this gratuitously in any other part of the world.

MR. WILSON said he was taking a broad view of the question, on its merits.

THE ATTORNEY GENERAL: The hon. member was not present when the matter was explained to the Committee.

MR. WILSON said he had too high an opinion of the medical practitioners of the colony generally to think they would evade giving those notices if they were not paid. They had their profession at heart, and doubtless would willingly fall in with the statutory requirements. If not, surely a fee of three shillings would not induce them to do so.

MR. WOOD supported the clause as it stood, but would like to reduce the fee to two shillings.

THE ATTORNEY-GENERAL: The member for the Canning (Mr. Wilson) was not in the House when this subject was opened, and therefore did not hear his explanation, that in no other part of the British dominions were medical men called upon to perform this service without fee or reward, and that only in Western Australia was this duty sought to be imposed on them without fee. The member for West Kimberley (Mr. A. Forrest) had illustrated his position, and smiled as if he thought the illustration peculiarly apt, in giving an instance of a medical man attending any hon. member, who would have to pay him. But for one man who paid his doctor there were about six who did not pay him. Hon. members might shake their heads; but the books of account of any medical man in this city would prove there were more bad debts made in the medical profession than any other business.

MR. WILSON: Bad debts could not be provided for.

THE ATTORNEY GENERAL said he intended to provide for them in this instance. What happened in the case of lodges? Medical men undertook to supply the members of friendly societies with advice, and in many cases with medicine, for a small fee. In doing so they had never calculated that the Legislature would put upon them this additional duty; for if they had expected this, they would have raised their fees. The public would be made to pay for this service, eventually. It was unwise to take away the incentive for doctors to do their duty. As to the high opinion that doctors would not neglect their duty when not paid, the same argument had been used in many similar cases. But it was altogether threadbare, because medical men had to live like the rest of us; and, if called upon to do work for the benefit of the public, they ought to be paid for it. The fee asked was a small one, and he hoped the Committee would support him in voting against the proposed amendment.

MR. A. FORREST: The Attorney General was always worth listening to: but when he stated that one of the reasons for this fee was that doctors made bad debts, then if the hon. member had had any business experience, and informed his creditors that he could not meet his liabilities because he had made bad debts, he would soon be told that this was his affair. It was only necessary to look around us to see the number of medical men who had made fortunes in this colony, and they did not bring them here. The other day there was a case of a working man who had something the matter with his finger. The doctor's bill was £45, for which his employers, a proprietary, had to pay. There was no profession so well paid. It was *infra dig.* that 30 medical men should have come to the Attorney General and asked for this small fee, which, as they knew full well, must come out of the ratepayers' pockets.

MR. KENNY said he would be sorry to see the clause amended. Firstly, a fine was inflicted if a certain report were not made. That fact alone warranted the Government in paying for the service thus rendered. In compelling men to perform a certain duty, and providing a fine for its non-performance, we were at least bound to pay them, before attempting to punish them.

Amendment put and negatived.

MR. WOOD moved, as an amendment in the second paragraph, that the word "three" be struck out, and the word "two" inserted in lieu thereof.

Put and passed, and the new clause as amended agreed to.

New Clause:

MR. HIGHAM moved that the following be added to the Bill, in lieu of clause 184:—

> Every occupier or person in charge of any abattoir or slaughter-house who keeps or permits, or suffers to be kept, in or about such abattoir or slaughter-house any swine, and allows the same to be fed on any manure, blood, or offal (unless cooked), nightsoil, filth, or any other refuse matter, shall be guilty of an offence against this Act.

MR. MORAN: Had not this been dealt with before?

THE CHAIRMAN: No: the original clause had been struck out.

MR. WOOD moved, as an amendment, that the words "unless cooked" be struck out. It was decided that swine in or about a slaughter-house should not be fed

on blood and offal, manure, etc. Now the member for Fremantle wanted to say that they could be fed on blood and offal if the blood and offal were cooked. It was nonsense.

MR. QUINLAN: On the previous occasion he was one of those who supported the exclusion of the words "blood and offal," and he never saw much harm until yesterday; but then he was convinced there would be very great danger unless provision was made of the kind proposed by the member for Fremantle. He (Mr. Quinlan) was present when cattle suffering from pleuro pneumonia were slaughtered, and he had no wish to see a sight of that kind again. A veterinary surgeon told him he had seen cattle suffering from tuberculosis slaughtered in this colony, and the pigs at once consumed the contents, the result being that they were immediately affected with the disease, and some of them died. Pleuro-pneumonia was a most serious disease, and he was certain, after what he saw, it would be very dangerous indeed not to have some provision of the kind proposed. Very often the law would be disobeyed, but we might catch some careless person, and we should preserve the health of the people as much as possible.

MR. MORAN: Tuberculosis occurred last year among cattle in several slaughter-houses, and a scare took place. We did not want that sort of epidemic raging amongst the people again. If swine were kept in or about slaughter-houses, and allowed to eat this matter, we should have to employ an army of inspectors to see whether the blood and offal were cooked.

MR. HIGHAM: The amendment proposed by the member for West Perth (Mr. Wood) was one which he hoped would not be carried, because he thought no harm would happen if the blood and offal were cooked.

THE COMMISSIONER OF RAILWAYS: If it was intended by this clause to prevent swine from being fed upon the various matters mentioned here, the clause did not provide for the very thing we wished to arrive at, for it related only to swine kept in and about slaughter-houses. A butcher might take the animals away and feed them at another place. If we were going to in any way prevent swine from consuming this filth and other things described, the clause should be further amended, so that animals could not be taken to other places and there fed on blood and offal.

THE ATTORNEY GENERAL: No doubt the clause would bear the construction which had been placed upon it by the Commissioner of Railways.

MR. HIGHAM: The difficulty the Commissioner of Railways conceived might be dealt with subsequently, and the new clause as now amended might be agreed to.

MR. WOOD asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

MR. WOOD moved, as an amendment, that after the words "slaughter-house" the words "or piggery" be inserted.

THE ATTORNEY GENERAL: With a view of effecting a compromise, he suggested that, supposing swine were allowed to remain about a slaughter-house, that would concede the first point, and then there might be inserted in the clause the words: "No person shall feed or permit to be fed swine on any blood or offal unless cooked," and the remaining words would follow on.

MR. HIGHAM: That would do it.

MR. WOOD asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

MR. WOOD said he was still wedded to his amendment, that blood and offal should be cooked.

THE ATTORNEY GENERAL: If the proposed new clause were withdrawn, he would move to substitute the following: "No person shall feed or permit to be fed any swine upon any blood or offal, unless cooked, or upon any manure, nightsoil, filth, or any other refuse matter, under a penalty to be recovered in a summary way under this Act."

MR. HIGHAM asked leave to withdraw his proposed clause.

New clause, by leave, withdrawn.

New Clause:

THE ATTORNEY GENERAL moved that the following, to stand as clause 184, be added to the Bill: "No person shall feed or permit to be fed any swine upon any blood or offal, unless cooked, or upon any manure, nightsoil, filth, or any other refuse matter, under a penalty to be re-

covered in a summary way under this Act."

THE MINISTER OF MINES: According to the proposed new clause, it would be an offence for any farmer to permit any pig to eat any offal from a sheep that was killed. If a pig happened to get at the blood which fell from a sheep that was being killed, and ate it, that would be an offence under the Bill. If the clause only dealt with those pigs which were offered for sale, that would meet all the requirements. It would put a farmer to a lot of trouble to cook all the offal for a pig that he was going to kill for himself. The offal could not do the animal any harm as long as it was healthy, and no farmer would give offal of an unhealthy character to a pig when he was going to use that pig himself.

MR. MORAN: The objection which the Minister raised was very important. A farmer might kill a beast once or twice a year, and it would be an awful thing for him to have to boil the offal from that beast to give it to his pig.

THE ATTORNEY GENERAL said, with permission, he would alter his proposed new clause to read: "No person in charge of any abattoir or slaughter-house shall feed or permit to be fed," etc.

MR. WOOD: This came back again to the same point, that no person in charge of an abattoir should feed a pig on offal unless it was boiled; but a man who kept pigs on a farm or anywhere else could feed them on uncooked offal. To enable the amendment to be put in order, and to allow further consideration, he moved that progress be reported.

Motion, that progress be reported, put and negatived.

MR. LOCKE: It was time that the Committee decided this matter.

MR. MORAN: The full Committee had decided that a pig should not be fed on offal; but the few members present were altering what the full Committee had decided. There were only two or three slaughter-houses in Perth, but there were numbers of piggeries around the city. The persons who owned the two or three slaughter-houses would have to boil all their offal waste, whereas persons who kept pigs privately would not have to boil the offal with which they fed the animals. He hoped the member for West Perth would continue to oppose the insertion of this new clause.

THE ATTORNEY GENERAL suggested that the objections would be met by inserting the words "or piggery."

MR. WOOD accepted the suggestion.

MR. QUINLAN asked the Attorney General to explain the meaning of the words "or other refuse."

THE ATTORNEY GENERAL: *Ejusdem generis*, the words meant things of the same kind.

MR. QUINLAN: The contents would be cooked, it was to be presumed; but there were many kinds of refuse which would not be cooked, such as vegetables.

THE ATTORNEY GENERAL: Vegetables were not offal.

MR. QUINLAN: The Attorney General might not know anything about cattle or pigs, but these words would apply to slops and other waste matter.

THE ATTORNEY GENERAL: The words in question were used in the sense of any matter of similar character *Ejusdem generis*, as used in law for construing words, meant that the words had to be construed as being similar in meaning to the words preceding.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL, by leave, altered the proposed new clause to read as follows:—"184. No person in charge of any abattoir, slaughter-house, or piggery shall feed, or permit to be fed, any swine upon any blood or offal, unless cooked, or upon any manure, nightsoil, filth, or any other refuse matter, under a penalty to be recovered in a summary way under this Act."

Put and passed.

Bill reported with further amendments.

CROWN SUITS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The following schedule of amendments made by the Legislative Council was now considered:—

No. 1.—Page 5, clause 17, sub-clause (2)—Strike out the whole.

No. 2.—Pages 5 and 6, clause 18—Strike out the whole.

No. 3.—Page 6, clause 20, sub-clause (3), line 5—Between "unregistered" and "at" insert "or protected by caveat."

No. 4.—Page 6, clause 20.—Transpose sub-clauses (2) and (3).

No. 5. Page 6, clause 21—strike out the whole.

No. 6.—Page 9, clause 33, line 5—Strike out all the words after "same."

No. 7.—Page 10, clause 35, sub-clause (3), (a) Line 1.—Between the words "work" and "means" insert "without limiting the meaning of the words." (b) Line 3—Between "telephone" and "or" insert "steamboat, dredge, harbour works, quarries, waterworks. jetties, cranes." (c) Line 5—Strike out all words after "Government."

No. 8.—Pages 14 and 15.—Strike out schedule 8. (This amendment is consequent upon No. 2.)

IN COMMITTEE.

Amendments Nos. 1 and 2—agreed to.

No. 3:

THE ATTORNEY GENERAL moved that the amendment be amended by the insertion of "not" before the word "protected." The omission of the word, he said, was clearly a mistake.

Put and passed, and the amendment as amended agreed to.

Nos. 4, 5, and 6—agreed to.

Amendment No. 7:

Sub-amendment (a)—not agreed to, on the motion of the ATTORNEY GENERAL.

Sub-amendment (b)—agreed to, on the the motion of the ATTORNEY GENERAL.

Sub-amendment (c)—Strike out all the words after "Government:"

THE ATTORNEY-GENERAL moved that the amendment be not agreed to. It would mean that if any work were constructed by the Government and passed over to a third party, the State would still be liable for it.

Motion put and passed, and the Council's amendment not agreed to.

No. 8—Strike out schedule 8 (consequent on No. 2 amendment)—agreed to, on the motion of the ATTORNEY-GENERAL, and the schedule struck out.

Resolutions reported, and report adopted.

A committee, consisting of Mr. Leake, Mr. Lefroy, and Mr. Pennefather, drew up the following reasons for disagreeing with certain of the amendments:—

Reasons.—Amendment No. 7, clause 35, sub-clause (3), line 1: The suggested amendment is not agreed to, for the reason that the words proposed are surplusage.—Line 5: The suggestion to strike out all words after "Government" is not agreed to, for the reason that the Government would then remain liable after the works had possibly passed out of their hands.

Reasons adopted, and a message accordingly transmitted to the Legislative Council.

WORKMEN'S WAGES BILL.

SECOND READING (MOVED).

THE ATTORNEY-GENERAL, in moving the second reading, said: Last session the Workmen's Lien Bill was passed by this House, and it has since been found to be almost unworkable through too much duty having been imposed upon the employer. It has been found unworkable in many respects. First, because the employer was, under penalty, bound to get from the contractor, before he made each payment, either a declaration that there were no wages due to the workmen or that he had wages to pay them. Then, in the next place, he was bound to see the men himself and positively identify them and pay them. The Bill now before the House repeals the last measure, and eliminates the difficulties to which I have just drawn attention. In the present Bill the relation between the contractor and the workman remains without interference until the workman complains that his wages are in arrear. He may then, under this Bill, give notice to the employer—that is to say the person with whom the contractor has made his agreement—that his wages are in arrear. The employer then stops any further payment to the contractor until he receives a discharge in the shape of an acknowledgement that the wages have been paid, or that three months have elapsed. After the workman has given notice that his wages are in arrear, he must follow it up by getting an order of the court. He has to do that in three months. If he does not, the assumption will be that the payment is settled, and the employer will proceed to pay the contractor. The object of the Bill is that a workman whose wages are in arrear shall be always able to protect himself by going to the court and giving notice to the employer, and if the wages remain in arrear for seven days afterwards, the employer shall pay; but a provision is made that the employer shall only be liable to the extent of the

money in his hands remaining due to the contractor. There is also a provision giving the same rights to the workman in respect to a sub-contractor. That is to say, if a sub-contractor employs a workman, the workman can give notice to the contractor that the sub-contractor is owing him wages, and then the same liabilities will exist between the workman and the contractor as between the workman and the employer, where there is only a contract. The rest of the measure is pretty much that which was included in the previous Act; but, to avoid amending the Act, it is proposed to repeal it, and to make this a complete measure. I think it will give the desired protection, and it will save employers who undertake contracts from much of the harassing which I regret to say they have experienced during the last six or nine months. I have much pleasure in laying the Bill before the House.

MR. WILSON: I move that the debate be adjourned until to-morrow.

Put and passed, and the debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 10.59 p.m. until the next day.

Legislative Assembly,

Wednesday, 14th September, 1898.

Question: Potatoes and Discount on Imports—Question: Coolgardie Water Scheme and Acceptance of Tenders — Motion: Tick in East Kimberley, Quarantine and Inoculation; debate resumed on Amendment (negatived)—Police Act Amendment Bill, second reading; in Committee, reported—Petition against Dual Title, Gold-Mining Leases (debate)—Transfer of Land Act Amendment Bill, discharge of order—Prevention of Crimes Bill, in Committee, progress reported—Motion: Orchards and Vineyards, Tax to Suppress Pests—Motion for Papers: Northern Stock Route—Motion for Papers: Post and Telegraph Departments, Reports of Experts—Motion for Papers: Berthing of Steamer Nemesis (withdrawn)—Return ordered: Government Advertisements in Newspapers—Motion: Tax on Sheep for Destroying Wild Dogs; Division (negatived)—Motion: Official Receiver in Bankruptcy, Joint Committee appointed—Motion: Coolgardie Water Scheme, and Acceptance of Tenders; Division on motion to adjourn—Adjournment.

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

PRAYERS.

QUESTION: POTATOES AND DISCOUNT ON IMPORTS.

MR. LEAKE asked the Premier,—1, Whether it was correct that a discount of 10 per cent. was allowed in respect of duty upon potatoes imported into Fremantle. 2, Why a similar concession was not allowed to similar importations in Albany?

THE PREMIER (Right Hon. Sir J. Forrest) replied,—1, Yes. 2, Because potatoes imported at Albany, in consequence of the shorter journey, are landed in better condition than at Fremantle, and lose less weight.

QUESTION: COOLGARDIE WATER SCHEME, AND ACCEPTANCE OF TENDERS.

MR. HIGHAM, without notice, and by leave, asked the Premier,—Whether any tenders in connection with the Coolgardie water supply scheme have been accepted by the Government?

THE PREMIER (Right Hon. Sir J. Forrest) replied: I may say that tenders