Legislative Council,

Wednesday, 12th December, 1906.

E PRESIDENT took the Chair at ock p.m.

AYERS.

PAPERS PRESENTED.

the COLONIAL SECRETARY: Return st of Federation. Annual report of ls and Forestry Department for the ending 30th December, 1905. State- of accounts for the year ending June, 1906, of the Karrakatta Public etery.

LL—HOPETOUN-RAVENSTHORPE RAILWAY.

ad a third time, and *passed*.

—ROADS AND STREETS CLOSURE.

IN COMMITTEE, ETC.

ll passed through Committee without te, reported without amendment, the :t adopted.

ad a third time, and *passed*.

BILL—MINES REGULATION.

SECOND READING.

ebate resumed from the previous

ON. W. KINGSMILL (Metropolitan-urban): While it is not my intention itiate any hostile action in regard to Bill, still I cannot help expressing a e of great regret that a Bill which I k members will agree is one of the ; important we have had this session, ll in which to a great extent the wel- and safety of those employed in the ng industry and also the success of e who are controlling the mining in- ry and employing miners to a great nt depends, should have been brought n at so late an hour in the session. Members will see I have some right in making the remarks, when they study for a moment the history of the Bill in its passage through another branch of the Legislature. It was read a first time on the 24th July 1906, that is approximately five months ago. It was read a second time on the 2nd of August 1906, something more than four months ago, and the second reading was carried on the 21st August 1906, which is very nearly four months ago. It has been in Committe since that date, so that the Bill, an important measure which it is thought necessary to debate and deliberate on in another place for four months, is sent down to this Chamber for our consideration and deliberation when we are crowded with work, and when we have, so far as I can see, only two days in which to consider it. I think it is not fair treatment of this Chamber in the least. So far as the Bill goes, I have practically no objection to offer to it, and indeed I have not had much time to give the Bill the consideration which I think members will agree it deserves. We got it only late last night, and it is expected we should study all the provisions in addition to studying the provisions of other matters referred to by the Colonial Secretary, and give them our deliberative attention so as to vote intelligently on them the next day. It is almost too great a task for anyone to undertake. There are certain provisions in the Bill with regard to mines upon which we might have had a little more explanation. Members will see in the interpretation clause the word "mine" means a place within a mining district where any operation for the purpose of obtaining any metal or mineral has been or is being carried on, or where the products of any such place are being treated or dealt with. I do not see how that definition could possibly have been made wider; that is to say, this Bill for the inspection and regulation of mines will apply practically to any place which could, by any stretch of the imagination, be supposed to be a place where metals or minerals are being won from the earth. As the Leader of the House has informed us, the regulations under this Bill are to a great extent already in type—the draft regulations.

THE COLONIAL SECRETARY: I can give the hon. member a copy of them.

HON. W. KINGSMILL: I think it would be just as well, when the Colonial Secretary replies to the second-reading speeches of members, to inform us what is the intention of the Government with regard to restricting the operation of the Bill. Members will agree with me there are numerous places, more especially on the fields now developing, to which it would be unjust and irksome to apply the operation of the Bill; that I think goes without saying if we do not wish to unduly hamper its prosecution of prospecting operations. I hope the Government will take the most liberal view of this aspect of the case and give it their earnest consideration, considering also with regard to prospectors, that they for the most part are owners of their own shows and do not employ very much labour, and that this Bill is intended particularly to protect the wages miner. Taking all these things into consideration, I hope the Government will be very liberal in their application of the Bill, which application of course they have the power to vary very considerably. The same difficulty arises in this connection with this Bill as with other Bills. It is an exceedingly hard thing to bring down one legislative measure which will meet all the conditions of an extremely varying industry. It has often been remarked in this Chamber and elsewhere that even in the case of municipalities, roads boards, and health boards, the same difficulty exists. I am beginning to doubt whether it is wise to endeavour to embrace in one measure all those conditions. So far as this Bill is concerned, if I had had more time perhaps I might have put my views more definitely. This Bill obviously relates to the larger mines, and the larger mines alone. As members who have read it will see, it is meant for the large mining centres of the State, and it is not I venture to say applicable to the small mining centres. It would be very much better, if it were possible, to exempt from the operation of this Bill those small mining centres and give them legislation of their own. I have no farther criticism to offer on the Bill. I wish again to express my regret that the Bill, which so far as I have been able to see from the hurried glance I have been able to give to it is a good one, should have been brought down at so late an hour of the session. Surely this Chamber is entitled to its opinion, a as the other place, and should h decent and reasonable time in wh form its opinion on a measure o importance.

HON. R. D. McKENZIE (N East): Like the member who has spoken, I regret that this House s have such a short time in which t cuss this very important measure there is no question about its bei great importance. Mr. Kingsmill have given a farther record of this which has been practically on the s since 1905. I think the James Mi were the first people to promise to down an amending Bill on this que The Bill, as pointed out by the Co Secretary when introducing the me is an amending and consolidating It not only consolidates the Mines lation Acts of 1895, 1899, and 1904 includes the Sunday Labour in Act of 1899. The mere fact tha Bill has taken such a considerable to go through another place show importance of the measure and the sity there has been for giving opportunity for discussion. Most representatives of the mining di of this State are members of the place. In addition to those membe the Eastern Goldfields we have Attorney General and the Minist Mines both representing mining stituencies, and this fact alone wou a guarantee to this place that th has had every consideration in its through another place. The Bill vides for the health and safety workers, and this is to be accomp without unduly harassing the i industry. I think that on perusal clauses of the Bill members will co the conclusion that the health and of the workers have been provide and that with perhaps one or two tions the industry will not be ha by the clauses in the Bill. Provis made for an inspection of any mi persons appointed by a majority of employed on that mine. This I th a very liberal clause, and gives workers in the mine every opportun making an inspection and ensuring th underground workings are safe for to work in. The Bill also provides th

vernment Geologist may enter any
ne at any reasonable time for the pur-
se of making an official inspection. I
nk that is a recommendation made by
Royal Commission which sat some
ne ago. It is important, and I am
ased to see it embodied in the Bill.
e Bill provides that every mine shall
ve a registered manager. This may
m harsh in regard to small mines
rking in outback districts, but the Bill
o provides that this manager need not
appointed until the inspector shall
e the proprietor of the mine notice.
it will not act harshly on any smaller
nes in the outlying districts. Pro-
ion is made for notice of any accident
a mine to be given immediately to the
pector of mines, and there is also pro-
ion for examination to be made by a
y, and for an exhaustive inquiry to be
de into any accident that may occur.
ntilation and sanitation of the mines
provided for in a very liberal manner.
e question of handling and storing
losives is also provided for, and this
es a guarantee of safety as far as it is
ssible to do so in the handling of those
ngerous materials. There is also pro-
ion for signalling in mines not only
m the bottom of the shafts or the dif-
ent levels to the engine-house, but also
return signals being made from the
gine-house to the bottom of the shaft.
is I think is an improvement and
ows that the regulations and clauses of
e Bill are up to date. There is also
ovision that a record book shall be
pt in the mine, and that the mining
spector shall make a record of his
rious periodical inspections. It is also
cessary for the manager or other per-
n in authority in the mine to enter in
at log book or record book anything that
is required to enter under this measure.
rovision is also made for the testing
wire ropes. I see there is an
nendment on the Notice Paper relating
the clause dealing with this, and there
ill be an opportunity of discussing the
atter later on. When the Colonial
ecretary was introducing this measure
said, and rightly so, too, I think, that
was not a measure on which long second-
ading speeches need be made; it was
ore a measure for Committee. I quite
gree with him in that regard, and when
e get into Committee perhaps we shall
be able to make some improvements or very slight alterations which I myself consider necessary. And I know that many other members for the goldfields who are in this House also desire to make certain amendments. I trust that the Bill will go through its second reading without any undue delay, that we will get into the Committee stage this afternoon, and that there will be no danger of this measure being amongst the slaughtered innocents at the end of the session. I commend the Bill to members and trust that they will give it fair consideration.

HON. W. T. LOTON (East): I have but few words to say on this matter. Like previous speakers I think it is to be deeply regretted that an important question of this kind dealing with one of the main industries of this State throughout the length and breadth of it should have been sent forward to this House in the closing hours of the session. The Bill was introduced last night and handed round to members. Personally I have not had an opportunity of reading it. If the Government desire to pass it through, possibly it has had full consideration in another place, but so far as I am concerned I am not prepared to take any responsibility or any action with the Bill at all. I have not had time to read it, therefore I am not going to act as some members were charged with acting the other day, when they were accused of making speeches on subjects they know nothing at all about. I hope that if the measure is to pass through the House, and it is wanted I believe, it is in a sound and substantial form, and will give lasting benefit to the State. I trust that the next time a Bill of this character comes before members of this House we shall have something like a reasonable time for consideration. I have no hesitation in saying that any Government which introduces a measure of this kind in either House should give the other House fair and ample opportunity of considering it and discussing it. If they do not do that, it is about time they retired.

HON. T. F. O. BRIMAGE (North-East): I intend to support the second reading. I think it is a matter for regret that we have not had the Bill before us

longer, but in addressing myself to a Mines Regulation Bill I can only reiterate the opinions that have been expressed about our present Minister for Mines—that in his hands the Mines Department is ably looked after. I regret that the Minister has not seen his way to make one provision in this Bill, and that is with regard to the charge of £1 per acre for prospectors' leases. He has been liberal enough to allow them every concession in the earlier stages of prospecting leases, but I think the rent is too high in regard to old-established leases which even at the present day are not payable. There are plenty of miners and prospectors who do not mind working for days and even years upon a lease with a hope of ultimately making it a payable concern. I think that in the case of leases of that kind if the prospectors and owners of the leases make a declaration that they have made no profit whatever, some reduction in their rent should be made by the Minister. Anyhow, I think that in a Bill of this kind provision should be made to allow the Minister to use his discretion. I know plenty of instances in which prospectors are not well enough off to pay the rent of their leases. They have been working on their leases and holding on with a view of trying to find something to develop the mine, by the erection of machinery or other means.

THE COLONIAL SECRETARY: That is a Mining Act; this is a Mines Regulation Bill. These are the regulations for working mines.

HON. T. F. O. BRIMAGE: I thought it was a Mines Bill. No harm is done by what I have said. I notice there are a few alterations intended and some amendments to be moved, and I think members will follow the mining representatives in this case, because the amendments they intend to suggest are really of that kind which members will understand are essential. I will not delay the matter, as the Colonial Secretary is anxious to get the Bill through all its stages to-night.

HON. E. M. CLARKE (South-West): I have nothing to say against this Bill, but I join in protest with other members against the manner in which we have been treated by being kept here from the 21st June until now. Some of the Bills with which we have dealt could practica have been disposed of in a few minut We have been here for months, ready do work; we have attended eve sitting, and there has been nothing us to do. But at the tail-end of t hunt, two Bills are introduced, one of 5 clauses, the Municipal Corporations B

THE COLONIAL SECRETARY: You h that six weeks ago.

HON. E. M. CLARKE: I know had, but we did not get it back ve promptly from another place. It is most important measure, and is I s advisedly admitted to have been so mix up that the Government saw fit, after left another place, to make so ma amendments that their number cannot written with less than three figures. Th being so, I protest against our being l with nothing to do in the early a middle part of the session, while importa measures have to be rushed throu practically in two or three days at t end. I have only to call attention to t work we have done within the last f days, when we passed five Railway Bil and now, within one day of the propos date of prorogation, we are confront with a Mines Regulation Bill, of whi I know nothing at all, and concerni which I am anxious to hear t explanations of mining members. Wit out any wish to threaten the Go ernment, I say if anything of the so occurs again, I shall be much inclined throw out Bills which come before us late in the session. It is absolutely cr to have to dawdle on here ready a willing to work, with nothing before Now we are sitting daily from 3 o'clo until a late hour at night, to ca through measures which require matu deliberation. At the same time, I mu say the present Government are a slig improvement on Governments we ha had. The same course has been tak every session, and against that course enter my strongest protest.

THE COLONIAL SECRETARY (reply as mover): While sympathisi somewhat with Mr. Kingsmill and M Clarke, who have complained that th Bill is brought in at a late stage, I thi members will be fair enough to adm the necessity for bringing in some Bi

at this stage, else another place would be idle for weeks while we were finishing work. As Mr. Clarke generously remarked, the present Government are not so bad as previous Governments. I do not think what he said of the Municipal Corporations Bill was quite fair, because that measure was certainly in no way hurried. It was brought in some six weeks ago, ample time was given for its consideration, and it was carefully considered by the House. That this Bill is being somewhat hurried I will admit; but though we have one Bill brought in a little late, I would remind members that the Government introduced the Loan Estimates and the Loan Bill a fortnight before the proposed date of prorogation, and that is more than has ever been done in the past. Those measures have generally been brought in a day or two before the close, though nothing could be more important than authorising a loan or passing an Appropriation Bill. As to the present Bill, it is badly needed. It is not an innovation, but is principally a consolidating measure. Certainly it contains some new proposals, but as Mr. McKenzie remarked, it has really been before the Houses on different occasions for the last three or four years; and though it has not been before this House previously in the present session, it has been for a long time before another place, where there are many representatives of the mine-owner and of the worker in mines. The Bill has had careful consideration there, and no doubt the majority of members in this House have followed its course with attention. At first sight it does seem as if the Bill is being somewhat hurried, but in reality that is not so. As the Bill is badly needed, I think the Government are justified in putting it through perhaps somewhat hurriedly, though I have no wish whatever to hurry the Committee stage. If there be any clause which members do not understand, I can give them a clear explanation, and probably they will be satisfied to pass the Bill. I hope they will give it as full consideration in Committee as if it had been brought in a few months ago. Seeing that the Minister for Mines has had so long an experience of mining legislation, and is recognised throughout the country as a most able head of his department, I think members can without undue risk accept the Bill as in every respect satisfactory. Mr. Kingsmill says he believes it to be a good Bill, but he raises an objection which at first sight seems reasonable, that as with a Municipalities Bill it is impossible to frame a Mines Regulation Bill that will apply justly to the greater and smaller mines alike. That argument would apply to a Municipalities Bill, because such a Bill is a hard-and-fast measure which must apply equally to a small municipality like Broome and to the city of Perth. But this, the only objection Mr. Kingsmill raised, is fully provided for. If a little more time had been at the hon. member's disposal, he would have seen that certain clauses give the Minister full power altogether to exempt small mines from the operation of the Act. By Clause 19 managers need not be appointed until one month's notice is given by the inspector to the owner; whereas, according to the existing Act, no matter how small the mine or how few the hands, the appointment of a manager was compulsory. In future it will be necessary, first, for the inspector to report that the mine is employing more than say four men, and has arrived at a stage when it must come under the operation of the Act. As Mr. Kingsmill remarked, we should do nothing to deter the prospector from opening up country, and the small mine-owner from proceeding unhampered in his operations. The Government are quite alive to this fact; and I assure members the Bill contains no provision which will harass the small mine-owner. What Mr. Kingsmill says is quite true; it is hard to frame a Mines Regulation Bill that will suit the big mine without unduly harassing the small mine. For instance, the big mine must send to the department proper plans of the underground workings. That provision would inflict great hardship on the prospector and the small mine-owner; but we specially provide that these men need not furnish such plans until required by the Minister; that is, until their mines become properly developed and are no longer prospecting shows. When we go into Committee I shall be able to explain every clause in detail.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 13—agreed to.

Clause 14—Record book to be open for inspection:

HON. R. D. McKENZIE moved an amendment—

That the words "or their representative, who may be the secretary of the Miners' Union," in lines 3 and 4, be struck out.

The book had to be open for examination by the inspector and the workers on the mine. It was not desirable that the secretary of the Miners' Union should have power to examine the book. As well give the like power to the Mine Managers' Institute.

THE COLONIAL SECRETARY: It might not always be convenient for the workers to inspect the book, and their representative might be given this privilege.

HON. R. D. McKENZIE: The Bill provided for inspection by "any other person authorised by the Minister."

THE COLONIAL SECRETARY: That was rather roundabout. If the amendment were to strike out the words "who may be secretary of the miners' union" it could be accepted, but as it was now worded it could not. We should allow the workers' representative to inspect the record book.

HON. J. M. DREW: The amendment would make the Bill defective, because it would be necessary for the whole of the workers to appoint a representative on each occasion it was desirable that the record book should be inspected. The secretary of the union was the representative of the workers, but if the amendment were passed he would not be recognised by law unless a special meeting was held to appoint him as the workers' representative on each occasion.

HON. R. D. McKENZIE: If the words "or their representative" were retained in the clause it would simply mean that the secretary of the union would be chosen.

THE COLONIAL SECRETARY: The workers were entitled to choose the secretary of the union as their representative.

HON. R. D. McKENZIE: It should be sufficient as long as the workers had access to the record book.

HON. J. T. GLOWREY supported the amendment. Every facility was given on the mines to the stewards of the unions, so that the words sought to be deleted were unnecessary, and should not be retained in the clause.

HON. G. RANDELL: Could any worker employed in the mine inspect the record book?

THE COLONIAL SECRETARY: Yes.

Amendment passed, the clause as amended agreed to.

Clause 15—agreed to.

Clause 16—Inspection of mine by workmen:

HON. T. F. O. BRIMAGE moved an amendment—

That all the words from the commencement to the word "cost," in line 4, be struck out, and the following inserted in lieu:—"The majority of persons employed in any mine may, at their own cost, once in every month, or oftener if they think fit, appoint two of their number or any two practical working miners, not being mining engineers, to inspect the mine."

The clause rather inferred that check inspectors were to be appointed for a longer period than a month. The appointment should not be permanent.

THE COLONIAL SECRETARY: The clause was copied from the New South Wales Coal Mining Act, and was part of our Coal Mining Act. It had worked well there and here for years. No objection was likely to arise from it.

HON. R. D. McKENZIE: It was pleasing to see that provision was to be made for the persons working in the mines to inspect the mines; but the clause provided that the person who should make the inspection must be a miner with practical working experience. Therefore the secretary of the union, though he might not have worked in a mine for 20 years, might get a permanent appointment.

HON. F. CONNOR: It would be a useful innovation if the Minister in charge of a Bill in another place could come into this Chamber to explain the measure. How would this clause affect the mines in the Kimberley district, where experts could not be got?

HON. F. T. O. BRIMAGE: The hon. member had not read the clause. Its object was entirely different.

HON. J. T. GLOWREY: We should accept this amendment. As the clause was framed almost entirely in the interests of the working miners, it was only right, when we gave the working miner the privilege of selecting inspectors, that

those inspectors should be men from the ranks of the workers. There was some doubt as to the period of the appointments according to the wording of the clause, but the amendment removed any doubt and provided that the appointment should not be permanent, while it would not create a new inspectorship of mines.

HON. R. D. McKENZIE: It would be a serious thing to the management of mines if workers were able to appoint a permanent inspector to go to the mines whenever he pleased. It should be sufficient for the workers to have power to appoint two working miners working on the mine at the time to inspect the mine whenever occasion arose. If an inspector was permanently appointed he would be able to make any use he liked of the information he gained through visiting the mines whenever he chose.

HON. M. L. MOSS: In regard to the selection of persons, by the majority of those employed on a mine, to make an inspection, was any provision made by regulation?

THE COLONIAL SECRETARY: Yes. Under Clause 64 the Minister would have power to make regulations. As to the objection raised by Mr. McKenzie, that could be met if the words "miners with practical working experience" were struck out. If these words were struck out we should have the law practically as it stood to-day.

HON. M. L. MOSS: Clause 64 did not give power to make regulations to carry out the clause. Unless there was machinery to carry it into effect it must be a dead-letter.

THE COLONIAL SECRETARY: Clause 64 or Clause 33 would do it.

HON. M. L. MOSS: Clause 64 did not do it.

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

Ayes	...	...	10
Noes	...	...	4
Majority for		...	6

AYES—10.	NOES—4.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. E. M. Clarke	Hon. J. M. Drew
Hon. C. E. Dempster	Hon. C. A. Piesse
Hon. J. T. Glowrey	Hon. J. W. Langsford
Hon. J. W. Hackett	(*Teller*).
Hon. R. D. McKenzie	
Hon. W. Patrick	
Hon. R. F. Sholl	
Hon. J. W. Wright	
Hon. T. F. O. Brimage	
(*Teller*).	

Amendment thus passed; the clause as amended agreed to.

Clause 17—Application of Sections 9 and 10 as to check inspectors:

THE COLONIAL SECRETARY: This clause was not now needed. It was covered by other clauses.

Clause negatived.

Clauses 18 to 26—agreed to.

Clause 27—Notice of accident to be given:

HON. R. D. McKENZIE moved an amendment—

That Subclause 2 be struck out.

When an accident occurred it was necessary for the mining manager or assistant to give immediate notice to the inspector of mines. Why the inspector of mines or the secretary of mines should have to give notice to the miners' association of the district was a mystery to him; moreover, as a matter of fact the associations received immediate notice of these accidents, because they had stewards on every mine of importance on the goldfields. The provision was unnecessary.

THE COLONIAL SECRETARY saw no necessity for the subclause. What was referred to was provided for in the regulations.

Amendment passed; the clause as amended agreed to.

Clauses 28, 29—agreed to.

Clause 30—Place of accident not to be interfered with:

THE COLONIAL SECRETARY moved an amendment—

That the words "a check inspector may, in the absence of the inspector of mines or of," in Subclause 2, be struck out.

He moved the amendment because "check inspector" did not appear elsewhere in the Bill, and the words referred to were out of place.

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

Clauses 31, 32—agreed to.

Clause 33—General rules:

HON. R. D. McKENZIE moved an amendment—

That paragraph (*v*) of Subclause 3 be struck out.

This provided that no safety fuse the

rate of burning of which was less than 80 or more than 100 seconds per lineal yard should be used. The provision would be better in the regulations.

THE COLONIAL SECRETARY accepted the amendment.

Amendment passed.

HON. R. D. McKENZIE moved an amendment—

That Subclause 32 be struck out.

It was useless to provide that safety hooks and catches should be examined and cleaned by a competent person. This was dealt with in the preceding clause, which provided for the testing of cages.

THE COLONIAL SECRETARY: Testing cages was different from cleaning safety hooks.

Amendment by leave withdrawn.

HON. T. F. O. BRIMAGE moved an amendment—

That all words after "rope," in line 2 of paragraph (*b*) of Subclause 42, be struck out.

The working load was not to exceed one-eighth of the certified breaking strain of the rope when new, and no rope of which the ordinary working load was more than one-sixth of the breaking strain should be used for raising or lowering men. The usual method of testing ropes injured them considerably. The manufacturer's certificate ought to suffice. When a rope was subjected to its maximum load a fracture which might escape notice frequently resulted. The present test was made with one foot of the rope, but that might not indicate the condition of the remainder.

HON. R. D. McKENZIE: It was satisfactory to find a provision that before a rope was used the manufacturer's certificate must be obtained and examined by the inspector. The amendment was reasonable. A rope in use could not be tested; and subjecting one foot of the rope to a torsional or tensile stress did not prove that the whole rope was reliable.

THE COLONIAL SECRETARY: Much could be said for the amendment, but ropes were not tested here by heavy loads. The load test had worked satisfactorily in the Transvaal. The amendment should be altered by retaining the words "when new," striking out the other words, and adding after "new," "and when after testing as provided by the regulations, it is found that the breaking strain of any rope is not six times at least greater than the working load, such rope shall be condemned by the inspector." The subclause was intended not so much for the testing of ropes as to empower the department to remove ropes which were unsafe. A good margin of safety was necessary in ropes by which men were raised or lowered.

HON. T. F. O. BRIMAGE: There was no difference between the subclause and the amendment suggested by the Colonial Secretary.

HON. R. D. McKENZIE: The amendment was preferable, as it took the responsibility off the Minister and placed it on the inspector.

THE COLONIAL SECRETARY: What Mr. McKenzie stated was correct. If a rope broke it was *primâ facie* evidence against the manager. The amendment provided for testing, which placed a certain amount of responsibility on the inspector. If after testing a rope in the way provided by the regulations it did not stand the test the inspector had the right to condemn it and order its removal.

HON. T. F. O. BRIMAGE withdrew his amendment.

THE COLONIAL SECRETARY moved the amendment which he had previously suggested.

Amendment put and passed.

HON. R. D. McKENZIE moved an amendment—

That Subclause 49 be struck out.

This was provided for in the regulations.

THE COLONIAL SECRETARY: This provision was not in the regulations. The member was referring to provisional regulations which had been drawn up in anticipation of the Bill passing. The subclause should be retained, but there would be no objection to increasing the height from 30 feet to 40 feet.

HON. R. D. McKENZIE withdrew his amendment and moved—

That in line 3 of Subclause 49 the word "thirty" be struck out, and "forty" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 34 to 40—agreed to.

Clause 41—No workman to be employed for more than thirteen days in a fortnight:

HON. J. T. GLOWREY moved—

That the clause be struck out.

This provision would not afford any benefit to anyone. On the contrary it would cause a good deal of inconvenience to mining companies, more particularly to small miners in outback country. At present it was illegal to carry on mining operations on Sunday except where a continuous treatment plant was employed. No men were engaged underground on Sundays except they were required to look after pumps and such like work. There was a certain amount of inspection to be done in various parts of the mine and an opportunity was taken to do this on Sunday. The clause could not do any good because it was proposed that there should be one day off in 14, and it was not suggested that the day should be Sunday. It was admitted that it was impossible to close down treatment works on Sunday. He (Mr. Glowrey) had been approached by clergymen from the goldfields to try to see if we could not get one day's holiday for workmen every week, but even these clergymen admitted that it was impossible to do away with Sunday labour on mines. A notice was posted every month on every mine that any miner engaged working seven days a week every month had an opportunity to give notice to the mine and he could get one, two, or three weeks' or even two months' holiday during the year. The miners themselves would much rather have this system than be forced to remain idle one day during the week. They would rather have their seven days' pay. A list of names he had received showed the length of holidays which various men received, some of them getting as much as two months. Another got six weeks, another four weeks, another three weeks, another a month, and another two weeks. These men would much rather take their holidays in a lump once a year. He believed in every man having a Sunday if possible, but that was impossible in relation to these large treatment plants at Kalgoorlie, or even out in the back country. Many mines employed perhaps only three or four men on Sunday, and how were they to get three or four others to take their places one day in a fortnight? Many were anxious to have Sunday work because they received full pay, and were only asked to do as little as possible. They were not expected to do more than look after the machinery or cyanide vats or such other work as needed supervision. The provision would inflict very serious loss on the mining industry and would not be likely to be of any advantage. Many men on amalgamation plants occupied responsible positions which they had retained for years. They were known to be honest, and they were skilled, and, in many instances, it would be very difficult to fill their positions by others.

THE COLONIAL SECRETARY: It was admitted it would be impossible to close down the mines on Sunday, and to do so would entail very serious loss, especially on the big mines. The report of the Chamber of Mines showed that if there were a cessation of Sunday labour in the principal Kalgoorlie mines the value of the output for one year would be decreased by £878,805, and there would be a reduction of 598 in the number of underground employees. Whilst admitting all this, there were reasons why the clause should stand. This proposal was a compromise. It provided that the men should have every second Sunday. At present many men were compelled to work 365 days a year. There was some truth in the statement that these men preferred to work on Sunday, seeing that they got seven days' wages instead of six, but he did not know that was a spirit which should be encouraged.

HON. R. D. MCKENZIE: They would not get the Sunday.

THE COLONIAL SECRETARY: It was intended that they should have every second Sunday. Only a certain number of men were obliged to work on Sunday. In the big mines there were enough to go round so as to effect the purpose in view, but the provision might entail a certain amount of hardship on small mines. He asked the Committee not to strike the clause out. He would move to add a subclause reading "nor to any person employed on Sunday solely in pumping operations." That would effectually protect the small mines. They did not work an ordinary battery on a small mine on Sunday. There was

no necessity to do so. What he suggested would enable one to keep up his fire to a certain extent, and keep his pumps going.

HON. T. F. O. BRIMAGE: In regard to the mines at Kalgoorlie continuous working was absolutely essential, and he did not see how the Government could with all fairness to the mining industry insert this clause. It was contended that the mines could employ other men to do the work, but if one did that, one might get a trucker put on another branch of work which he did not at all understand. That person would be out of place, and would not be able to do the work efficiently. He (Mr. Brimage) would have liked a select committee appointed consisting of goldfields members with a view to looking into this question thoroughly during the recess, such committee having power to call evidence for and against. He was imbued with the idea that the men should have one day in 14 at the very least, but he would not do anything in the way of reducing our output or creating a greater stagnation of business than existed at present. If we inserted this clause, we should stop a good deal of circulation of money from these mines. Though the Minister explained it was not the intention to stop Sunday work, which would mean a loss of something over half a million of money a year, the regulation should be cancelled as it was unnecessary. A select committee should be appointed to go thoroughly into the question of Sunday work on mines during the recess.

THE COLONIAL SECRETARY asked the Committee to allow the clause to stand. He disagreed with Mr. Brimage that this would inflict hardship on the big mines, whose staffs were sufficiently large to permit of the few men engaged on Sunday work being granted every second Sunday off. The clause applied only to the large continuous process plants at Kalgoorlie, as ordinary plants could without difficulty be stopped on Saturday night and restarted on Monday. The subclause would meet the case of the small mines; and in the case of the large mines it was desirable from both a humanitarian and a religious standpoint that men should have the second Sunday off.

HON. J. W. LANGSFORD supported the clause, which was a compromise between the mine-owners and the men. On purely humanitarian grounds men should have one day off in 13, while from a physical point of view one day's rest in 13 was preferable to two months' rest at the end of a given year.

Amendment passed; the clause as amended agreed to.

Clauses 42 to 63—agreed to.

Clause 64—Power to make regulations—amended consequentially.

Clause 65—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments; the report adopted.

BILL—CRIMINAL CODE AMENDMENT.

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

BILL—LAND ACT AMENDMENT.

ASSEMBLY'S MESSAGE.

The Legislative Assembly having disagreed to 13 of the amendments made by the Council, the Assembly's message was now considered in Committee.

No. 1—Clause 1, insert at the end the following words:—

"but nothing herein contained shall affect any right, interest, or liability already created, existing, or incurred, or anything lawfully done or suffered under any enactment, land regulation, or other regulation hereby repealed":

THE HONORARY MINISTER: This amendment was not accepted by the Assembly, because those clauses in the Bill which might have been considered retrospective had been amended, and because the amendment was of too sweeping a character. He could add little to the reasons advanced by the Assembly, and moved that the amendment be not insisted on.

HON. J. M. DREW: We should insist on this amendment, which was made after very serious consideration and due deliberation at the suggestion of the select committee appointed to examine the Bill. The select committee found many retrospective features in the Bill, and suggested their removal; but it was doubtful whether all those retrospective

features were discovered, and to make the matter doubly sure this amendment was suggested, and the Committee inserted it in the Bill. There was a precedent for it, because similar provision was to be found in the Land Act of 1898. The amendment was inserted in order that there would be no loophole, and so that existing contracts would be respected. The only thing of a sweeping character was the action of those who introduced the Bill, to interfere with existing rights.

HON. R. F. SHOLL: This was no new feature of land legislation. The amendment was word for word with the provision in all the Land Acts, put in to safeguard contracts entered into by the Government with individuals in regard to land taken up under previous Acts. The Council would not allow the Government to commit a breach of an existing contract, and it appeared inexplicable why the Government should object to the amendment. Even if the amendment were unnecessary, it could do no harm by placing it in a new measure when it was already to be found in existing Acts. The only object the Government had appeared to be to repudiate existing contracts. It was intended when the Bill was framed to repudiate contracts. One could not understand the difference between a politician bringing down dishonest legislation and an individual doing something considered not straight. It was said that if we scratched the Russian we found the Tartar underneath; and he thought that if we scratched any Government or individual introducing a Bill to repudiate contracts, we would find a dishonest man underneath.

HON. C. E. DEMPSTER: It was unsatisfactory on the part of the Government to endeavour to introduce legislation interfering with existing rights. It seemed that the Government wanted full power to alter or amend regulations as they thought fit. We should insist on the amendment.

THE HONORARY MINISTER: The Government considered that all the clauses in the Bill making it retrospective having been removed, they had some claim for consideration from us in this respect, that we should not insist on the amendment.

HON. M. L. MOSS: In the Interpretation Act of 1898, which was a re-enactment of the old Shortening Ordinances, and which followed the Interpretation Act in force in Great Britain, there was Section 18, which was as follows:—

> 1. Where this Act, or any Act passed after the commencement of this Act, repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.
>
> 2. Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not . . . affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed, etc

That was practically what was said in the amendment. The provision found a place in the Interpretation Act because it was always considered so thoroughly opposed to the idea of just legislation to interfere with rights already acquired or obligations entered into under previous statutary enactment. It was, however, doubtful whether the section of the Interpretation Act would cover the Bill before the House, so that the Committee, to make certain of it, practically re-enacted what was already the law of the land, and was contained in the Interpretation Act and in the Shortening Ordinances that preceded it. Seeing that it was the standing, the cardinal rule in the construction of Statutes that vested rights should be protected, there could be no legitimate reason for the excision proposed. Apart from that, it must appeal to hon. members that this was the only basis of fair dealing between the Government and the people who had entered into contracts with the Government for pastoral leases or otherwise. All these prior rights should be recognised.

THE HONORARY MINISTER: The Government did recognise them.

HON. M. L. MOSS: There ought to be no doubt in the future, and as a matter of abundant caution the words ought to appear in the Bill. The Government no more than a private individual ought to be permitted to vary a contract at will. Indeed, if any departure whatever was to be made from a fair transaction between the Government on the one hand and the settler on the other, the Government should rather give concessions than lay

themselves open to the slightest suggestion of tampering with vested interests. The attitude of another place was unreasonable, and we should insist on our amendment.

HON. V. HAMERSLEY: A farther consideration underlying this was that a suspicion of repudiation attached to the Assembly's disagreement with our amendment. A fear had been expressed at Home that labour dominance in Australia would result in repudiation, and if we passed a provision capable of the construction that it repudiated contracts with our people the British investing public would certainly have some right to assume that our security was not thoroughly sound. Members ought to insist on the amendment.

Question put and negatived, the Council's amendment insisted on.

No. 8—Clause 15, verbal amendment not insisted on.

No. 10—Clause 18, strike out this clause:

THE HONORARY MINISTER moved that the Council's amendment be not insisted on. The documents in matters falling under this clause were dealt with entirely by the department, and as a rule were not important. To put them through the Executive Council, where of course they were necessarily treated as matters of form, meant a deal of trouble, expense, and delay.

HON. J. M. DREW trusted that the Committee would insist on the amendment. One was surprised to hear matters of Executive Council referred to as mere matters of form. His experience was that every paper submitted to Executive Council was previously submitted to Cabinet; and if this, the proper system, were adopted the Government would know exactly what was being done by every department in matters of importance. We were legislating for the future, and therefore ought to adopt proper safeguards, ensuring that the Government should bear the full responsibility of granting extensions of time for improvements. If the amendment were not insisted on, the Minister for Lands would hardly dare to leave his office for fear of being mobbed by people soliciting extensions of time.

THE COLONIAL SECRETARY thought the Committee ought not to insist on the amendment. Although these Lands Department matters went before Cabinet, a very large number had to be considered each week and a good many were granted as a matter of course. The Ministry must of necessity, for want of time, accept the recommendations of the Lands Minister and formally pass them through Cabinet and through the Executive Council. Naturally the Minister would draw the attention of his colleagues to anything affecting a vital principle; but in all ordinary cases the Minister's recommendation was accepted. The time of the Cabinet could be better employed than in considering such applications.

HON. J. M. DREW, when Minister for Lands, had granted hardly a dozen applications per month, and little trouble was given to Cabinet, though Cabinet had carefully reviewed all his actions which they had a right to review.

THE HONORARY MINISTER: At one stage of these applications they were considered by one or two of the most reliable officers in the department, on whose recommendations the decisions of the Minister were probably based. One would think from some members' remarks that the applications were disposed of without consideration.

HON. C. SOMMERS: The Committee should not insist on the amendment. The Minister and his officers were best fitted to decide whether extensions should be granted. Not once in a thousand times would Cabinet interfere with the Minister's decision. The amendment would only multiply work.

HON. W. T. LOTON: According to the last speaker, the Minister recommended and the Executive approved. Surely not. There was more underlying this clause than appeared on the surface. It provided for the taking up and working of all classes of land. As to troubling the Executive with too many applications, those unworthy of consideration should be rejected by the Minister, and only doubtful cases should be brought before his colleagues. The amendment should be insisted on.

HON. J. M. DREW: A member said the extension granted would not exceed twelve months. True, but at the end of

hat period the Minister could grant nother year's extension, and so on.

HON. C. SOMMERS: The Minister was hanged every year.

Question negatived, the amendment nsisted on.

No. 11—Clause 21, strike out "Minister" nd insert "Governor":

THE HONORARY MINISTER noved—

That the amendment be not insisted on.

'he arguments used on the preceding mendment applied to this.

HON. J. M. DREW: There was a tronger reason why the power to waive orfeiture should go to the Governor-in-Council instead of being left with the Minister, who, if we did not insist on the mendment, could reinstate any lessee or icensee on any terms and conditions hought fit, and could remit fines. We hould insist on the amendment.

Question negatived, the amendment nsisted on.

No. 18— Clause 35, strike out "two" nd insert "three":

THE HONORARY MINISTER noved—

That the amendment be not insisted on.

)ne of the principal objects of the Bill vas to limit the area of conditional pur-hase land one person could obtain. From previous discussions it appeared here was little likelihood of such land being taken up in the North.

HON. F. CONNOR: By a clause in his lease a pastoralist could take up 5,000 acres of agricultural conditional purchase land. The Government had tried to reduce this to 2,000, and as a sort of compromise the House had agreed to 3,000. As we had refused to abandon our amendment in Subclause 1, and had thus protected the pastoralist, the fate of this amendment was immaterial. Holders of large leases had taken up 2,000 acres under conditional purchase; yet in these areas their homesteads, gardens, and wells were not included. These should be protected, for this retrospective legislation was not anticipated when the holdings were taken up.

HON. W. PATRICK would support the Government. Two thousand acres of agricultural land in the tropical portion of the State was worth 20,000 in the temperate portion. In Queensland 80,000 acres of tropical land produced sugar equal in value to the wheat grown on two million or three million acres in the temperate zone. In the West Indies 1,500 people were maintained by 1,200 acres under sugar, the product yielding a profit of £20,000 a year. Two thousand acres was a large enough area to allow.

Question passed, the amendment not insisted on.

No. 19—Clause 36, strike out "repealed" and insert "amended," strike out the words "Kimberley, North-West, Western, Eastern, and Eucla Divisions," and insert in place thereof "Kimberley or North-West Divisions comprised in any pastoral lease granted before the commencement of this Act," and strike out all the words after the word "Act" in line 8 to the end of the section:

THE HONORARY MINISTER moved—

That this amendment be not insisted on.

Provided members agreed to what he suggested, he intended to move that Clause 36 of the amending Bill be struck out. That would allow the provision in the original Act to remain. The select committee on his recommendation inserted this amendment, but it was now found it would not have the desired effect.

THE CHAIRMAN: The hon. member would not go outside the amendment referred to in the Message.

THE HONORARY MINISTER: That being so, he was not prepared to go so far. The object he had was to strike out Clause 36.

HON. J. M. DREW: In the Bill as submitted to the select committee, Clause 36 said, "Section 63 of the principal Act is repealed." The object of Section 63 was to restrict farther selection in the North-West in the interests of the pastoral industry, but the Government wished to remove all protection to the squatters and desired to repeal Section 63. The result would be there could be free selection right through the North-West country, and the committee had come to the conclusion that that was too drastic a step to take, and modified it to a certain extent. The amendment should be insisted upon.

THE HONORARY MINISTER: If Clause 36 could not be struck out he would not persist in his motion.

Question negatived, the amendment insisted on.

No. 21—Verbal amendment—not insisted on.

No. 23—Clause 53: Strike out the clause:

THE HONORARY MINISTER moved—

That the amendment be not insisted on.

This dealt with the pastoral leases in the North-West Division. The Government felt it did not interfere with any existing leases, and that Parliament should approve of the suggested increase in the price. The whole of the territory would be fenced in with rabbit-proof fencing from the coast in the North-West right through to the coast at a point on the South-East coast. In these circumstances members might agree that the land inside that area should have a better value, especially when one took into consideration that a stock route had been surveyed from this district into the mining districts.

HON. R. F. SHOLL: It was a pity the Government had taken a stand against the amendment of the select committee, because all the good land near the coast had already been selected. In the Kimberley district, with the stocking clause, pastoralists paid 5s. per 1,000 acres rental, and all the best land was taken up. But the Government desired to charge four times as much for land to be taken up in the future, and people would have to go a long way from the centres of settlement to take up land, which meant that no land would be taken up at all. The rents should remain as at present. The land would have to be taken up in 20,000-acre blocks, and for the refuse lands the same price was to be charged as for land in the centres of civilisation close to a railway and where there was a good climate.

HON. J. M. DREW: The amendment should be insisted on. All the best country in the North-West had been selected, since that portion of the State had been used for pastoral purposes for 40 years. Now it was proposed to make those going into the back-blocks pay double rents. The explanation of this proposal seemed to be that it was a dodge of the Government to impose increased taxation on the pastoralists of the North-West, because immediately Parliament agreed to the Ministry's proposal the rental values of the North-Western leaseholds would jump 100 per cent.

THE HONORARY MINISTER: It was said that the Government would be receiving four times as much rent under this proposal; the rent, however, would be only twice as much. Mr. Sholl ought moreover to have mentioned the important point that pastoral leases in the South-West carried no exclusive right since a selector could enter at any moment. In view of the establishment of the rabbit-proof fence in the North-West more especially, the increased rents were fair. He would be compelled to take this matter to a division.

HON. C. E. DEMPSTER: The country we had now to deal with was but the refuse. Therefore it would be unwise to increase the rental, even though an augmented revenue was desirable for the State.

HON. E. McLARTY doubted much whether in view of the circumstances increased rentals would mean increased revenue—he thought the result would rather be the contrary, since selectors would take up as little as possible. In the North extensive areas were necessary for a station, and even at 10s. per thousand acres the annual rental of an average station was fairly heavy. If the higher rental were imposed, only the best country would be taken up, while poor land would be abandoned altogether.

HON. E. M. CLARKE: In connection with this proposal, neither the wisdom nor the consistency of the Government was apparent. These remaining Crown lands of, on the whole, poor quality must be taken up, for at present they were producing nothing, and with a view to encouraging their utilisation the rent should be decreased rather than increased. To be consistent, the Government ought to double the rental of land everywhere throughout the State. That now the good land was gone the Government should demand twice as much for the

'erior was a most peculiar proceeding, d one totally inexplicable except on e supposition that applications for this or country were swarming in, which, wever, we knew was not the case.

HON. J. A. THOMSON: The reasons the Government for refusing to accept e Council's amendments were perfectly ain. Every member who had spoken hibited a great deal of anxiety for the ending selector; but if this amendment re dropped, present lessees at the ex- ation of their terms would be called to pay what the Government con- ered a fair rental, instead of too low rental. He agreed with Ministers' w that the present rental was too low. ie North-West squatters had made ormous amounts of money. The Gov- ment were fully justified in refusing accept this amendment.

HON. F. CONNOR: The last speaker's as of the value of pastoral leases in e North-West were not correct. The rthern Territory of South Australia s divided only by an imaginary line m our North-West, from the land were discussing, and the South Aus- lian country was better watered and a better class of soil. South Australia that land at one-sixth of the cost which e Government proposed to charge for r land, and moreover South Australia owed a tenure of 42 years. A pastoral- did not care if he had to travel 200 or 0 miles farther to get into good country, d unless the amendment were insisted the result might be that intending tlers on our North-Western lands uld simply move on into the Northern rritory of South Australia.

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

THE HONORARY MINISTER made e more appeal to members in the tter. In the Bill the division pre- iously existing between the South-West d the North-West was abolished, with e result that what was now known as e North-West Division extended as far ith as 60 or 70 miles south of Gerald- n; hence in voting on this matter mbers should recollect that this was t the very distant country sought to be shown. Seeing that the division extended inland to include the Mount Magnet Goldfield, surely that land was worth more for pastoral purposes than 10s. per thousand acres. Having embarked on a considerable expenditure in providing stock-routes and building the rabbit-proof fence in the interests of the pastoral industry, the Government were justified in making this increase in rents. This alteration could not affect existing rights, as it applied only to future selections.

HON. W. PATRICK was astonished at the assertion that all the best of the land for pastoral purposes in the North was already selected; and, if true, the less the fact was advertised the better. While this State carried only 3,000,000 sheep, South Australia in the agricultural districts alone carried 5,000,000. In view of this one could only come to the conclusion either that our lands were enormously understocked or else were inferior for pastoral purposes to those of the other States. Mr. Connor's comparison of the Kimberley district with the Northern Territory was unfair, in that it compared the worst part of the continent (Northern Territory) with the best part of Australia for pastoral purposes. No harm could be done by trying the experiment of raising the rents, since it would not affect existing selections; and if the land were worth taking up at all it should be worth £1 per thousand acres.

HON. R. F. SHOLL: Seeing that these lands had been open for the last 30 years at 10s. per thousand acres, was it likely that people would go so far inland as would be now necessary to select land at £1 per thousand acres? The Government proposal was absurd and prohibitive. The Port Hedland Railway had been quoted, but this was a line to a mining centre and would not benefit the pastoral industry other than by providing facilities for one or two stations to transport cattle to the coast.

HON. J. M. DREW: Mr. Patrick had misunderstood the trend of the debate. It was not contended that the unselected land was inferior to that already selected, but simply that it was farther removed

from a port, and that consequently no adequate reason had been advanced for increasing the rents by 100 per cent. Mr. Patrick also urged the trial of the experiment as it would not harm present lessees; but was it not desired that this country which was unsuited for agriculture should be selected for pastoral purposes? If the amendment passed, future selectors would have to enter into competition at a disadvantage with those already established. It might be necessary to increase the rents of pastoral leases, but the Government should make provision that from 1927, when most of the existing leases would expire, all lessees should pay an increased rent. Until we could put them all on the same mark it would be unfair to increase the rent, especially as those who would take up land in future would have to select places far remote from the seaboard, and would have to undergo hardships which those who secured land in the early days would not have to bear.

HON. W. PATRICK: If the whole of the best land in the State was in the hands of pastoralists—and it represented an area equal to the whole of New South Wales—the country must be tremendously understocked or tremendously inferior to the land in New South Wales, because New South Wales in a normal season could carry 60 million sheep.

HON. F. CONNOR: There was not a single sheep in the country we were talking of.

HON. W. PATRICK: We were not talking of the Kimberley District. The district under consideration was the North-West, and the pastoral land there was nearer to the seaboard than some of the land in the Kimberley District. The object of increasing the rents was to get additional revenue, and seeing that present holders would not be interfered with to the extent of one penny, we should make the experiment. If the land was too inferior, or was too far from the seaboard to take up, no harm would be done by increasing the rents, because it would not be taken up in any case.

HON. F. CONNOR: Increased rents meant decreased revenue.

THE HONORARY MINISTER: Th amended boundaries of the North-We Division reached south of Geraldton.

HON. R. F. SHOLL: The Minister w absolutely wrong.

THE HONORARY MINISTER: Th boundaries of the North-West Divisio adjoined the South-West Division of to-da and reached south of Geraldton.

HON. W. T. LOTON: How far eas and what was the rainfall?

THE HONORARY MINISTER: Th rainfall was acknowledged to be ver good. The surveyors of the new stoc route recently reported that they travelle through excellent country which had y to be taken up. The best thing to d was to allow the Government to giv the matter a trial.

Question put, and a division take with the following result:—

Ayes	..	5
Noes	..	13
Majority against	..	8

AYES.	NOES.
Hon. J. D. Connolly	Hon. H. Briggs
Hon. V. Hamersley	Hon. T. F. O. Brimage
Hon. C. A. Piesse	Hon. E. M. Clarke
Hon. J. A. Thomson	Hon. F. Connor
Hon. W. Patrick (*Teller.*)	Hon. C. E. Dempster.
	Hon. J. M. Drew
	Hon. W. T. Loton
	Hon. E. McLarty
	Hon. M. L. Moss
	Hon. G. Randell
	Hon. R. F. Sholl
	Hon. J. W. Wright
	Hon. R. D. McKenzie (*Teller*)

Question thus negatived, the Council amendment insisted on.

No. 24—Clause 55, strike out:

THE HONORARY MINISTER move that the amendment be not insisted o The Assembly did not agree to this amen ment for the same reason as in the pr vious case. Clause 55 proposed to i crease the rents of new pastoral lease in the Kimberley District to £1 pe thousand acres. At present the rent i the Kimberley Division was 10s. pe thousand acres, and this was reduce to 5s. per thousand acres if the lesse stocked the land to the extent of on head of large stock and ten head of sma stock. The Government did not inten to take away that privilege but merel desired to increase the rent. If the stoc

g conditions were carried out the rent ould be reduced to 10s. per thousand res. Taking into consideration the sy conditions there was good ground r raising the rent. He hoped the ommittee would not insist on the amendent.

HON. J. M. DREW: The arguments reviously used would apply in this case. le asked the Committee to insist on the mendment.

Question negatived, the Council's mendment insisted on.

No. 25.—Clause 57, strike out "granted efore or after the commencement of his Act":

THE HONORARY MINISTER oved—

That the amendment be not insisted on.

he Government knew there were housand of acres in relation to which o attempt had been made to stock the ases. It was felt that under such circumstances as those the insertion of a lause of this kind would not be unfair. his had been supported by pastoral easeholders in another place, and it was elt that in no way could it possibly affect he pastoral leaseholder who had his uns fairly stocked; and the amount f stock required for the purpose did not un into a large quantity. Some regulaion of this kind should be imposed on hose who had taken up land for speculative purposes and had not put a head of tock on it.

HON. J. M. DREW: The clause had trong retrospective features. Under it he lease of a pastoralist would, unless hat pastoralist had ten head of sheep r one head of large stock for every housand acres, be liable to forfeiture. Under the old law all that one was required to do if he did not keep it sufficiently stocked was to pay double rent. The clause was an interference with vested rights.

Question negatived, the Council's amendment insisted on.

No. 29—Clause 71, add at the end of the first paragraph the following:—

Provided that at any time after two years from the commencement of the lease, if all the conditions of residence, fencing, and improvements have been complied with, and if the same have been maintained, and the full purchase money and prescribed fee have been paid, the Governor may issue a Crown grant in respect of the land comprised in such lease:

THE HONORARY MINISTER moved—

That the amendment be not insisted on.

HON. J. M. DREW: This was not the amendment suggested by the select committee.

HON. R. D. McKENZIE hoped that the Committee would insist on the amendment as moved by Mr. Glowrey. He thought that when the amendment was debated in the House the Colonial Secretary had no objection to it. As a matter of fact he believed the hon. gentleman said that the Government were in favour of it. Now the Government had seen fit in another place to object to the amendment and sent it back. He trusted members would insist on the amendment, and enable those people on the goldfields who wished to have the freehold of the land on which they had their houses to obtain it when they had fulfilled the conditions as to two years' residence.

HON. F. CONNOR: The amendment moved by Mr. Glowrey should become law.

THE COLONIAL SECRETARY: What he said was that the Government had no objection to the amendment, but at that time he understood that these residential leases held on the goldfields, no matter how long they had been held, had to be converted into workmen's blocks and to be held for five years before the freehold could be obtained. He found, however, that he was not correct, for if they had been held for five years and turned into working men's blocks, they could become freehold right away. Should we grant the freehold of these blocks after they had been held for two years or for five years? Probably it would meet the case if we allowed the freehold to be obtained after five years.

HON. W. PATRICK intended to support Mr. McKenzie. The matter had been debated at great length and the necessity of giving people the freehold as soon as possible was pointed out.

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

Ayes	..	..	7
Noes	..	..	9
Majority against	..	..	2

AYES.	NOES.
Hon. J. D. Connolly	Hon. E. M. Clarke
Hon. J. M. Drew	Hon. F. Connor
Hon. V. Hamersley	Hon. C. E. Dempster
Hon. E. McLarty	Hon. R. D. McKenzie
Hon. C. A. Piesse	Hon. M. L. Moss
Hon. J. W. Wright	Hon. W. Patrick
Hon. C. Sommers (*Teller*).	Hon. G. Randell
	Hon. R. F. Sholl
	Hon. T. F. O. Brimage (*Teller.*

Question thus negatived, the amendment insisted on.

No. 30—Clause 71, add the following new subclause to stand as (2):—

The Governor may, in the case of any land the subject of a special lease under Subsection 3 of Section 152 of the principal Act, provided all the conditions to be observed by the lessee have been duly complied with, and also provided the full purchase money and prescribed fee have been paid, issue a Crown grant in respect of such land:

THE HONORARY MINISTER moved—

That the amendment be not insisted on.

It was never intended to sell lands leased under Section 152 of the parent Act; hence the amendment was out of place and impossible of enforcement. No price was fixed for such lands, and the Government would not sell them.

HON. J. M. DREW: This ridiculous amendment would never have gone to another place had his advice been taken. These were special lands which the Government would not sell for any consideration. Reserves were set apart, say for future Government buildings; and meanwhile the Government might grant special leases. Mr. Glowery had mentioned purchase money; but there was no provision for purchase.

THE COLONIAL SECRETARY: Mr. Drew was right. Section 152 authorised special leases for certain purposes such as the removal of manure, salt, etcetera. The amendment should be negatived.

Question passed, the amendment not insisted on.

No. 31.—Clause 77, strike out the clause:

THE HONORARY MINISTER moved

That the amendment be not insisted on.

The clause permitted the setting apart special areas for communities like t members of the Jewish Settlement. T Government were willing to strike o the words "to the exclusion of all oth persons," but this could not be done t next session.

HON. J. M. DREW: As the objectic able words could not be struck ou we should insist on the amendmer The clause had a monstrous appearan Lands could be reserved for selection a special class of persons to the exclusi of all others. If these words were stru out he would accept the clause.

THE COLONIAL SECRETARY: T clause would have been better with t words struck out; but the Minist should have power to set apart certa areas for selection by one class of peop say by foreigners who wished to set together. Negotiations were in progr for the introduction of settlers from t North of Europe, and the Governme should be able to mark out an area say a hundred acres where a group immigrants could settle and help o another with implements and labou If such an area were now declared op for selection, there was no power to r fuse any applicant. It was regrettab that the words objected to could not deleted, but this could be done ne year.

HON. E. M. CLARKE would not ins on the amendment, which would perm land to be set apart for people who we possibly more sociable than Britishe and who might make desirable colonis

HON. E. McLARTY agreed with M Clarke. Localities for special classes settlers were desirable, and enormo areas were available for other people.

HON. R. F. SHOLL: The questi had not been clearly placed before t select committee. The settlers conte plated by the clause were Norwegian Germans, or Italians. Colonies of the agriculturists would be advantageous the State. He would not insist on t amendment.

HON. W. PATRICK: While the avera Englishman liked to plant himself in t

midst of a big paddock and be as far apart from others as he could, the average man from the European Continent liked to be in close touch with his neighbour. In South Australia, where there was a large German population, there were communities of Germans, and in some towns it was impossible to find a person who could speak the English language. This phase of the question had not come up when discussing the proposal previously. It would be a splendid thing for the State to induce a number of thrifty Germans, or Italians, to come here and found a new industry. It would not only be successful, but an object lesson to the rest of the population of Australia.

HON. J. M. DREW: There were scores of people in Western Australia who would go on the land to-morrow if facilities were placed in their way, but Parliament gave the Minister power to lock up one-tenth of the agricultural territory and set it apart for people who lived outside the State.

THE COLONIAL SECRETARY: Mr. Drew took a strained view of the case. We had plenty of land for everybody, and it was not intended to lock up one-tenth or one-fifth of the country for British immigrants, but the Minister should be in a position when he received offers, to set apart land for communities of immigrants. In the South-West there was a man from Jersey who wished to bring a number of his friends out here, so that they could take up land. The man had pointed out certain country, and asked if these immigrants could secure that. It was right to allow them to have such land.

HON. R. F. SHOLL: It would not be easy to get immigrants with agricultural experience. There was a great deal in the scheme if we could get communities to congregate together, and assist one another on a sort of co-operative principle, but we could not get Englishmen to settle on land and work on the co-operative principle. We might get Germans and Norwegians to do so.

HON. C. E. DEMPSTER: If people came here to settle, let them take advantage of the land which was open for settlement. It was not right to lock up land for the purpose of placing such settlers as those spoken of upon the land to the exclusion of others.

HON. V. HAMERSLEY was in favour of the clause as it stood, although he would like to see the words "to the exclusion of all other persons" deleted. He was an advocate for getting all the settlement on the land that we possibly could get, and he did not care how it was done. If there was an opportunity of setting apart land which we advertised, thus directing people's attention to it, stating that the land was distinctly set apart for the benefit of immigrants, it would be a good advertisement for the country, and would be the means of inducing people to come here, especially if they knew that on going on the land they would not be interfered with by other people.

HON. H. BRIGGS: About 12 or 18 months ago, there was a move made in the direction of communal life by a well-known Bohemian, Count Lutzo, who proposed to send out people from Bohemia, and all the men would come with capital. He proposed to choose a blacksmith and a carpenter, and the rest would be dairymen and flax growers, and he intended to bring out one of his own people as a schoolmaster, so that those living in the community would understand each other's language. It would be a well-selected colony. One did not know if these people had come here, but men were learning English in that province of Austria, so that they could set up a community in the South-West of this State.

Question passed, the amendment not insisted on.

Resolutions reported; the report adopted.

A committee consisting of Mr. Loton, Mr. Drew, and Mr. Piesse drew up reasons for insisting on certain of the amendments. Reasons adopted, and a message accordingly returned to the Assembly.

BILL—MUNICIPAL CORPORATIONS.

ASSEMBLY'S MESSAGE.

The Legislative Assembly having disagreed to 11 of the amendments made

by the Council, and having agreed to 6 with farther amendments, the Assembly's message was now considered in Committee.

THE CHAIRMAN: The Assembly's farther amendments would be considered first.

Nos. 10, 15, and 55 (farther amended verbally)—agreed to.

No. 59—Clause 286 (buildings fronting narrow streets), farther amended by the Assembly to read in the latter part as follows:—

No person shall allow any building to be erected on any land fronting or abutting on any street having a width of less than twenty-six feet unless such street has been shown on a title deed registered at the Land Titles Office before the passing of this Act:

THE COLONIAL SECRETARY moved—

That the Assembly's farther amendment be agreed to.

This clause provided that plans of buildings should be approved by the municipal council, and the Assembly first amended the clause by adding:—

Provided no person shall erect or cause to be erected for human habitation for use, or allow, suffer, or permit to be used for human habitation, any building or erection fronting or abutting on any street of less than 25ft. in width.

The Council struck this out; and now the Assembly sought to amend the Council's amendment by adding the words set out above in the farther amendment. In numerous municipalities there were streets less than 25 feet wide already built on; but the Assembly now provided that the restriction should only apply to narrow streets that came into existence after the passing of this measure.

HON. M. L. MOSS: In the Assembly's first amendment the width mentioned was 25 feet; in this farther amendment it was 26 feet. The amendment applied only to titles registered under the Land Titles Act 1884; but there was land at Guildford and Midland Junction held under the old system of land titles, so that the Assembly's farther amendment needed amending, because it would be lawful in one case but unlawful in another to build on these narrow streets.

HON. V. HAMERSLEY: It seems that if land was held under an old title it would be impossible to build on it unless that land was brought under the Land Titles Act of 1884.

HON. G. RANDELL: That trouble could be got over by amending the Assembly's farther amendment; but the Assembly's proposal also needed amendment in order to make it apply to buildings erected for human habitation only.

He moved a farther amendment—

That the Assembly's farther amendment be farther amended by inserting "such" before "building."

HON. M. L. MOSS: Could we make a farther amendment to the Assembly's farther amendment?

THE CHAIRMAN: If the Assembly did not agree to our amendment we could only insist or not insist upon the amendment; but if the Assembly agreed to our amendment with a farther amendment it was possible to make still farther amendments on the Assembly's farther amendment.

Farther amendment as now proposed by Mr. Randell was put and passed.

On motions by the HON. M. L. MOSS the Assembly's farther amendment was also farther amended by striking out "twenty-six" and inserting "twenty-five," and by a verbal amendment.

Question, as farther amended put and passed.

No. 104—Clause 438, Subclause (4), add "with the number of votes to which the owner is entitled indorsed thereon." Farther amendment, strike out Subclause (4) and insert "Subclause (3)" in lieu thereof.

THE COLONIAL SECRETARY moved that the Assembly's farther amendment be disagreed to. Apparently the clause was not read carefully by the other place when they moved this amendment. It applied to absentee voters, and not to voters who voted in person.

Question passed, the Assembly's farther amendment disagreed to.

No. 123—farther amendment, verbal—agreed to.

THE CHAIRMAN: The amendments disagreed to by the Legislative Assembly would now be considered.

No. 17—Clause 81, Sub-clause (1), strike out the second column under the heading "rateable value of land":

THE COLONIAL SECRETARY: This related to the question of rating on the unimproved value, and there were a number of subsequent amendments; so that if we decided one, the others would go in the same direction, being consequential. The Bill provided, as the Act did at present, that the councils could rate on the annual value or on the unimproved value. If he remembered aright, that was not received with much favour in this House, but he would again point out that it was only optional with municipal councils, which were not compelled to strike a rate on the unimproved value. It might not apply so much to Perth, but in goldfields towns and country towns generally perhaps it was desirable that the councils should rate on the unimproved value. He moved—

That the amendment be not insisted on.

HON. M. L. MOSS: The matter had been debated at great length, and on this vote depended the question whether we were going to stultify ourselves.

Question negatived, the Council's amendment insisted on.

No. 18—(consequential) insisted on.

No. 68—Clause 299, line 1, strike out "to be hereafter erected" and insert "erected after the commencement of the Building Act, 1884," and after the word "building" insert "whatever," and strike out the word "now":

THE COLONIAL SECRETARY moved,

That the amendment be not insisted on.

He had moved to strike out the words, and this seemed to have had the opposite effect from what was intended. It had seemed to him that if we did not strike out the words the provision would apply to buildings erected before the passing of this measure.

HON. G. RANDELL: Encroachments had by an arrangement been allowed to stand. People had encroached one inch, or perhaps three, four or five inches, and in some instances he believed nine inches upon the footways of different municipalities. It was highly undesirable to allow that state of things to continue. We should not remove from the council the power to take action when opportunity arose; when there was rebuilding or anything of that kind.

THE COLONIAL SECRETARY: When there was rebuilding the council would have the power.

HON. G. RANDELL: They would be guided by the reasonableness of the case as to whether they would insist on the building being removed from the footpath, or whether they would delay the matter until the building got older and rebuilding took place. Then they would insist on removal of the encroachment. The amendment was a very proper one. Did the hon. gentleman intend to allow any person who had encroached upon the street to have a right to that encroachment?

THE COLONIAL SECRETARY: Yes; whilst the building lasted. It would not be equitable to force people to remove a building which encroached somewhat, but which had been in existence for a number of years. The owner probably had some right.

HON. G. RANDELL: They could never acquire a right.

THE COLONIAL SECRETARY: There was a certain right. The Bill provided that if people built again the council would have a perfect right to prevent them from encroaching, but in regard to buildings which encroached and which had been in existence for some years it would be a considerable hardship to call on the owners to demolish them forthwith.

Question passed, the amendment not insisted on.

No. 69—Clause 3, line 2, strike out "hereafter erected or built":

THE COLONIAL SECRETARY: This amendment was consequential on the last. He moved—

That the amendment be not insisted on.

HON. G. RANDELL protested against giving away the rights of municipalities. If a building projected on a street, the owner could not be compelled to take it back to the proper alignment. Surely a private person could not acquire a right against a municipality.

HON. M. L. MOSS: We had sat for nearly seven hours. We might report progress.

THE COLONIAL SECRETARY: These were only formal amendments. It was not yet 10 o'clock. Let us go on, so as to close the session on Friday.

Question passed, the amendment not insisted on.

Nos. 82, 84, 85, 89, 90, 92, 105—(consequential) insisted on.

Reasons for these decisions were drawn up, adopted, and a message accordingly returned to the Assembly.

CONTRACTORS AND WORKMEN'S LIEN BILL.

TO DISCHARGE ORDER.

Debate on the second reading resumed from the 6th December; HON. J. M. DREW in charge of the Bill.

HON. G. RANDELL (Metropolitan): Hon. members will notice that I have tabled some amendments, which I say at once are not mine, having been furnished to me by the Contractors' Association. I have not carefully studied the effect these amendments would have on the Bill, but I gather from several sources that in its present form the Bill will not be suitable for this State. It may be an excellent measure for New Zealand, but it will require considerable adaptation to meet the circumstances of Western Australia. It will be noticed farther that Mr. Drew has some amendments to make to the Bill, and that Mr. Moss also has notified several amendments. Not knowing exactly what the effect of the amendments on the Bill would be, in view also of the limited time at our disposal, and in view of the necessity which would arise, if we went into Committee on the Bill and if these amendments were made, for its being retransmitted to the Legislative Assembly, I suggest to Mr. Drew that he withdraw the Bill for the present. It may be introduced during the next session of Parliament, and then the hon. member can speak on the amendments to be proposed by himself and others. The Bill is of such importance, affecting so great a number of persons—owners, mortgagee, persons who may have a lien on the property affected, contractor, sub-contractor, and workmen—that it is highly necessary the measure should receive the most careful consideration Parliament can give it. I do not think I need labour the question farther.

HON. J. M. DREW (in reply): I am glad that no hostility has been shown towards this measure either in the House or outside it. Various members have expressed to me their intention of endeavouring to make it a satisfactory measure. I realise that at this late stage of the session it would be scarcely fair to ask members to consider such an important Bill, but at the same time I should not like them to submit it to the indignity of defeat; therefore I am indeed glad that Mr. Randell has made the suggestion of its withdrawal. I think it would be scarcely right to the House, at this stage of the session, particularly in view of the reasonableness of members and their desire to consider the measure carefully. Various amendments have been suggested and examination of these has led me to the conclusion that they have been submitted not with the object of defeating the Bill or of interfering in any way with its principles, but with the sole desire to make it a workable measure. Some of them may not be necessary, but at all events none has been conceived in a spirit of opposition. Therefore, I think it would be most unwise if I were to attempt to proceed farther with the measure. Accepting Mr. Randell's suggestion, I am content to withdraw the Bill in order to reintroduce it into this Chamber early next session, if I should be here. Then there will be ample time to give it the full deliberation it deserves. Out of consideration for the feelings of the House I have much pleasure in moving—

That the Order of the Day be discharged from the Notice Paper.

Motion put and passed.
Order discharged accordingly.

ADJOURNMENT.

The House adjourned at 10·32 o'clock, until the next day.

Legislative Assembly,

Wednesday, 12th December, 1906.

THE SPEAKER took the Chair at 3 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the TREASURER: 1, Return showing the detailed expenditure of the Vote for Ministerial and Parliamentary Visits for 1905-6. 2, Report of the Registrar of Friendly Societies for 1905.

By the PREMIER: 1, Report of the Woods and Forests Department to 31st December, 1905. 2, Regulation restricting the cutting of timber in the State forest at Higginsville. 3, By-laws for caves and reserves. 4, By-laws and balance sheets of cemetery boards of Karrakatta, Bulong, Kalgoorlie, and Fremantle. 5, Statement of accounts of the Karrakatta Public Cemetery to 30th June, 1906.

By the MINISTER FOR WORKS: Half-yearly balance sheet of Goldfields Water Supply Administration.

By the MINISTER FOR MINES: Return of refunds of exemption fees for 1905-6, moved for by Mr. Holman.

QUESTION—COMMISSIONER OF TITLES.

MR. HOLMAN (for Mr. Walker) asked the Attorney General: In the event of Dr. Smith retiring from the Commissionership of Titles, what arrangements have been made by the Government for carrying out the duties pertaining to the office?

THE ATTORNEY GENERAL replied: It is the intention of the Government to request the Public Service Commissioner to consider the advisability of making an acting appointment, not involving any extra expenditure, pending the reorganisation of the department on the lines previously recommended by him.

QUESTION—RAILWAY RATES TO ALBANY.

MR. SCADDAN (for Mr. Johnson) asked the Minister for Railways: 1, Is he aware that a consignment of furniture recently sent from Guildford to Albany cost about £7, while the same consignment could be sent to the same place from Perth for about £1? 2, Will he instruct the Commissioner to see that station-masters advise consignors that it would be cheaper to first send their consignment to Perth and thence back to Albany?

THE MINISTER replied: 1, No. If farther particulars are given, inquiry will be made. 2, The department cannot undertake to advise consignors as to the route by which they should forward their goods.

QUESTION—MINING REGISTRAR, YALGOO.

MR. HOLMAN (for Mr. Troy) asked the Minister for Mines: 1, In view of the fact that the receipts of the mining registrar's office at Yalgoo were almost double that of the expenditure, does the Minister consider there was a justification for closing the office? 2, In view of the fact that a large number of people are