

reason why £40,000 should not be turned to some immediate use. A few of the tanks might carry water, but a large majority of them did not do so to any appreciable extent, and in some instances the water went through the tanks as through a sieve. He would support the Bill, only expressing regret that the reappropriated moneys were not to be spent in a way which would be of more service to the people on the goldfields.

MR. GREGORY: It was to be regretted that remarks had been made calculated to bring the goldfields representatives into conflict with other hon. members. It would be seen from the Estimates that it was proposed to spend a large sum on public works in Fremantle, and that the goldfields members were not the only people who desired to share as far as possible in the State expenditure. Any reappropriation from the sewerage vote was to be regretted, but such a course was justified by the fact that a great portion of the money would be spent on the goldfields. The money spent on tanks was by no means wasted. Some tanks had actually paid for their construction out of the first rainfall, and would no doubt repay the initial expenditure two or three times over. Some of the tanks held water until the whole of it was pumped out. He was sorry that so much money was to be spent on works at Fremantle, instead of £200,000 or £300,000 being devoted to the construction of tanks on the goldfields.

Amendment—that item 6, “Sewerage of Perth and Fremantle, £40,000,” be struck out—put, and division taken with the following result:—

Ayes ...	...	...	9
Noes ...	...	...	18
<hr/>			
Majority against	...	...	9

AYES.  
Mr. Ewing  
Mr. Holmes  
Mr. Illingworth  
Mr. Leake  
Mr. Oldham  
Mr. Simpson  
Mr. Wallace  
Mr. Wilson  
Mr. James (Teller).

NOES.  
Mr. Conolly  
Sir John Forrest  
Mr. A. Forrest  
Mr. Gregory  
Mr. Higham  
Mr. Lefroy  
Mr. Mitchell  
Mr. Monger  
Mr. Moran  
Mr. Oats  
Mr. Pennefather  
Mr. Phillips  
Mr. Piccse  
Mr. Quinlan  
Mr. Rason  
Mr. Throssell  
Mr. Vosper  
Mr. Doherty (Teller).

Amendment thus negatived.  
Schedule put and passed as printed.  
Second schedule—agreed to.  
Preamble and title—agreed to.  
Bill reported without amendment, and report adopted.

#### ADJOURNMENT.

The House adjourned at 11:50, midnight, until the next Monday.

### Legislative Council,

*Wednesday, 24th November, 1897.*

Paper Presented—Return: Crown Law Department, precedence and salaries—Mines Regulation Act Amendment Bill: first reading—Registration of Firms Bill: third reading—Local Inscribed Stock Bill: third reading—Underground Surveyors Bill: in committee—Loans Reappropriation Bill: first reading—Cemeteries Bill: in committee—Adjournment.

The PRESIDENT took the Chair at 4:30 o'clock p.m.

#### PRAYERS.

#### PAPER PRESENTED.

By the MINISTER OF MINES: Amended Regulations under the Goldfields Act.  
Ordered to lie on the table.

#### RETURN—CROWN LAW DEPARTMENT.

HON. R. S. HAYNES, in accordance with notice, moved:—

That a return be laid upon the table, showing:—(1.) The number of officers and clerks in the Crown Law Department, in order of precedence. (2.) The dates of appointment of each officer. (3.) The nature of the duties of each officer. (4.) The salary of each officer and proposed increases, and from what dates.

The reasons for desiring this information were that, in view of the Estimates coming forward, he wanted to know what it was proposed to do with reference

to the officers of this department, and in what order of precedence the officers were placed. It was absolutely necessary to know who were the superior officers, so that if a communication came from one person and a contradictory one from another, there should be some certainty as to which should be followed.

THE MINISTER OF MINES said he would have pleasure in giving the information desired.

Question put and passed.

#### MINES REGULATION ACT AMENDMENT BILL.

Introduced by the MINISTER OF MINES, and read a first time.

#### REGISTRATION OF FIRMS BILL.

Read a third time, and transmitted to the Legislative Assembly.

#### LOCAL INSCRIBED STOCK BILL.

Read a third time and *passed*.

#### UNDERGROUND SURVEYORS BILL.

##### IN COMMITTEE.

Consideration in committee resumed.

Clause 5—Duties and powers of board:

THE CHAIRMAN: When progress was reported on the previous evening, the committee was considering Sub-clause 6 of Clause 5, and an amendment had been proposed by the Hon. R. S. Haynes, which read as follows:—

Provided that all licensed surveyors who shall have actually carried on or practised the business or profession of an underground mining surveyor in the colony of Western Australia for the term of 12 months immediately prior to the coming into operation of this Act, and who shall apply to the board to be registered, and file a declaration setting forth the facts above stated within three months thereafter, shall be entitled to be registered under this Act and receive a certificate accordingly.

THE MINISTER OF MINES wished to move an amendment in Sub-clause 4.

THE CHAIRMAN: The only way that could be done was by asking the Hon. R. S. Haynes to withdraw his amendment.

HON. R. S. HAYNES said that, to meet the views of the Minister, he would withdraw his amendment.

Amendment, by leave, withdrawn.

THE MINISTER OF MINES moved, as an amendment, that in Sub-clause 4,

after the word "person," the following words be inserted: "holding a license issued by the Lands Surveyors Licensing Board." It seemed that anyone could present himself to the board created by the Bill, and ask for a license; and the amendment he proposed provided that the person applying should hold a license issued by the Lands Surveyors Board, which was already in existence.

Put and passed.

HON. R. S. HAYNES moved that the following new sub-clause be added:—

(d.) Provided that all surveyors licensed by the Lands Surveyors Licensing Board, who shall have actually carried on or practised the business or profession of an underground mining surveyor in the colony of Western Australia for the term of 12 months immediately prior to the coming into operation of this Act, and who shall apply to the board to be registered, and file a declaration setting forth the facts above stated within three months thereafter, shall be entitled to be registered under this Act and receive a certificate accordingly.

It was not necessary to go into the reasons which prompted him to move this, seeing that he had gone fully into them on the previous evening. He wished to follow the precedent which had been established in Parliament, that the Legislature should always recognise the rights of persons carrying on a business. He had instanced the Medical Act, the Dental Act, and the Pharmaceutical Act, also the Barristers Admission Act. In all Acts hitherto passed, the rights of persons then practising had been safe-guarded. He had restricted his amendment to surveyors practising for 12 months. He regretted that the Minister on the previous evening had stated that under Clause 9 the board might cancel the qualifications of any surveyor, if it appeared to the board he had made or caused to be made, under his immediate direction and supervision, surveys which were inaccurate or defective. The hon. gentleman also stated that he was responsible for the Act. He (Hon. R. S. Haynes) would like to point out that every member of the board already appointed was an officer in the hon. gentleman's department.

THE MINISTER OF MINES: Pardon me, they are not.

HON. R. S. HAYNES, speaking subject to correction, said he believed all the officers were in the hon. gentleman's

department. There were the Under Secretary for Mines, the departmental engineer, who was in the hon. member's department, the engineer-in-chief of the goldfields water supply, who was, he believed, in the hon. member's department—[A MEMBER: He is not]—the senior inspecting surveyor, the inspecting surveyors, and the Government Geologist. All the members of the board, with one exception, then, were in the hon. gentleman's department. Remembering the manner in which the hon. gentleman spoke, the Minister meant this: "You can pass your amendment, but it is of no use to you; for as soon as we register surveyors the board, if it consider the work not properly done, can take away the qualifications."

THE MINISTER OF MINES: If the work was inaccurate.

HON. R. S. HAYNES: The Act did not say "if the work was inaccurate," but "if, in the opinion of the board, it is inaccurate;" and the members of the board were not qualified to hold a certificate under the Act.

THE MINISTER OF MINES: The hon. member said, last night, it was a good board.

HON. R. S. HAYNES: Good of their sort. If, in the opinion of the board, the surveys were inaccurate, the board could take away a man's qualification, and this was to be done by a board the members of which were not qualified. The members of the board would not be persons registered under the Act, yet they were given power to register men when the members could not be registered themselves. It seemed nonsense to him that a board should be appointed to register men, when they would not be able to do the work themselves under a penalty of £50. The very moment the Act came into force, the members of the board would not be qualified to do the work themselves. They could not perform surveys, they could not draw plans, and they could not charge for their work; yet the Minister was going to allow these persons to sit in judgment on men who had been carrying on this business for 12 months. The Bill would allow the board to say whether the work of men, who were now doing the work, was done properly or not. It was the very height of absurdity. There was no appeal

against the decision of the board; they would meet in solemn conclave, and say they would wipe out this or that man.

THE MINISTER OF MINES: Why wipe any man out?

HON. R. S. HAYNES: The way in which the hon. gentleman spoke on the previous evening led him to infer that such would be the case. There was a covert threat held out to the House.

THE MINISTER OF MINES: The hon. member was wrong.

HON. R. S. HAYNES: If wrong, then what did the hon. gentleman mean? If the hon. gentleman was prepared to allow persons who would be judged by this unqualified board to have a right of appeal to some properly qualified authority, he would be in favour of the Bill, but on no other consideration whatever.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Having listened to the impassioned speech of his hon. friend opposite, he regretted exceedingly that the hon. member had failed to convince him that the amendment was a right one. He did not take this step in any spirit of opposition, but because, if the amendment were adopted, it would be spoiling the efficiency of the Bill. The only object of the Bill was to ensure that underground mining surveyors should be properly qualified men. It was important that all records in connection with underground mining should be placed accurately in the Mines Department, so that they could be referred to for all time to come. Under these circumstances he was sure that every reasonable precaution taken to ensure accuracy would meet with the approval of hon. members. Mr. Haynes had stated that the board which was being appointed was not a competent board.

HON. R. S. HAYNES: The words were that the members of such a board would not be qualified to hold a certificate under the Bill.

THE MINISTER OF MINES: The committee were trying to make every one as competent and as qualified as possible, and yet the hon. member opposite desired to give every one who had been occupied in the colony as a licensed surveyor for twelve months a right to practise without any examination. He (the Minister of Mines) asked that every person who should undertake underground mining surveying should undergo an examination to show

that he was qualified. Such an examination would be a guarantee that the surveyor who had passed it knew something about his business. The hon. member opposite had referred to doctors and dentists, but both doctors and dentists came here with qualifications. [HON. R. S. HAYNES: No.] A doctor came here as an M.D. or possessing some similar degree, and with qualifications from outside the colony, but a surveyor did not come here with these qualifications, as a rule, and it was impossible to say exactly what he was. All that was asked was that these surveyors should undergo a certain examination, so that we might be sure that they were qualified men. A similar system existed in connection with one of the departments with most admirable results. In connection with that department there were three grades known as A, B, and C. People could get a C or B certificate without examination, but under no circumstances whatever could they get an A certificate without an examination, so that we knew that the possessor of an A certificate had been through an examination. That was all that was asked here. Mr. Haynes accused him of having made a threat, but he could sincerely say that he meant no threat. When the hon. member brought forward the amendment last night in which he (the Minister of Mines) could not concur, and in which he did not believe, he said that if it was placed in the Bill the only safeguard—he did not say it in any way as a threat—would lie in the fact that if any of these men thus forced upon us were inaccurate in their work, there was a means by which the board could suspend them, and cancel their certificates. He assured the hon. member that no threat was intended. Since going into this matter he had had an opportunity of discussing the question with some surveyors, and he had received letters from others, all tending to prove that Mr. Haynes was not quite right in his estimate of the present board. The surveyors said in their letter, “We heartily approve of the constitution and *personnel* of the board of examiners appointed by you on July 9 last, and think that a fairer or better selection could not have been made.”

HON. R. S. HAYNES: What he had said was that the board were not qualified, and he said again that they could

not be qualified till the Bill was enforced.

THE MINISTER OF MINES said he was doing his best to get qualified men, and he asked the hon. member to assist instead of blocking him. That the members of the board were competent men would be seen at once, when he stated that it was composed of the Government Geologist, who came here with the very highest credentials from Queensland; Mr. Reed, the Government Statist and departmental engineer; Mr. Hector, the engineer-in-charge of the goldfields water supply; Mr. King, the senior inspecting surveyor, who was acknowledged to be one of the best officers in the colony for that class of work; and the Under Secretary of Mines, who acted as chairman of the board. He did not say that these gentlemen would constitute the next board, but they constituted the present board. Having pointed out that all he desired was to make this Bill as effective as possible, he would draw attention to the rules of examination which had been established by this board in the past. They extended from A to E, and embraced mining surveying, hydraulic engineering, geology, practical metalliferous mining, and practical coal mining. He was prepared to admit that it would be hard to ask everyone in the colony who had been working as a surveyor for some years to pass an examination in all these subjects; and he would undertake, when framing the regulations, that for a period of twelve months all who had been engaged as surveyors in the colony should not be asked to go through an examination except that classed as A, which dealt with mining surveying only. [MR. HAYNES: Put it in the Bill.] It would be better in the regulations. These would have to be placed on the table of the House, and hon. members could take objection to them if they so desired.

HON. A. P. MATHESON: The Minister of Mines had stated that what he valued was accuracy and efficiency, but it seemed to him that he had already, by his own amendment that afternoon, provided for accuracy and efficiency in the gentlemen to whom Mr. Haynes's amendment applied, because he had distinctly provided in his amendment to Sub-section 4 of Clause 5 that only those who held in this

colony licenses issued by the Lands Surveyors Licensing Board, would be qualified to practise. Therefore every underground mining surveyor would have that qualification, at any rate, and it was fair to assume that that qualification was sufficiently high to provide for efficiency and accuracy in the records which these underground surveyors might be called upon to make. He was prepared to support Mr. Haynes's amendment, because he felt it would be hopeless to get the Bill amended in a wider spirit, but he did not think the amendment went far enough. In his opinion the Bill should provide that every person qualified to act as an underground surveyor in any of the Australian colonies should be qualified to act in that capacity here.

HON. R. S. HAYNES: One of the reasons urged by the Minister of Mines against the amendment was that it was necessary that we should have careful and accurate surveys for the purposes of the Mines Department. The Minister objected to the amendment because he said, if it were carried, the department would be unable to depend upon obtaining efficient and accurate records. That argument was not to the point at all, for the Mines Department had nothing to do with a large proportion of the work done by the underground surveyors.

THE MINISTER OF MINES said that these surveyors were employed by people to make surveys and the Mines Department had to depend on them for the records.

HON. R. S. HAYNES: The Minister had also said that doctors and dentists were all qualified, but that was not the case. A Medical Bill had been introduced into the Legislature to prevent medical men coming here without qualifications, but the Legislature said that, inasmuch as we had not prevented people in the earlier days from practising without qualifications, it would not do to take away their rights; and the Legislature accordingly protected the rights of all those who had not registered, but who were practising in this colony at the time the Act was passed. That disposed of the argument used by the hon. Minister with reference to doctors. The Minister had also directed their attention to the *personnel* of the board, and stated that those members were all

competent men. He did not deny their competency in their own special lines, but they were not licensed surveyors, and no board should be empowered to judge the qualifications of surveyors and to grant them certificates unless the members were themselves qualified. The Minister of Mines said he did not approve of the passing of this amendment, at the same time that he admitted the principle, because he agreed to make provision in the regulations that no underground mining surveyor practising in this colony should be called upon to undergo any other examination than that for mining surveying for the first twelve months after the passing of the Act.

THE MINISTER OF MINES: The difference between the hon. member and himself was that Mr. Haynes asked that the surveyors practising in the colony should be licensed without examination, whereas he (the Minister of Mines) said that they should go through an examination.

HON. R. S. HAYNES: Directly the Bill was passed, no one could carry on his business as an underground mining surveyor. He asked the Minister to withdraw his opposition to the amendment.

HON. D. MCKAY would vote against the new clause.

HON. E. McLARTY: If he understood the amendment aright, any licensed surveyor carrying on business had a right to continue his business without being licensed by the board. As to the competency or otherwise of the board, he could give no opinion, but he supposed the best men had been selected to examine the surveyors. He saw no reason why those already employed as underground surveyors should object to be examined. If a man was competent he would not object. A great many men were employed at the present time who were not as good as the Minister desired they should be, and it was right that only competent men should be employed in this work.

HON. A. H. HENNING: Men would not be employed if they were not competent. The employer was the best man to decide as to the competency of a surveyor.

HON. A. P. MATHESON: The hardship arose in this way, that some men were exempted from passing an examination, whilst all others would have to pass. The underground surveyors from Victoria

were no more competent than those practising in Queensland; yet, by a pure accident, there was a board which granted certificates in Victoria, and therefore those surveyors from Victoria had not to undergo an examination. The Minister was quite willing to accept the opinions of certain persons when they spoke as to the capacity of those gentlemen who had been appointed as the board of examiners to serve upon the board; but the Minister should be equally willing to accept the opinion of these gentlemen on other matters, and these gentlemen expressed the opinion that the passing of the Bill in its present form would mean a monopoly for two or three Victorian surveyors now on the fields.

HON. E. McLARTY: A surveyor from Victoria should have no more favour shown him than a surveyor from any other place. All underground surveyors should be examined by the board, whether from Victoria or not. If surveyors from Victoria were exempted from passing an examination, it would be unfair to the surveyors of this colony.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Victoria was the only place where there was a board to license surveyors. In other places there was no board at all, and overground surveyors worked as underground surveyors. The Bill provided that underground surveyors holding a certificate from the Victorian board should not have to undergo an examination. The Bill was permissive in regard to this: it only said that the board "may" accept a certificate from the Victorian board. It was just the same as an engine-driver who came from another place, and who brought with him good certificates. Why should this engine-driver be put through another examination? The only difference between himself and the Hon. R. S. Haynes was this, that the Hon. R. S. Haynes wanted certain men who were practising now to be allowed to continue practising without an examination, and he (the Minister) said that no man should be licensed without an examination, unless he showed first-class certificates. When the Hon. R. S. Haynes accused him of never accepting an amendment, that was unfair. He might draw attention to the Dog Act Amendment Bill, which was before the House

the other night. Amendments were proposed, and he accepted them; and, if at any time reasonable amendments were submitted, he gave them every consideration. He did not wish to force his views down the throats of hon. members. If hon. members did not like what he wished, they could vote against it. The object he had in view was that no man should exercise his profession as an underground surveyor unless he had passed some examination to prove his accuracy. The Hon. R. S. Haynes said this had nothing to do with the Government. One of the conditions of every lease was that the Government could at any time call on a leaseholder for plans of his mine. The Government would do this. If leaseholders employed men who had not passed an examination to prepare plans of the underground workings of the mine, and it was proved that these plans were not accurate, the department would have to put up with incorrect plans. The only principle he stood out for was that the surveyor should pass some examination. He had gone so far as to eliminate all the subjects for examination except one.

HON. J. H. TAYLOR: What guarantee had the House that the surveyors who had been practising for the past twelve months would only be examined in the one subject of underground surveying? If they had a guarantee of that, then the hardship was removed.

THE MINISTER OF MINES said he would see that a regulation was framed that would carry out what he had expressed.

HON. R. S. HAYNES: That showed the whole of the administration of the Act was in the hands of the Minister. He thought the board made the regulations, but he saw that the Minister did so. He assumed for argument that the board were an independent body, but apparently they were not so. [A MEMBER: They must be started.] But they should not be blubbers and jellyfish. The board should be composed of men who had some opinions of their own. The clause which gave the board power to make regulations said the board might, with the approval of the Governor, from time to time make, alter, and revoke regulations for fixing the details of subjects for examination, fixing the time and place for examination, regulating the

mode of conducting examinations and inquiries, and the conditions under which certificates might be granted, whether partial or without examination.

THE MINISTER OF MINES said he supposed the board would respect the undertaking made by a Minister.

HON. R. S. HAYNES said if he were a member of a board, and a Minister made regulations which he did not think proper, he would resign. The hon. gentleman was not in a position to say what should be the subjects for examination, or the degree of accuracy which was necessary. The hon. member had not the qualification for this. Therefore why should the Minister say he would dispense with certain subjects?

THE MINISTER OF MINES: Because recommended to do so.

HON. R. S. HAYNES: Then the Minister had received this recommendation before this Bill was brought forward, and it should have been in the Bill. If the Minister could make these regulations, what did we want the board for at all? We might just as well have the Minister of Mines.

THE MINISTER OF MINES said he was not qualified.

HON. R. S. HAYNES: The Minister was just as qualified as the members of the board.

HON. A. P. MATHESON: The Minister of Mines persisted in making misleading statements. He had said that surveyors coming from the other colonies might not hold any license, but as a matter of fact such surveyors must hold two licenses. First of all they had to be qualified to carry on underground surveying in the colony from which they came, and they must hold a license from the Survey Department of that colony; and, in the second place, they were bound to hold a license from the Lands Surveys Office in this colony. It was misleading for the Minister of Mines to say that surveyors could go up to the fields and make an underground survey without holding any licenses. He was beginning to see the drift of the whole Bill. The Minister had said that, directly, every mine would be required to send in plans of the underground workings made by a licensed surveyor, and the point of this Bill was to make certain licensed surveyors to have a monopoly of the whole business.

THE MINISTER OF MINES: That was very funny.

HON. A. P. MATHESON: It might be very funny, but it would not be funny to the persons who had to pay for the licensed surveying. The Minister evidently thought that people opened up mines without keeping plans of their workings. No mine that claimed to be a mine at all was opened up without the manager keeping a complete set of plans. The work was measured off fortnight by fortnight, and entered up on a sheet of cardboard, which contained the plans of the mine. If plans had to be submitted to the Mines Department, it would be easy to make tracings of those plans which were now kept; but, if the plans had to be made by a licensed underground surveyor, it was a very different matter. Mine owners would have to pay a very big fee to obtain a survey. The Mines Department would not be content with the ordinary plans of the workings of a mine. In these circumstances we would have to be very cautious as to any action we took.

HON. F. T. CROWDER: If he mistook not, the Minister gave an assurance to the House that a regulation would be framed that no person coming under the proposal submitted by the Hon. R. S. Haynes would be debarred from getting a certificate as an underground surveyor. If that was so, he failed to see the objection of the Minister to the proposal of the Hon. R. S. Haynes.

HON. G. RANDELL: It appeared that for some two or three years, perhaps more, some gentlemen had been practising the business of underground surveying on the fields, and, so far as he was able to gather, no charge had been made that they had failed to carry out the duties entrusted to them in a satisfactory manner. For some reason or other, the Government thought it desirable at the present moment to introduce a Bill for granting certificates to persons who carried on the business of underground surveying. That might be desirable, but one was struck by the fact that in the great mining colonies of New South Wales and Queensland they had no such Act in existence. In those colonies people had been carrying on mining for many years, and no difficulty had arisen as to underground surveying.

HON. J. W. HACKETT: They deplored it very much in New South Wales.

HON. G. RANDELL: It was not a matter of public notoriety that they were dissatisfied in New South Wales.

HON. J. W. HACKETT said he had been informed by the chief mining authorities in Sydney that such was the case.

HON. G. RANDELL: The surveyors in Western Australia had been practising their profession satisfactorily, and he failed to see why they should be interfered with. If they discharged their duties satisfactorily, they ought to be allowed to do so without passing an examination. The fact that a certificate was granted was no guarantee that a survey had been carried out faithfully, truly, and well. He had known cases in which a surveyor had surveyed a piece of ground; something happened, and another surveyor had to be called in, and then a third surveyor surveyed the same piece of ground, and the three surveys differed; so that perfect accuracy was not obtainable in surveying. As the Minister had said that a regulation should be framed to meet the case, he could not see why it should not be put in the Bill. He preferred to see it in the Bill. The Hon. R. S. Haynes had hedged his amendment round in every possible way, and it was an act of justice to those men practising their profession at the present time. If those men were not qualified, there was no obligation on the part of mine-owners to employ them. They could employ the men who had passed an examination. The Minister might adopt some provision to this effect: "Provided, however, that 'any person of good character now *bonâ fide* practising his profession as an 'underground surveyor shall be entitled 'to a certificate, if he can pass an examination in the one subject mentioned 'by the Minister."

THE MINISTER OF MINES said he was satisfied so long as the men passed an examination.

HON. G. RANDELL: It was desirable this should be embodied in the Bill.

New sub-clause put, and division taken with the following result:—

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

AYES.	NOES.
The Hon. H. Briggs	The Hon. D. K. Congdon
The Hon. F. T. Crowder	The Hon. C. E. Dempster
The Hon. R. S. Haynes	The Hon. J. W. Hackett
The Hon. A. B. Kidson	The Hon. D. McKay
The Hon. A. F. Matheson	The Hon. E. McLarty
The Hon. G. Randell	The Hon. J. E. Richardson
The Hon. A. H. Heening	The Hon. J. H. Taylor
(Teller.)	The Hon. E. H. Wittenoom
	The Hon. W. Spencer
	(Teller.)

New sub-clause thus negatived.

Progress reported and leave given to sit again.

### LOANS REAPPROPRIATION BILL.

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

### CEMETERIES BILL.

#### IN COMMITTEE.

Consideration in committee resumed.

Postponed Clause 6—Prohibition of burial in closed cemetery:

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It would be rather a hardship in many parts of the colony to compel people to bury their dead in any particular cemetery, as they might be situated so far away that it would be extremely inconvenient for them to do so. This clause therefore provided that where a public cemetery had been appointed in any townsite, every person in or within a mile from the townsite who should assist at the burial of any dead body in any other place than such cemetery should be liable to a fine not exceeding £50.

HON. R. S. HAYNES: The Bill seemed to be very loosely worded. Bills came down to the House, as a rule, in a very slipshod manner. The construction of Acts of Parliament was peculiarly a work for lawyers. The clause under consideration provided that "where a public cemetery has been appointed as aforesaid in any townsite." Therefore it was only in cases where the cemetery was in a townsite that the Bill would apply. No provision was made for cemeteries outside of townsites. If a cemetery was outside a townsite people could bury their dead where they liked. The Council were not a drafting committee, and it was not their duty to draft Bills for the other House. He moved that progress be reported.

THE CHAIRMAN: If the motion were carried, the Bill would be thrown out.

HON. R. S. HAYNES: That was his object in moving that progress be reported. This did not seem to him to be



a Bill of importance; and he wished to draw attention to the slipshod manner in which these Bills were drafted.

HON. A. B. KIDSON: It would be a pity to throw out the Bill entirely. It was an important measure and urgently required, and he suggested that Mr. Haynes should tell the committee how the clause ought to be worded. He quite agreed with the hon. member that the clause was absolutely useless as at present worded, and that it must be entirely re-worded.

HON. G. RANDELL: The words "as aforesaid" were utterly out of place, and the Minister should have time to reconsider the matter and refer the clause back to the draftsman, so that the Bill could be made workable and the intention of the measure rendered more clear.

HON. A. P. MATHESON: The wording of the clause was decidedly bad.

HON. R. S. HAYNES said he had no desire to wreck the Bill.

THE CHAIRMAN: The hon. member should move that the committee report progress and ask leave to sit again.

HON. R. S. HAYNES would withdraw his amendment, if the Minister would move the motion suggested by the Chairman.

HON. A. B. KIDSON: The clause should be so worded as to apply to cemeteries whether situated in townsites or outside townsites. The words "in any townsite" were a surplusage. He was in favour of extending the distance to more than a mile.

THE MINISTER OF MINES said he had not given the clause very particular consideration, as it had passed through the Assembly, where there were one or two learned lawyers who were supposed to criticise Bills. It was plain, however, that the clause was not clearly worded. The difficulty was that there was nothing dealing with cemeteries outside a townsite. He was quite willing to report progress, and get any information on the subject that he could. If any hon. members had any further objections to find with the Bill, he would be glad if they would let him know.

THE CHAIRMAN: If the Hon. R. S. Haynes would withdraw his motion, and if the Minister of Mines would move for progress to be reported and leave given to sit again on Tuesday, hon. members

would have an opportunity of handing in any amendments they might wish to make, and the committee would have an opportunity of seeing all the amendments which had been proposed. That would be the proper way of carrying out the wishes of the committee.

HON. R. S. HAYNES withdrew his amendment.

Amendment, by leave, withdrawn.

Progress reported and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 6.30 p.m. until the next day.

### Legislative Assembly,

Wednesday, 24th November, 1897.

Question: Railway Revenue—Paper presented—Question: Railway Receipts at Smith's Mill—Question: Bonus for Deep Sinking on Kimberley Goldfield—Roads and Streets Closure Bill; first reading—Workmen's Lien Bill: first reading—Loans Re-appropriation Bill: third reading—Motion: Payment of Members; Division on Amendment—Registration of Firms Bill; first reading—Adjournment.

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

#### PRAYERS.

#### QUESTION—RAILWAY REVENUE FROM CERTAIN SOURCES.

MR. SIMPSON, in accordance with notice, asked the Commissioner of Railways, what was the amount and proportion of the Railway Revenue for year ending June 30th, 1897:—1, received from the public; 2, received from each of the different Government Departments; 3, received as wharfage.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé) replied:—1, £822,639 14s. 10d.—Proportion, 89.86; 2, £47,256 11s. 11d.—Proportion 5.16 (as detailed in Return to be laid upon Table); 3, £45,587 2s. 3d.—Proportion, 4.98.