intention of the member in charge of the Bill that employees should work only certain hours, he ought to be straightforward and carry his arguments to their logical conclusion. As the Bill now stood, it was simply class legislation in favour of the few to the detriment of the many. In the New Zealand Act no class of traders was exempted, except chemists and hotel keepers. The places wherein most female labour was employed were the very places which this schedule exempted from the provisions of the Bill. In coffee-houses, confectioners' shops, and florists' shops, females might be called upon to work eighteen or twenty hours a day, and yet a great song had been made about providing sitting accommodation for females who only worked eight hours a day in shops.

HON. A. B. KIDSON: If the amendment were carried it would do away with a very large amount of good the Bill was calculated to afford. The Hon. F. T. Crowder had shown himself somewhat insonsistent, inasmuch as he was in favour of exempting wine and spirit shops and so on from the provisions of the Bill.

HON. F. T. CROWDER: That could not be helped.

HON. A. B. KIDSON: Coffee-houses, restaurants, and places of that sort, it was absolutely necessary to keep open after six o'clock in the evening. These were inns for the accommodation of the public, as everybody did not desire to get their refreshments at hotels. The shops for the sale of toilet and medical and surgical requisites were simply inserted as a safeguard for chemists, and might be read as included in chemists' shops. Oyster shops, fish shops, and florists' shops were included in the schedule because the goods sold were of a perishable nature, while the reason for exempting the undertakers' shops was obvious.

HON. A. P. MATHESON: Portions of the schedule appeared to have been misunderstood by the Hon. F. T. Crowder, who dwelt for a considerable time on the contention that females might be employed in the shops named in the schedule for considerably more than forty-eight hours per week. But if the hon. member referred to the Bill he would find under clause 3 that only clauses 7 to 10 did not apply to shops or premises included in this schedule, and that clause 11 definitely provided that no woman should be employed for more than forty-eight hours. Thus the whole complaint of the hon. member disappeared.

Amendment negatived, and the schedule passed.

Second Schedule—struck out.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

JURY (CONSOLIDATION) BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

INEBRIATES BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

The House adjourned at 10.25 p.m. until the next day.

Legislative Assembly,

Tuesday, 9th August, 1898.

Papers presented — Question: Fremantle Water Supply, Extension—Agricultural Bank Act Amendment Bill, first reading—Acting Chairman of Committees, Appointment (temporary)—Land Bill, in Committee, clauses 82 to 86—Gold Mines Bill, second reading, debate resumed and adjourned—Prevention of Crimes Bill, first reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Fremantle Public Hospital, Rules and Regulations. Supreme Court Counsel's Fees, Order made by Judges.

Ordered to lie on the table.

QUESTION: FREMANTLE WATER SUPPLY, EXTENSION.

MR. HIGHAM asked the Director of Public Works, When the extended water service for Fremantle would be completed, and why the delay had been so great.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied:—It is expected that the extended water service for Fremantle will be completed during next month. The delay was caused, firstly, by loss of the vessel bringing the valves and special castings; and, secondly, by the engineers' strike in Great Britain preventing the prompt supply of the requisite pumping machinery. The works have been, and are being, carried out expeditiously, and within the estimated cost of construction; and the causes of delay could not have been provided against.

AGRICULTURAL BANK ACT AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

ACTING CHAIRMAN OF COMMITTEES.

On the motion of the PREMIER, Sir Jas. G. Lee Steere was again appointed to act as Chairman of Committees of the House, in the unavoidable absence of the Chairman (Mr. Harper).

LAND BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 82—Applicant for homestead farm may apply for additional land under land laws in force for the time being:

THE PREMIER (Right Hon. Sir J. Forrest): This clause had two objects in view. One was that the applicant for a homestead farm might, at the time he made his application for his farm, or at any other time, apply for any additional land he might require under the ordinary regulations. It would not prevent him from becoming a conditional purchaser of any other land. Of course, that was but reasonable. When he (the Premier) introduced the Bill relating to homestead farms he thought it would be very likely to cause a good deal of other land to be taken up as well as homestead farms. A man would be anxious to secure his 160 acres—a free farm—and that might induce him to become a settler and to increase his holding, because in many parts of the colony 160 acres would not be sufficient to enable one to become a prosperous farmer. This clause also provided that he need not reside on the other land which he took up, residence on the homestead farm being all that was necessary, and that he need not even reside on the homestead farm if he lived upon a village allotment, which he could have for nothing if such allotments were laid out. The next clause gave the Governor-in-Council power to declare land a village site. Section 15 of the Homesteads Act provided that in order to give facilities for schools and churches, and to afford other advantages of living together, village sites could be laid out in connection with these homestead farms, so that we might have a lot of homestead farms all around. The Homesteads Act provided that the allotments should be within five miles of a homestead farm, but the framers of this Bill had increased that distance to 10 miles. Still, he did not propose to say anything about those ten miles. He did not suppose that anyone would attempt to avail himself of a village site if it was 10 miles away, unless it was alongside a railway. He supposed there was some reason for the proposal, but he wished to explain the facts to hon. members.

HON. H. W. VENN moved, as an amendment, that in line 9 the word "ten" be struck out and "five" inserted. What was now proposed was a departure from the Homesteads Act, which was never contemplated at the time that Act was passed.

THE PREMIER: It was five miles then.

HON. H. W. VENN: It was five miles, and even then some hon. members thought the provision was antagonistic to the general provisions of the Bill. The idea of giving land away in lots of 160

acres was that of settling men on the land. We were now going to dispense with that, and allow people to take up land 10 miles away. It was just possible that a good many areas of land might be practically locked up by people taking a block in a village settlement, and residing there, whilst they left their other land unimproved. It was a serious departure from the original Act. The Premier said the other evening that he did not like it. The right hon. gentleman now seemed to have somewhat modified his views. Ten miles was too great a distance.

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

Clause 83—Governor may declare village sites:

THE PREMIER: This clause was exactly the same as section 14 of the Homesteads Act.

Put and passed.

Clause 84—Holder of homestead farm may select an allotment in a village; 19th and 20th schedules:

THE PREMIER moved, as an amendment, that after the word "selector," in line one, the words "of a homestead farm" be inserted. In the Homesteads Act the word "selector" had a special meaning, the same meaning as in this clause, but it also occurred in many other parts of the Bill as well as in this. So to make it perfectly clear, he proposed to insert the words he had mentioned; as otherwise it might be made to apply to other classes of land as well as homestead farms.

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

Clause 85—agreed to.

Clause 86—Governor may set apart certain lands for working men's blocks:

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell): This clause provided that "The Governor may, by notice in the *Government Gazette*, define and set apart any Crown land in the South-West division of the colony, or in any other division of the colony, if situated within ten miles of a city or town, or site for a city or town, including any suburban land, or land within an agricultural area, for working men's blocks, and may, in like manner, declare any such land as open for selection as hereinafter provided, and may withdraw any such land from being so open." A feeling had sprung up that land of a very valuable nature might be set aside, but the clause showed that in case of necessity, the Governor might withdraw any such land as that referred to from being open. The principle all through was that the small man should be able to come to the State and have the State for his landlord, whether the quantity of land was half-an-acre or ten acres, and that the further they went from a city or town the larger the area should be. One part of the clause provided that land in agricultural areas should be divided into lots, the maximum area of any lot not exceeding 20 acres. There was a desire to place working men in a position of independence; and the principle was deferred payment for the land. As to the liability to abuse, he knew of no law in connection with land settlement whereby persons, if they liked to connive, could not drive a coach and four through an enactment. Allowing that to be so, this Bill would be as safe as any other against abuses, and particular care could be taken to guard against those abuses which were anticipated. Land would have to be set aside for the purpose in situations approved by the Minister, and working men could go to the auction and acquire blocks on which to make their homes. There would be a liability to abuse, if the department were foolish enough to lay out land in large areas close to a city, as that method would be a direct inducement to speculators to cut up the blocks into smaller sections, and of course a man taking up a block might not be able to acquire the Crown grant, not having sufficient funds to complete the payment at the end of five years, and then the speculator might arrange with him to provide the money, then take out the grant and subdivide the land into smaller sections for speculative purposes. The intention of the Bill was that the half-acre sections and other small blocks should be laid out near towns and cities, and the larger areas up to the maximum would be only in agricultural centres.

MR. ILLINGWORTH: While not desiring to oppose the Bill as a whole, he regarded this clause as a serious depar-

ture from the principle of land legislation. With all due deference to the wisdom of the Commissioner of Crown Lands, who had had large experience in dealing with agricultural lands, he (Mr. Illingworth) ventured to say the hon. gentleman had not the knowledge which was necessary in connection with this class of land. The whole operation of this clause would be to open the door to the speculator. Knowing something about the operations of speculators, he expressed the opinion deliberately, that the only effect of this clause would be to mop up the few remaining portions of land which were available to the general public near towns and cities, and it would place them in the hands of speculators. He moved that the whole of Part 9. of the Bill be struck out.

THE CHAIRMAN: That could not be done in a block, but only in clauses.

MR. ILLINGWORTH moved that clause 86 be struck out.

THE PREMIER: It was not desirable to strike out this clause, for although there was force in the objection that these blocks might be used for purposes not intended—(MR. ILLINGWORTH: They would be so used)—yet it did not necessarily follow that they would be so used. There were many places in the colony where land suitable for this purpose was not of such value or advantage as to be taken up by the speculator in small blocks, and therefore the *bona-fide* labourer or artisan would be a more likely person to take up a block in such places.

MR. ILLINGWORTH: They might take up a small goldfield, under this clause.

THE PREMIER: It could be made clear in the Bill, and he intended to move for the purpose, that this provision was not intended to apply to goldfields. It would be noticed that 20 acres was the maximum allowed under the Bill for this kind of settlement, and the minimum might be as small as the Minister thought desirable. If land were to be set aside for this purpose near a city or large town, the lots would be small, as were the blocker areas near Adelaide. But in other parts of this colony where the land was not of much value, a man might have say ten acres under this system. It did appear that 20 acres was too large a block for the purpose intended by the Bill, because the object was not to settle farmers, but to enable persons of small means to make homes for themselves on the land, and especially artisans and labourers in towns, who could get out by railway or by road to these holdings, and in that way acquire a cheap residence. It was a high-sounding title to speak of working men's blocks, and the phrase was rather taking to the ear.

MR. ILLINGWORTH: Who were the working men?

THE PREMIER: This was really another means of giving land to anyone, and the clause contemplated that the persons taking up these blocks should be those who earned their living by their own labour. That meant manual labour, apparently, but the words in the clause were not quite definite enough. The system should have a trial, but 20 acres was too large an area as a maximum.

HON. H. W. VENN: It would have been interesting if the Commissioner of Crown Lands had gone fully into this question, because this part of the Bill proposed a departure from the system of the past, and sufficient reason for the departure had not been given. It was not clear that this class of legislation had been a success in South Australia, and his own opinion was that it had not. If the Commissioner had gone in for a wholesale scheme of land nationalisation, the Committee could have fought out that principle upon its merits; but in applying the principle to small areas in this way, it would be well to carefully avoid the risk of dummyism and other abuses which surrounded land settlement. The Commissioner had said that under the blocker system the Government might buy land for this purpose, in places where they had not land suitable for such settlement; so that it was evident the Government intended to purchase land for the purpose of settling working men on these blocks. From the definition in the Bill, the term "working man" would apply to any or everyone under certain conditions; and for the Crown to purchase land and re-sell to any or every one, under this blocker system, would be a serious interference with the opera-

tions of private enterprise, whether carried on by companies, or institutions, or individuals. Members generally would sympathise with the desire of the Commissioner to see working men settled on the lands of the colony, and to help them in making homes for themselves; but this application of the principle was open to considerable objection on account of the abuses which might spring up. Not only were the working men to have land on deferred payment in small blocks, but the purchaser would be able also to borrow money from the Agricultural Bank up to £100 for improving one of these blocks; and this system would thus be setting up a class of legislation which seemed to be a serious interference with the operations of private enterprise, by first selling the land on deferred payment, and then enabling the buyer to borrow from the Government for improving the land. The Commissioner had drawn an attractive picture of a village settlement.

MR. ILLINGWORTH: Where they would sell out to the first man who come along with money.

HON. H. W. VENN: Yes; that was what it meant. Under the present law, a man could have 160 acres of land free, and could also get a village site free for his home without residing on the farm. That was as far as land legislation should go in this colony, and he felt disposed to vote against the clause.

MR. VOSPER: As the member for Central Murchison (Mr. Illingworth) had stated, the series of clauses dealing with working men's blocks was likely to become valueless, and even a source of danger; but, as the Premier contended, it would be a mistake to altogether eliminate the principle from the Bill because of errors in drafting its provisions. The intention of the Commissioner of Lands was clear, and, if carried out, would greatly benefit the working classes; but that object would hardly be served by striking out the clause, as suggested by the member for Central Murchison. The principle as laid down in the Bill should be adopted, but with important alterations. As the member for Wellington (Mr. Venn) had said, the great danger was that land so set apart might at some future time be used for speculative purposes—cut up and sold. If so, all the evils of landlordism would be re-introduced, which it was the object of this part of the Bill to abolish. It was useless to postpone an evil which must occur; and the proposition was to give land on easy terms, with the full knowledge that these terms would be made use of by speculators for the purpose of raising rents. That could hardly have been the intention of the Minister when he introduced the Bill; but the only way out of the difficulty was to introduce some new provisions into the clause. Instead of alienating the land in fee simple, there must be a long lease —say 20 years—at a low rental, on the understanding that, if the whole of the fees and the rent were paid, and all the conditions laid down by the Act fully complied with, the lessee would have a preferential right to take up a fresh lease. A 20 years' lease, like a freehold, was an important and valuable asset, and therefore the residence provision must be strictly enforced, and we must also prevent the possibility of the land being hypothecated, alienated, or distrained upon. Only by a method of perpetual leasing could a proper system of working men's blocks be established. If the clause were passed, he would move a series of amendments to clause 87; with a view of giving effect to his suggestions.

MR. KENNY supported the clause as it stood, and congratulated the Commissioner on his efforts to assist the working man to acquire a home of his own. Some hon. members objected to this as a new departure; but how could we improve our laws save by departing from the old tracks? The question was whether it was better to assist the settlement of working men on the suburban lands of the colony, or to leave them as they were to-day, in the hands of the all-merciful land agent, who was ever prepared to sell them a quarter-acre block for £50 which had been purchased twelve months before for £10. This was the secret of much of the opposition to the Bill—the fear that the workman might escape from the clutches of the land grabber and land agent. The duty of hon. members was to endeavour to assist those who had sent them here, and they would fail in that duty unless they took this opportunity of affording facilities to workmen for obtaining homes of their own. Certainly,

some reservations ought to be made; but it was one thing to make reservations and quite another thing to strike the clause out altogether. When he first read the clause, he was prepared for strong opposition from a certain quarter. Naturally, people did not like to see their businesses slipping from their hands. It was much more satisfactory for a land agent to have forty or fifty workmen on his books, each of whom was paying £50 or £100 for what he ought to be able to procure from the Government for £5, than to see those men comfortably settled on their own allotments, and spending their surplus moneys in improving them. He would be sorry to see any alterations in the clause, except such as would secure to the State what was equitable, and to the workman what the Commissioner proposed to give him—fixity of tenure, and a home over his head which no process of law, no execution for debt, could touch. He would support that principle as long as he had a seat in this House.

THE PREMIER: Hon. members who opposed the clause evidently did so under a misapprehension. Even the member for Wellington (Mr. Venn), who knew so much about land tenure, had not quite grasped its meaning. There was nothing objectionable in it. It only applied to lands vested in the Crown. Nothing was said about the Crown purchasing land for the purposes of the clause. True, if the Government hereafter purchased land, the Bill would apply to such purchases if the land so acquired were set apart for working men's blocks; but the selling price of such blocks would not be less than £1 per acre, and the Government could not buy land at £2 per acre and sell it for £1, as some hon. members seemed to fear they would. They would have to get a vote of the House for the other £1.

MR. VOSPER: Not by the provisions of the Land Purchase Act?

THE PREMIER: If the Government bought land under the Land Purchase Act, they would have to sell it under the Land Purchase Act. The conditions were not the same.

MR. MORAN: There was a provision in the clause for the lending of money by the Agricultural Bank for the purpose of building houses on these blocks. Surely that was not the object for which the Bank had been established.

THE PREMIER: The hon. member was quite right there; but such a loan could not exceed the sum of £100, and after all we were not giving much to such lessees. The land was to be sold at not less than £1 per acre, payable half-yearly at the rate of one-tenth of the total purchase money per annum, or sooner. The maximum area to be held by one person was twenty acres, but he proposed to make it five, which would be a reasonable allowance.

MR. MORAN: Too much altogether.

THE PREMIER: That would be the maximum area; the actual size of the allotment might be only half an acre. The lessee had to live on his land, to start with, for five years; if not, the lease was forfeited. He had to fence it in within three years from the date of the commencement of his lease; and, within five years from that date he had to expend, in prescribed improvements, in addition to the exterior fencing, an amount equal to double the full purchase money. In ten years or sooner if he had paid the purchase money and effected the improvements, he received a Crown grant of the land. The terms were not too easy, and no harm could be done by passing the clause. Clause 89 introduced another principle—that certain owners of working men's blocks might obtain advances, not exceeding £100, from the Agricultural Bank. This, however, was merely another means of letting land, in addition to the numerous plans already in operation, such as the conditional purchase system, the grazing lease, the poison lease, the homestead farm and town lot systems. This system was a means of letting suburban lots with conditional purchase; and longer time and more stringent conditions were imposed on the lessee before the grant could be obtained. Ordinary suburban lots were sold by auction, but not so with these, which were intended for labouring men.

MR. MORAN: The blocker system had been tried in South Australia; and even there, only to a small extent. It was only a drop in the ocean there, and in other colonies it was practically inoperative, if it found a place on the statute book at all.

Some land about four or five miles from Adelaide was held under this system. The idea was to a certain extent a fad of a gentleman in that colony who was generally regarded as a faddist, though a pretty successful one, and it had not been largely availed of. Such blockers' homes as had been founded were fairly comfortable; but the area allowed in South Australia was only half an acre, and nothing like that proposed in the Bill.

HON. H. W. VENN: The idea of allowing the Agricultural Bank to lend money to encourage the building of houses on half-acre blocks was a farce. As well might the bank's assistance be extended to miners on the goldfields, to enable them to build hessian shanties. The Agricultural Bank was a good institution; but it was established for certain clearly-defined purposes, and this was not one of them. There might be something intrinsically worthy in encouraging working men to get homes, but he hoped the Government would not make the maximum two and a half, or even two, acres. A goldfields miner got a quarter-of-an-acre block, and that was quite sufficient for him to make a home; yet here it was proposed to give a man a 20-acre block. Supposing that law had been in force in the neighbourhood of Perth 20 years ago, and someone under it had obtained a 20-acre block, instead of continuing to be a much-worried man he would have developed into a tremendous capitalist. He (Mr. Venn) disapproved of the idea of giving a man funds from the Agricultural Bank to build his home with. Let him build his own house, as the working man had to do in Adelaide. A man wanted half-an-acre because he needed a small vegetable garden, which he might cultivate in his leisure hours; but that was not needed on the goldfields. If the Premier did not move an amendment that the clause should not apply to goldfields, he himself would do so.

MR. ILLINGWORTH: The only person who would be benefited by the Bill as it stood would be the capitalist, who would derive advantage at the expense of the working man, whom he (Mr. Illingworth) desired to see benefited. If the hon. gentleman in charge of the Bill would assent to the alterations that had been suggested, it would perhaps be possible to try this experiment with some advantage; and taking into consideration the assurance of the Premier that he would consent to those material changes, he (Mr. Illingworth) asked the Committee to permit him to withdraw his proposal for the striking out of the clause.

Amendment, by leave, withdrawn.

THE PREMIER moved, as an amendment, that after the word "lands," in line 2, the words "or suburban lands held by the Crown" be inserted.

Put and passed.

MR. ILLINGWORTH: What would happen in regard to Crown lands in the city of Perth? There was plenty of Crown land in the city.

THE PREMIER: Crown lands were not in the city. The definition of "Crown land" did not include that in any city or town. He moved, as a further amendment, that the words "or in any other division of the colony, if situated within ten miles of a city or town, or site for a city or town, including any suburban land, or land within an agricultural area," in lines 3, 4, 5, and 6, be struck out, with a view of inserting in lieu thereof "or any Crown lands or suburban lands held by the Crown within ten miles of a city or town, or site for a city or town, within any other division of the colony, not being within a goldfield." If that alteration were not made, the clause would be restricted in its operation to the South-West Division, but there was a desire that it should operate in places other than goldfields.

MR. VOSPER: One fault of the amendment made by the Premier was that it did not provide for the discovery of new goldfields. The probabilities of discovery were immense, and if we confined the clause to the legally-defined goldfields now in existence, difficulty might be experienced.

MR. MORAN: Would the clause not be operative in new goldfields?

THE PREMIER: Certainly; any goldfield declared to be such would come under the operation of the clause.

MR. GEORGE: Would what was proposed apply to land purchased by the Government?

THE PREMIER: No.

MR. MORAN: Was there any chance of getting land around Perth or Fremantle? If so, it might pay to become a working man under this proposal.

Put and passed.

THE PREMIER moved, as a further amendment, that in line 11 the word "twenty" be struck out and "five" inserted in lieu thereof.

HON. H. W. VENN suggested that "five" be struck out and "one" inserted in lieu thereof. If we increased the size of these blocks to anything like five acres we would be going in an absolutely wrong direction. One acre was a large piece of land, and quite enough for the purpose.

MR. ILLINGWORTH: It ought to be taken into consideration that this clause was intended to operate in agricultural districts, where labourers worked on farms and might desire to keep a cow or horse, or other animal.

MR. GEORGE: In England there used to be a cry of "three acres and a cow."

MR. ILLINGWORTH: The maximum might be fixed at five acres.

THE COMMISSIONER OF CROWN LANDS: The great difficulty in dealing with working men in the city had been recognised in the past, and there was now a desire to induce them to go into the country. He was willing to accept the proposal that the maximum quantity of land allowed under this section should be five acres, although he was convinced that it would be very much better to fix it at 20.

MR. GEORGE: There was something wrong in this part of the Bill, for it professed to offer an inducement for working men to leave the city and make homes outside, while, in fact, the working men were leaving the city now as fast as ships could take them out of the country; and what more than that did the Commissioner of Lands want? This portion of the Bill was merely sentimental, and might well be omitted. If employment were plentiful at present for working men, which it was not, they could not afford to live far out of the city or town where they worked, as too much time would be lost in travelling by railway or walking to and fro. Working men employed in Perth or Fremantle, for instance, could not afford this loss of time, to which must be added the further time required for cultivating their bits of ground. A practical amendment would be to reduce the size of the blocks from one acre to 6ft. by 2ft., and then the occupiers would be settled on the land, and this could be done without the intervention of the Agricultural Bank. In the present condition of all the industries in this colony, the proposals in this part of the Bill were a farce; and the Premier was fathering this part of the Bill only out of respect for his colleague, the Commissioner of Lands.

MR. SOLOMON: If the object was to enable working men to make their homes outside of towns, a block of land not exceeding half an acre would be sufficient in most cases. The Church of England trustees at Fremantle had subdivided some land distant about three miles from that town, a quarter-acre being the average size of a block, and these blocks had been settled on by men who had work in Fremantle or near to the subdivision. Those blocks appeared to be large enough to satisfy working men; whereas if the blocks offered under this part of the Bill were to be five to twenty acres each, such large areas would require capital to work them.

MR. LOCKE: A fair compromise as to the size of blocks for working men would be 2½ acres as a maximum and half an acre as a minimum; such areas being large enough for a man with a family to grow vegetables and keep fowls, or ducks, or pigs. He moved, as an amendment, that the maximum size of blocks be 2½ acres and the minimum half an acre.

MR. LEAKE: Being unable to convince himself that this part of the Bill was necessary, he objected that it would create a smaller kind of farmer, something between the labouring man and the small farmer—in fact, a still smaller farmer. The working man, as a rule, had not sufficient capital to make use of land, unless it were a small block very close to his work. If the working man wanted to occupy his time in tilling land, he could take up a free farm of 160 acres under the Homesteads Act: but as to this new plan devised by the Commissioner of Crown Lands, it was not workable, and had not been sufficiently considered, nor was much interest shown in it by hon. members, as

indicated by so many empty benches. He moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

GOLD MINES BILL.

SECOND READING.

Debate resumed, on the motion moved by the Minister of Mines for the second reading of the Bill.

MR. VOSPER (North-East Coolgardie): Since the adjournment of the debate on the second reading, considerable attention has been paid to the subject by hon. members of this House, especially by those representing the goldfields, and also by persons resident on and interested in the goldfields. I think it may be fairly said that the most remarkable feature of the consideration which has resulted from the adjournment has been the almost complete change of attitude which has taken place; for, while the general opinion in the first instance was that the Bill, on the whole, appeared to be a good measure, and many persons were inclined to endorse it on account of the many excellent principles contained in its clauses, yet further consideration has shown that all this was a specious appearance, which led persons to suppose that a large amount of reform in the mining operations was at length to be embodied in legislation, and that we were to have a settlement of those grievances which had caused trouble and dissatisfaction in the past. We find, after all, that this fair seeming is mainly on the surface; that underneath there are grave errors and serious defects; these errors and defects being so numerous that it is almost impossible to take up a single clause without finding something debatable in it. It was said by one hon. member the other evening, that there is a debate in almost every clause; and I am inclined to agree with that opinion. Where the Bill has departed from the old Act it has fallen into grave errors, and in those cases where it has followed the old Act it has preserved the worst errors contained in that Act. In a Bill of this kind, which has so many grave defects, there is only one way of dealing with it, and that is to take the Bill clause by clause, and endeavour to point out the various defects. In doing so, I wish to say that I do not desire to see this subject treated in any factious spirit, nor do I desire to see it treated in a party spirit. I think we should bear in mind that we are dealing with the greatest industry of the colony, with an industry the prosperity of which is vitally essential to the very existence of the colony. That being so, I think we should avoid all party controversy, and endeavour to deal with this Bill on its merits; and I shall be animated by a sincere desire to assist in producing a good and workable statute. First, we have a series of definitions. Clause 3 is occupied entirely with definitions, some of which are referred to in the old Act, and others are entirely new. One of these new definitions deals with alluvial, and this definition lays down that "all gold except such as is found in a seam, lode, dike, or quartz reef or vein" is to be classed as alluvial. With regard to this, I think there is a grave objection to the use of the word "seam" in this measure, for it is entirely foreign to gold mining. I am aware that this word was in the old Act, but it had no practical application there; and in the interpretation of the word "seam" occurring in the old Act, and as recently decided by the Supreme Court in connection with the dispute as to what is alluvial, it was shown that the word "seam" is out of place in that Act; that it applies to only one class of mining, such as coal mining, and does not apply to gold mining. That word, in its application to alluvial, is likely to lead to serious embarrassment in the future. Alluvial gold, as it occurs on our goldfields, consists of beds or layers laid down by lakes or streams. Sometimes we have, as at Kanowna, an instance of alluvial which may consist of the bottom of a lake; and if we suppose a certain series of geological phenomena occurring in connection with the formation of these deposits, we may imagine how the rocks may be disintegrated, and the gold carried down by streams of water, and deposited in the bottom; how, subsequently, a quantity of material which is not auriferous may have been washed in, and, by degrees, have filled up the lake. In another case

there may be a superimposed mass of rock overlying the alluvial deposit, or other phenomena may have occurred in the formation of the alluvial beds; then, after this action, there may have been another agency at work which has had the effect of cementing or solidifying the rocks. Consequently, a person sinking or searching for this alluvial now may have to go down through hard, solid rock, and may find the gold deposit in the form of a cement. A "seam" of that sort could not be distinguished from any other seam, because the agency which caused the lake to fill up, or caused the rocks to be superimposed or twisted, may be the same agency which formed the lake bed. We know, as a fact, that there are a large number of such "seams" throughout our goldfields at the present time. Some portions of the Kanowna goldfield undoubtedly come within this definition of a "seam;" and if we want to save litigation in the near future, and prevent persons from taking advantage of a word of this kind, that word should certainly be struck out of the Bill. I am glad to see that the alluvial men who have formed associations on the goldfields for protecting their own interests, have taken action in connection with this matter; and at Kanowna they have recently decided to recommend that the word "seam" should be altogether eliminated from the Bill. I think the elimination of the word "seam" will do no harm to the leaseholder or any other person interested in gold mining; and if you leave the words "lode, dyke, or quartz reef or vein," you have words sufficiently general to include every kind of formation except alluvial. I had the pleasure of pointing out to the Minister of Mines (Hon. H. B. Lefroy), when he was visiting Kanowna, an alluvial bed of this description at a point where a rock section was exposed. The desire of the Government is, I think, to do all they can to make the Bill clear and definite, so as to have no more disputes in regard to what is or what is not alluvial; and now that we are engaged in framing a new Bill, we should be careful to see that all clauses that are likely to be fruitful of litigation or dispute should be kept out of the Bill. I pass next to a very important matter, which will probably occupy the attention of this House. It is set forth that "a Department of Mines, under the control of a Minister, is hereby established for the purposes of this Act." I am one of those who think, with the late Royal Commission on Mining, that we require something more than a Department of Mines to efficiently deal with mining in this colony. I believe that beneath the Department of Mines, there should be a series of mining boards, which should have powers as wide as the State can give them; and in this way we should introduce the principle of local administration of our mining laws. In times past we have had a succession of Ministers holding the portfolio of the Department of Mines who, however estimable in themselves, have been to a large extent ignorant of mining. Such is the case with regard to the present Minister, and such was the case with his predecessors. And, while we have a number of officials in the department who are trained principally to look after the routine of an office, and a Minister at the head of affairs who does not profess to have any practical knowledge of mining, it is essential, in the interests of the people on the goldfields, that we should have some ample power placed as a buffer between the two; and, as far as I can see, there is no power more suitable than that of mining boards. I would not suggest that any wide or extended power be given to these boards; but something similar to that which is provided in the Victorian mining statutes might be adopted.

MR. MORAN: Mining boards are not much in evidence, in Victoria.

MR. VOSPER: They are by no means a dead letter there, as yet. The boards in Victoria are elected on a miner's right franchise. Some two years ago I gave this question of mining boards some degree of attention, and I was requested to write to the Mineowner's Association a letter embodying the results of my investigations of the changes then considered necessary to reform the law. I said:—

> The power now given to the Governor should be entirely delegated to mining boards, one for each declared goldfield. Such boards should be composed equally of two sections, one elected by the holders of miners' rights for that

particular goldfield, which have been issued for six months prior to the election, and the other by the various registered companies operating on the goldfield for the same period. These boards should have the control of all matters relating to drainage, water conservation, inspection of miners (having the power to appoint inspectors as under the Mines Regulations Act), mining accidents, machinery and boilers, ventilation and the fixing of the minimum of labour to be employed per acre on leases, taking into consideration situation and local conditions. Regulations made by these bodies should be approved by the Governor-in-Council, and should then have the force of law. I think it is obvious that regulations which apply in North Dandalup are of no use in the East Murchison, and vice-versa, and the only remedy I can see for this and kindred evils is local government in mining carried on by bodies equally representative of labour and capital. The revenue required by these bodies could be raised by allotting to them a percentage of local mining revenue.

I am not prepared at this time to go quite so far as that; but I think there are matters connected with the mining regulations, such as ventilation and the inspection of boilers and machinery, and of mines generally, which could with great advantage be delegated to mining boards. But, talking about regulations, I think it would be well if these mining boards were permitted to advise and suggest to the Minister only with regard to matters affecting their own districts. The department could then, as it does now, make regulations having general application throughout the colony; but, in matters of local application, I think the mining boards might well be allowed to assist the Minister with their advice. The powers given to local mining boards in Victoria are entirely of an advisory character. First, they are entitled "to advise and report to the Minister with respect to the codification of by-laws;" secondly, "to inquire into and report to the Minister upon all applications for assistance from the Government towards searching for gold or minerals." If such power were conferred on boards of this kind here, it would be of the utmost value to the Government. We know that the Government are contemplating, and have in some cases carried out, the erection of public batteries. Of course, it may be said that every mining board would set up a clamour for a public battery in its own district; but, if you had one mining board for each goldfield, they would represent a large number of different centres, and therefore the clamour for a battery for any particular site would to a large extent be got over by the existence of the board representing the field generally. Again, the advice of the board as to where to build the battery, where to sink for water, and where there was the best prospect of gold being found, would be of very great value to the Minister in charge of the department. The Victorian mining boards are also authorised to advise as to localities in which searching by means of boring or otherwise in quest of alluvial leads, quartz reefs, coal seams, and other metalliferous or mineral deposits might be carried out. I would ask, who could be more qualified to deal with matters of that kind than a board composed of local men, who owe their positions to the suffrages of practical miners? The members of such boards in Victoria are men practically acquainted with mining, who have been engaged for a lifetime in the industry: and it does seem to me that if the Government intend to go to work at all in the direction of improving the lot of the prospector, then the mining boards will be a very valuable institution indeed. The boards in Victoria are also asked to advise in regard to such applications for the sale, licensing, or leasing of Crown lands under the Lands Act as may from time to time be relegated to the board by the Minister. In the Land Bill, which was before the House this evening, we have a series of provisions, which propose to let goldfields lands for certain purposes: and, as we stand at the present time, it is proposed in that Bill to entrust the whole work of reporting and advising on this land either to the warden or to the departmental officers. Surely it would be better to have an independent board for this purpose.

THE PREMIER: A paid board?

MR. VOSPER: No; an honourary board, elected on a miner's right franchise. In Victoria they are allowed about £50 a year for expenses, and their functions are purely advisory. I am not now recommending that the boards should have legislative powers, but that they should have the right to advise the Minister on certain matters of importance, thus supplying the department with the technical knowledge

which it now lacks. The need of this technical knowledge has long been felt, and here, to my mind, is a cheap and expeditious way of supplying it; and I am very sorry to see that this recommendation—probably the best recommendation in the very long report of the Royal Commission on Mining—has been totally ignored by the Government in drafting this Bill. I shall do everything in my power to see that these mining boards are instituted by this measure. We are told, in another part of the Bill, that rangers are to be appointed to report from time to time as to breaches of the labour covenants and of the Act generally. Well, that it a very excellent thing. I am prepared to support their appointment; but, in Victoria, where they have these mining boards, one of their functions is to report to the Minister all such breaches of covenants. Here we have the Government proposing to pay men to do what, in Victoria, is done free of charge. The mining boards in Victoria are also authorised to make such proposals to the Minister as they may think advisable for the purpose of stimulating and encouraging mining, and aiding in its development throughout Victoria; to advise as to the exemption of auriferous areas from occupation under miners' rights and business licenses; and, finally, to generally advise as to any matters whatever connected with mining. So that, in this body, there are combined the functions of a chamber of commerce or chamber of mines, with a certain amount of authority on certain points. They are elected for the purpose of giving technical information to the department. I cannot for the life of me understand why so valuable a provision as this has been neglected in the present Bill. It may be said that mining boards have been useless, and that they are a dead letter; but why is that? That is largely due to the fact that the spirit of the Victorian Act has been violated by the persons who have had it in charge. Their centralising tendencies, and their desire to make Melbourne the hub of Victoria—just as some persons here would like to see Perth the hub of Western Australia—has led to the powers of mining boards being greatly restricted or shortened; and that is one of the causes of their inefficiency.

MR. MORAN: They are purely advisory.

MR. VOSPER: Certainly they are; but I would point out that, being only advisory, they cannot possibly do any harm. They are responsible to their constituents for the advice they gave. Their advice becomes public property; and, if the Minister thinks fit to act contrary to their advice, he takes the responsibility upon himself. It has been objected that these boards have been a failure. If that is the case, why is it that provisions for their continuance have been re-incorporated in the last Mining Act passed in Victoria, bearing date only last year?

THE PREMIER: They had them there before.

MR. VOSPER: Yes; and they are keeping them there; and the Minister for Mines there, Mr. Henry Foster, in reintroducing the clause into the Bill, said——

MR. MORAN: He believes in them

MR. VOSPER: I think that Mr. Foster is a man to be looked upon as a very respectable authority. He speaks in the strongest possible terms in favour of these boards, and says:—

> I suppose there is no part of our mining law that has for some years past received more criticism than that providing for the creation of these mining boards. I can speak with some authority in regard to them, having had the honour of being a member of them for 17 years, and I will venture to say that a large number of criticisms I have seen have been made either in ignorance or from some unworthy motive. No institutions that I know of have been so valuable to any industry as the mining boards have been to the mining industry. I know that in days past, if it had not been for the members of the mining boards, we should have soon had hundreds and thousands of acres of our auriferous lands alienated in fee simple, and the difficulty that we are now experiencing, and that we have experienced for many years past, of getting on to the land, would have been intensified.

MR. MORAN: That danger would not exist here.

MR. VOSPER: That danger is here, to a certain extent. There is a proposal in the present Land Bill that, within forty miles of a railway upon any of the eastern goldfields, a man may take up a homestead area of 160 acres. That I believe has always been the law in this colony since the passing of the Homesteads Act, as the Premier the other day assured me. There seems to be some doubt about it;

but, new or old, the principle is capable of being seriously abused.

THE PREMIER: We will alter that this time.

MR. VOSPER: I sincerely hope we will. We are proposing to open portions of the goldfields for pastoral occupation under certain restrictions. Who can better see that such restrictions are in force than mining boards? In the Murchison, North-East Coolgardie, and Coolgardie districts, we shall have pastoral leases taken up; and as soon as they are established, the miner will have to give seven days' notice, and go through all kinds of formalities, before he can go on such lands for prospecting purposes. If a man, for instance, makes a discovery of a reef running into a piece of fenced land, and desires to continue prospecting that reef, the person who is inside the fence can easily observe his operations as they proceed outside, and will no doubt take very good care to secure to himself the land inside the fence for mining purposes by pegging it out. In that way the prospector can be baulked, and deprived of the fruits of his labour. That being so, I say we require mining boards as a safeguard to the miner. We are just about to introduce, in our Land Bill, this entirely new idea. Hitherto, the lands on the goldfields, excepting in townsites, have been national property, and free to any person in possession of a miner's right. That is a thoroughly good principle; but now we are about to lease the surface of that land for pastoral purposes, and even timber lands may be leased; and this provision will have the effect of limiting the rights and privileges conferred on the miner. If a timber lease or a pastoral lease be granted, the privilege of using the land which a miner's right confers no longer exists; and the Government, in giving effect to such provisions, propose to be advised by the wardens only. But sometimes, unfortunately, they appoint men as wardens who are no more fit to be wardens than they are to be mine managers—men, perhaps, who have been brought up to pastoral pursuits, and who have had no experience whatever of mining; and I say that, in this regard, there is great danger ahead for certain sections of the mining population. I do not want to oppose pastoral leases on goldfields as provided in the Land Bill; and for that reason I am supporting, and shall support, the clauses which provide for their establishment; but they will also constitute a source of great danger, because we have no buffer between the State landlord on the one hand, and the mining tenant on the other. Mr. Foster continues:

> The members of these boards have a local knowledge and an experience which would enable them—and in this Bill they will have the opportunity—to advise the Minister and the department with regard to many matters in relation to which their advice is not now sought.

Their old powers have not only been confirmed, but have been amplified and extended by the new Victorian Act.

THE PREMIER: In Victoria, the areas of goldfields are not so large as in this colony.

MR. VOSPER: That is true; but at the same time, if we have large areas, we have a sparse population.

MR. ILLINGWORTH: That is in favour of mining boards.

MR. VOSPER: Exactly. If we can establish a roads board for a district like North-East Coolgardie, which can efficiently administer the roads in that large area, surely a mining board can also advise the Minister effectually in respect of mining matters in the same area. Moreever, as our population increases, this difficulty in connection with large areas will decrease. And we have some goldfields, such as Kalgoorlie and the Broad Arrow, which are very limited in area. Kanowna itself is growing so rapidly that it will soon be necessary, for purposes of administration, to take it out of the North-East Coolgardie district. As population grows, we shall find that all the difficulties of large areas will completely vanish. Mr. Foster says further that these boards are "scattered all over the colony, and number about 70." He says:—

> The members of them are practical miners, and we could not expend public money better or more economically than in keeping these boards alive.

These are the words of a Minister who has had 17 years' experience of the working of these boards:

> People may jeer and say that the mining boards are doing nothing; but that is not

their fault at all. When they had work to do, it is not denied that they did it, and did it well. I am convinced that if the opportunity is given to them again they will be able to render vast assistance to the Minister of Mines and to the Mines Department. I believe in decentralisation as much as possible for this growing industry, and I think it would be a great blunder if we were to assume in the Mining Department that we know everything, and that the people who live in a country which we have never seen know nothing about it.

That is exactly the assumption into which the Mines Department has blundered in this colony. We have been told by people in Perth, who have never seen the goldfields, except perhaps for a day or two, when on a Parliamentary excursion, that they were the people who knew all about it; and all the blunders, all the trouble we have had, all the injury to the mining industry, all the squabbles and rows and agitations on the goldfields during the last five years, are distinctly traceable to the ignorance of the Mines Department in Perth. If the goldfields people are to be benefited by this Bill in the least degree, we must endeavour to do away with that ignorance. If we cannot insist that the Minister of Mines shall know something about his business, we can, at any rate, insist on putting him in the hands of advisers who do know something about it, and who will be able to tell him what they know.

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

At 7.30 the SPEAKER resumed the chair.

MR. VOSPER (resuming): I was engaged in discussing the question of mining boards, and their probable effect on the mining industry; and I took occasion to condemn the system of centralisation which has hitherto existed in the mining industry in this colony. I was contending also that many of the misfortunes which have occurred to the mineral industry in the last three or four years have been the outcome of that centralisation, accompanied, as it is, with a want of knowledge on the part of Ministers. I also urged, and still urge, that mining boards established in various goldfields centres would largely mitigate the effect of that influence, and would lead to better administration than that which exists at the present time. I suppose no members of the Ministry will deny that associations already formed on the goldfields, such as chambers of mines, workers' associations, alluvial associations, and the like, may be able to give a lot of valuable evidence. If that be so, and I do not think it will be denied, then how much more valuable will be the deliberations and advice resulting from the establishment of mining boards elected on a larger franchise? These chambers and other associations I have referred to are not elected, but are simply bodies of men who meet together in a kind of club. This proposal is that the miners themselves should be consulted and asked to elect a number of men who would give advice to the Minister. The Honourable Henry Foster, speaking on this, referred most emphatically to the necessity of restoring to mining boards the powers which they have lost. He also laid down the desirability of increasing and enlarging those responsibilities, and said:—

> The mining boards will also have to inquire into and report to the Minister upon all applications for assistance from the Government towards searching for gold or minerals. Now, who is better able to judge than men who have been 10. 15, or 20 years in a district, and who have devoted the whole of their time to mining pursuits? And who are better able to give advice to the Minister of Mines and the Mining Department than such practical and experienced men?

I would urge, before going further with this quotation, that there is another reason why these boards should be appointed. We know under this Bill we are to have interim leases. The Bill itself is so vague that I do not know how that proposal will work out, but it is obvious that if a conflict occurred relating to alluvial country, no one could be more capable of giving advice of a technical nature to the Mining Department than the mining boards.

THE PREMIER: It seems to me that they would have to be constantly travelling.

MR. VOSPER: I do not think so. The majority of the members of roads boards in North-East Coolgardie meet regularly, and those men travel to their various homes and places of meeting free of all expense to the Government. They have carried out the roads administration of that large district without serious cost.

HON. H. W. VENN: Do you propose that this should be an honourary board?

MR. VOSPER: Yes; an honourary board. We desire to have some authoritative advice from the goldfields as to the course administration should take. I, and those who think with me, contend that such advice would be most valuable, and if it is to be obtained at all it should be obtained by means of a board, elected on a miner's-right suffrage. I should like to say, before leaving this phase of the subject, that members of a mining board, if elected on a miner's-right suffrage, would be representative of the whole community, and not only would they represent the owners of ordinary miners' rights—alluvial miners and working miners—but men holding the larger consolidated miners' rights.

MR. MORAN: Six against six hundred.

MR. VOSPER: Any company that desires to get increased representation on the board should be placed at the trouble of taking out the larger consolidated miners' rights. They could get representation then in proportion to the importance and extent of the rights they held. Almost everyone interested in mining on the goldfields has a miner's right. He cannot sue unless he possesses one.

THE PREMIER: A good many do not possess it.

MR. VOSPER: Almost every shareholder in a lease or claim knows he cannot indulge in litigation, except for wages, unless he has a miner's right. We should have all classes fairly represented on these boards. Then, Mr. Foster goes on to say:—

> Certainly, I expect to receive very great assistance indeed from these men in this respect. We propose to devote £15,000 or £25,000 a year, to assist co-operative parties in prospecting, and where can the department get better advice as to the bona fides of applications for such assistance, if it will take it, than from these men, who have local knowledge and experience, which the officers of the department have not.

That is really the crux of the whole question. The officers of the department do not possess the local knowledge and local experience, whereas members of a mining board would do so. I take it that some day or other we shall find this House prepared to do something for the benefit of the prospectors. We shall see a prospecting vote placed on the Estimates. When that is the case, Mr. Foster's argument on this point will be fully borne out—that no one will be better able to advise the department than members of such boards. I shall not say anything further on mining boards at present, but I wish to point out to this House most earnestly that, on the whole of the goldfields, there is a great demand for these boards. Almost every association and every body of men that has communicated with me in connection with this Bill have mentioned mining boards favourably. And, what is more, the late Royal Commission urged most emphatically that these boards should be established. It seems to me to be about the only thing on which the members of that Commission were absolutely unanimous. There was no dissent whatever from that suggestion. Those representing capital, commerce, and labour were all agreed as to the necessity of appointing these boards. The one point on which they were absolutely unanimous is that on which they were ignored by the department. If it is the intention of the Government to ignore the most salient point in the report of the Commission, they had no right to appoint that Commission and incur the expense which the appointment of it involved. I am not blaming the Government for exercising discretion, but I say that if they ignore that report they should give good reasons for so doing. The seventh clause of the Bill provides for the appointment of wardens and other officers, and it is almost impossible to speak of these clauses singly without introducing the effect of other clauses as well. I may say here that I have no objection to the clause in itself, but I contend that while engaged in extending the working of the mining law, we might have gone a little further. I do not know whether this would be a proper place for it, or whether it should be inserted at a point where the Bill provides for the establishment of a court of mining appeal. But I do say this, that one of the greatest defects we have had in mining administration in the past has been the fact that the warden, while possessing a vast amount of power in some cases—a great deal too much to confer upon any one individual, especially when that individual is more or less badly paid, and has,

as in many cases, a scanty knowledge of mining law—has had his powers in other respects limited to a ridiculous degree. The warden, in my opinion, has two distinct sets of functions to perform. One of these is purely administrative; the other is purely judicial. So far as administration is concerned, no possible objection can be raised to the exercise of control by the Minister; but as soon as we come to matters involving points of law and the taking of evidence, the Minister's control should cease. The member for East Coolgardie (Mr. Moran) says that the Minister has no such power now. I look upon the question of exemption as *quasi*-judicial. The evidence has to go to the Minister, and it is dealt with by him. Under the old condition of things the Minister had power to grant exemption without appealing to the law at all. I repeat that in cases of disputed facts or points of law, the matter should not be settled by the Minister, but by a superior legal officer. By the system which prevails at the present time the wardens have been made the creatures of the Minister.

THE PREMIER: Would exemption be a judicial matter?

MR. VOSPER: I say it is *quasi*-judicial. Where there is a mere application for exemption to which no objection is taken, the warden stands in the position of agent to a landlord, and he or the Minister has the right to decide whether or not it is judicious to grant the application. When an application for exemption involves an objection and legal points are raised, the Minister should have no legal right to interfere.

THE PREMIER: The Minister can only recommend the forfeiture.

MR. VOSPER: I repeat, that when a legal point is involved the Minister should not have the power of recommendation, because the power to decide the legal point should be left to the legal authority.

THE PREMIER: That would not affect the forfeiture of the lease, would it?

MR. VOSPER: No; but the court should have power to decide whether a lease is to be forfeited or not.

THE PREMIER: It is a matter of discretion with the Minister.

MR. VOSPER: If the Minister or the Governor-in-Council chooses to exercise discretion in a manner which is unjust, I say that is a matter which should be taken cognisance of by the courts of law. Therefore, in providing for appeals, we should, as far as possible, make the warden's court a final court for the decision of mining cases, in order that as few matters as possible may be carried further to a court of appeal. When mining appeals do take place, there should be some judicial machinery established whereby people can be heard in open court, as in matters of ordinary law. I notice that in the clause which provides for a court of appeal it is laid down that there shall be three judges, but it also appears that a large proportion of the vital matters in the Bill are expressly excluded from the jurisdiction of those judges. I say there is no necessity to invoke the machinery of the Full Court to adjudicate on mining appeals, for that can be done effectually and satisfactorily by a single official on the goldfields—one having the requisite knowledge and experience; and it can be better done on the goldfields than in the Supreme Court. The result of the existing state of the law in regard to appeals is that a large number of such appeals are not heard at all, because it is only in cases where large capital is involved, or where a number of persons are interested, that appeals on mining questions are taken to the Supreme Court. What should be done is to establish an official—a chief warden, for instance—having the powers, the privileges, the independence, and the salary attaching to a Supreme Court judge.

MR. MORAN: And the experience.

MR. VOSPER: Yes; and the experience. He should be selected from among the barristers who are best acquainted with mining law; and that official should be obliged, by the terms of the Bill, to go round the goldfields and hold circuit courts of mining appeal at all important towns, such as Coolgardie, Kalgoorlie, Kanowna, and others; and the appeals should be heard on the spot, and not be heard in Perth, hundreds of miles away from the place where the particular questions arose. I say, also, that if such an official was to devote the whole of his time in attending to mining appeals alone, and in observing the working of the mining industry on the goldfields,

and seeing the conditions which exist there, we should find very few cases coming before the Supreme Court on appeal from the decisions of such an official. We have a Supreme Court appeal now, but it is mainly a dead letter. Why should mining be specially exempted from the operations of the Circuit Courts Act? If we are to have mining appeals at all, why should these appeals be taken out of the hands of the judge or judges of circuit courts on the goldfields? The effect of having appeals heard on the spot would be that in the course of a little while the judge dealing with mining appeals would gain such a knowledge and experience of the conditions of mining as would be necessary to enable him to discharge his duties efficiently and satisfactorily; and the decisions of such a judge would be far more valuable in mining matters than would be the decisions of the Supreme Court. A judge of mining appeals would be guided, not altogether by the law, but also by mining custom; just as we know that in other questions which come before courts for decision the practice is to decide cases, not absolutely upon law, but upon the custom obtaining in the particular trade or industry. And I say that, in dealing with mining questions, there is no more honourable nor higher form of justice, in my opinion, than that which prevails amongst miners themselves in deciding questions according to mining custom. I admit there are exceptions, of course. It is essential to have a properly qualified lawyer to go on circuit, and to administer justice in mining appeals; for, though it may cost comparatively little for a judge to go from Perth to Kalgoorlie in order to hold a court there, it costs a great deal for witnesses and others interested in a case when they are obliged to come down to Perth to have it decided in the Supreme Court. Such cases should be heard where the disputes arise, and where there is a chance of getting evidence at first hand. I would urge that the Bill be amended in such a manner as to give to the warden the fullest degree of independence from the control of the Minister, so long as the warden does not interfere with matters of general administration. The warden should, in fact, be emancipated from the Minister's control, and be held responsible, so that he may be guided not only by the law, but guided also by custom in deciding the questions which come before him. Another matter in connection with the procedure of warden's courts is worthy of notice, and I do not observe anything appearing in the existing Act on the subject. I have a recollection of a decision given by the warden at Kalgoorlie, some time ago, whereby agents were prohibited from appearing in the warden's court. There was a custom existing in this colony, as it has existed in every other colony so long as there has been gold mining, of allowing a miner to be represented in a warden's court, not by a lawyer or advocate, but by an agent; and the reason is that the agent has generally to deal with a variety of technical matters which do not appeal to the lawyer, and which very few lawyers are capable of understanding unless they have had training in mining affairs. The wardens themselves, where they are selected for their knowledge of mining—which is not the case in this country, where wardens appear to be selected for ignorance of the subject—find it much easier to understand the agent, as the agent also finds it easier to understand the warden, than is the case where an ordinary solicitor or lawyer deals with mining questions. I notice that the Queensland Mining Commission has strongly recommended that agents be allowed to appear in courts in connection with mining cases, and I think the same practice should be allowed in this colony There should be a clause included in the Bill allowing agents to practise, and I am not aware that any good reason has been given for not allowing this to be done. There are many men who have not gone through a legal course, who are far better qualified to act as agents in mining cases than are lawyers themselves; and if the miners had not found the practice a beneficial one, they would not have continued it so long. The clause goes on, in a sub-section, to deal with the employment of Asiatic or African aliens, or, rather, the holding of miner's rights by those persons. I notice, with some degree of satisfaction, that it is provided by the clause that no Asiatic or African alien, or any Asiatic or African claim-

ing to be a British subject, shall be allowed to hold a miner's right without the authority of the Minister first obtained. I must congratulate the Government very heartily on having introduced that necessary clause.

THE PREMIER: It is the law now.

MR. VOSPER: Well, if it is the law now, I am glad to see it is to be continued. I would ask the Government to go further, when we are in Committee, by providing that no miner's right shall be issued to any Asiatic or African alien, and this provision will practically prohibit those persons from being employed in labour about a mine. A custom has grown up on the goldfields of employing Asiatics or Africans or Afghans in doing odd jobs about a mine, such as carrying wood or water; and this is so strongly objected to by the white miners that, if it be continued, there may be serious trouble resulting from it. I think there should be a proviso absolutely prohibiting the employment of any of these persons on or about a mine, in any capacity whatever; for there are plenty of white men to do the work which these persons are employed in doing; and as the objections which have been made against the employment of Asiatics or African aliens apply with ten-fold force to the practice of employing these men in doing odd jobs about a mine, therefore it should be our duty to do everything we can to prevent the possibility of trouble arising from this cause. There are a number of avocations on the goldfields which can be carried on without a miner's right, and therefore we should provide that no Asiatic or African alien shall be employed on or about a mine in any capacity whatever. I come now to clause 9, and I take this as an illustration of what we find running throughout the Bill, for I notice all the way through how in every clause, sometimes four or five or six times within a clause, there are allusions to certain things being done "according to the regulations," or as "defined in the regulations." The old Act was supposed to have regulations subject to it, but now we are to have a statute which is to be subject to the regulations in regard to all those things which are alluded to in the many clauses as being subject to the regulations.

THE MINISTER OF MINES: The same as the law is now.

MR. VOSPER: But the difference is that the regulations are referred to much more frequently in this Bill than they are in the old Act, and it appears to have been done of malice aforethought.

THE MINISTER OF MINES: There is no malice aforethought about it. It is the same as in the old Act.

MR. VOSPER: In this one clause, for example, regulations are mentioned about ten times, and in comparing that with the Victorian statute, you will find that all the regulations on vital points are embodied in the statute itself, and not, as here, made subject to regulations which are to be framed afterwards at the discretion of the Minister. This clause provides that anything that is dealt with in regulations made by the Minister, unless disallowed by Parliament, shall have the force of law; and once the Minister or the Governor-in-Council has approved of a regulation, that regulation has to stand until the following session of Parliament, when it may be disallowed or not. Nearly all the trouble that has arisen on the goldfields has been caused by the abuse of this power of making regulations by the Minister. I contend that it is the administration of the existing Act which has caused the trouble; and, although the Premier told us the other night that there was no great fault to find with the Act itself, yet I say that so long as we allow to the Minister an unrestrained power of making regulations, and so long as various provisions of the Act are to be interpreted according to regulations which the Minister may make from time to time, it is not to be expected that the working of the Act can give satisfaction. This Bill will probably cause greater trouble in that direction.

THE MINISTER OF MINES: Not necessarily.

MR. VOSPER: We can only judge of the future by what we have learnt in the past, and we have seen this colony convulsed from end to end, by a Minister playing with fire which he did not understand to be fire: by interfering with an industry in a manner which I call robbery, and I have no hesitation in repeating on the floor of this House that it was robbery. I say, let us either pass the regu-

lations with the Bill, or let us make the regulations a part of the Bill by incorporating them in it, as has been done in Victoria. Ministers, in framing the Bill, had the Victorian statute before them, and why did they omit these particular points, if they thought the Victorian Act worthy of going to for advice at all? In the Act which passed the Victorian Parliament last year, regulations were included dealing with such matters as fire-bars and boilers and chimney stacks. Perhaps that may be carrying the principle too far, but it is better by far to have a statement as to what the condition of a boiler shall be than that such matters shall be settled by regulations made by persons who are in total ignorance of the subject. Before this discussion closes, I shall have to do something with a view to seeing what these regulations are, because the operation of every important clause in this Bill is limited by some vague or shadowy regulation to be made in the future. Without the regulations before us, it is impossible to judge of the merits or demerits of this Bill.

THE MINISTER OF MINES: You cannot make the regulations before the Bill passes.

MR. VOSPER: No; but we simply ask to see the draft of the regulations. Here we have the Government reserving to themselves a despotic and autocratic power, which, for all practical purposes, is independent of Parliament. We desire to know what you are going to do with that power; and the Bill cannot be properly dealt with by this House until those regulations are before us. I find that in two pages of this Bill the words "prescribed in the regulations" occur about fifteen times. That is in the course of three or four clauses, all being vital clauses. There is not a single point here reserved to be dealt with by these prospective regulations which does not vitally affect the property and interests of thousands of people on the goldfields; and we are entirely handed over to the mercy of a Minister who does not even profess to have a knowledge of his subject. There is a provision in clause 10 for the registration of reward claims, and claims of this kind generally; and in this matter there are one or two points which should be definitely laid down. I shall certainly not be satisfied to wait for the regulations with regard to this question of registration. It is said that "Every reward claim, and every ordinary claim other than for alluvial mining, shall be registered within the time and in manner prescribed by the regulations." The inevitable regulation crops up again. It was not possible to say "within one month or one minute," but that must be "prescribed by the regulations." Great care will have to be exercised in this direction. A man may go two or three hundred miles away from any centre of importance, and may take up a reward claim; he may return to the nearest centre, and on going back may find the claim jumped, because the regulation may say that he must register within so many days, whereas he has not had time to perform the journey. There are long distances to be traversed on the goldfields, and ample time should be given. If the claim must be registered as soon as pegged out, we shall have endless trouble, and men will lose the fruits of their toil. Indeed, it is advisable and even necessary to put off the registration of claims in remote districts, for perhaps two or three months from the time of pegging out. With regard to these prospecting claims, I do not think that any labour conditions whatsoever should be imposed upon a prospecting area in its first stage. Instead of their having a given number of days, it should be sufficient if they were required to commence within a given number of months. I am speaking, of course, of the first prospecting claim. The prospectors themselves should be treated as mildly as possible on this question of labour conditions. Whether it is a large company that sends the prospector out, or whether the prospector goes out on his own account, he should not be hampered by labour conditions until he has had time to organise his forces and make the necessary arrangements for starting work. There is a provision which obtains in regard to leaseholds, which should be applicable to alluvial mining and to mining of all kinds. When an alluvial claim is pegged out, it should be obligatory for the miners to post up the date and the hour of pegging out, the number of persons in their party, and the extent of their ground. I know what occurs at Kanowna and Bulong. Men go out, put in pegs here, there, and everywhere; they divide their

parties into small numbers, and thus take up several claims; and, when the honest miner comes along he is told: "This claim is pegged out by William Jones, and the other by John Robinson;" whereas Jones and Robinson are in partnership and may be pegging out all the ground in the locality on their own account. If every miner was compelled to put up his name, or the names of every member of his party, and the area of his ground, and the date and the hour of the pegging out, it would save endless litigation and numberless disputes. Of late the warden's court at Kanowna and elsewhere has been full of such disputes. These particulars should be clearly defined and published. Another feature in connection with alluvial claims and leases is a system of blackmail—for I can call it nothing else—which has sprung up on the goldfields. A man pegs out a likely piece of country. No sooner is his back turned than some sharper or harpy comes along, re-pegs the ground, goes to the warden's court, and claims that this piece of ground is in dispute. He can thus get an injunction to prevent the real owners going on with their work or registering their claim. I know of a case in Kanowna where some men who had pegged out their ground were delayed for two months by a person who re-pegged, lodged his objection, and then never brought the case before the warden's court at all. I think that both with regard to leases and alluvial claims provision should be made that any person desirous of claiming them, or raising any litigation in the warden's court, should have to do it in a certain specified time. At present such person can get an injunction which may last for a long period, and he may not appear when the case is called on in court; and this practice has been the source of a lot of trouble and inconvenience to prospectors and lessees. Before leaving the subject of claims, I think that all persons who peg out a reward claim, whether quartz or alluvial, should be allowed a concession over and above the reward claim itself. The Bill gives them a somewhat extended area, but they ought to be allowed to peg off a small alluvial claim in addition to the reward claim—say three or four men's ground. The area of the present reward claim is, to my mind, sometimes an insufficient reward for men who have gone to great risks in order to find it. I notice with satisfaction that clause 13 provides for dealing with claims apparently unoccupied or which appear to be abandoned. Some little time ago I was travelling through the southern portion of the goldfields in company with the member for Dundas (Mr. Conolly), and we came to a place which the Premier visited —Widgiemooltha, where the people told us that a great hindrance to prospecting there was that certain syndicates had pegged out the whole face of the country —one company alone had 1,100 acres— which they had virtually abandoned. They had given no notice of abandonment, however; and their rent had been paid in advance, so that it was impossible for anyone else to work the claims. This clause would remedy that evil. Such land could be prospected and worked by the working miner. But it is necessary, I think, to go a little further than is provided by the Bill. The clause says, "and upon which machinery," etc. It seems to me a fallacious idea to keep the title to a piece of ground alive because some old engine is left upon the property.

MR. LEAKE: That does not apply to leasing.

MR. VOSPER: There is no satisfactory provision here with regard to abandoned leases, and the Bill is in much the same condition as the old Act. These concerns at Widgiemooltha were absolutely abandoned to all intents and purposes, and some of the people actually did go upon them and work them in defiance of the law; and I think that, on the whole, they were to be commended for doing so. Even if this provision only refers to alluvial claims, what is meant by "plant?" Would a pick and shovel or a windlass be "plant" within the meaning of the clause? Would two tenpenny nails and a hammer be "plant" in the legal sense of the term? When ground is abandoned, or practically abandoned, and the plant is there, I say let the persons who take up that ground use the plant. Then, if anyone comes along and claims the plant, let him have it if he can prove his claim. If owners can abandon the claim and the plant, they should take their risk of recovering both. I think those words might very well be struck out; and in

regard to the Bill generally, there is such a frightful lot to strike out that, if we do all the striking out we want to do, there will be nothing left of the Bill.

THE PREMIER: Not even the provisions of the Victorian Act?

MR. VOSPER: Where the Victorian Act suited your imaginary convenience, you followed it; but you have got a hotch-potch here of all the principles of mining legislation under the sun, and you have not carried any one of them to its logical conclusion. If you had only stuck to the Victorian Act from beginning to end, there would have been very little to find fault with. As the Bill stands, it becomes a very difficult thing to analyse or criticise it in any shape or form. However, I want to congratulate the Government upon the terms of clause 15.

MR. MORAN: What about clause 14—"Exemption from labour conditions?"

MR. VOSPER: Well, there is no doubt that the exemption allowed—any period not exceeding six months in any one year—is a great deal too long. The idea of hanging up an alluvial claim for six months shows the absolute want of knowledge of the framers of this Bill. The essence of an alluvial claim, and the reason why it is granted, is that the ground should be continuously worked; and the custom elsewhere is not to allow it to be abandoned for a single day; yet here we are to have exemptions granted for six months at a stretch. It means that, a man by his agent and by other methods known to dummyers and shepherds, can take up 100 acres or more of alluvial ground and then obtain exemption for six months.

THE MINISTER OF MINES: You can get exemption for six months on a claim now. The warden can give it. That is the present law.

MR. VOSPER: That is too long a time altogether. Every claim that is exempted is locked up from somebody else, and the men who ought to be working it are turned loose on our goldfields to swell the ranks of the unemployed. It is a most important matter, affecting the bread and butter of hundreds of people. But I want to congratulate the Government upon clause 15: first of all, because it says—I do not know whether this will be vitiated by some regulation—that "in no case shall exemption from the labour conditions be granted, except by the warden." I am taking these words as they stand; and I do hope it is intended to abide by them. One of the grossest abuses in the past has been the granting of exemptions in some hole-and-corner way by the Minister. I have in my possession now two searches that were made in Niagara, where exemption was given on two leases which the local court could not account for or explain.

THE MINISTER OF MINES: The provision for exemption applies to alluvial claims and all authorised holdings.

MR. VOSPER: Did you have the words, "except by the warden, on an application in open court," in the old Act?

THE MINISTER OF MINES: Only the warden can grant them.

MR. VOSPER: Were those words in the old Act?

THE MINISTER OF MINES: Yes. It reads: "proved to the satisfaction of the warden in open court." Clause 25 of the present Act provides that the registered owner must apply to the warden in open court.

MR. VOSPER: Was that in the old Act?

THE MINISTER OF MINES: Yes; it is in the Act under which we are now working.

MR. VOSPER: Did it apply to leases as well as to claims?

THE MINISTER OF MINES: Yes; to leases and claims.

MR. VOSPER: Then the Mines Department has frequently acted illegally in the past, as I can prove by absolute documentary evidence in my possession Either the law in the past has permitted exemptions to be obtained by backstairs and hole-and-corner influence here in Perth, or the Minister of Mines, or persons acting under him, have granted them in defiance of the Act.

THE MINISTER OF MINES: You say we are introducing some new provision here, whereas it is already the law of the land.

MR. VOSPER: I am simply putting you in a logical dilemma. I say I have in my possession certificates which show that certain exemptions were granted, though the applications for them were not heard in open court. Now, how is this? Had you a bad law, or did you dis-

obey the law? Then I want to know, if you disobeyed it in the past, as you did if this provision was in force, how do we know that you will not break the law in the future?

THE MINISTER OF MINES: The law is as plain as a pikestaff to anyone who will look at it.

MR. VOSPER: What is plain to me at the present time is that the law has been broken; and I want to make this Bill so that people shall be held accountable for their actions, if they do break the law.

THE MINISTER OF MINES: I do not think it has been broken in the past.

THE PREMIER: If it was done, I suppose it was done on public grounds.

MR. VOSPER: But when the public grounds are related in private conversation with the Minister of Mines, within closed doors, how do we know whether they are public grounds or not? I am referring now to events that happened in the reign of the present Minister's predecessor. I am finding fault with the way the laws are administered or maladministered. Among the grounds for exemption, I see "on account of influx of water, or scarcity of water." I do not know exactly, but I think six months' exemption is given on these grounds; and it seems a strange thing that, because there is a small quantity of water in a shaft, a man shall be able to shut down a mine for six months at a stretch.

THE PREMIER: "Not exceeding six months."

MR. VOSPER: But there ought to be some reasonable method adopted by the claim-owner or leaseholder, as the case may be, to overcome this difficulty. Again, there are the words, "for some other cause unworkable." That means that, after fencing it about with all kinds of conditions, you pull down the fence and let the horse go out of the paddock. If you said "some physical or natural cause," I could understand it. The question arises, what is a sufficient cause? We want something more definite than appears in the clause. I observe also there is the following:—"Provided that before exemption shall be granted on the ground of scarcity of labour, the applicant shall have advertised three times in a newspaper applying for men, posted up notice to the same effect at the warden's office, and at the mine, and forwarded a copy thereof to the local labour organisation, if any, and the warden shall be satisfied that the application is made *bona fide*, and for sufficient cause." This is a commendable clause, and only requires amendment to the extent of making it necessary to advertise for men to a sufficient extent in a newspaper circulating in the district where the exemption is applied for.

THE MINISTER OF MINES: These provisions with regard to exemption are taken from the recommendations of the Mining Commission.

MR. VOSPER: It is a pity you had not sufficient knowledge of mining to carry their recommendations further. The only fault I find with regard to the Government, in connection with the Mining Commission, is that in some directions they have not followed them far enough, whilst in others they have followed them too far. I come now to clause 16, "Claims under public roads." This is a clause which applies equally to leases or claims; and it is a valuable provision, especially in connection with the clauses of this Bill which deal with mining on private property; but there is a certain danger about it, and the clause will require careful handling in order to put it in such a form as to restrain any person holding these leases from preventing anyone else from carrying on mining pursuits. I am glad to see there is a clause here dealing with business areas, and preventing any person from being a holder at any one and the same time of more than one residence or business area; also that the Bill imposes the necessity of registering these blocks. Clause 27 strikes me as being rather peculiar in its verbiage. The clause says that "the decision of any warden, whether he will or will not make an order as aforesaid, shall be final." I suppose there is only one meaning to the word "final." The clause, however, goes on to say, "and no such order or decision shall be a bar to any further suit before any warden." I cannot understand it. Here we have a statement that the decision of the warden shall be final, and that yet, in spite of the warden's decision, the matter may come up before the same man again and again. With regard to business and residence areas,

we have clause 31, which provides for holders of residence or business areas having a right of pre-emption at a valuation after possession for two-and-a-half years. I must protest against a clause of this kind being inserted in the Bill. I do not think it is just or wise that persons holding residence or business areas should be able to take them up as freeholds at the termination of any particular period. I think that as long as the State can prevent landlordism, and receive a revenue of £4 a year for a licence, or 10s. a year from a business area, they have no right to alienate the freehold.

THE MINISTER OF MINES: That is only outside auriferous areas.

MR. VOSPER: How is one to find out what is auriferous, and what is not? If we are going to exempt auriferous land, the clause may as well be struck out. It seems to me that the clause would establish a monopoly for the land, and deprive the Government of an important source of revenue. The Government is not so wealthy now that it can afford to neglect anything in the shape of revenue. Take clause 33. According to clause 33, you are going to let a man have land at 10s. a year as a residence area. The term implies that a man should live on the ground, and yet in clause 34 you enable permission to be given to him to sublet.

THE MINISTER OF MINES: The law is the same in Victoria.

MR. VOSPER: I do not care whether it is so in Victoria or not.

MR. LEAKE: The position in Victoria is very different from that here.

MR. VOSPER: I only ask that you shall discriminate between what is bad and what is good.

THE MINISTER OF MINES: We have done so.

MR. VOSPER: In any case, this is what it really means, that a man can come and get a piece of ground at 10s. a year, which is very much less than its real value, and we do that so that he may reside on the land.

THE PREMIER: If he builds a house, what is he going to do?

MR. VOSPER: Let him occupy it.

THE PREMIER: Supposing he cannot occupy it?

MR. VOSPER: He can sell the house and his rights to some other person. If a man who has a business area wants to go away for six months he cannot claim exemption, whereas in Victoria and Queensland a person who desires to leave his residence for such period has simply to go and apply in the ordinary way.

THE PREMIER: Supposing he wants to go away altogether, and has built a nice house upon the land.

MR. VOSPER: He can sell his house.

THE PREMIER: Does he get the value?

MR. VOSPER: That is another question altogether. That is a question of speculation.

THE PREMIER: It would be saleable.

MR. VOSPER: It is saleable.

THE MINISTER OF MINES: A man can get exemption on a residence area under the Act here. That very clause you are dealing with gives power to grant six months' exemption.

MR. VOSPER: If the right of exemption is there, it only furthers my argument. If you give a man the opportunity of going away and coming back to his residence area, why do you also give him power to sublet? You are creating a class of small landlords, which is a very bad thing. It was a cardinal mistake to have freeholds on goldfields at all. It has been a source of endless trouble, and there will be trouble as long as the goldfields last. Now you are going further. A man can take up a quarter of an acre of land, and sublet it to any person who comes along.

THE PREMIER: Under clause 34 he can sell it.

MR. VOSPER: I see that he can do so. I am dealing with clause 33. I say that a man paying 10s. a year and obtaining a quarter of an acre of land should not have a right to sell it. It would give the first comer in the goldfields town power to tax and penalise everyone who came after him. A person ought not to be allowed to have a piece of land, and sublet it. This man holds his residence area against all-comers, except the Crown. He may sublet it to some person, and in four or five years it may be resumed by the Crown. You have compelled this man to break his contract with his tenant. Are you

going to compensate the tenant, or who is going to do that? I want to take very good care that no person shall be allowed, as has been done in the past, to use his miner's right for the oppression of other persons. That has been done in Coolgardie and elsewhere, and I want to see it stopped. We want to encourage the *bonâ fide* miner. I would not blame any man at all who took up a piece of ground under this clause and sublet it; but if he would be a fool to refuse it, what fools we should be to allow him to have it.

THE PREMIER: They generally have had freehold in the past.

MR. VOSPER: That is what I object to. You let men acquire freehold under this Bill, and allow people to sublet whether they have freehold or not. The land should be retained in the hands of the State. You can never tell what may happen on goldfields. I suppose that more controversy will rage round section 45 and the sections following it than on any other part of the Bill. I think the trouble will commence somewhere about clause 48, which provides that "Any person may apply, in the first instance, for an interim lease for a year, and the Minister, with the approval of the Governor-in-Council may, on the report of a warden, and subject to the regulations, grant to any person an interim lease accordingly, and renew the same." What does an interim lease mean?—a lease granted for twelve months? It may be that the work should be carried on to a depth of 40ft., or it may be to a depth of 4,000ft.; and it may require an expenditure of £5 10s or £500,000. I am not speaking on behalf of the miner, but am trying to look at things from the lessee's point of view; and I ask, what will be done in the direction of developing a gold mine in twelve months? Who is going to invest in any leasehold property, the title of which is voidable in twelve months? The proposal would put a complete stop to the investment of capital. Who would be likely to take shares in a company which set forth in its prospectus that it had twelve months' rights and expected to strike a lode at a depth of from 800 to 1,000ft? Such things will occur, and the result will be that the holder of a provisional lease at the end of 12 months will probably find himself unable to raise capital for working the lease, and it will be forfeited.

THE PREMIER: If there is a reef showing, it will be all right.

MR. VOSPER: But if there is no reef showing, it will not be all right. A man takes up an interim lease, and he has to search for the reef, having probably to expend a great deal more money in subterranean exploration than is necessary in the case of a lessee who has a reef on the surface.

THE PREMIER: Look at clause 52.

MR. MORAN: How are you going to finance an interim lease?

MR. VOSPER: Yes; it is impossible to do it, because if there is no reef showing on the ground, there is not the same security for the investor of capital to put his money into that lease, and it is practically impossible to get persons to invest capital on such a property.

THE PREMIER: What are you going to do, then?

MR. VOSPER: We might have a person trying to take up a piece of ground as a lease which is covered with alluvial, and it is better to give him a dual title, as you do now, and allow two or three years to elapse for the alluvial to be exhausted; whereas if you allow an interim lease for only 12 months, with the risk of forfeiture at the end of that time if there is not sufficient prospect of getting capital to work the property, it will be impossible to make any practical use of an interim lease. The speculative element in taking up a lease is far stronger when there is no reef on the surface, than when there is a reef visible, yet, when there is no reef showing, you are willing to give a man an interim lease for 12 months.

THE PREMIER: I think we can easily meet that. The objection before was that we should not continue the dual title.

MR. VOSPER: What we want is to see that the leaseholder and the alluvial miner get equal opportunities. It is to the interest of the State that alluvial should be worked out as rapidly and by as large a number of men as possible; yet the solution of the difficulty proposed by the Government is that they lay down an impracticable scheme, called an interim

lease. I say there is not a living soul on the globe who would invest a single farthing in one of these interim leases, and no one would sink a hole two feet deep on such security. You are practically asking for power to lock up an area of perhaps 2,000 acres as an interim lease. It would be better to allow the existing dual title for say three, four, or five years, so as to allow sufficient time for the alluvial to be worked out; and if you like to put an end to the dual title after that, do so, provided you do not drive away the alluvial miner if he is still working at the end of that time, for you would have no right even then to confiscate his labour and his property.

THE PREMIER: The interim lease does not matter much, if it is a lease given straight away.

MR. VOSPER: What people have been contending for is security of tenure, and here is proposed a series of provisions, most of which I seriously object to. You say to the leaseholder, "If you prove this or prove that you shall have security of tenure, but while you are in the prospecting stage and have not proved it, you shall have no security of tenure." Under clause 32 of the old Act an alluvial lease may be taken up at any time.

THE PREMIER: It was not intended that should be so.

MR. VOSPER: It is a grave mistake to abolish the granting of alluvial leases altogether, as the Bill proposes to do: for at Kanowna, for instance, we shall go down deeper and deeper until we may find alluvial at a depth of three or four hundred feet, and when the alluvial workings are down to such great depths, the surface workings will be abandoned; so I say you must make provision for mining leases on alluvial ground. But we must be careful to so safeguard the existing alluvial miner as not to make a lease out of what is now an industry carried on by a large number of men. I say that in the Bill it is provided that a man may apply for an ordinary lease, and that he may have an interim lease for a year. That means he has, at the end of that time, either to be expelled from the lease altogether for not having given satisfactory proof of development, or he is to go on. It cannot be satisfactory to the alluvial miner, because he is placed in this position, that supposing the stuff is lying at a great depth, he may work 12 months and not strike anything worth having, and if so who is to take possession of the ground after the period of the interim lease is over? The man who is searching for alluvial, or the new man who is going to mine the ground? In Queensland they grant no lease on any goldfield until two years after the proclamation; and in most instances that satisfies the alluvial miner, as it allows a sufficient period for the alluvial to be worked out; but I do not think that period would satisfy the alluvial miner in this colony, for the alluvial here is going to be very deep. I am willing to admit the position is a puzzling one. I say, grant the lease as you do now for 21 years, but if you say that at the end of 12 months the ground shall be subject to forfeiture if sufficient development has not been done, that will not meet the case. Alluvial miners would be satisfied if allowed to go on that lease for a lengthened period, on the understanding that no claim should be confiscated until it was thoroughly worked out was granted. In alluvial mining we have a big industry in this colony, and we cannot afford to extinguish it. In addition to this safeguard with regard to the alluvial miner there is another, and that is to be found in calling into existence mining boards. You may have a piece of ground, as to the nature of which you may not be able in Perth to arrive at any definite information; and if it were a maxim that no lease should be granted unless recommended by a mining board in the locality, you would find that no lease would be granted in cases where the ground was doubtful. We want to get the direct knowledge of mining boards brought to bear on the industry. The Mining Commission has given us valuable information, and though that Commission has not gone far enough by giving us all the information we desire to have, yet that which is given is valuable; and that Commission, amongst other things, has recommended the appointment of mining boards. If you have a mining board, I say you will have a mining commission in every district, and that commission will be sitting perpetually, so that you will gain the advantage of practical advice on subjects which the department certainly

needs to be advised upon. You may get an application for an alluvial lease, and you may also get an application from an alluvial digger for the same ground; and who can decide between them better than a mining board?

MR. MORAN: No man in the world can decide these things.

MR. VOSPER: It is easier to judge on the spot by practical men than to judge in Perth, as to what the nature of a piece of ground may be; and I say the solution of many of the difficulties which have arisen is to be found in the appointment of mining boards. Whatever this House does, I earnestly urge members to be extremely careful not to do anything that will jeopardise the alluvial industry. Any legislation whatsoever, if it have the effect of checking the growth of that industry, or if it have the effect of handing over to a small number of persons a vast amount of gold which is now being divided among a large number of our population, will be a serious injury to that industry, and to the colony as a whole. If we take the Great Boulder Mine, and compare it with the alluvial field at Kanowna, we shall find the Great Boulder is supporting perhaps 600 men on a living wage, whereas the Kanowna field is supporting a population of some 10,000 people.

MR. MORAN: There are not as many hundreds.

MR. VOSPER: I say the field is supporting that population, directly or indirectly. It is no use to keep asking whether claims are paying or not paying. Kanowna was a small place when I was elected to represent it, and it is now one of the largest towns on the goldfields. It has an enormous population, and there is this peculiarity about it, that is has not asked a great deal from the Government. The member for that district has never yet received an application for Government assistance, whereas from the district represented by the member for East Coolgardie (Mr. Moran), I have been besieged by letters asking for Government assistance. This is only a small thing, but it indicates which way the wind blows. There is greater prosperity in Kanowna than in any other place of like population in the colony, and that is directly the outcome of the alluvial industry. That being so, I say we must be extremely cautious in handling this great industry; because as surely as we injure alluvial mining, so surely shall we injure the prosperity of the colony at large. With regard to these interim leases, I notice with some degree of suspicion that there is no actual provision made, when such leases are granted, for prospecting. I notice that the rent is set down at the usual 20s. per acre; but does it not occur to hon. members that this is rather a stiff price to pay for an acre of saltbush scrub, which may or may not become valuable! It is all very well when you have a mine like the Great Boulder; but every mine is not like that one.

THE PREMIER: The labour conditions are very easy.

MR. VOSPER: There should be some discrimination between prospecting leases and those in full working order. For the prospecting lessee the rent should be made as easy as possible. When once a lease commences to pay dividends, I do not think the owners care very much about the rent; in fact, I have heard men say they would not object to pay a dividend duty or income tax in such circumstances; but, when they are spending capital in the hope of getting it back again with interest, there is a strong objection to such a heavy charge.

THE PREMIER: You must have some revenue from the goldfields.

MR. VOSPER: You have had far more revenue from the goldfields than ever you spent upon them.

THE PREMIER: Customs revenue.

MR. VOSPER: Yes, and revenue from other sources. I know with regard to my own electorate that we have not received 5 per cent. of our revenue back again in any shape or form.

THE MINISTER OF MINES: A considerable revenue is derived from whisky.

MR. VOSPER: That is very true, and I think they deserve a considerable amount of credit for it. That shows the value of alluvial mining. If it were not for the immense amount of gold they got from the alluvial, they would not be able to buy whisky, and this Government would be bankrupt. If we did not tax the various vices of the people, there would be very little revenue from other sources. In any case I think that many

of these charges, especially with regard to claims in a prospecting stage, might very well be reduced. I see that fees of 10s. and £1 1s., and so on, are scattered all over these pages; and it appears to me the time has arrived when they might be materially cut down. Clause 59 provides that it shall be lawful for any lessee, with the consent of the Minister, to permit a church, school, hospital, or mechanics' institute to be erected on the land. The Kalgoorlie Chamber of Mines have suggested that a new clause should be added to permit of businesses being carried on upon such lands; but I doubt whether that would be a wise provision. I am inclined to go so far as to say that the mere fact of such businesses being carried on should not be a ground for forfeiture. I do think the punishment of forfeiture is a great deal too severe a penalty to impose on a man for having a business carried on upon his ground. It is a difficult thing to prevent. It only requires a quantity of Perth whisky and a small tent, for instance, to establish a business in the nature of sly grog-selling; and it is too hard on the leaseholder that he should be in any way responsible and liable to forfeiture if such a traffic is conducted on his lease without his knowledge.

MR. MORAN: But it must be proved that it was within his knowledge, else there is no forfeiture.

MR. VOSPER: I think that even if it is done with the leaseholder's knowledge, the penalty of forfeiture is rather too heavy. The great trouble we have with the mining law at the present time is that forfeiture is prescribed for almost every offence that can be committed. It is like the old Draconian laws that used to prevail in England, where the punishment of hanging was provided for very trivial offences. I believe that forfeiture should be rigidly imposed in certain cases—particularly for breaches of the labour conditions, and so on; but I do not see why, for every small evasion of the law, such a terrible penalty as confiscation should be exacted. I think some concession might be made to leaseholders in that respect.

THE MINISTER OF MINES: A fine is provided for the first offence.

MR. VOSPER: That refers to the labour conditions. It does not refer to anything else, so far as I have been able to discover. I now come to an important clause, one that seems to be intended as a concession to the leaseholder; that is clause 63—"Exemption from labour conditions on certain sums being expended." I am inclined to say that, rather than see this clause pass into law as it stands, I should move in Committee that it be struck out. I look upon it as being a dangerous clause, though I believe it could be safeguarded in various ways so as to render it innocuous. The provision is that, if the lessee spend £5,000, he can get three months' exemption; for £10,000 he can get six months' exemption, and so on, and pro rata as to expenditure for any area under 24 acres. It says that exemption may be granted by the Minister for this period.

THE PREMIER: It was intended to say "shall." The word "may" has been inserted in error.

MR. VOSPER: It reads that exemption from labour conditions may be granted "on proof to the satisfaction of a warden that the undermentioned sums have been spent in labour, machinery, and the development of the mine generally." The phrase "development of the mine generally" is very indefinite. What constitutes development of a mine? To a certain extent raising capital and bringing it out to this colony, and appointing officers to administer its expenditure, are developing the mine. But that is a sort of expenditure which does not in any way advance the actual work of the mine; and what is required is a provision that, when such exemption is applied for, notice should be given to the warden on the goldfield where it is required, so that an investigation may be made by the ranger, or by some other Government official, as to whether or not this money has been *bonâ fide* expended on the mine. And more than that, we should also strike out these words about the development of the mine generally, and make the clause read to the effect that the sums mentioned shall have been spent in labour and machinery—in the sinking of shafts, and so on. And, further than that, there should be a proviso that this class of exemption shall not be taken advantage of

in the event of labour disputes. That, to my mind, is a great bugbear about this clause. Any person who spends a certain amount of capital is enabled to reduce his workers to starvation by a lock-out, by taking advantage of the clause. I think that is a very objectionable principle altogether.

THE PREMIER: There are two sides to that question.

MR. VOSPER: Just so; but it is the intention of the Government to bring in very shortly a Trades Union and Arbitration Bill; and if they are going to make that law effective, there is no necessity to give these immense powers to leaseholders, for disputes of that kind can be settled under the Bill proposed to be introduced. It would be a most shameful thing to give employers this power under the clause, which requires to be surrounded with many safeguards, and I hope these will be inserted in the Bill before long.

THE PREMIER: Lessees who want exemption are frequently hard up.

MR. VOSPER: Yes; they certainly should have some concessions on that account, but we should be careful that the exemption proviso is not abused, and it certainly should not be taken advantage of in cases of trade disputes. In clause 65 we have a series of fines set forth as an alternative to forfeiture for breach of labour conditions. Now, if we are going to adopt this plan of fining instead of forfeiting lessees, we shall have to be very careful to impose stringent fines, and to take all kinds of precautions to make sure that the law is vigorously enforced. We shall have to appoint goldfields rangers, who must be fairly well paid; and, as far as I can see, the only way the Government can be recouped for such expenditure is by means of these fines. I think that the fine imposed on a leaseholder for breaches of the labour conditions, which are acknowledged to be the main principle in all leases, should be of a very severe character; and I contend that this clause 65 is lending itself to dummying of the very worst description. It says: "It shall be lawful for the Governor to impose a fine." What fine? There is no minimum fixed, and apparently there is no maximum. I contend that we want at least a minimum, if not a maximum. Unless we have a sufficiently substantial fine, we shall find many persons who will consider it better and cheaper to pay a fine than to employ the labour. The great object of the mining law generally is to have leases worked, and not to have them hung up and shepherded; consequently, if we are to do any good with a clause of this kind, we shall have to put on a fine of at least 10s. per acre per day for every day on which the breach of this regulation takes place. Then we should have a state of things that would make it cheaper, easier, and better to employ labour than to pay fines. It is only by such stringent measures that we can prevent the clause from being abused. We must have a minimum fixed.

THE PREMIER: If the clause be made too stringent, you must remember that, though the lessees who are here may stay, no new ones may come to the country.

MR. VOSPER: But this provision is very much easier than forfeiture. These labour conditions are not to be regarded lightly. They are part and parcel of the covenants of a lease. If a person wilfully and deliberately breaks that covenant, we must make things so warm for him that it will pay him far better to keep his agreement than to break it. Supposing such a case is brought before a warden by the ranger, and a fine of 5s. or £5 inflicted, what is that to a big company? If they practically get a license to hang up their mine for a month on the strength of paying a £5 fine, we shall have mines hung up for all eternity, or until the lessees choose to resume operations.

THE PREMIER: The fine is for the first breach only.

MR. VOSPER: Still, the second breach has to be detected. The Governor ought to come down upon them pretty heavily for the first offence, so as to minimise the danger of their breaking their agreement a second time.

THE PREMIER: They are generally hard up when they break it, you know.

MR. VOSPER: Well, make them harder up; because, if people will not work the ground, let them relinquish it as soon as possible. Besides that, the Government make a very generous concession to them in the matter of exemption. The leaseholder has no excuse for breaking such a law as this, which gives

him a concession he has not had before, and if he breaks the law he should suffer. Clause 75 reads:

> For the purpose of all applications relating to land not within any proclaimed goldfield, the Under-Secretary for Mines shall be deemed to be a warden, and the office of the Under-Secretary for Mines in Perth shall be deemed to be a warden's court.

I foresee that there may be trouble here. We may get some sort of Star Chamber and backstairs influence in this matter also. We have an office here in Perth, which is, to all intents and purposes, a private office. It is not everybody who can get the *entree* to the office of the Under-Secretary, and yet a person is to be allowed to make a private application to him, and he can decide upon it and his decision is to have the force of law.

THE MINISTER OF MINES: This only refers to land outside of a proclaimed goldfield.

MR. VOSPER: Certainly; but there are enormous tracts of country which are still outside such areas.

THE MINISTER OF MINES: The provision is really made for the benefit of the applicants.

MR. VOSPER: No doubt it is made with a good intention; but our object should be, not to put a stop to the benefit being given, but to prevent the benefit being abused.

THE MINISTER OF MINES: The application would have to be heard as in a court.

MR. VOSPER: In public?

THE MINISTER OF MINES: Certainly; as an open court.

MR. VOSPER: It does not say so here.

THE MINISTER OF MINES: Applications have to be heard before the Under Secretary for Mines, who is a warden, in open court.

MR. VOSPER: It says the office of the Under Secretary for Mines will be a warden's court; but will it be a public office?

THE MINISTER OF MINES: Certainly.

MR. VOSPER: Then there is no objection to it; but the intention is not expressed by the clause.

THE MINISTER OF MINES: It is.

MR. VOSPER: I think any legal member of the House will bear me out. It says the application shall be heard in the office of the Under Secretary, which is to all intents and purposes a private office.

THE MINISTER OF MINES: The Under Secretary for Mines is a warden in cases of this sort.

MR. VOSPER: If that be the interpretation of the clause, I am satisfied.

THE MINISTER OF MINES: In the interpretation it is provided that the Under Secretary shall be a warden.

MR. VOSPER: There is a slight alteration of the existing law with regard to dual titles, in the second proviso of clause 76, which reads:

> Provided also that at any time after the expiration of one year from the passing of this Act, the lessee may apply, in the prescribed manner, to the warden, with the view to a certificate being granted by the Governor-in-Council, that the land the subject of such lease shall no longer be subject to the provisions of this section, or to section 36 of the Goldfields Act 1895. Such application shall be advertised, and shall be heard in open court, in the manner prescribed in the case of an application for a lease; and after the termination of the inquiry the warden shall transmit to the Minister the application and objections (if any), and a transcript of the notes and evidence; and if the warden, or the warden and assessors, or a majority of them, shall report that the alluvial is apparently worked out, or that the land is not known to contain or to be likely to develop alluvial, and in other respects would be recommended for a lease under this Act, it shall be lawful for the Governor-in-Council to grant to the lessee a certificate as aforesaid, whereupon the lessee, for the remainder of the term of the lease, shall have the exclusive privilege of mining on the land demised, and every part thereof.

I do not see, as the member for Central Murchison (Mr. Illingworth) says, how a warden can decide upon the symptoms which indicate that the development is alluvial. How can he decide what is going to take place at some future time? It is rather a rash suggestion. But in any case, unless we are to have considerable friction on the goldfields, the term of one year had better be largely extended. I think, in view of what is going on at Kanowna and Bulong and elsewhere, it means that, if the warden or Minister chose to so decide, there could be a wholesale confiscation

THE PREMIER: They take evidence.

MR. VOSPER: You took evidence up there, and what was the result? You had

to take all the cases down to the Supreme Court. No less an authority than the Government Geologist of this colony went to Bulong and gave sworn evidence that certain ground was alluvial, and the warden refused to acept that evidence, and actually sent men to prison in spite of the fact that the men were obeying the law as interpreted since by the Supreme Court, and had acted within the definition of the law as laid down by the judges. If the warden could deliberately flout evidence of that kind, what chance has an alluvial miner under such a clause? It means that the alluvial miner will still be, as he was under the famous, or infamous, ten-foot regulation, at the mercy of the warden; and a man engaged as an industrial labourer should be at no one's mercy. Here you propose a round-about process to cut off the property which he holds under his miner's right at the end of one year from the passing of this Bill. The proposal is to cut it off provided certain evidence can be procured.

THE MINISTER OF MINES: If there is alluvial there it will appear by the evidence.

MR. VOSPER: No; but the clause reads:—

> After the termination of the inquiry the warden shall transmit to the Minister the application and objections and a transcript of the notes of evidence, and if the warden or assessors shall report that the alluvial is apparently worked out, or that the land is not known to contain or to be likely to develop alluvial, the Governor may grant a certificate to the lessee, who shall then have the exclusive privilege of mining on the land.

THE MINISTER OF MINES: You said the man had to be turned off.

MR. VOSPER: He will be turned off, if the warden decides against him. It is too short a time. You cannot prove that a thing does not exist. You can prove that a thing does exist. If this clause is carried it will be likely to become either a dead letter or a live mischief. In any case, here again is a point on which the recommendation of the mining board would be useful. Then, in clause 80 there is the point which might be considered by a mining board. It says: "No person shall enter upon any enclosed land held under any lease or license for pastoral purposes, until after seven days' notice," and so forth. As I have said before, the provision relative to pastoral leases or licenses is going to be a serious hindrance to the prospector. By the time the seven days' notice has expired, someone else may have taken up the ground which the man has discovered. This, again, is a matter which the local board could decide. Clause 83 is a very important one, stipulating that every person working for wages shall have a lien on the claim, lease, or authorised holding whereon he shall have been employed. The law badly requires amendment. In the first place it frequently happens that wages are paid on a claim, lease, or holding which is absolutely useless. That being so, the advantage of giving a man a lien on a piece of ground which is of no value to him or to the man who owns it is not sufficient. A lien should be given on the plant, machinery, buildings, workings, and everything else. It is of no use to give a man a lien over a piece of barren land. The clause says, "for one month's wages." It frequently happens with regard to prospecting companies, especially companies working with money from home, that a manager is employed who, when here, is sometimes kept very short of money, and has to get additional supplies. The manager keeps the men waiting and hoping for their money week after week and sometimes month after month. I have known men wait six months. Under the circumstances the men should be given three months' wages, and not only one month's. I do not see why they should be punished for fidelity to their employers. That is what this clause would really amount to.

THE MINISTER OF MINES: We had it three months before. This is a recommendation by the Commission.

MR. VOSPER: It should be three months now. The patience of the men is commendable. Then again, it is provided here that they must put in their claim within 21 days. There again they may be put off by the manager. I think that this may reasonably be made one month. Miners' wages should take precedence of all other obligations—mortgage, rent, and considerations of that kind. The provisions laid down in the Tasmanian Mining Companies Act might with advantage be adopted here. That is, the directors of companies should become personally liable for the wages ac-

counts contracted in their names. If a man accepts the position of director he should take the responsibility attached thereto. It is a maxim of the law, I believe, that the master is held responsible for the acts of his servants. A manager is the servant of the directors. This is a special debt which affects the most helpless class in the community—men who are reduced to starvation, because some unmitigated scoundrel has neglected to pay them. If we make the plant and machinery, as well as the ground, liable to lien for a man's wages, give the man a preferential claim over every other form of claim, and make the directors responsible for the acts of their servants, it will be a good workable clause. I do not propose to say very much on the question of mining on private property. I am very glad to see that the Government have incorporated into this portion of the Bill the very provisions that I urged upon them last session when the original Mining on Private Property Bill was before the House. I pointed out then that an Act which did not provide for prospecting on private land would be a dead letter. I notice that there is a series of clauses with regard to limitations on the leases of springs, reservoirs, dwelling-houses, churches, cemeteries, etcetera. I think it is a great mistake in this instance to lay down an arbitrary line in the Bill itself. In some places it is frequently safe to mine only 20ft. under a building. I have seen a stope carried up to within 20 or 30ft. of the floor of a hotel, where it was perfectly safe.

THE ATTORNEY GENERAL: Only for a while. What about the building?

MR. VOSPER: The house was perfectly secure. Instead of having an arbitrary rule like this, which might not be of the slightest value to some people and would work harshly and mischievously to others, the question should be left to the mining board to decide the point. If you make an arbitrary limit you will, it occurs to me, be only laying up for yourselves future embarrassment.

THE ATTORNEY GENERAL: It has to be approved by the Minister, under our present Act.

MR. VOSPER: But unfortunately I do not take the Minister's decision as gospel. Is the Minister capable of judging the evidence when he obtains it? With all due respect, I think that on some technical questions he is not competent to form a sound decision.

THE MINISTER OF MINES: If a miner said you ought not to go within 200ft., I should think that would be good evidence.

MR. VOSPER: It may be, but if a man comes and gives evidence which you cannot understand, how are you to decide on it? I could produce evidence which would profoundly puzzle the hon. gentleman. It is no use in the world trying to judge knowledge by ignorance. That has been a growing fault all along. You must have knowledge to meet knowledge, or else you will be "done" every time.

THE MINISTER OF MINES: How about a judge.

MR. VOSPER: You do not propose to go through all the laboured proceedings of a Supreme Court, do you? They have certain defined rules of evidence, which enable them to as nearly approach the truth as lawyers will permit in each case, but even then they do not always arrive at the actual facts; and in matters of this kind I doubt very much whether one is capable of judging.

THE MINISTER OF MINES: On a mining board you would have members elected by local storekeepers and others.

MR. VOSPER: It is not for us to despise members who are chosen because of the positions of those who elected them. I have already expressed my opinions on this clause relating to appeals; and I shall leave it to the judgment of hon. members here who belong to the legal profession, because I have no doubt they can find many faults and imperfections which are invisible to my own eyes. Clause 187 says:—"The proceedings in the warden's court relating to applications under sections 14, 15, 62, 63, 64, 65, and 76 of this Act shall not be the subject of appeal to the court of mining appeal." This clause distinctly exempts section 76 from the operation of appeals. That is to say that the decision by the warden or Minister as to whether alluvial exists or does not exist is not to be made a subject of appeal to the Supreme Court. Some time ago we had a decision by a warden which was upset by the Court of

Appeal, and in consequence of that decision by the Court of Appeal, men are now working on the ground from which they were dragooned by the police. Now we have a proposal that this should be left to the Minister, and it seems to me to have been introduced because of that decision.

THE MINISTER OF MINES: Not at all.

MR. VOSPER: I do not know why it is done, then. By the terms of this clause, we are going to make an alteration of a most important character. We are going to hand these men over to the arbitrary control of the Minister. The Minister is to decide what is alluvial, and the men may not appeal to the court. It appears to be deliberately intended to deprive the men of such machinery as in the last month or two was used by them with such extraordinary effect. It is simply intended to prevent litigation in the future. Litigation has established justice in this colony, and what is now proposed is a matter about which one might, I think, use very strong language. Clause 194 relates to declaration as to gold for exportation. I should recommend the Minister in charge of the Bill to introduce a sub-section to that clause providing that bankers, assayers, and officials shall produce certificates of the gold which comes into their possession. I think they should give a monthly report of the gold which passes through their hands, and supply the particulars as to where it comes from.

THE PREMIER: They give it now.

MR. VOSPER: But only the amount exported. We want to know the amount produced in the colony, where it is produced, the exporters, and whom it comes from. For example, a certain amount of gold is declared to come from Coolgardie. The crushings at Coolgardie show so many more ounces of gold than are subsequently accounted for. What becomes of the balance? What becomes of your statistics? The only way to make your statistics accurate will be for every person who has the handling of the gold to give a return of it at certain stated intervals. Until you have that you will not get satisfactory statistics.

THE MINISTER OF MINES: The account of sales has to be given.

MR. VOSPER: There should be provision that not only the sales should be registered, but the localities from which the gold comes. Full particulars should be given, and the amount set forth, so that we may know the actual money value of our export of gold. Clause 195 provides for the granting of licenses to gold buyers, and this appears a sensible and excellent provision. It might go further, especially on the goldfields, for it is about time that some kind of license should be issued for dealers in scrip. We ought to have licenses also in the case of stock-brokers; though it would be a difficult matter to keep the average stock-broker straight, by any means. Still, it will be an advantage, in this case of dealers in scrip, if they are to be licensed, and to have careful investigation made before granting each license. That is especially desirable in the case of a person who establishes what is called an "open call," the object being in many cases apparently to get sufficient money together before vanishing. In the case of dealers who are members of a regular stock exchange, it might not be necessary to make particular inquiry before granting licenses, their position being some evidence of good standing; but I do think that in every case where a person begins an "open call," he should be required to hold a license as a safeguard to the public who may deal with him. I have referred to the provision in clause 202, by which regulations made on the authority of the Minister or of the Executive Council are to have the force of law, whether made in accordance with statute or not; and I do think that is a most dangerous and vicious position. The power given to Ministers is great already, and this would make it greater and more dangerous. After the experience we have had of Ministers framing regulations which have proved to be totally unsuited to the mining industry, and which must have been conceived in a spirit of ignorance—for example, that penalty or deposit of £25 forfeiture which was indirectly declared by the judges of the Supreme Court to be outside the scope of the Mining Act—after

we have seen regulations made which were not only wrongly conceived and badly executed, but conceived in ignorance or worse, it is almost impossible to account for some of the regulations recently passed except on that basis. The more we limit the powers of Ministers in this respect, the better it will be for the working of the Mining Act; and it is my intention to move, at a later stage, for the appointment of a standing committee of Parliament, to be composed of members of both Houses, whose approval and endorsement shall be necessary before any regulations made in the recess can operate. A similar check is provided in New South Wales with regard to public works, for there a standing committee exercises a check over the expenditure of the Public Works Department.

THE PREMIER: That committee only reports to Parliament.

MR. VOSPER: Yes; but it has a very beneficial effect in checking the expenditure of the Works Department. I say we ought to have two safeguards in this colony: the one to be a safeguard provided by the local knowledge of mining boards, and the other to be a safeguard provided by the knowledge of mining members and others who may be appointed on a committee of Parliament, as I have suggested. By these provisions we shall have a better chance of preventing such grave mistakes and serious troubles as those which arose during the administration of the late Minister of Mines (Mr. Wittenoom).

THE PREMIER: There were not many mistakes, were there?

MR. VOSPER: There were serious mistakes, and one in particular which exasperated a body of men on the goldfields to such extremity, in defending their rights, that it brought about a state bordering on anarchy; and I may tell this House there was a very ugly state of ferment on the goldfields for a long time in connection with that matter, and if the leaders of the men at that time had not been fairly level-headed persons, the results would have been more disastrous than they were. We can secure law and order in perfection only by doing absolute justice, in dealing with a great industry like that of gold mining; and we should especially endeavour to do justice between the leaseholder and the alluvial miner, and should be careful not to do anything that will oppress either the one or the other. I do say that, if we are going to do so, we must materially alter this Bill, and many of those regulations which the Bill contemplates should be incorporated in the Bill itself. We should also make provision for local government in mining matters, for this is an industry which had better be governed by those who understand it, than be maladministered by persons who do not understand it. I urge this proposal for the appointment of a standing committee, because I believe it will be a check on the arbitrary power of the Minister; and if we are going to grant to Ministers the right of legislating in the recess when Parliament cannot control them, I say we must have a check placed over these Ministers in the form of a standing committee of Parliament. The whole of the British system consists in a series of checks reacting the one upon the other; and here we have an industry controlled by five or six men, with practically no check over them during the recess of Parliament, and the mischief which we wish to avoid may be done before Parliament meets again.

HON. H. W. VENN: There is the voice of the people.

MR. VOSPER: But the voice of the people may be heard too late, on these matters. I earnestly hope the House will take the remarks I have made on the Bill in the spirit in which I have made them; and I am sure that this Bill, if it is to do all that is intended, will require to be carefully revised, and the greater portion of its provisions expunged. Also, before we can discuss it in detail, or discuss it fully, we ought to have placed before us the regulations which are to be made under it. I had intended to move that we should have the regulations produced before the Bill is proceeded with; but, while not taking that course, I do urge on Ministers that they should bring down their regulations before the Bill is passed. In Committee, I shall probably have a large number of amendments to move, and I hope they will be discussed fairly and fully. I believe the object of members on this (the Opposition) side of the House will be, as I hope will be the object of

members on the other side also, to deal fairly and fully with all amendments that may be proposed.

THE PREMIER (Right Hon. Sir J. Forrest): I do not propose to make a long speech; but after the exhaustive and excellent speech we have listened to, I thought I might make a few observations in regard to this measure. We must all be gratified at the speech we have listened to. I have listened to it with much attention, and although the hon. member (Mr. Vosper) commenced his remarks with a good deal of fault-finding, or what appeared to be remarks adverse to some parts of the Bill, yet I must say that generally his speech is very satisfactory to me, and that I am in general accord with him in the observations he made in regard to certain portions of the Bill. I do not think anyone who listened to the hon. member could have come to the conclusion that this is a very bad Bill; for it seems to me we have been particularly fortunate in drafting this measure in a way which meets with so much support from the hon. member. There are some omissions in the Bill, from his point of view, and with one omission he dealt very prominently, that is the omission of mining boards. I do not think the fact that mining boards have been working in Victoria for a long time proves that they will be of great advantage in this colony, where there is such an immense area of auriferous country, and where the distances to be traversed are greater than in Victoria. In that colony, and especially in the great centres of Ballarat, Bendigo, and others, the areas are more circumscribed, and there the mining boards can exercise their functions without travelling long distances. If mining boards were established here, and were expected to do all the hon. member suggests they should do, the members of those boards would have to give up a great deal of time, and of course it would be unreasonable to expect them to do so without being paid. They would have to travel about inspecting leases and applications of all sorts, and it would be unreasonable to expect that members of such boards should do this without being paid for their services. The hon. member was somewhat severe on the Government several times in his speech in regard to what has occurred in this colony, and especially did he refer to the power given to the Government to make regulations. He seemed to imply that the Government have exercised that power very indiscreetly; but I have had perhaps more experience of the administration of the Gold Mines Act in this colony than anyone else here, having administered it for years and been intimately connected with the carrying out of its provisions, and I think the colony is to be congratulated on the satisfaction which the administration of the Act has given in the past. We all know there was an unfortunate dispute recently, which the hon. member referred to; but mistakes will happen, and with that exception I do not think there has been any action of the Government in regard to regulations which has had the effect of setting one section of the community against another. We have had this Gold Mines Act since 1885, when we first legislated on the subject; and up to the present I do not know of any instance, except the one referred to, wherein any section of the community or even any individual has had serious cause to complain as to injustice done to him by the Government in administering the Act. That being so, I think all the eloquence the hon. member bestowed on the power the Government have in making law in the shape of regulations, which of course means making bad law, if his objections mean anything, was somewhat out of place in this connection; because, apart from the incident referred to, there has been no great exception taken to the regulations framed by the Government, from 1885 up to the present time. Therefore, I think it is making rather too much of the matter to say the Government are not to be trusted to make regulations, because in one instance it has been generally admitted they did not act very wisely. As to the power of making regulations, if the hon. member or anyone else thinks it is any pleasure to the Government to make regulations, I can assure him it is not so; and I should much prefer to see all those things in the body of the Act, as far as we can possibly provide for them in framing a statute. We all know that in every British country Acts are framed on general principles, and a great

deal of detail is left to be dealt with in regulations. There is no place in the world where there are more regulations made by the Government than in Victoria; and the regulations made in regard to the Electoral Act in that colony are so voluminous that it would take a week to read them. It is the same everywhere. For my part, I should much prefer that all that is possible should be placed in the body of a Bill when framing it, and not be left to be dealt with afterwards in regulations. For it is a responsible thing to make regulations, and especially where the power is wide, as it was in 1885, when the Act provided not only the power to make regulations for carrying out the general objects of the statute, but power also to make regulations for gold mining generally. The member for Albany (Mr. Leake) never loses a chance of speaking adversely of that power of making regulations, whereby the Government, with the assistance of their supporters, have to see that the regulations made under statute shall be valid, and be properly made.

MR. LEAKE: You have never seen such a provision in any other Act.

THE PREMIER: I will tell you the object we had in view—it was to give a good title, and to provide that the people who acted under the regulations should not be disturbed by enterprising solicitors and attorneys, who might desire to upset a man's title by making it appear that the regulation under which he acted, and for which the Government were responsible, was bad. It seems to me that it is a reasonable thing for us to do. If a regulation is framed, and if it runs the gauntlet of the Legislature which made the Act and has not amended the regulation, surely those who act *bona fide* under that regulation have good cause for complaint if they find their title is liable to be upset by the Supreme Court. That is a thing we should try to avoid, so that there should be security of tenure.

MR. LEAKE: Does that justify your own wrongful act?

THE PREMIER: The hon. member knows that it was nothing of the sort. We had no such object in view. The hon. member seems to think this matter is personal to the occupants of the Treasury benches. But what does it matter to us more than to the hon. member, if such a law-suit is successful or not? We do not have to pay the costs. We are trying to protect the interests of the country, and we have personal interest in the litigation. But the hon. member seems to desire to have every possible loophole left, so that people should be burdened with law-suits and expenses, even when they were acting under the authority of a regulation approved of by the Government of the country. I say he will not find support in the colony in his contention. It is absurd that we should so act, that people acting *bona fide* under the regulations should be forced into courts of law, and mulcted in large expenses, because some one in the Mines Department, or some Minister, in framing a regulation, has exceeded his power as interpreted by the court. We say it is much better that such regulations shall be deemed to have been properly made; and Parliament has the opportunity of revising them when it meets. The regulations have to be laid before the House, and if Parliament objects to any one of them it can say so, and alter and amend it.

MR. LEAKE: They are never looked at in Parliament.

THE PREMIER: That is the fault of Parliament, then.

MR. LEAKE: They are never tested until they are in operation.

THE PREMIER: It would be much better to put these things beyond doubt. Of course I am no advocate for the making of regulations by the Executive beyond the scope of the Act. I do not think that is justifiable at all.

MR. LEAKE: That is what you have done.

THE PREMIER: We have never had a regulation upset yet.

MR. ILLINGWORTH: You upset the last one yourself.

MR. LEAKE: You make a bad regulation, and then justify it.

THE PREMIER: We never had a regulation upset up to the present time. My own opinion is that the regulations, when made, should be good in law, and should not deceive people and lead them into litigation and expense.

MR. LEAKE: They have never been anything but bad. It is a bad regulation which you want to make good.

THE PREMIER: The hon. member is one of those individuals who, when defeated, never seem to forget that defeat. The hon. member was defeated over this matter a couple of years ago, and it seems to rankle in his breast. He can hardly speak calmly when he refers to it. I do not think there is anything personal in this matter as to whether a regulation should be considered to be well founded and deemed to be properly made. With regard to the one to which we have been referring, the Attorney General of the day advised it and the Government thought it was a very good thing to do, and the regulation was made accordingly. Now in regard to this Bill generally, I think that all must agree that it is a very difficult subject, that there is plenty of room for differences of opinion concerning it; in fact, even the member for North-East Coolgardie (Mr. Vosper), who represents a goldfields constituency, and consequently is, I suppose, a great authority on mining—even he admits that it is a very difficult question, especially in regard to the issuing of leases; but what we desire is to be just on both sides in regard to the issue, to protect the alluvial miner, and at the same time to encourage the investment of capital, and that is a very discriminating matter indeed. We have been twitted for not doing one thing, and when we have done that thing we have been twitted for having done it. We were told by the hon. member that, having appointed a Royal Commission to consider the whole question of gold mining, it was our duty to follow the recommendations of that body. But when we did follow those recommendations, the hon. member objected to those provisions of that Bill. Now I cannot adopt his view. It seems to me that, when the Government appointed a commission to investigate this question, they were bound to give due consideration and a considerable amount of deference to the opinions of the gentlemen so appointed, and to their report; but I fail altogether to see that we are bound to follow their recommendations. If that were the case, the Government would be in no way responsible for the measure they introduced to the House. They could throw it down on the table and say: "There is the Mining Commission's report: Will the House be good enough to deal with it. We, as well as you, will hack it about. We will criticise it. We will all combine and be a happy family for once. This commission's report shall be an Aunt Sally, and we shall all have a shy at it." I do not think that is the position the Government should take up under our constitution. Hon. members expect more from us than that: they expect us to bring down something which we can recommend to the House. I am quite in accord with the member for North-East Coolgardie (Mr. Vosper), when he says that this is not a question on which party feelings will influence him. I quite agree with him there. I have no feeling at all in regard to this matter—party feeling or otherwise; and my only desire is to bring to bear upon it any knowledge or experience I have, so that we can do our best for the people of this colony who are engaged in the mining industry. That is the only object I have in view; I have no other desire or feeling whatever; and if that hon. member, or the member for Central Murchison (Mr. Illingworth), brings forward an amendment which recommends itself to me, he will not find me voting against it because it opposes some provision of the Bill. I will only be too glad to follow him if I think it is a better proposal than the one embodied in the measure itself. In many things we have followed the opinions of the Mining Commission.

MR. ILLINGWORTH: Very few.

THE PREMIER: Oh, I think in a great many; for instance, in the definition of alluvial. That is a matter on which there has been great difference of opinion. We have taken the opinion of the Commission upon it. I am not prepared to say that their opinion is correct. It seems to me that it is not a very good one. If I were asked to give an opinion, I would not give that one in regard to it: but these were all expert men, practical miners, men engaged in mining: and we followed their advice. Then in regard to labour condition in respect of claims, we again followed the recommendations of the Commission, and also in regard to exemptions. I think we have generally followed their recom-

mendations. Where we have not been able to follow their recommendations is when we come to the question of leases; and I will explain in a moment or two, as far as I can without reference to the report, what their recommendations were. Before I do so, however, I would like to refer to one point, which the member for North-East Coolgardie (Mr. Vosper) made a great deal of, and that is that we followed the provisions of the Victorian Act in regard to residence and business areas. Well, that is a matter on which there is plenty of room for difference of opinion. It is a small matter to decide, and not one of the great, vital principles of this Bill. It is a mere detail. The hon. member made a lot out of it, but really there is nothing in it. If this House thinks fit to give power to the holder of a business area to let his land rather than sell it, let the House say so. I myself do not care. But there is a good deal to be said on the other side. If I erect a fine shop on a business area, I may want to go away and leave the place. I wish to let the place. Perhaps it is not easy to sell it at the moment. There are no buyers about, but someone will take it on a lease. Am I to be debarred from letting it, after spending £500 or £1,000 upon it? The hon. member says I can sell it. Well, we know it is much easier to let than to sell. I think it is not unreasonable that a man should be allowed to let his property after having built upon and improved it. The hon. member says "No; he can sell his area." I can see very little difference—of course it could be worked up into a difference: but I can see very little difference between the power to let and the power to sell, especially if it is an improved property. I can see an objection to getting an area and then letting it at a good big rental without making any improvements. I can see an objection to that because I would only be doing a little land jobbing and making money without any exertion on my own part. That might be prevented. But to say that, if I invested my money in building a place, I shall not be allowed to let it, is I think unreasonable, and there is a good deal to be said on the other side. Now, in regard to leases, which are the main bone of contention, I really think that the member for North-East Coolgardie and myself are not very far apart, after all. I am glad to find that our views in regard to leases are so nearly in accord. The hon. member objects to an interim lease, not to a lease straight out. But the interim lease, which is proposed to be granted by this Bill for a year and to be renewed if necessary, is for the purpose of allowing the alluvial miner to work upon the leasehold until such time as it can be reported that there is no more alluvial—that is when the alluvial men have all cleared out; and then a permanent lease of 21 years will be granted Now what is the hon. member's proposal? That a lease should be granted right off, and that the alluvial man can go upon it for one, two, three, four or five years. What is the difference? I am sure there is very little.

MR. MORAN: A great difference.

THE PREMIER: I mean practically. There may be a little difference in the security—that a permanent lease is better than an interim one.

MR. MORAN: That is the point.

THE PREMIER: But these interim leases can be renewed, and the intention—I do not know whether it is expressed here, and I have not had time to look it up since I settled it with the Minister and also with the draftsman—the intention was exactly what the hon. member proposes, namely, until the alluvial was worked out, the alluvial miners could go upon the land. That proviso is the same in both proposals. It must be remembered that it is not every lease that has got alluvial in it, and we say that, the reef being visible from the start—I will not say in 99 cases out of 100, but in a very large number of cases of leases taken up in this colony they have the reef outcropping, or else within a foot or two of the surface—the finder of the gold generally finds the outcrop; or, if he does not, he strikes gold-bearing quartz, and by sinking a very short distance from the surface the reef is discovered.

MR. ILLINGWORTH: In one mine in Stawell they had to go down 1400 feet.

THE PREMIER: I am talking about Western Australia. I say in most cases the reef is outcropping, or if not outcrop-

ping there are evidences on the surface of its presence; and that is the case with almost every lease taken up, except such leases as those round Kalgoorlie, where they took up ground all over the flats for speculative purposes at haphazard, and looked for the reefs afterwards. All over the colony the generality of reefs has been taken up where there have been outcrops, or something on the surface indicative of the reef. That being so, the Bill provides that on finding a reef close to the surface you can apply for a lease at once. There is no interim lease wanted in such case. It is only when you have not got a reef that care has to be taken, because where there is no reef, it is very probable that the claim will be an alluvial one. It may be alluvial for hundreds of feet down below the surface, and we know what the result will be—that a great conflict of interests will take place between the alluvial miner and the lessee. But in any cases, of which there are many hundreds in this colony, where the reef is outcropping, where the lease can be obtained at once for 24 acres, and where the alluvial miner can go upon that land and take his stuff out of it until it is worked out, and where in the meantime the lessee can go on preparing for working on the reef, the lessee knows as a practical man whether the alluvial miner will soon be gone. He can go on getting his machinery together; he can go on prospecting his reef, of which he has absolute possession; and if, after a certain time, it is found that the alluvial men still remain, and that there is more alluvial, the alluvial portion of the claim can be excised, and the reef still remain in the possession of the lessee. Such lessee knows that, whatever happens, the reef which he sees there before him is his, and he can work upon it with the full assurance that, although he cannot get the 24 acres originally applied for, he will still get the reef. I think that is not a bad provision; and it seems to me that it is likely to work fairly well. But what was the proposal—I quote from memory, for I have not looked at this for the last two or three weeks—in the report of the Royal Commission? Their proposal was —hon. members will correct me if I am wrong—that no leases should be given at all for a certain time in any new goldfield.

MR. MORGANS: Two years.

THE PREMIER: And that only quartz claims were to be taken up. In that case, no lease could be taken up at all. The reef would be taken up by the quartz men, in quartz claims. On each of these quartz claims the holder would have to sink a shaft and put up machinery. The thing is absolutely absurd in this country. How could he do it? He could not afford to put a shaft down on this small claim. The argument is that after a bit the parties would amalgamate. Would they? I do not think you would find 20, one after the other, amalgamating. A number would try and amalgamate, and someone would come along and endeavour to buy them out. Would he be able to buy them all out? Not likely. He would buy a few out. Some men would say to themselves, "He must have this. We will hold on to it." The whole thing would be a regular farce. I do not wish to say anything disrespectful of the Commission, it would not become me to do so, but I aver that their proposal is unworkable. An attempt was made to introduce it in the Bill of 1895, the same principle being then urged upon me, but I am very glad to say I had too much knowledge of the conditions under which gold mining was carried on here to agree to it. I did not agree to it then, and I cannot agree to it now. It seems to me that we would be encouraging a lot of people to take up these claims with a view of afterwards selling them to someone else. Then supposing a claim were not taken up at all, or some part of it were abandoned, who would have the lease at the end of the two years? The first who came along would have it. There would be a dozen waiting for it. My friend from Kalgoorlie, myself, and others might know of a reef. Who would have it? There would be civil war in the morning over that reef. Everyone would be after it. Is not the proposal of the Government a good one, that you may take your 24 acres and hold them, whether the lease is an alluvial one or one with a reef in it, knowing that in the event of there being a reef you will possess it by-and-by. It might be years before you would do so, but at any rate the alluvial would work out and you would have a

certainty before you. Which is best, the proposal of the Royal Commission in regard to this matter, or the action of the Government? Although I do not pose as an expert, I say unhesitatingly that the proposal of the Government is the best. As for the interim lease, I do not put any particular virtue upon that. I think the proposal of the hon. member for North-East Coolgardie, supported as I understand by the hon. member for East Coolgardie, would be equally good, and would perhaps give a better tenure. As far as I am concerned, after conference with the Minister I think that we would fall in with that proposal, especially in view of the better tenure which we are aiming at. With regard to the leasing of alluvial land, I have not looked into the matter so closely as to be certain on the point, but I do not think that provision is made sufficiently clear in the Bill for alluvial ground to be leased, as it was under the old Act, in places where for various reasons it cannot be worked without deep sinking, at a certain depth from the surface of the ground, and so on. I am of opinion that in that particular the Bill requires amendment. In regard to clause 63, which the hon. member referred to not very adversely, the reason it was inserted was that when in London I was met by a large number of persons extensively interested in this colony, and they all explained that when anything happened which was not expected, such as cash running short, the necessity to reorganise and other circumstances which caused them to desire an exemption, they were all treated alike, no matter what their difficulties were. They said that having spent an immense sum of money —£20,000, £30,000, or £40,000—they had to go on their knees to the warden first, then to the Minister, and then to the Governor to ask for an injunction. They asserted that they thought there ought to be a time in the history of their leases when, if for financial reasons—I think they were all financial reasons—they were compelled to stop work, they should be entitled, without asking any favour at all, to obtain exemption. They went further than we have gone in this clause. They thought that there should also be a time in the history of their leases when they should have the freehold, after having spent a large amount of money—whatever was thought reasonable. There is a good deal to be said on that side of the question, and I think I expressed myself to the effect that when a man had spent £20,000 or £30,000 he ought not to be interfered with. We must always remember that lessees are never interfered with so long as the mine is payable. As soon as mines are payable our restrictions are not felt. The lessees employ ten times as many men as they are compelled to under the regulations, and therefore all trouble ceases. It is only when cash runs short and other difficulties are experienced that exemption is asked for. Therefore I recommend that this clause should be adopted. I intended to make it more mandatory by substituting the word "shall" for "may," so that if a company expended £10,000, £15,000, or £20,000 its representative might be able to go to the warden and say: "We have got into difficulties and want to reconstruct. We are entitled to 12 months' exemption. All you have to do is to satisfy yourself that the money has been spent." If the warden was satisfied that the money had been paid, he would have to give the certificate applied for. A man who spends £20,000 on 24 acres of land is a *bona fide* person. He is not an adventurer, but a man who has come to do his work, and he is worthy of every consideration at our hands. He should have no doubt, either in regard to the warden, Minister, or Governor, as to whether he should have his exemption or not. It would be a good thing for us to give this security to persons who show themselves to be *bona fide* by investing capital in the colony. It is a very different case from that of a person who spends nothing, but is shepherding his lease, and is trying to obtain exemption from all sorts of fees. Such a person as that does not deserve so much consideration—perhaps none at all. A man who invests a large amount of money is, I repeat, worthy of every consideration and assistance, for you may depend upon it that nothing but adversity would induce him to ask for the exemption. Of course there would be no inducement to apply for exemption in times of prosperity when the property paid well. The inducement then would be to go on

with the work. I think the clause a very good one, and I hope it will receive the support of hon. members. It will give security to people who have embarked their capital in this colony. In regard to clause 76 the hon. member had a good deal to say in reference to the entry upon a lease for alluvial. The law as it at present stands is this, that a miner has the right to go upon any lease issued after the 12th October, 1895, and up to within 50ft. of the lode and mine for alluvial. That right has existed for ever, as far as I know. It was introduced here in perfect good faith by all concerned. We all desired that the alluvial should be taken out of the ground. I am prepared to say our experience ought to have told us that there was deep alluvial, but we had no idea that the alluvial was deep at that time. We thought the alluvial men could go on scratching the ground, and we had some experience to go upon, as the alluvial was generally never more than six feet all over the fields. I only wonder why something was not said about this at the time, because I had seen alluvial at thirty feet deep myself. However, the impression was in our minds at the time that there was not deep alluvial here, and we thought it would be a good thing to allow the alluvial men to go and get gold out of a lease up to within fifty feet of the reef. That provision was passed, I believe, almost unanimously: there was some little talk about it. We find now that this provision does not work. Having two titles to a piece of land is not conducive to the best interests of either party; and we want to go back. At the same time we must not do any injustice. In clause 76 we provide that the law shall remain as it is, but there is a provision that after the expiration of one year from the passing of the Act any lessee may apply to the warden with a view to obtaining a certificate from the Governor-in-Council that the land within his lease should no longer be subject to the right of the alluvial miner to go upon it. We take the precaution that such application shall be advertised, and shall be heard in open court after the manner prescribed in the case of an application for a lease; and after the termination of the inquiry the warden shall transmit to the Minister the application and objections, if any, and transcript of the notes of evidence; and if the warden, or the warden and his assessors, or a majority of them, shall report that the alluvial is apparently worked out, or that the land is not known to contain or to be likely to develop alluvial, the lessee may get his certificate. The object, of course, is to get rid of the dual title where there is no necessity for keeping it in existence. In cases where it is necessary to keep the dual title in existence, it will have to remain. We do not want to do any injustice. We do not want to interfere in any way with the right of any miner to get the alluvial gold, but we say, after taking the precaution of advertising and hearing the case in open court, and on that no alluvial gold exists on the lease, why should we hamper the lessee with a dual title, and interfere with his business and his security, and perhaps with his power to negotiate and finance his company?

MR. ILLINGWORTH: He can be hampered only if there is alluvial.

THE PREMIER: He can be hampered, because capital is very frightened. There are many things that might happen to frighten capital; it is a long way from here to where we get our capital from, and if anything happens by which it might be thought a company might lose its property, people get very frightened. If this clause becomes law, we should be very careful and see that it is safeguarded and take care that it is made more safe. We should not take away from the alluvial miner anything that belongs to him, except in the way prescribed, and there are many precautions taken. The hon. member (Mr. Vosper) has referred to clause 83 in reference to liens for wages. I believe, myself, it is quite right that the wages of workmen should be secured. I do not believe in a man allowing his wages to run on for months. I think it unreasonable. I should say a workman should have security for a month's wages—I do not care if it is a month or two months—but some reasonable term. If a miner goes on working month after month without his wages, he must put up with the consequences. If a man has a month's wages owing to him, he must within twenty-one days after ceasing work register his lien. If any miner works for a month

without his wages I think it is about time that he threw down his shovel, and if he does work longer he must take the risk.

MR. A. FORREST: They won't work a month.

THE PREMIER: I think it is quite right, too. The hon. member (Mr. Vosper) also referred to the provisions in respect to mining on private lands. I do not propose to deal with that subject tonight. It is a matter which we can deal with in Committee. We have taken these provisions from the Victorian Act, and I have no doubt they will be found generally suitable to us. In regard to the provisions in reference to the Hampton Plains Estate which are embodied in the Bill, I think the company has everything to gain and nothing to lose. There is an instance here of how capital may be frightened, and I will give it. The company has to pay two shillings an ounce for all gold taken from the land under its agreement with the Government, and the company fear that it will get its rights forfeited if it does not pay this two shillings an ounce on gold which is taken away by someone going upon the land, the company knowing nothing about him. I have had to assure the company by writing letters to it, that the Government would not take advantage of such a thing as that, so long as the company took all reasonable means of carrying out its agreement. The company fears that its land will be forfeited if a prospector goes on the land, and gets gold and carries it away, and if the company has not servants and agents there to see that its agreement is carried out, and because it would not have paid the two shillings an ounce on the gold which would be taken away unknown to it. The company has been anxious to do something to get rid of the penalty. It has come forward and offered to throw open its land subject to certain regulations, but until this Bill is passed regulations cannot be agreed upon. But certain regulations have been framed, a copy of which hon. members have seen. The Government have framed this portion of the Bill in such a way that, if regulations which have been framed are not approved by the Governor-in-Council, this part of the Bill will not have any effect. The regulations have to be published in the *Government Gazette*, after approval by the Governor-in-Council, and without whose approval they cannot be altered or amended. The clause reads:

> Subject to the said regulations being duly made and published, and so long as the same shall continue binding on the syndicate and its assigns, the royalty of two shillings per ounce now payable in respect of all gold won from the said lands shall be, and the same is hereby released.

I do not know whether there is any power of appeal without the approval of the Governor-in-Council; but, if so, the matter can be considered in Committee. We must remember that the company has to make money as a commercial undertaking, but the regulations seem to me just as liberal as we could expect. The public at present have no rights at all in regard to the company's lands, which cannot be entered on without permission; but, if this part of the Act becomes law, the miner will be able to go upon that land in the same way as he now goes on Crown lands.

MR. LEAKE: Does section 202 apply to these regulations as well?

THE PREMIER: Clause 194, which has been referred to, is the present law in regard to gold being reported by bankers and others. Gold must be entered at the Customs, and the weight declared; and this is an important provision which has been of great service. It is necessary that every month there should be an accurate return of all the gold exported by bankers. This clause applies to other people as well as bankers, but most of the gold goes through the banks, and it is from that source we get an accurate return of the gold exported. I would be glad if some extra means could be devised by which the returns from the goldfields could be made even more accurate than at the present time. The export returns are the means on which we place most reliance, but a good deal of gold is manufactured here, and does not go out of the colony. In a very short time the Mint will be in going order, but in connection with this I am faced with a difficulty. Some gold at any rate will probably be exported as at present, and never go through the Mint. If that occurs, we shall lose what I am sure is expected and

looked forward to, namely, that the Mint returns should be a certain index of the production of gold in Western Australia. I do not know whether we could legislate so as to force all gold to go through the Mint, but, if so, I should not consider it a very harsh law. The Mint has been erected at very great expense in the interests of the gold-mining industry; and if it does not pay anyone else, it should pay the man who produces the gold. He would be relieved of a great many inconveniences and expenses which he has to bear at present. He would be able to get his gold minted in the colony, and have no exchange to pay on sending his gold away and bringing back the money. Gold need not be forced through the Mint for the purposes of coining only. There is no reason why bullion should not be exported in bars approved and stamped by the Mint authorities. At any rate, there has been erected a splendid building in the interest of gold mining, and it ought to be the means of giving a certain index of the gold exported from the colony. If members, while the Bill is in Committee, can suggest any plan by which this end can be brought about, I should be very glad indeed. I have thought a great deal about this matter, but I have not been able to make up my mind as to the best course. I should not see any hardships in forcing all the gold through the Mint, although it is possible some people might regard it as an interference with the liberty of the subject. I do not intend to say more with regard to the Bill, although I am aware I have only cursorily dealt with it. In Committee, alterations and improvements may no doubt be made. At the same time, the gentleman who drafted this Bill gave perhaps more attention to the work than is generally given to measures introduced in this House. He expended an immense amount of trouble and time ransacking the various Mining Acts, including the recent legislation in Victoria. The Minister of Mines and myself have given great attention to this Bill, especially to that part of it dealing wih leasing. It is no use anyone saying this Bill is all through topsy-turvy, or that it is not a good Bill. It is a good Bill, although no doubt the experience and knowledge of members will, in Committee, improve it here and there. I ought not to be told by members that this is not a carefully framed measure, or that it is not on lines of legislation required in the colony.

MR. LEAKE: It is a jumble.

THE PREMIER: I expect the member for Albany (Mr. Leake) has not given any attention to this measure, or that for every hour that I have devoted to the provisions he has devoted minutes. I hope members, in their treatment of this Bill, will not be destructive, or desire to make a party measure of it.

MR. LEAKE: I will help you.

THE PREMIER: If that be so, a Bill may be produced which will be fair to all; a Bill which will help the alluvial miner, give security to the capitalist, and in its working advance the interests of the colony.

On the motion of MR. LEAKE, the debate was adjourned until the next day.

PREVENTION OF CRIMES BILL.

Received from the Legislative Council, and, on the motion of MR. LEAKE, read a first time.

ADJOURNMENT.

The House adjourned at 10.57 p.m. until the next day.