

question in a fair and impartial spirit, and endeavour to see that no injustice is done to anybody. Having done that, hon. members will have done their duty. So sure as an attempt be made to deprive one person of his rights for the benefit of another, so sure are we embarking on a course which will lead to disaster, to misery, and to ruin; and in the end the persons who vote for Bills of the kind are bound, I warn them, to be caught themselves in the very trap they are laying for other persons. If ever there was a time when the House should hesitate it is now. I know there is a certain amount of interest—I know that feeling runs high in certain quarters in the House, because there has been a demand by a certain section; but I think a full and complete inquiry would reveal a great many startling circumstances in connection with this Bill. Every member who has the self-respect he ought to have as the representative of the people should sit down and calmly reflect; and then if he can honestly vote for the Bill, let him do so; but I warn him the passing of the Bill will ultimately lead to trouble. I ask hon. members to see that no injustice is done to any persons because they happen to be out of the colony; and especially do I urge hon. members not to bow down to popular clamour, from which this House ought to be remote. It seems to me that we are being butted at, and that all the Bills are being sent from another place in order that we may resist popular clamour. I entreat the House to throw out the Bill. I ask every hon. member to think the matter over, and if he sees that the objections I have raised, or any of them, are valid, I ask him to vote with me against the second reading.

On motion by HON. C. SOMMERS, debate adjourned.

APPROPRIATION BILL.

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

POST OFFICE SAVINGS BANK AMENDMENT BILL

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

REMEDIES OF CREDITORS ACT AMENDMENT BILL.

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

ADJOURNMENT.

The House adjourned at 6:30 o'clock until the next Tuesday.

*Legislative Assembly,
Thursday, 22nd November, 1900.*

Petition against Industrial Conciliation and Arbitration Bill—Question: Mining Lease 197^E—Hampden Plains Railway Bill, Recommittal, reported—Appropriation Bill, second reading, etc.—Post Office Savings Bank Amendment Bill, second reading, etc.—Remedies of Creditors Act Amendment Bill, second reading, etc.—Truck Amendment Bill, second reading, etc.—Administrator's suggestion of Amendment to Land Drainage Bill, in Committee, reported—Electric Tramways Lighting and Power Bill (private), second reading (resumed), conclude in Committee *pro forma*—Goldfields Act Amendment Bill, in Committee, Clause 16 to now clause progress—Health Act Amendment Bill, in Committee, Clause 16 to end, reported—Adjournment.

THE SPEAKER took the Chair 4:30 o'clock, p.m.

PRAYERS.

PETITION—INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

THE PREMIER presented a petition from the Incorporated London Chamber of Mines against the Industrial Conciliation and Arbitration Bill in the form introduced.

Petition received.

QUESTION—MINING LEASE No. 197^E

MR. ILLINGWORTH, for Mr. Vosper, asked the Minister of Mines: 1, Who were the lessees of Lease 197^E? 2, What was the area of the lease? 3, Whether twenty-seven protection orders had been granted in seven months for the lease?

1, Where the orders were granted. 5, Why such lengthened protection had been given. 6, On whose recommendation the orders were given. 7, Whether it was the intention of the department to grant further protection. 8, If not, whether steps would be taken to have the lease worked.

THE MINISTER OF MINES replied :

—1, Walter Henry Allan. 2, Twelve acres. 3, No. Since this lease was granted in 1894 twenty-three short periods of protection have been granted. 4, Some at Kalgoorlie and others in Perth. 5, Protection was first granted on account of continued litigation upon which the property was sold under writ of execution. Since then other periods of protection have been granted owing to an offer of surrender which had been made and considered solely on the grounds that the Municipal Council was anxious to obtain $3\frac{1}{2}$ acres as a quarry for municipal purposes. 6, The Warden granted some, and others were granted on the recommendation of the Under Secretary. 7, The representatives of the lessee were informed on the 17th inst. that unless a reasonable offer was presented without delay no further protection would be extended.

HAMPTON PLAINS RAILWAY BILL (PRIVATE).

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted.

MR. MORAN: The Chairman of Committees had drawn attention to the fact that after the railway left Government Crown lands and went on to the company's land, there was no particular land specified as land proper for the building of the railway.

MR. PIESSE: It was limited to three chains.

MR. MORAN: The company might limit it to half a chain. It was necessary to specify that it should be three chains absolutely.

MR. ILLINGWORTH: It would be necessary not only to mention the width, but to take out the station sites along the line. Supposing gold were found on Hampton Plains land, the company would own the royal metals, a town might spring up outside the railway station, and we might have to pay heavily

for land which really belonged to the railway.

MR. PIESSE: If there were any advantages in the land, those advantages belonged to the company.

MR. ILLINGWORTH: If we left any open door on the question of land, we might be placed in an unsatisfactory position.

MR. MORAN: No matter how carefully the Bill were framed, there would be some things which the company could take.

THE PREMIER: The words "shall be three chains" could be inserted.

MR. ILLINGWORTH: That provision would be satisfactory.

Clause 2—Power to make railways. Describe line of route :

MR. PIESSE moved that the words "not exceed," in line 6, be struck out, and the word "be" inserted in lieu.

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

Clause 13—Line to be open :

THE PREMIER suggested that after the word "traffic," line 2, the following be added: "and shall run thereon at an average speed of not less than 20 miles per hour."

MR. MORAN: That speed was too high.

THE PREMIER: Twenty miles was the rate on the Great Southern.

MR. PIESSE: Not the average. Better make the rate 15 miles.

THE PREMIER accordingly moved that the words "and shall run thereon at an average speed of not less than 15 miles per hour" be inserted.

MR. PIESSE: We ought to go a bit the other way.

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

Bill reported with amendments, and the report adopted.

APPROPRIATION BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said: I hope hon. members will agree to pass this Bill through all its stages at this sitting, because that will give members in another place an opportunity of reading it a first time to-day if it is sent down at once, and then the other House will no doubt postpone it

till Tuesday. Of course they are not able to amend the Appropriation Bill, but there is nothing to prevent them from having a long debate upon it, and upon the general affairs of the colony, if they are so inclined, the same as we do in this House. I do not know that they are so inclined, and I hope they are not. Still there is a good deal of work to do here and in another place, and I wish to inform hon. members opposite that we propose to finish all the work on this Notice Paper to their satisfaction, and to co-operate with them with that object. We have no desire whatever to take any advantage of the House. We have never done so all the years we have been here. We have never prorogued the House except with the concurrence of hon. members opposite in the view that the work had arrived at a stage when we might fairly and properly prorogue. I am sure we all want to expedite public business, and to get to the prorogation as soon as we can, consistently with performing the business before us. The Government have no new measures to introduce, unless there are some of very small importance, and I do not think there are. I may fairly ask hon. members to pass the Appropriation Bill, so as to give the Legislative Council some time at any rate to consider it. We do not desire to rush matters through their House. I hope, therefore, we shall pass this Bill through all its stages to-day.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

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

POST OFFICE SAVINGS BANK AMENDMENT BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said: The object of this Bill is to arrange for retaining the management of the Post Office Savings Bank by the Government of Western Australia, after the Post and Telegraph Department is transferred to the Commonwealth by proclamation of the Governor General. As is

well known, the Post Office Savings Bank is managed by the Postmaster General and his officers throughout the colony; and this Bill is to come into force on the date that the Postal Department of this colony becomes, by proclamation, transferred to the Commonwealth of Australia. The Bill provides that when that time arrives, the Post Office Savings Bank shall be under the management and control of the Colonial Treasurer, and that the Post Office Savings Bank Consolidation Act of 1891 shall be read as if the words "Colonial Treasurer" were substituted for the words "Postmaster General," wherever the same occur throughout that Act. It is believed that when the Commonwealth is established, arrangements can be made with the Commonwealth Government by which their officers in the Postal Department throughout the colony may perform the duties connected with the Savings Bank business, as agents for the Colonial Treasurer in the receipt and disbursement of moneys, in the same way as officers of that department do at the present time. I have had some communication with the Premier of New South Wales, where there is a Savings Bank of the same character as here, and he informs me that he is passing a Bill through Parliament with the same object that we have in submitting this Bill to the House, and that he is making the same provision by which arrangements can be made with the postal authorities of the Commonwealth for carrying on the work of the Savings Bank in the outlying districts of that colony. Of course so far as the central office of the Savings Bank in Perth is concerned, it will be more inconvenient to have it under the Colonial Treasurer than it is at present to have it under the Postmaster General. The only inconvenience arising will be in the districts away from Perth. We propose, if possible, to make the arrangement with the Commonwealth Government; but if we cannot do so, then this Bill provides that:

In the event of such terms not being agreed upon, the Colonial Treasurer, with the approval of the Governor, may from time to time appoint and remove, and may remunerate as aforesaid such officers and servants, and make such arrangement and do such acts and things as may be required for carrying on the business of the said bank, and may defray the

lost of so doing out of moneys to be voted by the Parliament in that behalf.

[I do not say this is a perfect Bill. In the next session or the one following it we may bring in a Bill for consolidating the whole of the Post Office Savings Bank law, making it in accord with the new position of affairs; but in the meantime this Bill will insure that the Savings Bank shall be carried on, either by arrangement with the Federal Government, as is most likely, or in such other way as the Government of this colony may deem most suitable. This is a necessary Bill to have ready, and it will not come into force until the Postal Department becomes, by proclamation of the Governor General, transferred to the Commonwealth.]

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

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

REMEDIES OF CREDITORS ACT AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: The object of this Bill is to amend Section 5 of 6 Victoria, No. 15, passed so long ago that the rate of interest which was deemed at that time to be reasonable has since been considered by universal custom to be outrageously high—that is the interest on judgments. Under the Remedies of Creditors Act, a creditor was entitled to get 10 per cent. on his judgment, when recovered; but in none of the other colonies of Australia is such a high rate of interest allowed on judgments; therefore it is proposed in this Bill to reduce the amount of interest to the same rate as is customary in other colonies—that is to reduce the amount of interest from 10 per cent. to 6 per cent. I beg to move that the Bill be now read a second time.

MR. WALLACE (Yalgoo): I do not know whether hon. members intend to discuss this Bill, but I desire to say that I oppose any reduction of the rate of interest. (General laughter.) If it is

only desired on the part of the Government to bring our rate of interest into line with the rate payable in other colonies, then I say, let the other colonies bring their rate of interest up to our rate.

THE PREMIER: Do you understand the Bill?

MR. WALLACE: I am a creditor; and many times have I appealed to the Attorney-General for an amendment of the Petty Debts Act. I find that, according to the Attorney-General's opinion, there cannot be an amendment of that Act in the direction I would like; and, as the Attorney-General knows the amendment I should like to make, he will understand what I am about to say, that the existing law gives dishonest persons a chance of obtaining goods from traders for which the purchasers have no intention of paying. This is done even under the present Small Debts Act; yet here we find the Government still further hampering the poor and honest trader.

THE ATTORNEY GENERAL: Nothing of the sort.

MR. WALLACE: The one proviso which conduces to the payment of judgment debts is the fact that debtors know the judgment creditor is entitled to 10 per cent. interest on the amount of the judgment.

THE PREMIER: That is too much.

MR. WALLACE: I do not think so. Gentlemen on the Treasury bench, who have no commercial experience, are not in a position to judge. Throughout the world, bad debts are a heavy tax on small traders; and unless creditors are to have some better protection against debtors, we may as well abolish the Small Debts Act altogether. I hope the House will not agree to this reduction of the rate of interest from 10 per cent. to 6. Other hon. members engaged in commercial pursuits will, I feel sure, express opinions in accord with mine. I intend to oppose the second reading.

MR. WILSON (Canning): In my experience, I am glad to get the principal without the interest.

THE PREMIER: And if you cannot get the principal, you have a poor chance of getting the interest.

MR. WILSON: Supposing a debtor do not satisfy a judgment, it does not matter if the interest be 20 per cent., as the creditor is no better off; and in

dealing with a debtor who will pay the principal, the creditor is only too willing to accept that, or, if he charge interest at all, to assess it at a reasonable rate. I think 6 per cent. is a fair thing.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clause 1:

MR. WALLACE: Though evidently alone on this question, he must point out that we were giving encouragement to unprincipled debtors to allow judgments carrying 6 per cent. to remain unsatisfied, because the money was worth 8 per cent. to the debtor. He (Mr. Wallace) knew of a man in Perth who boasted that it paid him better to allow judgments and costs to be recovered against him than to pay his debts, because the money was worth more to him than the amount of the costs and interest.

THE ATTORNEY GENERAL: That was a losing game.

MR. WALLACE: No; it was practised by many. Against this Bill he entered his protest.

THE PREMIER: If most people were desirous of avoiding payment, the hon. member's argument might have force.

MR. WALLACE: Let the Premier go into business, and he would find such was the case.

THE PREMIER: Unlike the hon. member, he was not what was known as "a business man." If all were adverse to paying debts, and this proviso for interest on judgments were held *in terrorem* over their heads, it might be useful; but most people were anxious to satisfy judgments, and while they were trying to raise the money, this exorbitant interest was accumulating. Surely there were not many business men who considered it paid them better to allow judgment to be entered against them, with interest and costs, than to pay their debts. It was common knowledge that people who were always in the courts as defendants could not be doing well. It was usurious to try to extort 10 per cent. from a poor fellow unable to pay a debt. Such a man should rather be encouraged to pay. Many people thought an impecunious person should be charged a heavier rate of interest than a rich man, but that was the idea of a Shylock. The

hon. member wished to make it impossible for a poor debtor to pay, by charging him 10 per cent. In this colony, money could now be borrowed on good security at 5 or 6 per cent., yet the hon. member wanted to charge 10.

MR. WALLACE: The Premier was not in a position to appreciate the point. He (Mr. Wallace) was not ashamed to be classed as a business man. It had been stated the intention of the Act was to induce traders not to give credit; but without credit business could not be carried on, therefore creditors must be protected. While money was worth 8 per cent. to debtors, they would allow judgments to remain outstanding at 6 per cent. unless execution could be levied, and frequently such men had no goods or chattels which could be seized.

THE PREMIER: Then the 10 per cent. would be of no value to the creditor.

MR. WALLACE: The Government were offering facilities for cheating honest traders, without whose assistance the colony's industries could not live.

MR. WILSON: The last speaker did not grasp the object of the law, which was not to compel the payment of debts by exorbitant interest on judgments, but to give the judgment creditor a fair rate of interest on money outstanding. Dishonest debtors who would not pay at all, the rate of interest did not matter, and against them the only remedy was issue execution.

MR. WALLACE: Some had nothing to which to levy.

MR. WILSON: Then 10 per cent. would not assist the creditor. On the other hand, none would wish to mulct an honest debtor in heavy charges. Ninety-nine per cent. of creditors would be satisfied with the principal and the ordinary market rate of interest, and the commercial community would agree that 6 per cent. was a fair rate.

THE ATTORNEY GENERAL: The hon. member (Mr. Wallace) thought a high rate of interest on judgments would compel dishonest debtors to pay. It would not do anything of the kind, because when such a debtor found interest at 10 per cent. mounting up, any idea of paying which he had previously had would be abandoned, and the law would thus defeat itself. The only object

the clause was to give the creditor a reasonable interest on an unsatisfied judgment; and a low rate was an incentive to the honest debtor to pay as soon as possible.

MR. PIESSE: The 10 per cent. rate on judgments should certainly be reduced to something like 6. There were, however, many other cases in which the statutory rate of interest was 10 per cent. That rate of interest was fixed years ago, when the rate was much higher than to-day. He had often thought the rate much too high, and if there were other instances in which the rates could be reduced in the same way as under this clause he hoped the matter would be taken into consideration. As a rule, there had been a difficulty in getting money at even 8 per cent. It seemed rather hard that a creditor paid 8 per cent. while a debtor was enjoying the advantage of 6 per cent. under this provision; but the cases of hardship would be so few, and the instances of advantage so many, that we might act liberally and reduce the rate.

MR. HUTCHINSON: If this clause were passed, would it apply to the Municipal Institutions Act?

MR. A. FORREST: The council put the bailiffs right in.

MR. HUTCHINSON: That did not say it was right. Under the Municipal Institutions Act there was an opportunity to sue, and if the council sued, the debt became a judgment debt, and why should 10 per cent. be charged? The proposal in the Bill was a proper thing, and he would like to see the same remedy applied in regard to other things under other Acts.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

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

TRUCK ACT AMENDMENT BILL.

ADMINISTRATOR'S SUGGESTION OF AMENDMENT.

Message from the Legislative Council read, intimating that in pursuance of a Message from the Administrator, an amendment had been made in the Truck Act Amendment Bill; and requesting the

concurrence of the Assembly therein, as follows:—

Schedule No. 1.—To add the following words to the end of the first clause, after the word "repealed":—"And Section 19 of the said Act is further amended by adding immediately after sub-section 9 the following:—'Nor shall this Act extend or apply where any employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance in any part of the colony defined by the Governor by proclamation for the purpose of this exemption.'"

Schedule No. 2.—Add the words "And the Governor may from time to time amend, alter, or revoke any such proclamation."

IN COMMITTEE.

THE PREMIER: The Message which was sent by His Excellency the Governor to the Council proposed a restriction in a Bill passed by this House and the Legislative Council a short time ago, but not yet assented to. The Bill provided that there should be no stoppage of wages from any working man for the purpose of supplying him with medical comforts or medicine. The reasons for the Bill were doubtless fresh in the minds of members. There was a great deal of commotion on the goldfields because a shilling a week, he thought, was being stopped from the men's wages, and was used to pay a medical man who gave them medical attendance, and to pay hospital fees if the men became so ill as to require attendance at the hospital. It was generally felt it was not right that this money should be deducted from working men. The plan which had been in existence worked well in the early days in out-of-the-way localities, but it was not considered necessary in places like Kalgoorlie, that had become thickly populated and contained plenty of medical men, and private and public hospitals. The friendly societies, he believed, complained more loudly than the working men themselves, because these societies provided for medical attendance and payment of a certain amount when members were ill, and the members were also compelled to have this reduction from their wages, which seemed a hardship, the result being that many in those districts either left friendly societies or did not join them. To his surprise he found that their action did not meet with satisfaction everywhere. A deputation from Bunbury was to wait

upon him with regard to Yarloop, and already a deputation had come all the way from Denmark, and there was a long petition signed by 500 of the working-men at Denmark. Those people were very earnest about it. They said that the Bill if carried into effect would break up their hospital, and cause the doctor to leave the district. He (the Premier) suggested that the men might subscribe 6d. or 1s. a week without being compelled to do it, and without having the amount stopped from their wages. The amount might be paid to the cashier or secretary or treasurer, and the whole matter be settled. Those representatives said, however, that that would not do, for there were a lot of young men who were willing to have the money stopped from their wages, but who, if they once got hold of it, did not care about parting with it. In fact, the system would not work. This community consisted of about 1,000. There was no public-house, and the people were quiet, except on occasion. They had a nice hospital provided by the mill owners, and with the funds they managed the business themselves, not only providing attendance for the sick, but also wages for a person when sick. He believed also that the lives of the people were insured, which the good rate of wages enabled the people to do, and the whole thing worked very well. In order to ascertain the *bona fides* of the deputation, he asked these two representatives what positions they held, thinking perhaps they were foremen or men representing the management; but they assured him they were ordinary working men, and that their expenses had been paid by a levy of 1s. a head on the people employed. These 500 people paid £25 to meet the expenses of these men to Perth and back. He was much impressed with their earnestness, and said he would see what he could do. The only thing was to get the Governor to suggest that a clause be added to the Bill. Since then there had been a similar representation from Yarloop, a place situated eight or ten miles from the railway, and away in the bush. Doubtless the same conditions existed there as at Denmark. Both belonged to the same company, and the company seemed to have acted very well in regard to the matter, because they had built a hospital

and they gave a considerable amount. There was a guarantee of £450 to the doctor, and he believed these people contributed about £300. The whole thing apparently worked well, and to the interests of everyone, and especially was it of great advantage to the married people there with families. If the Bill were allowed to apply everywhere as it at present stood, it would take away advantages with regard to medical treatment and medical affairs generally, which people already possessed. No one could object to the provision passed by the Legislative Council, which was in the terms that the Administrator suggested, with a little addition, that addition being an improvement. The effect of this would be, taking Denmark for example, that the Government would provide that within a certain distance, say 10 miles, or whatever it might be from Denmark, the Bill should not apply. If a time arrived when the people would not want to be exempt, that exemption could be cancelled. The same would apply to Yarloop, or any other locality. He moved that the Assembly agree to the amendment proposed in His Excellency's Message, as amended by the Legislative Council.

MR. KINGSMILL: The amendment suggested in His Excellency's Message was an improvement. At the time the Bill was going through the House, he had thought it would perhaps be rather awkward for a timber company. From the nature of the employment of getting timber for sale, these companies required very large areas of land, consequently the people became a segregated community; whereas in the case of a mining company there might be 1,000 men working on 24 acres, if so desired. It would be a good thing to accept the amendment contained in the Message, and to give the Governor-in-Council power to proclaim parts of the colony exempt from the operation of the Bill.

MR. MITCHELL: While supporting the amendment recommended by the Administrator, he was sorry it was not a recommendation for the repeal of the whole Truck Act. That Act had not helped to protect the working man in the way some members had expected it would, nor was it ever likely to do so. Speaking from what he knew, he could say that many little industries which would per-

haps be working now in his neighbourhood were not working, in consequence of the stringency of the Truck Act; and he was only sorry the Legislative Council had not asked this House to join in repealing the whole measure.

MR. PIESSE: It was pleasing to find that this amendment was recommended by the Administrator. It had been his own intention, when the amending Bill was before this Chamber recently, to propose an amendment of this character, but he happened to be away from the House at the time. This amendment would be very acceptable in the districts mentioned by the Premier, and it had been suggested to him by workmen that it would be hard for those employed on timber stations if the provisions of the Truck Act were strictly enforced. It appeared that these people had taken immediate action, with the result that this amendment was now recommended by the Administrator as an addition to the amending Bill lately passed. The present system at these timber mills worked admirably, and if it were not for the action of the proprietors in providing a medical man to reside on these stations, people at the Denmark station would have to go to Albany, some 30 miles distant, in any serious case of sickness; whereas by providing for a local medical man many lives might be saved and much suffering avoided. This amendment would be much appreciated by people in the localities which had been mentioned.

MR. ILLINGWORTH: In supporting the amendment as it stood, he wanted to utter a word of caution, that these exemptions should be made with great care by the Government. The amendment itself was one of great value, and he could understand that there were exceptional cases which this amendment would meet. Still the Government should exercise the power of exemption with great care, and it should certainly not be used as one member seemed to suggest, for the purpose of destroying the existing Act. The two timber districts which had been mentioned deserved to have their cases met by this amendment.

MR. GEORGE: When the Truck Bill was going through this House, he and other members considered it was hardly likely to carry out what was desired.

namely that a man should be paid his wages in cash without any deduction. That Bill was forced through this House without proper consideration, and we saw that a number of exemptions were provided at the end of the Bill which practically nullified the effect of the measure. These exemptions were provided for employers chiefly in the far North, to whom it would be inconvenient to have the ordinary law forced on them. He recognised that at the Denmark and Yarloop timber mills, exemption could be fairly given; but there were other timber mills besides these two, and he had not heard any complaint from workmen employed there. He was at Jarrahdale recently, and no complaint of this kind was mentioned to him.

MR. ILLINGWORTH: Exemption could be granted only with the consent of the Governor-in-Council.

MR. GEORGE: That was some protection, certainly; but he must protest against this sort of business. A few years ago it was a frequent complaint that this country was a century behind in social legislation. Since that time there had been many attempts at social legislation, but they were done in such a hurry-scurry manner that there was danger of destroying and disarranging the conditions which had been established many years in various industries of this colony. Proper deliberation should be given in passing measures of this character, and we should not put at the end of a Bill a list of exemptions which practically made the Bill useless. It was the boast of Englishmen that the same law applied to the rich and the poor; whereas in Western Australia, while professing to make the same law for all classes, we provided a number of exemptions. If members in the new Parliament had any backbone, they would prevent exemptions being made for one part of the community as distinguished from others.

MR. MITCHELL (in explanation) said he had not made any reference to exemptions in his remarks on this amendment. He had said he would like to see the Truck Act repealed, because in many instances it interfered with industries which could very well be carried on without it, and it did so by preventing a man from entering into a contract with his employer.

MR. VOSPER : The time had gone by for antiquated drivel about freedom of contract. For over 80 years, legislation for prohibiting truck had been in operation in England, and had been repeatedly made more stringent ; therefore what was good enough for England in regard to such legislation should be good enough for us. The system of paying work-people in goods instead of cash was simply a means used by some unscrupulous employers to take unfair advantage of those who depended on them. If there were some industries about Northampton which could exist only so long as the truck system was allowed, those industries did not deserve to exist. He did not like the way in which the Legislature had been "backing and filling" since this truck question was introduced. We first had a Bill which apparently was very stringent, and up to Clause 18 it appeared to provide for all that was most valuable in that class of legislation ; but in Clause 19 a series of exemptions was made, which rendered the Bill waste-paper. The member for Pilbarra (Mr. Kingsmill) had introduced the Bill into this House for amending the Truck Act by remedying one of those exemptions ; and now a further amendment was introduced as a suggestion by the Governor, to enable some people to get out of the comparative stringency of that legislation.

THE PREMIER : The people at these timber mills wanted this amendment.

MR. VOSPER : It was desirable that the House should fully understand what it intended to do. If we did mean to prevent trucking generally, the Bill should be amended in the direction of making it more stringent rather than less so. This amendment only showed how difficult it was for this Parliament to pass an Act applying to the whole territory of Western Australia, while not inflicting hardship on part of it ; and in truth the country was too big for this Parliament. On the goldfields, the system obtaining there of making men pay so much per week towards the medical fund had led to the grossest abuse. Certain medical men derived very large funds from it, and even farmed out their medical work. Mining companies had even utilised these contributions to insure themselves against damages under the Employers' Liability

Act. The Bill would stop that. At the same time, while having this salutary effect on the goldfields, the law prevented timber-mill employees receiving medical attendance, and he therefore supported the amendment. The same deputation which waited on the Premier had come to him, and convinced him that the amendment was necessary. The result of all this patchwork legislation would, however, be a consolidated Truck Act, and it would ultimately be found that the Government policy of trying to conciliate the labour party on the one hand and employers on the other had been a waste of time and money. In future social legislation, Parliament would have to take one side or the other, and not endeavour to please everybody.

MR. WILSON : The Government had not tried to conciliate both parties. The capitalists had had nothing to do with the matter. This agitation had proceeded from friendly societies whose members had been aggrieved by having to subscribe for medical attendance through their employers and through the societies. The deputation from Denmark asked for exemption from the operation of the Truck Act.

THE PREMIER : Yet without the Act, the men would not pay the weekly medical contribution.

MR. WILSON : True ; unless the employer made such payment a condition of employment.

THE PREMIER : That was a bad state of affairs.

MR. WILSON : It arose from the fact that many of the men were continually moving about, and therefore would not pay voluntarily.

MR. GEORGE : And such men were the greatest burdens on employers.

MR. WILSON : Undoubtedly, because of their thriftlessness. It was well a timber station should be exempted at the request of the employees. The member for the Murray (Mr. George) had heard nothing from Jarrahdale, probably because the people of Jarrahdale had not heard of the recent amendment of the Truck Act. Pass the amendment, and find out how it worked in practice.

MR. WALLACE supported the amendment. The Truck Act had been introduced mainly at the request of timber-mill employees, and now it was

necessary to pass an Act to compel them to pay for medical attendance. He had maintained the original Act would work harshly; and there could be no objection to districts being exempt from its operation at the request of the employees.

MR. GEORGE: In what circumstances would exemptions be granted? At the request of the workmen only? He would like the matter postponed so that he might consult his constituents.

THE PREMIER: Whatever the views of the hon. member's constituents, the Committee knew the opinion of the people at Denmark, who were anxious to have vested in the Governor the power to grant exemption, so that employers might retain a weekly subsidy for medical purposes. Such power would doubtless be exercised on representation from the locality in question; the Governor would have to be satisfied an exemption was desired by the people; and on his being satisfied, the proclamation would issue. If the people of Jarrahdale wanted exemption, they would apply. The Governor would not take a district out of the operation of the general law without application; and a locality exempted could subsequently apply to have the exemption removed. The Bill was purely permissive, and therefore could do no damage.

MR. ILLINGWORTH: There was no need for delay.

MR. GEORGE accepted the Premier's explanation. Apparently, however, the Truck Acts might as well be torn up.

Question—that the Council's amendment be agreed to—put and passed.

Resolution reported, the report adopted, and a Message accordingly transmitted to the Council.

LAND DRAINAGE BILL.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

THE PREMIER moved: That the definition of "ratable property," in lines 16 to 18 of page 2, be struck out, and the following inserted in lieu:

Ratable property shall mean all buildings, lands, tenements, and hereditaments in the district, except the following, namely: All such property situate within the limits of a municipality or in any town where there exists a town council; waste lands of the

Crown in the possession of the Crown or leased by the Crown for pastoral purposes; land the property of the Crown and used for any public purpose; churches, chapels, cemeteries; places for the public worship of Almighty God; public schools, or schools deriving aid from the Government; public buildings and lands appropriated and held upon trust for any religious, charitable, or public purpose, or reserved or set apart for the benefit of the aborigines.

"Ratable property" and "ratable value" in this clause meant respectively ratable property and ratable value under the Roads Act of 1888, but it was as well to define it and make it clear, so that a reference to the Act of 1888 might be avoided. It had been said that this Bill was useless, because the rating was under the Roads Act, and under the Roads Act the most that property could be rated at, if it were Crown land not alienated from the Crown, would be the rental paid to the Crown. The person who said that had some knowledge of the Roads Act, but he did not look closely into the matter. If that person had said this ratable property and ratable value had been defined to mean ratable property and ratable value under the Roads Act in force, the statement would have been accurate; but he did not go so far as that. He went to the Roads Act of 1888, and not until 1894 did we amend the law so that the only value should be the amount paid to the Crown. That was done in order to bring the pastoral lands under the operation of the Roads Act. Crown land, especially in the northern parts of the colony, was exempt under the term "ratable property" in the Act of 1888, and there could be no electors in all these northern districts; therefore the law was altered so that Crown lessees should be electors under the Roads Act, and that they should be rated at the rent they paid to the Crown. There was no particular intention at that time for them to tax themselves, but the alteration was more with a view of giving them a status as electors. It was desired that under this Bill the property should be rated. We were careful not to apply the section in the Roads Act of 1894 to this Bill, and we restricted ratable property and ratable value to the Act of 1888.

MR. GEORGE: If we were going to drain a district which contained a lot of

land disposed of to settlers, and also land which belonged to the Crown and might in future be parted with to settlers, the Crown land should bear its yearly proportion of the cost of these drains?

THE ATTORNEY GENERAL: Clause 28 covered the point referred to.

MR. GEORGE: Clause 28 did not quite cover it. Clause 28 said that the Governor might make a contribution to the funds of the board to such extent as he might see fit; but he (Mr. George) took it that this became a charge against the drainage of the district, and the money had to be found. If land were sold, without being drained, at 20s. an acre, and if in five or six years the charge amounted to 3s. or 4s. per acre, the upset price of the land should cover that amount of drainage.

THE PREMIER: In the event of Crown lands being benefited by the operation of the drainage, the Governor could make a contribution to the funds of the board to such an extent as he thought fit. That would be a contribution, and would not have to be repaid by the people. The Government would be recouped by charging an increased price for the land as improved by being drained.

MR. ILLINGWORTH: Where was the clause providing for that?

THE PREMIER: A clause was not wanted, because the Minister would have full power under the Land Act to increase the price of any land disposed of. The Legislature would see that the Minister recouped himself by increasing the price above the minimum charge of 10s. per acre. The whole thing was in the hands of the Government. He could not agree that the Crown should be rated. That course had never been adopted in this colony.

MR. ILLINGWORTH: Where was the guarantee?

THE PREMIER: We were not likely to drain land unless with the view of increasing the value. A good deal of land would be useless without being drained, and if we improved that land, it would be valuable. He did not think the price would be increased to any large extent. Still, the way referred to was the only one he could see of dealing with the matter, unless we adopted the system of making grants of money, which we

did not desire to do. We must try to put this on a reproductive basis.

MR. GEORGE: All through the South-West, or certainly that part which he (Mr. George) represented, there was land that would be affected by this drainage, and land would be eagerly sought after by people; but the great difficulty was that plans had been issued by the Crown Lands Department showing drains which did not exist. As to rating, he agreed there would be a great difficulty in starting to rate Crown lands. The drainage board had to levy a rate, and how would they set about doing it?

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

THE PREMIER suggested that hon. members should defer their observations till we got to the clause dealing with rating. "Ratable property," as defined in the Bill, would embrace all kinds of property, including land and buildings, and would be assessed at what was considered by the assessors to be their fair annual value; therefore everyone residing in the drainage district would be liable to be rated for this purpose. In regard to the district itself, care would have to be taken in defining it, so that the district should embrace not only the place where the water came from, but the place where it was going to, whether some channel, river, or estuary.

MR. ILLINGWORTH: Care should be taken not to flood the country.

THE PREMIER: It would be better to insert the new definition, because it set forth in the Bill what was ratable property, and saved the trouble of going to the Roads Act of 1888 to find that out.

MR. GEORGE: If the Governor made a contribution under Clause 28, something must be done before that contribution was made. A rate would have to be struck on the ratable property of the district, and the rate must be sufficient to pay all charges incidental to the drainage work; therefore that portion of the land which was settled upon and was ratable would practically have to bear the whole of the expense. There was scarcely any district in the colony which would be affected by this Bill, in which there was not a large amount of unalien-

ated Crown land; and this land would benefit by the drainage works, while the whole cost of the work would fall on the ratable portion of land held by persons outside of the Crown land. While the Crown land was being enhanced in value by the drainage work, the interest payable on the capital for that work would have to be provided by people already settled on alienated land. The Crown land could not be rated as private land was rated, and therefore the amount of contribution to be given by the Government could not be fixed by any process of rating. Yet when the Crown land was increased in value and could be sold to occupiers at an enhanced price, the Government would get the money back in the form of enhanced value, and that enhanced value would result from money which had been provided by settlers who had to pay interest on the cost of the work. If the rate levied on private land within the drainage area was to be equal to all the charges for drainage, there would be no deficiency to be made up by this contribution from the Government; therefore on what basis was the Governor's contribution to be estimated?

THE PREMIER: The hon. member's reasoning was hardly logical. If there were no provision for the Government to give anything towards this drainage, he did not think anyone would have a right to complain, for it was unusual, indeed unprecedented in this colony, to tax unalienated Crown land; and as the Crown land was being enhanced in value by drainage, the effect of that would be that the land would be sold to settlers at an enhanced price, and these settlers would immediately become contributors to the funds of the Drainage Board; whereas if the Crown land was not settled on, there would be no contributors from that area, which would continue to be unoccupied and produce nothing towards the drainage rate. In this Bill the Government were going further than that, with the object of increasing the price to be paid by those who took up the land; for they said the Governor might give such contribution as he thought fit towards the funds of the board for the purpose of paying the interest. If the Government were not to contribute any part of the interest for the drainage work, they would not in that case charge more than the ordinary value

of the land to persons who might settle on it; but seeing that the Crown land would be made more productive by drainage, the Government proposed to pay a contribution in aid of the board's funds. The Bill, if it erred at all, did not err by being harsh to drainage boards; for the State took the responsibility not only of finding the money, but of paying interest out of the consolidated revenue, should the board make default.

MR. GEORGE: By the Bill, lands not profiting by drainage need not contribute; therefore all lands which did benefit should contribute.

THE PREMIER: Crown lands could not be taxed.

MR. GEORGE: Tax all lands alike. Some settlers had been induced to take up land by plans submitted showing drains which did not exist. The board had to raise a rate which would pay interest on the money borrowed; the ratepayers would pay for improvements to Crown lands; therefore the basis of the Government contribution should be proportionate to the rate struck, and such contribution should be added to the upset price of the Crown land.

THE PREMIER: In that way the board would get nothing.

MR. GEORGE: Not having convinced the Premier, he had still done his duty.

THE PREMIER: Apart from the undesirableness of introducing the principle of taxing Crown lands, these unoccupied and unimproved lands, perhaps half-covered by water, had no ratable value, and the State would therefore contribute nothing in rates. Better let the Government appraise the value of Crown lands when drained, and contribute accordingly. These contributions could be recouped by raising the selling price of the Crown land. This would be better than a hard-and-fast rule, which would be impracticable.

MR. GEORGE: If, before the board struck a rate, they could approach the Government with a statement that the rate would produce a certain sum, and if the Government would provide the balance required to carry on the work, as the Government he understood were prepared to do, then he would be satisfied.

MR. JAMES: Better strike out the words "town trust." There were no town trusts now.

THE PREMIER altered the amendment accordingly.

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

Clause 4—Governor may constitute district:

THE PREMIER moved that the word "place," in line 2, be struck out, and "part of the colony" inserted in lieu; that the words "the same," in line 3, be struck out, and "any lands" inserted in lieu; that the word "may," in line 4, be struck out, and "in such order defined by boundaries and," inserted in lieu.

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

Clauses 5, 6, and 7—agreed to.

Clause 8—Entry of board on office, and retirement of members:

MR. PIESSE: The accounts of roads boards were balanced on the 31st December. They should be balanced at the end of the financial year, to bring them into line with Government accounts.

THE PREMIER: Better deal with that on Clause 29.

Clause put and passed.

Clauses 9 to 16, inclusive—agreed to.

Clause 17—Board may apply for drainage works and charge rates with cost of construction:

MR. GEORGE: One would like to ask about the 2 per cent.

THE PREMIER: The amount made 6 per cent. altogether. It would not be wise to keep a thing of this sort hanging about too long.

Clause put and passed.

Clause 18—Construction of main drains:

THE PREMIER moved that the word "main," line 3 in Sub-clause 5, be struck out.

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

Clauses 19 and 20—agreed to.

Clause 21—Branch drains:

MR. GEORGE: There might be three allotments adjacent, and one holder might cut a feeder drain a foot deep. The owner of the next allotment might also make a drain a foot deep, and the owner of the other lot would have to drain much deeper to carry off the water. He did not know whether a feeder of this sort in the case of a number of allotments would come under the category of a main drain.

A man liked to drain his own land, but not that of another.

THE PREMIER: The board would have a discretion in this matter, and might authorise a person to make branch drains on such terms as it might think fit.

Clause put and passed.

Clauses 22 to 24, inclusive—agreed to.

Clause 25—Rates to be sufficient to pay interest, etc., and Minister to make rate on default of board:

MR. GEORGE: By this Bill the Minister could levy a rate on the top of that levied by the board.

THE PREMIER: It was the same with regard to the waterworks.

MR. ILLINGWORTH: As far as one could see there was no provision in the Bill for paying the cost of the board.

THE PREMIER: Yes; Clause 23.

MR. ILLINGWORTH: The rate was to be sufficient to cover it, and the whole of the money was to be paid into one account.

THE PREMIER: If the Minister had not power to declare a rate, he would be powerless. He would have found the money, and if the board would not strike a rate, where would he be?

MR. HUTCHINSON: Under the Municipal Act a certain rate had to be levied to provide for repayment of interest and sinking fund, and another rate for working expenses. That did not appear in this Bill, and some provision was necessary. A rate might be levied in the early part of the year, and at the end of the year it might be found insufficient, after payment of interest and sinking fund, to pay working expenses, and then the Government would have to find the money or the board would be in debt.

MR. GEORGE: The Bill provided that a rate could be levied on all lands "for the purposes of this Act."

Clause put and passed.

Clauses 26 to 29, inclusive—agreed to.

Clause 30—Moneys received to be paid into bank:

MR. PIESSE: The financial year of the colony ended in June. At the time the Roads Board Act of 1888 was passed the financial year ended on the 30th December. It would be more convenient to have accounts made up to the end of June, and that could be provided for by altering this clause.

THE PREMIER: The Government had altered their financial year, but the financial year of the municipal councils had not been altered. It was not necessary to alter the time in regard to this Bill, for the Government would not contribute much to the funds of the board.

MR. PIESSE: An alteration was not so necessary in the case of this Bill as in the Roads Board Act.

Clause put and passed.

Clauses 31 to 39, inclusive—agreed to.
Schedule and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

On motion by the **PREMIER**, Bill recommitted.

Schedule:

THE PREMIER moved that the word "main," in line 3, be struck out, and the words "or drains" inserted after "drain."

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

Title:

THE PREMIER moved that the words "agricultural and pastoral" be struck out.

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

Bill reported with further amendments, and the report adopted.

PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL (PRIVATE).

SECOND READING.

Debate resumed from 7th November.

MR. JAMES (East Perth): I beg to support the second reading of this Bill, and I do so with the object of having inserted, when we are in Committee, various amendments of which I have given notice. Since those amendments were placed on the Notice Paper they have been accepted by the City Council, and also by the Perth Electric Tramways Company, Limited. The amendments will be these. The company will be granted a license under the Electric Lighting Act of 1892, in the same manner as if the license had been granted by the City Council, and the company will be subject to the same conditions and restrictions as the Gas Company, in the supply of electric light. There is this further provision, that if the ratepayers on a poll decide that the provisions of this Bill should not be conferred on the

company, the Bill will lapse; so that really before the Bill comes into force the City Council can, if they so desire, submit the question to a poll of the ratepayers, and have it determined by the ratepayers whether the Bill shall or shall not be adopted. I hope that in any case the House will not grant larger power to this company than that which is proposed in these amendments. Whether we think the City Council have or have not been right in the attitude taken up by them towards this Tramway Company, I hope and believe we shall realise that the City Council is the proper body to represent the interests of the citizens of Perth, and that in a matter like this we ought not to confer on the Tramway Company any privileges or powers unless with the approval of the ratepayers, on whose shoulders the burden or the benefit will rest.

Question put and passed.

Bill read a second time.

IN COMMITTEE *pro formâ*.

Amendments recommended by the Select Committee, and as appearing in Notice Paper in the name of the member for East Perth, were embodied in the Bill *pro formâ*, with a view to their being printed before recommitment.

Bill reported with amendments, and the report adopted.

GOLDFIELDS ACT AMENDMENT BILL. IN COMMITTEE.

Resumed from 13th November, at Clause 16, on motion by Mr. Illingworth that the clause be struck out.

MR. ILLINGWORTH: The question on which progress was reported on the last occasion was a question of principle, as to whether these leases should be transferable or not. He thought they ought not to be transferable, and in order to test the question he had moved that Clause 16 be struck out. He intended further to move that Clauses 17 to 21 be struck out.

THE MINISTER OF MINES: It was not likely anyone would take up these leases unless he was able to transfer them; not that persons would take them up for the purpose of transferring them. Cases might arise in which a person would have to leave the district, and in

order to get the value of his improvements on the land it would be necessary that he should be enabled legally to transfer the lease.

MR. ILLINGWORTH: One-half of Bendigo was built on the same principle.

THE MINISTER FOR MINES: It would be only fair to allow the transfer of a lease under such circumstances as he had mentioned. The Bill provided that the transferee must not be one holding more land than he was entitled to under the Bill, so that by transferring a lease it was impossible for any person to acquire a large tract of land under the Bill. In order to safeguard this, he did intend to propose an alteration in Sub-clause 2 of Clause 16, in order to make the meaning perfectly clear by striking out words in the second line, "then holding the maximum area under," with the view to inserting the words, "not entitled to apply for same under Section 4." The clause would then make it clear that no person would be entitled to transfer any homestead lease to any person who was not entitled to apply for the same under Clause 4 of this Bill. That clause provided that no person should apply for more than 20 acres within two miles of the nearest boundary of a townsite, and so on. The amendment he now suggested would make it perfectly clear that the transferee could not hold more land than he would be entitled to hold under this Bill. It was hoped, therefore, that the motion for striking out this clause would not be pressed, because to strike out this and other clauses mentioned would have a bad effect in the working of the measure; for unless persons had some security for improvements made on their land, very few persons would avail themselves of the privileges provided in this Bill.

MR. ILLINGWORTH: The Minister was under some misapprehension. In Victoria, the goldfield cities were built on the same condition, and the very last house occupied by him in Bendigo, valued at £600, was held in the same way; there being no title to the land, but only a right to transfer the improvements from one holder of a miner's right to another holder of a miner's right. There was no reason here why a man should not be able to sell his improvements; but what was wanted was to have this land used as market gardens or orchards on the

goldfields, in order that the man who held it might have some tenure. At present such a man could take up land under existing Acts, but he would have no tenure except from year to year.

THE MINISTER OF MINES: There was a tenure under the provision for garden areas.

MR. ILLINGWORTH: If a man had a right to hold under the conditions of a miner's right, he could sell his improvements to another man who also held a miner's right. He (Mr. Illingworth) admitted that the amendment suggested by the Minister would remove a great deal of objection.

MR. KINGSMILL: The object of the hon. member in moving to strike out the clause was to prevent land from being used for speculative purposes; and in order to obviate that, the hon. member wished to make it impossible for a man who took up this land to transfer it. The hon. member's object was a good one in trying to prevent speculative holding of land, but the method by which he proposed to effect it was not desirable. If this clause could be so amended that the object for which the land was taken up in the first instance should not be lost sight of by the transferee, we should endeavour to do that. Every word of the Bill so far breathed the spirit of wishing to do away with speculation; and if the Minister were to have the power of granting or refusing a transfer, the object we were aiming at might be attained. He therefore moved as an amendment that after the word "may," in the first line, there be inserted the words "subject to the approval of the Minister."

THE MINISTER OF MINES: A holding could not be transferred under the Bill without the approval of the Minister, in his opinion; because as the lease was granted by the Minister, so it could not be transferred without the Minister's approval. Hon. members would know that under the Goldfields Act, of which this was to be a part, leases were granted subject to the approval of the Minister, and those leases could not be transferred without the Minister's approval. This, however, would no doubt be provided for by the regulations. He had no objection to the amendment now suggested, and every member would

admit that the administration of an Act was the chief thing; for the manner in which an Act was carried out, no matter how good its provisions were, was more important than the Act itself.

MR. ILLINGWORTH: Possibly the suggestion by the member for Pilbarra and the alterations suggested by the Minister would remove the objections he had in view. He, therefore, asked leave to withdraw his motion.

Motion (for striking out the clause) by leave withdrawn.

MR. KINGSMILL formally moved the motion he had suggested, and said there was one little proviso he would like to make. He understood regulations would be framed under the Bill; and what he wished to see was a provision which would vitiate the title to a lease in the event of such lease being used for speculative purposes. That could be put in the regulations.

Amendment put and passed.

THE MINISTER OF MINES moved, as a further amendment, that in the second line of the proviso the words "then holding the maximum area under" be struck out, and that there be inserted in lieu the words "not entitled to apply for same under Section 4 of."

Amendment ("subject to the approval of the Minister") put and passed, and the clause as amended agreed to.

Clause 17—Transfer by sheriff when holding taken in execution and sold:

MR. ILLINGWORTH: Notwithstanding all the previous provisos, if the sheriff sold, he could execute a transfer to any holder of a miner's right; therefore, to be able to transfer, a lessee had only to get into difficulties and make default, so that the sheriff might enter. He moved that the words "subject to the proviso contained in Clause 16" be added to the clause.

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

Clause 18—Mortgages:

MR. ILLINGWORTH: Here there was the same difficulty. The mortgagee might foreclose and a transfer be executed. An amendment similar to that of the last clause was required.

MR. VOSPER: These amendments were mostly farcical, as they proposed to arrange that the sheriff or the mortgagee, on seizing, could transfer to none but the

holder of a miner's right; but anyone could obtain a miner's right.

MR. ILLINGWORTH: The proviso of Clause 16 would prevent abuse.

MR. VOSPER: But the minimum area to be held in one district was 500 acres, and a man could have mortgages over several 20-acre blocks.

THE MINISTER OF MINES: No. That was forbidden by Clause 4.

MR. VOSPER (after reading the clause): By that clause, no person might "apply" for such areas. It did not say no person might acquire; and here were provisions whereby persons could acquire such areas by mortgage. The maximum being 500 acres, any mortgagee could acquire a dozen or more suburban blocks in the vicinity of a town, by foreclosing; and thus the Bill would induce landlordism in its worst form.

MR. ILLINGWORTH: The leases should not be transferable at all.

THE MINISTER OF MINES: The subject had already been discussed.

MR. VOSPER: Why not follow the example of the Commissioner of Crown Lands, who had endeavoured to prevent the transfer of homestead blocks?

THE MINISTER OF MINES: These leases were different.

MR. VOSPER: True. In the Homestead Act, there was a *bona fide* attempt to place working men on the land. In this, the so-called miner's homestead was a mere sham, and a means of promoting land monopoly.

THE MINISTER OF MINES: The hon. member was always suggesting ulterior motives behind every Bill.

MR. VOSPER: The meaning of the Bill was evident.

MR. KINGSMILL disagreed with the last speaker. At all events, the Bill would not affect the hon. member's electorate. This clause, with the amendments consequential on those made, would meet the object of the Bill by, as far as possible, safeguarding transfers, all these being subject to Ministerial approval; and after all, the efficiency of any Act depended solely on its administration.

MR. ILLINGWORTH: What would happen if the mortgagee foreclosed?

THE MINISTER OF MINES: Let the hon. member move an amendment, if he chose.

MR. ILLINGWORTH: Better prevent the lessee from mortgaging. He moved that the clause be struck out.

Amendment put and passed, and the clause struck out.

On motions by MR. ILLINGWORTH, Clauses 19 to 21 inclusive, struck out.

Clause 22—Rights of miners to work leased land:

THE MINISTER OF MINES: It was desirable to permit of entry on homestead leases to search for minerals other than gold. The clause provided for taking up land in accordance with the provisions of the principal Act, which provided for goldmining leases only. This clause had been drafted from the Queensland Act, providing for mining for gold and other minerals. He moved that after "Act" in Sub-clause 1, line 3, "or the Mineral Lands Act of 1892" be inserted; that after "regulations" in line 3, "thereunder respectively" be inserted; that after "lease" in Sub-clause 2, line 1, "or mineral lease" be inserted; that after "Act" in Sub-clause 2, line 2, "or the Mineral Lands Act, 1892." be inserted; that after the second "mining" in Sub-clause 3, line 2, "or mineral" be inserted; that the words "claim or" in Sub-clause 3, line 6, be struck out, and "gold" inserted in lieu; and that after "mining," in the same line, "or mineral" be inserted.

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

Clause 23—Compensation for land:

MR. VOSPER moved that the clause be struck out. Its effect would be to prohibit mining upon these so-called homestead leases. The clause set forth that the lessee might call on the Warden to assess the damage likely to be done to the homestead—not the damage actually done. How could the Warden gauge the damage likely to be done by a miner on a homestead lease? The prospector would be penalised by having to lodge a deposit against hypothetical damage, and none but a rich man could enter upon such leases, which would be completely locked up from mining.

MR. KINGSMILL: In a previous session he had raised the same point on the Mining on Private Property Bill. These deposits for hypothetical damage were absolutely ridiculous, as such damage could not be foreseen or assessed. The clause could be re-drafted so as to

meet the objection, and he intended to move the addition of a proviso that nothing contained in this clause should apply to any homestead lease comprising an area of more than 20 acres. As to the provision for a preliminary deposit, he would like to see that abolished, for if it existed it would have an absolutely deterrent effect upon the prospector. In no case should the clause apply to the larger homestead leases. Those who took up 500 acres did so for the purpose of grazing stock, or it was supposed they did.

THE MINISTER OF MINES: Then they got no damages.

MR. KINGSMILL: The clause was absolutely unworkable and ridiculous.

THE MINISTER OF MINES: The same clause had been in existence in Queensland for many years, and people in Queensland knew more about the working of gold mines than we did. If there had been any necessity to alter the Goldfields Act in Queensland, that Act would have been altered the session before last, when they were consolidating their gold mining law. All the clauses dealing with homestead leases were hedged round in such a way that it would be almost impossible to grant any auriferous land, and the geological formation of the country would indicate whether the land was auriferous or not. There must be plenty of land which the greatest tyro would know contained neither gold nor other mineral. If the result of a man's labour was destroyed, compensation should be given for the damage done. No compensation was to be given for the value of the land. We should try to make the measure as easy as possible, but he could not encourage people to go on the land and then provide that the improvements they had effected should be taken from them without compensation. That would be an injustice, and he would rather drop the Bill altogether than agree to such a provision. But he did not intend to drop it, and he hoped members would assist him to pass it. He would be glad to listen to any reasonable amendment, and he trusted the amendments would be just to both parties. There was not the slightest chance of land in any way auriferous being granted under this Bill, and the difficulties members were afraid of were not likely to arise. The miner

would rather help the homestead lessee, if possible, than put him to inconvenience.

MR. VOSPER: No one but the veriest tyro would presume to judge what was and what was not auriferous land. Take the case of the Ivanhoe Venture mine: a lease was taken up a good distance from any known auriferous centre, but a huge deposit of gold was found there; and that was the kind of thing which occurred all over the country. What happened in regard to the Great Boulder? The Great Boulder was condemned on all sides. He was there in the early part of 1894, and the Great Boulder was regarded as absolutely valueless, yet it turned out to be one of the most valuable mines in the country. We were told this clause was similar to the Queensland clause. It was true that in Queensland they had consolidated their Act, but what happened in connection with the Royal Commission on mining in Queensland? Simply that a number of representatives of capital and labour were called together on the Commission, and they entered into a compromise which satisfied themselves and no one else. A Bill was the result of that conference, and the consolidation of the law was no more satisfactory than the old law. In every case these homestead leases in Queensland had been found to interfere with mining. There were plenty of individuals who would take all the freehold that one chose to give them; and these were the people we ought to guard against. In regard to compensation, a man who did damage should pay for it; but, to say a man should put up a deposit for probable damage in the future, was a rank absurdity, and it was likely to injure mining to a considerable degree. A miner's right had become almost a valueless document now, and the few advantages conferred upon the owner were being gradually taken away. If the Minister of Mines proved uncompromising, he (Mr. Vosper) should do his best to wreck the Bill.

MR. KINGSMILL: A lessee should earn compensation before he received it. This Bill was absolutely one-sided. It betrayed a great lack of confidence in the prospector; and to assess damages likely to be done was not practicable. At the same time, any damage actually com-

mitted should be paid for. To require a deposit before a prospector could go on the land would be an absolute deterrent. His own desire was not to wreck the Bill, but to see it go through in reasonable form.

MR. GREGORY: The great object desired by members was that where a man had a garden area or a growing crop, no prospector should be allowed to go on that portion of land without paying a deposit for any damage he might do the improvements. If a man had an area of 20 acres, intensely cultivated, it would be unfair for an ordinary prospector to go on that land without making some deposit; but with regard to the prospector going on other portions of land not under intense cultivation, it would be absurd to require a deposit from him for any damage the prospector might or might not do to the improvements. He moved that progress be reported.

Motion put and negatived.

MR. MORAN: Two proposals were before the Committee, and it would be absurd to listen to either of them. He was in sympathy with the member for North-East Coolgardie, for his object was to destroy the Bill in reference to giving any of this land on the goldfields for garden purposes. The time had not come for using land on the goldfields in that way, and he did not know who the "cranks" might be who would turn the deserts around our goldfields into gardens or pastoral areas. In one case a man had to put up security for damage he might do before he could go on the land. That was absurd. In the other case, if we struck out the clause it would be equally absurd, because we should be saying a man might go where he liked and should not be required to pay until he had done some actual damage. How many prospectors would be able to pay either before or after? Men who went out prospecting were usually driven to it by hard necessity, and they could not provide money for damages either before or after it was done. This rushing through of legislation before it was really wanted should be checked, and we should wait till the bulk of the people ask for it. We should at least wait till the new members, who would be elected to represent the goldfields next year, could appear in this

House and speak the opinion of the goldfields on these questions.

THE MINISTER OF MINES: The goldfields newspapers were unanimously in favour of this proposal.

MR. MORAN: The goldfields Press! God forgive anybody who looked to the goldfields Press for his salvation. The only medal he could congratulate himself on holding was one for not taking his politics from the goldfields Press. He had been asked in Kalgoorlie, by a few "cranks" who would like to have garden areas from Coolgardie to Kalgoorlie along the railway line, to support this proposal; but the great bulk of the people laughed at the idea, and it was absurd to talk of garden areas or leaseholds in that country. It would be much better to wait until next May, when the goldfields people would speak through increased representation; although the Minister of Mines no doubt thought he was doing a kind action to the goldfields, and that gentleman had as much the confidence of the people there as any goldfields member in the House. The Bill was good itself in many other respects, and it might be advisable, perhaps, to have boards appointed to inquire into the various requirements of differently situated goldfields.

MR. KINGSMILL: So long as the compensation was not required to be deposited, he would be prepared to support the clause; and with that object he would like to move that after the word "damage" in line 3 "likely to be" be struck out.

THE MINISTER OF MINES accepted the view put forward by the member for Pilbarra (Mr. Kingsmill), and promised that if this clause were passed he would have the suggested amendment prepared, with consequential amendments, in view of the recommittal.

MR. VOSPER: Under the circumstances, he asked leave to withdraw his amendment.

Amendment by leave withdrawn, and the clause passed.

Clause 24—agreed to.

Clause 25—Protection of mining improvements:

THE MINISTER OF MINES moved that after "mining," line 1, the words "or mineral" be inserted.

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

Clauses 26 and 27—agreed to.

Clause 28—Limitation of Act to certain goldfields:

MR. KINGSMILL moved that all words after "direct," line 3, be struck out as superfluous and troublesome. If it were found advisable to apply the conditions of this Bill in the future to land in the South-Western Division—and it might be advisable, in his opinion—an amending Bill would be required if the words were left in; but if simply the first part of the clause were passed, the Governor in Council had all the power necessary.

THE MINISTER OF MINES: The provision as it appeared in the Bill had been inserted in deference to the wishes of the Commissioner of Crown Lands, but he (the Minister of Mines) thought the power given was quite sufficient without the words objected to by the member for Pilbarra (Mr. Kingsmill).

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

Clause 29—Amendment of 59 Vict., No. 40, s. 7:

THE MINISTER OF MINES: Section 7 of the principal Act gave the Governor power to proclaim a goldfield, but not power to abolish a goldfield, and it was desirable the latter should be provided.

Clause put and passed.

Clause 30—agreed to.

Clause 31—Amendment of Section 15:

MR. GREGORY: Would this clause validate all previous rights?

THE MINISTER OF MINES: Yes. The law had been amended as to miners' rights, and this gave the same power as to business licenses.

Clause put and passed.

Clause 32—Amendment of Section 16:

THE MINISTER OF MINES: This clause was simply to provide that a miner, under his miner's right, could not take up and occupy for the purpose of business or residence any area of land unless the locality was first approved by the warden.

Clause put and passed.

Clause 33—agreed to.

Clause 34—Amendment of Section 19:

THE MINISTER OF MINES: Section 19 provided that every person who issued

business licenses must be appointed for the purpose by the Governor. This clause provided that the Minister and the wardens might grant licenses. This was already the law in regard to the issue of miners' rights.

MR. GREGORY moved that the following be added to the clause: "But no business areas shall be granted within a distance of three miles of any gazetted town boundary." This would not prevent the Government creating settlement within three miles, but a warden should not be allowed to proclaim business areas within that radius. In some places it might be necessary to proclaim a townsite close to another townsite.

THE MINISTER OF MINES: It was not a good thing to have hard-and-fast rules in regard to these matters. The wardens had instructions not to grant business areas within three miles of a townsite without approval. It had been held in the Supreme Court that there was no power to make regulations to provide that business areas should not be granted without the approval of the warden as to locality. That was now to be remedied by providing it in the Bill.

MR. KINGSMILL: This amendment should not be made to apply to the whole colony. It might do in some places, but not in others.

MR. MORAN: It should not be left to the warden to grant these areas. A warden would grant an area for one person and not another sometimes.

THE MINISTER OF MINES: The amendment might be altered to provide that no licenses should be granted without the approval of the Minister for areas within three miles of a townsite.

MR. GREGORY altered his amendment to read: "and by adding at the end of the same sub-section, 'but no business area shall be granted within the distance of three miles of any gazetted town boundary without the approval of the Minister.'"

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

Clauses 35 to 37, inclusive—agreed to.
Clause 38—Amendment of Section 41:

THE MINISTER OF MINES moved that after the word "shall," in line 3, "at any time before the expiration thereof" be inserted. Otherwise, the

lessee, after abandoning a lease, might return and claim it.

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

Clauses 39 to 47, inclusive—agreed to.

Clause 48—Amendment of Section 13:

MR. GREGORY: What did "ninety-six acres" mean?

THE MINISTER OF MINES: The principal Act gave power to amalgamate four 24-acre leases, so as to make 96 acres. Persons might have several leases of lesser extent, which would not make 96 acres altogether; and the clause would allow of the amalgamation of any number of adjoining leases which did not comprise more than 96 acres in all.

Clause put and passed.

Clauses 49 to 51, inclusive—agreed to.

Clause 52—Warden or Resident Magistrate may grant a gold dealer's license, etc.:

THE MINISTER OF MINES moved that in sub-clause 6 the words, "in the prescribed form, and containing the prescribed particulars, and shall obtain the seller's or buyer's signature to such entry, and his address," in lines 4 to 7, inclusive, be struck out, and "of the name and address of the buyer and seller respectively, and of such other particulars as may be from time to time prescribed," inserted in lieu; that after the word "may," in line 9, "also" be inserted; that in sub-clause 7, line 8, the word "purchase" be struck out, and "dealer's" inserted in lieu.

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

Clause 53—*Gazette* notices of forfeiture on mining leases to be conclusive evidence of forfeiture:

THE MINISTER OF MINES moved that after the figures "1898," in line 2, the words "and without prejudice to any lease, subject to pending legal proceedings" be inserted.

Amendment put and passed.

MR. ILLINGWORTH: What was the meaning of the words "heretofore or," in line 3? Apparently this was retrospective legislation.

THE MINISTER OF MINES: No. The clause merely confirmed forfeitures already made.

MR. ILLINGWORTH: What had we to do with the *Gazette* notice? The

words "heretofore or" had better be struck out.

MR. MORAN: The clause would be no good without those words.

THE MINISTER OF MINES: The object of the clause was to make sure that all forfeitures published in the *Government Gazette* in the past were conclusive. It was held by some persons that forfeiture was not complete until the Government had made a re-entry. The clause was simply to provide that all notices which had appeared in the *Government Gazette* prior to the passing of this Bill were equivalent to re-entry. It was simply to protect the individual. He moved that after the word "lands," in line 20, the word "and" be inserted; also that the word "such," in line 24, be struck out.

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

New Clause:

THE MINISTER OF MINES moved that the following be added, as Clause 37:—

Section 35 of the principal Act is amended by adding after the word "thereto," in line 10, the words—"Provided also that a lease may be granted notwithstanding that the person applying for the same may not in all respects have complied with the Regulations, and no such non-compliance shall affect any lease already granted."

Section 35 of the principal Act provided for the duration of the lease, and gave the power to refuse a lease although the regulations had been complied with; but there was no power to grant a lease if the regulations had not been properly complied with.

MR. GREGORY: Did the Minister want that?

THE MINISTER OF MINES: We did not want to exercise the power to do it; but supposing a lease were granted, some person might in after years hunt up an old application and all the evidence, and find, perhaps, that the pegs were not exactly of the right size, or something of that sort, and then come in and say that the lease was illegal, and the Government had no right to grant it, because the regulations had not been complied with. The Victorian Act provided for what was here proposed. It was simply done to protect the rights of the individual, and was purely a matter of administration. We wanted to make it absolutely certain

that when a lease was granted the title should be secure. A provision to that effect was in the Mineral Lands Act, but not in this measure. He was not quite sure whether a title given by the Crown could be disputed, but he knew this proviso was inserted in the other colonies and in reading up the law on the subject he came to the conclusion it would be better in the interests of the mining lessees that this should be inserted.

THE ATTORNEY GENERAL: The point aimed at was that when a lease was granted it should not be competent to inquire into the preliminaries except in case of fraud. The House would see the necessity for something of the kind now proposed, in order to prevent a system of blackmailing.

Clause put and passed, and added to the Bill.

New Clause:

MR. GREGORY moved that the following clause, to stand as Clause 48, be added to the Bill.

Section 10 of the Goldfields Amendment Act, 1898, is amended by striking out the words "one-third," in the second line of the second paragraph, and by inserting in lieu thereof "one-eighth."

That section meant that any person who desired to take up a 24-acre lease should, until the lease was granted or refused, have a supreme right to one-third of the area. If an alluvial man took up that area and persisted in his right, there would be a riot.

THE MINISTER OF MINES: Would it not be better to specify a certain amount of land, instead of stating one-eighth of the area? Supposing a man had only a five-acre lease, one-eighth of that would be a very small amount. Would the hon. member say one acre?

MR. MORAN: What was the good of an acre?

THE MINISTER OF MINES: Two acres.

MR. GREGORY accepted the suggestion as to two acres.

Clause put and passed.

New Clause:

THE MINISTER OF MINES moved that the following be added as Clause 51:—

No person to mine under railway reserve except on certain conditions.

51. It shall not be lawful for the owner, lessee, or occupier of any mine lying under

any railway reserve, or under land resumed for railway or tramway purposes, to mine under such reserve or resumed land without giving at least fourteen days' previous notice in writing to the Minister.

The Minister may impose upon such owner, lessee, or occupier such terms, if any, as the Minister thinks necessary for the public safety, and in that case such mining shall only be carried on in accordance with those terms.

A condition for the observance of this section by the lessee of every existing and future mining lease shall be deemed to be contained therein. The Governor, if he shall think fit, may, at the request and cost of any such lessee, owner, or occupier, cause or require the deviation of any railway or tramway so far as may be necessary for the working of any lode or reef.

MR. GREGORY: If a railway were taken over a lease already granted, the lessee could be made to pay for any damage?

THE MINISTER OF MINES: No; what the clause provided was that before a lessee could mine under a railway he must give notice to the Minister.

MR. MORAN: And the Minister could impose conditions?

THE MINISTER OF MINES: Yes; in order to ensure public safety. There would be railways and tramways all around Kalgoorlie, and if care were not taken, there might be a terrible accident. The Chamber of Mines at Kalgoorlie knew what the clause provided.

MR. MORAN: This was rather too important a clause to be introduced without notice. Four-fifths of the leases at Kalgoorlie would be affected, and tramways and railways were subsidiary to the gold-mining industry.

On motion by MR. ILLINGWORTH, progress reported and leave given to sit again.

HEALTH ACT AMENDMENT BILL. IN COMMITTEE.

Consideration resumed from 16th October, at Clause 16; Mr. Moorhead having moved to strike out paragraph 1.

Clause 16—Closing public buildings:

MR. MORAN: The mover of the amendment did not intend to insist on his proposal.

Amendment put and negatived, and the clause passed.

Clauses 17 to 23, inclusive—agreed to.
Title—agreed to.

Bill reported with an amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 10.45 o'clock until the next Monday evening.

Legislative Assembly,

Monday, 26th November, 1900.

Question: Subiaco Industrial School—Privilege: Contracting with Government; position of a Member—Papers ordered: Railway Survey, Newcastle to Bejoording—Land Drainage Bill, third reading—Health Act Amendment Bill, Recommittal, reported—Kalgoorlie Roads Board Tramways Bill, Postponement—Hampton Plains Railway Bill (private), third reading—Bills of Sale Amendment Bill, second reading, in Committee, progress—Perth Electric Tramways Lighting and Power Bill (private), in Committee, reported—Goldfields Act Amendment Bill, in Committee, Clause 51 to end—Adjournment.

THE SPEAKER took the chair at 7.30 o'clock, p.m.

PRAYERS.

QUESTION—SUBIACO INDUSTRIAL SCHOOL.

MR. WILSON asked the Premier: 1, Whether the Government or Colonial Secretary has received any complaints of overcrowding in the Industrial School at Subiaco. 2, Whether the Government or Colonial Secretary has received any intimation from the Committee of Management or the officials in charge, as to the urgent necessity for a proper classification. 3, If so, what steps if any have been taken in connection with these matters.

THE PREMIER replied:—1, Yes, on two occasions: the first time twelve months ago, when it was attended to, and again on the 5th of this month. There are now in the girls' dormitory three spare beds, and in the boys' dormitory one. As the department has no control over the sending in of cases, this is likely