

Legislative Assembly,*Tuesday, 5th December, 1899.*

Petition, Mr. F. L. Weiss—Paper presented—Order of Business, how arranged—Question: Alluvial Trouble, how to amend the Law—Question: Federal Enabling Bill—Peppermint Grove, etc., Water Supply Bill (private), third reading—Land Act Amendment Bill (Mining), recommitment, reported—Loan Bill, in Committee (resumed), reported—third reading—Fremantle Harbour Works Railway Bill, second reading, etc.—Shuicing and Dredging for Gold Bill, in Committee, Clause 5, etc., reported—Sunday Labour in Mines Bill, second reading—Mineral Lands Act Amendment Bill, second reading, in Committee *pro forma*—Mining on Private Property Bill, second reading—Metropolitan Waterworks Amendment Bill, second reading—Fremantle Water Supply Bill, first reading—Adjournment.

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

PRAYERS.**PETITION—MR. F. L. WEISS.**

MR. GEORGE presented a petition from Mr. F. L. Weiss, praying for investigation of the reason for his removal from the Education Department, and as to certain allegations.

Petition received and ordered to be printed.

PAPER PRESENTED.

By the PREMIER: Account of J. Smith *re* Post-office Savings Bank.

Ordered to lie on the table.

ORDER OF BUSINESS, HOW ARRANGED.

MR. VOSPER asked for explanation, or for the ruling of the Speaker, as to who was responsible for framing the Notice Paper and arranging the order in which Bills and other business should be taken. Some time ago he introduced into the House a Bill entitled "Mining on Private Property Act Amendment Bill," which was read a first time, and an order was made for the second reading on a certain day. A week afterwards the member for North Murchison (Mr. Moorhead) introduced a Bill (Seats for Shop Assistants Bill), which passed through all stages; and yet a Bill introduced prior to that was still low down on the Notice Paper.

THE SPEAKER: On those days on which Government business took precedence, the Government arranged the order of business on the Notice Paper; but on other days when the business of private

members was to be dealt with, the practice was, if they chose to do it, for the members interested to arrange the order in which particular subjects should be taken.

MR. VOSPER: All the days were now taken for Government business.

THE SPEAKER: Then the Government had the right to arrange the business for those days.

THE PREMIER said he was not aware that the Bill referred to was one introduced by the hon. member (Mr. Vosper). If the hon. member had spoken to him about it, he would have been glad to arrange to give it precedence. The other Bill which had been mentioned was placed up in the order of business, at the special request of some members.

THE MINISTER OF MINES said he had been looking after this Bill, and had it not been for his instrumentality the Bill would not be in the position on the Notice Paper it was in to-day. It might probably have been at the bottom of the list, being a private member's Bill.

MR. VOSPER: Why was the Shop Assistants Bill given precedence?

THE PREMIER: It was asked for.

QUESTION—ALLUVIAL TROUBLE, HOW TO AMEND THE LAW.

MR. MORAN asked the Premier: 1, Whether he has carefully considered the communications and speeches of leading men on the goldfields in reference to the alluvial trouble, stating that there is a unanimity of opinion on the goldfields that the law should be altered to overcome the present trouble and difficulty. 2, If so, whether he has received any definite suggestions as to how and in what particulars the law should be altered. 3, Whether especially he has received any definite suggestions as to how the law is to be altered in reference to old leases granted before the establishment of the dual title. 4, If not, whether he has any idea what the aforesaid communications and opinions seek to convey; and, if not entirely clear, whether he will ask these leading people to kindly give the assistance of their valuable experience in suggesting how the presumably desirable alterations are to be made to overcome the present difficulty.

THE PREMIER replied: 1, Yes. 2, No. 3, No. 4, The Government has

already expressed itself as willing to give careful consideration to any proposed amendments of the existing law.

QUESTION—FEDERAL ENABLING BILL.

MR. LEAKE asked the Premier: Whether he proposes to introduce the necessary enabling legislation for taking a referendum on the Commonwealth Bill adopted by the rest of Australia.

THE PREMIER replied: The Legislative Council having rejected the resolution passed by this House "That it is desirable that the Commonwealth Bill, as amended at the Conference of Premiers, and the Commonwealth Bill as amended at the Conference of Premiers with the amendments suggested by the Joint Select Committee of both Houses of Parliament, should be both referred to the vote of the electors, and that the necessary legislation be introduced as early as possible," it would, at present, appear improbable that an Enabling Bill will be introduced during this session.

PEPPERMINT GROVE, ETC., WATER SUPPLY BILL (PRIVATE).

Read a third time, on motion by Mr. DOHERTY, and transmitted to the Legislative Council.

LAND ACT AMENDMENT BILL (MINING).

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted for amendment.

Clause 7—Leases and other holdings granted within timber leases to be subject to rights of timber lessees:

THE PREMIER moved that paragraph 1 be struck out and the following inserted in lieu thereof:—

(1.) Section one hundred and twenty-four of the principal Act is amended by inserting at the commencement thereof the following words:—"Every timber lease shall be subject to the provisions of any Acts relating to mining for gold or other minerals, so far as those Acts create rights which may be exercised over Crown lands: Provided that every lease granted or claim acquired under any of the said Acts, of lands comprised within a timber lease, shall be granted or acquired subject to the right of the proprietor of the timber lease to enter thereon, and to cut and carry away all timber as specified in the lease of the prescribed size within the original boundaries of the lease; and, with the approval of the Minister of Mines, to construct and main-

tain roads, railways, and tramways thereon: Provided also that, notwithstanding anything contained in any of the said Acts, a gold-mining or mineral lease, or miner's right or mining license, shall only confer upon the lessee or holder thereof the right of cutting or removing such timber as aforesaid within the original boundaries of a timber lease, on prepayment to the lessee of the value thereof at the current price, and shall not confer the right of stripping bark on such land."

Amendment (to strike out paragraph 1) put and passed.

Question—that the new paragraph be inserted:

MR. WILSON objected to that portion of the new paragraph referring to the size of timber. The Government were going to make regulations as to what timber a lessee should cut; and the department might decide that certain trees might be cut, and other trees should not be cut. This would be a direct breach of agreement with the timber lessees. Timber companies had entered into certain obligations, and had carried out their share of the agreement; and now the Government wished to make this Bill retrospective, by providing that only certain timber on the land should be cut; whereas, under the agreement entered into with the Government, the lessees were entitled to all the timber on the land. The Minister might decide that a tree of six-foot girth should not be cut. There would be a great hue and cry amongst the timber companies. It took all their time now to preserve their existence, and this new provision would be looked upon as a breach of faith. Last session an Act was passed to give to the timber companies leases in lieu of licenses, yet now the Government proposed to take away the rights granted under that Act. It was not a personal matter with him, because hon. members knew that he was pretty well done with the timber trade at the end of this month; but the Government had entered into a bargain with the timber companies and should abide by it.

THE PREMIER: There was no intention to take away any right which had been given to the timber lessees, but what the timber companies were to have should be defined. The timber lessees along the Darling Range wanted the jarrah, but the member for the Canning (Mr. Wilson) wished to give them all the scrub, the

banksia, the dead wood, and everything that could be called timber on the land, thus preventing anyone having anything to do with a stick of timber within those vast areas. The Government wanted to give everything that was necessary to the timber lessees. The Government would give them all the jarrah, the wandoo, the karri, the blackbutt, and other marketable timbers, but the Government wished to prevent immature timber being destroyed.

MR. GEORGE: What about scaffold poles.

THE PREMIER: Poles were provided for. If the department did wrong, there would be plenty of persons to cry out and tell them to change their views. Take the case of a miner who pegged out a claim: unless the Government did something in this matter, the miner would not be able to cut down a stick of timber for erecting his tent, nor would he be able to use his axe within a vast area of, perhaps, 50,000 acres. A miner would not be able to get a bit of timber without being a trespasser, and the trouble would be great. The Government were trying to preserve to lessees all the marketable timber; but the firewood, the undergrowth, and the little sticks that a miner wanted to make a fire with or pitch his tent with, he should be allowed to have. Such a restriction on miners within a timber lease would be an intolerable nuisance, and there would soon be such a commotion and disturbance that the law could not be carried out. We wanted to do what was right between the parties. Do not let us shut up the whole country and make ourselves ridiculous and a laughing-stock, by persons here and there being summoned for cutting a bit of firewood, or for cutting a sapling or a pole for a tent. It was desirable to give to the timber lessee all he really wanted in the way of marketable timber, but not to give him a right which would make him practically the absolute owner of the large area which he had leased for timber purposes.

MR. GEORGE: There was not a timber mill-owner in the colony who would object to anyone cutting down a pole for a tent or taking firewood. But the objection was that when persons were allowed, as in the case of getting sleepers, to go indiscriminately on a timber area to cut

down anything they wanted, those persons were not careful what timber they cut, and they generally left such a litter of rubbish that there was great trouble afterwards in getting jinkers along any track where those persons had been working.

THE PREMIER: They could not cut down any kind of timber they liked.

MR. GEORGE: But that was what they did. There should be a provision to stop the hewing of sleepers. It should be stopped entirely.

THE PREMIER: This Bill would give the power to make a regulation for that.

MR. GEORGE: Then he (Mr. George) congratulated the Premier on having done right, unintentionally.

THE PREMIER: That was hardly so, for he knew something about timber.

MR. GEORGE: A hewer of sleepers generally took about the best tree he could find, straight-grained and easy to fix up with a broad axe. It would be dangerous to give to miners the power to cut down saplings that should form the future forest. When persons had power to take timber, they were not discreet as to what they cut down, and they often made a tremendous mess by the rubbish left behind. The timber business was now in such a condition that it was difficult to make any profit, even if the investors got their money back; and if any additional trouble were caused, such as this, the result might be that companies would throw up their timber leases.

MR. WALLACE: There should be such a stipulation in the Bill as would make it clear what timber the miner was not to cut. The member for the Canning (Mr. Wilson) had said that if a miner had to move a tree which was in the way of his operations, the miner should pay for that tree, because it belonged to the timber lessee. But he (Mr. Wallace) objected to that, and affirmed that if the miner found it necessary to clear away a tree which was obstructing his operations, he should not be required to pay for that which was an obstruction to mining. The miner should not be at the mercy of the timber lessee.

THE PREMIER: That was what we were trying to provide for.

MR. VOSPER: The object of the Premier was clear; and it was desirable

that miners should be protected from undue interference on the part of a timber lessee; for although it had been said that timber lessees or their managers would allow miners to use small timber and rubbish, yet the manager might take it into his head to use, in an arbitrary way, any power which this Bill gave him, and might do so not because it was any benefit to him, but simply to put hindrance in the way of other persons whom he wanted to clear off the lease. Such actions as that had been seen in other parts of the colony, and the Bill should not confer any oppressive power, such as had been suggested. There should be power in the regulations to prescribe the size of timber that should not be cut, in order to prevent the decimation of our forests and to allow for future growth. In Norway and Sweden, which countries depended largely on their timber for industrial purposes, the practice was to grant a lease of timber country in ten portions, one portion to be cut down in the first year, another in the second year, and so on, thereby providing that at the end of ten years the saplings in the first portion cut down should have had nine or ten years' growth for renewal of the forest. Care should be taken in this colony to preserve this great national asset; and this Bill was an honest effort on the part of the Government to remedy mistakes made in the early days of the colony, when timber licenses were first provided for. The Government had faced a difficult problem, and had solved it in a satisfactory manner.

MR. WILSON: It was not a question of firewood or small timber; but Clause 112 of an Act passed last year conferred on timber lessees the right to all timber on the land.

THE PREMIER: All timber of every sort, including rubbish?

MR. WILSON: Companies had spent their capital on that understanding, and he did not think they had abused that right in any case by wilfully destroying young timber, or by prohibiting people in the locality from taking firewood.

THE PREMIER: Then why did the hon. member object now?

MR. WILSON: If the Government wanted to give a double right to this land by granting leases for different purposes, the Government should at least

specify the size of timber which the mining lessee might take. It could not be intended, surely, that the miner should be allowed to cut down small timber, and thus destroy the forest of the future. It did not pay the timber merchant or saw-miller to cut small timber. The Government should stipulate that firewood and timber under a certain size might be removed; although if that course were taken the effect would be to destroy the future forests.

MR. GEORGE: Why not allow the timber lessee to cut and clear the ground?

THE PREMIER: The land was leased to him for the purpose of cutting marketable timber—jarrah and karri.

MR. GEORGE: But this Bill would create a dual title to the same land.

MR. WILSON: The effect would be to take away from the timber lessee the right to cut and remove any and all the timber on his lease.

THE PREMIER: The land was not leased to him for that purpose. The timber lessee wanted it only for jarrah and karri. He could cut and remove any marketable stuff on the land.

MR. WILSON: Certain rights were given to timber lessees who, as a consequence, invested their capital in this colony; and now it was proposed to take away their rights, and put them under regulations which the Minister might frame as he liked. This Bill should define the size of the timber which the miner might take on his lease or claim. Had it not been for gold discoveries on timber leases in the South, this question would never have arisen.

THE PREMIER: There was trouble ahead with the miners.

MR. WILSON: There would be far more trouble if Parliament attempted to alter the agreements with the timber companies. Provide that a miner could take certain specified sizes and kinds of timber from his claim, and let him pay for all other timber required.

THE MINISTER OF MINES: Referring to the last speaker's statement that timber lessees had invested their money with the idea that they had the sole right to all timber on the leases, and that to interfere with such right would drive away capital, it should be stated that the timber companies had invested their

capital here before the passing of the Land Act of 1898—

MR. WILSON: On the understanding that such an Act would be passed.

THE MINISTER OF MINES: And at the time when they did take up timber leases or licenses these were subject to the Goldfields Act, which gave the miner power to go on any Crown lands, including timber leases, to take any timber he required for mining purposes.

MR. WILSON: According to the regulations, timber leases were not Crown lands.

THE MINISTER OF MINES: They were; and the holder of a miner's right could take from such leases all timber required for mining purposes, while the gold-mining lessee had also a right to all the surface of his lease, on which any intruder, excepting the Crown, would be a trespasser. By this Bill the Government were endeavouring to give the timber lessee a privilege hitherto nonexistent, and to take from the miner a certain right given him by the Goldfields Act of 1895, so as to arrange that the miner might take timber not required by the timber lessee, such as fallen timber and banksia. If the miner required first-class timber, he must buy it or could procure it from some Crown land outside the timber lease.

MR. MORAN: There was no such land.

THE MINISTER OF MINES: There was plenty of Crown land outside timber leases. No doubt miners would raise great objections to this limiting of their rights under the Goldfields Act, for those who had taken up claims on timber leases had titles against all comers.

THE PREMIER: This Bill was in the interests of the timber lessee.

THE MINISTER OF MINES: Undoubtedly; and it was regrettable that the timber lessees were not prepared to meet the Government in the matter, though the miners were, no doubt, willing to meet the timber companies, who, in their turn, should agree to this compromise, which would be satisfactory to all parties.

THE PREMIER: In default of this Bill, gold-miners, if sufficiently numerous, could enter any timber lease and peg out the whole of its surface, leaving nothing to the original lessee.

MR. WALLACE: Why should they not do so?

THE PREMIER: Because the timber company had leased the land from the Government.

MR. ILLINGWORTH: Why interfere with the existing law?

THE PREMIER: It was not just or desirable that two persons should have a right to the same ground; and the Bill sought to arrive at a middle course, which would be fairly just to both parties. The miners had never asked for the Bill; but who had done so?

MR. WILSON: The Government.

THE PREMIER: No; the timber lessees. The hon. member now interjecting (Mr. Wilson), with some solicitors, had come to him and argued that something must be done by the Government to prevent timber lessees being dispossessed of their property. On that account the Bill had been introduced; and if it were not carried, the rights given to miners by the Goldfields Act of 1895 would be applicable to every timber lease; so that holders of miners' rights and holders of gold-mining leases could peg out every timber lease in the country, these areas being Crown lands. If it became known in London that timber areas here held under lease could be so invaded, the fact might be injurious to the timber industry. The State having leased the timber to these companies, it was unfair that other persons should come in to wrest the property from them without compensation. By defining what timber the miner could take, the original lessee would be adequately protected, for the latter did not want the scrub, the rubbish, or the banksia, but rather the jarrah, the karri, and other large timber, which would be protected under this Bill. Any properly-drawn regulations would specify the season in which timber might be cut, and must provide against the destruction of immature timber. Also, by providing in the regulations that jarrah, etc., of a diameter less than eight or ten inches must not be cut, the miner would be prevented from taking saplings for mining or domestic purposes. A miner would have no claim to timber of that class, and the Government rangers could insure the protection of young trees. In spite of regulations, however, in the event of a rush of gold diggers, large

quantities of small saplings and immature timber generally must necessarily be destroyed. To leave matters in their present state would be altogether adverse to the rights of the timber lessee, for the fact that he could be dispossessed would seriously interfere with his security of title, whereas by this Bill he would get everything he required, while the miner would not be unduly interfered with. The only object of the Government was to act equitably between the parties.

HON. H. W. VENN: The object the Government had in view was a good one. All the mineral leases at Donnybrook were on land already leased for timber purposes; and if something were not done, trouble would be created in the future. If the mineral lessees at Donnybrook desired to erect poppet-heads and other works, they would require to clear the land, whether the trees on it were immature or not. The Government had sold all the timber in the first instance to the timber lessee, but the Mineral Lands Act of 1895 conferred the right upon every miner to go on Crown lands, timber areas being also Crown lands, and he might take all the timber on the land within the four corners of his pegs. Let every miner have the rights he at present held. If the mining leases were any good at all, the lessees would have to erect batteries and sheds and managers' quarters; therefore the land would have to be cleared, and if the miner had the right to go on the land, he ought to be allowed all the timber that was on the lease.

THE PREMIER: A miner's right gave a miner the right to go on Crown lands for timber required in mining.

HON. H. W. VENN: It was only right that some compensation should be given by the Government to the timber lessees if the land was re-let to a mining lessee: if this were not given, a dual title would be created. Attention was also necessary as to whether the timber was marketable or not. A great deal of the land at Donnybrook contained timber that was not marketable.

THE PREMIER: What sort of compensation would you give a timber lessee? It might mean a lot of money.

MR. A. FORREST: A timber lessee might start mining on purpose to get compensation.

HON. H. W. VENN: The miners were using the timber that was growing on the land at the present time.

THE PREMIER: It would be better perhaps to leave the Act alone.

HON. H. W. VENN: Perhaps that would be desirable.

THE PREMIER: If land was taken from a timber lessee, the Government gave back all the rent which the timber lessee had paid.

HON. H. W. VENN: That was fair compensation.

MR. WILSON: It was only justice.

HON. H. W. VENN: The Government should give the miner the right to take the timber within his pegs, or there would be trouble.

MR. WILSON: There was grave doubt as to whether miners were not trespassing on timber leases. According to the Goldfields Act, a miner had the right to mine on unoccupied Crown lands. The Crown law officers should look into this matter. Mr. Sayer, of the Crown Law Office, had raised the point whether the men at Donnybrook were not illegally on the timber leases.

THE PREMIER: The proviso could be struck out.

MR. WILSON: The Committee should strike out the provision as to the size of timber in the proposed new paragraph, and should state what timber a miner was entitled to.

THE MINISTER OF MINES: What the member for the Canning referred to only applied to the holder of a miner's right. Trouble was not likely to arise in regard to claims, but as to mining leases, because any person might take up a mining lease under the Goldfields Act on any Crown lands, consequently on any leased timber area. It was not necessary that the person should have a miner's right. A person could take up land for gold-mining purposes on a timber lease; and having taken the land under the Goldfields Act, if the person took out a miner's right he could cut what timber he required.

MR. ILLINGWORTH: The question was whether the timber lessee was in occupation.

THE MINISTER OF MINES: The Act stated that, for leasehold purposes, a person could occupy any Crown land, but

under a miner's right a person could occupy only unoccupied Crown land.

MR. A. FORREST: This Bill was introduced in the interests of timber lessees, and all those holding timber areas between the Canning and the Leeuwin had taken the ordinary precaution of applying for the land in such a way as to justify them in clearing timber off portions of the area from time to time. In the case of the Canning Jarrah Company and the Jarrahdale Company, the areas were about 3,000 acres, that being the average size; and the object of taking up those large areas was that the Government in the first instance charged a rent that was prohibitive, namely £20 per square mile per annum. The blocks were taken up in such a way that as soon as one block was cleared, the lessee's railway was extended to another block, and so the lessee had not to pay rent for the cleared block in the following year. The timber lessees would not be interfered with a great deal by gold-mining operations on their leases, because when a block was cleared the lessee had done with it, and ceased to pay rent for it. As to objecting to gold-miners going on a timber lease, he would be glad if auriferous areas could be found near any mill in which he was interested; and where an auriferous area was being worked by miners, he felt sure those miners would only be too glad to buy cut timber from the nearest saw-mill, at a less cost than if miners cut timber for themselves. If after a timber lessee had cleared part of his lease, the gold-miners came on afterwards, that should be an advantage rather than otherwise, because the timber lessee would have fulfilled the purpose of his existence in having cut and removed the marketable jarrah or karri off the land. A company did not build a railway on a timber lease for cutting and removing firewood or saplings; therefore any timber of that kind which miners might require would be no real loss to the timber lessee. If the question before the Committee were one of subsidising timber mills so as to make the business profitable, there might be something in that; but timber lessees need not have any fear about the provisions of this Bill in regard to gold-mining on their leases. Every shipload of timber sent away was evidence in itself that a certain length of railway must be added to enable the

timber lessee to get to the next block of marketable timber. As to the practice of granting licenses for cutting sleepers, those engaged in that work did it at a price that would not pay the sawmillers; and in cutting timber for sleepers, the practice was to cut only the best trees, even if the men got only a few sleepers out of a tree. Timber lessees should not object to anybody cutting timber that was not marketable.

MR. ILLINGWORTH: A point that had been missed was that in the case of a mining lease of 24 acres taken up on an area leased for timber purposes, if any tree had to be removed when it impeded mining operations, the timber lessee should not be enabled to claim a price for that tree, because the probability was that the miner who was obliged to cut it away as an impediment would not want to use the tree, and he would have been put to the expense of removing that which was of no use to him, while he could be called on, according to this new paragraph, to pay to the timber lessee the value of that tree. As to the timber lessee being interfered with by mining operations, that was a storm in a teapot, for experience had shown, especially at Ballarat, that miners would buy timber at the nearest mill as a convenience to themselves, rather than cut timber, and this kind of trade had been a great help to timber mills in the Ballarat district. The miner should not be compelled to pay the value of a tree which his mining operations compelled him to remove.

THE PREMIER: It would be intolerable to compel him to pay.

MR. ILLINGWORTH: We should be careful not to create complications; and this Bill required further consideration.

THE PREMIER: The provision about paying for the tree could be taken out, and the Government could return the rent to the timber lessee. We should let the timber lessee cut marketable timber on ground leased for mining purposes, if he wanted it, and we should not do more than that.

MR. ILLINGWORTH: It would be better to postpone this question until next session, and consider the whole matter carefully.

HON. H. W. VENN moved, as an amendment, that all words after "there-

on," in the ninth line, be struck out. This would minimise the trouble.

THE PREMIER: If we gave to the timber lessee the right to go on the miner's lease and take off it any marketable timber, while also not interfering with the right of the miner taking from the land any timber he required, and if we also provided that the rent should be returned to the timber lessee for land taken for mining purposes, with a reduction in respect of the remainder, these provisions should be sufficient. Suppose any friction arose: we had the very thing now in the Jarrahdale timber concession; for in that case the lease was granted subject to the right of the Government to sell the whole of the land, also to resume possession at any time subject to the right of the lessee to take the timber. What had been the result of that agreement? The result was that the Government, although having this right, were not able to sell an acre of that ground, because the company could come down to any part of the ground with their jinkers, and might come even in the night, and could cut down trees in any place they chose, even where the trees might fall on the roof of any house erected by the settlers on the land; and in that way it was found impracticable for the Government to sell any portion of the land originally leased for timber purposes. By providing in this Bill for power to resume the land and to return the rent, we should have done sufficient. With this object, both the provisos in the new paragraph might be struck out; and if the hon. member (Mr. Venn) would withdraw his amendment, a further amendment could be moved.

HON. H. W. VENN asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

HON. H. W. VENN (for the Premier) moved that after the words "Crown lands," both the provisos be struck out.

Amendment put and passed, and the new paragraph as amended inserted in Clause 7.

Clause 8—agreed to.

New clause—Amendment of Section 112 of the principal Act:

THE PREMIER moved that the following be inserted as Clause 3:

Section 112 of the principal Act is hereby amended by striking out the first seven lines

thereof, to the word "prescribed," and by inserting in lieu thereof the words: "The Minister may grant leases giving the lessee the exclusive right, subject to this Act and any amendment thereof and to the regulations thereunder, to cut, remove, and sell any jarrah, karri, tuart, wandoo (white gum), blackbutt, or any other kind of timber specified in the lease, and any piles, poles, or barks of the aforesaid timbers growing or standing on the land the subject of the lease and therein particularly described, at the rental and on the conditions hereinafter prescribed."

This clause would limit the right of the timber lessee to certain kinds of timber, namely to marketable timbers required for export and for local use. Hon. members interested in the timber trade should see that their interests would be sufficiently protected by this clause. Section 112 of the principal Act gave the lessee an exclusive right to the timber, and would thus prevent the miner from taking any timber; but it was never the intention of the Government, nor was it desired by timber lessees, that the latter should have other than marketable timber. Redgum had been omitted, but could be inserted in the new clause, if the hon. member (Mr. Wilson) thought it necessary.

MR. WILSON: The Premier had proclaimed that the Bill had been brought in to protect the timber lessees.

THE PREMIER: So it had.

MR. WILSON: But this clause would give to a miner the right to take everything on his claim, just as if the ground were absolutely Crown land, and would hamper the timber lessee with conditions as to what timber he might cut on the remainder of his land. This would work great injustice.

THE PREMIER: How?

MR. WILSON: By interfering with the timber lessee's right to take all the timber on his lease.

THE PREMIER: It was not desired to give such a right.

MR. WILSON: The clause would practically take away every right possessed by the timber lessee.

THE PREMIER: Nonsense!

MR. WILSON: This Bill was the outcome of a conference between the Premier and Mr. Sayer, of the Crown Law Department, and had been passed through Committee on the understanding that it would be recommitted, so that he (Mr. Wilson) might move a certain

clause; yet, on recommittal, the Premier brought down amendments covering three sheets of foolscap, depriving the timber lessees of the very protection agreed to be given them, and giving the miner free access to timber leases.

THE PREMIER: Such land would be resumed, and the timber lessee compensated.

MR. WILSON: Where was that provided for?

THE PREMIER: In Clause 4 of the Bill.

MR. WILSON: Clause 4 did not make the resumption and compensation compulsory.

THE PREMIER: No; but it provided that such procedure should be lawful.

MR. WILSON: If the miner could occupy the land and take the timber on it, without formal resumption of the land by the Government, what Minister would then be likely to resume the land? The wording of the lease itself would not bind the Minister. This Bill was drifting into a muddle.

HON. H. W. VENN: The proposed enactments had been framed after consultation with timber lessees, with the object of protecting immature timber, which according to the member for West Kimberley (Mr. A. Forrest) was being destroyed by hewers. The member for the Murray (Mr. George) could give valuable information on this point.

MR. GEORGE: Redgum would be more largely used for wagon and carriage building if its value were better known. It was useless, however, for an experienced man to make suggestions, for these would not be taken by the Premier.

THE PREMIER moved that the word "redgum" be inserted after "blackbutt." The Bill could be again recommitting, if necessary. Even the schedule was in itself valuable, for the form of lease had much better be in the Act.

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

New Clause—Amendment of Section 120 of the principal Act:

THE PREMIER moved that the following be added, to stand as Clause 6:

Section 120, paragraph (2), is amended by inserting after the words "no part of" the words "the land subject to."

Clause put and passed.

New Clause—Application under principal Act to be subject to the provisions of this Act:

THE PREMIER moved that the following be added, to stand as Clause 8:

All applications for timber leases heretofore made under the provisions of the principal Act, shall be deemed to have been made under the provisions thereof as amended by this Act.

Clause put and passed.

New Clause—Amendment of Section 161 of the principal Act:

THE PREMIER moved that the following be added, to stand as Clause 12:

Section 161 is amended by inserting a new paragraph as follows:—"(4A.) Prescribing the size of timber, piles, poles, and balks which may be lawfully cut under timber leases or licenses."

Clause put and passed.

New Clause:

MR. WILSON moved that the following be added, to stand as Clause 13:

Any person who shall unlawfully fell, cut, saw, split or bark any timber or tree growing or felled upon any land comprised within the area of any timber lease (whether or not such area also included the area or portion of the area in a gold-mining, mineral, or pastoral lease) shall, on conviction, pay a fine not exceeding £20, and all such fines may be recovered before a resident magistrate or any two justices of the peace in petty sessions.

It was necessary to have a penalty clause, especially as there was a provision in regard to the size of the trees to be cut.

Clause put and negatived.

Schedule:

On motions by the **PREMIER**, the following amendments were made in the schedule:—In the second paragraph, line 3, strike out "the natural surface of all that tract of land described in the schedule hereto," and insert "the sole and exclusive right, subject as hereinafter mentioned, to cut, remove, and to sell any kind of timber, as defined in the first schedule hereto," standing or growing upon the land described in the second schedule hereto, and insert in line 4, after the word "herein," "but subject nevertheless to the provisions of the said Act and any amendment thereof and to the regulations thereunder." Also, in lines 4 and 5, strike out "with the appurtenances for the purpose of granting the right," and following words down to "thereon," in line 8. Also, in line 9, strike out the words "notwithstanding the limitation in depth of the premises." Also, in line 9,

strike out "therein," and insert "in the said lands." Also, in line 11, strike out the word "premises," and insert "said lands."—In the third paragraph, line 8, strike out "premises," and insert "said lands." In lines 10 and 11, strike out "and will," and following words down to "workmen," in line 13. In lines 15 and 17, strike out the word "premises," and insert "said lands," in lieu thereof.—In the proviso (1), strike out "to go," in line 1, and insert "going"; also, strike out "travel," in line 1, and insert "travelling"; also, strike out the word "and," in line 1, after the word "land." In proviso (2), strike out "demised premises," and insert "said land." In proviso (3), strike out "demised premises," and insert "said land." In proviso (4), strike out "demised premises," wherever those words appear, and insert in lieu thereof "said land." In proviso (5), strike out "hereby demised," and insert "herein described"; also, strike out "demised premises," and insert "land." In proviso 6, strike out "demised premises," and insert "said land." Also, strike out the words "the schedule," and insert "the first schedule: The timber referred to [jarrah, karri, tuart, wandoo (whitegum), blackbutt, redgum], and any piles, poles, or balks of the size prescribed by regulations of the above-named timbers. The second schedule."

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

Title—agreed to.

Bill reported with amendments, and the report adopted.

At 6:30 the SPEAKER left the Chair.

At 7:30, Chair resumed.

LOAN BILL, £750,000.

IN COMMITTEE.

Consideration resumed from 5th December, at the schedule, third division, "Development of Goldfields and Mineral Resources, £50,000."

Item—Development generally £20,000:

MR. WALLACE: Up to this stage of the Loan Bill, he had not said one word; but seeing the way the votes had gone, he felt bound to say something to support the action he took on the second reading. He was opposed to every one of the items

in the first part of the schedule, and also to the construction of any of the proposed railways.

MR. ILLINGWORTH: It was no use objecting to anything in this House.

MR. WALLACE: The leader of the Opposition (Mr. Leake) had expressed his intense disgust at the manner in which the items had been treated, and he (Mr. Wallace) also desired to protest and to express similar disgust at the "development generally" on both sides of the House; on the Government side by the blind loyalty shown to the Premier by his supporters in contradiction to what some of them had stated on the second reading.

THE PREMIER: What had this to do with the item?

MR. WALLACE: "Development generally" was the item, and he was speaking with a desire to gain information.

THE PREMIER: The ruling of the Chair would have to be asked for, if the hon. member continued in his present strain.

MR. ILLINGWORTH: Was that fair to an hon. member who had not spoken previously?

THE PREMIER: The hon. member ought not to speak on the general question.

MR. WALLACE: The only desire was to make himself clear, because he desired information as to what "development generally" the vote was to be applied. There were two sorts of general development; the development as witnessed on the Government side last night, and the development shown by members on the Opposition side who left their seats when this item came on, in order to show disgust at the action of the Government.

THE CHAIRMAN: The hon. member was not in order in discussing the political side of the question. The Committee were considering a matter of money.

MR. WALLACE: On the ruling of the Chairman, he would proceed no further. Would the Premier explain to what purposes it was intended to apply this £20,000?

THE DIRECTOR OF PUBLIC WORKS expressed regret that last night he had not noticed this item was to be administered by the Public Works Department. The £20,000 was to be expended on the general development

of the goldfields, by providing wells, roads, tanks, and works of that character, also telegraph line construction. Out of the last goldfields vote similar to this, several telegraphs were built. One was constructed from Cue to Naunine and up in that direction somewhere, and at Peak Hill. He had not the carrying out of that work, but he knew the funds were provided from this source. The Postmaster General had that work in hand.

MR. ILLINGWORTH: What about Lake Way?

THE COMMISSIONER OF RAILWAYS: A portion of that amount was provided for from this source. This was a vote the Government had had every year, and they had always found it very useful in connection with carrying out different works on the goldfields that were controlled by the Public Works Department.

MR. GREGORY: If any money taken out of this vote was to be expended on tanks, and the tanks were afterwards taken over by the department, would that amount be charged up to the Railway Department?

THE COMMISSIONER OF RAILWAYS: In connection with the railways the Government had in some instances constructed tanks in this way, and these had been handed over to the railways afterwards. But the Railway Department considered they should not pay the whole cost, because the works were carried out at a time when it was very expensive to execute them; and if works of that kind were to be carried out now they would be executed much more cheaply. The Railway Department did not offer any objection to paying, provided the amount could be adjusted.

MR. ILLINGWORTH: Were they paying the present value?

THE COMMISSIONER OF RAILWAYS: Yes; and it was proposed that the amount should be charged to the capital account. Take the case of the Niagara tank. It would not be fair to expect the railways to pay the whole of the cost, because the work cost a good deal more than it really should have done, and more than it would have done if we had had the railway constructed there.

MR. GREGORY: It was like the Coolgardie Exhibition—it would be hard to find out how much it cost.

MR. ILLINGWORTH: Where did the recoup go in the case of a work being taken over by the Railway Department?

THE PREMIER: If a transaction were completed, of course the railways would be charged with the cost of the work, and the loan vote would be credited with the amount. But he did not remember any instance in which such transaction had been completed. There were a great many tanks built out of various votes—out of revenue and out of loan; all those, for instance, along the route from Northam to Coolgardie. They were built before the railway. The Government would require that the railways should be charged with the amount, and the vote that paid it originally would have the sum credited to it. But, as he had said, he did not remember any transaction being completed yet.

MR. ILLINGWORTH: A matter of some importance arose here. If we had some recoups to come from the Railway Department, it became a question whether this £20,000 was required.

THE PREMIER: Oh, yes; more than that. Where were we going to get the money from? The Railway Department could not give it at present.

MR. ILLINGWORTH: Could not pay?

THE PREMIER: Not out of capital account: they wanted more.

MR. ILLINGWORTH: We had the assurance of the Premier that the loan moneys were pooled. We were giving loan moneys to the Railway Department for various purposes. The Railway Department had had some money, and they could pay if they liked.

THE PREMIER: They wanted these authorisations for other purposes.

MR. ILLINGWORTH: We were now asked for £20,000 for the development of the goldfields. He wanted to know what the Railway Department would do in relation to these works which had been taken over and which had been paid for from similar votes passed on previous occasions.

THE PREMIER: By the proposal now made they would have so much more to spend.

MR. ILLINGWORTH: Supposing the department recouped us £50,000 for works they had taken over, then for the coming year there would be available £20,000.

THE PREMIER: The Railway Department could not stand paying £50,000 now.

MR. ILLINGWORTH: Could not the Railway Department pay their debts like every other department?

THE PREMIER: It was desirable to wait.

MR. ILLINGWORTH: There was no objection to wait; but he wanted to understand the process going on in relation to this account. He was only asking for information. He entirely approved of the suggestion of the Commissioner of Railways that in taking over these tanks and other works the Railway Department should be charged present value, and certainly not the cost. We knew the circumstances under which these works were created.

Item put and passed.

Schedule, fourth division, "Departmental."

Item, Departmental, £26,000—agreed to.

Schedule, as amended, put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

THIRD READING.

Bill read a third time, on motion by the PREMIER, and transmitted to the Legislative Council.

FREMANTLE HARBOUR WORKS RAILWAY BILL.

ROCKY BAY TO ROUS HEAD.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): In rising to move the second reading of this Bill I do not anticipate any difficulty in regard to it, for the reason that it is almost a formal matter. Members will recollect that a line of railway has been constructed from Rocky Bay quarries to the North Mole, for the purpose of conveying stone from the quarries to the Mole, for continuing the construction. Owing to the increased general traffic on the railways, and also the difficulty we have with regard to crossing the railway at the point at North Fremantle station, it is thought that by constructing a new line from the quarries and crossing over the Fremantle-Perth road at a point near

where the Rocky Bay line junctions with the main line, and thence passing near the sea beach by the Government Stores to the North Mole, we shall be better able to deal with the general traffic than we are by the present means of taking stone to the Mole. In any case we shall have to make some provision for dealing with this question: by either taking the route we now propose to follow, or by going towards the North Fremantle bridge side of the railway station and thence passing under the railway bridge on to the level piece of land near the bank of the river, thence on to the Mole. That would, of course, entail a good deal of expense, and would be rather inconvenient to carry out. The engineers consider it preferable to carry this line by an overhead bridge across the line from the Rocky Bay quarries, and thence by the route which I have described.

MR. ILLINGWORTH: What is the new line to cost?

THE COMMISSIONER OF RAILWAYS: The cost will be trifling—some £3,000 or £4,000; very much less than the cost of the line which would have to be constructed if the route under the bridge were adopted. By adopting the route now proposed we can much more easily work the traffic, and shall not have to face those difficulties which confront us to-day in consequence of our having to wait our opportunity to pass our trains through the North Fremantle station at times when that portion of the line is not occupied by the ordinary traffic; so I think there will be money saved in that direction. Although it will cost a little more to construct this line in the way proposed, still there will be economy in working the traffic, and we shall have a very much more expeditious service than we are able to ensure to-day.

MR. CONNOR: Will the whole of the line pass through Government land?

THE COMMISSIONER OF RAILWAYS: Entirely through Government land.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Authority to construct:

MR. GREGORY: What would the work cost?

THE COMMISSIONER OF RAILWAYS: Between £4,000 and £5,000. A lot of material already in the hands of the department would be used for the construction of the line, so that the expenditure of money would be greatly reduced. The heaviest cost would be incurred in constructing a temporary bridge over the railway line for the purpose of conveying the stone.

MR. ILLINGWORTH: It was intended to construct the line to Rous Head?

THE COMMISSIONER OF RAILWAYS: Yes.

Clause put and passed.

Clause 3—agreed to.

Schedule and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

SLUICING AND DREDGING FOR GOLD BILL.

IN COMMITTEE.

Consideration resumed from 17th November, at Clause 5, Sub-clause 2, on amendment proposed by Mr. Leake to strike out the word "demised."

Amendment put and negatived.

THE MINISTER OF MINES: As the area of the lease had now been altered from 640 to 5,000, it was necessary to alter the figures representing the value of the machinery to be continuously employed on the lease. He moved that the following words be added to Sub-clause 3: "For every 2,000 acres in the lease."

MR. ILLINGWORTH. That would mean machinery to the value of £7,500 for an area of 5,000 acres?

THE MINISTER OF MINES: Yes.

MR. MONGER: While to some extent agreeing with the amendment, this last provision appeared to be prohibitory. An expenditure of £3,000 in 12 months was a fair outlay; and if the amount were to be increased, then in lieu of the word "three," "five" should be inserted, making it obligatory to expend £5,000 during the first 12 months after the granting of the lease. The amendment would mean that the lessee would have to put machinery to the value of £7,500 on a 5,000-

acre lease. That seemed to be more than was ever intended.

THE MINISTER OF MINES: This provision was in the Act passed by the South Australian Legislature. It was provided in the original draft of this Bill that machinery to the value of not less than £3,000 should be placed on a lease of 640 acres; therefore the amendment which he had moved was more liberal.

Amendment put and passed.

THE MINISTER OF MINES further moved that the following be added, to stand as Sub-clause (4):—" (4.) That he will, annually, on such dates as shall be fixed in the lease, furnish a statement showing the amount of gold derived from the land demised."

Amendment put and passed.

THE MINISTER OF MINES moved that the following be added, to stand as Sub-clause (a):

A reservation of the right of all persons not interfering with or impeding the lessee to enter and go upon the land for water condensing purposes, and also to take water therefrom.

This would give the right to anyone to go on to these areas to water their stock, but people would not be able to divert the water to impede the operations of the lessee. It must be understood that the people who intended to go in for this dredging wanted to float their dredges; therefore it would not be right to allow persons to divert the water, and thus prevent the operations being carried on.

Amendment put and passed.

THE MINISTER OF MINES: As the Committee had provided for a royalty to be paid, it would be necessary for the lessee to furnish a statement showing the amount of gold taken from a lease; therefore he moved that the following be added, to stand as Sub-clause 4:

He shall annually, on such dates as shall be fixed in the lease, furnish a statement showing the amount of gold derived from the land demised.

Amendment put and passed.

MR. GREGORY: Would a lessee be allowed to amalgamate two or three leases of 5,000 acres each? A lease of 5,000 acres was in his opinion quite large enough for any one company to hold. We should have to be very careful in the initial stages of this work.

THE MINISTER OF MINES: The amendments he was proposing were consequential on amendments already passed. He did not think there was power in the Bill to amalgamate. If a company took up 5,000 acres they would have to pit the amount of machinery required under the Bill on to that 5,000 acres, and if another 5,000 acres were taken up, a similar amount of machinery would have to be placed on the second lease, so there would be no such thing as concentration.

MR. GREGORY: Supposing on any of the dredging leases a gold reef was found, what action would be taken?

THE MINISTER OF MINES: On the last occasion when the Bill was before the Committee he placed in the hands of hon. members a clause which provided that the leases should be taken up under the Mining on Private Property Act. The proposed new clause was passed round the House, and, as he fancied it met with the approval of hon. members, he would move that it be added to the Bill, and thus allow a person who wished to take up a portion of the land for lode mining, an opportunity of applying under the Mining on Private Property Act, paying the lessee under this Bill any compensation that might be necessary.

THE PREMIER: Difficulty might arise in reference to reefs found on these large areas, and it was to be hoped the Minister's proposal would be sufficient to meet such cases. It was understood, however, that those who were anxious for this Bill to pass did not desire reefs, but wished to work the deposit; and if they came on a reef, it seemed to him a very simple process might be devised by which they could get possession of it. On Crown lands it would be easy enough, but on freehold land it would not be such a simple matter, especially if the owner happened to be a litigious person. He understood that companies operating under the Bill did not desire to work reefs, because it was quite clear reefs were excluded under the lease.

MR. KINGSMILL: A reef could not be dredged.

THE PREMIER: A reef could be dredged just in the same way as soft stuff, and work of the kind could be seen at Fremantle.

MR. KINGSMILL: But the reef would have to be blasted first.

THE PREMIER: No; without blasting at all. Dredges were so strong now that a great deal was being done in this way at Fremantle without blasting.

MR. GREGORY: It would be a most inconvenient way to work a reef.

THE PREMIER: It appeared to be a capital way.

MR. GREGORY: How deep would a dredge be able to go?

THE PREMIER: A dredge would follow the reef to a depth of 30 feet, probably.

THE MINISTER OF MINES: No difficulty was contemplated in the direction suggested. If the lessee found a reef and desired to take up a 24-acre lease, he could apply for it under the Mining on Private Property Act, without any more expense than under the Goldfields Act; and, if anyone else desired to take up a reefing lease, all he had to do was to go to the Warden for permission to go on the land, and then peg out his claim and apply. Before the lease was granted, compensation would have to be paid for any damage likely to be caused to the lessee; but it was not probable there would be many lodes found worth mining, or that a dredge would go down 200 or 300 feet in search for gold.

MR. KINGSMILL: The new clause suggested would meet the circumstances of the case very satisfactorily, and even the most fault-finding public of Western Australia would let these people have all the reefs they could work by sluicing and dredging, because not much gold would be obtained by such operations. He should say that a dredge would be a most inconvenient appliance with which to put a drive in.

Clause as amended agreed to.

Clause 6—agreed to.

Clause 7: Power to the Minister to suspend or waive covenants:

MR. WALLACE moved that the clause be struck out, as unnecessary. Clause 5, Sub-clause 3, provided for the fulfilment of labour conditions similar to those ordinarily enforced on the goldfields, and there was no reason why the Minister should have power to suspend the covenants. The clause provided for a consideration, the like of which had never been given to miners, so far as he knew, in any part of the world.

THE MINISTER OF MINES: There were no labour conditions under the Bill.

MR. WALLACE: Sub-clause 3 of Clause 5 provided that after the first 12 months, the lessee must continuously keep employed in sluicing and dredging for gold, machinery up to a certain value, and it would be most unwise to give the Minister the power sought in Clause 7.

MR. LOCKE: The clause gave power very similar to that of granting exemptions on certain conditions on the ordinary goldfields, and only referred to special circumstances under which the lessee found it impossible to comply with the covenants. The stoppage of water, for instance, would be a good reason for acting under the clause, and it could not be supposed the Minister would abuse the power given him.

MR. ILLINGWORTH: Under Clause 6, Sub-clause 3, the Governor had power to make regulations for procedure in the forfeiture of leases, and why should the Minister be allowed, in addition, of his own will and motion, or on representations which might be true or false, to give some company the right to stop the whole of their operations, and practically evade the conditions of the Bill. The only penalty was forfeiture, and the conditions of forfeiture were in the hands of the Minister under the regulations. No general power should be given to the Minister to override every condition in the Bill, and make it suit any particular case at his own sweet will.

THE MINISTER OF MINES: The only anxiety was to make the Bill workable, and the provisions should not entail hardships on the lessee, or the covenants be made so difficult that they could not be carried out.

MR. ILLINGWORTH: There was no penalty but forfeiture, which was in the Minister's control.

THE MINISTER OF MINES: A regulation could not be made against something provided in the Bill. The Bill provided that the lessee would, during the term of his lease, after the first 12 months keep continuously employed in sluicing or dredging for gold upon the land demised machinery of a value of not less than £3,000.

MR. ILLINGWORTH: Let the hon. gentleman read Clause 7.

THE MINISTER OF MINES: Clause 7 gave the Minister power to suspend or

waive covenants. The hon. member referred to Sub-clause 3 of Clause 6.

MR. ILLINGWORTH: What was stated was that the Minister had power to make regulations.

THE MINISTER OF MINES: The hon. member said the Minister could prescribe the method of forfeiture. All the Bill provided was that regulations might be framed for prescribing the procedure of forfeiture—the way in which forfeiture should be applied for, the form of application.

MR. GREGORY: Would not Sub-clause 2 of Clause 6 give the Minister power to grant exemptions? The word "reservations" appeared.

THE MINISTER OF MINES: In his opinion, "reservations" did not apply to granting exemptions, but there might be cases in which it would be a hardship to compel a lessee to keep a dredge-man continuously working on the lease. There might be an accident; the water might run out, and the lessee might wish to wait until he could get a sufficient supply; or there might be a big flood which would really prevent his operations entirely; and he (the Minister of Mines) thought it was necessary to provide some means for allowing covenants to be relaxed, as to keeping this machinery employed. He regarded the reservation as a very useful one, and thought it would protect the Crown as well as the lessee. This was a new departure in the colony, and if it was found that the interests of the Crown were suffering in any way by the covenants of the lease, the proposal made would come in and allow the Minister to alter the covenants. There might be some town near one of these lakes which might desire to get a water supply from the lake; and under the present Bill we might give power to take such water, as long as one did not interfere with the lessee.

MR. ILLINGWORTH: The power had just been given.

THE MINISTER OF MINES: Not to divert.

MR. MORAN: One could only divert running water.

THE MINISTER OF MINES: It would be well to give the Bill a trial in its present form for 12 months; and if it was found that the provisions ought to be altered, the alteration could easily

be made. He did not think any difficulties were likely to arise at present, at any rate, under the Bill. In fact the labour conditions need not be fulfilled until 12 months after the issue of the lease under the Bill; and by the time the House again met, members would have had an opportunity of seeing whether the Bill was likely to operate well or not.

MR. MORAN: It was important that this clause should not be thrown out just now. Sluicing was carried on under very precarious conditions in the two countries in which it was engaged in. It was more particularly carried on in New Zealand, and in some parts of Victoria it was engaged in, but not to such an extent. There the rivers were very rapid. They were subject to high floods, and it was impossible to work a mine and carry out labour conditions on running water the same as on dry land. He had never seen a tremendous current of water careering through these lakes in Western Australia, but certain conditions might arise. He thought the first application the Minister would have to divert the labour conditions would be through a dredge being left dry on a lake. The measure should be made as liberal as possible.

MR. GREGORY: It was necessary to grant great powers to the Minister in a new Bill of this sort, and he noticed that the Minister must within a month of the opening of Parliament hand in a return showing the reason why he had granted any waiver of the labour conditions. But, as the member for Central Murchison (Mr. Illingworth) had pointed out, it was an important matter of principle. On many occasions members had fought the power of the Government to make regulations with regard to an Act of Parliament; but under this Bill we should be giving to the Minister power to absolutely override the whole measure. If the Minister were to ask for such power under the Goldfields Act what would members say? If the method of granting exemptions were put in the regulations, members would have an opportunity of seeing what it was, and would understand how the Minister was administering the Act; but under the Bill as it stood at present the Minister could, if he chose—he did not think he would—override the whole

Act. He thought the Committee ought not to give such right to a Minister.

MR. MORAN: It was in every other Dredging Bill in the colonies.

MR. GREGORY: He would like the hon. member to show him one.

MR. MORAN: If the Minister had the South Australian Act, he could show it to the hon. member.

THE MINISTER OF MINES: There was a similar clause in the South Australian Act, word for word.

MR. GREGORY: In South Australia, Parliament had given the Minister greater powers than we had been inclined to do here. The clause should be amended and should be carefully considered before becoming law.

MR. LOCKE: If Clause 7 were not left in, some of these capitalists or speculators might go a hundred miles inland from the railway and fix up a dredge under very trying circumstances, and if anything went wrong with the dredge they would, without this clause, be subject to forfeiture after all their outlay.

Motion put and negatived, and the clause passed.

New Clause:

THE MINISTER OF MINES moved that the following be added, to stand as Clause 6:

Land, the subject of gold-mining leases under this Act shall, for the purpose of mining for gold in any lode, reef, or vein, be deemed private land within the meaning of "The Mining on Private Property Act, 1898," and if such land is enclosed, the owner of a miner's right who desires to obtain possession of a claim, or a person who desires to obtain a lease for mining in any lode, reef, or vein therein, shall not be precluded by anything contained in the Mining on Private Property Act from entering on such land merely by reason of a spring, lake, or dam being thereon.

Clause put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

SUNDAY LABOUR IN MINES BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. H. B. Lefroy), in moving the second reading, said: Hon. members will notice that this Bill is intitled an Act to prevent the unnecessary employment of labour in mines on Sundays. They will

see at once that it is not desired under this Bill to stop any work on Sunday that may be absolutely necessary. I regret that necessity should have arisen to introduce this Bill, but I think that had the seventh day of rest been properly observed throughout the goldfields of Western Australia in the past, there would have been no need to bring forward the measure now before the House. No doubt objections will be raised to this Bill by some members, who will probably say: "Why should mines be specially singled out by a Bill of this sort?" Mining is singled out on this occasion because I believe it is only in mining operations that really unnecessary Sunday labour is carried on.

MR. MORAN: There is no unnecessary Sunday labour.

THE MINISTER OF MINES: If the occasion had not arisen for the introduction of this Bill, I should not now be bringing it before the House. There is a very strong feeling on the goldfields with regard to this matter, and a deputation waited upon the Government in Perth some months ago, asking that legislation of this kind should be introduced. It has been said that the observance of one day's rest in seven has been neglected in the gold mines, and this deputation brought forward a very considerable amount of argument in favour of their contention. I have here a number of letters on the subject. A circular letter was sent to the chairman or secretary of each of the gold-mining companies in the colony by the body which was chiefly instrumental in arousing public opinion on this subject. The letter sent to these companies reads as follows:

We, the undersigned, representing all sections of the community on the goldfields of Western Australia, respectfully request that you will join us in securing Sunday observance in Western Australia by giving instructions for all unnecessary Sunday labour to stop in your mine on Sunday. In support of the above request we have to submit the following facts: In all other Australian colonies unnecessary work is prohibited on Sunday. The splendid gold returns of the Eastern colonies, especially Victoria, have been won without Sunday labour. To directors living in England it is hardly necessary to refer to the immense coal and iron mines of England, which are carried on without Sunday labour. Mining in Western Australia is not essentially different from mining in Victoria. All the principal centres of the goldfields now have

railway communication with the seaboard, and long delay in getting materials, and consequent haste on their arrival are no longer factors favouring continuous work.

The letter goes on to say amongst other things:

Thousands of shareholders on these fields have protested against Sunday work. Regardless of every consideration of self-interest, they have given unanimous support to the movement which aims at stopping the crying evil of Sunday labour. All those whom we have approached on this matter feel that the welfare of society and safety of the State demand instant action to remove this social blot.

I may mention that this letter, which was forwarded to the representatives of the different gold-mining companies—

MR. MORGANS: By whom was that letter written?

THE MINISTER OF MINES: And signed, amongst other people, by Mr. Richard Hamilton, president of the Chamber of Mines at Kalgoorlie.

MR. MORAN: Is that letter in favour of Sunday labour or against it?

THE MINISTER OF MINES: I shall leave the hon. member to judge for himself. The letter is also signed by Mr. William Dick, president of the Mining Managers' Association of Western Australia, and by Mr. Alexander Porter, the secretary. It is also signed by a number of clergymen; in fact, the other signatures attached to this circular letter are those of clergymen on the goldfields.

MR. MORAN: Will you stop the clergy working on Sunday, too?

THE MINISTER OF MINES: I think this is certainly one of the subjects which the clergy should take up, and if they left some other subjects alone and stuck to matters of this kind, they would be doing much more good to the community, and would gain much more respect for themselves than perhaps they have gained from some of us by the action a number of them have taken quite recently.

MR. GEORGE: That is not half severe enough.

THE MINISTER OF MINES: This letter was acknowledged by Mr. Porter, the secretary of the Mine Managers' Association, who says in reply:

Your letter dated 3rd inst., and draft copy of circular on the subject of Sunday labour, were read at the meeting of the executive council of this association held on Tuesday last, and I have been instructed to advise you that the circular meets with their approval,

and if same be printed will be signed by the president, the two vice-presidents, and the secretary of the association, and forwarded to the different secretaries or boards of directors. That refers to the letter I have previously read. The Secretary of the Kalgoorlie, Boulder, and District Trades and Labour Council also wrote to the secretary of the Clerical Union as follows:

MR. MORAN: Are the parsons united in this?

THE MINISTER OF MINES: The letter is as follows:

I was requested by the above council to inform you that the following motion was carried unanimously at the last meeting, held on Friday, February 3rd—"That all unions affiliated to the council be asked to give their support in bringing before Parliament the necessity of minimising Sunday labour on the goldfields, and that delegates bring the matter before the Trades Congress which sits in Coolgardie in April next."

All the Workers' Associations on the fields have supported this movement.

MR. GREGORY: Unanimously.

THE MINISTER OF MINES: The Amalgamated Certificated Engine-Drivers of Western Australia, through their secretary, wrote to the Clerical Union informing them that:

By a resolution carried and confirmed by this branch, I was directed to convey to your association our best thanks for the efforts made to minimise Sunday labour on these fields. I was further directed to assure you that your association can rely upon the co-operation and support of this body in seeking to sweep away this man-made brutalising practice.

MR. GEORGE: How will you get on when you have women's suffrage?

THE MINISTER OF MINES: All these societies are in favour of having as little labour as possible employed in the mines on Sundays, and I may mention that there are mines in this colony where work is carried on only for six days in the week. At Menzies, I believe none of the mines are worked on Sundays, and so it is in other parts of the colony; consequently it is not absolutely necessary, I take it, to work mines on Sunday. I know it will be held that there have been many expensive plants erected on some of the mines at Kalgoorlie, which have been built for the express purpose of being worked seven days in the week, and consequently this Bill may involve some hardship. Of course I have merely to bring the Bill before the

House, and to submit it for the consideration of hon. members, though I may mention that I am in favour of preventing unnecessary Sunday labour on mines. [MR. GEORGE: Hear, hear.] And moreover I believe the majority of mine managers in this colony are not really in favour of such unnecessary labour. I believe the practice of working on Sunday has been chiefly introduced from England. It has been brought from London, brought from the country where the national sentiment is entirely against Sunday labour, and where no Sunday labour of this kind would be permitted. I believe it has been introduced into this colony by those who desire to obtain all the gold they can from the country as quickly as possible, and then to leave the colony. Now from a national economic point of view, I think it must be better that it should take 21 years to get a given quantity of gold out of Western Australia, than that the other plan should be adopted; for I do not know that it is a very great benefit to the colony that we should hurry-scurry to get all the gold out of this country within a year, or two years, or three years.

MR. KINGSMILL: But that is convenient for the Premier's speeches.

THE MINISTER OF MINES: I think it much better for this country that the winning of this gold should be extended over a lengthened period. I do not mean to say that people should sit down and only work half time; but I think it is quite sufficient to get all we can in six days out of seven.

MR. GEORGE: The Premier works seven days a week to get in a loan.

THE MINISTER OF MINES: Sometimes we all have to work more than six days a week, and I know that I have very often to work on Sunday; but that work is really brought upon myself: I do it of my own accord, and am not bound to do it. We all have to do that, unfortunately; still, I think one of the best rules we have is that men should only work six days out of seven if they possibly can. Six days' work out of seven is exactly what is fitted for man's physical organisation. In any country where it has been generally attempted to work continuously for more than six days a week, the attempt has ended in a national loss. [MR. GEORGE: Hear, hear.] We know that in

France, during the time of the revolution at the end of the last century, the all-wise people there thought they could introduce an improved rule of their own, and they decided that one day in 10 should be a day of rest, instead of one in seven; and what was the consequence? In two years they found that the physical organisation of the people could not stand the strain, and they had to revert to the one day in seven. I think it is impossible for us to make any rule which could be better for our guidance than that we shall work six days and rest on the seventh.

MR. GEORGE: Do you not think five days' work would be better?

MR. MORAN: It would be rough on some men if they were compelled to work six days a week. They would leave the country immediately.

THE MINISTER OF MINES: I do not think it is necessary to go further into the history of the establishment of one day's rest in seven. I think that plan has borne the test of ages; it has been found to be a law exactly suitable to man's physical strength, as I said before; and any general violation of it has always proved detrimental to the country where such took place. Why, I might ask, should mines more than other industries carry on work on Sundays? Surely farming is an industry in which necessity, one would imagine, might compel those engaged in it to work on Sunday.

MR. MORAN: So they do, and take a spell for the rest of the week.

THE MINISTER OF MINES: We all know that the farmer would be very much assisted, pecuniarily, by being able sometimes to work at his harvest and get in his crops on a Sunday, and so preventing their being destroyed by the rain. But no; I have never known of an instance in which this sort of work has been done. I think the farmers have too much of that superstition which is so innate in man, to do so: they think that if they worked on Sunday they would have no luck during the week. I know it will be urged by members that it is absolutely necessary that some of the mines should be kept working on Sunday. I shall be glad to hear the arguments of hon. members in that direction, and I shall be pleased to give them every possible consideration. The Bill was

introduced by the Government upon a distinct mandate from the goldfields. The Bill has been demanded from all parts of the goldfields, and the workers themselves, I am confident, are extremely anxious that legislation of this sort should become law. I believe laws such as this do not exist in other parts of Australia, but there is a law of this nature in force in New Zealand. It was brought about by causes very similar to those which have brought about the introduction of this Bill. It was thought unnecessary that Sunday labour should be carried on in certain mining districts in New Zealand; the national feeling there was against Sunday labour; and the public asked that legislation should be introduced to stop it. I believe the New Zealand measure has met with good results. The law is now in force in New Zealand, and common custom, which governs quite as rigidly as any law, makes it the rule throughout other parts of the Australian colonies, except Western Australia. The power mills of Bendigo, Ballarat, and Stawell are stopped on a Sunday, and always have stopped without cause of complaint arising, and the New Zealand mill owners, I believe, at the present moment quite recognise the legal insistence of the same rule, the stopping of unnecessary labour in mines on Sunday. It is an old saying, and it is a perfectly true one, that the Sabbath was made for man, and not man for the Sabbath. The Sabbath was made for our good, and to enable us to rest from our work, and no doubt it is a very great benefit to man. The benefits of the institution of the Sabbath to the individual are too self-evident to require further comment; but I think, from the national economic point of view, the institution of six days' work to one day of rest is one of manifest wisdom, and a great blessing to mankind. I trust hon. members will support the Government in the passage of this measure, and send it forth from this House in a shape which will be acceptable to the mining community at large. I am not one, far from it, who would wish to retard the operations of the lessee in any possible way, but I do not think they would be retarded by preventing labour on Sunday. I have spoken to mine managers throughout the fields, and many of them have informed

me that it is not necessary to work on Sunday: they are not in favour of it. I know the largest mine at Menzies, at which place I happened to be on one Sunday, had stopped work. I expressed some surprise that the mills were not going, and that no work was going on underground. Everything seemed so quiet, the men were playing cricket, no work was going on above ground except the cleaning up of the machinery. I was informed by the manager that there was no necessity to work on a Sunday. He said "I consider that six days a week are quite enough to keep men going." I shall be quite happy to hear from hon. members any arguments on this subject, and I shall be pleased to hear the member for North Perth (Mr. Oldham), who I trust does not encourage operations to be carried on in the business in which he is concerned, on a Sunday. I do not think it would be to his advantage, nor to the advantage of those he employs. If that hon. member or any other hon. member has any observations to make in favour of working on a Sunday and the carrying out of work throughout the mines on a Sunday, I shall be only too happy to listen to them, with every respect. I commend the Bill to hon. members. I may say the Bill provides that smelters shall be allowed to work on Sundays. This Bill is not intended to harass the mining companies, or to prevent their carrying on work which is absolutely necessary in mines on Sunday. We do not desire to do that. The Bill provides that smelters shall be kept working, and I think roasting furnaces also should be allowed to work. Cyanide extraction plants might be kept working, and if members desire it, batteries also could be kept going. If it can be shown by members that batteries also shall be kept going on a Sunday, I shall be only too happy to listen to what they have to say on the subject.

MR. GEORGE: What is it you wish to stop on a Sunday?

THE MINISTER OF MINES: What we desire to stop is the unnecessary Sunday labour in mines. We all know, even with regard to batteries, that only about one man is necessary to keep a plant going. However, the Bill does not propose to keep the stampers going: it provides that all unnecessary labour shall

be stopped on a Sunday, except smelting and other work that may be considered absolutely necessary in connection with a mine—the tending of furnaces, engines, boilers, and machinery—so that the mine would be in working order at the close of Sunday. Any work that is necessary to prevent danger arising will be allowed to go on. I know very well down at Greenbushes, on the tinfields, the men do not work on a Sunday, and they even knock off work on a Saturday afternoon.

MR. GEORGE: Because there is no tin.

THE MINISTER OF MINES: Where men are working their own "shows" they knock off on a Saturday afternoon. Even the Goldfields Act itself is in spirit against Sunday labour in mines. It provides that work shall be carried on for only five and a half days in a week; that is, every day except Saturday afternoon and Sunday; consequently the intention of the Goldfields Act, and the intention of the mining community as a whole, is that mining shall not be carried on unnecessarily on a Sunday. I present the Bill for the consideration of members, and I ask their support in sending it from this House in a shape that it will be a blessing and a boon to the mining community, and I think a benefit to the country in the future.

MR. GREGORY (North Coolgardie): Hon. members will remember that when the Mines Regulation Bill was before the Assembly, I endeavoured to have an amendment inserted in the Bill preventing unnecessary labour in mines on a Sunday. I withdrew my amendment on the promise of the Minister that a Bill preventing unnecessary Sunday labour would be brought forward. That Bill has been brought in, and has been on the Notice Paper since about October 10th. I do hope the Minister will put the Bill, if possible, through all its stages to-night. I have an idea that this Bill will be shelved, if possible. We know the Minister desires that the Bill shall be carried, but I thought he was much stronger on this question than I think he is after hearing his speech. He told us the absolute necessity existed for six days labour only in a week, but the Minister finished up by admitting that if certain members desired that stampers should work on a Sunday, the Government would not object.

MR. MORGANS: He did not say certain members, he said "hon. members."

MR. GREGORY: I understand. I want to see the Bill pass, for the reason that it is the almost unanimous wish of the people on the goldfields that this should become an Act. The Workers' Association desire it. I believe petitions have been got up in Kalgoorlie against the Bill, but I would ask hon. members, when these petitions are placed before the House, to remember the position the men who were asked to sign the petition are placed in. If a mining manager sends round a petition to his men, asking if they are in favour of working seven days a week, the men think it incumbent upon them to sign the petition. I have received letters from men who have signed these petitions, and I have received letters from the Workers' Association urging the passage of this Bill. I think the restrictions in the Bill are quite sufficient. As the Minister told us, if an accident occurs in a mine, work can be proceeded with so as to protect the property, and any furnaces can be kept going, which are proper restrictions in the Bill. Pumping to keep the mine clear of water and any work required for the protection of the property can be carried on. If any danger is likely to arise to men working in a mine through work being suspended on Sunday, authority from the Inspector of Mines can be obtained for permission to carry on the work. What the majority of the people desire is that batteries should stop, and that there should be no work underground on Sunday, and I see no necessity for cyanide works to continue on that day.

MR. MORAN: How can you stop the cyanide working?

MR. GREGORY: I know we cannot stop the cyanide solution working, but I have had conversations with mine managers on this subject, and the manager of the Lady Shenton mine said he would sooner throw up his billet than work on Sunday, and that he did not think his men would be of any use if they were employed seven days a week.

MR. MORAN: Have you ever been in a mining camp where they knew it was Sunday?

MR. GREGORY: I have often been in mining camps, and I was a long time in Victoria where, not even in Ballarat,

did I ever hear stampers going on a Sunday. I am not speaking on the subject from a religious standpoint at all, because I do not pretend to be religious or take any notice of parsons, and I am sorry the Minister took notice of the parsons in the way he did to-night. I hope hon. members will support this Bill, not from any religious standpoint, but from the standpoint that a man who works seven days a week will become absolutely useless to the country. From my experience, I should say the object of the man who works seven days a week is to make a big cheque, and get out of the country, whereas we desire people to stay here. A married man on the goldfields certainly desires one day a week to himself, and I am sure that if mines be worked seven days, men who do not fall in with that arrangement will very shortly be dismissed. The member for Coolgardie (Mr. Morgans) objected to my making that statement on a prior occasion, but I think I can satisfy most hon. members as to its accuracy. In the case of a battery working three shifts, seven days a week, only three engine drivers would be employed, and if they did not work on the Sundays, they must be dismissed, because the owner of a mine cannot afford to keep an extra staff to carry on special work on Sunday. I know the Minister of Mines is desirous of getting the Bill through, and I hope it will be sent to another Chamber and soon become law.

MR. MORAN (East Coolgardie): Kalgoorlie, which I represent, is responsible for the agitation against Sunday labour; and seeing the Minister has quoted some of the largest mine managers in favour of the prohibition, it is hard to find arguments against the Bill. It is peculiar that in a Christian country we should have to legislate for Sunday observance. We do not legislate to prevent people doing a bit of work in their back garden, nor do we cull in the law to prevent the domestic servant or the groom following their usual avocations on Sunday. In fact, we do not legislate at all in the matter, but trust to the good sense and the inherited Christian or religious instincts of the people. One thing about the Bill which strikes me as rather peculiar—and this is on the side of those who oppose the Bill—is that the Inspector

of Mines has absolutely full power to allow any sort of labour to go on in mines on Sunday.

MR. GREGORY: Only to avoid the risk of injury to the mine.

MR. MORAN: Anything may be described as a risk to the mine. If, for instance, a piece of loose lode ought to be seen to, to neglect the work might be called a risk if the inspector chose to look at the matter in that light; so, after all, the Bill depends very largely on the inspector; and to those who are opposed to the Bill, that must be a strong point. In many cases, mine managers do not hanker after having to look after their mines on Sunday; but there is nothing in the Bill to prevent the inspector regarding any kind of Sunday work as necessary to avoid danger. We ought to remember there has been no counter agitation against the Bill on the goldfields, though I did see in the newspapers that it has been proposed to take a referendum of the working miners on the question; and I cannot see how we are to avoid admitting the fairness of the proposal. If a referendum is in progress now, has the Minister of Mines any idea how it is going to "pan out," or what the machinery is for taking the referendum? Has the Minister been communicated with on the subject by the mine managers, or by the Workers' Associations? Or is this Bill an emanation from the heads of the associations against the wishes of the working miners? It would hardly be logical for the goldfields people to decline a referendum on this question, and demand the referendum, when it suits them, on other questions. Is a referendum being taken, and is it being taken fairly, or is any pressure being exercised on the miners? I have seen it hinted that the managers are letting it be clearly known that if a man does not vote for the rejection of the Bill and no interference by Parliament, the sooner that man gets away the better. It is rather late in the session, but if the miners have agreed to a referendum, that phase of the question ought not to be lost sight of. But are we to allow constant labour on Sunday on the goldfields, and thus make Sunday no different from any other day? I do not like to see work going on all round on the goldfields on Sunday. Life is made up of

cycles, periods of rest and periods of work, and I believe in the good old institution of working six days, or any lesser number of days a week, and certainly "spelling" on the Sunday. I never met a man who was not able and willing to rest the whole seven days if convenient to himself, and we must not allow compulsion to be exercised on men to make them work 365 days a year; but, as usual in questions of the kind, the goldfields people, though they say a great deal, take no active steps. Has the Minister any information as to this suggested referendum? and, if so, is the result likely to be made known before the close of the session? [SEVERAL MEMBERS: No, no.] If not, then this legislation, which is fairly liberal, ought to be enacted, the Minister giving instructions to the inspector not to be too severe, but to allow fair latitude and liberty. If the referendum goes against the Bill, the Act can be repealed next session; but, once the Bill passes, I do not think we will see legislation suggested to authorise Sunday labour on the goldfields, because it will take a lot to make Christian people advocate the abolition of Sunday as a day of rest. I must compliment the Minister on the able and mixed speech in which he introduced the Bill. He was very happy in his remarks, and showed himself to be a Minister in more senses than one. He would not have made a bad minister of the Gospel, and he caused us to feel quite religious, which is something for us "hard cases" in the Assembly. He almost recalled our early days to us, and he is to be commended on that "clerical union"—what it may mean I do not know—which he has blessed before the Chamber in the proper intonation of voice and with all the solemnity of a pulpit deliverance. As to this "clerical union," I feel we have reached an epoch in the history of the world; and I am glad to know that priests and parsons are indeed united. Let us hope the millennium has arrived, when priests and parsons are able to tell us they have found the truth in regard to the Gospel, so that we may know which party to follow.

MR. GEORGE (Murray): What puzzles me in regard to this Bill is the question, what on earth is it intended to effect? Ostensibly it is to stop Sunday labour, and yet the exceptions in the Bill

are so numerous and comprehensive, that one wonders what work the legislation will stop, except paying away money and working underground. If it be necessary to bring in a Bill of the sort, it should be in such a form that there are no loopholes for evading the whole of the principle laid down. The Minister of Mines has told us, and told us very well, that there shall be no unnecessary labour in mines on Sunday; that the only labour permitted will be that required to preserve the works and to see the machinery is kept in good order, so that operations may be resumed on the Monday. But surely the six exceptions to the provisions against Sunday labour, and also the other items to which the Minister referred, comprise almost the whole of the operations in a mine.

MR. MORAN: The Bill is aimed principally at underground working.

MR. GEORGE: That is so, and if the Bill had been brought in to prohibit underground work, with the exception of that necessary in case of danger, it would probably have covered all necessary ground. It very frequently happens that in the course of an overhaul, unsuspected defects are discovered in the machinery, and require repair by men who think they have a Sunday's rest in front of them, but who have to be brought back to work. While this legislation may be, and I believe is, necessary in some degree, we ought to be very careful how we word it, so as not to frame an Act with loopholes through which people can creep. This session we seem to have been trying to go in for social legislation, prepared by gentlemen who know very little of what social questions are, and I am afraid the Sunday labour proposals will only react to the detriment of the working men themselves. That is my opinion in connection with it. I may be wrong, and doubtless I shall be told I am wrong; but, from what I have noticed in the course of knocking about the world pretty continuously for a good number of years, whenever there has been any attempt by legislation to interfere with necessary work, not only as far as mines are concerned, but other factories and places, it has always resulted not so much against the employer in the long run as against the employé.

MR. GREGORY: Do you not legislate now to close shops?

MR. GEORGE: We are legislating. We are going to have seats for shop girls, and I think we are going to give bicycles for boys' lessons, and curling pins for girls to curl their hair; and are going to encourage gentlemen to grow moustaches where moustaches never grow. However, that is going from the point. I am not against legislation which will help the working man alone, but I am against legislation which, while it pretends to help him, will not do so, but will throw obstacles in the way of his obtaining employment and advancement. I am not going to say anything in regard to the clerical question except this, that I deprecate very much the interference of clergymen, whether they are parsons or priests or "lay parsons," in the ordinary work of life. To my mind their duty does not rest with that, and when they take part in politics it is about time they were told in this country the same as they were told in the old country a hundred or two hundred years ago, and are being told to-day, that their duty is to be looking after the souls of the people, and not so much to interfere with the means of employment and of obtaining wages.

MR. WILSON (Canning): I do not think this Bill will require very much debate. I believe I am safe in asserting that no hon. member in the Assembly would wish to interfere with the liberty of the subject. But, whilst admitting that contention, we must consider whether those who are now working seven days a week are not injuring the health of the nation, and we must further consider whether those who are working on Sundays do not cause an annoyance or trouble to another section of the community. I maintain we are perfectly justified in legislating to maintain the health of the community; and, further, that no section of the community shall carry on its operations on Sundays to the detriment and annoyance of another large section of the community.

MR. GEORGE: Why do you not put down the locomotive on Sunday?

MR. WILSON: The locomotive is not a detriment to the community, and not an annoyance: it is a convenience.

MR. MORAN: Underground mining is no annoyance to anyone.

MR. WILSON: That is the way it strikes me, at any rate; and I say that

undoubtedly any man who is working seven days a week throughout the whole year cannot be as good a man as the man who works six days and rests on Sunday.

MR. GEORGE: Hear, hear. I agree with that.

MR. WILSON: There is no doubt about it; and I, for one, think we should be perfectly justified in legislating to prevent, as far as possible, all labour on Sunday.

MR. MORAN: Make it general.

MR. WILSON: Certainly; I do not care whether it is mining or timber cutting, or whatever it is. People are prevented from trading on Sundays, and why should we not prevent this work from being carried on?

MR. GEORGE: Make them pay double time, the same as we do, and then they will not have any trouble.

MR. WILSON: I was sorry to hear the Minister suggest that he would be prepared to consider an amendment to allow the batteries to run on Sundays. Apart from any question of labour in connection with these batteries, we must remember that the running of batteries on Sundays is contrary to the religious principles and views of a large section of the community. We would not for one moment think of allowing a large saw-mill to be working in the city on the seventh day, nor would we allow any works to be going full swing on Sundays.

MR. GEORGE: We do sometimes.

MR. WILSON: In cases of emergency.

MR. GEORGE: Yes.

MR. WILSON: I see no reason why we should allow batteries to work on the goldfields on Sundays. I do not think the English directors in London wish these mines to be worked seven days a week; and, in my opinion, the idea that such is the case is far-fetched. I think certain mine managers, in their desire to develop the works and make as big a turnover as possible, have kept the works running, and it has become a custom. I believe that when once this legislation is enacted to stop all unnecessary work on Sunday, none will raise a voice against it; and, in my opinion, such legislation will be of direct benefit to the community, as to morals and everything else. Objection was taken to an inspector

of mines having the power to sanction certain Sunday labour.

MR. MORAN: Who took that objection?

MR. WILSON: I think the hon. member himself.

MR. MORAN: I beg your pardon. I say that is a very strong point in the Bill.

MR. WILSON: I thought the hon. member objected that this would be a great loophole as against the Bill.

MR. MORAN: No.

MR. WILSON: I thought his idea was that an inspector, having the power to sanction work, might allow workmen to go on Sunday after Sunday.

MR. GEORGE: He could do so.

MR. WILSON: He could; but if it were found that one man was permitted to work Sunday after Sunday underground or elsewhere, when such work was unnecessary, such person would, I take it, be very soon brought to account.

MR. MORGANS: They might all apply it.

MR. WILSON: But that does not show it would not be prevented.

MR. MORAN: I think the provision the most useful one in the Bill.

MR. GEORGE: It is rather an annoyance to an inspector to make him a detective.

MR. WILSON: I take it, it is not intended to make him a detective. The provision is simply in relation to people having urgent work to do in connection with their machinery. If in relation to certain mines above ground or underground urgent work is necessary, application can be made for permission to do it. I am pleased to see this measure has been introduced, and I do not think there will be one voice against its being read a second time.

MR. MORGANS (Coolgardie): It is quite easy for an hon. gentleman like my friend who has just sat down to have strong feelings in favour of this Bill, seeing that it will not affect him in any way. I believe he has no mines, and that he is not interested in mines.

MR. WILSON: Put the timber companies into it.

MR. MORGANS: Therefore one can hardly expect much sympathy from him. However, apparently the great point that has been raised to-night, and has principally been the theme of all the arguments brought forward, is that you wish

to do away with unnecessary labour on Sundays. That, I believe, was the strong point raised by the Minister of Mines in his very able speech—"unnecessary labour." We all agree to that proposition; for nobody desires to perpetuate the principle of unnecessary labour on Sunday, the only point the House have to decide being as to what is necessary and what is unnecessary.

MR. ILLINGWORTH: That is for the Committee stage.

MR. MORGANS: It is with that object in view that I am now taking this opportunity of pointing out to the House what I consider necessary labour on mines on Sunday. I am interested in mining, so this is a matter which touches me the same as it touches a very important section of the community in this colony, and I think the House requires to go slowly before interfering too much with a great industry like the mining industry of Western Australia. The member for Central Murchison (Mr. Illingworth) said this was not a religious question. Something has been said about the Clerical Union. The member for East Coolgardie (Mr. Moran) asked what this Clerical Union was. It has been a mystery to me also, and I have been worried considerably, wondering what it was composed of, and who were the members of it. Can the Minister of Mines throw any light upon the point?

THE MINISTER OF MINES: Yes; I believe they are representatives from all the different churches.

MR. GEORGE: They are churchmen, are they?

MR. MORAN: They want good congregations.

MR. MORGANS: Evidently the Clerical Union is composed of gentlemen who are interested in having large congregations, as my hon. friend has suggested. I do not object to that: every man to his trade, and let him get all he can. But one point which suggests itself to my mind is that we are gradually tending in this colony to a system of legislation that will drive every man out of the colony in a short time, if it goes on as it is at present. The tendency in this House is to legislate to interfere with everything that is going on in the colony, and I believe that if there is no check placed upon it, the result must naturally be

serious for Western Australia. I do not wish to say anything unkind in regard to the people who have taken part in the agitation in relation to Sunday labour; but I may say, in contradistinction to the statement made by the member for North Coolgardie (Mr. Gregory), that it is not the unanimous wish of the people on the goldfields to stop Sunday labour. I know the goldfields well. I am interested myself in mining and in other pursuits on the goldfields, and I have had an opportunity of talking with a large number of managers and men engaged in mining. My experience is that if a *plébiscite* were taken of the miners on the goldfields, in the first place there would be very little interest shown in the question, and in the second place there would not be a majority in favour of this Bill.

MR. GREGORY: It is a question.

MR. MORGANS: At any rate I make the statement from my impression. I do not wish to go beyond that, and I make that assertion in contradistinction to the statement of the member for North Coolgardie. What is there in this point in regard to Sunday labour? I believe that 95 per cent., and probably 98 per cent. of the mine managers on the goldfields do not employ their men in the mines on Sundays.

MR. ILLINGWORTH: Then why object to the Bill?

MR. MORGANS: I do not, so far as that is concerned. My hon. friend, the member for Central Murchison, has such an excellent brain that he is always anticipating what I am going to say. If my hon. friend will only give me time to explain myself, I will say with regard to the employment of men underground on Sundays, that 98 per cent. of the mine managers have no desire for that at all, and they have no objection to this Bill, for the reason that they do not employ the men. The enactment can do them no harm; therefore they will not raise any objection to it. But what they do raise an objection to, and a very serious objection, is the point referred to in the speech of the Minister of Mines when he mentioned the Chambers of Mines as not opposing this Bill. The Chambers of Mines at Kalgoorlie and Coolgardie are strongly opposed to the measure.

MR. MORAN: Mr. Hamilton has signed the letter as chairman.

MR. MORGANS: Yes; and I was surprised to see the signature.

THE MINISTER OF MINES: Mr. Hamilton signs on behalf of the Chamber of Mines in favour of abolishing unnecessary Sunday labour.

MR. MORGANS: Ah, well, if the Bill be confined to abolishing unnecessary Sunday labour, I am with him.

MR. ILLINGWORTH: That is all the Bill asks for.

MR. MORAN: But the Bill defines unnecessary Sunday labour.

MR. MORGANS: True. The Bill is to apply to mining operations, and it distinctly states what those operations are. In a sub-clause of Clause 4 it is stated that the Act shall not apply to the employment of persons for smelting, for the protection of property in and about the mines, or attending to any furnace, engine, boiler, or machinery, pumping, and so on, or doing any work required in a dangerous emergency. To that there can be no objection. But it contains other provisions that are objectionable, and I may say this House is labouring under a misconception as to the requirements of a mine. With regard to the working of a battery, I contend it is an absolute necessity that every battery on a mine should be allowed, if the manager choose, to work on a Sunday. I contend there is a misconception with regard to the amount of labour employed in working a battery, and I am prepared to state that in the management and working of batteries not more than 10 per cent. of the total number of men employed on a mine are occupied; so that, if this House agree to the principle of allowing batteries to work on Sundays, in any case at least 90 per cent. of the men engaged upon the mine would be liberated. I contend that this House has no right in any circumstances to interfere with the liberty of the manager or owner of a mine to work his battery on Sunday. This exception should be made, that batteries and the working of the cyanide plant should be allowed to continue on Sundays at the discretion of the manager. So far as the cyanide plant is concerned, it is impossible to stop its working on Sunday. We cannot do so. The solutions are put in the vats, and they are bound to run

through—we cannot stop them; and therefore for this House to pass a measure of this kind without permitting work at cyanide vats on Sundays would be practically to shut up the whole cyanide industry on our fields; and I would ask, is that a desirable thing for this House to enact? It is an absurd suggestion. There is no exception made in favour of cyanide vats.

MR. ILLINGWORTH: It is a question of the labour employed.

MR. MORGANS: Certainly; but you are bound to give vats a certain amount of attention, just as when you have a horse you must feed him on Sundays. I do not wish to occupy the time of hon. members in traversing the positions taken up by previous speakers. There are some criticisms which could be made, and very effective criticisms, against the arguments used; but I will confine myself to this amendment I am about to propose, that the following words be added to Sub-clause *a* of Clause 4.

THE SPEAKER: This is not the time to make an amendment.

MR. MORGANS: I beg your pardon, sir. I should say that I intend in Committee to move these additions to this sub-clause: "That this Act shall not apply to the employment of persons for smelting or working of batteries and cyanide plants."

MR. ILLINGWORTH: Cyanide is in the Bill already.

MR. MORGANS: No; smelting is mentioned; and the additions I propose are for the working of batteries and cyanide plants. If those additions be made I shall raise no further objection to this Bill, and I am perfectly certain it will receive the commendation of mine managers upon the goldfields. Hon. members, if they look into the true position of this matter, and realise the small proportion of men occupied in working batteries, and look at the same time to the serious disadvantages and serious consequences which may arise from the introduction of legislation of this kind, will, I am perfectly sure, be prepared to enter into a compromise of this kind in order to make effective a measure which certainly has many points of great usefulness, but which, if allowed to pass as it now stands, will be most

harmful to the mining industry of this colony.

MR. ILLINGWORTH (Central Murchison): It must be a matter of great satisfaction to the Minister who introduced this Bill, and also the House generally, to find that so little opposition and so little objection have been raised to the Bill itself. No objection has been raised to the principle of introducing such legislation, nor could it well be raised when it is remembered that this House has frequently passed similar Bills; that there are upon our statute book quite a number of enactments this House in its wisdom has seen fit to pass, which also interfere with the rights of persons engaged in other industries. The only question at issue was raised by the member for Coolgardie (Mr. Morgans), who no doubt represents, to a very large extent, the views held by mining managers generally upon the fields. He says we must have battery work on Sundays, and desires to make an amendment to that effect. Still, I am not aware that on any other goldfields, at any rate in Australia, has it ever been found necessary to work a battery on Sunday.

MR. MORGANS: It has, all through the United States.

A MEMBER: We are talking about Australia at present.

MR. ILLINGWORTH: I was about to say that the very reforms which we here desire to obtain, and much more than is desired to be obtained by this Bill, have been obtained in the other colonies without any legislation whatever, simply by the expression of public opinion, and by the influence of the unions which there exist.

MR. MORGANS: Let us do the same here.

MR. ILLINGWORTH: Well, to a certain extent I am inclined to agree with the hon. member. If the advocacy of this Bill had taken the form of a defence of the religious phase of the question, I should have resented any legislative interference from that standpoint, because I hold, as one of the principles that are dear to me, that no Parliament should interfere with the religious convictions of any man or of any number of men. But is it suggested that this Bill is introduced in deference to such an agitation? I do not think it is.

MR. MORGANS: I know it.

MR. ILLINGWORTH: I do not think the hon. member does know it. He knows that certain clerical gentlemen have interested themselves in this movement; but I would suggest to him that clerical gentlemen are, to a large extent, interested in the same way as members of this House; for they represent certain individuals whose ideas and principles they are endeavouring to have carried out in the community.

MR. MORAN: How are the clergy representative: in what way?

MR. ILLINGWORTH: The mere fact that they exist is a proof that they are representative.

MR. MORAN: For what purpose do they exist? For religious purposes?

MR. ILLINGWORTH: The fact that they exist is a proof of their being representative; because, unless they were supported and assisted by some persons in the community, they could not exist at all.

MR. MORAN: For what do they exist?

MR. ILLINGWORTH: Just as anyone could be returned to this Assembly—

MR. MORAN: The electors return us to make laws. What are parsons kept for?

MR. ILLINGWORTH: On that question I think the hon. member would get better advice from the head of his church than I am able to give him. I think probably the head of his church is quite capable of informing him on a subject of this kind; and I should not like to become his mentor on questions of this character. I am not discussing the religious question.

MR. MORAN: This is a religious agitation.

MR. ILLINGWORTH: No, sir, it is not. It does not come from the churches.

MR. MORGANS: It started with the churches.

MR. ILLINGWORTH: I say it did not start with the churches. I think I am in a position to make that statement. I say that public opinion acted upon these men, who have a specific work to perform in connection with the religious phase and the moral phase of our social life: public opinion acted upon the men, and the men have consequently taken action. They are only the mouthpieces of the public in any case. I am not at all objecting to any man in the com-

munity doing his duty, whatever he may conceive his duty to be; but we here have a simple duty to perform, and that is to legislate for the benefit of the whole of the community. We have taken upon ourselves to say that certain shops shall close at six o'clock at night. By what authority have we done so? We have done so simply because in our wisdom or unwisdom—some people think in our unwisdom—we have taken upon ourselves to say that certain shops shall close at certain hours. We have also enacted that certain places, for instance public-houses, shall not do business on Sunday.

MR. JAMES: Certain persons cannot carry on their trades on Sunday.

MR. ILLINGWORTH: If a man goes out to carry on his business or trade, he is interfered with by legislation now on our statute book; consequently any legislation of this kind is only an extension of the same principle: that is, this House takes upon itself to pass such legislation as in its wisdom it deems necessary. The question with me is the absolute necessity for such legislation, which necessity, as I understand the matter, arises in this way. A mine at the outset is generally separated from all persons and things; there are no associations whatever; there are no churches, no schools, no opportunities for recreation, no mechanics' institutes; and of course it is just as easy for people to work the whole seven days, especially when they get an extra day's pay; and so a mine starts and works seven days a week. But as population increases, as towns are formed, the rights of other persons come into contact with the right of the man who is working. Then other rights have to be considered. We have many thousands of people in Kalgoorlie, and are we to say that one portion of that community has the right to use its liberty in such a way as to annoy and interfere with the rights of other people on Sunday. No one can say that if a thousand people wished to go to church on a Sunday they should not go there. We want to know why any individual who has a battery on the next block to a church should have the right to run the battery and create such a noise, and interfere so as to destroy the rights of other persons. The objections to a battery seems to me to be one of the

principal reasons why we should oppose the running of batteries on a Sunday; because we should look at the restfulness of the day. I am not looking at this matter from a church standpoint, but I say a battery is the greatest nuisance of the lot. If this House think it is necessary to make this an additional exception, I shall oppose the amendment to the utmost, because I think it is altogether unnecessary. If we can stop work going on underground—

MR. MORAN: That does not make any noise.

MR. ILLINGWORTH: It does not, but there is another reason which is stronger than the church reason or the noise: it is the reason that a man should not be seven days underground. That is my strong reason for favouring the Bill. It is bad enough for a man to work for six days underground.

MR. MORAN: If a man works on Sunday he does not work on the Saturday or the Monday. He only works six days a week.

MR. ILLINGWORTH: I do not think the hon. member can instruct me on that point. I have been where work is carried on on Sunday. We had just as big a field as Kalgoorlie at Bendigo, and there were plenty of men there of the same character and of the same style as the men at Kalgoorlie, who do not mind working an extra day to get an extra day's pay. We take upon ourselves to say that the public shall have one day's rest. A large majority of the people desire this Bill, so that they shall not be placed in such a position that they will either have to sacrifice their bread-and-butter or else submit to what all feel is a mistake, and which ought not to exist. We have to consider the general rules of the community. If we compel the general shopkeeper to close his shop in Kalgoorlie, where is the objection to a mining manager stopping work also? It is not necessary to argue the matter further. The only objection raised against the Bill at the present time is the advisability or otherwise of adding batteries or cyanide works to the exceptions in the Bill, and that is a question we can discuss in Committee. I hope the general feeling expressed in favour of the Bill will result in the second reading being carried.

Question put and passed.

Bill read a second time.

MINERAL LANDS ACT AMENDMENT
BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. H. B. Lefroy): My object in moving the second reading of this Bill is to bring our Mineral Lands Act more into line with the Goldfields Act. Although this Bill appears to be a bulky one, and has a large number of clauses in it, nearly all the clauses are a repetition of the sections of the Goldfields Act in regard to jurisdiction. In the Goldfields Act, amongst other things, there is an appeal from the warden or registrar to the Local Court. Hon. members know that is an absurd provision, because it is merely an appeal from Cæsar to Cæsar. The registrar in nearly all instances is the chairman of the local court. He is the resident magistrate of the district—at any rate he is at Greenbushes; and any appeal from the registrar's decision is to the Local Court of the district. No provision is made in the Act for jurisdiction at all; consequently, to save trouble, I have embodied or taken all the clauses on the subject from the Goldfields Act and made them applicable to the Mineral Lands Act. This makes the Bill so bulky. At the same time I would like to point out that there are many inconsistencies in the Act which are likely to cause trouble unless they are altered. I may mention the Mineral Lands Act was passed some years ago when the mines were under the administration of the Lands Department, and the Lands Department is referred to in the Act as the administrative department, which causes difficulty and inconvenience. I know that some persons really believed, until it was pointed out to them, that the Mineral Lands Act was administered by the Lands Department. People know now that the Mineral Lands Act is under the administration of the Mines Department. This Bill provides amongst other things that it shall not be necessary for any person working in or in connection with a mine to hold a miner's license. Under the Mineral Lands Act provision is made in Section 5, Sub-section 3, that—

Any holder of a mining license may hold any number of claims or shares therein, provided that such claims or shares are duly worked and represented by miners, and every person working in or in connection with a mine must be the holder of a mining license.

The section actually provides that every man working in the coal mines of the Collie shall have a miner's license. I do not think it was ever intended or desired by the House that every man employed in a mine, other than a claim, should require to have a miner's license. That is one of the things which has been amended in this Bill. I have not strictly enforced that provision of the Act in the past, because I think it is a hardship, and consequently the lessees have not been compelled to provide their men with miner's licenses before employing them on their leases. The Mineral Lands Act provides, according to Section 5, Sub-section (g), the privileges conferred under a miner's license, and amongst other things to cut timber on Crown lands, and to remove stone, clay, or gravel from such land. As most of the mineral claims are within timber country, it is necessary that we should not give power to miners under a mineral license to strip bark from timber, and thus destroy the jarrah, and in this Bill we provide an amendment of that.

MR. KINGSMILL: It might be better to localise that.

THE MINISTER OF MINES: The clause of the Bill says:

To cut and remove any live or dead timber for mining or building purposes for his own personal use from any Crown lands not held under timber lease, nor by law exempted from mining occupation, nor within the operation of any proclamation or notification prohibiting the cutting or removal of such timber included in any reserve for the preservation of timber, and to remove any stone or gravel for mining or building purposes from any Crown land.

It gives the right to cut the timber, but not to strip the bark off all the trees throughout the timber area. The preservation of the timber of the colony, members recognise, is an urgent matter. There is power under the Mineral Lands Act for the Minister to grant leases within a mining district, and that has caused a great inconvenience. The Minister has no power to grant a lease of any land until the district is proclaimed a mining district, and a lot of difficulty has arisen owing to that. Consequently power is given in the Bill to grant leases on any Crown lands just the same as under the Goldfields Act for mining purposes. There is another cumbersome section in the Mineral Lands Act, providing for

the union of leases, and we provide under the Bill that the same course shall be adopted as is made use of under the Goldfields Act. If a person desires to amalgamate he must do so in the same way as amalgamation is carried out under the Goldfields Act. There is no provision under the Mineral Lands Act for forfeiture: it is only provided for in the regulations. Therefore I have provided in the Bill a clause dealing with forfeiture as is contained in the Goldfields Act. It is almost verbatim; and it is also provided in the Mineral Lands Act, which is very confusing, that the person who applies first in the registrar's office shall have a prior right to the land. It is always recognised in gold-mining, in this colony at any rate, that the man who pegs first has the prior right, and the present law is perplexing to miners, who come from the fields into the mineral areas, and naturally take this view. They find sometimes that an application has been lodged for the ground before they pegged out; and as I regard the present law as bad, I propose to amend the Act in this respect; and I may say that all these provisions are useful and are desired by the mining community. Section 34 of the Act of 1892 refers to the Goldfields Act of 1886, and reads:

When gold is found in any land held under a lease, otherwise than in association or combination with the mineral specified therein, the land may, for the purpose of mining for gold, be dealt with, notwithstanding the lease, under the provisions of the Goldfields Act of 1886.

We have no Goldfields Act of 1886, and consequently there is no way of dealing with leases for gold-mining purposes on mineral leases.

MR. ILLINGWORTH: Perhaps it is a printer's error.

THE MINISTER OF MINES: No; it is not; but the Act of 1886 is dead, and there is no power to grant gold-mining leases within mineral leases. A lease under the Mineral Lands Act is granted only for the particular mineral mentioned in the lease, and the lessee has no right to mine for gold. If a leaseholder find gold associated with the mineral he is working, he has to pay a royalty, and if gold be found in any other part of the lease, except in association with the mineral he is working, he has no right or title to the

gold, unless he takes up the land under the Goldfields Act. Unfortunately this Mineral Lands Act refers to an Act which has been repealed, and provision is made in the Bill to meet that difficulty. With the exception of the first two pages, the clauses of the Bill deal with administration only; and it is absolutely necessary something should be done, because there is no appeal against the registrar's decision, except to the Local Court, which, as I stated before, is like "Cæsar appealing unto Cæsar." There are some amendments which I propose to make in the Bill, and in order to expedite matters I intend to ask permission to have the Bill reprinted with corrections, which are principally of a verbal nature and do not alter the meaning or spirit of the measure.

Question put and passed.

Bill read a second time.

IN COMMITTEE, PRO FORMA.

On motion by the MINISTER OF MINES, the House resolved into Committee for the purpose of adopting, *pro forma*, certain amendments prior to discussion, and for having them printed in the body of the Bill.

Bill reported with amendments, and ordered to be reprinted.

MINING ON PRIVATE PROPERTY AMENDMENT BILL.

SECOND READING.

MR. KINGSMILL (Pilbarra), in moving the second reading, said: I have been asked by the member for North-East Coolgardie (Mr. Vosper), who is unfortunately unable to be here to take charge of this Bill, to submit the measure to the House. It is an extremely short measure, consisting of only two clauses, but these are of considerable importance, and very much needed. The object of the Bill is to correct some discrepancies in the principal Act. For instance, Section 12 of the Act is amended in a certain direction, for the reason that when a dispute arises as to the compensation to be paid for damage likely to be caused to private property, on which mining is about to be carried on, the matter has to be referred to the Warden in the district, while by the principal Act it is specified that the Warden has power to deal with

the lease only after it is granted. In this special case the Warden must deal with the question before the lease is granted, so that practically things are at a deadlock, and there is no way at present of giving the Warden jurisdiction. Again, a most important feature in the Bill is provision for a court of appeal from the Warden's decision, in cases such as I have mentioned, where disputes arise between the prospective miner and the owner or occupier of the land on which the miner proposes to work. I feel it is undesirable, at the present hour, to address the House at great length on this point, and hon. members will recognise the necessity for correcting these lapses, I suppose I may call them, in the principal Act, by passing such a short amending Bill as that now before us. I have every confidence in commending the Bill to hon. members, and I beg to move that the measure be now read a second time.

THE MINISTER OF MINES (Hon. H. B. Lefroy): I regret that the hon. member who introduced this Bill—the member for North-East Coolgardie (Mr. Vosper)—did not consult me in the matter before he brought it forward; because I should have told him it was my intention to bring in a Bill embodying the clause now before us, ere the session closed. I have no doubt he has been asked by someone, a lawyer probably, to bring in this little Bill, because this clause or sub-clause was omitted from the Mining on Private Property Act passed last year. It is a clause taken *verbatim* from the Victorian Act, from which our own Act was taken, and I do not exactly know for what reason it was kept out of the Act passed last session.

MR. ILLINGWORTH: It was an oversight.

THE MINISTER OF MINES: No; I think there was some reason. I cannot find out what it was, and the Secretary of the Crown Law Department, who assisted me in the matter, cannot remember why it was omitted. But I think probably we intended there should be no appeal from the Warden with regard to compensation. I think, however, it is better that there should be some power to appeal from the Warden's decision, or else there would be no finality in the matter. The member for Pilbarra is quite correct when he

states that the Act as it stands at present gives the Warden no jurisdiction in his Court until after the granting of the lease, and then he has all the jurisdiction given to a Warden under the Goldfields Act of 1895. This clause is to provide the machinery for enforcing the award of the Warden as to compensation to an owner deprived of his land by a mining lessee, and I am afraid that unless we have this clause which has been omitted, complications may arise. I have nothing more to say in the matter, except that I support the Bill, and propose to add in Committee a few other amendments which I find necessary.

Question put and passed.

Bill read a second time.

METROPOLITAN WATERWORKS AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: This short measure is similar to one introduced last session by the member for East Perth (Mr. James); but unfortunately it was brought forward late in the session, and, although it passed the Assembly, it failed to receive the assent of the other House of Parliament. The object of the measure is, shortly, to give certain facilities to the Metropolitan Waterworks Board to strike rates properly. There is some doubt about the manner in which they are being struck at the present time; and, as I say, this Bill is to legalise the proper striking of these rates, and to give the necessary facilities for the recovery of them. There are really no other provisions in the Bill to which I ought to direct the attention of the House. I, therefore, move the second reading of the Bill.

Question put and passed.

Bill read a second time.

FREMANTLE WATER SUPPLY BILL.

Introduced by the **COMMISSIONER OF RAILWAYS**, by leave, and read a first time.

ADJOURNMENT.

At 12 minutes to 11 o'clock, the House adjourned until the next day.