whether a reward should be given; but the clause should contain provision that the man who discovered what was proved to be payable gold should be paid for discovering it. He suggested that the words giving discretion to the Governor should be struck out and other words inserted. He threw that out for the consideration of the Minister.

Clause as amended agreed to.

Clause 13—agreed to.

Clause 14—Existing Mineral Districts:

THE MINISTER FOR MINES moved as an amendment that between the words "every" and "mineral," in line 1 of the second paragraph, "such" be inserted. The omission of this word was a clerical error.

Amendment passed, and the clause as amended agreed to.

Clause 15—agreed to.

On motion by the MINISTER FOR MINES, progress reported and leave given to sit again.

MERCHANT SHIPPING ACT APPLICATION BILL.

Received from the Legislative Council, and, on motion by the MINISTER FOR MINES, read a first time.

UNIVERSITY ENDOWMENT BILL.

Received from the Legislative Council, and, on a motion by the MINISTER FOR MINES, read a first time.

ADJOURNMENT.

The House adjourned at 9·40 o'clock, until the next day.

Legislative Assembly,

Thursday, 8th October, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the TREASURER: Audit Department and Mr. Whitton's recommendations—Return moved for by Mr. Daglish, showing the names and salaries of the officers of the Audit Department, with salaries proposed by Mr. Whitton.

Ordered, to lie on the table.

MINING BILL.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair.

Resumed from the previous day.

Clause 16—agreed to.

Clause 17—Application for mining license:

MR. WALLACE: Under the clause it was compulsory for a miner to have a miner's right for every claim or lease he held. Why should a man be asked to take out more than one miner's right? According to the clause, if a miner held a claim and a lease it would be necessary for him to have a license for both.

THE MINISTER FOR MINES: It was not necessary to have a license for a lease.

MR. WALLACE: Every man holding a mining lease or a claim should be compelled to have a miner's right. That matter would be more clearly dealt with in Clause 114, but in order to gain the point he was aiming at it would be necessary to alter this clause. Therefore he moved as an amendment,

That in line 2 the words "or any number of mining licenses" be struck out.

THE MINISTER FOR MINES: The object of the clause was to provide for the issue of miners' rights whereby a person, by virtue of holding a miner's right, would be able not only to take up an alluvial or quartz claim, but also might peg out and apply for a residence area, a business area, a machinery area, a water right, or for any other purpose mentioned in Clause 26, which gave a right to enter

on and take possession of Crown lands as an authorised holding, to cut and construct races and dams, to construct tramways, to take water from natural springs, etcetera. Previously a charge of one pound per annum was made for a miner's right; then the fee was reduced to ten shillings, but now it was proposed to farther reduce the amount to five shillings, which was a reasonable sum. A person could not only take possession of an area of ground, or a quartz claim or alluvial claim, but he would also have the right to take an area for business purposes; and if a man desired to do that he must take out a separate miner's right and have it registered in connection with the area. The same thing would apply to residence areas and machinery areas or any area mentioned in Clause 26. Taking into consideration the reduction of the fee for a miner's right, it was only fair to the Crown that a separate miner's right should be taken out for every lease taken possession of.

Mr. HASTIE: It was undesirable that one man should be able to hold a large number of claims, and the Minister should be aware that this had been a practice for some time past. If a new piece of ground were opened up, it was very common for one or two individuals to peg out a number of claims. If a reef or a run of gold was found, these individuals could bargain with some others to have a sleeping interest in the claims, or they acted in such a way as to prevent other people from working on the ground.

The Minister for Mines: A man could not take out two claims under one miner's right.

Mr. HASTIE: It would never do to create such a revolution as to provide that a man having a miner's right, and having a claim pegged out, should not be allowed to take up another claim anywhere on the goldfields unless he went to the mining registrar and took out a new miner's right. About Kalgoorlie and Kanowna that might do, but in nine-tenths of the goldfields it would be absolutely impossible. He understood the idea of the Minister was that we should reduce the price of the miner's right, and not allow one man under one miner's right to occupy too much land. That man would have a number of miners' rights, which would more than make up for the loss of revenue caused by reducing the price. The clause not only contained this question, but quite a number of others, such as the one whether 5s. should be the price of a miner's right or not. One or two members last night mentioned that they wished it to be compulsory for every miner to have a miner's right. If that was so, it would, he thought, be generally agreed that we should only charge in each case 2s. 6d. for a miner's right, and if it was to apply to all the miners on the goldfields the revenue would be very much increased. For that reason he asked the Minister to agree to the postponement of the clause until we decided first what privileges the holder of a miner's right should possess, and also whether every man working on or about a mine should own a miner's right.

Amendment by leave withdrawn, and the clause postponed.

Clauses 18 to 22—agreed to.

Clause 23—Licenses not to issue to certain aliens:

Mr. HASTIE moved as an amendment,

That the word "alien," in line 2, be struck out.

The clause provided that the Minister required to be satisfied before an Asiatic could be taken for a British subject. It seemed to him (Mr. Hastie) that the latter part of the clause could be abolished if we simply struck out the word "alien," because now in Australia we had adopted the policy of keeping Australia as far as possible for Europeans or descendants of Europeans. In every possible way we discouraged the coming into this country of any Asiatic or African—the Federal Parliament also did that—whether a British subject or not. Very likely some exception would be taken to the striking out of the word "alien," because there was a legal doubt as to whether British subjects, even if they belonged to one of the Asiatic races, should not be treated as ordinary Australians.

The Minister for Mines: Were they stopping any Asiatics who were British subjects from coming in?

Mr. HASTIE: In every possible way. They were stopping them from coming in if they could not pass a particular test, and that test was so framed that it

was absolutely impossible for anyone excepting a very highly educated Asiatic to pass it.

THE MINISTER FOR MINES: That applied to Englishmen the same, did it not?

MR. HASTIE: It did, but it was adopted with the perfect understanding that except in rare cases—those of people of known bad character—it should only apply to Asiatics. That had worked out very well so far as immigration of Asiatics and Africans was concerned. Besides, our goldfields in Western Australia had been kept clear of Asiatics up to now. It would farther be said that the amendment was unnecessary, because no Asiatics and Africans claiming to be British subjects could have a miner's right without authority, in writing, of the Minister first obtained. The Minister assured us that he had not yet issued any of these miners' rights to Asiatics or Africans; but it was not a nice power to be in the hands of any Minister, and he felt assured none of us would like to be in the position of having to say whether a man was a British subject or not. We knew the Chinese were all like one another, and much the same thing might be said about Indians. The Minister in deciding must always have in his mind the probability that he was making a mistake. Let us take a bold step in this case, and say that no Asiatic or African should work upon our goldfields. With that end in view he moved the amendment.

THE MINISTER FOR MINES hoped the hon. member would withdraw the amendment; not because one was not to some extent in sympathy with him, for the hon. member was perfectly aware of the fact that he was, and since he had been administering the department he had refused all new applications for miners' rights by any Asiatics or Africans, whether they claimed to be British subjects or not. He felt quite satisfied that if legislation affecting directly British subjects were passed, such Bill would be sent home, and he did not think it would receive assent, seeing that the measure would be a direct attack upon British subjects. He hoped, therefore, the hon. member would withdraw the amendment and leave the Act to be administered in the future as it had been in the past. He could not see that anything would be gained by passing the amendment, whilst at the same time he could see a great many difficulties in the way in the event of the amendment being carried.

MR. HASTIE: One could quite understand the reasons given by the hon. gentleman; but one had doubts whether the passing of the amendment would cause much delay. The people of Great Britain knew pretty well the great attacks that had been made in every Colony and every State on British subjects who happened to be Asiatics. We had yet to learn that the home authorities were likely to kick up a great noise if it were done in this Bill. The Minister had said that during his term of office he had not given authority to one Asiatic, claiming to be a British subject, to hold a miner's right. There had been no complaint against that procedure.

THE MINISTER FOR MINES: It was not in the Act, which made all the difference.

MR. HASTIE: When the Federal Immigration Bill was passed it was said there was no chance of the Imperial authorities putting it through; but although they were well aware that its effect was to practically exclude Asiatics, they allowed the Bill to go through. Some years ago in Western Australia, when the immigration question was being discussed, on the express recommendation of Mr. Chamberlain a clause was put in the Bill similar to the clause in the Federal Bill and on the lines of that previously in the Natal Act, so as to exclude British subjects from coming to this State.

THE MINISTER FOR MINES: But it applied to all.

MR. HASTIE: It was a fact that the home people disliked Asiatics as much as Australians did, and that the people of Great Britain were not in favour of the idea of Australia being overrun with Asiatics. The only section at home who would approve of this were those who desired to make money out of the presence of Asiatics in Australia. He (Mr. Hastie) had not the slightest doubt that the Bill would be passed, even if the word "alien" were omitted from the clause. One way to get out of the difficulty was to pass the Bill as it stood, and then bring in an amending measure to attain the

object proposed by his amendment. No doubt the Minister would agree with that plan, and it would cause no delay. At the same time he (Mr. Hastie) would ask the Committee to strike out the word "alien," and show that it was the desire of the people of Western Australia not to allow even British subjects who were Asiatics or Africans to use our goldfields.

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

Ayes	12
Noes	12
A tie	0

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Ferguson	Mr. Ewing
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gordon
Mr. Isdell	Mr. Gregory
Mr. Johnson	Mr. Hassell
Mr. Moran	Mr. James
Mr. Oats	Mr. O'Connor
Mr. Reid	Mr. Rason
Mr. Wallace	Mr. Stone
Mr. Holmes (*Teller*).	Mr. Higham (*Teller*).

The Deputy Chairman gave his casting vote with the Ayes.

Amendment thus passed.

Mr. HASTIE moved (as a farther amendment),

That the words "claiming to be a British subject" be struck out.

This was consequential on the amendment just passed.

The PREMIER: Members should not approve of this amendment. On recommittal he would move to reinsert the word "alien," and if the House did not agree with him the Bill would be dropped.

Mr. MORAN: That was a serious announcement, based probably on the fact that if the Bill was passed there would be danger elsewhere. There need not be the slightest fear of this. All the legislation of the Federal Parliament on similar lines had been passed; so it was not necessary for the Premier to make his threat. The House should not be led away because the Premier foresaw trouble in the passage of the Bill. No one could imagine that the whole force of the King's veto would be brought against the Bill because on our mining fields we did not want to have Asiatics. The Premier should not terrorise the House.

The MINISTER FOR WORKS: The House should understand that all were anxious to exclude aliens, no matter how members had voted in the division. It was a very strange procedure, however, for some British subjects to legislate directly to exclude other British subjects.

Mr. Moran: Was that not done in the Postal Bill?

The Premier: No.

The MINISTER FOR WORKS: The Federal Parliament obtained its object in another way, by having an educational test. It was first sought to make a direct colour-line, such as would be provided by the amendment; but difficulties were foreseen, and the Federal Bill was purposely altered and an educational test inserted, so that the same end was gained by that means. It must be seen that legislation introduced by British subjects, expressly providing for excluding other British subjects, would have no chance of being assented to.

Mr. MORAN recognised the illustration given by the Minister for Works, but there was another illustration. The mail contracts said directly that steamers should not be subsidised by the Commonwealth if any black labour was employed, British or not British, no distinction being made whatever. This was directed against coloured labour on British boats. Legislation of this character would not be questioned by the home Government at the present time. Already there was a distinction in this country between the employment of an alien on the goldfields and off the goldfields. The amendment did not exclude British subjects coming to Western Australia. It simply regulated our legislation by saying that an Asiatic alien should not work in certain localities. It simply carried a little farther what was already law in the State, that aliens should not do certain things on the goldfields. Certainly the amendment sought to do no more than federal legislation did.

Mr. HASTIE: The word "alien" having been struck out, the other words proposed to be struck out would be useless and contradictory if allowed to remain. However, it was better to discuss the question on recommittal. In the Bill there were a lot of important matters to be decided, and he hoped the Premier would not spoil the harmony by speaking as he had done on this particular matter. Even if an amendment were moved of which he did not approve,

the Premier was not likely, since it was nearly passed, to drop the Bill. Every member had an opportunity of recommitting for amendments, and when this matter was recommitted the question could be threshed out. No object was to be gained by an immediate discussion.

THE PREMIER: No member had spoken more strongly against alien labour than himself; but he had little doubt the Bill would not be assented to if the amendment were carried. The difficulty in the Immigration Restriction Act was overcome by other means.

MR. BATH: They had not tried directly.

THE PREMIER: The matter had been tried directly in Natal. The Bill was sent home, but assent was refused. The section in the Postal Act was simply a direction to the Ministry that in new contracts certain terms must be imposed, one of these being that black labour should not be employed. It would be idle to spend more time on the Bill if the proposed alteration were made. He expressed surprise at the Chairman's voting in favour of an alteration in the law. Was it not the custom that the existing law should not be altered save by a majority? He (the Premier) did not threaten the House, but spoke with a desire to get the Bill passed. All knew his views on the alien labour question. The Minister for Mines had always refused to grant licenses to aliens; and the existing law could effect all the objects we had in view.

MR. HASTIE: By Section 14 of the existing Act no Asiatic or African alien employed as a miner or in any capacity in or about a mine, claim, or authorised holding, could be given a miner's right. No such clause appeared in the Bill.

THE MINISTER FOR MINES: Yes; Clause 289.

MR. HASTIE: That referred to mining on Crown lands, while the section referred to mining "in or about a mine" on private land.

THE MINISTER FOR MINES: Better discuss that question later. We were now dealing with the persons who should be licensed.

Amendment withdrawn.

Clause as previously amended agreed to.

Clause 25—Mining license not transferable:

THE MINISTER FOR MINES moved that the words "hereinafter provided" be struck out, and "as provided by the regulations" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 26 — Privileges conferred by mining license:

MR. WALLACE: At the request of a number of alluvial diggers at Black Range, he would move that any licensee, when marking out an alluvial claim, should be obliged to post on a corner peg a notice stating his name, the number and date of his mining license, and the date of pegging. This would prevent an early arrival at a rush from pegging more than one claim. An alluvial claim was protected against dummying or forfeiture for three days. A man might peg three or four claims and do a little work on each, ultimately selecting the best. Meanwhile, new arrivals on the field would find all these claims apparently occupied. At Black Range the warden found many claims held by one man who was able to select one out of four or five within the three days allowed by law. No man should be allowed to hold more than one. Perhaps a provision in the regulations would suffice.

THE MINISTER FOR MINES assured the hon. member of his sympathy with the desire to make it compulsory that every holder of an alluvial claim should mark on his pegs the date of pegging, number of his miner's right, and his name.

MR. HASTIE: Include quartz claims.

THE MINISTER FOR MINES: These being registered, that was not necessary. To save time, efforts had been made to exclude from the Bill minute details. The regulations must be submitted to the House for approval. If the hon. member's suggestion were urgent, the existing regulations would be altered as required; or if not, effect would be given to it in the new regulations. The regulations were being framed in the office, but they would have to be submitted to the Crown law officers to see that they were in the usual legal phraseology, and also that they were not *ultra vires*. He had hoped that the regulations would have been ready early enough to submit them to the House before the Bill was passed, but he was afraid that could not now

be done. However, he would give effect to the suggestion.

Mr. HASTIE: If the Minister had power under the present Act to adopt the practice, one hoped it would be done as soon as possible. When there had been rushes at Kanowna one or two who had bicycles got there first, and others arriving found dozens of claims pegged out.

The Minister for Mines: The matter would receive attention at once.

Mr. Wallace: In that case the amendment would not be moved.

The MINISTER FOR MINES moved that after "dams" the word "drains" be inserted.

Amendment passed.

Mr. HASTIE: According to Subclause 9 a miner was authorised to remove stone, clay, or gravel. Why was "earth" not included?

The MINISTER FOR MINES: "Earth" meant any quartz, soil, or mineral, as stated in the definition. The word was not necessary.

Mr. HASTIE moved as an amendment,

That the last paragraph of the clause be struck out.

If the Minister seriously considered the matter he would see that outside large areas the provision could not be carried out. New ground might be opened up and men would go there to see if it was advisable to work on the place. If they decided to work they would have to go back to the mining centre to get a miner's right. A miner was compelled to take out a right for each claim or authorised holding. This was a revolutionary idea in mining in Australia, and should not be introduced here. There might be some proviso that a new right was required on the registration of any second holding or claim. That might overcome the difficulty; but it would be impossible to carry out the provision as worded in the clause.

The MINISTER FOR MINES: There was no objection to omitting the paragraph. He would try and make up the revenue in regard to the fees to be charged for registration. The object of the clause was to see that the revenue was protected to some extent. According to the Bill the fee was reduced from 10s. to 5s., and it was thought reasonable that the fees being reduced and so many facilities being given, the Government were justified in asking that separate rights should be taken up for the separate holdings a person could have.

Amendment passed, and the clause as amended agreed to.

Clause 27—agreed to.

Clause 28—Exemption of certain lands from occupation under a mining license:

The MINISTER FOR MINES moved that in Subclause 3, line 1, after "other," the word "substantial" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 29—agreed to.

Clause 30—Mining on reserved lands:

Mr. HASTIE: This clause provided for a miner going on to reserved land, or to mine upon or under any road, street, highway, navigable waters, or reserve, and to construct drives under such land. It farther provided that there must be a deposit of £5 before application could be made. That sum was too much. We should encourage people to prospect lands reserved from mining under ordinary circumstances. He moved as an amendment,

That in line 13 the word "five" be struck out, and "two" (two pounds) inserted in lieu.

The lesser amount would be a sufficient tax on people who wished to take up a small piece of ground in order to look for gold. The Mines Department would not be out of pocket by the reduction.

The MINISTER FOR MINES: Many persons wished to apply to mine on land already occupied, by means of a miner's license. These reserved lands included a yard, garden, orchard, cultivated field, house, building, dam, reservoir, well or bore, and so on. Before a person could mine on these lands certain regulations had to be complied with; advertisements had to be inserted in the local newspapers and the *Government Gazette*, and possibly a survey would have to be made. In any case an examination had to be made. Under the Act the deposit was £10, which sum had been reduced to £5. If the whole amount was not expended the balance was returned to the applicant.

Mr. HASTIE: In connection with the cases cited by the Minister, £5 would not be sufficient, but that amount would cover a number of other cases where no damage whatever was done.

THE MINISTER FOR MINES: It was only on exempted land.

MR. HASTIE: It might be a simple reservation on which nothing had been done. The warden had no discretion. A man had to deposit £5 before he could go on the ground. If some provision were made by regulation by which the warden was authorised to accept a smaller sum than £5, that would be satisfactory.

THE MINISTER FOR MINES: Clause 28 gave the exempted lands.

MR. HASTIE: A deposit of £5 had to be made before a man could go on these lands. That meant that no alluvial miner would be able to go on the reserved lands. He had not met one miner in twenty who could put up a deposit of £5. The section of the Act at the present time was absolutely a dead letter.

THE MINISTER FOR MINES: The matter would be looked into, and if the hon. member's request could be complied with it should be.

Amendment withdrawn, and the clause passed.

Clause 31—Title to land under mining license:

THE MINISTER FOR MINES: To bring the clause into unison with the clauses following, he moved that in Subclause 2, line 1, after "gold," the words "and minerals" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 32—agreed to.

Clause 33—Devolution on death or bankruptcy:

MR. HASTIE: Clause 91 provided that the leaseholder could have exemption if he came into open court and showed exemption was justifiable; but according to the clause just passed the warden might give exemption without the claimholder coming into open court at all. From his experience on the goldfields, especially Kanowna, there were hundreds of applications from claimholders to get exemption, and although it was not provided for in the Act, the warden always heard cases in open court. It seemed to him as necessary for a claimholder to appear in open court for exemption as for a leaseholder, and he hoped the Minister would agree to some provision. He wished the provision which applied to the granting of exemption in the case of a lease to also apply in the case of a claim.

THE MINISTER: The clause would be amended.

Clause passed.

Clause 34—agreed to.

Clause 35—Valuation of improvements on sale:

MR. BATH: The word "substantial" was not sufficiently definite in a clause of this kind.

THE MINISTER FOR MINES: It would be a matter of opinion on the part of the assessor. He had the word "substantial" inserted in Clause 38 so that any improvements of a temporary nature would hardly be looked upon as substantial improvements. He did not think we could give valuation except for improvements which might be of a substantial nature.

Clause passed.

Clause 36—agreed to.

Clause 37—Licensee after twelve months' possession to have right of pre-emption.

MR. HASTIE: Did the Minister consider this clause necessary? We had already decreed as much as we could that, outside towns, no land on the goldfields should be sold, and if any members had the opportunity they would stop the sale of land in towns. Hitherto, in most of the cases on the goldfields, although pre-emptive right existed, it had scarcely ever been put into force.

THE MINISTER FOR MINES: We might leave the clause in the Bill. It was copied from the old Act, and although the clause assumed that land would be sold, still no land would be sold until an upset price had been fixed by the Minister. If the Government decided that no land would be sold, there would be no compulsion to sell the land, but if it were sold this person had a pre-emptive right. He thought we should give pioneers on the goldfields, men who helped to make these townships, some right, and they had a pre-emptive right; that was, they had first right to purchase if the Crown decided to sell. If the Crown decided not to give the fee simple, the licensee had to remain a tenant of the Crown.

MR. HASTIE: If this were passed the man who took up a claim would consider he had a moral right, and a right

which was recognised in every part of the world, and we should hear the same objections as we did about licenses and many other things.

THE MINISTER FOR MINES: The law said, in the event of the land being thrown open for sale.

MR. HASTIE: That meant there was a probability of sale.

THE MINISTER: Yes.

MR. TAYLOR: Why make provision if the Minister did not desire to sell?

THE MINISTER said he had a desire to sell.

MR. HASTIE: With regard to pioneers having first right, he did not think we need seriously consider that for a moment, for not in one case in a hundred was any pioneer concerned at all. The only way in which the pioneer would be concerned would be that if he were to sell he would get a few pounds more for his right.

MR. TAYLOR: The argument of the Minister for Mines with reference to making provision by which the pioneer could be the purchaser of the land was moonshine. No one in the Chamber knew better than the Minister that it was not the pioneer who went into land speculation.

THE MINISTER FOR LANDS: Would the hon. member give some instances?

MR. TAYLOR: One would like the Minister for Mines or the Minister for Lands to give instances of pioneers who had been largely interested, in either Kalgoorlie, Boulder, or any rising place on the goldfields. We found that the carpet-bag man came along.

THE MINISTER FOR MINES: This stopped the carpet-bag man from coming.

MR. TAYLOR: The pioneer rarely ever benefited in this particular. We knew that when a rush took place and there was a possibility of any land boom we found a gentleman coming along who by no means could be classed as a pioneer. Persons who had attended the court at Coolgardie when Mr. Finnerty was warden had heard some of that gentleman's remarks on men who tried to push the genuine dry-blower out of getting a decent living.

Clause passed.

Clause 38—agreed to.

Clause 39—Antedating mining licenses:

MR. BATH: Did this mean that when the term of a mining license ended a person could go on for 30 days without a miner's right, and then get one and legalise all his acts in the interim.

THE MINISTER FOR MINES: Yes; most decidedly. A man might have omitted to take out his license in time. He could take it out at an earlier date if he chose, or at a later date. If he came at a later date, but within seven days of the specified time, £3 would be the ordinary payment, but if he left it for 30 days an extra 2s. 6d. would be charged as a fine. Many persons might have residence areas and neglect to take out their right at the time appointed, and this provision had been inserted which saved them.

Clause passed.

Clause 40—Incapacity to sue without mining license:

MR. WALLACE wished this clause to be amended so as to provide that no person should commence any proceedings in the warden's court, or counterclaim, unless such person was the holder of a miner's right. That would mean that we should strike out paragraphs (*a*), (*b*), (*c*), and he moved that these paragraphs be struck out.

THE MINISTER FOR MINES: This amendment could not be agreed to by him, because he did not intend to agree to a clause to the effect that any person owning a lease should have a miner's right. We should find it absolutely impracticable to insist that every person who took an interest in a gold-mining lease, or desired to apply for a gold-mining lease, should have a miner's right. If we agreed to the amendment, no person holding an interest in a gold-mining lease could then bring forward any action in a warden's court unless he had been the holder of a miner's right. The clause said that no person should commence any proceedings in a warden's court, unless he was the holder of a miner's right, to recover or obtain possession of any claim or authorised holding. That was any interest which was held by the possessor of a miner's right.

MR. WALLACE: That was not a lease.

MR. TAYLOR: Paragraph (*a*) dealt with leases.

MR. WALLACE: "Authorised holding" did not include a lease. The clause should apply to leases as well as to claims.

THE MINISTER FOR MINES: That no doubt was the issue. He would oppose the amendment by which any person holding an interest in a lease would be compelled to take out a miner's right. That was not the law at the present time, and it would cause a great deal of trouble, because many persons holding interests in leases would never think of taking out miners' rights, or if they did think of taking them out, would never think of renewing them, so that the whole of their interests would be forfeitable. Certain concessions were given to the holders of miners' rights, and it was laid down that no person could sue for anything held by virtue of a miner's right unless he held a miner's right. Such a person took up a holding by the possession of a miner's right; but it was ordered that no person who held an interest in a holding could go into court to sue for it unless he held a miner's right. The House should not insist upon going farther than that. By the amendment all persons interested in mining would need to hold miners' rights.

MR. TAYLOR: The amendment was quite reasonable. Every person who was a shareholder in a lease should contribute to the revenue by purchasing a miner's right, and should be in possession of a right before he appeared in a warden's court, as he simply appeared there in connection with mining propositions, and should have a miner's right before he could have any standing in the court.

THE MINISTER FOR MINES: Would the hon. member allow such a person to take out a right before he went into court, or must he take one out when he became possessed of the interest in a holding?

MR. TAYLOR: The same provision would apply in this case as applied in any other property. He might become a shareholder in a lease, but he should first be in possession of a miner's right.

THE MINISTER FOR MINES: A person held a holding by virtue of his miner's right, but he held a lease by virtue of paying rent.

MR. TAYLOR: It was a very small rent. If persons held a proposition that was no good they would not pay rent too long, but if the proposition was a good one the rent came to very little. No punishment was being inflicted upon shareholders by the amendment. Any man who entered a party which owned a lease should come under the same heading as any other person engaged in mining operations. The amendment was highly desirable. Outside the warden's court at alluvial rushes, when there was a "roll up" a man who did not hold a miner's right had no standing.

THE MINISTER FOR WORKS: The Committee should realise the effect of the amendment. No man would be able to acquire any interest whatsoever in any mining property unless he was the holder of a miner's right at the time he acquired the interest.

MR. HASTIE: No.

THE MINISTER FOR WORKS: The question had been distinctly asked, and members were distinctly told that was the case. Otherwise one failed to see what was before the Committee. The effect of the amendment was that no one could commence any proceedings in a warden's court for the recovery of an interest unless he was the holder of a miner's right. He might hold the interest but could not recover it. This would simply mean that the hands of a great many prospectors would be tied.

MR. TAYLOR: No.

THE MINISTER FOR WORKS: It very frequently happened that a man who was not the holder of a miner's right was asked to take a share in a mining property by a prospector wanting a few pounds to carry him on. Under the existing law that man could do so, but if the amendment were carried he would not be able to close with the prospector at once, but would have to say "No; because I have no legal standing; I do not hold a miner's right." If the would-be purchaser then desired to protect his position, and still wanted to acquire the interest, he would have to make back to the nearest mining registrar and purchase a miner's right, and then go back to the man who offered him the interest in the property. If it was the Committee's wish to do this, by all means do it, but from his experience he was convinced it would inflict a very great hardship on some men who were pressed for a few pounds to carry on their claims.

MR. HASTIE: The Minister for Works had misunderstood the amendment, which simply provided for a tax by stating that

one could not enter the warden's court to claim any share of a holding unless he had a miner's right at the time he applied. At the present time, as the Minister showed, it was perfectly true, and the present Bill provided it and also the amendment, that without holding a miner's right a man could have a dozen shares in a dozen different claims; but before he went into court to claim anything he was required to have a miner's right. The amendment desired nothing more. It did not say that one must hold a miner's right before he could get a share.

THE MINISTER FOR WORKS: One distinctly understoood the mover of the amendment desired to make it necessary for a person to hold a miner's right at the time of acquiring an interest, it not being open to him to merely buy a miner's right before he went into court.

MR. WALLACE: The intention of the amendment was simply to use the opening words of the clause.

THE MINISTER FOR WORKS: The effect would be that it would be necessary for a person to hold a miner's right at the time he acquired an interest. That was the case in regard to other holdings.

MR. TAYLOR: The marginal note said "Incapacity to sue without mining license." The intention of the amendment was to let the clause stand simply "No person shall commence any proceedings in the warden's court, or counterclaim to recover possession of any claim or authorised holding unless such person is the holder of a miner's right." It required that a man should have no standing in the court unless he had a miner's right, but he might hold an interest in a property at any time. The object of the amendment was to compel persons deriving benefit from gold-mining to contribute to the revenue as other persons did. The Minister desired to allow a man who was a leaseholder to sell and barter in shares without contributing in any way to the revenue by purchasing a miner's right. The man who went out after alluvial gold or other holdings had to contribute. The Minister penalised him, but did not desire to penalise the other man who could best afford to be penalised.

MR. FOULKES: Without very much mining experience, he might deal with this question fairly competently. The idea of the member for Mount Margaret was to protect the revenue. That could be provided for in a separate clause. It was cumbersome to do it on a question of litigation. One did not desire to see any matter before the Supreme Court affected by the question of the amount of fees to be paid. Whether a person who had only a share in a claim should be obliged to pay this fee should be determined in a separate clause.

MR. WALLACE: Clause 114 exempted one class of miner from this fee, and should be struck out. To be consistent we must pass this amendment. All litigants in the warden's court should be on the same footing. The Minister said that the Crown gave much to the alluvial miner; but the Crown received 100 per cent. more in return from the miner than from the leaseholder. Notwithstanding, the leaseholder need not pay this fee. If, as the last speaker suggested, a new clause were necessary, then let this clause be struck out.

THE MINISTER FOR MINES: Members should consider the remarks of the preceding speaker as to Clause 114; for if it were struck out, everyone interested in a gold-mining lease would apparently be compelled to hold a miner's right. If the present amendment were passed, no person unless the holder of a miner's right could apply to a warden's court for redress as to any mining matter. Such a proposal should not be seriously entertained. It was hardly necessary to disclaim the motives imputed by the member for Mount Margaret. There would be much danger in insisting that everyone interested in a gold-mining or a mineral lease should be the holder of a miner's right. People living in the State, in agricultural districts and outside the State, frequently invested; and must they take out miners' rights before appearing in the warden's court personally or by agent? The contention was absurd.

MR. WALLACE: Surely if brought into court they would not object to paying five shillings.

THE MINISTER FOR MINES: But if they were not compelled to pay it, save when involved in a lawsuit, of what

use would be such a small addition to the revenue?

MR. WALLACE: The alluvial shareholder had to pay the fee.

THE MINISTER FOR MINES: Would anyone take up an interest in an alluvial claim?

MR. WALLACE: Yes; he knew of 20 instances.

THE MINISTER FOR MINES: They were very rare. The miner's right gave an alluvial claim free of rent, and a quartz claim on payment of registration fee. The holder could take up a business area, residence area, machine area, water right, on easy terms; and if he held a piece of ground for 12 months he could afterwards buy it at the upset price. The man who assisted the prospector to go out often conferred a greater advantage on the goldfields than the actual prospector. The clause was similar to the existing law, and should be retained. If the amendment were passed, he would endeavour to make the holding of a miner's right obligatory from the start on any person having an interest in a claim or lease, so that the right should not be purchased at the last moment.

MR. TAYLOR: To that there would be no objection. The miner's right gave a man access to 70 feet of alluvial workings without additional payment; but for quartz claims or water rights registration fees and survey fees must be paid.

THE MINISTER FOR MINES: But the right gave the privilege of taking up such areas.

MR. TAYLOR: But before taking them up the holder was farther penalised.

THE MINISTER FOR MINES: Not penalised. The registration was for his protection.

MR. TAYLOR: These were not privileges given by the right, seeing that the holder had to pay for them. On the other hand, the leaseholder without a miner's right had greater privileges than the alluvial man, and paid £1 per acre, the return from which was incomparably greater than that which the alluvialist received for his fee of 5s. or 10s. All interested in mining ventures should be compelled to take out rights before having any status in the court. This proviso might be offensive to speculators, some of whom perhaps had done more than any other people to injure the industry.

MR. HASTIE: The amendment only affirmed the principle that all classes of people should be treated alike. No one asked for a proviso that a man must own a miner's right before he took any interest in a claim or lease. By the existing law a shareholder in a claim could not plead in court without a miner's right; in other words, must pay a fee for appearing. But in the matter of a lease the claimant could bring his action without payment. The only possible objection to the amendment was that the part owner of the lease might not be able to pay 2s. 6d. or 5s.

THE MINISTER FOR MINES: A man at Lake Way applying for exemption must then send his miner's right to Perth?

MR. HASTIE: No; it would be sufficient for him to mention its number. Surely the Committee should be saved from the spectacle of seeing a Minister absolutely refusing to collect revenue.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

Amendment negatived, and the clause passed.

Clause 41 — Abandonment by non-renewal of license:

MR. HASTIE: Would the ground become Crown land?

THE MINISTER: The fact of the lease being abandoned made it Crown land.

MR. HASTIE: Was the Minister sure that the ground was then open for other persons to take up. Almost similar wording was contained in the Act a few years ago, but it was found that the land could not be treated as Crown land unless an application was made for forfeiture again.

THE MINISTER: If it was found necessary to insert the words he would have them inserted.

MR. TAYLOR: Had not the land to be declared abandoned by the Minister?

THE MINISTER FOR MINES: If the warden deemed the land abandoned, it became Crown land.

Clause passed.

Clause 42—Power to grant gold-mining leases:

THE MINISTER FOR MINES moved that in line 5 the words "to be called a gold-mining lease" be struck out. Power

was required to grant leases that might not necessarily be gold-mining leases.

Mr. Taylor: Was there not a consequential amendment in this clause?

The Minister: No.

Mr. Hastie: It had been decided to discuss the question of striking out the word "aliens," on recommittal of the Bill.

The Minister: If the member moved to strike out the words "Asiatic or alien," he would be pleased to divide the Committee on that.

Mr. Hastie: It would be better to have the whole discussion on the alien question at one time.

Amendment passed, and the clause as amended agreed to.

Clause 43—Exemption of lands from gold-mining leases:

Mr. HASTIE: Notice of amendment had been given to strike out the words "is proved to the satisfaction of the Minister to contain alluvial gold," and to insert in lieu the words "in the opinion of the warden is likely to contain payable alluvial gold." This was one of the questions connected with the alluvial controversy. There had been different wordings in all the Acts, and the present wording was an improvement on the others, but it was far from satisfactory. The amendment of which he had given notice would meet the question better, as in such a case lands could be exempted that in the opinion of the warden contained payable alluvial gold. Perhaps it would be well to postpone the clause.

The MINISTER FOR MINES: The wording of the clause was far better than that suggested by the hon. member. Take an ordinary application for a lease: the case had to be heard within 30 days of the application; the warden heard the case, and possibly the alluvialist might not know of the application, and no protest would be lodged. The warden might recommend to the Minister the granting of the lease. A report would then have to be made. If the hon. member's amendment were adopted, the matter would be left entirely in the hands of the warden. At the present time, unless a report was received from the inspector that he was satisfied there was a visible reef within the property which was not likely to develop alluvial, one would withhold approval for six months. In the first place, the Minister was not likely to grant a lease without having obtained a report, and in the case of the warden declaring that the land was likely to develop alluvial, the Geologist or State Mining Engineer or the inspector for the district would have to report that the land was not likely to develop alluvial, before a lease would be granted. It was better to leave the clause as printed.

Mr. HASTIE: When notice was given of the amendment it was intended to give the warden discretionary power. It was absolutely impossible that it could be proved to the Minister that a lease was likely to contain alluvial gold. If it was reported that the lease was likely to contain payable alluvial gold the Minister would not grant a lease. That would be sufficient. There was no such thing as proof positive, and it was the word "proved" to which he strongly objected. The question was a most important one, and he hoped the Minister would agree to have the clause postponed.

The Minister: All right.

Clause postponed accordingly.

Clause 44—agreed to.

Clause 45—Term:

The MINISTER FOR MINES moved that after "years" in line 2, the words "from the first day of January next preceding the approval thereof" be inserted. All leases should date as from the beginning of the year during which the application was made; if made to-day for a gold-mining lease, it should date as from the first day of the year. All leases should date as starting from the first day of the year, but people would only pay rent for the unexpired portion of the year.

Amendment passed.

Mr. HASTIE moved that all words after those just inserted be struck out. The Minister had spoken about 21 years, but what he really meant was a 42-years lease. According to this clause there was no 21-years lease at all, but a 42-years lease, because it said the lessee had a pre-emptive right to continue the lease for another 21 years. From the year 1895 up to 1900 there were only issued in this State 21-years leases with no pre-emptive right, and during that time thousands of leases were taken up here, and nobody seriously asked for more than the 21 years. In 1900

the last Parliament made a gift to all present leaseholders of another 21 years, without giving the people any warning of what they were going to do, or the Minister explaining to the House this particular provision in the measure. One was not aware that it had made much difference, but this was a question of great importance. We might expect that at the end of 21 years, or long before that, half the mining lessees in this State would do nothing to their leases, but would keep them so as to be enabled to blackmail other people who wished to work them. He hoped the Minister would not press on this clause to-night. Several members wished to discuss this question.

The CHAIRMAN: We could not postpone this clause because it had been amended, but the clause could be recommitted.

Amendment withdrawn, and the clause passed.

Clause 46—Rent:

MR. HASTIE: This clause declared that the rent of gold-mining leases should be £1 per acre per annum. If an application were made for a lease, one was called upon to pay at the rate of £1 per annum for the first year, and in addition to that the leaseholder was charged survey fees, making the payment for the first year a very heavy one. The consequence of that heavy payment was that most of the applicants for leases found they could not bear that heavy burden, and the usual custom was for them to sell a share of their lease to an outsider who could advance this money. The great object we had was to see as much mining done in this State as possible, and to give every possible facility, and the way in which we could do that was by reducing the charges the people had to pay. His amendment was that during the first year the rent to be paid should be 5s. per acre, and afterwards £1 per acre. One objection to this course was that in the event of one part of the country being boomed, a number of speculators would take up leases without intending to work them but to hold them. That could be met by more stringent observance of the labour conditions. Another objection—and perhaps the Minister might find a remedy—was that people would take up leases not only in the beginning of the year but in October, November, and December, and then it would be of very little benefit to them if they only got a reduction of rent for the first month, and perhaps that would be the case if his (Mr. Hastie's) wording were accepted just as it was; but he thought it would be better to pass his amendment, adopting it as a principle, and the particular wording could be altered by the Minister afterwards. The Minister had suggested that instead of the amendment on the Notice Paper we should strike out the words after "at the rate of" and insert the following:—

> Five shillings an acre for the first year, and of one pound an acre for every subsequent year, payable in advance at the times and in the manner prescribed; but the Governor may, if he thinks fit, on the approval of an application, require the rent to be at the rate of one pound an acre from the commencement of the lease. In the case of any land within paragraph (*a*) or (*b*), in Sub-section one of Section forty-three, the yearly rent may be such sum, not being less than five shillings an acre or more than one pound an acre, as the Governor may determine.

He moved the amendment accordingly.

THE MINISTER FOR MINES: The object of the mover was that the rent for the first year should be 5s. per acre, and after that period £1 per acre. In a case of forfeiture, where a large amount of development work had been done on the property there would be no reason why we should at the beginning of the lease fix the rent at 5s. an acre, and we should be justified in asking for a rental of £1 per acre to start as from the beginning of the lease; but where one had applied for a lease for new ground or where little had been done, then the rent would be at the rate of 5s. a year for the first year. The second paragraph dealt with abandoned alluvial ground for which it might be desirable to grant leases, and we should then have power to charge a rental of not less than 5s. and not exceeding £1. If there was any objection to the second part, we could deal first with the first part, and subsequently the second paragraph; but he observed that there were no amendments on the Notice Paper showing any objections to the second paragraph, and he concluded that the paragraphs were agreed to by the Committee. He had had this clause typed out.

Mr. Taylor: The Minister would leave the second paragraph here?

The MINISTER FOR MINES: The second paragraph dealt with abandoned alluvial areas.

Mr. Taylor: The Minister was not going to strike that out, was he?

The MINISTER FOR MINES: Yes; the Government were going to strike out the whole lot, and substitute this. The Government would be justified in insisting upon a higher rental in the case of properties on which a certain amount of development work had been done. In such cases it should be within the power of the Government to say whether higher rent should be charged; but in the case of new ground the rental would be only 5s. a year.

Mr. HOLMAN: Would the Minister give an assurance that this would be carried out so as to be of advantage to the prospectors, and that under these conditions no exemption would be granted for 12 months? Otherwise it would be an inducement to people to take up land and hold it, while doing very little work upon it.

Mr. WALLACE: The rental should not apply to new ground only, because on various goldfields there were abandoned properties which it would be to the interest of the State to re-open. Opportunity should be given to take up abandoned leases and work them at a moderate rental.

The MINISTER FOR MINES: The matter of exemption could be dealt with later on. The object of the amendment was to assist prospectors. With regard to abandoned areas the Government would be justified in charging the full rent for ground thoroughly developed but which was the subject of an application for forfeiture.

Mr. Wallace: Would a distinction be created between abandoned and forfeited ground?

The MINISTER FOR MINES: Abandoned ground would pay a rental of 5s. an acre.

Mr. Wallace: It was a discretionary power, but not statutory.

Mr. Taylor: There were lying idle any amount of properties partially developed.

The MINISTER FOR MINES: These could be taken up at 5s.

Mr. Taylor: Would the full rental be fixed only in the case of forfeited properties?

The MINISTER FOR MINES: It would be fixed only in the case of forfeited properties thought to be fairly developed and containing good gold.

Mr. Taylor: It would not apply to abandoned leases?

The Minister for Mines: No.

Amendment put and passed.

Mr. HASTIE: There was another amendment on the paper with reference to this clause.

The MINISTER FOR MINES: There was no necessity for the farther amendment, as the Mines Development Act provided for the matter. The Minister had power to ask for a higher rental. In the case where boring was being undertaken the Minister could make certain reserves on any terms he thought fit, and could grant any lease, claim, or holding on the payment of any premium he thought fit.

Amendment not pressed, and the clause as amended agreed to.

Clause 47—Postponed:

Mr. EWING: No provision was made in the Bill for the conservation of timber for mining purposes, especially in connection with mineral leases or coal mining in which timber was required. He would like to ask the Minister if timber was the absolute property of the mine owner, for coal-mining could not be carried on without a superabundance of timber.

The MINISTER FOR MINES: The hon. member could bring that matter under the notice of the department.

Clause postponed.

Clause 48—Power to grant mineral leases:

The MINISTER FOR MINES moved that the words "to be called a mineral lease" be struck out. This was simply a matter of drafting. The Government had power to grant various classes of leases.

Mr. HASTIE: In speaking on the second reading of the Bill he had not made any reference to tin mining, which at Greenbushes and Pilbarra was carried on fairly successfully. It was practically alluvial mining. Some hundreds of people were working at Greenbushes, but curiously enough, although this field had been in existence for some time, very few people knew about the tin-working there.

For instance, though a Mineral Lands Act had been in existence for many years, there were no regulations provided at Greenbushes.

THE MINISTER FOR MINES: There were regulations under the Mineral Lands Act.

MR. HASTIE: Greenbushes had not been proclaimed under the mineral regulations, or if it had been proclaimed, one did not know whether the regulations were carried out. No inspector ever went to Greenbushes to see how the country was being worked, and at the present time there were a large number of men getting tin who did not hold mining licenses, but simply took up land and took out tin. That was a very dangerous practice. There might come a time when people would expect to be able to sell tin leases, and they would go and peg out the land held by the men working there at present without any title to their ground. These men would not be able to prevent it, because they had no legal right to their ground. He wished to call the attention of the Minister to this, so that Greenbushes should be treated as every other mining centre, and visited by an inspector whose duty it would be to see that the ground was well and safely worked. At the present time the tin was worked at a comparatively shallow depth, but the people rarely worked with a view to farther work. This was a danger that could be avoided by the occasional visits of an inspector. The principal danger, however, was that the men now working at Greenbushes might lose their land, which would not be the case if they had the right to hold their ground against all others.

THE MINISTER FOR MINES: An inquiry would be made at once into the matter.

Amendment passed, and the clause as amended agreed to.

Clause 49—Exemption of lands or mineral leases:

MR. HASTIE: A similar amendment was necessary to this clause.

THE MINISTER: This was only consequential.

Clause passed.

Clause 50—Area of mineral lease:

MR. TAYLOR: Could two new clauses, which he desired to add to the Bill between Clauses 50 and 51, be moved at this stage?

THE CHAIRMAN: No.

MR. TAYLOR: It might be necessary to have Clause 50 struck out.

THE MINISTER: That would not affect the new clauses at all.

Clause put and passed.

Clauses 51, 52—agreed to.

Clause 53—Term:

THE MINISTER FOR MINES moved that the words "from the first day of January next preceding the approval thereof" be inserted after "years," in line 2.

Amendment passed, and the clause as amended agreed to.

Clause 54—agreed to.

Clause 55—Rent for coal-mining lease:

MR. EWING moved as an amendment,

That all the words after "acre," in line 2, be struck out.

The object was to do away with royalties on coal. No royalty was imposed in respect of gold or any other mineral. The amendment did not seek to improve the position of the employer merely; for the product of the mines was largely used by the Government and private consumers. The Collie coal-owners had to compete not so much with Newcastle coal as with wood. The colliers had shown great confidence in the industry, and a desire to support it in every way by consenting, without reference to the Arbitration Court, to the hewing rate being reduced by 6d. per ton, thus enabling the owners to reduce the selling price. Considering the high rate of living in this State, any farther reduction of wages was impossible; and to preserve existing conditions the amendment was necessary. If the Minister would not accept the amendment, he ought to do something else to prevent a reduction of the present fair rate of wages. By the clause the royalty would be increased to 6d. after 10 years.

MR. TAYLOR: What were the royalties paid in the Eastern States to the Crown?

THE MINISTER FOR MINES: It was rather a large order to ask the Government to abolish royalties on coal; nor did it appear that the abolition would make much difference to the consumer. Since the royalty was imposed here a little over £9,000 had been received by

the Treasury. In this State the Government charged 6d. per acre for rent, and a royalty of 3d. a ton for the first ten years, 6d. for the second ten. Following were the intercolonial charges:—South Australia: 1s. rent; no royalty, but 6d. in the £ on all net profits. Victoria: 2s. 6d. an acre rent; no royalty, nor any other conditions. New South Wales: 2s. 6d. an acre rent; 6d. per ton royalty, but if the royalty exceeded the rent the rent was remitted. In Queensland the rent was exactly the same as in Western Australia. Tasmania: 6d. per acre and no royalty. New Zealand: Not less than 1s. per acre nor more than 5s., the charge being determined by the Governor; 1s. to 3s. royalty, and when the royalty exceeded the rent the rent was remitted. Our colliery-owners were treated no worse than those of other States; and if we imposed the average rent and average royalty imposed throughout Australasia we should have to slightly raise our charges. The hon. member had not made out a good case for a reduction of the royalty.

Mr. Reid supported the amendment. Our colleries had to compete with those of Newcastle, New South Wales, which with one exception did not pay either royalty or rent, the owners, wise in their generation, having years ago taken up the land at £2 per acre with the right to all minerals. The one colliery mentioned paid 2s. 6d. royalty to a private owner; and the men employed in it were worse treated than those of any other colliery in Newcastle. He (Mr. Reid) lived there for years, and knew the conditions which prevailed.

Mr. Taylor: Would our consumers benefit by the reduction of royalties?

Mr. Reid: The industry should be treated as liberally as possible, for the sake of the consumer and the wage-earner. The rent proposed would be excessive. In England and the Continent high royalties were paid; and these were really deducted from the colliers' wages. That was a fruitful cause of strife in years gone by in England, Scotland, Germany and Belgium.

Mr. Taylor: None would desire to assist by taxation in reducing wages or increasing the cost of coal to the consumer; yet members knew that a few years ago a commission was appointed to consider the position of the coal-hewers at Collie, which commission recommended an increased payment by the Government of 3s. 6d. per ton for coal purchased, so as to raise the standard of wages. What was the outcome? Wages were raised 6d. a ton to the hewer, and the price was raised 3s. a ton to the consumer. The experience of every other industry in the Commonwealth would be similar. Years ago this House reduced the tax on cattle by 30s. per head. Did that reduce the cost of meat? No. The Chamber simply made a present of about £5,000 or £7,000 a year to cattle-dealers. *Hansard* showed that members interested in stock supported the 30s. reduction by the plea that it would cheapen meat; and when it did not cheapen meat, they said the reduction per pound was so small that the retail price could not be lowered. When the removal of that duty had not reduced the retail price, how could it be expected that the removal of 3d. per ton royalty on coal would reduce the price to the consumer or increase the rate of wages for coal miners? The royal commission which sat recommended that 3s. 6d. a ton should be paid by the Government to the colliery proprietors for coal, the object being to raise the standard of wages; but the employers only increased the rate of wages by 6d. per ton, pocketing 3s. themselves. While he would do all he could to assist the coal-mining industry to compete successfully with other coals, in view of the fact that out of an increase of 3s. 6d. per ton paid to the colliery proprietors the hewers only received 6d. increase, he failed to see how the reduction of 3d. per ton royalty would increase the wages of the coal miners. He would support the clause as it stood.

Mr. Ewing: The member for Mount Margaret should not only look after the interests of the workmen in his own constituency but in every portion of the State. The hon. member seemed to have an antipathy to the coal-mining industry, for on every occasion he decried that industry, and did not try to assist it as the member for Mount Burges did. The member for Mount Margaret seemed to think that the coal-owners wished the royalty taken off for their own benefit. In moving the amendment, he had no

other motive than the improvement of the industry itself.

MR. TAYLOR: How would the removal of the royalty do it?

MR. EWING: A penny or 2d. or 3d. a ton on a large output of coal was a big profit in itself. In New South Wales colliery proprietors worked on a profit of 3d. to 6d. a ton. In regard to the report of the royal commission which inquired into the Collie coal industry, the commission never recommended an increase of 3s. a ton, but recommended a slight increase, and two members of the commission recommended that no increase of wages should be made to the workmen, while one member (Mr. Croft) recommended that there should be an increase in wages. The Government gave the men 6d. a ton increase. [MR. TAYLOR: And the coal-owners 3s.] Yes; the proportion was entirely wrong. The amendment was worthy the consideration of the Government. The more coal there was sold in the State, the more men would be employed in the industry. We should endeavour to increase the production of coal as much as possible, so as to have a thriving industry and make the coal-miners contented and happy.

MR. HASTIE: It would have been better if a reduction had been proposed in the rent rather than in the royalty. The figures given by the Minister showed that this State charged the smallest rent in Australia. What the Minister seemed to regard most was the royalty, which was the most fair way of charging for the coal of the State. In New South Wales and elsewhere a rental of 2s. 6d. an acre was charged. That would be found a considerable burden on the immense areas held at Collie; but the Government only charged 6d. an acre and 3d. a ton royalty on every ton of coal produced. Surely that was a very fair charge to make. The objection of the member for the South-West Mining District was to the royalty, but a royalty was the fairest charge that could be made, and it was an English custom. As the member for Mount Burges had said, almost every colliery owner in England and Scotland had to pay a royalty, and very rarely 3d. per ton. The charge generally was 1s. or 2s. and even 2s. 6d. a ton, and in the case of expensive coals the royalty paid amounted to 4s. and 4s. 6d. a ton. Nearly every colliery in Europe had to pay a royalty. In England the royalty went to the owner of the surface, but in Europe the royalty went to the State, although the coal property belonged to private people. Royalty had been in existence in this country all along, and no complaints had been made. If the Minister agreed to reduce the rent to 3d. per acre he would support it. The coal owners in this State were better off than in almost any other country in the world. There might be some cases in New South Wales where colliery proprietors owned the surface, in which case they did not pay a rent. The clause was a wise one.

MR. TAYLOR: If the member for the South-West Mining District would assure the Committee that the consumer would benefit by the removal of the royalty, then there would be something in the argument. But the hon. member knew that the removal of the royalty would not reduce the cost one iota, neither would it increase the wages of the miners. He was always ready and willing to assist the workers in any portion of the State, and he was not more deeply concerned about the workers of Mount Margaret than those elsewhere. The hon. member accused him (Mr. Taylor) of showing almost an undying hostility towards the coal-mining industry, but he had never shown any antipathy to that industry whatever. On the other hand, he had often spoken in favour of that industry in the Chamber. We did not know to what extent the coal-mining industry had been fostered and assisted by the State, and the sooner members were placed in possession of the facts, the better we would be able to see whether the industry deserved more spoon-feeding.

MR. F. REID: It was in the small savings that any company profited. In this instance it would be well for the Government to forego the 3d. per ton royalty. The Government had in the past been very liberal to the Collie people, giving them an increase of 3s. 6d. a ton; but a short time ago this was wiped off, and now they seemed to have been sorry that amount was paid, and they were retrieving by imposing this royalty on the companies. The member for Kanowna (Mr. Hastie) had made reference to the coal mines in the old country, but there

the royalty went to private landlords, and the upheaval taking place in England was due to some extent to the heavy royalty which existed in times past, which had allowed other cheaper manufactures to enter England and compete. The people had confidence in the Collie coal industry, and we should endeavour as far as possible to encourage them.

THE MINISTER FOR MINES: The rental charged was not more than in the other States, and in many instances it was less. We charged less rental and less royalty than most of the other States of Australia. The companies had not bothered much about the question of rent and the royalty, and he could quite understand that, considering the enormous area down there on which very little development work was being done. He did not think that any good argument had been brought forward why we should do without this royalty.

MR. MORGANS: The royalty of 3d. per ton was not a high one on coal, and he believed it was about as low a royalty as one would find in any part of Australia; but at the same time there was some reason in the contention of the member of the South-West Mining District (Mr. Ewing). One point which should carry some weight was the quality of the Collie coal. The quality of Collie coal was very different from that of the Newcastle coal. Newcastle coal was bituminous, with a very much smaller percentage of moisture than Collie coal, and as fuel Newcastle coal had a considerable advantage in caloric power over Collie coal. The Collie coal was not so hard a coal either, and its commercial value was certainly considerably less than the commercial value of the Newcastle coal. Another difficulty in connection with the Collie coal was the liability to spontaneous combustion, which had to be guarded against. It was not so easy to get out coal of this kind and sell it at a profit as it was to get out coal of better quality and sell it at a profit. He hardly knew whether this question of paying the royalty of 3d. per ton was worth the attention of the hon. member, because it did not make much difference one way or the other, but in view of the fact that this coal had to compete here with coal of a better quality and of higher value, and in view of the fact also that undoubtedly wages here per ton of coal were higher than those in Newcastle or the other States—very considerably higher—the Government might consider the question of reducing this royalty somewhat. The industry was doing a great deal of good and employing a large number of men, and it was fighting under very serious and great difficulties, and if the Government could see their way to assist it in this matter they might do so. He would suggest to the Minister for Mines that some arrangement might be made whereby there should be no payment of royalty for a certain number of years.

THE MINISTER FOR MINES had suggested to the hon. member that we might on recommittal consider that.

MR. EWING wished to have the clause recommitted. In reference to the remarks of the member for Coolgardie (Mr. Morgans), although that hon. member had to a certain extent damned the industry with faint praise, he trusted the time was not far distant when the hon. member would change his opinion. The hon. member was right when he said the industry was being worked under great disadvantages, and any assistance the Government gave would be very welcome. Every penny that could possibly be saved in the working of the industry must be saved for the purpose of placing the fuel on the market at a reasonable rate, and not interfering with the labour conditions existing at the present time. Not having to pay this 3d. per ton royalty would be of material assistance.

MR. TAYLOR: Since he had been accused of being hostile to the industry——

MR. EWING said he withdrew that.

MR. TAYLOR: One would like to know the cause of this coal not being able to compete with other coal. If this was the coal the hon. member had so much to say about in regard to its value and burning properties compared with other coals, why should it be so backward? We had given the industry a fair show. The Government had been buying Collie coal at a higher rate practically than the rate for Newcastle coal landed at Fremantle. He had no desire to close down the industry, and this Government had fostered it. Would it benefit the State to keep 300 or 400 men in this industry, when these men might as well be put to

shifting sand just to keep them quiet, as had been done in the other States? If this was a genuine industry, it was about time the Collie coal owners went down and saw what they had there. Three years ago they promised the engine-drivers that if they would assist them to put this coal on the market by burning it—at a great disadvantage to the firemen—they would go down deeper and produce a better quality of coal; but they failed to do so. They produced no coal from a depth, or if they did the quality had not improved. Were the Government going to buy coal at increased cost to the taxpayers in order that 300 or 400 men might be employed? If this coal were what members said it was, it would have got a better footing. We were paying "through the nose" for the coal, and we had reduced the railway rate for it.

MR. EWING resented the remarks of the member for Mt. Margaret in regard to this industry being so tremendously fostered. The hon. member knew that was not the case at the present time.

MR. TAYLOR: It had been the case.

MR. EWING: It had not been so fostered as the hon. member made out. The hon. member made out that the Government were the only customers the coal proprietors had, but that was absolutely untrue. As to the engine-drivers having endeavoured to foster the industry, they had not been doing so. The engine-drivers in this State could without the least fear use Collie coal exclusively on engines for all purposes within the boundaries of this State. The Government had no necessity to burn one ton of imported coal on the engines, if they chose to make up their minds not to do it.

MR. TAYLOR would like to see men driving from Southern Cross to Kalgoorlie.

MR. EWING: The hon. member did not know so much about driving as he did about shearing sheep. The discussion had given an opportunity to make a statement, and he would make it for the benefit of the Government and for the advantage of this industry. The opportunity of forwarding the industry would be provided if the Commissioner of Railways would put down his foot and state that he required the train service to be run to the best advantage by using Collie coal exclusively. It must be apparent that the value of the coal had not decreased, but increased. The Proprietary Company had spent £100,000 on their mine, and the member for Mount Margaret, if he visited Collie, would find on that property the best coal-mining machinery in Australia. The hon. member talked about closing down this industry because engine-drivers were put to some disadvantage in using Collie coal. The engine-drivers must be told to do their work. He was glad to have the opportunity of making a deliberate statement in the House, and he trusted that the Government would take due notice of it. There was no necessity whatever for the Government to use anything but the local coal, and if that policy were carried out three, four, or five hundred additional men could be employed at the Collie within the next three months. Nobody went to the Collie without expressing gratification at the development of the industry.

THE MINISTER FOR LANDS: And investing in it.

MR. EWING: The coal was vastly improved in appearance, and in calorific value also. The member for Coolgardie did not seem to have a good opinion of the coal. He would find in a few years that the Collie coal would be at any rate of a semi-bituminous nature, and would give very much better results than now. He (Mr. Ewing) was glad that he had had the opportunity, which he had long desired, of making the statement he had, and he trusted that the Railway Department and the Government would see that the industry got the full measure of support to which it was entitled.

MR. MORGANS: It was to be regretted that the member for South-West Mining entirely misunderstood certain remarks. The development of Collie had not had a more ardent supporter than himself, and he had been connected with the field before the member for South-West Mining was interested in it, having held several interests there. In order that there should be no misapprehension of his views on Collie coal, he (Mr. Morgans) would say that it was a most valuable fuel, and one that would be of great value to the State within a few years. It was not a bituminous coal, but

that would not alter the fact that it would be none the less valuable. In Wales the anthracite coals were of great commercial value. At present the Collie coal had a certain disadvantage of coming into competition with Newcastle or any other coal of a higher quality. He was very much interested in the development of the Collie field, not from a financial, but from a national point of view. He had been down the mines at the Collie, and knew that coal was being mined at a depth of a thousand feet on the underlay, though that might only be a depth of 200 feet from the surface. The fact that coal had been exploited and worked at a depth of a thousand feet on the underlay showed that the coal was not only continuous, but that it existed there. He wished the field every prosperity and success, and felt certain that Collie coal was a most valuable asset to the State. In a few years time there would be a great demand for it on the goldfields for mining and domestic purposes.

Mr. TAYLOR: The Government should not insist upon the Commissioner of Railways "putting his foot down." There was sufficient trouble now on the railways with the employees, without involving the Commissioner in any more. Engine-drivers had informed him that the coal was all right as long as it was close to Collie, and as long as it was not exposed to the atmosphere, but that when it got up as far as Southern Cross, in the hot weather it was absolutely killing to attempt to use it. These drivers had worked hard to put the Collie coal industry on a sound footing, on the understanding that the mine-owners would sink deeper and get better coal, and in giving this assistance they had worked themselves to a standstill. When the member for the South-West Mining asked the Government to get the Commissioner of Railways to put his foot down and compel the engine-drivers to use Collie coal, he was calling upon the engine-drivers to do work in eight hours which really with Collie coal would take 10 hours. The hon. member should not stand up on every occasion to try and make people believe the coal would burn without any difficulty. The coal had cost the country thousands of pounds for spark-arresters. We would have the farmers calling on the Government and asking them to get the Commissioner to take his foot back. What the hon. member desired was not a fair deal to the engine-drivers.

Mr. CONNOR: One must object to any proposal to strike out the payment of a royalty by the coal companies. The State had paid enough towards the upkeep of the industry in railway rates, special rates, and in coddling it.

Mr. Ewing: In what way?

Mr. CONNOR: The coal was no good.

Mr. Ewing: Last session the hon. member said it was a most excellent coal.

Mr. CONNOR: It would be most excellent, but for spontaneous combustion. It had nearly burned three steamers to his knowledge. It was absurd for the member for South-West Mining to sit on one side to get a railway, and then on another side to get it, and then claim that it was not fair for the Government to ask for a royalty from an industry which had been forced upon them. There should be some consideration for the country in connection with this matter. He could give the hon. member another instance of the qualities of the coal. Before the Goldfields Water Scheme reached Kalgoorlie stock-owners, whenever they wished to give their stock a drink, had only to go along and say "The coal is on fire," and they soon got a drink for their cattle. The coal was always afire.

The Minister for Lands: Every time the cattle were thirsty.

Mr. CONNOR: We wanted to develop all the industries of the State, and we did not wish to go to Newcastle for coal if we could get coal here suitable for our purpose; but it was questionable whether Collie coal was suitable for our purposes. He held it was not. However, we should make sacrifices for the development of the industry. But after the Government had done the work of developing the industry, including prospecting and the sinking of the original shaft, what objection could there be to a fair tax on the industry now that it was handed over to private enterprise?

The MINISTER FOR LANDS: Having been recently at Collie and having had some experience at coal-mining in the Eastern States, he said the richest gold mines in the world were not the first discovered, nor were the richest coal

mines the first discovered in New South Wales, Victoria, or any other country. In all countries the development of such industries was a matter of time. Pass the clause as it stood, with the royalty which it imposed; for evidently the Collie coal industry was much in the same position as was the man with the barrow, whose future was in front of him. The member for Mt. Margaret (Mr. Taylor) should remember that the coal industry supported a population of 2,000 to 3,000 people at the least.

MR. TAYLOR: They were supported by timber, not by coal.

THE MINISTER FOR LANDS having been at Collie knew the facts. Was it not true that before the Collie coalfield was established, Newcastle coal was sold in Perth at 27s. 10d per ton, and that to-day it was selling at 17s.? [MR. CONNOR: No.] That he believed to be true. Moreover, we had on our Eastern Goldfields some of the most capable mine-managers in Australia, who after inspection of the Collie coalfields were glad to invest money in them, thus affording a fair indication that those coalmines were worthy of consideration, and that some attention should be devoted to developing what might be in years to come one of the country's greatest industries.

MR. CONNOR: Was the last speaker in favour of the amendment?

THE MINISTER FOR LANDS had spoken in favour of the clause.

MR. CONNOR: Was the Minister opposing the Bill of his own colleague, the Minister for Mines? The hon. member's statements were awful rot!

THE CHAIRMAN: Order!

MR. CONNOR: The Minister for Lands had made an absolutely vulgar mistake when he said that he could buy Newcastle coal for 17s. per ton.

THE MINISTER FOR LANDS said he had asked whether that was a fact.

MR. CONNOR: In such matters the Minister was always trying to mislead the House; and his ignorance was shown by the fact that at present Newcastle coal could not be bought in quantities, under contract, for less than 26s. a ton in Fremantle; and the price in Perth would, of course, be higher. What were we to do with a responsible Minister who talked such utter rot?

THE CHAIRMAN: The hon. member must not use such a term as "rot."

MR. CONNOR: The statement was utterly opposed to fact. He hoped this would be discussed outside the House. A Minister bolstered up a bad case by an incorrect statement, and opposed the Bill of his colleague. He (Mr. Connor) supported the Minister for Mines; for the royalty was fair. The country had done much for the coal industry; but the Collie coal had got into the hands of a syndicate or ring. Were we to allow that ring to "rook" the country? Should not the State be repaid for what it had done for the industry in building railways, granting special rates, and reducing the rent almost to vanishing point? He knew the price of Newcastle coal, because he had to pay it.

THE MINISTER FOR LANDS: The Government contract price was 17s. 11d.

THE MINISTER FOR MINES: The question was whether we were to charge a royalty on the coal raised from our mines: the amendment was to strike out all the words referring to a royalty. By quoting statistics of other Australasian colonies, he had shown that we in most cases charged less than they, and in no case more. In spite of the recriminations of this debate, all members wished coalmining to develop into a great field employing a large number of our people in producing coal which would equal if not excel the product of other States. If the discussion continued it should be confined to the question of royalty. It was no use giving assistance to outsiders who would be glad to decry this State's industries. The member for East Kimberley (Mr. Connor) misapprehended the Minister for Lands, who had distinctly stated his approval of the clause as it stood. It was clear that if the royalty were abolished the rental must be increased.

MR. TAYLOR: The report of the Mines Department for 1902 showed the number of men employed at the Collie coal mines. The Minister for Lands said that about 2,000 men were employed.

THE MINISTER FOR LANDS had said that the Collie coal industry supported a population of between 2,000 and 3,000. That he reiterated.

MR. TAYLOR: According to the fficial report 368 men were employed on

mining at Collie. An hon. member informed him that they earned about 12s. a day. Then if they supported 3,000 people, they had their work cut out.

THE CHAIRMAN: What had this to do with the question?

MR. EWING withdrew the amendment, as he saw that members were opposed to it; but the discussion would do good. The member for East Kimberley (Mr. Connor) had contradicted the statement of the Minister for Lands as to the price of Newcastle coal. The fact was that three years ago the contract price for Newcastle coal to the Government of Western Australia was 27s. 10d. To-day that price was 17s. 11d. Therefore the Collie coal output had materially reduced the price of Newcastle coal to the consumer.

MR. CONNOR: Although the Government price might be 17s. 11d., that was in consequence of certain steamers having been chartered by companies, and the vessels had to be employed. He defied anyone to say that the price of Newcastle coal in Fremantle to-day was less than 27s. per ton. The company which he represented were paying 27s. a ton, and they took 400 tons at a time for bunker purposes. He had signed a cheque to-day for £477 for Newcastle coal at 27s. per ton.

Amendment withdrawn, and the clause passed.

CASTING VOTE, AN EXPLANATION.

THE DEPUTY-CHAIRMAN said he wished to refer to a remark made by the Premier on a ruling which he (the Deputy-Chairman) had given this afternoon. In *May*, page 344, it was stated:—

> If the members in a division are equal, the Speaker (and in Committee the Chairman), who otherwise never votes, must give the casting voice. In the performance of this duty, he is at liberty to vote like any other member, according to his conscience, without assigning the reason; but in order to avoid the least imputation upon his impartiality, it is usual for him, when practicable, to vote in such a manner as not to make the decision of the House final, and to explain his reasons, which are entered on the journal.

On the next page *May* stated:—

> Mr. Speaker Addington gave his casting vote in favour of going into Committee on the Quakers Bill, arguing as his reason that he had prescribed to himself an inviolable rule of voting, for the farther discussion of any measure which the House had previously sanctioned, as in this instance it had, by having voted for the second reading; but that upon any question which was to be governed by its merits, as for instance "That this Bill do pass," he should always give his vote according to his judgment and state the grounds of it. The course adopted by successive Speakers, in giving their casting vote, can be traced in the following examples, first of the casting vote given so as to afford the House an opportunity for a farther decision, and secondly of the casting vote which decided a matter before the House, given upon the judgment which the Speaker formed upon the occasion which required his vote.

The reason he gave his vote to-night was in consequence of a change in the clause striking out a certain word, and his vote would afford an opportunity for reconsideration on recommittal.

[MR. QUINLAN took the Chair.]

CONSIDERATION RESUMED.

Clause 56—Special privilege to discoverers of coal:

THE MINISTER FOR MINES moved that after "miner," in line 1, the words "being the holder of a prospecting area" be inserted. Before a reward area was granted, a prospecting area would have to be marked out.

MR. TAYLOR: What was the reason for the amendment?

THE MINISTER FOR MINES: It was to make the clause more explicit. A miner, being the holder of a prospecting area, who discovered a payable seam of coal must mark out a prospecting area before he obtained the reward.

Amendment passed.

THE MINISTER FOR MINES moved that after "land," in line 2, the words "if available" be inserted. The discoverer of a payable seam of coal would be entitled to a lease of 650 acres free of royalty for 10 years. There might not be that area available at the place.

Amendment passed, and the clause as amended agreed to.

Clause 57—Royalty payable for gold found in combination with other minerals:

THE MINISTER FOR MINES moved that the word "mining" in the second line be struck out, and "mineral" inserted in lieu. This was a clerical error.

Amendment passed, and the clause as amended agreed to.

Clause 58—Provisions applicable when gold is discovered on mineral lease:

THE MINISTER FOR MINES moved that in line 2, after "mineral lease," the words "or any part thereof" be inserted. It was desired to require the lessee, after 30 days' notice in writing, to surrender the mineral lease or any part thereof. He would also move to strike out the words "comprised in the mineral lease," with the view of inserting "surrendered." The lessee might not wish to surrender the whole of the mineral lease to take up the gold-mining lease. It was desired to allow the lessee to surrender that portion of the mineral lease containing the gold and take up a gold-mining lease containing that portion.

Amendment passed.

THE MINISTER FOR MINES moved that in line 13 the words "comprised in the mineral lease" be struck out, and the word "surrendered" inserted in lieu.

Amendment passed.

MR. EWING: The clause provided for a royalty of 10s. per ounce to be paid. Was there any necessity for this?

THE MINISTER FOR MINES: It was quite optional. If a man found gold and it was the least valuable mineral on the lease, then a royalty of 1s. per ounce had to be paid; but when gold was the most valuable mineral, and the holder of a mineral lease did not desire to take up a gold-mining lease and pay the higher rental, it was provided that unless the holder took up a gold-mining lease he was charged 10s. per ounce on all the gold produced, as a penalty until a gold-mining lease was taken up.

Clause as amended agreed to.

Clause 59—Permission to mine for other minerals:

THE MINISTER FOR MINES: In this clause the member for Kanowna and himself had agreed that an amendment should be made to enable the Minister to insist on some better provision in case of the discovery of precious stones within any lease or application for a lease. He moved as an amendment,

That after the word "permission" at the end of the third line the words "subject to such royalty as he may think fit" should be inserted.

This would meet the case and thoroughly protect the department. If a man took up a mineral lease for the purpose of mining for tin, he could not mine for copper, without obtaining the permission of the Minister. If the lessee did mine for copper, then he was subject to a penalty of £5 per day for every day he worked the copper. If a lessee mined for silver on a lease which was taken up for mining tin, then he must report to the Minister and get permission to mine for the tin. If the lessee discovered precious stones he must report it to the Minister, and the Minister would then be able to alter the covenants and conditions and make the lease subject to such royalty as he thought fit, or make it "subject to such royalty as the Governor may think fit."

MR. HASTIE: The amendment was good as far as it went, but it did not go far enough. There were cases which often occurred of the discovery of precious stones, and these cases were not provided for at all. Supposing a lease was taken up for the purpose of working tin. It would be a big area. Precious stones might be discovered; many people were willing to search for them. We could not prevent a man from holding a lease for 42 years and never working it, or else letting it to be worked by people who paid him a large tribute. The Minister had no power whatever to enforce such ground being worked, and perhaps the Minister could suggest some way in which he could give himself more power.

MR. MORGANS: If the lessee desired to mine for a mineral other than that specified in the lease, he might apply for permission and the Minister might grant such permission, but probably the Minister would find it rather difficult. There might be some difficulty arising from the administration of this. Take, for example, one or two cases existing at the present time in Western Australia. There was one gold mine in Western Australia under exploitation, which was working for gold, but it had been found, on making an examination and analysis, that the ore contained cobalt, which was a very valuable metal.

THE MINISTER FOR MINES: This did not apply to that at all.

MR. MORGANS: There were copper mines carrying nickel, and in taking out the copper one took out the nickel and could not help doing so.

THE MINISTER FOR MINES: The lessee could apply for permission and get it.

MR. MORGANS: One could not help it if nickel came out with the copper ore which he was working, and why should he ask permission to take it out, and why should it be in the power of the Minister to refuse him, when he could not help himself?

THE MINISTER FOR MINES: Supposing one found tin alluvial in an area which he had taken up for copper?

MR. MORGANS: Of course there were special cases. He was only citing one where difficulties might arise, and where he did not think it would be quite fair for the owner of a mine to be placed in that position. If one were working for copper and found an alluvial deposit of tin, that would be a different thing, for one could probably work both metals separately, and in that case this clause might apply; but where one was taking two metals out of the same block and could not help doing so there ought to be some provision to protect the mine-owner against intervention by the Minister.

THE MINISTER FOR MINES: It would, he thought, be found to work all right—minerals in combination.

MR. HASTIE: Could not the Minister have some clause to the effect that, if in the opinion of the Minister the mineral lease could be worked for some other metal, the Minister himself could allow it to be worked under certain conditions which could be laid down.

THE MINISTER FOR MINES: The matter could be referred for consideration afterwards. We might deal with minerals in combination.

Amendment passed, and the clause as amended agreed to.

Clause 60—Penalty for mining for gold in a mineral lease:

MR. MORGANS: In the Phillips River many mines contained copper. He thought that in relation to every parcel of copper that had been sent from the Phillips River to the other States there was a return for gold and silver in the ores. This clause was too sweeping. He believed that most of the copper taken out in this country carried enough gold to give a valuable commercial return. There happened to be gold and silver combined with copper in the Phillips River, and in some instances they had an average of from 5dwts. to 8dwts. per ton value in gold. The value of the copper had often gone up to 30 per cent.

Clause put and passed.

Clause 61—agreed to.

Clause 62—Covenants by lessee:

MR. HASTIE: One would like to know why the Minister thought 50 feet was required. The experience of the goldfields was that 40 feet was quite sufficient.

THE MINISTER FOR MINES was quite agreeable to this being made 40 feet. The department could, if they chose, refuse to allow people to mine to within 100 feet, or they could allow them to go up to 40 feet.

MR. HASTIE moved that the word "fifty" be struck out, and "forty" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 63, 64—agreed to.

Clause 65—Effect of application for lease upon land held under mining license:

THE MINISTER FOR MINES moved that the word "mining," in the second line be struck out. He wished this provision to apply to leases generally, and not to mining leases alone. If this amendment were carried, the word "mining" would have to be struck out of Clauses 65, 66, 67, and 69.

Amendment agreed to, and the clause passed.

Clause 66—agreed to.

Clause 67—Right of entry pending application:

MR. HASTIE: Clauses 67 and 68 were connected with the alluvial question and all the clauses of that nature. He hoped the Minister would agree to the postponement of the clause.

THE MINISTER FOR MINES: If we altered the provisions of the Bill we could deal with this on recommittal.

MR. HASTIE said he saw no objection to Clause 67, but he would do everything in his power to alter Clause 68, which, in his opinion, was the most ridiculous in the Bill.

MR. MORGANS: Some alteration in Clause 67 was desirable with regard to the question of entry upon leases. There was no provision made as to who should decide whether there was any alluvial on the ground, and he would suggest that it

be made the subject of a report by the Government Geologist or State Mining Engineer.

MR. HASTIE: Before the alluvial man went on it?

MR. MORGANS: Yes.

THE MINISTER FOR MINES: Impossible.

MR. MORGANS did not see anything impossible about it. A man might come in upon a lease which had been applied for.

THE MINISTER FOR MINES: It was only the application for a lease.

MR. MORGANS: That was true. Still, there could be no harm if, in case of dispute, the question were referred to the Government Geologist or State Mining Engineer.

THE MINISTER FOR MINES: An amendment with this object could not be accepted. It would mean an enormous delay before an alluvialist could get on the ground, and that a man could keep the alluvialist off a piece of ground to which he had no right at all, for he was simply the applicant for a lease. There were many special provisions for the protection of an applicant for a lease. He was allowed to work alongside the alluvial worker. If an amendment were adopted such as was suggested, the alluvialists would simply rush the ground. The Bill said that once a lease was granted the leaseholder should have the right to everything within his pegs; but the applicant for a lease was only protected against any man coming along and pegging over him, and was not protected against the alluvialist coming in on the ground.

MR. TAYLOR: The member for Coolgardie desired to prevent any person going on to a lease. We should not prevent a man from going on a lease that was not yet granted.

MR. MORGANS: Only in case of a dispute.

MR. TAYLOR: If there was a dispute between an applicant for a lease and an alluvialist, the matter would be hung up for some time before it could be dealt with. This simply meant the barring of the alluvial man from following his lawful occupation.

MR. MORGANS: No amendment had been moved. There was simply a suggestion before the Committee. In the event of any dispute, and disputes continually cropped up, there should be some provision for settling it as soon as possible.

THE MINISTER FOR MINES: If any dispute arose, what the hon. member suggested could easily be done without any provision being made in the Act.

MR. HASTIE: There was a danger in Clause 67, which provided that the applicant for a lease could take one-eighth of the ground as an alluvial claim.

THE MINISTER FOR MINES: It used to be one-third. This was pending the application. A lease might be refused altogether.

MR. HASTIE: If alluvial travelled in a certain direction there was always one man ready to peg out a 24-acre lease, and thus be entitled to take up three acres on the run of the alluvial. He could hold this for 10 days without paying a shilling, and at the end of the 10 days his mate might re-peg it and hold the lease for a farther 10 days. That had been done for two or three 10-days, during which time the party got the pick of the three acres. It was very difficult to provide for this matter, but one fancied some alteration could be made.

THE MINISTER FOR MINES: There was never any difficulty in working the clause so far.

MR. HASTIE: There was no difficulty simply because the people had been chased out of the field.

Clause passed.

Clause 68—postponed.

Clauses 69 to 72—agreed to.

Clause 73—Warden may adjourn hearing and direct inspection of land:

THE MINISTER FOR MINES moved that the words "at the expense of the applicant," at the end of the first paragraph, be struck out. It was hardly necessary, if an inspection was desired, that the applicant should bear the expense, which had always been borne by the department in the past.

Amendment passed, and the clause as amended agreed to.

Clause 74—agreed to.

Clause 75—The granting of all leases at discretion of Governor:

MR. HASTIE: The second subclause said that no lease granted before the commencement of the Act should be pre-

judiced or affected by any non-compliance, prior to the granting thereof, with the provisions of any Act or regulations in force at the time it was applied for. Would the Minister explain this subclause?

The MINISTER FOR MINES: The clause appeared in the amending Act of 1900. In the case of the Hesperus Dawn lease at Mount Magnet the applicant, whose lease had been approved, had only put in four pegs. The Judges of the Supreme Court held the opinion that there ought to be five pegs. The ground was, subsequent to the application for the lease, marked out in a number of quartz claims, and there had been litigation ever since. The Judges held that on account of the absence of the fifth peg the regulations had not been carried out in their entirety, so that the granting of the lease was null and void. The clause was necessary to make it clear that, if a person did not comply in every respect exactly with the conditions, but if the lease instrument was issued, the lease should stand good. Such was the object of the section in the amending Act of 1900. It was really a good section, for many persons who pegged out leases were not fully seized with all the regulations. It was desirous that, when a lease instrument was issued by the department, it should be a good one.

Mr. Hastie: Why should the clause only apply to those leases granted before the Act?

The MINISTER FOR MINES: The first subclause stated that the granting of a lease should be at the absolute discretion of the Governor.

Mr. Hastie: Was not that sufficient to cover all leases?

The MINISTER FOR MINES: It would not, because it would not apply to leases granted before the Act. There was an instance at Mulwarrie. A man discovered a very nice mining proposition, and brought in prospects to his camp, showing them to a man whom he thought to be a friend. When he returned to peg out the ground he found that it had already been pegged. However he pegged it out, and then a third man came along and pegged over him. The second man did not quite clear the lines from post to post, which the third man did, complying in every respect with the Goldfields Act. The warden found he had no discretion but to grant the lease to the man who had complied with the regulations; but having that section in the Act he (the Minister) decided to give the lease to the original discoverer, although he had not complied in every respect with the regulations in force. The clause should be agreed to so as to prevent any injustice being done to anyone who had pegged out a lease in the past, but had not fully complied with the regulations.

Mr. Hastie: Had the Minister power to declare that ground might be occupied for quartz claims instead of a lease?

The MINISTER FOR MINES: The Minister always had that power. The power to refuse a lease had recently been exercised at Bulong.

Clause put and passed.

Clause 76—agreed to.

Clause 77—Application for lease may be postponed:

Mr. HASTIE: The clause authorised something like an interim lease, which would not be satisfactory to the public, as it did not give a title good enough to induce the holder to spend much money on the proposition. The danger of friction between the leaseholder and the alluvialist was practically imaginary. The clause provided that where alluvialists were working the Minister might license someone to work a reef or lode; and the permit seemed to be of a temporary nature and liable at any time to cancellation. In such cases the Minister should boldly issue a lease on conditions similar to those of the 1895 Act. The leaseholder would get a part of the ground for his exclusive use, and the alluvialist could not interfere with him. Moreover, the lessee's title would be one which no reasonable man could consider unsafe. Let the alluvialist obtain alluvial gold provided he did not go too close to the lessee's workings; and protect any buildings of the lessee against undermining.

The MINISTER FOR MINES: The clause sought to enable the Minister to grant a license instead of a lease. The licensee would be given a certain right to the ground if alluvial gold were discovered and alluvial miners entered on the land. The Government did not desire two sorts of gold-mining lease in the Bill. A

license could be granted to work any lodes or reefs on the property, and the alluvialist could work alongside. As soon as the alluvialist left the ground, application could be made by the licensee for a gold-mining lease, which would at once be granted. Meanwhile he could under the license remove stone or ore from the ground. True, the licensee's title was not equivalent to a lease; but the Government had determined not to lease to any person ground which contained alluvial. The clause was a desirable innovation.

MR. HASTIE thought less of the clause after the explanation, and must oppose its passing. Had the clause been operative in several places he knew of, there would have been practically no leases on which an alluvial man could work. Most of the alluvial leads, whether surface or deep, were deserted dozens of times. In Victoria they had been deserted 50 and 100 times during the last 40 years. To grant a man a lease of ground simply because alluvial men had been there and had gone, practically meant that there would soon be no ground left for the alluvialist. In Kanowna a number of leads containing plenty of alluvial gold had been deserted for six months or a year, again prospected, and thousands of ounces taken out. Alongside of them were lodes or reefs containing payable patches here and there. The clause would give power to grant large strips of such ground to licensees, who would have all the gold within the pegs after the alluvialist left. Not once in a thousand cases had a payable reef or lode been discovered near a deep-lead; but in consequence of gold discoveries by alluvialists, plenty of persons were always ready to peg out leases with a view to sale. Interim leases, if granted, should be granted straight out for a certain period, and the alluvial man permitted during that period to work on the leases for alluvial. Such a law had been in force for years, without serious friction, until the extremely rich deep-leads were discovered at Kanowna. Give the interim lessee a good title to his reef and there would be no danger.

MR. MORGANS: Surely that was what the clause proposed; for it stated that the license was granted subject to the privileges conferred on miners by Clause 67 to search for and obtain alluvial pending the application for lease.

MR. HASTIE: Frequently big tracts of alluvial ground would be taken up; and the Minister said that when the alluvialists went away the licensee could take up the ground left by them.

MR. MORGANS: No. The Minister had power to grant a lease. The Governor might postpone dealing with the application till such time as he thought fit.

THE MINISTER FOR MINES: So as to allow the alluvial to be worked out.

MR. MORGANS: And the applicant could meanwhile work the reef or lode.

THE MINISTER FOR MINES: In ordinary circumstances, while the application was pending, the applicant could not remove any stone.

MR. MORGANS: The clause protected all parties.

THE MINISTER FOR MINES: The clause would arouse much discussion; therefore he moved that progress be reported.

Motion passed.

[MR. ILLINGWORTH took the Chair.]

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·26 o'clock until the next Tuesday.

Legislative Council,

Tuesday, 13th October, 1903.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Broad Arrow Municipal By-laws.

Ordered, to lie on the table.