One member stated the other night that it would greatly restrict commerce if a measure such as this became law; but I fail to see how it can restrict commerce at all, unless it be to restrict the business of those people who make a living by giving bills of sale. There can be no doubt that the business houses in Western Australia—I am not speaking of the house with which I am connected, for we take every care to protect ourselves—but the ordinary business houses which have to give credit to the small traders, will find their business restricted if this measure does not become law; because affairs have come to this state now that wholesale houses and other large concerns have to give extensive credit to the small trader, and they are afraid to give that credit because there are so many dishonest men who get goods from wholesale houses and then want to raise money somehow, not for the honourable purpose of assisting their business, and such men do not care what means they use to raise money. They will give a bill of sale over goods which practically do not belong them; goods that are not paid for, but in which they have a sort of proprietary interest because the goods have been delivered to them. Under the existing law such an action is not criminal, and it is to restrict such transactions that this Bill has been introduced. I strongly support the remarks made by Mr. McKenzie, and I hope members will at least allow the Bill to pass into Committee; and if it be necessary to add a clause by way of amendment to protect the squatting interest, surely we can have such clause added.

On motion by HON. G. RANDELL, debate adjourned.

BILL—PHARMACY AND POISONS ACT AMENDMENT.

DISCHARGE OF ORDER.

Order of the Day for Committee stage read.

THE COLONIAL SECRETARY: At the request of Mr. Moss who introduced the Bill, I move that the order be discharged.

Question passed, the order discharged.

ADJOURNMENT.

The House adjourned at twelve minutes to 6 o'clock, until the next day.

Legislative Assembly,

Tuesday, 28th August, 1906.

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

PRAYERS.

QUESTION—RAILWAY LAND PURCHASE, MIDLAND JUNCTION.

MR. JOHNSON asked the Minister for Railways: 1, On what date was the land on the north side of the railway line between Midland Junction and Bellevue purchased by the Railway Department? 2, The price paid? 3, Was this land acquired for the purpose of laying down marshalling yards? 4, Have plans been prepared? 5, Is it the intention of the Government to proceed with the work? 6, If so, when? If not, why not?

THE MINISTER FOR RAILWAYS replied: 1, 2nd June, 1899. 2, £3,040. 3, Yes. 4, Yes. 5 and 6, The matter is under consideration, and will be dealt with shortly.

QUESTION—RAILWAY GOODS TRANSIT, COST.

MR. WALKER asked the Minister for Railways: What is the bed-rock cost to the Railway Department of carrying one ton (weight) of goods from Fremantle to Kalgoorlie?

THE MINISTER FOR RAILWAYS replied: It has not hitherto been considered possible or necessary to obtain the factor of cost named in the question.

QUESTION—RAILWAYS, MINISTERIAL REPLIES TO QUESTIONS.

MR. HORAN, without notice, asked the Minister for Railways: 1, In view of the fact that replies given by

the Railway Department and passed on to different Ministers for Railways and then to the House are frequently misleading, will he take action to prevent the continuance of this objectionable practice? 2, Is he aware that Parliament House is kept supplied with obsolete rate-books by the Railway Department, and will he take steps to remedy this also?

THE MINISTER FOR RAILWAYS replied: As to the second question, I was not aware that the rate-books were out of date; but I promise to see that they are brought up to date immediately. To the first question I cannot reply.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Fremantle Harbour Trust Half-yearly Report. 2, Railways Report and Returns. 3, Goldfields Water Supply By-law. 4, Agricultural Railways, Return showing land selected, etcetera.

BILL—POLICE OFFENCES INQUIRY.

EXTENSION OF TIME.

THE MINISTER FOR WORKS (Hon. H. Gregory) moved—

That the time for bringing up the report of the committee be extended for one month.

MR. JOHNSON: Had the committee sat and examined any witnesses?

THE ATTORNEY GENERAL: The committee met once, and would meet again this week. No witnesses had yet been examined. He would be glad to have the names of any witnesses it was desired to call.

Question put and passed.

PERSONAL EXPLANATION, MISREPORTING.

MR. HORAN (Yilgarn): On Thursday last, the *West Australian* reported a debate on a motion by the member for North Fremantle (Mr. Bolton) relative to charges made against railway officials. That newspaper reports me, I am sure unintentionally, as having said something entirely inconsistent with fact. The report reads:—

Mr. Horan supported the motion. He knew nothing whatever about the case brought forward, but he believed it to be true, and thought there was reason for bringing the papers before the House.

That report is so palpably incorrect that I should not refer to it had it not been bandied about in newspapers and circulated throughout the State. I have here an authoritative report of what I did say, as follows:—

I do not know anything about the cases which have been brought forward by the member for North Fremantle. He believes them to be true, and he has every reason for having the papers laid on the table of the House.

I knew nothing about the cases, and could never have made use of such a stupid expression as is attributed to me. I at first spoke in the first person and later in the third person; and the reporter misunderstood the use of the pronoun "he." Subsequently throughout my speech I spoke in the first person. I referred distinctly to the remarks of the member for North Fremantle, and not to anything within my own knowledge.

BILLS (3)—THIRD READING.

(1.) Evidence, (2.) Public Works Act Amendment, transmitted to the Council, (3.) Prisons Act Amendment, *passed.*

ASSENT TO BILLS (3).

(1.) Collie and Esperance Rates Validation, (2.) Fremantle Reserves Rededication, (3.) Nelson A.S. Land Sale—assent notified.

BILL—PERMANENT RESERVES REDEDICATION.

COUNCIL'S AMENDMENT.

Schedule of one amendment made by the Legislative Council now considered, in Committee, the PREMIER in charge of the Bill.

New Clause (providing for and requiring the Municipal Council of South Perth to make by-laws for the regulation and public use of the said reserve):

THE PREMIER: The amendment provided for the making of by-laws, including a by-law insuring free admission to the public. All such by-laws were subject to confirmation by the Governor. These points had been previously raised in the discussion here. He moved that the amendment be agreed to.

Question passed.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

BILL—MINES REGULATION.
CONSOLIDATION AND AMENDMENT.
IN COMMITTEE.

Resumed from the last sitting.

MR. ILLINGWORTH in the Chair: the MINISTER FOR MINES in charge of the Bill.

Clause 5—Appointment of Inspector of Mines:

MR. BATH moved an amendment that after the word "persons," in line 1, the following be inserted:—

—who shall have had not less than five years' practical experience in underground mining work, and who shall have passed the examination prescribed by the Minister.

It was necessary not only that inspectors of mines should have some practical experience before being appointed, but that an examination should be prescribed, and that the educational institutions attached to the Mines Department and the Educational Department, namely the School of Mines and technical schools, should establish some course of instruction in those matters that would come within the purview of an inspector of mines, and would be supplementary to the practical experience such inspector would have. If we could have such a combination as that of mechanical experience to enable a man to know exactly the condition of things underground, and theoretical knowledge with regard to ventilation and other questions, we should have an ideal inspector.

THE MINISTER FOR MINES: It was hardly necessary that an inspector should have had five years' experience underground. Three years' should be sufficient, and if the mover would make the term three years he would accept it. An inspector should have a general knowledge of everything in connection with mining work.

MR. TAYLOR: It was impossible for a man with only three years' experience underground to successfully walk into a mine and say it was in a safe condition for men to work in. An inspector of mines should not only have practical knowledge in mining, but also know how to take up country; he should have an architectural knowledge, if one might use the term. In many instances where competition was keen in the labour market, if one went to an ordinary mining manager and told him he had only had three years' experience as an underground miner, that manager would hardly put him on. A person should have had at least five years' experience before becoming an inspector. It would be as well for the safety of the miners of the State if a portion of those at present occupying such positions were put under some test as to their knowledge.

THE MINISTER: If inspectors already appointed could not stand the test and comply with the conditions imposed by this clause, they would necessarily have to go. The class of men we wanted as inspectors were not those who had passed the whole of their life underground, but they must have a general knowledge of mining, and more especially those who had gone through the school with a special desire to become mining managers. He did not want to debar the practical working miner from being able to obtain such a position as that of inspector; but in addition to knowledge of work underground, one must have full knowledge of all the necessary working of a mine. It would be wiser if we fixed the term at three years as regarded underground work, but he would offer no opposition if the Leader of the Opposition wished to insist on five years.

MR. BATH: If the term were restricted to three years some could come in who would not have a thoroughly practical experience underground. He recognised that an inspector of mines should have suitable all-round knowledge. Even with this term of five years we should not have any lack of men quite competent to take on the work of inspector of mines, and able to pass the examination the Minister stated his intention to prescribe. Therefore he hoped the Minister would agree that the term of five years was not too long in order to secure practical men.

Amendment passed; the clause as amended agreed to.

Clause 6—Inspectors to be under control of State Mining Engineer:

MR. BATH moved an amendment, that all the words after "control," in

line 6, be struck out and the following inserted in lieu:—

—of such person as the Minister may from time to time appoint.

The clause would make the position of State Mining Engineer too secure. Irrespective of the merits of the present occupant, his office should not be permanent. It might become unnecessary to change, and the Minister should then have a free hand.

THE MINISTER would not oppose the amendment. In the Factories and Inspection of Machinery Acts similar provision was made for a permanent head; hence this clause. He hoped there would be no reason to abolish the office, for a technical officer to advise the Minister was essential.

Amendment passed; the clause as amended agreed to.

Clause 7—Powers of Inspectors:

MR. HOLMAN: Subclause 5 gave the inspector certain powers to inquire into accidents. Statements made by injured persons, unfit for examination, were often used against them in courts of law. The inspector should be prevented from making such use of his power.

MR. SCADDAN moved that the following be added as a subclause:—

(6.) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he may consider unsafe, or to allow persons to continue to work therein on such precaution being taken as he deems necessary.

It was necessary to give the inspector full powers in dangerous places.

THE MINISTER: If the manager refused to carry out the instruction, no breach of the Act would be committed.

MR. SCADDAN: Make the refusal an offence; otherwise, to give power to the inspector was absurd.

THE MINISTER: There was no objection to giving full powers to the inspector; but this was not the proper place for the amendment, which should be made in Clause 37. He would agree to empower the inspector to stop work in any portion of the mine then considered dangerous. If inserted here, no penalty would be recoverable.

MR. SCADDAN would withdraw the amendment. The wording of Clause 37 was unsatisfactory. Would the Minister recommit the Bill?

THE MINISTER: Yes.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 8 to 11—agreed to.

Clause 12—Penalty for obstructing inspector:

MR. BATH moved an amendment—

That the words "or uses insulting language to," in line 1, be struck out.

Insulting language could be punished by the existing law. Particularly underground, an inspector might consider that justifiable language was insulting. One inspector, after asking a question, informed the man who answered that he was a friend of Ananias. The man replied in terms just as warm. Why should he be punished?

THE MINISTER: Surely the use of insulting language by a manager or a workman should be an offence.

MR. TAYLOR: The clause was not to deal with managers.

THE MINISTER had known managers who could speak as roughly as any workmen. We must protect the inspector by means of the Act under which he worked.

MR. A. J. WILSON: Who would be most likely to obstruct the inspector?

THE MINISTER: The manager, decidedly.

MR. WALKER: The word "obstructs" included the use of insulting language, which could moreover be punished under the Police Offences Act. The words would not facilitate the work of an inspector.

MR. TAYLOR: There was no necessity for the words "insulting language." The Minister had stated that no complaint had come under his notice in this regard, and the clause with the words deleted would give sufficient power to an inspector to carry out his work. If the clause aimed at the management, then it was not needed, because a manager was very careful indeed not to put anything in the way of an inspector to irritate him. If a miner drew attention to anything in a mine and an inspector made a complaint to the manager, the miner would be going up the shaft with his dismissal in his pocket. Men were only too anxious to get work, and they could not run the risk of being put off a job. The person who drafted the clause did not intend

that the provision should touch the management. Did not the management always know when an inspector would visit a mine? He (Mr. Taylor) could say from his experience as a leaseholder and a wages man that managers knew when an inspector could be expected. The management in other districts knew exactly where an inspector was going and informed other managers, and everything was made as sweet as a lolly for the inspector when he arrived. He (Mr. Taylor) had been taken from a winze and put to work in what was called the "ball-room," a place 36 feet wide and 40 feet high and he did not know how long, and he had to work three shifts straight away to make preparations to receive the inspector. There was no necessity for the words, for there was ample power in the Bill to give an inspector every facility to carry out his work.

THE ATTORNEY GENERAL: We were told that it was the desire of members to protect an inspector and to give him the greatest facility for carrying out his duties. At the same time we were told that certain members took exception to the provision being made that insulting language addressed to an inspector in the discharge of his duty was not to be prevented by having some penalty attached to it. The position was contradictory. It was not necessary to deal with the argument that "obstruction" covered insulting language. No one would contend in such a direction were it not with the object of special pleading. The word "obstruct" meant preventing a man from doing something, and no court would be justified in construing foul language into obstruction. If there were a provision punishing the use of disgusting language in a public place, it was clear that a mine was not a public place, and the provision was of no avail. But if the language was threatening it could in any case be the subject of prosecution. But language might be as foul as the wit of man could imagine and still be not threatening. Was it proper and right to protect officers under the Bill when in the discharge of their duties, if they were made the subject of language that might be foul and meant to hurt or disgrace them? It had been argued that this provision was unnecessary because no workman would attempt to address insulting language to an inspector, knowing well that he would be dismissed from the mine. That agument proved how contradictory was the other argument that this provision was directed against the working men.

MR. TAYLOR: It was not stated that it was so directed.

THE ATTORNEY GENERAL: If it was not directed against the working men then it was directed against the officials, and it was our duty to protect the inspector against conduct of that character. There was no objection to the clause. The men most likely to use insulting language would be the men whose work was criticised by the inspector, and they were the underground managers and shift bosses. Inspectors should be given greater powers against these men, because of some of the language used by them on the Golden Mile.

MR. EDDY: If it was wrong to use insulting language it was right to retain the clause.

MR. WALKER: The law already adequately protected inspectors against the use of insulting language. By virtue of this clause being in the Act, words which might otherwise pass unnoticed would be given a wrong construction. Already it was provided in the Bill that there should be no obstruction to the officer in the performance of his duties, and as the use of this language was an obstruction, it was sufficient protection to the inspectors.

MR. A. J. WILSON: The hon. member supplied abundant reasons for the retention of the words. If the hon. member were correct in saying that the words were adequately covered by existing legislation, there would only be a duplication. On the other hand the Attorney General claimed that a mine was not a public place. The ability of an inspector to do work satisfactorily depended on his freedom of access to the mine and on the fullest possible protection being given to him while carrying out his more or less opprobrious duties. The words would add considerably to the protection given to inspectors, but their deletion would probably be a license to the use of insulting language.

MR. STONE: There was nothing outrageous in these words. Inspectors should be treated with proper respect. The same words appeared in the railway regulations where men engaged on cabs or carts about railway stations were prohibited from making use of abusive or offensive language towards railway officials. It was splitting hairs to try to amend the clause as desired.

MR. BATH: The amendment would not have been brought forward had he thought that inspectors were subjected to insulting language underground. It would be worth while if the Minister, while on the goldfields, would inquire if there was any justification for the retention of these words; but he (Mr. Bath) had never known an inspector to be insulted underground.

THE MINISTER: Complaints had been received.

MR. BATH: There would be an opportunity to reconsider the clause on recommittal.

Amendment withdrawn.

Clause put and passed.

Clause 13—Inspector to record result of inspections:

MR. BATH moved an amendment—

That the following be added as a subclause:—"The inspector shall keep a duplicate record-book at his office, in which shall be recorded all entries made in accordance with this section, which shall be open for inspection as provided in Section 14."

It would be preferable in the case of record-books if the men could see them at the offices of the inspectors instead of at the mines offices. If a manager were inclined to intimidate a man who made it a practice to peruse the record-book at the mine, the opportunity would present itself under the clause unless the amendment were passed.

THE MINISTER asked that the amendment should be withdrawn pending recommittal in the meantime, seeing that it had just come before the Committee. The only objection to be seen at once against the amendment was that it might entail additional expense in the working of the Act. There was no objection to the hon. member's amendment on the addendum to the Notice Paper, to provide that secretaries to the unions should examine the books; but to insist that records be kept at the inspectors' offices might increase the clerical duties of the inspectors so much that they would be able to devote even less time to the actual work of inspections.

MR. BATH: There was no objection to adopting the Minister's suggestion to withdraw the amendment pending recommittal, but it was now the practice of inspectors to keep in their own offices records of visits to mines, and the point of view of an additional expense would not enter into the question.

Amendment withdrawn.

Clause put and passed.

Clause 14—Record-book to be open for inspection:

MR. BATH moved an amendment—

That after "mine," in line 3, the words "or their representative, who may be the secretary of the Miners' Union" be inserted.

THE MINISTER: There was no objection.

Amendment passed; the clause as amended agreed to.

Clause 15—agreed to.

CHECK INSPECTORS.

Clause 16—Inspection of mine by workmen:

MR. SCADDAN moved an amendment that the clause be struck out, with a view to the following being inserted in lieu:—

Any industrial union of workers registered under the Trades Union Act, and the members of which are employed in or about a mine, may appoint one or more persons to act as check inspectors, subject to the following provisions:—

1, The persons so appointed shall have all the powers conferred on inspectors under Subsections 1, 2, 3, and 5 of Section 7 of this Act.

2, They shall make a full report, in writing, of the result of their inspection to the Inspector of Mines, and state therein any recommendations or suggestions which they think reasonable. The report shall be signed, and a signed copy thereof shall be delivered to the manager of the mine, who shall enter the same in the record-book.

3, The manager shall give full and free facilities for every such inspection, and may accompany the persons appointed to inspect.

4, This section shall not be put into operation—(a) in respect of the underground workings of a mine, except at the instance of an industrial union of workers having for its

members one-third at least of the total number of workers engaged in underground employment in such mine; or (*b*) in respect of the surface workings of a mine, except at the instance of an industrial union of workers having for its members one-third at least of the total number of workers engaged in the surface workings of such mine.

5, Such check inspectors shall be paid by the union appointing same and the Government in equal proportions.

The object was to provide that check inspectors should be appointed by miners' unions in the particular districts, and to carry the same authority as Government inspectors to a limited extent, also to be independent of the mine-owners and of the Government to an extent. There was no desire that check inspectors should have power to stop any work or to issue any definite instruction, but it was desired that they might be appointed by the men employed in the mines through their unions, and that they might be paid in equal proportion by the unions and by Government, so that these inspectors would not need to depend on an adjoining mine for employment. It would be difficult to expect men to do inspections in an impartial manner and at the same time depend on the mines for getting work. Rather than accept the clause as printed, the miners affected, particularly those on the Kalgoorlie belt, would prefer that no provision be made for check inspectors. This provision was unworkable, and could never be utilised by the men. The existing Act provided that miners who considered any portion of a mine unsafe could appoint one of their number to report thereon. Had there been one such report? No. The man dared not do it. The amendment did not contain one clause injurious to the mine-owners.

THE CHAIRMAN: The question was that the clause be struck out. The amendment could be moved at the end of the Bill, as a new clause.

THE MINISTER FOR MINES: This clause was the rock on which we should probably split. The amendment proposed that the unions might appoint check inspectors with powers almost as great as those of official inspectors; yet the unions represented only 2,000 out of 6,000 workers on the Kalgoorlie belt. The Government, though not controlling the check inspectors, were to pay half their salaries, so that they could go from mine to mine making inspections and reports. An inspector should occupy an equitable position between worker and mine-owner. If the Government inspectors were insufficient, unqualified, or unfair, more or better inspectors should be appointed. As it stood, and with the amendments the Government proposed, the Bill would be fairly drastic.

MR. SCADDAN: Modify the proposed amendment, so as to give the Minister control of the check inspectors.

THE MINISTER: The Bill of last year would have empowered the Minister to control and dismiss check inspectors. In the amendment this was not even suggested, though the State was to pay half their salaries. Apart from other considerations, it was not the duty of the Crown to allow extra-departmental inspections other than those provided for in Clause 16. None would envy a mine manager who happened to run counter to the union if check inspectors were appointed as proposed by the amendment.

MR. GULL: The amendment would not secure finality. If subsidised check inspectors were appointed by the union, why not by the mine manager as a counterblast to those of the men? What would happen if the check inspector disagreed with the Government inspector? There would be two reports and no finality; and if the Minister decided against the former, he would be accused of unfairness. The provision would not work.

MR. TROY: Unless the amendment was accepted, the clause would be useless. No man employed in a mine would condemn the workings. This was one of the useless privileges such as we found in other statutes. The Mining Act provided that a prospector might obtain a grant for putting machinery on his property; but how often was such a grant made? Such alleged privileges were only misleading.

THE MINISTER: The clause as printed gave specific power to unions to appoint representatives.

MR. TROY: That might do on the Kalgoorlie belt, where the union secretary was fully paid and did not work in a mine

for his living. But in other centres the secretary was a mine employee. How was that man to make a fair report, even though the mines were in a very bad state, if he had to depend upon his employers for a living? He could not do it. While the majority of mine managers were fair and reasonable, there were some who would dismiss their employees on the slightest provocation.

MR. JOHNSON: The members on the Opposition side of the House really represented the workers on the mines, and this Bill was introduced for the protection of those workers. The Minister had said the unions represented 2,000 out of 6,000, but the number was much bigger than that.

THE MINISTER: The number was what had been stated to him by the union last year.

MR. JOHNSON: That was one union. However, he did not wish to argue the point. Rather than have the principle mutilated as it was in this clause, the men would prefer to have the clause struck out. Supposing the workers felt that a stope was unsafe, and the shift boss was sent down and said it was absolutely safe, there would immediately be friction if the men selected someone to go down and condemn the work that their employer stated was safe. There were other features in relation to the clause which were bad. Let the Committee strike out the clause, and go into the question of the amendment of the member for Ivanhoe at the end of the Committee stage.

THE ATTORNEY GENERAL: The objection to the clause appeared to be that in the working of it a man appointed by a union or by those employed on the mine would run the risk of being dismissed if working on the mine himself. He had not been able to find any other reasons, although some were hinted at.

MR. JOHNSON: Others could be given by him, but he did not wish to labour the subject.

MR. DAGLISH: Much objection might centre round the provision in regard to the posting of a notice of a meeting in the mine itself. Such a notice would necessarily be signed by the conveners of the meeting, which might lay them open to attack on the part of the management of the mine. In view of the proviso regarding the proportion of workers on a mine who must be in a union, no harm could accrue from adopting the proposal of the member for Ivanhoe.

MR. WALKER: The clause as it stood was impracticable. It was left to anybody to convene a meeting where there was no union, and what was everybody's business was nobody's business. If check inspectors were any good, it should not be left to a whim, to some special occasion, or to an accident to have these men appointed. The object of the amendment was to make a check inspector as independent of the men, so to speak, as of the mine managers. Many men, rather than run the risk of offending their bosses, would face danger day by day. As the clause stood the danger must be extremely great before a man would take any action at all. At least 20 men would have to attend a meeting. When the danger had come to that stage, it should be stopped immediately, and yet at least 24 hours' notice of meeting had to be given. A thousand difficulties might come in the way of a full attendance at the meeting. There was the actual fear of some men offending their masters, and climatic conditions might arise, and in the meantime the danger continued. Then came the critical point. They appointed their own man to become a martyr; it might be so.

THE MINISTER FOR MINES: Not necessarily, under this clause.

MR. WALKER: Why?

THE MINISTER FOR MINES: Because they could appoint anybody outside.

MR. WALKER: Were they likely to appoint a man not familiar with the particular mine? Were they not likely to appoint an inspector known to them as a working miner?

THE MINISTER: They could appoint the secretary of the union.

MR. WALKER: There was always the liability of the man appointed becoming a martyr. The workers wanted a man not dependent on managers for his living. Then there were those who convened the meeting.

THE MINISTER FOR MINES: Notice need not necessarily be posted. We were dealing with two classes of workers, workers in a union and workers not in a union. Provision was made for a union to appoint an inspector: and in the case of workers with no union or recognised meeting place, it was provided that they must hold a meeting and have so many persons at the meeting to appoint anyone to inspect a mine. We said to the union that, provided one-third of the men working in the mine were members of the union, they could appoint an inspector. No notice was required of the meeting, and in the clause all the powers were given which the member for Ivanhoe sought to obtain by the amendment, except that the check inspectors were not permanent and were not paid. Were members not going to make provision for miners who were not in a union? He believed that out of 6,000 workers on the fields, only 2,000 were in the union.

MR. SCADDAN: There were 3,000 men working underground, and of these 2,000 were in the union.

THE MINISTER: Provision must be made for those outside the union.

MR. JOHNSON: Did the Minister believe that members of a union would neglect the lives of non-unionists?

THE MINISTER: But there might be no union, and in that case if the amendment were carried, there would be no power to appoint an inspector.

MR. COLLIER: The union would send inspectors anyway.

THE MINISTER: Others besides unionists must be considered. We were not justified in considering only the case of the union. It was not specified that notice had to be posted.

MR. HUDSON: Who was to determine whether the conditions precedent to a meeting had been complied with?

THE MINISTER: The Inspector of Mines. Managers were liable to a penalty for refusing to allow the check inspectors appointed to go below. Full powers were given to the union.

MR. SCADDAN: But only for a specific occasion.

THE MINISTER: Subclause (*a*) might be amended, but full powers were given in Subclause (*b*) to the union to appoint inspectors at any time. Similar power existed in the Coal Mines Act copied from the New South Wales Coal Mines Act, and it had worked well. It was all very well to say that the provisions of this clause were useless, but why did not members say that they wished the union to appoint permanent inspectors paid by the Crown, for that was the substance of the amendment? We found that the New South Wales coal-miners asked for nothing more than the provisions contained in the clause. The clause was a great improvement on the past legislation, providing not only for unionists, but also for those outside unions.

MR. BATH: Not only was the person appointed as check inspector liable to be victimised, but also those miners attending a meeting to appoint a check inspector. All meetings had to be convened, and that gave publicity.

THE MINISTER: The amendment also provided that one-third of the men employed in the mine should be at the meeting.

MR. BATH: Yes, but it would be a permanent check inspector. In New South Wales in some districts the appointments were permanent, the only difference between the system there and the proposal of the member for Ivanhoe being that in New South Wales the check inspectors were paid entirely by the miners. Not only did the Royal Commission on Ventilation and Sanitation of Mines suggest something on the lines of the proposal of the member for Ivanhoe; but in giving evidence, Mr. Hudson, an inspector of mines, had pointed out that permanent check inspectors would be more in touch with the workers. There should be a farther amendment to the proposal of the member for Ivanhoe to bring the check inspectors in some effective way under the control of the Minister for Mines, and with that amendment the proposal would be infinitely preferable to the clause. It would remove complaints in regard to ineffective inspection and in regard to workings being allowed to continue unsafe, and it would not lead

to any attempt to tyrannise or harass mine managers.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. WALKER was dissatisfied with the explanation given by the Minister in reference to check inspectors. There was a broad distinction between Subclauses (*a*) and (*b*). Subclause (*a*) dealt with power given to appoint check inspectors by workers where possibly no union existed, a provision that ought to be maintained; and Subclause (*b*) dealt with the appointment of check inspectors by a union. The difficulties were not explained away by the Minister, though the point was made that the unions would not require to post a notice on the mines. The difficulty of having to convene a meeting was maintained by Subclause (*b*), for there would be delay. A notification must go out to members that a special subject had to be dealt with, which of necessity meant delay, and perhaps more than 24 hours. Notification of the meeting must be given through advertisement or special letters, or posting a notice on the mine. When the time had expired, there must be at least 20 members present before the important subject could be dealt with, and if the meeting lapsed for want of a quorum the process had to be gone over again. In the meantime the danger existing in the mine was continuing and becoming greater by the delay. The chief objection was that there being a special purpose—supposing the mine to be already recognised as dangerous in its working—the clause only provided for meeting it where some danger had arisen or had been observed. What was wanted by the workers was that there should be no necessity to wait for the mine to be dangerous, but that an inspector should be able to warn the men of the danger, and not as the measure provided, only to have a check inspector when the danger had become so great that at least 20 members of a union should take part in the appointment of an inspector.

THE MINISTER: Did the member believe in the amendment?

MR. WALKER: Not strictly as it was worded. If there was danger in a mine the delay became a greater danger. The Minister had read a provision that existed in the New South Wales Coal Mines Act, but in New South Wales there were regular check inspectors. They were not appointed for any emergency, or when any danger was possible, but they could go down a mine at any time, twice a day if they liked, so long as they did not interfere or unnecessarily hamper the working of a mine. The men did not want to wait until the danger was alarming enough to compel them to call a public meeting, and then send an inspector down to report. An inspector should be on the spot to regularly and systematically report on the condition of the mine. The clause as provided was unworkable. It would be better to do without the clause altogether. If the Government did not want to pay the check inspectors the men were willing to do so if they had the privilege of sending a man down a mine to report. The men wanted some protection from the lack of opportunities on the part of the inspectors to adequately see to the safety of the working of the mine.

MR. TROY: The only objection to the clause was not that check inspectors were not paid. In the first place notice must be given of the intention of the workers to hold a meeting. Circulars had to be issued or notices posted. If a union desired to call a meeting, the best manner in which to proceed was to post a notice. Another objection was the 24 hours' notice to be given before a mine could be inspected. Twenty-four hours was sufficient time in which to allow a manager to put his mine in order, and then when a check inspector was appointed the manager could lay a charge that the meeting had been called without there being any necessity for inspection. Then again there were many unions in the State in which there were not 20 members. The Conciliation and Arbitration Act provided that 15 members must constitute a union to insure registration. In some localities where mining had gone down there were less than 15 or 16 members in a union. This might occur on the re-

opening of a mine after exemption. Take the Peak Hill mine for instance, which had been under exemption for a long time. The workings had not been attended to. Even when that mine was working it was in a dangerous condition on many occasions. The shaft almost collapsed when the cage was going up at one time, and many instances had been brought under notice showing the mine was in a dangerous condition. He doubted whether 20 men were engaged in that mine getting it in readiness for working, and these 20 men were probably all working in dangerous places. Perhaps there were only 15 men there, and all of them might not belong to a union. These men would not have power to call a meeting. At Field's Find there was a mine where the same conditions obtained. Whilst the clause provided for check inspectors it could not be of use to the miners, because these check inspectors could not carry out their duties unless provision was made that the check inspector would not suffer in consequence. It might be said that no manager would take offence because a man was appointed to report on a mine; but in many portions of the State there were men who had been unable to get employment after having given evidence in the Arbitration Court in favour of an increase of wages. The same thing would obtain in connection with this check inspectorship. Very few persons had sufficient courage to take upon themselves the responsibility of check inspector and to report conscientiously.

THE MINISTER: One might not be in the employ of that mine.

MR. TROY: But if not, he might be employed in the adjoining mine, because a man, to be a check inspector, should have some knowledge of mining. One day he might want to get employment on another mine in the locality, and the fact that he had reported adversely on that mine, and put the management to considerable expense and trouble, would be sufficient to prevent him. The worker could not be protected, unless we made check inspector some person who was independent of the employers. In Newcastle, New South Wales, there were check inspectors appointed under the Coal Miners' Act. These check inspectors were, as pointed out by the Leader of the Opposition, in every case paid persons. They were paid by the unions. The unions were able to pay them because very many men were employed in coal-mining in one locality, but outside the Golden Mile in this State there was not, except in very few places, a sufficient number of miners employed to pay the wages of a check inspector. A check inspector might be only called upon once or twice in a year to inspect, and therefore it would not pay one to attend to that work alone. The Minister complained that a check inspector appointed by a union here would not be under the control of the Minister. He (Mr. Troy) doubted whether a check inspector in New South Wales was under the control of the Minister. If a check inspector there was not under the control of the Minister, the fact that the provision had worked so satisfactorily there should give us reason to believe the system would work satisfactorily here. What was the use of having these things in the Bill to lead people to believe that certain protection was provided for them, when they would find, on coming to seek such protection, that they could not avail themselves of it?

MR. SCADDAN: We already had provision in the Mines Regulation Act for the inspection of workings by men employed therein, but he had no knowledge of the present provision having been put into force, simply because the men recognised that it was absolutely useless, that they could derive no benefit from it. In this measure the Minister had embodied a somewhat similar clause, but it was even worse than the present provision in the Mines Regulation Act. The present proposal by the Minister was hedged round with other provisions. A meeting had to be called, at which not less than a sixth of the number of workers had to be present, and in no case must the number be less than six workers, to appoint one or two persons to inspect the workings. The Minister had argued against the appointment of check inspectors under almost any conditions, but now he desired to make it appear that it was only a question of the wording of

his (Mr. Scaddan's) proposal. If the Minister was against the appointment of check inspectors, let him say so. The miners themselves had expressed the opinion that they would never use the provision as at present in the Bill, and of what use was it for the Minister to go on with such a clause? It was advisable to strike out the clause altogether, and have nothing to do with check inspectors, rather than have the present provision. Some had said that the proposal made by him (Mr. Scaddan) would, if adopted, duplicate the officers of inspection, and that we should have two or three inspectors doing each other's work. There was nothing in his amendment, however, which would give undue powers to check inspectors. The most a check inspector could do would be to make an inspection, report to the Government inspector of the district, and make recommendations with regard to the particular place inspected. Even the mine managers themselves would not object to powers of that kind being conferred on a person. It was absolutely essential that a check inspector should hold a permanent position, and be independent of any mine in the district, otherwise the provision would not be put into operation. In view of that fact, and in view also of the fact that check inspectors were surrounded with these restrictions, the Minister might well agree to give his (Mr. Scaddan's) proposal a trial. The Minister had power to bring down an amending Bill at any time. Moreover, he (Mr. Scaddan) was not particularly wedded to the wording of this amendment.

THE MINISTER: Why did not the hon. member try to amend the original clause instead of striking it out?

MR. SCADDAN: Because it could not be made of any use even by amendment. He would prefer that Subclause 5 be struck out, in order that the Committee might discuss the question whether check inspectors should be paid entirely by the unions, or half be paid by the unions and half by the Government.

THE ATTORNEY GENERAL: It still appeared that the real objection to the clause was that check inspectors would be liable to be dismissed from their ordinary employment if they inspected a mine on which they happened to be employed. But he had understood the member for Mount Margaret to say that if a man were appointed to inspect a mine with the workings of which he was entirely ignorant, his report would be of little value.

MR. TAYLOR was then referring to a man who had no knowledge of mining.

THE ATTORNEY GENERAL had understood the hon. member to say that inspection, to be of value, must be made by an experienced miner. The objection to the clause was that, under Subclause (*a*), persons who were not members of a union might appoint miners to the position of check inspectors, and these latter would be liable to dismissal for discharging their duties in the mine on which they were engaged; that this objection remained unless the check inspectors were appointed as Government officials. Assuming that a union was prepared to pay its members who acted as check inspectors, there was no obstacle to the union doing so under the present clause. Under Subclause (*b*) the unions were called on to appoint certain persons in particular cases; but those appointed would be available for other occasions.

MR. SCADDAN: But a meeting of the miners had to be called on each occasion.

THE ATTORNEY GENERAL: If that was the hon. member's objection, it could easily be got over by making the provision that the appointment of a check inspector under Subclause (*b*) was not annulled by the fact that the particular occasion for which he had been appointed had passed. He would thus remain available for any future occasion.

MR. JOHNSON: Were the Committee to understand that the Government agreed to the permanent appointment of check inspectors?

THE ATTORNEY GENERAL was pointing out that there was no difficulty in the way of amending the clause so as to meet the wishes of the member for Ivanhoe. As a member for Guildford (Mr. Johnson) well knew, only the Minister in charge of a Bill had the right to give an undertaking in respect of

amending the Bill. The position taken by the member for Ivanhoe was not a reasonable one, as he desired to wipe out entirely a clause which could be made to meet his objection by the amendment of one of the subclauses.

Mr. JOHNSON: Would the Attorney General deal with the objection stated to Subclause (*a*)?

THE ATTORNEY GENERAL: That subclause had the characteristic virtue that it did not apply only to those who were members of the organised union, but was a laudable attempt to make provision for every worker whether a member of a union or not, and this was a feature entirely absent from the amendment. There was some reason in the contention of the member for Subiaco that the provision for the posting of 24 hours' notice might leave a means open for the exercise of revenge; but if any member of the Committee could point out a better means of calling the necessary meeting, the Minister in charge of the Bill would consider it favourably. The amendment went much farther than the Committee had been led to expect. It was proposed to place power in the hands of men who were to be entirely outside the control of the Minister or of any other impartial authority; and so long as human nature remained as it was, it was impossible for those men to be impartial: they must be influenced by the opinions of those to whom they owed their appointment. The position was entirely different in the case of officials appointed by the Crown, who were servants of the State. If it were possible for any man to be impartial, it was possible for a servant of the State to be impartial. [MEMBER: Not necessarily.] It was possible for the reason that there were successive Governments; one Government went out and another took its place. But it was hardly possible for any person else, whether appointed by mine-owners or unions, to rise to the rank of an impartial officer. Under the amendment these men would have the power to make examinations and hold inquiries not only for the purpose of ascertaining whether any particular workings in a mine were safe or not, but whether the provisions of the Act affecting mines was complied with in their entirety. And there were numbers of provisions in a Mining Act which had nothing to do with the safety of a mine. With such power an inspector might, without abusing his authority, constitute himself a source of irritation in any mining community. A Government inspector would have no necessity to do that, for his duty would be to remain neutral. Under Subclause (*b*) an inspector was authorised to enter and make an inspection of any mine at any hour of the day or night. While it was desirable to give inspectors the right to go into any part of a mine where their presence was required, yet to give such extensive power as that proposed in the subclause to irresponsible inspectors was not desirable.

MR. SCADDAN: But no objection would be raised to giving the Minister power to dismiss a check inspector, if the circumstances justified it.

THE ATTORNEY GENERAL: The right of dismissal would not remove the objectionable features of the proposal made from the Opposition side. There was nothing objectionable in Subclause (3.) We must have men to prevent trouble, not to cause trouble; but surely the men holding the posts of check inspectors would try to justify their positions and, where there was no legitimate cause for complaint, try to see if they could not find fault.

MR. JOHNSON: Did the Minister realise that the check inspector did not inspect unless requested to do so by the miners?

THE ATTORNEY GENERAL: Yes; but these would invariably be the motives of the men appointed. The next subclause would give to check inspectors a semi-judicial power only conferred on inspectors of the department. Men were appointed by the unions, not always on account of merit, but because they were able to work the machine properly; and we were asked to give such men the right to examine witnesses. The proposal was to create a number of assistant inspectors with all the powers of inspectors, not nominated by the State, but with the responsibility for their choice resting on the unions. Under the clause in the

Bill there would be no danger of any persons appointed being dismissed, because the unions could make provision for these men to any extent deemed desirable. If it was deemed necessary to protect those appointed by the union under Subclause (*b*), the Minister had no power to interfere in the selection by the union.

MR. JOHNSON: The Minister desired to protect non-unionists. Let him show how.

THE ATTORNEY GENERAL: The only way to do that was by something similar to the clause in the Bill. The Minister had promised to reconsider the necessity to give notice on the mine. There was nothing to prevent miners from meeting and taking advantage of the clause, the only objection to the clause being that, as it stood, notice of holding a meeting would come to the knowledge of the manager; but by the suggested amendment of the member for Ivanhoe no meeting of non-unionists could be held. Even if the views of the Opposition were to be met to the fullest extent, they could be fully met by amending the clause in the Bill.

MR. JOHNSON: It was not a question of unionists or non-unionists. The Bill was to protect the lives of workers in mines. Members, after hearing Ministers speak, might run away with the idea that the Opposition were making special pleadings for the unionists only; but that was not the case. The Opposition claimed to represent the majority of the workers on the goldfields. For instance, the member for Ivanhoe had been unanimously selected by all the miners in his electorate. The Attorney General agreed that there were defects in all the subclauses of the clause in the Bill, and said that they could be amended; but it was difficult to lick the clause into shape and make it clear enough for members not versed in mining to fully understand the position. Consequently, the member for Ivanhoe had adopted the wiser course in moving to strike out the clause, and in drafting a new clause on the lines members of the Opposition desired. The Bill already claimed that it was necessary that assistance should be given to Government inspectors; and consequently it was necessary that check inspectors should have almost the same powers as the inspectors of mines. There was no need to argue the point that there was necessity to have some assistance to inspectors. The Attorney General had argued that Subclause (*a*) allowed non-unionists to appoint check inspectors; but it did not follow that all the workers provided for in the subclause would be non-unionists. The meetings would be attended by both unionists and non-unionists. The majority of workers on the Hannan's belt were unionists, and in two or three mines all the men were unionists. The Attorney General went on to say that under Subclause (*b*) it was possible for a union to elect a man to represent them as a check inspector, and if the miners desired to protect this man from being dismissed for condemning any portion of the mine they could overcome that by paying their man. If the Attorney General admitted that, why not admit that something similar was necessary in Subclause (*a*)? The speech of the Attorney General was special pleading. He admitted that in every subclause there were defects; therefore, his argument was in favour of striking out the clause and inserting a new one. Then there was the question of the check inspectors not being impartial. Perhaps there was something in that, but the fact remained that the clause provided for check inspectors. If it was dangerous to appoint check inspectors because they might be partial, why include a provision for check inspectors? There was no sound argument for the retention of the clause, but every argument was in favour of striking out the provision and inserting the new clause proposed by the member for Ivanhoe. This was one of the vital points in the Bill, one of the provisions which had been requested by the miners for years. At the last general election questions were put to candidates on the goldfields as to whether they were in favour of check inspectors, partly paid by the unions and partly paid by the Government. It was possible to frame a workable clause out of the amendment proposed by the member for Ivanhoe.

MR. HORAN disagreed with the proposals contained in the clause, but could not agree in every detail with the proposal of the member for Ivanhoe. We should not attempt to carry our petty differences so far as to question whether a man was a unionist or a non-unionist. On the goldfields, during the general elections, every candidate supported the appointment of check inspectors. In New South Wales check inspectors were appointed by the unions and these inspectors held office for a quarter. He commended the provisions in the New South Wales Coal Mines Act to the Minister. According to Rule 39 of the Coal Mines Regulation Act of New South Wales it was provided that persons employed in a mine might from time to time appoint two of their number, or any two persons not being mining engineers who were practical working miners, to inspect the mine at their own cost, and the persons so appointed should be allowed once at least in every month—in the present Bill it might be provided whenever necessary—accompanied by the owner, agent, or manager of the mine, if he thought fit by himself or one or more officers of the mine to go to every part of the mine to inspect it, and every facility should be offered by the owner, agent, or manager to the persons appointed, who should forthwith make a true report of the result to the inspector, and that report should be recorded in a book to be kept at the mine for the purpose. And if the report stated the existence or apprehended existence of any danger, the owner, agent, or manager should forthwith cause a copy of the report to be sent to the inspector of the district. Then Rule 41 provided that if the owner, agent, or manager of a mine or any persons employed, interfered with the appointment of a check inspector, or refused to afford proper facilities for the holding of any meeting for the purpose of making the appointment, or attempted by threats, bribes, promises, notices of dismissal, or otherwise to exercise improper influence in respect of such appointment, not to reappoint any particular person or to vote for or against any particular person, such owner, agent, or manager, should be guilty of an offence. It would not be advisable to prevent the appointment of a check inspector from any particular mine. The question of the cost of services rendered by check inspectors might be left to a future date, and he understood the member for Ivanhoe would make a concession on that point. When the Minister looked at the regulations referred to he would probably be able to amend the Bill to meet the wishes of both sides of the House.

MR. HUDSON: No member could have made a stronger speech against the appointment of check inspectors than the Attorney General, who evidently overlooked the object of the clause. He seemed to think check inspectors were to be appointed by unions for the purpose of harassing the mine manager. No such intention ever entered the heads of those who suggested that check inspectors should be appointed. The object of the clause was for the protection of workers, and the men appointed were to be elected by the workers. It was necessary to have some provision for the appointment of check inspectors by the workmen, and the Bill gave power for that in Clause 16. First of all the person elected must be working in a mine or be a member of an industrial union of which at least one-third of the members were workers. These persons might cause an inspection of the mine to be made, and then under Subclause (*a*) notice had to be given and a certain number of workers had to be present at the election. In outback mines there might be no unions. It was impossible for the object to be attained by the clause, and it would be impossible to graft a proper provision on to the clause to make it effective. The permanency of the appointment of inspectors was of great importance, and applied more particularly in outlying places, because the powers given were such that he would, in the absence of the inspector, be able to serve some good purpose. The Attorney General objected because of the possibility of the check inspector becoming a nuisance by reason of the power given in Subclause 2 of Clause 7 to enter and inspect a mine. But in Clause 16 that power was intended

to be given. Then the Attorney General objected to Subclause 5 of Clause 7, which power was included in the amendment that check inspectors might examine witnesses and obtain a statement from witnesses. In outback places where there might be a check inspector appointed, the permanent inspector might be miles away; therefore it was necessary that the check inspector should have the power to enable him to get information at the time in case of accident. In regard to the examination of witnesses, the Attorney General pooh-poohed the idea. It was, however, already provided in the Mines Regulation Act that the representative of the Miners' Association might be present at any inquiry, and put questions to any witness as to the cause of an accident. The amendment of the member for Ivanhoe should be adopted, especially as the hon. member had been explicit in his affirmation that he would consent to amendments of his new clause, so as to provide for some of the objections that had been raised to it.

MR. BATH: It seemed to be a case of "Oh, my beloved clause," both with the Minister and the member for Ivanhoe; each wanting to have any amendment drafted on to his particular clause. The best way out of the difficulty would be to postpone the consideration of this clause, and in the meantime endeavour to provide one which perhaps would meet the situation, whether by an amendment of the Minister's clause or an amendment of that of the member for Ivanhoe. The Attorney General had looked at the matter too much from the point of view of a lawyer, and had shown that in nine cases out of ten in discussing a technical clause such as this, the experience of the practical miner was the most valuable, and the advice or criticism of a lawyer was more a hindrance than a help.

THE MINISTER FOR MINES: Was the hon. member speaking of the last lawyer who spoke?

MR. BATH: The member for Dundas had not had quite as much legal experience as the Attorney General, and he brought a little more practical experience to bear. The Attorney General expressed a fear that check inspectors in exercising their powers would take altogether too prejudiced and partial a view. The member for Ivanhoe and others who had supported his proposed new clause, had stated their desire that the Minister should have the right to dismiss a check inspector in the event of any failure or departure from his duties. With that possibility hanging over his head, even if a check inspector were desirous of exceeding his duties and of unduly harassing a mine manager, he would have first of all the fear of dismissal at the hands of the Minister, and if after appointment to a permanent position he were dismissed by the Minister, he would have no hope of getting a job on a mine. So there were two safeguards against any possible abuse of power by a check inspector. There had been an attempt to make it appear that members on that (Opposition) side were arguing on behalf of the union miner, and treating this clause purely from his point of view; but there was no question in the conduct of practical work underground which more removed the distinction between union and non-union, than the question of the safety of the lives of the workers. The whole objection was that there could be no really effective application of this proposal as embodied in the Bill, because of the possibility of intimidation not only of the person appointed as check inspector, but also of persons who would exercise his powers. There should be continuity of employment. If a check inspector were appointed who could carry out his duties permanently, we should have a person who became accustomed to the work, and who, therefore, could carry it out in a more workmanlike manner. Check inspectors appointed under the provision as now submitted to us, or as proposed by the new clause introduced by the member for Ivanhoe, could not exercise the powers which the Attorney General said they could under this measure. Check inspectors could not deal with the question of appointment of managers, or the administration of those clauses.

THE MINISTER: Subclause 1 of Clause 7 said, "To make examination and inquiry to ascertain whether the pro-

visions of this Act affecting any mine are complied with."

MR. BATH: That certainly did give that complexion, but those who had asked for the appointment of check inspectors had no desire that they should have anything to do with that part of the business. All they wanted was the appointment of a check inspector to ensure the protection of the men underground.

MR. COLLIER: It had been clearly shown even by the Minister that the clause was not as it should be. If we agreed that the clause was not altogether perfect, the best course to pursue this evening would be to strike the clause out altogether, and a clause could be drafted on which both sides of the House could agree. When, in speaking on the Police Offences Bill, the member for Kanowna pointed out that too much power was given to the police, the Attorney General replied that we expected the police to exercise reasonable judgment and did not expect them to rush in on every possible occasion with a desire to harass people. This evening the hon. gentleman rather argued that check inspectors would have no discretion, but would be inclined to rush in and hamper the management of the mine. If, however, it was desirable to give powers to the police which were only to be used in exceptional circumstances, it was also desirable to give power to check inspectors, which he thought as reasonable men they would not exercise unless under exceptional circumstances. In regard to paragraph (*a*) of Subclause 1 of the clause relating to inspection of mines by workmen, he could not see how that could be amended in any way so that it would be of any use to the men employed. It was not possible to call a meeting of the men engaged in the mine without the management knowing of the meeting being called, and if they desired to penalise the men for calling a meeting they could very easily do so. The debate seemed to centre around the method of appointing check inspectors. The Attorney General contended that in paragraph (*b*) we had all that we desired. We could appoint two check inspectors and have them permanently so that they would not be liable to dismissal at the hands of the managers, but the difficulty was that paragraph (*b*) stated that there must be a meeting convened for the purpose. If a meeting were to be held on the Golden Belt, it would be necessary either to circularise the whole of the 6,100 members of the union, or to advertise in the newspaper; and as it would be too expensive to send circulars to every member, the meeting would need to be advertised, with the result that the object sought to be attained would be defeated, because the management would learn of the intended meeting and have time to remedy the defects in regard to which the meeting was being called. The clause should be struck out, and a more workable one drafted.

THE MINISTER FOR MINES: Reference had been made to the manner of the appointment of check inspectors in the Eastern States. The clause appointing check inspectors in the coal mines at Newcastle, under the New South Wales Act of 1896—he would not say it was the law to-day, for there might have been amendments—was an exact copy of the coal-mining Act of Western Australia which had given every satisfaction to the miners on our coalfield. There was no provision in the New South Wales Act for the appointment of check inspectors; these were appointed and paid by the unions.

MR. BATH: Neither was there provision for making new appointments every two months.

THE MINISTER: The workers could from time to time appoint persons to inspect any mine, and in our present Mines Regulation Act there was a provision enabling this to be done. When drafting the present Bill he desired to make a similar provision, and at the same time giving power to a union of workers to appoint any person, not necessarily a miner engaged in the mine, to attend at the mine and have power to inspect it and to report the result of such inspection to the Inspector of Mines. In this Bill the Government were going farther in this direction than in any previous legislation. Though he was not wedded to this clause, and would accept any reasonable amendment on it, he

trusted that the Committee would reject the amendment proposed by the member for Ivanhoe, which aimed at striking out the clause with a view to inserting one which provided that no consideration be shown to those workers who were not members of a union. While he had no objection to postponing the clause, he disagreed with the Leader of the Opposition in saying the clause should be postponed at that stage, when the Committee had reached bedrock on the question whether the principle enunciated in the clause, or the amendment, was the more desirable. That point should be decided at once, and then if a postponement were desired he would have no objection.

MR. HEITMANN: Sufficient had been said to show that the clause as printed was unworkable. This was farther shown by the fact that though a somewhat similar provision had existed in our mining law for some years, it had never once been availed of by the workers. Although the Minister expressed his willingness to accept amendments, every suggestion from this side (Opposition) had been met with what was almost a refusal by the Minister, who seemed to take every opportunity of bringing the forces of unionism and non-unionism into conflict. The Attorney General had said in effect that it was impossible for a check inspector appointed by the unions to be impartial. Would the hon. member appreciate a statement from the Opposition to the effect that the Attorney General was incapable of legislating for others than those who had been the means of introducing him into this House? If it were found that check inspectors were time after time bringing charges against mine-owners which they could not substantiate, the unions could be depended upon to dispense with their services. The argument of the Minister that salaried check inspectors would be outside the control of the Mines Department, would apply equally to the case of the board of examiners for engine-drivers' certificates, a board permanently appointed and its members receiving salaries paid by the Government, though they were practically appointed to their positions by the engine-drivers of this State. This was not a party measure, and surely members of the Opposition, representing a majority of the goldfields constituencies, were entitled to consideration.

MR. TROY moved an amendment—

That in Subclause (a) the words "of which at least 24 hours' notice shall be given by posting the same in some conspicuous part of the mine and" be struck out.

He had always raised objection that 24 hours' notice should not be given of the intention of workers to call a meeting to inspect a mine, because during the interval the mine could be readily put in order, and it would be charged against the workers that they had called a meeting over a frivolous matter. Also the posting of the notice on the mine would give a notification to the manager to get the mine in order.

MR. TAYLOR: There was already an amendment by the member for Ivanhoe to strike out the clause.

THE CHAIRMAN: There could be no amendment to strike out a clause. Members must vote for or against the clause, but before the clause was put amendments might be made.

MR. SCADDAN: If we attempted to amend the clause we would be here till Christmas. We should at this stage decide whether the clause should stand as printed or be struck out; and if a majority agreed to the clause, the Minister on recommittal could meet the wishes of members by making the necessary amendments, or by allowing the reconsideration of the clause on recommittal.

MR. GULL: The whole thing hinged around one or two points. The Minister should accept the principle of paying a certain number of check inspectors, but not more than the number of Government inspectors. The question was how many check inspectors should be paid; because if we agreed that the Government should partly pay the salaries of check inspectors, every section of a union would require a special check inspector, and they would appoint their secretaries as check inspectors, so that these secretaries would virtually be paid by the Government to do the clerical work of unions. There should be no more check inspectors than there were

Government inspectors. There was also the danger of unionists using the point as a lever to induce non-unionists to join the union. The whole argument rested on whether check inspectors were to be paid by the unions, or partly by the Government and partly by the unions.

MR. COLLIER: There was also the question as to their being permanent.

MR. TROY withdrew his amendment.

THE CHAIRMAN: For the information of members not present during the debate, the Minister had promised to recommit the Bill if necessary.

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

Ayes	..	22
Noes	..	16
Majority for	..	6

AYES.	NOES.
Mr. Barnett	Mr. Bath
Mr. Brebber	Mr. Bolton
Mr. Brown	Mr. Collier
Mr. Davies	Mr. Daglish
Mr. Eddy	Mr. Gull
Mr. Ewing	Mr. Heitmann
Mr. Foulkes	Mr. Holman
Mr. Gordon	Mr. Horan
Mr. Gregory	Mr. Hudson
Mr. Hayward	Mr. Johnson
Mr. Hicks	Mr. Scaddan
Mr. Keenan	Mr. Taylor
Mr. Layman	Mr. Underwood
Mr. McLarty	Mr. Walker
Mr. Male	Mr. Ware
Mr. Mitchell	Mr. Troy (*Teller*).
Mr. N. J. Moore	
Mr. Piesse	
Mr. Price	
Mr. Veryard	
Mr. F. Wilson	
Mr. Hardwick (*Teller*).	

Clause thus passed.

Clauses 17, 18—agreed to.

Clause 19—Every mine to be under control of a manager:

MR. TROY: No provision was made for managers' certificates. In the measure brought forward by Mr. Hastie, provision was made for managers to be certificated in the same manner as engine-drivers were. He had hoped the Minister would have provided for this. It was a peculiar thing that we made conditions and provisions regulating the employment of engine-drivers and miners, but we made no regulation for the manager who was above these persons. If a manager had to secure a certificate to make himself eligible to manage a mine, properties would be better conducted. The failure in the development of mines in this State was due to bad management in the past. In the Coolgardie and North Coolgardie Goldfields managers had been placed in charge of mines when they knew nothing about mining management at all. Persons who had been in offices at home came out here and were placed in charge of mines. Companies should choose the best men to take charge of their mines. If mines were managed by the most competent persons it would give an impetus to the mining industry.

MR. HOLMAN: Did the Minister intend to consider this question? In the past there had been and at the present time there were many managers who were not capable of fulfilling their duties. That was the reason why an endeavour had been made to get a proper system of check inspectors. It was found, when a matter of importance was being discussed, there were only four or five members sitting on the Government side, and when the division bell rang 20 members were found voting on that side. There were ten or twelve members voting who did not know what the division was about. It was the duty of the Minister to see that the most capable men were placed in charge of mines, and that could only be done by subjecting managers to an examination to prove their ability to hold their positions. A number of mines on the Murchison had been ruined through incapable persons being placed in charge. The sole reason of the Peak Hill mine being closed down for so long was due to bad management in years gone by. One manager called Reed picked the eyes out of the mine and left it in a bad state. Since then other managers had not worked the mine as they should have done.

THE MINISTER FOR MINES: In the Bill brought down last year there was not a compulsory provision for managers having certificates, but the Bill made it possible for the granting of certificates to managers. This question had been considered, and it was not thought neces-

sary to go to the expense of having a board appointed to grant certificates unless the provision were made compulsory. He could not come to the conclusion that it was wise to provide for compulsory certificates.

MR. HEITMANN: Could not provision be made for a manager having a certificate for a mine where there were 20 men working?

MR. SCADDAN: This provision was in force in New South Wales.

THE MINISTER: That was only in connection with coal mines, and in connection with our coal mines it was compulsory that there should be a certificated manager. Those who employed managers should be the best persons to judge as to whether men were able to look properly after the expenditure on those mines. The only question that should come before members was whether managers were qualified to carry out the provisions of the Bill so that the men employed on the mine would not be more liable to accident. Whether money was wasted or not was not a matter for this Bill. It was purely a question of the safety of the workings.

MR. TROY: If money had been frittered away, that had something to do with the industry.

THE MINISTER: Companies wanted men appointed who could properly be placed in charge of some hundreds of workmen. There were many new provisions in the Bill and it was not always, especially in big mines, a question of the manager being a certificated man but a man of business ability, who could get around him practical workmen who knew their duties and could minimise danger. The greatest success in the big mines had been made by men of business acumen who, no doubt, might know a good deal about mining, but who could appoint a metallurgist to look after the mine, and who could have an engineer looking after the batteries and underground managers. The manager was primarily responsible. These were the men who looked after the protection of the miners and the mine. To have boards appointed at the present time to issue certificates would be an expense to the State which was not necessary. It was a question whether we should say that no mine should be worked here unless under the control of a man who held a certificate issued by the State, and he (the Minister) did not think it was a wise provision to insert in the Bill.

MR. TAYLOR: Provision was made in the Bill introduced by the Labour Government by which certificates could be granted to mine managers. The Minister had pointed out that it was surely within the province of owners of mines to know if their managers were competent men. The well-being and prosperity of mines affected the welfare of the State, and that being so, it should be the duty of the Government in a Bill like this to see that the measure was drafted for the benefit of the workers without jeopardising or harassing in any degree the owners of the mine. Provision should be made by which the most competent managers could be obtained for the mines in this State. In the past, whole districts had been practically ruined and had lost their status as mining centres through bad management. There were instances where tributers working in mines were not only making handsome profits or dividends but small fortunes. This was in mines where pounds and pounds had been wasted during the prospecting stages. In the days gone by, mine managers spent a large proportion of the development money on the surface in the way of building mine managers' houses, paying for horse feed, erecting valuable machinery before they knew that there was a reef underground. Before they had developed the property and knew what they were dealing with, and had every preparation made for the carrying on of the finest mining reef or lode possible for human mind to conceive, the expenditure of this money on the surface absolutely prohibited such company from proving that mine a failure or a success. It was a failure as far as they were concerned, and it lay idle for years. Then men came along who were prospectors and who in some instances were prevented from earning their living on mines because of the active part they took in giving evidence in the Arbitration Court; and they went into these mines

and proved them a success. That did not apply in one instance only, but all over the State. Peak Hill was now languishing through the bad management of the mine there. Members on the Opposition side had been accused of having an eye only to the unions or workers. To-night the Minister had brought in his full force to show the strength of the Government's voting power, although in speaking on the second reading he said he hoped the Bill would be discussed from a non-party standpoint.

THE MINISTER: Members on the Opposition side were solid.

MR. TAYLOR: They were solid because they were goldfields representatives and knew full well what they were discussing. Most members on this side had worked underground, and those who had not worked underground had worked on the surface at engine-driving or in some other capacity. Many had the advantage of having been prospectors and leaseholders. He regretted that the Minister used his power as it was used a few minutes ago. How many members on the Government side were present to listen to the arguments advanced by members on this (Opposition) side, who knew how the Bill would apply? All that had to be done was to ring the division bell, and they would troop in in full force, and without any knowledge vote blindly for the Minister. He had no desire to throw the apple of discord down. This measure was practically the same as that introduced by Mr. Hastie when Minister for Mines, except that a few clauses were left out and two or three alterations were made. We should do everything we could to farther the mining interests and safeguard the workers, without in any way harassing those who were controlling the properties; and that could only be done by both sides discussing the Bill in a cool and imparial manner, and not by the Government bringing in their great power.

THE MINISTER: We had a clause which said a mine should have a manager. The question of whether a manager should be certificated would be essentially one on another clause. He did not mind at first a few remarks, but the discussion was getting altogether outside the question. He thought all agreed there should be a manager of a mine.

MR. WALKER: Could we not discuss whether, as every mine had to have a manager, that manager should be certificated? The word "certificated" would be an amendment to the clause.

THE MINISTER: We should have to deal with that on another clause.

THE CHAIRMAN: The hon. member would not be called to order by him.

MR. TAYLOR: There was ample opportunity to discuss on this clause whether managers of mines should be certificated or not. They should be certificated. He was sorry the Minister did not include the clause brought down by Mr. Hastie in that particular, when he had practically included all the other clauses. The Minister had embodied at least 75 per cent. of what was in the previous Bill. [MEMBER: More.] Members on the Government side who had no knowledge of practical mining should be in some degree guided by members on this (Opposition) side, who had. On agricultural questions, members on the Opposition side of the House had recognised the value of the opinions of members on the Government side. He hoped that if the Minister did not see his way clear to make some provision here to include mining managers' certificates, he would make some provision in that direction on recommittal.

Question put, and a division called for by MR. TAYLOR, who said those in the Refreshment Room should be called in out of the wet.

THE MINISTER asked whether a division was really desired.

MR. TAYLOR withdrew his call for a division.

Clause passed on the voices.

Clause 23—agreed to.

Clause 24—Temporary absence of manager:

MR. BATH: This seemed rather a short term for a notification to be given to the registrar when the manager was away. He would like some explanation from the Minister as to what made such a short term necessary.

THE MINISTER: It had been the rule, and it had worked well in the past for a long time. No complaint had come from the managers or owners in connection with it; therefore it would be an unwise proceeding to extend the term to a greater period than three days.

Clause put and passed.

Clause 25—Notice of abandonment to be given:

MR. SCADDAN moved an amendment—

That the words "one month," in lines 2 and 3, be struck out, and "fourteen days" inserted in lieu.

No other Act in the Commonwealth gave a longer period than 14 days for giving notice of the abandonment or the restarting of a mine. The Minister presumably had in mind the out-back districts, in which a month's notice might be necessary; but that difficulty might be overcome by exempting such districts, and it was as well that the Bill should be brought into line with legislation in the other States.

THE MINISTER FOR MINES hoped the amendment would not be insisted on. This was a new provision in our mining law, the desire being that the Mines Department should have notice of the abandonment or restarting of any mine; and it would not be possible to obtain such notice in two weeks from some of the out-back districts. It was purely a departmental amendment of the Act, and the officers of the department were of opinion that a month's notice was necessary for the more remote districts.

MR. TROY supported the amendment. There was not a mining district in the State which could not be reached within a week, so that a fortnight's notice should be ample, there being inspectors appointed in every mining district.

THE MINISTER: The period had been fixed at a month, on the recommendation of the State Mining Engineer.

MR. TAYLOR: The amendment should not be pressed, seeing that the period had been fixed on the suggestion of the State Mining Engineer.

MR. HOLMAN agreed that a month's notice was not too long in the case of abandonment; but suggested that notice should be given within 14 days of the restarting of work on any mine. This would enable the inspector to make an inspection of the mine within a fortnight.

THE MINISTER: On recommittal, he would move an amendment to the effect that notice should be given within a month of the abandonment of a mine, and within a fortnight of the restarting of a mine.

Clause put and passed.

Clause 26—agreed to.

Clause 27—Notice of accident to be given:

MR. HOLMAN asked for an expression of opinion from the Minister whether he would allow a representative of the local miners' union to be notified in all cases of accident in a mine. It was advisable that a representative of the union should inspect a mine after an accident. Most of the mine managers would welcome the proposal. When he (Mr. Holman) was secretary to a union and any accident occurred, the manager of the mine always sent him notice; the inspector of mines also always gave him notice of an accident and asked him to go into the mine to view it. Would the Minister agree to an amendment that secretaries of unions should be notified of accidents?

THE MINISTER: An amendment on the lines suggested could not be accepted. It was already provided that secretaries of unions should be notified of inquiries and be permitted to attend and conduct the examination of witnesses; but if we put in an amendment to provide that the managers of mines should notify the secretaries of unions of accidents, the managers would be guilty of a breach of the Act for omitting to send out the notifications, and in a sense we would be making the managers responsible to unions, an invidious position altogether for the managers to be placed in. With the provisions already existing in the Bill it would not be necessary to make any farther provision on the lines suggested.

MR. HOLMAN: Regulations could be made by which the inspectors where

possible could notify the secretaries of unions.

THE MINISTER: If the hon. member would submit a draft of the proposal, consideration would be given to it in framing regulations.

MR. COLLIER: The Minister had given no reasons for opposing the suggestion. If secretaries of unions could not visit the scenes of accidents they would be greatly handicapped in conducting inquiries. He moved an amendment—

That after "Secretary of Mines" the words "and to the secretary of the Miners' Union" be added.

Amendment put, and declared carried on the voices.

THE MINISTER called for a division.

SEVERAL LABOUR MEMBERS: There was only one "no."

THE MINISTER: Several called "no."

Clause as amended put.

THE MINISTER: There had been a call for a division on the amendment.

MR. TAYLOR: The Minister, knowing that the amendment had been passed, had just voted against the clause as amended.

THE MINISTER: No. It was his belief that the Chairman had not declared the amendment passed.

MR. CARSON claimed to have voted "no" and to have called for a division.

THE CHAIRMAN: Seeing that the Minister had not abandoned the call and that a division was insisted on, the Committee must divide.

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

Ayes	15
Noes	20
Majority against ..	5

AYES.	NOES.
Mr. Bath	Mr. Barnett
Mr. Bolton	Mr. Brebber
Mr. Collier	Mr. Brown
Mr. Daglish	Mr. Butcher
Mr. Gull	Mr. Carson
Mr. Heitmann	Mr. Davies
Mr. Holman	Mr. Ewing
Mr. Horan	Mr. Gregory
Mr. Johnson	Mr. Hayward
Mr. Scaddan	Mr. Keenan
Mr. Taylor	Mr. Layman
Mr. Underwood	Mr. Male
Mr. Walker	Mr. Mitchell
Mr. Ware	Mr. N. J. Moore
Mr. Troy (*Teller*).	Mr. Piesse
	Mr. Price
	Mr. Stone
	Mr. Veryard
	Mr. F. Wilson
	Mr. Hardwick (*Teller*).

Amendment thus negatived.

MR. HOLMAN: It was not intended to compel the management to report to the union but to the inspector. He moved an amendment that at the end of Subclause 1 the following words be added:—

That the inspector give notice of such accident to the secretary of the union in the district where the accident occurred.

MR. TAYLOR supported the amendment. It would be well if the Committee could obtain the matured opinions on the amendment of the member for North Perth, the Minister for Works, and the member for Wellington. Members should give reasons for their votes. The member for Greenough might also give his ideas on this amendment. If members opposed proposals they should not do so silently, but give their opinions on the proposals brought forward.

THE MINISTER FOR MINES: The substance of the amendment was that after the mining manager had reported an accident to the inspector, he should send a report to the secretary of the union in the district. In out-back places it would take four or five days to send a notice to the inspector of mines. Provision was made in the Bill dealing with inquiries into accidents, and Clause 36 provided that a representative of the person killed, or the representative of the miners' association in the district, might be present at the inquiry.

MR. TAYLOR: That had been the law since 1889.

THE MINISTER: It would not be wise simply to send a notice to the secretary of the union. He did not see why in the case of an accident the secretary of the union should be notified any more than the secretary of the Chamber of Mines or any other association. He saw no reason why special recognition should be given to the secretary of a union.

MR. COLLIER: It would assist them at the inquiry.

THE MINISTER: Would members allow the secretary of a union to examine witnesses? [LABOUR MEMBERS: Yes.] He would ask the House not to agree to it.

MR. HEITMANN: For some years past, in one particular part of this State

at least it had been the practice in the case of a serious accident for the inspector to get a statement from the injured person. After the statement had been taken the injured person had been asked to sign it, and more than once he had signed a statement which he had afterwards, when in a better state of health, contradicted. We found not only the inspector of mines taking this statement, but, as requested by the inspector, the accountant of some of these mines—a representative of the Chamber of Mines—was there, and not a representative of the union. Where a statement was taken from an injured person there should be some representative of the union present. When it was necessary to examine an injured person, the inspector should notify the secretary or another responsible representative of the union that he intended to examine the injured person.

MR. HOLMAN: It would be advisable to report progress, and he would put his amendment on the Notice Paper for tomorrow.

THE MINISTER: It would be as well to report progress now.

MR. HOLMAN: The amendment would be altered to read as follows:—

That the following words be added to subclause (1.):—"On receipt of notification of an accident, the Inspector, Mining Registrar, or Secretary for Mines shall give notice to the representative of the Miners' Association in the district where the accident occurred."

He would also move an amendment to Clause 28, allowing a representative to examine the place where an accident occurred.

Progressed reported, and leave given to sit again.

BILL—LAND TAX ASSESSMENT.

IN COMMITTEE:

Resumed from the last sitting; MR. ILLINGWORTH in the Chair, the TREASURER in charge of the Bill.

Clause 2—Interpretation:

MR. BATH moved an amendment—

That all words after "times" in the third line of paragraph (c) of the proposed amendment be struck out, and the following inserted in lieu: "The excess of the amount of the fair annual rent at which the land would let under such reasonable conditions as a *bona fide* lessee would require, assuming the actual improvements (if any) had not been made, above the annual rent for the time being reserved by the lease to be assessed under the Act; and until assessment, a sum equal to twenty times the amount of the annual rent reserved by the lease."

He moved this in preference to the amendment which he withdrew on Thursday last, because it would carry out exactly what he desired to effect, namely the exemption from the land value taxation of the unimproved value capitalised on the annual rent the lessee already paid to the department. In support of this, he had worked out one or two figures in order to show the exact position the leaseholder was in, in comparison with a person holding a freehold. Taking the rental of pastoral leases in the South-West District at £1 per thousand acres, this on a five per cent. basis would represent a capitalised unimproved value of £20 per thousand acres; and suppose a fair rent on a 5 per cent. basis should really be 50s. per thousand acres, this capitalised would represent a true unimproved value of £50 per thousand acres. Now to get at the taxable value, this would mean an improved capital value of £30 per thousand acres which the State was justly entitled to tax. To apply this in practice, a Crown lessee holding a block of the unimproved value of £20 would pay on a five per cent basis a rental of £1, and on the £30 taxable difference between his rental and the true unimproved value he would pay 3s. 9d., making a total of £1 3s. 9d. on the capitalised unimproved value of £50 per thousand acres, which payment would be at the rate of $2\frac{3}{8}$ths per cent. Comparing this with a freehold, the owner of a freehold would pay a tax at the rate of $\frac{5}{8}$ths per cent.; the Crown lessee thus paying over three times the amount of tax required from the freeholder. This difference meant that the incidence of the tax would be so unequal that it must be a discouragement to the State ownership of land, by practically giving a great advantage to land monopolists in the incidence of taxation.

THE TREASURER: The Government had come to the conclusion that some

amendment to the clause such as that moved by the Leader of the Opposition was necessary to meet the case of a private company, such as the Midland Railway Company, owning large tracts of land, the owners of which were primarily responsible for the tax, subject to contribution by the lessees under Clauses 13 and 51. This meant that if a lessee were not paying the full value in annual rental under his lease, he must contribute to the tax in proportion to the rent paid; in other words, he must pay the tax on the difference between the amount of the rent payable under his lease and the full annual value as determined by assessment. While it was agreed that pastoral lessees should contribute, it was not possible to adopt one principle in a case where a private person was the owner or lessor of the land, and another principle in a case where the Crown was the lessor or owner. For that reason he agreed with the intention of the amendment. The Government believed that in many instances the holders of leases were not paying anything like a fair rental; and although it was provided by the amending Land Bill that a large proportion of those leases should, on their maturing, pay an increased rental, the Government would not in the meantime be in a position to collect the tax on the difference between the annual rental now charged and the true rental value, unless the hon. member's amendment were included in the Bill.

MR. BATH: Adjustment under the Land Act would, however, be the more common-sense method of dealing with the question.

THE TREASURER: But even by that means the Government would be unable to obtain all that was required; and it would still be possible for the incidence of the tax to fall inequitably, inasmuch as one man might hold land nearer to a port, or to a stream or river, or to a railway, and still be paying only the same rental as another whose land was not so favourably situated and consequently not so valuable.

MR. STONE: There was a difference between freehold land and pastoral lease. Land now available under pastoral lease near the coast was for the most part of very poor quiality, and not worth more than £1 per thousand acres rental; and it would be an injustice to tax such land at the same rental as freehold land of better quality.

THE PREMIER: If the amendment were adopted, pastoral land which was not worth more than £1 per thousand acres would not be liable to taxation at all, for the reason that the holder would be paying the true rental value; and the proposal of the amendment was to levy taxation only on the difference between the rental paid and the true rental value, as explained by the mover of the amendment.

MR. DAGLISH: It was somewhat unfair to expect the Committee to adopt the amendment, seeing that it had not been placed on the Notice Paper and members had not an opportunity of studying it. On another occasion the Premier himself had objected to an unimportant amendment on an unimportant measure being carried, on the ground that due notice had not been given.

THE TREASURER: The Leader of the Opposition had clearly explained his desire, and progress had been previously reported in order that the matter might be considered and an agreement as to an amendment arrived at. That agreement had been arrived at, and now the Leader of the Opposition had moved an amendment which was perfectly clear. Its effect would simply be to tax the difference between the present rental on leases and the full rack rental. It was unnecessary to farther delay the matter. We were merely debating the principle.

HON. F. H. PIESSE: We had no power to tax pastoral leases. Clause 11 provided that lands owned by or on behalf of His Majesty were exempt, and as leases were owned by the Crown how could we tax them?

THE TREASURER: It was provided in Clause 12 that in the case of land owned or vested in His Majesty on any expressed or implied trust, the person entitled in equity to the rents or profits of such land should be deemed the owner of the land, and was liable to assessment and taxation in respect thereof.

MR. MALE: How would the Treasurer arrive at a fair annual rental for the purposes of assessment?

THE TREASURER: Assessors would value the land to arrive at a fair rental. By multiplying the rental so assessed by 20 we would arrive at the annual unimproved value.

MR. H. BROWN: How did the Treasurer propose to reconcile the various definitions of unimproved land value? The corporations had one value, the roads boards another, and this Assessment Bill created another. Was the Treasurer going back to the upset price at which the land had been sold?

THE TREASURER: The hon. member possibly had not noticed certain amendments on the Notice Paper dealing with unimproved values.

MR. BATH: There would be no justification for taxing leases if the rental paid were based on the true annual rental according to the unimproved value of the land, but no one could say that all the leases in one district were of equal value, or that none of them were worth more than the rent charged by the Crown. The amendment would exempt from the unimproved value what was already paid in the shape of rent.

MR. DAGLISH hoped the Government would not push the matter through to-night, because members had had little chance of considering the question. We should have something more than an assurance from Ministers that the effect of the amendment would be exactly as stated. He moved—

That progress be reported.

Motion put and negatived.

MR. STONE: The eyes were being picked out of the pastoral leases in the coastal districts. Leaseholders would be compelled to pay the tax in advance; and probably a month after paying the tax a selector would come along and take up some of their land. It was rather unfair that the pastoralist should be subjected to this tax, seeing that the land belonged to the Crown, and that it could be taken away at any moment by any selector.

THE PREMIER: In most cases it was necessary to give from six to 12 months' notice of resumption. In the South-West Division possibly none of the large estates would be taxed. In most cases they were not worth more than £1 per 1,000 acres. At present they were paying 10s. per 1,000 acres.

MR. STONE: Were there any paying less than 10s. per thousand acres in the coastal districts?

THE PREMIER: Not in the South-Western Division. In the Eucla Division it was 5s.

MR. STONE: Could selection take place there?

THE PREMIER: Under the new Bill a person would be able to select in the Eucla Division. If it had been possible the Government would have had the leases classified and valued. There were 144 million acres to be classified, and the Government were not able to do this in the time. The rent was 10s. or £1 an acre, as the case might be, in a certain division, whether the leases were in close vicinity to a port or inland. We should have the leases classified afterwards, to arrive at a fair and equitable value.

MR. TAYLOR: The member for Greenough had argued that there was nothing to prevent the selection of pastoral lands; but the pastoralist only leased the land for pastoral purposes, and only paid rent so long as the land was held for that purpose. Before resumption could take place, the lessee was amply notified. He could not see where any hardship could be inflicted on the pastoralist, who was only paying rent for the land for pastoral purposes. The member for Greenough evidently did not understand the position.

MR. STONE: According to the Premier, six months or 12 months' notice had to be given before land could be taken from the lessee. This was news to him, for he did not know that notice had to be given. He thought land could be selected and taken from a lessee without his consent. The lessee would be compelled to pay a year's tax, besides paying the rent.

THE PREMIER: If it was not worth more than £1 per one thousand acres, he would not pay the tax on it.

MR. MALE: The Treasurer was evidently making a mistake if he was going to have the lands assessed, for it would cost more to assess them than the amount obtained from the tax. The value of the leases had been considerably over-estimated. If we compared the leases with

the leases in South Australia, where rents were assessed according to the value of the land in the first place, we would find rents in this State considerably higher than those in South Australia. There was an imaginary line between the two States. Land in Kimberley was worth 10s. per one thousand acres, whilst in South Australia the Government charged a rental of 1s. per square mile. Here the leases extended until 1928, while in South Australia, under the 1894 Act, the leases were for 42 years. The comparison was obvious.

MR. H. BROWN: It was refreshing to hear the comments of members on the Government side in reference to the small amount that was to be collected from the various leases. We found in a letter from the Treasurer to his constituents this: "I might also point out that three-fourths of the whole revenue to be derived from this tax will be paid by city and town property-owners, who will not receive the direct benefit of our proposed public works expenditure." This was a letter addressed to the Lower Blackwood Farmers and Graziers' Association. When we heard on all sides of the House how little was to be derived from the leasehold properties, and the Government's intention of spending the greater portion to be derived amongst the leaseholders, some steps should be taken to tax them. The member for Cue, during his election campaign, was asked whether he was in favour of taxing Crown lands; and he replied that he was. He was ridiculed for that assertion; yet the Government introduced a Bill to tax their own land. He (Mr. Brown) was opposed to that on principle.

HON. F. H. PIESSE: It would be well to postpone this matter for farther consideration, to enable members to see the effect of the proposed amendment. In regard to the question of taxing Crown lands, there was some consistency in the Government's proposal, for the reason that the system already had been adopted under the Roads Act; but it was adopted in a different way from what the Government proposed in dealing with these leases. Under Section 135 of the Roads Act, it was provided in Subclause (*a*)—

> The net annual value of land leased by the Government for pastoral purposes shall be taken at the annual rent payable to the Crown by the lessee; or, if sublet at an increased rent, then at such increased rent.

In that case, the Government were taking the annual rental value; that was, they only taxed the land. If a person was paying £1 an acre, that person would be taxed on the pound; therefore the Government should be consistent in the proposal. If people were to be taxed, let members look into the question and arrive at some conclusion. It was an important matter, and therefore should not be forced through at this stage. He gave the Government credit for doing their best, but it would be better to see the amendment in print. His object in opposing this matter to-night was to see it in print in the same way as the member for Subiaco had suggested, and go into the matter at a later stage.

THE ATTORNEY GENERAL: The Treasurer had gone as far as he could possibly be asked to go in meeting the Leader of the Opposition in the way he had done. Theoretically the proposition put forward by the Leader of the Opposition and accepted by the Treasurer was absolutely correct, but practically very considerable difficulty would arise. The unimproved value of land must, like all other values, be determined by competition, and if the element of competition was entirely removed we could not hope to arrive at the true value. We were faced with this difficulty, that on the one hand if we were theoretically correct we should find practical difficulties, and on the other hand if we practically worked out what would be a just scheme we should be exposed to legitimate criticism because our theory was not correct. In regard to a number of properties, especially in the North-West, there was no possible competition. One individual had all the country, and all the conveniences for trade in that country; he alone possessed the opportunity of using those conveniences, and he alone, therefore, was in a position to make any bid. Therefore, instead of having the true value, we should have a fictitious value, the bid of one individual or one syndicate. The Government had chosen, rather than inflict any injustice, to accept what was theoretically correct, although it might practically result in loss of

revenue, and he thought that the position could not be forced any farther. As to the criticism by the member for Katanning, assuming a lessee was paying the full rental value he would, on the system advocated by the hon. member, be taxed on 20 times the rental; that was to say he would not only pay the Crown approximately the rental value but also the maximum amount of taxation. But supposing the lessee was paying only 1-10th, he would be a debtor to the Crown in respect of 9-10ths of the true rental value of the property, and at the same time he would pay only 1-10th of the tax. That was an impossible position, yet that was the position we should arrive at if we adopted the suggestion that we should take 20 times the amount paid to the Crown as an assessment. [HON. F. H. PIESSE: It should be assessed on the annual rental value.] Annual rental value was the rent paid to the Crown. The Treasurer adopted the proposition suggested by the Leader of the Opposition because it was theoretically correct, and because it would possibly lead to a minimum amount of hardship.

MR. TROY: There was a great deal in what had been said by the Leader of the Opposition, and he intended to support the amendment which had been accepted by the Treasurer. If the holders of these leases had for years been enjoying the difference between the rental and the actual value of the properties, it was only fair that they should pay some amount of taxation. Value of land was not always determined by competition alone, but often by its nearness to the market, to a railway, or to a port.

THE ATTORNEY GENERAL: Was that not competition?

MR. TROY: So far as he could see the greater portion of our land was already held for a term of years, and how could there be competition if those people held the land for 20 or 30 years? He had in the first instance been inclined to oppose the determination to tax leases, because he felt it was not fair to tax people who did not own the land, but merely paid rent for it. When these persons took up the land it was of very little value; and the value had been enhanced by people who had sunk for water and had fenced the property. At the end of a number of years the properties had to be handed back to the State, and the unearned increment would not go to the people who had improved the value.

THE ATTORNEY GENERAL: Where did the improvements go to?

MR. TROY: Compensation was paid, but the value of the estates was enhanced. The amendment moved by the Leader of the Opposition would suit the purpose the Committee demanded.

HON. F. H. PIESSE: Would the Government report progress?

MR. H. BROWN: Could the Attorney General give us an assurance that this this would not alter any other portions of the Bill?

THE TREASURER: The hon. member should not ask for progress to be reported. The amendment was as simple as a-b-c. If the clause were passed and the hon. member for Subiaco wished to move an amendment, before we got through with the Bill he would recommit the measure for that purpose.

HON. F. H. PIESSE: How far did the Government wish to go?

THE TREASURER: To Clause 10.

MR. DAGLISH wanted to see the thing for himself.

THE TREASURER: If the hon. member wished the Bill to be recommitted, he would promise to recommit it.

MR. H. BROWN: This question had been sprung on us and he was not going to vote on it. He challenged the Attorney General to say whether the alteration would affect any other clauses of the Bill. One of the most respected Attorneys General of this State, Mr. Burt, would not accept any amendments brought forward on the spur of the moment, unless he had time to go through the measure and see whether they would affect other portions of the Bill.

THE ATTORNEY GENERAL: On the last night this clause was before the Committee, the Leader of the Opposition suggested a certain course to the Government which they could not accept, namely that they should totally exempt pastoral leases. It was then suggested that he should meet the Treasurer, and that if the Treasurer could in any way meet the views of the hon. member he would do so. Since then the hon. gentleman had done that, and this clause which had been moved to-night had been drafted in a

manner that would not interfere with any of the other clauses of the Bill.

Amendment passed; the clause as amended agreed to.

Clauses 3 to 8—agreed to.

Clause 9—Land Tax:

MR. BATH: The Government should agree to report progress on this clause.

THE PREMIER: There was nothing debatable in it.

MR. BATH: Yes, in the proviso.

On motion by the TREASURER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at half-past 11 o'clock, until the next day.

Legislative Council,

Wednesday, 29th August, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Electoral Act, 1904—Regulation made under the provisions of Section 25.

QUESTION—MUNICIPAL SUBSIDIES.

HON. J. W. LANGSFORD asked the Colonial Secretary: 1, What reduction is proposed to be made by the Government in the subsidies to municipalities? 2, When will the reduction take place? 3, Will rates due this year, but not paid till next year, be entitled to the subsidy on the present basis?

THE COLONIAL SECRETARY replied: 1, 20 per cent. 2, 1st November next. 3, No. Present subsidy will be paid on rates received during the municipal year ending 31st October next.

RETURN—PUBLIC WORKS IN NORTH PROVINCE.

HON. R. F. SHOLL (North) moved—

That a return be laid upon the table of the House, showing for two years ending 30th June, 1906—1, The amount of (*a*) Loan Money, (*b*) Consolidated Revenue, expended on public works in the districts embraced in the North Province. 2, Such return to give particulars of the works, the amounts expended thereon, and the district in which such moneys have been expended.

The previous return he had asked for cost the country £50; therefore he was rather chary about calling for returns. However, he wanted to know how much of the enormous sums borrowed for public works had been expended in the North Province; and if it would not cost too much, he would like a return of the expenditure of money on public works since the introduction of Responsible Government. Members would then realise that the northern portion of the State had been somewhat neglected. It was to be hoped this return would be furnished quicker than the one supplied by the Lands Department.

THE COLONIAL SECRETARY (Hon. J. D. Connolly): There was no objection to the return; but he would impress on members that unless they required the information for a particular purpose, it should not be asked for. Often information could be obtained without a return. The return in reference to the Goomalling-Dowerin, the Katanning-Kojonup, and the Wagin-Dumbleyung Railway lines had cost over £50. If members would look through that return, they would see there was a large amount of work; and he did not think the information could have been supplied sooner by the Lands Department. If paragraph 2 of the motion were cut out, it would save a considerable cost. If it was the desire of the member to show the amount