

to think that Mr. Holmes is not out to restrict the choice of the people in this direction. But how are we going to get over the difficulty? If we cut down the salary to £200, how are the representatives of the people going to attend to the wants of the electors in the same way as they have been doing for years past?

Hon. J. Duffell: The £200 would be supplemented from the funds of unions.

Hon. J. CUNNINGHAM: That is all very well. I might say in reply to that interjection that some members might appeal to the Chamber of Commerce or some such institution operating in this State with which I am not connected. Such an institution no doubt would be in a better position than a union to subsidise members of this House. The unions are not sufficiently financial to do that. Mr. Duffell pointed out that for the short period in which members are occupied in law making, the amount of £200 would be adequate, especially taking into consideration other advantages possessed by members. What are those other advantages? They have not come my way. I have not seen anything of them and I do not know that the hon. member has seen anything of them. If he has, I think he might take us into his confidence.

Hon. J. Duffell: There is your railway pass.

Hon. J. CUNNINGHAM: My experience is that it adds considerably to my personal expenditure. Mr. Holmes, I think, stated that the Prime Minister to-day said that work, more work was going to pull us out of our difficulties. Mr. Holmes thinks it is a matter of increasing the hours of labour. He wants the House to give the workers a lead in a reduction of wages and a lead also in the working of longer hours. That, I think, is what Mr. Holmes is out for. He wants us to follow his advice with a view to bringing the position of the State's finances directly under the notice of the people and so inducing them to adopt a more rigid economy. As I have already said, I intend to vote against the amendment and, later, to speak and vote against the motion.

On motion by Hon. J. Ewing, debate adjourned.

*House adjourned at 6.2 p.m.*

## Legislative Assembly,

Thursday, 22nd September, 1921.

	Page
Questions: Coblinine School ... ..	896
Oil Prospecting, Bremer Bay ... ..	896
Leave of Absence ... ..	897
Bills: Coroners Act Amendment, 1s. ... ..	897
Fremantle Lands, 1s. ... ..	897
Supply (No. 2), £542,000, returned ... ..	897
Gold Buyers, 2s., Com. ... ..	897

The Speaker took the Chair at 4.30 p.m., and read prayers.

### QUESTION—COBLININE SCHOOL.

Mr. STUBBS (for Mr. A. Thomson) asked the Premier: 1, On what date was Miss Ockerby transferred to the Coblinine School? 2, What date was she re-transferred? 3, What was the cost to the department? 4, Is it a fact that the Coblinine school has been closed?

The PREMIER replied: 1, September 6th. 2, September 15th. 3, £4 15s. 2d. 4, Yes.

### QUESTION—OIL PROSPECTING, BREMER BAY.

Mr. SIMONS asked the Minister for Mines: In view of the claim put forward by Messrs. Martin and Perkins, oil experts, that they have discovered free oil in the vicinity of Fitzgerald River, and in view of the uncertainty which negative reports from the experts of the State Departments have created, will he state: 1, What steps are being taken to decide finally which of the two sets of opinions is correct? 2, Is it proposed to accept the offer of Messrs. Martin and Perkins to demonstrate that oil can be produced from the samples now in the custody of the Mines Department declared to yield negative results by the State officials? 3, Is it the intention of the Minister to send a departmental official to test the accuracy of the report that free oil has been struck in the bore, and if so, when? 4, Is it a fact that Mr. Martin made known to Inspector Wilson his process for extracting the oil, and that Inspector Wilson, in the presence of the discoverers and other witnesses, produced benzene? 5, If the previous question is answered in the affirmative, why was this result not mentioned in the official report?

The MINISTER FOR MINES replied: 1, Answered by replies to questions 2 and 3. 2, Messrs. Martin and Perkins will be invited to demonstrate that petroleum can be produced from the samples of rock and alleged oil bearing material which have been reported by the Geological Survey Laboratory to give negative results, and chemical investigations will be made to ascertain the validity of their claims. 3, When the company have replaced the drill on the bore and are prepared to

demonstrate that free oil can be obtained from the sands at bottom thereof a departmental officer will be sent to verify or otherwise their claim that free oil is coming from the bore. 4, It is a fact that Mr. Martin made known to Inspector Wilson his process for the extraction of oil and Inspector Wilson handed his written and signed description of it to Dr. Simpson for his information. Inspector Wilson saw both Mr. Martin and Mr. Perkins demonstrate to their own satisfaction that oil could be extracted from the supposed seepage and oil sands at Bremer Bay. Mr. Martin tested a number of substances, and after acting on them with sulphuric acid and benzol in Mr. Wilson's presence obtained a fluid which he claimed to be petroleum oil. Inspector Wilson carried out a more or less similar test and also obtained a similar result, but there was no proof that the fluid obtained in either case was petroleum oil. In view of the inconclusive nature of these tests no mention was made of them in the inspector's report. 5, Without admitting that question number 4 is answered in the affirmative, the question of testing sands and seepages for mineral oil is a purely chemical one, and the inspector left this matter entirely in the hands of Dr. Simpson and his staff, whose duty it is to examine such for oil contents.

#### LEAVE OF ABSENCE.

On motion by Mr. Mullany leave of absence for two weeks granted to Mr. Teesdale (Roebourne) on the ground of urgent public business.

On motion by Mr. Stubbs (for Mr. A. Thomson) leave of absence for two weeks granted to Mr. Latham (York) on the ground of ill-health.

#### BILLS (2)—FIRST READING.

- 1, Coroners Act Amendment.
- 2, Fremantle Lands.

Received from the Legislative Council.

#### BILL—SUPPLY (No. 2), £542,000.

Returned from the Legislative Council without amendment.

#### BILL—GOLD BUYERS.

##### Second Reading.

Debate resumed from the 1st September.

Hon. P. COLLIER (Boulder) [4.40]: The Minister for Mines, when moving the second reading of this Bill, asserted that he had not received any instructions from any outside quarter with regard to its introduction, and indeed went so far as to say that he had not been influenced in any way in his decision to bring forward the Bill.

The Minister for Mines: I do not say that they did not try, though.

Hon. P. COLLIER: That is to say the Minister claimed he had not been influenced by any attempts or endeavours which might have been made to secure the introduction of the Bill. I readily accept the Minister's assurance. This being the fact, I am rather surprised that the members of the Chamber of Mines who had the Minister's assurance last year that this Bill would be introduced during the present session, declined to accept that assurance, but sought to make their position doubly secure by bringing to bear the whole weight of the big guns of the Primary Producers' Association. This Bill originated with the Chamber of Mines; it filtered through the executive of the Primary Producers' Association and is here now for our formal approval.

Mr. McCallum: It was given to the Minister for his information, was it?

Hon. P. COLLIER: This Bill is only another instance of cases this session wherein this Parliament is considered to be merely a rubber stamp to stamp its approval upon legislation already agreed to and adopted and amended clause by clause by an outside organisation. May I in passing make reference to another Bill, the Wheat Marketing Bill which was before the Primary Producers' Association conference? Although this House had never seen it and did not know one line or word of its contents, the President of that gathering had the Bill and explained its provisions to the members of the conference.

Mr. Troy: That is a shameful thing.

Hon. P. COLLIER: Now the Gold Buyers Bill has the hall-mark of the approval of the same executive.

Mr. Troy: This House should be the first to discuss any measure.

Hon. P. COLLIER: This is the second occasion—

The Minister for Mines: They never saw this Bill until it came here.

Hon. P. COLLIER: Not this particular Bill, but a precisely similar measure.

The Minister for Mines: No, they merely took the Victorian Act.

Hon. P. COLLIER: The Bill sent on to the Minister for his information was an exact copy of the Victorian Act, and so is the Bill before us now with just so many slight variations as were necessary because of the Bill being introduced in another State. In one respect the consideration of these Bills by the executive of the Primary Producers' Association should serve to materially reduce the time occupied by this House in transacting its business, because with members on the cross benches privileged to sit on the executive of the association—

Mr. Pickering: That is not so.

Hon. P. COLLIER: When they have an opportunity to discuss these Bills in detail at the executive meeting, naturally there should be no need for them to take up the time of the House in discussing them here. I notice that this particular executive meeting, held in May last, at which the present

Bill was brought forward by Mr. Bloxsome, a representative of the Chamber of Mines, and submitted to the executive for their approval, was attended by quite a number of members of Parliament. In passing let me say that if Mr. Bloxsome were the secretary of a labour union he would be called an agitator. Being the secretary of a national body, he is an organiser.

The Minister for Mines: A technical adviser.

Hon. P. COLLIER: Either of those phrases will do.

Mr. Munsie: Heaven help the Chamber of Mines if they cannot get a better adviser than Bloxsome, anyhow!

Hon. P. COLLIER: Knowing the gentleman, I wonder how he was so successful in getting the Bill passed by that executive. The fact would seem to prove that the executive in question do not yet know Mr. Bloxsome, or else that they took a very casual view of their duty in approving of the Bill. The members of Parliament who attended that meeting were Messrs. Stewart, McKenzie, and Hamersley, of the Legislative Council, and Messrs. Harrison, Thomson, Angelo, Pickering, Johnston, Stubbs, and Sampson, of the Legislative Assembly: these latter being the formidable array of members now sitting on the cross benches. Seeing that the Bill has run the gauntlet of the executive, I expect those hon. members will be able to give this House very valuable information with regard to its provisions, and also with regard to the reasons why certain clauses find a place in the measure. There are many clauses of the Bill with which I for my part do not wholly agree. Certainly it will ease the functions of the Minister in charge of the Bill to be backed by such an array of talent already acquainted with the provisions of the measure, and thoroughly au fait with all its details.

The Minister for Mines: Yes, I think so.

Hon. P. COLLIER: The member for Sussex (Mr. Pickering) and the member for Williams-Narrogin (Mr. Johnston)—just to particularise two—were present. Knowing how attentive those two hon. members are to their duties, I feel sure that they would not have approved of any provision in this measure without first thoroughly studying it, and weighing the pros and cons, and satisfying themselves of its necessity. There is this advantage about that sort of thing: no matter what arguments may be submitted in this House in favour of amendments to the Bill, all the members present at that executive meeting are committed to the Bill as it stands and have not an open mind with regard to the measure. They will not be amenable to any arguments which may be advanced for amending the Bill.

Mr. Johnston: I have an open mind on the Bill.

Hon. P. COLLIER: Then, if the hon. member should now disapprove of any provisions of the Bill, he will of necessity have

to show himself disloyal to the decisions of the executive which have already been given. However, that is a matter which, I suppose, those hon. members will have to thresh out with the executive, a matter to be worked out in due course with Mr. Monger and those associated with that gentleman.

The Minister for Mines: Only the principle of the Bill was agreed on.

Hon. P. COLLIER: There is a principle involved in every clause of this Bill. The measure is all principle, and no detail.

The Minister for Mines: Without altering the principle, we may alter the wording.

Mr. Pickering: If what the Leader of the Opposition says is correct, this Bill differs very widely from other measures.

Hon. P. COLLIER: The member for Sussex ought to know, since he has seen both Bills—this measure, and the one submitted to the executive. Both of them are drawn on the lines of the Victorian Act. Although the Minister for Mines had his mind made up on the subject before that deputation waited on him, it was fortunate that the deputation brought him along a copy of the measure for his information. At any rate, it was a courteous action on their part. They might have gone so far as to hand the Bill to the Minister when the House met, without his having had any opportunity whatever of seeing it beforehand. Now, with regard to the Bill itself, I do not know that it is needed. The Minister justifies it largely on the ground that legislation of this character has been recommended by Premiers' Conferences for many years past. I believe that that is so. Victoria has an Act on these lines, which has been in existence for some years: an Act practically on all fours with this Bill. But I submit that the matter is one regarding which we should not be influenced at all by any decision of any Premiers' Conference. It is not of itself a Federal matter. The question of legislation dealing with gold stealing or illicit dealing in gold is one purely for each State to consider separately. It is not as if the existence of lax legislation in one State would cause detriment to a neighbouring State in this connection. Each State stands entirely by itself in the matter, and therefore the matter is not one which has anything whatever to do with Premiers' Conferences. I had the privilege of attending one Conference of Premiers. Having very little of a useful nature to do, that Conference spent its time in carrying resolutions in favour of legislation of this kind. I repeat, I do not think there is any need for special legislation such as this in Western Australia: So far as there may be necessity for tightening up our present statute regarding illegal trafficking in gold, I do not believe this Bill will accomplish its purpose. As the Minister for Mines stated in moving the second reading, it is well known on the goldfields that the responsibility for any gold stealing that has gone on during past years does not rest on the men working in the mines, but very largely on the men who hold important

positions on the staffs of the mines or men who have access to amalgam, to zinc slimes, or to gold not get-at-able by the ordinary worker, be he a surface worker or an underground miner. Insofar as gold has been leaking through the channels which I have indicated, this Bill will not do very much to furnish a remedy. I do not see in this Bill any provision for dealing with such a situation, for instance, as has been revealed in connection with tributing on the Perseverance mine. Whilst the Bill provides for the licensing of gold assayers in certain respects, it does not deal with a position such as that occupied by an assayer on a mine which is operating under a tribute agreement. I hold it is downright stealing for mine managers, or bosses, or assayers, or mine officials, to break hundreds of tons of comparatively high grade ore, say of the value of £3 per ton, and pay for all that work with the company's money, and then close down the mine, with the ore still broken in the stopes, as an unpayable proposition—thereupon immediately turning round and letting tributes to the officials and bosses of the mine, namely to themselves. I consider that that is gold stealing just as much as if the persons referred to had broken into mine premises, say a strong room, and taken out the smelted gold. I fail to see, however, any provision in this Bill for dealing with such conduct. I do not know that we shall be able to cover the situation by amending the measure.

The Minister for Mines: You can meet that case under common law; that is, if there has been conspiracy.

Hon. P. COLLIER: The Minister knows very well that no conviction is harder to secure than one for conspiracy.

The Minister for Mines: But there is a law dealing with the matter.

Hon. P. COLLIER: Yes; but not once in a decade is a conviction secured under that law. Although there may have been conspiracy between a number of mine officials with regard to the ore I have mentioned, although there may have been an understanding between them—

Mr. McCallum: An honourable understanding.

Hon. P. COLLIER: Yes; yet it would be little short of an impossibility to establish a charge of conspiracy in a court of law. The facts as to the ore must have been known to the mine assayer, who is only a servant of the mine manager. The values in every portion of the mine must have been perfectly well known to those two officials, and yet the mine was deliberately shut down as a non-paying proposition. It was stated that the values did not average more than about 4 or 4½ pennyweights per ton, equivalent to from 14s. to 20s. per ton. And yet has not that mine since being closed down by the company yielded to the tributers hundreds, or thousands, of tons of ore of values up to 3 ounces per ton?

Mr. Munsie: From one stope 1,600 tons of a value of 153 pennyweights were obtained.

Hon. P. COLLIER: And the main portion of that was broken.

Mr. Munsie: This was all broken.

Hon. P. COLLIER: The ore was broken, and lying in the stope, and the operation of mining it had been previously paid for by the company. Under those circumstances was that ore secured by the tributers, who were foremen and bosses of the mine when it was being worked by the company. The case seems to me one calling for consideration, and one for which this Bill should, if possible, make provision. Various clauses of the measure extend special privileges to certain classes of individuals. For instance, gold buyers' licenses will be obtainable only by banks. The Bill makes it permissible for the Minister to grant gold buyers' licenses. On the other hand, anyone desirous of obtaining a gold assayer's license, or a license to smelt or sell or deal with gold in any other form, will be obliged to make application to the mining registrar, and the application has to be posted for at least seven days on the notice board. The applicant has to appear before the warden and satisfy the warden that he is a suitable person to hold a license.

Mr. Munsie: And he has to supply a notice to the inspector of police in the district in which he is making the application. Why the police?

Hon. P. COLLIER: If any reputable person has to go through that form to secure a license, I see no reason why the manager of a bank, or the officials of the bank who hold a license, should not have to go through the same proceeding. It would be well for the Minister to have nothing to do with the issuing of licenses under this Bill if it becomes law. Let the responsibility rest with the court. It may be possible that even the manager of a bank may work in collusion with the officials on a mine in order to illicitly deal with or dispose of gold. There is another provision which seems to me to reverse all the accepted principles of British law, and that is where an applicant for an assayer's license applies to the warden's court, it is permissible for a written petition against the applicant to be considered. I have always understood that when any man goes before a court, he is entitled to be confronted with his accusers. If any person applies to the court for an assayer's license, and anyone raises an objection to that license being granted, then that person who objects should go into the court where he can be submitted to examination and cross-examination. The Bill provides that it shall be sufficient for an ex parte statement to be accepted, the statement by somebody who need not be present. The applicant for the license will have no opportunity of submitting the objector to any form of examination in order to disprove, perhaps, many of the allegations contained in the petition. That procedure is entirely wrong. It should not be permissible for any

man to be accused behind his back by a petition or any document in writing.

The Minister for Mines: In just the same way a petition may be lodged in court against the granting of an hotel license in a district.

Hon. P. COLLIER: The Bill provides that in connection with an application for a gold assayer's license it will be permissible to present a petition against the application being granted, which petition may be considered.

The Minister for Mines: May be considered.

Hon. P. COLLIER: There is no similarity between an application for a gold assayer's license and an application for an hotel license. If there were no warrant for an assayer's license being granted at all, the hon. member's argument might be understood. In the case of an assayer's license it will be open to anyone to object by way of petition on the ground that the person applying is not reputable, or is not entitled to hold such license. In such a case the applicant should be confronted with his accuser. Then it is also provided that a licensed assayer must carry on his business in premises which abut on a public street. The member for Claremont (Mr. J. Thomson), and other hon. members, will know that in many of the smaller mining camps in the outer goldfields, where it is desirable that an assayer should carry on business, there are no public streets in which to erect a business. The premises in such cases would be in camps or buildings situated on leases; there would be no thoroughfares of any description. But the Bill provides that unless the business abuts on a public street an assayer cannot secure a license.

Mr. Munsie: He cannot buy assayed gold anywhere but in premises registered under the Act.

Hon. P. COLLIER: These are impossible restrictions. Then again, any person who enters the assayer's premises to buy or to sell gold may not do so except by the front door. I fail to see the meaning of a provision of that kind. Is it because it is intended to keep policemen stationed opposite those business premises so that it may be possible to notice an individual when he enters or leaves the premises? The whole thing means that it will not be possible to obtain a license in some places where it is desirable that there should be one. Wherever there is mining there must be an assayer. It is necessary that there should be a qualified assayer to assist the prospector. In this case, however, the assayer is hedged around with all sorts of restrictions, even to the extent of being required to have a plate on his front door with letters two inches long.

Mr. J. Thomson: Why not wipe out the assayers altogether? We do not want assayers in those places.

Hon. P. COLLIER: I should be pleased to wipe out the Bill altogether.

Mr. J. Thomson: No, only the assayers.

Hon. P. COLLIER: If we wipe out the assayers we wipe out mining. How would buying operations be carried on? We would have men engaged in mining who would have no knowledge of the value of the ore they were raising. Of course we know that in the past there have been assayers and assayers, but if we wipe out the assayer altogether we shall close down mining.

Mr. J. Thomson: Not at all.

Hon. P. COLLIER: However, these are matters that can best be discussed when the Bill is in Committee. Then there is the penalty clause. It says that a man on his second conviction for some offence shall be liable to a term of imprisonment for two years without the option of a fine. I am opposed to taking away the discretionary power from the courts of justice, from the man who hears the cases. He hears both sides and is in the best position after all to form a judgment as to whether a man merits imprisonment without the option of a fine, or whether the case would be met by a monetary penalty. In this case it is proposed to gaoil a man without the option of a fine and in some cases, if they are dealing in gold without having secured a license, again the penalty is imprisonment for the first offence without the option of a fine. A man may inadvertently, or without any felonious intent, carry on assaying without first having obtained a license. In such a case, if a prosecution takes place, it will be compulsory on the part of the magistrate to send the individual to prison direct.

Mr. Sampson: Not for the first offence.

Hon. P. COLLIER: Yes, for the first offence. I hope in Committee we shall be able to alter that, and to tone down other clauses as well. There is also reference in the Bill to those who assist the police and who are commonly known as pimps. It is provided that no man may be employed in this highly honourable occupation of pimping if he has been convicted of an offence punishable by imprisonment without the option of a fine. He may have been before the court a number of times and fined, in which case he would still be eligible for the honourable position of assisting the police. For instance, if any of those men whom we had under consideration last night in connection with the trafficking with gratuity bonds, were fined for an offence in connection with such transactions, and were not sentenced to a term of imprisonment, they would be eligible to obtain employment as pimps to assist in breaking down the illicit traffic in gold. That is the standard placed by the Bill on the qualifications of a man who is suited to act the part of a pimp. He may be any kind of a scoundrel guilty of any number of offences, but so long as he has not been sent to prison, everything is all right. I hope we shall be able to alter that too. I have nothing more to say in regard to the Bill except that I shall endeavour to amend it in many directions. As a matter of fact I do

not know that the Bill is required at all. It is unnecessary for me to say that anyone is in sympathy with gold stealing, or with those who deal illicitly in gold. It is the duty of Parliament to protect the lawful property of those engaged in mining operations as well as in every other walk of life. At the same time we ought to be careful to see that we do not impose such restrictions which may mean the conviction of innocent people, as I believe will be possible under the Bill. There is another provision under which a man has to prove to the satisfaction of the magistrate that he honestly came by any gold in his possession. I can conceive of dozens of cases in which a man in possession of gold would find it utterly impossible to prove to the satisfaction of the magistrate that he honestly came by it. There again we reverse all the canons of British justice, under which a man is supposed to be innocent until proved guilty. Once charged with an offence under this measure, he is held to be guilty until proved to be innocent. There are many situations in which a man would find it utterly impossible to prove that he did not do a certain thing. It is the duty of those who charge people with offences to prove that those offences were committed, but in this case a man charged with the offence of trafficking in gold will have to prove his innocence. It is not incumbent on the prosecutors to prove his guilt. Then, too, if the gold is found in or upon any building on his premises he is deemed to be in possession of that gold. Here, indeed, will be scope for the pimp who has never been in gaol. It will be only necessary for him to place a parcel of gold or of gold-bearing material in a shed in the back yard of some unfortunate man, then go to the police and inform them that he knows there is gold or ore in a certain shed; whereupon the police will go there and find the parcel, and the occupier of the premises will be asked to prove his innocence. Nobody will have to prove that he came by the gold illegally, or that he came by it at all, but he will have to prove his innocence. All the unfortunate man will be able to say in the court is "I am innocent, I did not know it was there." How can he bring witnesses in a case like that to prove that he did not know it was there?

Mr. MacCallum Smith: He would never be convicted.

Hon. P. COLLIER: But it is prescribed that he must prove to the satisfaction of the magistrate that he honestly came by the gold or ore.

Mr. MacCallum Smith: That is, if he claims it.

Hon. P. COLLIER: No, if it is found on his premises! He need not claim it. He is charged with being in possession. He says he did not know the gold was in the shed, but he must prove to the magistrate that he honestly came by it. If the hon. member were charged with an offence like that

to-morrow, could he prove that he knew nothing about the presence of the gold? All that he could do would be to declare on oath that he did not know it was there.

Mr. Money: But that would apply to anything else. You would have to prove that you had nothing to do with it.

Hon. P. COLLIER: Is that all they know in Bunbury?

Mr. Money: If anybody left a coat in your house and swore that it was stolen, you would have to prove that you did not steal it.

Hon. P. COLLIER: He would first have to prove that he had lost the coat, that it had been stolen, and he would have to swear to the coat. He has not to do that in the case of gold.

Mr. Money: Gold cannot be identified.

Hon. P. COLLIER: I could not accuse a man of stealing my coat unless I first proved that the coat had been stolen.

Mr. Money: You are speaking from the point of view of the man in possession of gold.

Hon. P. COLLIER: I do not know of any other instance where a man has to prove his innocence when no evidence is submitted to prove his guilt.

Mr. Mann: In any case of unlawful possession you simply charge a man with being in possession of goods reasonably supposed to have been stolen, and the onus of proving his innocence is on the man charged.

Mr. SPEAKER: Order! We had better discuss this in Committee.

Hon. P. COLLIER: But would that apply to a case in which a parcel of gold was found in a shed or outbuilding in the back yard?

Mr. Mann: It would have to be proved that he had access to it.

Mr. McCallum: In the case of unlawful possession of goods, you would have to prove that the articles were missing from somewhere.

Mr. Sampson: What we require is a Sherlock Holmes.

Hon. P. COLLIER: Surely evidence would have to be produced that the articles had been stolen! It would seem that any man is liable to conviction at any moment. Suppose a man walked into my house and said—"I suspect those cups and saucers in your cupboard of having been unlawfully obtained." Surely he must first prove that those articles have been stolen! I should not be called upon to prove that I came by them honestly. In many cases one would have no difficulty in proving that they had been honestly obtained, but in many other conceivable cases it might be difficult to produce evidence as to how one came by them. However, these matters of detail can be thrashed out in Committee. They are scarcely for consideration on the second reading. I hope the Bill will be amended in Committee.

Mr. PICKERING (Sussex) [5.23]: The Leader of the Opposition has endeavoured to show us what will happen under the Bill.

Hon. T. Walker: Now we shall all be put right.

Mr. PICKERING: Associated with the Primary Producers' Party are representatives of the mining industry.

Hon. T. Walker: The Chamber of Mines!

Mr. PICKERING: Even if it were the Chamber of Mines alone, they are entitled to representation as much as any other section of the primary producers. Since I have been in the House, if there has been one matter kept continuously under notice it has been the decline of the mining industry. It has been contended that, if possible, the industry should be restored to its former prosperity. We must all realise that the methods lying at our hands by which we can bring about the end we so much desire are very few.

Hon. T. Walker: This is not one of them.

Mr. PICKERING: We are told that as the mines go down in depth they become more costly to work, and that the values decrease.

The SPEAKER: The Bill does not deal with mining generally.

Mr. PICKERING: I am endeavouring to show that the Bill is necessary. It will assist the mining industry to recover its former position. Any legislation which will tend to remove difficulties from the mining industry will serve to bring about new prosperity. Of late years everything conceivable has militated against the development of the industry. Railway freights have gone up, the cost of machinery has increased, the tariff has prejudicially affected the industry and, on the other hand, nothing has tended to assist it. Gold stealing is one of the difficulties under which the industry is labouring. I have before me a copy of the "West Australian" of the 11th August, containing the following report of a case of unlawful possession of gold at Kalgoorlie:—

At the Kalgoorlie police court to-day William Coulter, bookmaker, was convicted on a charge that on July 29 he had in his possession gold-bearing material reasonably suspected of having been unlawfully obtained. Evidence was given by Detective-sergeant Pitman and Inspector Walsh to the effect that they came upon Coulter in a lonely spot in the bush about 14 miles south-west of Boulder. Coulter was dolly-ing some stone, and near by was a complete plant for the treatment of gold and a considerable quantity of gold-bearing material. The accused, who offered no explanation to the court, was sentenced to six months' imprisonment. Notice of appeal was given.

Hon. P. Collier: How would the Bill affect that case?

Mr. PICKERING: The Bill is an honest endeavour to meet that sort of case. If everybody who has to do with the assaying or treatment of gold is registered, as prescribed in the Bill, the difficulty will be very much

less than it is now. It will be impossible for men to continue their nefarious practices. Under existing conditions it is only with the utmost difficulty that these offences are sheeted home.

Hon. T. Walker: It is the easiest thing in the world. Every man charged has gone under.

Mr. PICKERING: It is always difficult to sheet home such offences. The present methods have proved entirely inadequate. In the case which I have quoted, the value of the gold was something like £2,000. The Leader of the Opposition cited the case of a parcel of gold placed in a shed. The member for Bunbury pointed out that while a coat could be identified, gold or gold-bearing material is impossible of identification. That is why special legislation is needed. Although the Leader of the Opposition claims that the penalties are too severe, I should say that the penalties which can be enforced under the existing law are altogether too light. They are inadequate to the extent of the injury that is being done to the industry, which we are all so anxious to preserve. There are only two sections affected by this Bill. These are the owners of gold mines and the receivers of stolen gold. I do not think anyone in the House would pretend to have any sympathy with stealers of gold. It would be contrary to the position we hold in the House if we in any way attempted to defend people of that description. If we can place a measure on our Statute book which will in any way prevent the stealing of gold, we shall go a long way towards helping the gold mining industry.

Mr. O'Loghlen: There are several other ways of helping, too.

Mr. PICKERING: We believe that by putting a measure like this on the Statute book we shall help the industry.

Mr. Marshall: You will stamp it right out.

Mr. PICKERING: Does the hon. member mean that the industry is entirely dependent upon gold stealing?

Mr. Marshall: You will block prospecting.

Mr. PICKERING: There is special provision for prospectors. I have a certain amount of sympathy with the gold stealer, for the reason that he does not, unfortunately for him, receive nearly the true value of the stolen property that as a thief he should receive. He is really the go-between as it were. He gets only a small fraction of the spoils. The man who is profiting from the gold stealing is, to a large extent, the gold receiver. He is making the money out of it. The Bill is said to be built on the lines of the Victorian Act. If that is so we might reasonably ask ourselves how the Victorian Act has operated. I do not remember hearing the Leader of the Opposition in his speech on the second reading give any instance to show that there had been any complaints against the operations of the Victorian Act. It has not militated against the gold mining industry. On the contrary it appears to have done a considerable amount of good, inasmuch as it would seem

that the amount of gold stolen has considerably decreased.

Hon. P. Collier: Do they keep a register of the gold that has been stolen?

Mr. PICKERING: The more the Leader of the Opposition deals with this case, the more I think it will be admitted that the Bill is absolutely essential, and that it should be given effect to. I do not say I am wedded to the Bill as it stands, but, if it goes through the House after having been dealt with by men experienced in the gold mining industry, I think we shall have a measure which will go a long way towards attaining the end we so much desire. The provision that deals with the necessity for obtaining certificates before any person can deal in gold can easily be put into operation. It will not be a difficult matter for any suitable person to obtain a certificate. The main idea of having these people certificated is that they will be able to keep a check upon the gold, and ensure that they shall keep a record of their dealings. That is a step which anyone who is dealing in gold should be prepared to take. There are practically no restrictions concerning the prospector. The Bill only deals with the question of a prospector when he starts to smelt. The Leader of the Opposition showed how difficult it was to get suitable premises. Although I have not had very much experience in gold mining, I did put in 18 months prospecting in New South Wales. When I was on the goldfields in that State any specimens that we wanted assayed we had to send to Sydney, a distance of about 150 miles. It is reasonable to expect that it would be possible for any assayers to comply with the provisions of the Bill in this respect at a much nearer distance than that which I have illustrated.

[The Deputy Speaker took the Chair.]

Mr. Marshall: Did you make a success as a prospector?

Mr. PICKERING: If I had made a success of it I would have remained in the business. I was only successful in losing a good deal of money. I do not think the principles of the Bill can reasonably be objected to. Other matters suggested by the Leader of the Opposition can be dealt with in Committee. Action was first taken with regard to the question of gold stealing in 1902 by means of an amendment to the Police Act. That gave very little result. In 1906 the position became so serious that Mr. A. E. Barker, the then Crown Prosecutor, was appointed as a Commission to go into the question. He went carefully into it, and I have read his report. The report is practically embodied in the Victorian Act. The Bill was introduced into the Western Australian Parliament but lapsed as many other Bills have lapsed, I suppose, through an excess of business on the Notice Paper. The Acts passed in Victoria were passed in 1901, 1907, and 1910, respectively. So far as I can find out there has been no objection taken to

the working of these Acts. Perhaps other members will be able to give instances in which objections have been taken. There can be no grave exception taken or it would surely have come to the knowledge of the people of the State. I regret to hear from the Leader of the Opposition that there are many cases, such as he illustrated, with regard to tributing. I do not know how such cases can be met. There surely cannot be many of that kind. A considerable amount of money could be saved to the mine owners and to the State through the Bill becoming law. If we could by that means assist the industry, which is now languishing for assistance, we shall be going a long way towards putting it on its feet again. I shall support the second reading of the Bill.

Mr. CHESSON (Cue) [5.37]: I hope the Bill will be amended in several important directions. Provision is made in the Bill that upon application by a bank to the Minister a gold buyer may be appointed in a sparsely populated district. I hope the Bill will make provision so far as people who have their own treatment plants are concerned. In many instances people have small crushing plants where little parcels can be put through containing four or five ounces of gold. They buy the gold from the prospector and give him practically its full value. They then smelt two or three other small parcels and send the gold away. By that means the prospector has not to pay the excessive minting costs, escort dues, and banking charges.

The Minister for Mines: Where would it be sent?

Mr. CHESSON: It would be put through the bank as eight or 10 ounces in all, as the case may be. This is already done at Cue. The small battery owners take these little parcels containing four or five ounces of gold, and give full value for the precious metal.

The Minister for Mines: That is not in the Bill.

Mr. CHESSON: Under the Bill only banks will be able to purchase gold. Further, any assayer that may be chosen must have a treatment plant. As a matter of fact, anyone can treat gold. All that is required is a dolly pot to dolly the stone, a little quick-silver, so that the gold may be amalgamated, and it can then be retorted on a shovel or in a camp oven over a fire. All that is then needed is a crucible. Anyone, therefore, can smelt gold. The prospector who goes out and finds a dollying proposition like that may be able to keep going for a matter of two years, and go on developing his show simply out of the gold that he can dolly from it. It is provided that a prospector must report the locality where he has been prospecting, and also give particulars of the plant he is using in the treatment of the gold. It is an absurd proposition for a prospector to have to report to the police and secure a license, and give particulars regarding his dolly pot, his crucible or his quicksilver.



The Minister for Mines: It is not in the Bill.

Mr. CHESSON: Clause 25 deals with the regulations for licensed goldbuyers. Provision is there made that the prospector has to make application before the police, has to be registered and has to give particulars regarding the method of treating his gold, and he also has to get a permit from the police. Very little gold has been taken by the miner. It has been taken by the men engaged on the treatment plants, for they alone have the opportunity necessary. The man who is working on wages has very little chance of taking any. Most of them do not see the colour of gold for 12 months at a time.

Mr. MacCallum Smith: Will not the Bill do good?

Mr. CHESSON: The Bill probably seeks to check these men on the treatment plants. Provision is made under the Mining Act whereby the onus of proof as to where gold has been obtained lies on the person upon whom it has been found. That has not prevented gold from being stolen. We know how it is disposed of in many instances. The men on the treatment plant can get the stuff put through the plant and sent away. The Bill contains provision for a plant being taken charge of while an assay is going through in order to compare the returns.

Mr. J. Thomson: Do you not think that is a wise provision?

Mr. CHESSON: No. There are dozens of shows from which on assay it would not be possible to get more than two dwts. to the ton, but from which it is possible with one shot to knock down 400 or 500 ounces of gold. These are called specimen mines, some of which are seen at Lake Austin and others in and around Cue. I do not think the provision is a wise one. There should be some provision whereby persons who are taking charge of a plant must pay the cost while they are taking samples and prospecting the mine, whether it be the Mines Department or the Police Department. I hope that when the Bill is in Committee we will be able to eliminate some of the absurd proposals which affect prospectors. We should assist people prospecting for gold, rather than hamper their efforts. The Bill provides that a prospector can only secure assays from a person who is registered. Many of these prospectors have had sufficient experience to do their own smelting and assaying. Why bother them to go to a policeman to first get his permission. Many of these prospectors in the back country wander over large areas of country, and it is impossible for them to state definitely in which district they will be prospecting.

Mr. UNDERWOOD (Pilbara) [5.46]: I endorse the remarks of the member for Cue (Mr. Chesson). I have every desire to prevent people stealing the gold, but, on the other hand, if this measure becomes law it will place restrictions upon prospectors.

The Minister for Mines: I cannot see it.

Mr. UNDERWOOD: It does not affect only prospectors but other men in the bush who are earning a livelihood by fossicking for gold.

The Minister for Mines: Which clause will have that effect?

Mr. UNDERWOOD: The Minister has not been in the back country where there are no banks or a policeman, as the member for Cue and I have.

The Minister for Mines: To which provision in the Bill are you referring?

Mr. UNDERWOOD: There are many provisions such as those embodied in Clause 18 which sets out what a gold buyer has to do.

The Minister for Mines: That is so—the gold buyers. How does that affect the prospector?

Hon. P. Collier: He has to get a permit from the policeman.

Mr. UNDERWOOD: The fossicker or prospector has to finance himself in his search for gold. When he secures a little gold, there is no bank in these outback places to which he can go.

The Minister for Mines: To whom does he sell the gold?

Mr. UNDERWOOD: To those who have a license.

Mr. Munsie: Yes, after the bank gives permission under this Bill.

The Minister for Mines: Oh, no.

Mr. Marshall: They have to submit themselves to a good deal of publicity too.

Mr. UNDERWOOD: It is not only the matter of paying for a license but the Bill provides that a policeman can go along and examine the prospectors' books.

Hon. P. Collier: Very often a good prospector cannot write.

Mr. UNDERWOOD: Very often that is so. The position will arise that the storekeepers outback will not take out licenses, not so much because of the license fee but because of the necessity to keep books. Men in the country I speak of, such as that around Mount Augusta, which is midway between Meekatharra and Carnarvon and 150 miles from the nearest telephone or telegraph station, will not take out licenses, and a prospector having some gold in his possession and wishing to continue his search, would have to go to either Carnarvon or Meekatharra in order to look for a bank. The same thing applies in my own district and to the country northward from there. Some men may be hundreds of miles away from a bank with a few ounces of gold, which is just sufficient to keep them in tucker and enable them to do further prospecting. Such men, possessing a little gold, would not be able to continue because there would be no licensed gold buyer in the neighbourhood to whom they could sell their gold. If everyone were honest, we would not require legislation at all, but it seems to me that we can go too far in protecting the gold mines, chiefly in Kalgoorlie.

Hon. P. Collier: It would be all very well if this merely applied to Kalgoorlie, but what about the back country?

Mr. UNDERWOOD: That is the point.

Hon. P. Collier: This applies principally to Kalgoorlie.

The Minister for Mines: We will make it apply to Kalgoorlie only.

Mr. UNDERWOOD: Because there has been gold stealing chiefly at Kalgoorlie, we should not put difficulties in the way of men whose honesty is beyond question. I have pointed out to various Ministers for Mines that there must be elasticity in our legislation so that the man in the bush country may have an opportunity to sell his few ounces of gold, and so be enabled to continue his prospecting.

Hon. P. Collier: The Kalgoorlie point of view alone is embodied in the Bill.

Mr. UNDERWOOD: I think so, too. I will not say that gold has not been stolen, for instance, at Cue or Peak Hill. I believe it has been stolen there, but where we have banks and towns, there we have the greater proportion of the gold stealing.

Hon. P. Collier: Yes, in centres where they have their police and all the machinery of Government.

Mr. UNDERWOOD: The men upon whom the greatest disabilities will fall are not those in the cities. I trust the Minister for Mines will remember when we get into Committee that we have no desire whatever to assist in gold stealing, but we still have a desire to see that no disabilities are placed upon the man who is prospecting in the back areas of Western Australia.

Mr. BOYLAND (Kalgoorlie) [5.53]: All I can see in the Bill is a preventive measure. The mine owners are asking for protection to preserve themselves against practices which are going on, the proof of which has been afforded within the past few weeks. At a mining conference held in April, 1917, I took exception to a statement made on behalf of the Chamber of Mines, to the effect that there was a leakage of about £100,000 worth of gold every year. The union representatives who were at the conference were invited to speak on this bald assertion. I said to the then Minister for Mines (Mr. R. T. Robinson) that if he would tell me what to say, perhaps I could say something about it, for I knew nothing of such a gold leakage from the mines. At that time the Press reported me as having stated that all the leakage had not gone into the pockets of the miners alone. I never said any such thing, and that statement had to be corrected. I pointed out that the miners were always blamed. They have been blamed over and over again and the cases which have been discovered quite recently proved conclusively that the leakages mostly came from the slimes and amalgam at the treatment works. Thus the miners have been exonerated at last and I am very pleased that it should be so. One

gentleman who attended the conference told me that they had put away eight bags of concentrates, and when they took them to be treated, they found instead only eight bags of common tailings, without any values whatever in them. I retorted that no miner could be blamed for that and so it has gone all the way through. If we are honest and intend to do the best for the country so as to keep the industry going and to keep up employment, we must take measures to protect the workers as well as to provide work for them. The Leader of the Opposition has put forward some facts in connection with the Perseverance mine. The whole of those facts were absolutely correct. The ore body in that mine had been worked at too great a width and the value of the ore had been reduced down to 18s. to 24s., with a production of from 18,000 to 22,000 tons per month. Then the tributers went into that mine and the production dropped to 5,000 tons, in consequence of which the mine is paying dividends to-day. This is one of the greatest scandals in the history of the mine. It is not the first scandal in connection with that mine, for those who are familiar with the operations since 20 years or so ago, will know that there have been two or three scandals there. Two wrongs do not make a right and if these men have a case and we intend to keep the industry going, Parliament must do the best for the State. It has been stated that certain people interested in the mining industry are not provided with the means of getting rid of their gold. In Clause 15, it is laid down that even in sparsely populated districts an individual can be registered and gold sold to him. There will be no restriction on the sale of gold so far as the out-back centres are concerned. Clause 25 shows that the prospector is well provided for. They may take exception to the fact that the police have to be notified. If it is proved that this gold leakage has been going on, we cannot refrain from taking certain steps in order to prevent that leakage continuing. In the cities we have policemen walking about the streets to protect the interests of business houses and, in addition, many of the firms employ watchmen as an extra precaution.

Mr. O'Loughlen: There are thousands of people who are reluctant to go to policemen.

The Minister for Mines: Until they get into trouble.

Mr. BOYLAND: For my part I have a sincere admiration for the policeman because he protects my wife and children when I am absent from home. If it was not for the policeman we could not live under the British flag. He is one of the institutions I am proud of. Honest men have friends among the policeman. I have friends among them myself. We have them here as well.

Mr. O'Loughlen: Why are you making up a bit of a case now? Who said anything

against the policemen, that you should raise a monument of eloquence in their defence?

Mr. BOYLAND: I have always held those views regarding policemen and I still do so.

The DEPUTY SPEAKER: We are not discussing the police.

Mr. BOYLAND: No, but the member for Forrest interjected regarding the police.

Mr. O'Loghlen: And pertinently, too.

Mr. BOYLAND: Clause 16 provides that batteries may be licensed. If any amendments can be suggested for the benefit of the prospectors or others concerned, I shall be pleased to support them. I cannot object to the principle of the Bill. I have always adopted the attitude that the miners underground have been wrongfully accused. To-day it has been proved that the accusation against them is groundless, because the cases of gold stealing discovered have generally been traced to the big treatment plants. I hope that the prospector will not be penalised in any way under this measure. I do not think that the Bill will harass anyone in the Pilbara electorate or elsewhere. On the other hand, I am satisfied that the desire of the Government is to encourage the production of gold throughout our auriferous areas.

The MINISTER FOR MINES (Hon. J. Scaddan—Albany—in reply) [6.2]: I want to assure members that there is very little difference between that which they desire and that which the Bill contains. If the measure does not quite meet their wishes, I hope we shall be able to make satisfactory amendments in Committee. There is no desire on my part, and it is not the intention of the Bill, to restrict genuine prospecting operations, but I do object to prospecting for amalgam at about 600 feet below the surface. I want restrictions imposed on that sort of prospecting. On the other hand, I do not wish to interfere with legitimate methods of obtaining gold, or disposing of it when, once it is obtained. Gold, however, is one of those commodities which cannot be described as an overcoat might be, or to which anyone could swear, and we have to employ entirely different methods in order to bring to book the person who illegally comes into possession of someone else's property. One of the great difficulties we experience in our efforts to catch the man who lives on the original thief and is therefore the greater thief, because he robs twice as against the other fellow's once, is that we cannot swear to the ownership of the stolen gold as gold amalgam or zinc slimes. Therefore, to obtain the desired result—and in this members of the Opposition are quite in accord with us—we have to compel the person in possession of the gold to show that he is legally and justifiably in possession. To avoid difficulties in the direction suggested by the Leader of the Opposition, and to refrain from anything which might be construed as being contrary to ideas of British justice in regard to a man having to prove rightful ownership, we provide ample

protection. If a man is carrying on a legitimate business all he has to do is to register the business and comply with the conditions, and no suspicion will be cast upon him. His business will be subject to inspection and from time to time it will be proved that he is carrying on a legitimate business.

Mr. Marshall: That will be most disadvantageous.

The MINISTER FOR MINES: I know of no one operating genuine smelting or treatment works who would take any exception to these conditions.

Mr. Marshall: I am referring to the prospector.

The MINISTER FOR MINES: There is no reason why the prospector should be prevented from carrying on his operations as freely as he does at the present time.

Mr. Heron: But you will make him register.

The MINISTER FOR MINES: We do not ask him to register at all. All we ask is that when he takes along his gold for sale, he shall take it to a person carrying on a legitimate gold buying business, and produce evidence to the legitimate buyer that the commodity was obtained from a place whence he had the right to take it.

Mr. Munsie: Will not it be necessary for him to have a certificate before he can move the gold anywhere?

The MINISTER FOR MINES: No.

Mr. Munsie: Well, that is my reading of the Bill.

The MINISTER FOR MINES: I asked the Crown Solicitor whether it will be necessary for a prospector to take out a permit of any kind to discover gold and his reply was in the negative.

Hon. T. Walker: But the moment he handles the gold, he will come under this measure.

Mr. Chesson: Yes, as soon as he starts to dolly it.

The MINISTER FOR MINES: If it is found to be so, we can rectify the position in Committee. I do not wish to place any restriction on the man who goes out and finds gold so long as he does it in a legitimate manner. The trouble is that there are so many who find gold without looking very hard for it. Perhaps if I were Treasurer I would be somewhat doubtful as to the wisdom of introducing this measure. There have been so many cases during the last few months that from the point of view of the deficit it might have been preferable to allow the existing conditions to continue. That, however, would be neither honest nor honourable.

Hon. W. C. Angwin: It has been going on for years.

The MINISTER FOR MINES: That is so. It is quite evident from recent convictions that the gold which has been stolen was not taken in the form of gold so much as in the form of zinc slimes and amalgam. These are conditions under which gold is not found where the miner is operating. Yet the man who has been carrying all the blame and odium has been, not the actual gold stealer,

but the miner. We wish to show that the miner is not the gold stealer, and we wish to protect the miner by compelling the man who steals the gold slimes, etc., to account for its possession. There is not a member here who, subject to fair conditions, is not desirous of taking steps to put a stop to the illicit dealing in gold. We shall be making a pretty rapid forward move if this Bill becomes law. Most of our difficulties have arisen in a big district such as Kalgoorlie. I do not wish to do anything which will prove detrimental to the men who are going out into the remote parts of the State where the conditions are entirely different. I would be prepared to consent to an amendment empowering the Minister by proclamation to exempt any part of the State from the operations of the measure. If subsequently it were found desirable to bring an exempted district under the Act, the proclamation could be easily annulled. We should affirm the principle, however, and then the measure can be applied where members admit that it might well be applied, and it can be withheld from districts where it might prove a hardship until it is shown that, on account of the traffic, the law should be enforced there also. I do not like to make too much of wrong doings. If there is a murder, or a suicide in this State it is published to the wide world; but if we do anything of value, we are told that it was fully expected of us. I do not wish to elaborate too much on our shortcomings, but if there is no such thing as illicit dealing in gold in this State, the Bill can do no harm to anybody. If members can indicate any means for protecting the interests of those legitimately engaged in mining, I shall be prepared to consider an amendment. Mention has been made that a storekeeper in a remote part of the State, to whom a man might sell his gold, might not be desirous of registering as an assayer. I shall consider the question of providing for a proclamation to exempt such an area, so that the measure shall not operate against the best interests of the mining industry.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.15 to 7.30 p.m.*

In Committee.

Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Licenses:

Mr. MUNSIE: Subclause 2 provides that no person shall assay or smelt gold unless he is the holder of a license as a gold assayer. How will this affect the man who has his own show, the prospector in the bush? He cannot smelt his own gold.

The Minister for Mines: Of course, he can. If he keeps a treatment plant with a ca-

capacity of not less than 20 tons a day, he must have a license.

Mr. MUNSIE: The man in the bush does not want to assay, but very often he wants to smelt. Suppose he does not register, because he has not the gold, but presently he comes across a patch and wants to smelt. Under this he must be a registered assayer.

Hon. P. COLLIER: The hon. member is overlooking the opening words of the clause, as follows: "Except so far as is otherwise expressly enacted." Subclause 3 is subject to any enactment elsewhere in the Bill. For instance, Clause 25 provides that any holder of a miners' right who prospects on his own behalf may smelt any gold obtained by him. Does not that cover it?

The Minister for Mines: Yes.

Mr. Munsie: No, because he still has to get a certificate from the police.

Hon. P. COLLIER: That is another matter, to be dealt with later. I think the hon. member will find that the point he raises in regard to the prospector in the bush smelting his own gold is covered by Clause 25.

The MINISTER FOR MINES: Certainly this provision is qualified by Clause 25, which provides that a prospector may smelt his own gold. There is the qualification "Subject to his registering with the police" but, as the Leader of the Opposition says, that can be dealt with later. I am prepared to consider giving power to the Minister to exempt certain districts from the operations of the measure. I do not wish to interfere with the man out prospecting 200 miles back. We will not touch him at all. Clause 25 distinctly gives the prospector the right to smelt his own gold.

Hon. W. C. ANGWIN: What is the reason for Subclause 3, providing that no person except a bank shall hold a gold buyer's license?

The MINISTER FOR MINES: It is the whole principle of the Bill that we shall put a restriction on the buying and selling of gold. By placing it in the hands of recognised institutions, we reduce the possibility of illicit trafficking in gold. In another part of the Bill will be found provision that where no bank is established a gold buyer's license may be granted by the Minister. As a matter of fact, to-day we restrict the buying of gold to banks.

Mr. UNDERWOOD: With the definite understanding that certain districts shall be exempt from the operations of the measure, I am prepared to modify my views regarding the Bill. If it is to operate throughout the State, it will have a bad effect on mining and will injure some of the finest men in the country. I do not agree that a bank should be the only buyer in a district. There must be buyers in many places where there are no banks. Take Hall's Creek: the nearest bank is 500 miles away. Somebody must be allowed to buy gold at Hall's Creek.

The Minister for Mines: What is he to do with it when he buys it?

Mr. UNDERWOOD: Send it to the mint. It is only right that the storekeeper should have a gold buyer's license.

The Minister for Mines: He can have it.

Mr. UNDERWOOD: But this subclause will not permit of it.

The Minister for Mines: As the Leader of the Opposition pointed out a few minutes ago, the clause begins, "Except so far as is otherwise expressly enacted."

Mr. UNDERWOOD: I do not think much of the drafting. It is no good having one clause saying that a person can buy gold and having another saying that such person cannot do so.

Clause put and passed.

Clause 5—Application for license:

Hon. P. COLLIER: I am willing to assist the Minister in taking all the powers that may be necessary under this Bill, but we ought not to go to extremes. It is quite sufficient to give the necessary notice of application for a license to the mining registrar and to have this posted on the board. No more than this should be necessary to safeguard the interests of the public. The police should be responsible for the necessary inquiries into the character of the applicant. I move an amendment—

That all the words after "warden" in the fourth line be struck out.

The Minister for Mines: I accept the amendment.

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

Clause 6—Warden may grant certificate:

Hon. P. COLLIER: I do not think it is necessary for us to say that the premises where an applicant for a license intends to smelt gold shall abut on the street. We take all necessary precautions in regard to the person who shall be licensed, and as to the control of his business. In some remote mining camps it would be convenient for the local people to have a man carrying on such business out on a lease which may be some distance from the surveyed townsite.

The Minister for Mines: Would you strike out all the words after "matter" down to "customers" and insert the words "And are suitably situated and are also suitable for such purpose"?

Hon. P. COLLIER: Yes. I move an amendment—

That in paragraph (b) all the words after "matter" down to "customers" be struck out and "are suitably situated and are also suitable for such purpose" be inserted in lieu.

Mr. J. THOMSON: This is one of the most vital clauses of the Bill. In my opinion the assayers, if there are any at all, should be close to the public street. As a matter of fact we do not want any assayers in the country districts. The prospectors

can get all their assays done by the Government. Neither do we want any gold buyers except the banks out in the country districts. I must oppose the amendment.

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

Clauses 7 to 9—agreed to.

Clause 10—Opposition to applicant:

Hon. P. COLLIER: Any objections that are required to be made against an applicant ought to be heard in open court and in person. It is an easy matter to present a petition based on ex-parte statements, when the persons responsible cannot be cross-examined. I move an amendment—

That the words "or any written petition from any person or persons may be considered" be struck out.

The MINISTER FOR MINES: In this matter I do not agree with the Leader of the Opposition. The petition is not to be accepted by the court as evidence in coming to a decision, but merely "may be considered." On an application for a license for a remote place, it is not always an easy matter to give direct expression to public objection, although the objection may be strong and widespread. The petition is to be a public petition, and it will have weight with the warden according to the signatures it bears. There is nothing to prevent anyone from appearing in court in opposition to a petition.

Mr. Mann: Might not a petition be sprung upon an applicant, and the signatories to the petition would not be there to be cross-examined?

The MINISTER FOR MINES: That is hardly likely to happen. Quite a number of Acts of Parliament provide for the lodging of petitions with courts, and I do not know of any provision for the posting up of such petitions.

Mr. MacCallum Smith: Petitions might be lodged in favour of an application.

The MINISTER FOR MINES: Quite so. Such a petition would be in the nature of a testimonial to the applicant.

Hon. W. C. Angwin: The licensing law does not admit of petitions in favour; only of petitions against.

The MINISTER FOR MINES: I should have no objection to this clause providing for petitions either in favour or in opposition. It is not always easy to get members of the public to come to court in order to express their objections.

Mr. MUNSIE: I hope the amendment of the Leader of the Opposition will be carried. Anyone entertaining objection to the granting of a license can arrange either to appear in person or to be represented by proxy. The point raised by the member for Perth is in itself quite enough to condemn the clause as it stands. The presenting of a petition to the warden is bound to have some effect. Since the applicant for a

license must come along to make his case in open court, he should not be able to find himself faced with a petition the signatories to which cannot be cross-examined in his behalf.

The Minister for Mines: The petition may not be against the individual; it may be against having a license granted in the district.

Hon. P. Collier: Under this clause petitions would be mostly against the person.

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

#### Clause 11—Fees:

Mr. MUNSIE: Does Subclause 2, which provides for exemption from payment of fees, apply to Government smelting works and treatment plants only, or to private establishments as well?

The MINISTER FOR MINES: The subclause covers only Government works and plants. There is, of course, no purpose in making one Government department pay a fee to another Government department.

Clause put and passed.

#### Clause 12—agreed to.

Clause 13—Application for revocation or suspension:

Mr. MUNSIE: Subclause 2 of this clause leaves it to the discretion of the warden to decide whether reasonable notice of an application for revocation or cancellation has been given to the license holder. The objectionable portion of Clause 5 having been deleted, I am prepared to let this subclause go.

Clause put and passed.

#### Clause 14—Licenses to banks:

Hon. P. COLLIER: Is there any reason why a person who wants a gold buyer's license should not go through the same procedure as a man who wants an assayer's license? That is, should not the former applicant apply, in the same way as the latter, to the court, whereupon the warden would decide whether a license to deal in gold should issue? Of course, the gold buyer's license is to be issued only to banks, and it is generally accepted that a man holding the responsible position of bank manager is a reputable person, and that therefore it would be quite safe for the Minister to grant him a license on application. The same considerations, however, will apply to the great majority of applicants for assayer's licenses. An applicant for an assayer's license, even though well known in his district and well known to the Minister, must still apply to the court. Therefore I consider that applicants for gold buyers' licenses should go before the court as well. In this way the Minister would be relieved of some responsibility.

Mr. Angelo: Would that apply to the manager of a chartered bank?

Hon. P. COLLIER: I presume the license would apply to the institution rather than to

the individual, as the institution would have some standing in the community and therefore the position might be slightly different. At the same time it was generally understood in years gone by that some of the trafficking in gold took place with the connivance of bank managers.

Mr. Mann: The only effect the change you suggest would have would be to cause the bank managers a little more inconvenience.

Hon. P. COLLIER: That is so, but some of the clauses we have passed will cause inconvenience to men just as reputable and having as high a standing in the community as bank managers. For instance, assayers carrying on business in a big way will be inconvenienced to the same extent.

Mr. Money: Subclauses 2 and 3 explain how that operates.

Hon. P. COLLIER: I quite understand how it will operate, but my point is as to whether officials of banks should not go to the court in the same way as we provide that others must go to the court. I do not feel disposed to press the point, for I appreciate the fact that it is really the institution that will secure the license and not simply Brown or Jones who happens to be manager of the bank for the time being. To the extent that the reputation of the bank stands behind the individual, the manager of a bank is in a different position from the person who is carrying on business on his own account.

The MINISTER FOR MINES: The basis of the Bill is that, respecting institutions that are accepted as being well established, the Minister may straight away grant the license. Under clause 16 treatment works that are recognised as such, and which have a capacity of 20 tons or more per day, are not required to apply to the warden's court for a license, but may receive their license from the Minister subject to certain conditions. As to the application of this clause to outlying parts of the State, we do not require them to apply to the warden's court but they can apply to the Minister. It has to be remembered that when a person sets up a business in the guise of an assayer, and such a person buys small parcels from different people, too often illicit gold buying is indulged in and such persons have to apply to the court. In well established centres, if a person desires to set up in business and engage in gold buying, he must make application to the warden's court for his license, so that the warden may decide whether he is a person suitable for such a business and that his premises, too, are suitable. A Minister could not satisfy himself on that point unless he referred the matter to the warden for investigation. Banks will be licensed and the banks will be responsible for the officers they appoint to buy gold. The person so appointed by a bank is responsible for personally performing certain duties set out in Clause 17. There should be no danger in granting a license to a bank.

Clause put and passed.

Clause 15—Special licenses:

Mr. MUNSLIE: The clause provides that the Minister on the application of a bank, or after notice to the licensed bank and so on, may grant a special gold buyer's license to any person carrying on business in any sparsely populated or remote part of Western Australia. Why should the Minister first have to make application to the bank? If gold has to be bought in any centre throughout the State and if there is no bank there, before the Minister can grant a license to a storekeeper, or any other person, application must first be made to the bank.

The Minister for Mines: That is not so.

Mr. MUNSLIE: What does it mean, then?

The Minister for Mines: Just what it says.

Mr. MUNSLIE: I cannot read it any other way.

The MINISTER FOR MINES: The clause means that the Minister may, on the application of a bank, do certain things. Up to that point it means that the bank may make application for the appointment of an agent in sparsely populated districts. But the clause does not stop there. It goes on to show that, in addition, after I have given them notice, even should there be a licensed bank there, I can appoint another person subject to such other conditions as I prescribe. Under those conditions I may grant a special license to anyone in any part of Western Australia. I do not have to secure the permission of the bank. Apart from common courtesy, in order that the working of the Act shall be properly understood, it is necessary for me to notify a licensed bank that I intend to license someone else to buy gold in a centre where a licensed bank is established.

Mr. Munslie: Suppose the bank appoints an agent, can you appoint another as well?

The MINISTER FOR MINES: Undoubtedly I can. I had this clause drafted myself, for the reason that I anticipated some of these objections.

Hon. P. Collier: That is why there is so much confusion about it, although it is quite clear to me.

The MINISTER FOR MINES: Members may remember that some time ago a deputation waited upon me regarding this matter and I indicated that I did not intend to give a monopoly of this business to the banks, and that, although the banks would be the recognised institutions for the purpose of gold buying, provision would be made to enable the appointment of others as well, so that the banks would not have a monopoly of the business.

Mr. SAMPSON: I suggest that in lines 5 and 6 the words "sparsely populated or remote" be struck out. With the elimination of these words the Minister will be able to grant special licenses in any part of the State.

The MINISTER FOR MINES: Being an ordinary human being, I do not mind accepting the additional power.

Mr. UNDERWOOD: I would take strong exception to this clause but for the assurance

of the Minister that it will not apply except where proclaimed. A man might obtain gold and offer it at a station in return for stores and outfit required. Station owners are not storekeepers and would not take out a gold buyer's license, but it is a great convenience in the North for prospectors to be able to get stores and outfit in this way. Therefore, these people should be exempted entirely.

The Minister for Mines: The assurance I gave was that I would put up a new clause, but the Committee will decide it.

Mr. UNDERWOOD: I am willing to accept that. I would like to know what bank could recommend anybody, say, at Hall's Creek. The nearest bank, at Broome, does not deal in gold and would not have a license. The nearest bank dealing in gold would be at Port Hedland, 700 or 800 miles away.

Hon. P. COLLIER: The issue of a special license by the Minister is not governed by the existence of a bank within one mile or 500 miles. The Minister may grant a license even though there are a dozen banks operating and even though there may not be a bank 500 miles away. We appreciate the difficulties of men prospecting in remote parts of the State, and should eliminate any words which tend to restrict the Minister's power. The Minister may grant a special gold buyer's license to any person carrying on business in any sparsely populated or remote part of Western Australia. There may be people in a district not carrying on business and yet able and willing to oblige a prospector by buying his gold. To provide for this contingency I move an amendment—

That the words "carrying on business in any sparsely populated or remote" be struck out and the words "in any" inserted in lieu.

Amendment put and passed.

Mr. MULLANY: The clause as amended does not meet the cases mentioned by the member for Pilbara. The difficulty in the localities to which he referred is that men who might be prepared to oblige prospectors by buying small parcels of gold, might not desire to take out a license, and the Minister, of course, could not grant a license unless application was made. I hope that the new clause which the Minister intends to introduce will meet such cases.

Clause, as amended, put and passed.

Clause 16—License for treatment works:

Mr. MUNSLIE: Subclause 6 deals with smelting works, while paragraph (b) of Subclause 1 deals with a battery or treatment works. Will the daily capacity of 20 tons of ore specified in Subclause 6 apply to a battery?

The Minister for Mines: No.

Mr. MUNSLIE: If we are to have regard to the quantity specified in Subclause 6, a man owning a five-head battery cannot treat 20 tons per day. Is he to get a license if he owns a one-head mill?

The Minister for Mines: Of course he is. Mr. MUNSIE: Well, with that assurance I will let it go.

The MINISTER FOR MINES: It is merely provided that the only person who can hold both licenses is the owner or manager of a smelting furnace of a capacity of not less than 20 tons per day. The men we want to get at are the owners of small assay plants, which are called treatment works, but are not treatment works. The owner of the ordinary crushing plant can get a license direct from the Minister. But he cannot hold both licenses if his plant treats less than 20 tons per day. It will not affect crushing plants and other treatment methods.

Mr. MUNSIE: Now I want an explanation of Subclause 8. Under it the license will be cancelled if the battery is idle for more than three months. Some of these batteries are a long way out, and the further out they are the more likely are they to be idle for three months on end.

The MINISTER FOR MINES: The hon. member is quite right, and I think he would be entitled to ask that we add a few words to the subclause. In small remote districts some plants operate only three months in 12. It is not fair that they should be asked to pay a second fee. Still, we ought to have notification, not only of their stoppage, but of their resumption of work.

Mr. Munsie: That is all right, so long as the license is not cancelled.

The MINISTER FOR MINES: I move an amendment—

That the following be added to the subclause:—"But may be renewed on application to the Minister without paying an additional fee."

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

Clause 17—Gold entry book:

Mr. MUNSIE: In my view of the clause, the bank manager will have to do the actual smelting of the gold.

Mr. Boyland: No, it is to be under his supervision.

Capt. Carter: It means a person other than the bank manager.

The MINISTER FOR MINES: It merely means that if a bank does any smelting the person appointed to conduct gold transactions shall supervise the smelting operation. That is all. The clause means what it says.

Hon. P. Collier: It is a tricky thing, this English.

The MINISTER FOR MINES: The clause provides that the bank manager or accountant shall personally conduct the smelting operations. We must have such a provision, we must fix the responsibility. It is provided that the bank shall be licensed, and that the manager or the accountant shall be the responsible officer.

Clause put and passed.

Clause 18—Regulations to be observed by licensees:

Hon. W. C. ANGWIN: For the first or second offence the penalty is to be not more than £20. For a subsequent offence the penalty is to be not less than £10 nor more than £100. Why should not the subsequent penalty start from the £20 maximum for the second offence? On conviction of a third offence the licensee of an hotel loses his license.

The MINISTER FOR MINES: We have imposed these penalties with some regard to their relative values. The Interpretation Act, where it states that a penalty shall be £20, gives the option to the bench of making that penalty for a first offence only £2. For the next offence the lowest penalty that may be imposed by way of a fine is £10, and the maximum £100, and even imprisonment. The penalty here provided is pretty severe.

Hon. P. COLLIER: Subclause 4 provides that a licensed gold buyer, assayer, or dealer must not enter or leave the licensed premises except by the front door. That is altogether too finicky a provision. These persons have been hedged around with such restrictions that surely it is not necessary to enforce a provision of this description. I think we have already gone as far as the best legal minds in Australia could go in the drafting of this Bill, and one cannot see that there is any loophole of escape for these particular people.

The MINISTER FOR MINES: I have no great feeling in the matter. It would be difficult to prove a case under this particular subclause. On the other hand, it will be admitted that the whole purpose of the Bill is to make it difficult for anyone to carry on illicit smelting or treatment of gold. If a person is carrying on a genuine business he will not object to having to compel his clients to enter his premises and leave them by the front door. Of course in the case of an explosion on the premises, the assayer and his client would leave by whatever door was handiest; and no one would think of prosecuting in such circumstances. The clause is really for the benefit of the parties to whom it will apply. Its operation will be in the direction of preventing suspicion, as well as deterring from illicit trading in gold. The man who is carrying on genuine treatment works will certainly have no objection whatever to this provision.

Hon. P. COLLIER: I am more than ever convinced that the inclusion of the words will serve no purpose whatever. Does the Minister imagine that this provision as to entering and leaving by the front door will not be evaded by a man who has illicit gold to dispose of? Such a man will discover some means of entry other than the front door, and the assayer or gold buyer willing to acquire the gold brought by such a man will co-operate with him towards that end.

Mr. Mann: Do not you like the appearance of the clause?



Hon. P. COLLIER: Candidly, I do not think the matter is worth the time we have spent upon it.

Clause put and passed.

Clauses 19 to 24—agreed to.

Clause 25—Provision for smelting by holders of miners' rights:

Hon. P. COLLIER: Under Subclause 1, a prospector out prospecting and desirous of smelting a little gold will not be permitted to do so unless he is registered at the police station nearest to his address.

The Minister for Mines: Have you ever seen a prospector take out a smelting plant?

Hon. P. COLLIER: Yes, such a smelting plant as described by the member for Cue this evening, consisting of a pot and a crucible and a shovel.

The Minister for Mines: That is not a smelting plant.

Hon. P. COLLIER: I think it would be, under this clause.

The MINISTER FOR MINES: This is the vital clause of the Bill. Its purpose is to prevent what may easily occur—a man going out in the guise of a prospector some little distance from where mining operations are carried on, and using what he might easily use, namely a small portable furnace, by means of which he could smelt considerable quantities of gold matter. If he wants to carry on those operations legitimately, he can easily go to a police station and get licensed, when it will be known that his operations are legitimate. The clause will not apply to a prospector outback at all, unless he brings in so many ounces as to arouse the suspicions of the authorities. In that case, however, he would use quite a different description of plant. However, I propose to move the insertion of a new clause enabling the Governor-in-Council to suspend the operation of the measure in certain parts of the State. A man could easily take out a smelting plant to, say, Hampton Plains, and treat considerable quantities of slimes. No case has come under my notice of a prospector taking out with him a smelting plant for the purpose of treating small quantities of ore. If the prospector has ore containing considerable quantities of gold, he brings the ore in and has it smelted. The gold matter mentioned in the clause refers to small parcels which are, however, very valuable. It enables individuals to take such parcels in a bag and treat them in the bush. In this way gold of considerable value is recovered. If we require such persons to bring their gold matter to a recognised treatment plant, they have to account for their possession of the parcel.

Mr. O'Loughlen: Is it not possible to define this position a bit better?

The MINISTER FOR MINES: If we could devise some means of protecting the prospector and at the same time prevent persons dealing illicitly in gold, it would be all right. If we interfere with this clause, we

will be treading on dangerous ground. Why not cut out all these small bush plants?

Mr. O'Loughlen: Can you say whether many of those plants ever existed?

The MINISTER FOR MINES: I know they have existed.

Mr. O'Loughlen: This Bill is most drastic, yet it only affects a few people.

The MINISTER FOR MINES: I do not care how drastic it is, if it will help individuals who are carrying on a legitimate business.

Hon. P. Collier: Provided you do not hamper the genuine man.

The MINISTER FOR MINES: This will not do so.

Clause put and passed.

Clauses 26 to 34—agreed to.

Clause 35—Person in possession of gold to account for same:

Mr. MUNSIE: The concluding portion of this clause provides that gold, if proved to be, or to have been, in the possession of the defendant, whether in a building or elsewhere, and whether the possession of the gold has been parted with by the defendant before being brought before the court or not, shall be deemed to be in the possession of the defendant. The Minister has probably heard of cases where a man has put another man's "pot on."

The Minister for Mines: This does not deal with that phase of the question.

Mr. MANN: This clause covers the case where gold has been deposited with a bank and subsequently it has been discovered that the gold was stolen. There have been quite a number of cases where stolen gold has been parted with. It has been deposited with a bank or sold to another person before the discovery that it is stolen gold has been made. The fact that the gold was out of the possession of the man who stole it, made it impossible to charge him with having it in his possession. As it was not identifiable, he could not be charged with stealing or receiving it. In consequence, action had to be abandoned. The clause covers that position, and means that when stolen gold has been deposited with a bank, the person so depositing it can be charged with unlawful possession.

The Minister for Mines: That is the position.

Clause put and passed.

Clauses 36 to 42—agreed to.

Clause 43—Penalties for offences:

Hon. P. COLLIER: Some of the penalties imposed in the clause are of a most drastic character. I have frequently noticed in Bills coming before this Chamber that where wealth or money or material is concerned, very severe penalties are imposed. There is a tendency to regard offences against property as more serious than offences against life or limb. This clause contains provisions that if a man is convicted of a second offence, he

must go to gaol for a term of not more than two years, without the option of a fine. We frequently read of cases where courts have sentenced a man who has killed another person to imprisonment for 12 or even six months. On principle, I am opposed to heavy, severe and vindictive punishment for those guilty of offences, for history shows us that such punishments have no reformatory effect but tend to make the offenders confirmed criminals. I am opposed to depriving magistrates of discretionary power. In cases I have heard of on the fields, individuals have been sentenced to imprisonment for gold stealing. These sentences have been imposed by the magistrates in the exercise of their discretion and I am not finding fault with them for doing so. Why should we eliminate the discretionary power in these cases? We do not do it, except in very rare instances, regarding other offences. While admitting that it is necessary to go further in legislating against gold stealing than against other offences, because of the difficulty of identifying stolen gold, and while not pleading for the criminal, I do not see that a gold stealer is guilty of any more serious offence than a man who steals sovereigns, clothing or anything else. I cannot see why we should make an especial distinction in this case. I move an amendment—

That in lines 8 to 12 of Subclause 1 the words "and on conviction within two years for a second offence against any such provision shall be liable to imprisonment, with or without hard labour, for a term of not less than one month nor more than two years without the option of a pecuniary penalty" be struck out.

The MINISTER FOR MINES: I will accept the amendment. Even when a second offence is committed there might be extenuating circumstances which could be met by a fine instead of imprisonment. While I hold that the penalty should fit the crime, frequently the courts will dismiss a case rather than impose a very severe penalty.

Amendment put and passed.

Hon. P. COLLIER: My argument on Subclause 1 applies equally to Subclause 2. I admit that in this case a man might be deliberately flouting the law.

Mr. O'Loghlen: It might be done out of ignorance.

Hon. P. COLLIER: This subclause applies to a person convicted of buying gold matter without having taken out a license. The magistrate, however, should have the discretion to impose a light sentence if the circumstances warrant it. It would be a very serious first offence that merited imprisonment without the option of a fine.

The MINISTER FOR MINES: In this case he has committed a double offence, for he is carrying on illicit operations and is evading the law by not taking out a license.

Mr. Underwood: You could catch me under this.

The MINISTER FOR MINES: I should not wonder at that. The catching would be like that of a stingray, of no value. However, the clause is not intended to catch the hon. member. He can be caught with an ordinary gentle bait. But this is a double offence, and we say that there shall be no fine. If it is merely a matter of imposing a penalty to get a conviction against the offender, the magistrate can order that he be imprisoned until the rising of the court. On the other hand, if the offender deliberately flouts the law by illicit trafficking, and evades the law by declining to take out a license, the magistrate may be disposed to subject him to the extreme penalty. After all, a severe penalty will probably have the effect of deterring would-be offenders.

Mr. O'LOGHLEN: The whole Bill reeks with penalising provisions, and this caps the lot. It is a serious thing to send a man to gaol for the first offence. In remote localities many men who have not registered will occasionally buy a little gold. The provision leaves no loop hole for the magistrate to exercise leniency. Suppose the Minister himself, not au fait with the laws of the country, committed a breach of this provision; he would be imprisoned and his family suffer the stigma for the rest of their lives. The magistrate would have to send him to gaol as a convicted thief, although perhaps there was no intention to steal. I move an amendment—

That Subclause 2 be struck out.

Mr. UNDERWOOD: I will support the amendment. Under such a provision I might be liable to imprisonment. I have bought specimens, to keep as specimens. Some day when I am hard up somebody may offer to buy those specimens from me. Their value is not more than a few shillings, yet if I, not having a gold buyer's license, were to sell them, I should be liable to imprisonment. Imprisonment should not be imposed where there is no wrongful intent.

The Minister for Mines: I think the penalty provided in Subclause 1 is sufficient to meet the case.

Amendment put and passed.

Mr. O'LOGHLEN: Subclause 4 provides that gold in the possession of the police or any informant after the conviction is recorded is to be restored to the owner if he be known, and that if the owner be not located within six months it is to go to Consolidated Revenue. Suppose the lawful owner of the stolen gold were to die while the conviction was pending. Provision should be made that his dependants get the gold.

The Minister for Mines: As next of kin, they would be the lawful owners, and would get it.

Mr. O'LOGHLEN: If I am assured that no costly litigation will be involved, I will let the point go.

Clause, as amended, put and passed.

Clauses 44 to 48—agreed to.

Clause 49—Convicted persons not to assist police:

Hon. P. COLLIER: It is provided that no person convicted of an offence punishable by imprisonment without the option of a fine shall assist the police. Under this the police may employ a person who has been convicted of any number of offences, so long as they were not punishable by imprisonment without the option of a fine. I object to giving the police power to employ unscrupulous persons in the securing of a conviction. It is going too far to say that any scoundrel who may have been convicted a dozen times is still eligible for employment by the police, so long as his offences were not punishable by imprisonment without a fine.

The MINISTER FOR MINES: It is desirable that we should not permit the use of persons who have been convicted for offences of any seriousness. Very few offences are so serious as to be punishable by imprisonment without the option of a fine. I move an amendment—

That after "convicted" in line 3, the words "and imprisoned" be inserted; and that all words after "Act" in the same line be struck out.

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

Clause 50—agreed to.

Clause 51—Magistrate may authorise samples to be taken:

Mr. MUNSIE: A man may be working a mine in which there have been rich patches of gold. He brings in this gold and there is some suspicion that all is not right with regard to it. A complaint may be made to the magistrate that the gold did not come from the mine and he may order the mine to be sampled. When the mine is sampled it may be found that the ore only goes two dwts. to the ton and that the rich patches are no longer there. The man is, therefore, liable to conviction. This is too big a risk for any man to take who has a patchy show, and it is too great a power to place in the hands of the magistrate.

The MINISTER FOR MINES: The magistrate would only order a mine to be sampled when a case was proceeding. The case is only begun when there is some ground for it, and when there is the belief in the minds of the police that there has been illicit dealing in gold, and that the mine has been used to cloak these operations. The sampling would not be a determining factor in the case. The man who has obtained the gold in a legitimate way would never appear before the court.

Hon. W. C. Angwin: What would happen if a man brought in a parcel of gold for sale and the police heard of it?

The MINISTER FOR MINES: The police do not lurk about corners to find men who have stolen gold. They first satisfy

themselves that a man has been illicitly dealing in gold, and this may take several months. The purpose of the clause is to cover the case of a man who sets up the defence that he has obtained the gold from his mine. It is desirable that this power should be retained in the Bill.

Hon. P. COLLIER: This is one of the vital clauses of the Bill. No doubt some of the gold stealing which has occurred has been made possible by persons working mines from which little or no gold has ever been obtained. Nevertheless, there is a possibility of innocent persons being convicted under this clause. If a mine is sampled and found to contain but little gold, the result of the sampling must have an effect upon the mind of the presiding magistrate. Machinery of this sort will make it difficult for a person to frame a defence against a charge that is laid at his door by the police. I admit it will be difficult to amend the clause without opening the door to the very practice which the Bill seeks to kill. Of course a magistrate would not decide a case absolutely on the result of sampling a mine, but that result would be a powerful factor. I do not wish to let the clause pass without pointing out the possibility of its placing innocent persons in a very difficult position.

Mr. MANN: Nine-tenths of the charges of gold stealing have been brought in the Kalgoorlie district, and probably in every case the gold has contained a percentage of telluride. The defence of the accused person has invariably been, "The gold was obtained from my mine." And probably there was no telluride in his mine at all. The object of the clause is to empower the court to have the mine sampled in such a case, with a view to ascertaining whether or not it contains telluride. For years the absence of such a provision as this has prevented successful prosecutions for gold stealing.

Mr. MUNSIE: I fail to see the reason for the insertion of this clause. The origin of pure, smelted, fine gold cannot be ascertained. No doubt the Minister is in a difficult position, but under this clause a man could be charged at any time. The police would sample the mine from which he claimed to have obtained the gold.

The Minister for Mines: The origin of gold can be determined.

Mr. MUNSIE: The origin of smelted gold?

The Minister for Mines: Yes.

Mr. MUNSIE: No; impossible. I understand the Government have in their possession now parcels of gold of which the origin, and therefore the ownership, cannot be determined. The clause allows too much opportunity for the conviction of innocent men. Moreover, a suspicion of illicit gold dealing may involve the searching of a man's house, and perhaps its being searched repeatedly on the same day. I personally would strongly object to my house being searched. Again,

the magistrate who once orders the sampling of a mine is going to give his decision on the result of the sampling. The risk involved in passing this clause is too great. Under the clause very grave responsibility would attach to absolutely innocent men, who might be convicted as the result of the sampling of their mines.

Mr. UNDERWOOD: I agree with the remarks of the member for Hannans, and of the Leader of the Opposition, for I know from my own experience that one can strike a rich patch and yet there may be no trace of gold a few inches away. The position under the clause, however, is a different one. The person contemplated in the clause is one who is under suspicion and practically on trial.

Mr. Munsie: No, he only requires to be charged with the offence.

Mr. UNDERWOOD: A man who is in that position may put up the defence that he procured the gold from his mine. On that, the magistrate would have the mine sampled. The fact that no gold would be discovered, would not necessarily carry a conviction, because the man would almost certainly have evidence from men working with him or friends who knew of his find. In addition, he would not crush all his stone and would have specimens to show. I think the clause should stand as printed.

Hon. W. C. ANGWIN: We should make laws to prevent crime and not to make criminals. Under this clause there is a possibility of innocent men being convicted. If two men were working a small show and they brought in a parcel of gold to the buyer, the police or whoever might be looking after this work, would want to know where the gold came from. Their very training makes these officers suspicious. If the mine showed no evidence of gold, the officials would take proceedings.

Mr. Money: They could only take action to investigate the mine after taking proceedings.

Hon. W. C. ANGWIN: They would take proceedings on that very gold which aroused their suspicion.

Mr. Pickering: Are you assuming that everyone is guilty?

Hon. W. C. ANGWIN: I would rather allow 20 guilty men go, than punish one innocent man. If an assay ordered by the court showed no traces of gold, that fact would carry conviction in 99 cases out of 100. I would like to see an amendment made that would guard against an innocent man being sent to gaol. The Minister should agree to postpone this clause in order to see whether the difficulty can be overcome.

The MINISTER FOR MINES: I realise the necessity for preventing the possibility of an innocent man being convicted. No one knows better than the member for Perth the difficulties of securing a conviction under existing conditions. It would be impossible to get a conviction on the mere sampling of a mine and the consequent dis-

covery of no traces of gold. The police are not waiting at street corners for men to come along with rich parcels of gold. Because men have rich parcels, does not prove that it is illicit gold that is dealt with. We are aiming at the man who has a "shypoo" show and is running a treatment plant on his lease, where he treats gold bought from different persons. If such a person had a rich patch one week, and nothing the next, then a rich patch and again nothing, it would show that there was something wrong.

Hon. P. Collier: That could happen with a legitimate mine.

The MINISTER FOR MINES: Not in the manner I have described.

Hon. P. Collier: Not a big parcel one month and a small one the next?

The MINISTER FOR MINES: I did not refer to monthly parcels. I referred to cases where a man purchased stolen gold from different parties and brought it in for sale. In some cases such a man would deal with different classes of gold.

Hon. P. Collier: But this clause will deal with a man who is the owner of a mine.

The MINISTER FOR MINES: Of course it does, and he will have to show where the gold came from. If the assay shows that he has been treating oxidised ore, when he has only sulphide ore in his mine, it will prove that something is wrong.

Hon. P. Collier: This clause does not specify the ore.

The MINISTER FOR MINES: No magistrate would be so foolish as to take an assay as the complete proof and send a man to prison.

Hon. P. Collier: I question that.

The MINISTER FOR MINES: If he did that, the magistrate should be sent to gaol. The magistrate would only order the sampling of a mine when the man was in the court. The suspicion stage would be past. More than one person has been convicted in this State on the basis of an analysis of gold found in his possession.

Mr. Munsie: But only amalgam; not smelted gold.

The MINISTER FOR MINES: It is not difficult to distinguish one class of gold from another. Murchison gold is easily distinguishable from Kalgoorlie gold and the gold taken from the oxide zone is easily distinguishable from gold taken from the sulphide zone. A man is not brought before the court until there are good grounds for suspecting him. It would be undesirable to alter this clause, but if in consultation with the Solicitor General I can get an amendment to express the intention more definitely I shall do so. We should vest in the magistrate the right during the proceedings to authorise something by way of reply to the very cunning methods adopted by accused persons, and one of the best things is to get a sample from the mine. We might provide for an examination of the sample instead of an assay.

Mr. Munsie: Will you agree to postpone the clause?

The MINISTER FOR MINES: I will give an assurance that, before the third reading, I shall amend the clause if it is possible to do so. This, however, is one of the essentials of the Bill.

Mr. Munsie: I realise that.

The MINISTER FOR MINES: I shall agree to postpone the clause, but it will throw the Bill back a day.

Mr. MUNSIE: If we allow the clause to stand as printed and the Solicitor General says it is not possible to convey any other meaning, we shall have to accept the clause.

Hon. P. Collier: What were the arguments in support of this before the executive?

Mr. MUNSIE: I move—

That further consideration of Clause 51 be postponed.

Motion passed; clause postponed.

Clauses 52 to 54—agreed to.

New Clause:

The MINISTER FOR MINES: I move—

That the following be inserted to stand as Clause 4:—"The Governor may from time to time by proclamation declare any part of the State to be or cease to be exempt from the operations of this Act."

New clause put and passed.

Schedules—agreed to.

Progress reported.

*House adjourned at 10.59 p.m.*

## Legislative Council,

*Tuesday, 27th September, 1921.*

Questions: Railway Department—1, Customs	Page
Dues; 2, Freights on wheat and fertilisers	916
Bills: State Children Act Amendment, 3A. ...	916
Adoption of Children Act Amendment, report	916
Resolution: Federation and the State, to inquire	917
by Select Committee ... ..	917

The PRESIDENT took the Chair at 4.30 p.m. and read prayers.

### QUESTIONS (2)—RAILWAY DEPARTMENT.

#### *Customs Dues.*

Hon. A. SANDERSON asked the Minister for Education: 1, What amount has been paid by the Railway Department to the Federal Customs from 1901 to 1921? 2, What is

the value of the refund which has been allowed by the Federal Customs to the Railway Department from 1901 to 1921?

The MINISTER FOR EDUCATION replied: 1, £325,085 14s. 3d. 2, This question is dealt with in paragraph 78 of the Commissioner of Railways' report for the year ended 30th June last. In consequence of representations made, the Federal customs authorities have agreed in the case of material or plant for railway requirements which cannot be manufactured in the Commonwealth, to admit it free of duty or at reduced tariff. Under this arrangement the remission of duty to date is £1,538 2s. 5d. The decision of the Federal authorities will be apparent in the case of future importations. The decision also extends to material and plant required in connection with tramways and electricity supply. The approximate value of the remission on material in sight in this connection is £28,000, of which £5,460 12s. 6d. has been granted on material already to hand. In addition, the decision given to admit the turbo-alternator required in connection with the extension of the power house, free of duty, will represent approximately £9,900. Other applications for rebate or remission of duty are under consideration by the Customs authorities.

#### *Freights on Wheat and Fertilisers.*

Hon. A. H. PANTON asked the Minister for Education: 1, How many times have the railway freights on goods other than wheat and fertilisers been increased since 30th June, 1903? 2, How many times have the railway freights on wheat and fertilisers been increased during the same period? 3, What is the actual increase in railway freights on wheat and fertilisers since 30th June, 1903? 4, Was any loss incurred by the Railways in the carrying of wheat and fertilisers for the year ending 30th June, 1921? 5, If so, what was the amount of such loss?

The MINISTER FOR EDUCATION replied: 1, Lower class goods ("A" class and lower), twice; medium class goods ("B" and "C" class), three times; higher class goods (higher than "C" class), four times. 2, The railway rate on fertilisers has been increased three times since June, 1903, and on wheat twice. The rate on both products has also been decreased on different occasions during the same period. 3, Except for wheat for short distances, nil. 4, It is not practicable to calculate the actual results of this trade to the department. 5, Answered by No. 4.

### BILL—STATE CHILDREN ACT AMENDMENT.

On motion by Hon. A. Lovekin, read a third time and transmitted to the Assembly.

### BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

Report of Committee adopted.