Legislative Assembly,

Wednesday, 26th August, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Claim by Mr. James O'Mahoney, papers moved for by Mr. Daglish. Steamship Service between Fremantle and Geraldton, papers moved for by Mr. Wallace. Officers in Lands Department related to one another, return moved for by Mr. Taylor.

By the MINISTER FOR MINES: Regulations under Mines Development Act and Goldfields Act. Return of Exemptions granted during 1902-3.

By the MINISTER FOR WORKS: Water used for Railways, return moved for by Mr. Burges.

Ordered, to lie on the table.

QUESTION—AGRICULTURAL BANK LOANS FOR STOCK.

MR. JACOBY (for Hon. G. Throssell) asked the Minister for Lands: 1, Whether it is a fact that no means have yet been adopted for assuring that loans granted by the Agricultural Bank for the purchase of stock have been expended for this purpose. 2, Whether, if this is so, the Minister will at once adopt measures providing that the money that may be granted for the purchase of stock may be so expended, and the stock actually placed on the property. 3, Whether the Minister will take steps to ascertain whether any loans already granted for the purchase of stock have been so expended, and the stock placed upon the property.

THE MINISTER FOR LANDS replied: 1, Every care possible has been taken. 2, The department has been for some time endeavouring to mature a satisfactory scheme whereby the purchase of stock and their retention on the land for breeding purposes will be secured. 3, Inquiries are constantly being made.

QUESTION—GOLDFIELDS SURVEY, MURCHISON AND PEAK HILL.

MR. HOLMAN asked the Minister for Mines: 1, Whether he intends to have a geological survey made of the Northern parts of the Murchison and of the Peak Hill goldfields. 2, If so, when the work will be started.

THE MINISTER FOR MINES replied: 1, The Assistant Government Geologist is now engaged in a geological examination of the mainland and Lake Austin. On the completion of this work he has been instructed to examine all the other mining centres in the North Murchison as far as Abbotts. Mr. Maitland made a personal survey of Peak Hill and Horseshoe in 1897, and it is not yet determined whether a farther survey of that part will be made. 2, Answered by No. 1.

QUESTION—RAILWAY SURVEY, BIJOORDING.

MR. QUINLAN asked the Premier: Whether it is the intention of the Government to have a survey made of the proposed railway line to Bijoording.

THE PREMIER replied: Instructions have been issued for a surveyor to report on the land likely to be developed by the proposed railway and on the best route, should the construction of the line be deemed advisable.

QUESTION—LIQUOR LICENSE PROSECUTIONS, MURCHISON.

MR. ILLINGWORTH asked the Attorney General: 1, What convictions, if any, have been obtained at the Cue Police Court of persons selling fermented and spirituous liquors without a license during the past four months. 2, What convictions, if any, have been obtained at the same court of persons holding either wine and beer licenses or hotel licenses, selling contrary to the terms of their licenses within the past two months. 3, If there have been any convictions, what penalty was imposed in each case. 4, Whether it is a fact that in a case in

which Italians were convicted the police had to produce their revolvers in the execution of their duty. 5, In the event of the above questions, or any of them, being answered in the affirmative, what steps the Government propose to take to remedy the unsatisfactory state of affairs in this respect in the districts of Cue and Day Dawn. 6, Whether it is a fact that the sergeant of police stated in open court that witnesses had been offered £200 to leave the district before giving evidence.

THE ATTORNEY GENERAL replied: 1, Two (*a*). 2, Two (*b*). 3, (*a*) Fine £10, costs £2 15s., and ten minutes' imprisonment; fine £10, and imprisonment till rising of court. (*b*) Fine £20, and 15 minutes' imprisonment; fine £20, and imprisonment till rising of court. 4, Yes. 5, A perusal of the papers and the above facts shows that the local authorities are endeavouring to cope with the unsatisfactory state of affairs successfully. 6, No; but he stated that he wished to draw attention to the fact that he had been informed that the witnesses for the prosecution had been interfered with, and offered inducements to leave the place and not give evidence.

RETURN—PROSPECTING PARTIES.

On motion by MR. TAYLOR (Mt. Margaret) ordered: That there be laid upon the table of the House a return showing: 1, The names of the parties supplied with Government camels or horses for prospecting purposes. 2, The persons on whose recommendations such parties were supplied. 3, The beneficial results, if any, which have accrued.

RETURN—MUNICIPAL SUBSIDIES GRANTED.

MR. HASTIE moved: "That there be laid upon the table of the House a return showing—the total amounts of subsidies or grants given to each municipality within the State during each of the last five years."

MR. MORAN: This motion would have some considerable bearing upon another motion on the Notice Paper, dealing with the classification of subsidies to municipalities. He wished that the House had this information before dealing with the larger motion, and hoped that the Government would see their way clear to furnish it.

THE TREASURER: It was a very long return, but he would make an effort to supply what was asked.

Question put and passed.

CONSTITUTION ACT AMENDMENT BILL.

Message from the Governor received and read, recommending appropriation for the purposes of the Bill.

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted for amendment of Clauses 7, 8, 24, 50, 51, 61, 1st Schedule, 2nd Schedule.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clause 7—(The Council):

THE PREMIER moved that the words "twenty-four" be struck out, with a view to inserting "twenty-seven." Members would understand the reason for this amendment. When the Bill was introduced, it gave the Lower House 48 members and the Legislative Council 24, but in Committee the number in the Lower House had been increased to 50, so that some increase became necessary to the number of members of the Council. He was going to ask members to vote for the number to be increased from 24 to 27; particularly if they were anxious to secure the passage of the Bill and to obtain the very substantial reforms which this measure offered.

MR. PIGOTT: The provisions of the Bill were bringing in reforms that were greatly needed, and reforms which would satisfy the bulk of the people; but he could not see any reason why there should be a reduction in the number of members in the Upper House, especially as we at present had decided to retain the number now in the Lower House. If we wished to secure the passage of this reform Bill, we could not do better than leave the number of members in the Upper House as at present. If we did that, we might reasonably expect that the Bill as it would go forward from the Assembly would be acceptable to the Council. He hoped the Premier would give way in this respect, because no reason had been given why this reduction in numbers should take place. By this Bill we were widening the franchise

sufficiently to allow of a greater number of electors voting at the election of members for the Upper House. That being the case, he did not see that there was any great argument to be brought forward in favour of reducing the numbers. Holding that view he would move that the word "thirty" be inserted in place of "twenty-four."

THE PREMIER: As the hon. member wished to raise that point, he would, with the consent of the House, formally move his amendment thus—

That the words "twenty-four" be struck out.

MR. HASTIE: It was to be hoped the Committee would make a reduction in the number of members of another place. It was all very well for the leader of the Opposition to declare we should consider the particular susceptibilities of those gentlemen; but we were here to do business, and as all business in this House was absolutely at the mercy of those in another place, if we treated the other place with very great circumspection we got no thanks for it. If we said now that the number of members should be reduced by only three, or that the Council were to retain their present number, the Council would not only not thank us, but would look critically on some of the other improvements we had made in this measure. Let not members be led away by the statement that if we reduced the number of members of another place, that other place would throw out the Bill. It was all nonsense. Members of the Upper House could amend the Bill if they wished, and if they were particularly anxious for it no doubt they would send back their amendments to the Assembly and the Assembly would consider them; but surely we should not anticipate that the Upper House would see the absolute necessity of always having 30 members. They would be able to see that we wished to economise where we could do so. The Upper House consisted of a large number of members who did not work one-twentieth part of their time, who had far more holidays during the time Parliament was in session than they had actual working days. He did not anticipate there would be serious objection to the clause as it stood, and he hoped the Committee would not strike out "twenty-four," but would send up the Bill with the clause containing that number.

MR. MORAN most decidedly would oppose the increase of members in another place; and if there were a proposal to strike out the words "twenty-four" with a view of inserting "twenty," he would vote for it. He would not be daunted by any forshadowing of the possibility of another Chamber throwing this Bill out. He would welcome it as the first step towards progress. We should not lose much if the Bill were cast out, for it was a sham as a redistribution and a sham as an amendment of the Constitution. It would not forestall what was coming in this country, and that was an amendment whereby there would be a much more liberal method of representation both in this Chamber and in the other place. If it were possible to make the number of members of another place 20, and to have those 20 elected by the whole of the State, he would vote for that, and make that House something like a representative Upper Chamber.

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

Ayes	...	...	26
Noes	...	...	9
Majority for	...	...	17

AYES.	NOES.
Mr. Atkins	Mr. Hastie
Mr. Burges	Mr. Holman
Mr. Butcher	Mr. Holmes
Mr. Diamond	Mr. Johnson
Mr. Foulkes	Mr. Moran
Mr. Gardiner	Mr. Oats
Mr. Gregory	Mr. Taylor
Mr. Hassell	Mr. Thomas
Mr. Hayward	Mr. Bath (*Teller*).
Mr. Hicks	
Mr. Hopkins	
Mr. Hutchinson	
Mr. Illingworth	
Mr. Isdell	
Mr. Jacoby	
Mr. James	
Mr. McWilliams	
Mr. Morgans	
Mr. Piesse	
Mr. Pigott	
Mr. Purkiss	
Mr. Rason	
Sir J. G. Lee Steere	
Mr. Wallace	
Mr. Yelverton	
Mr. Higham (*Teller*).	

Question thus passed, and the words struck out.

MR. PIGOTT moved as an amendment,

That the word "thirty" be inserted in lieu.

MR. HASTIE: If the Upper House was necessary, let us have as little of it as possible.

MR. DIAMOND: It was to be hoped members would vote against "thirty." Had he his way, he would vote against the Upper House altogether; but as long as an Upper Chamber existed it should not be made too big. Twenty-seven members would be a fair compromise.

MR. PURKISS: Inasmuch as the Committee had affirmed the principle of having an Upper Chamber, it did not matter whether that Chamber consisted of 24, 27, or 30 members, or if it consisted of only five members. As far as brake-power was concerned, that would do it. This amendment seemed to be only tinkering with the matter. If members feared that the other provisions of the Bill would not be carried, then we were adding to that fear when the present number of members of the Assembly was retained and the number of members for the Council reduced. What difference would 27 or 30 members make? If the Upper House was a danger, was there any more danger in having 27 or 30 members? If the fear of the Assembly was that our measures of reform would not be carried, it was just as likely they would be defeated in a Chamber of 27 as 30 members. The Committee having affirmed the principle that it was desirable to have an Upper Chamber—he was not going into the question whether the time was ripe to get rid of the Upper Chamber or not—what did it matter whether there were 24, 27, 30, or even 50 members in the Council? If there was such a cleavage between the two Houses to bring about a throwing out of our measures on the part of the Upper House, or any reforms or Bills or amendments, the same principle would obtain no matter what number there was in the Council. As we retained our present number at 50, he was in favour of retaining the present number in the Council, which was 30.

Amendment put, and negatived.

THE PREMIER moved, as before intimated,

That the words "twenty-seven" be inserted in lieu.

It was to be hoped members would accept that number as a compromise.

MR. ATKINS: The reason he had felt inclined to make the number of the Council 30 was to leave it to the good taste of the Upper House to reduce the number, after what had been said in the Assembly.

Amendment passed, and the clause as amended agreed to.

Clause 8—Electoral Provinces:

THE PREMIER moved as an amendment,

That after "into" the word "nine" be inserted.

This would make the number of provinces nine, thus providing for the number of members additional to those proposed originally in the Bill.

MR. MORAN: The proposition was to divide the State into nine electoral provinces, which was a retrogressive step. He was in favour of widening the electorates and making the Upper Chamber more representative of the people. Let it be as strong as it could be, and consist of men who were well known throughout the State. Like the Senate, the Upper Chamber should be composed of men who were well known for their political career, or were chosen on some wider basis. But to cut the State into nine provinces would make the Council as parochial as the Lower House; for in the Assembly the roads-and-bridges member could not be got rid of. It was well that there should be fair representation of the different parts of the State in the Assembly; but the Council was a revising Chamber where members should look at legislation from a national standpoint, and where we should not encourage parochialism. The trend of opinion was the widening of the area of selection for the Upper Chamber, getting it down to a State representation. The northern districts wanted representation, the goldfields territory required representation, and the metropolitan and agricultural areas also required representation: there might be four classes of representation. The class of men to go into the Upper Chamber should be those not biased at all. The Upper Chamber should be a State House, elected on broad franchise and broad areas, rather than that it should be encouraged to be a parochial House.

MR. THOMAS: Last week, when the matter was under discussion, and when the Committee declined to accept the Premier's amendment to insert "nine" in lieu of "eight," it was understood

that the Premier was agreeable to alter the clause referring to the Council, so as to read that the State should be divided into electoral provinces as might be determined by the Parliament.

THE PREMIER: That was not what he wished to convey.

MR. THOMAS: Then it would be as well to suggest, as the best way of getting over the difficulty, to wipe out Clause 9 and make Clause 8 read in the way he had indicated.

THE PREMIER: The size of electoral provinces and the number of members affected the Constitution. There was also length of service—the going in and the coming out—which was affected far more than in the Lower House.

MR. THOMAS: We could amend the boundaries of the Upper House without having an amendment of the Constitution if Clause 8 was amended as indicated.

THE PREMIER: This was not so much a question of boundaries, but having three-member provinces.

MR. THOMAS: The best way to overcome the difficulty was to strike out Clause 9 and make Clause 8 read in the way he had indicated. Then Parliament could alter the number at any time without having an amendment of the Constitution.

THE PREMIER: Clause 8 did not affect boundaries only like Clause 9, but affected the number of provinces of three members each. The number of members to be returned to the Council by a province was one of the most essential features of the Bill, affecting very largely the tenure and the rotation of members. These points should be decided one way or other in the Bill.

MR. MORAN: It was possible to increase the number of members per electorate, and yet preserve the ratio by increasing the size of the electorate.

THE PREMIER: But Clause 8 was meant to fix the number per electorate, whether three, six, or nine. If the number were two, there could not be six years' service. If nine electorates were thought too many, move for six.

MR. MORAN: The Premier's idea was nine electorates, with one member retiring every two years. [THE PREMIER: Yes.] The same object could be achieved by having five electorates—four in the South and one in the North.

MR. HASTIE: Even those who did not agree with the necessity for much larger electorates would perhaps be inclined to vote for the alteration suggested by the member for Dundas (Mr. Thomas), which would put the Council in the same position as the Assembly, leaving Parliament to determine in future the size of the electorates and the number of members for each. Such a course would in no way affect members' tenure of office. Three members for each electorate would make it very difficult to divide the electorates fairly. It might be more convenient to have four members each for the majority, and two members only for some.

THE PREMIER: Clauses 11 and 12 implied a three-member constituency in each case.

MR. HASTIE: But the point could now be reconsidered; for as we had agreed that Parliament should decide the number of districts for the Assembly, no difficulty need prevent the same being done for the Council. And even if none of the changes proposed by the member for West Perth (Mr. Moran) or by himself (Mr. Hastie) could be carried out, the number of members per province could be left out of the Constitution Bill and be decided after the next election. He hoped the suggestion of the member for Dundas (Mr. Thomas) would be agreed to.

MR. PIGOTT: To amend the clause as suggested by the member for Dundas would evidently put the provision for the number of Council provinces on the same footing as that for the number of Assembly districts; and the fact that Clauses 11 and 12 had been passed made it practically impossible to do aught but accept the proposal for nine provinces.

MR. MORAN: No; that was not obligatory.

MR. PIGOTT: But the matter had been debated, and the Committee had agreed that each province should return three members.

THE PREMIER again pointed out that although, when dealing with Assembly electorates, the question whether these should be single or double was not of great importance, and did not affect the constitution of the House, the position in dealing with Council electorates was radically different; because a distinguish-

ing feature between the Council and the Assembly members was the peculiar tenure of office of the former, and the constant changes taking place by reason of the vacancies which arose every two years.

MR. HASTIE: That made no difference.

THE PREMIER: Surely it affected the constitution of the Upper House. There was to that extent a constitutional difference between constituencies which returned, say, two members who went out every six years, and constituencies represented by three, or six, or nine members. When the number of electorates was either increased or diminished, either the term must be shortened or the terms at the expiration of which the members retired must be altered. Therefore, although the subject matter of Clause 24, which dealt with the Assembly districts and was somewhat similar to this, might conveniently be left to be determined in the Redistribution of Seats Bill, that could not be said of the Council provinces, because their number and the number of members which each returned seriously affected the constitution of the Council; and these points should be dealt with in this clause.

Amendment passed, and "nine" inserted.

Clause 24—Electoral Districts:

THE PREMIER: A formal amendment was necessary. He moved that all the words after "into" be struck out, and "such number of electoral districts as may be determined by the Parliament" inserted in lieu.

Amendment passed.

Clause 61—Amount payable out of Consolidated Revenue Fund:

THE PREMIER: In this an amendment was necessary, to provide for the additional salaries consequential on the increase of membership already effected. The sum stated in the clause was fixed on the assumption that the numbers would be 48 for the Assembly and 24 for the Council. The Assembly had been increased by amendment to 50 and the Council to 27. He now moved as an amendment,

That the words "thirty-one thousand two hundred" be struck out.

As he understood some members desired to discuss whether the present rate of payment was adequate, this might be a convenient opportunity for so doing; because if the Committee concluded that the remuneration was insufficient, it would be necessary to increase the amount of £32,200, now intended to be inserted here. It could not be increased by subsequent motion, unless on a message from the Governor. If an increase were desired, we could strike out the words by passing this amendment, then move that the clause be postponed, and if necessary take a division on that point, because an increase would necessitate the postponement of the clause to fix the amount.

Question passed, and the words struck out.

THE PREMIER moved, as before intimated,

That the words "thirty-two thousand" be inserted in lieu.

MR. DIAMOND moved to postpone the clause for the purpose of farther discussing the amount of payment to members.

THE PREMIER: The hon. member ought to discuss it now.

MR. DIAMOND: The remuneration allowed to members of the Assembly, and perhaps to members of the other House, was not adequate. He was not prepared to proceed with the matter at this juncture; but, speaking generally, it was clear to him on many grounds that the remuneration was not sufficient. In the first place, the remuneration in Victoria, New South Wales, Queensland, and New Zealand was £300. The question was whether the remuneration in Western Australia was sufficient. It certainly was not too much, especially in view of the fact that the cost of living in our State was so much higher than in the Eastern States. The remuneration had been fixed here at £200 at a time when the affairs of the State were in nothing like the marvellously flourishing condition of the present time. Some members in the House represented very large interests which, if not substantial financial or landed interests, at least were the interests of flesh and blood; and surely men who represented a large number of citizens and workers of the State were worthy of their hire. Even in the case of other members of the House in better worldly circumstances, the remuneration was not found too

much. So far as his experience went, the salary did not cover the out-of-pocket expenses to which he was liable as a member of the House. He knew there was a section of the State which did not desire payment of members at all; but that was like running one's head against a wall, for the system had been adopted throughout Australia, and it was not for this House to attempt to abolish it. It was also a principle that had received the indorsement of the people of the State; and that being the case, the sole question was whether the remuneration was sufficient. He thought it was not. Some members of the House devoted the whole of their time to the business of the State. Personally he would not move in the matter one inch, but on general principles he thought the remuneration of members of the Assembly, if not also of the Council, was not sufficient, and not in accordance with the position the State occupied in the Australian conclave. He asked the most conservative members of the House to bear in mind that the people had already affirmed the principle of payment of members throughout the whole of Australia; so that it was not for us to try and cancel it.

MR. PURKISS: If there were a motion before the House affirming the principle of payment of members or otherwise, he would certainly vote against payment of members; but he was afraid we had arrived at a stage in which it would be almost impossible to achieve that end, because, following in the lines of other colonies, this State had affirmed the principle. Therefore the House should be logical, and pay to members the minimum sum that would be a fair remuneration for the calls upon their purse, not only in travelling to Perth on parliamentary duties, but for various demands made on them by the mere fact of their being members of Parliament. As £300 was paid in other States where the expenses of travelling were lighter, where travelling was more expeditious, where members could get to their electorates for the week-end, and where living was cheaper, the remuneration of £200 paid in in Western Australia was neither head or tail. The House should either not pay any remuneration or should pay members an adequate sum to cover their expenses. Personally he would be better off without the £200 a year. He was called on to subscribe to a hundred and one things on account of the receipt of that £200 a year, for which he would have received no demand if there was no payment to members, because he would then not be expected to put his hand in his pocket. If £300 was the minimum payment in Victoria, the salary should be increased in Western Australia to at least that amount. It might be said that members travelled free; but there had been a great abuse about those free passes, which had been issued as an addition to the salary of £200 a year, and were intended to enable members to go free over the railways long distances to the seat of Parliament. It was illogical that the representatives of Kalgoorlie travelled free, while the representatives from the North-West did not. There was in this an inequity. He noticed that members used their railway passes on every occasion, privately and publicly. He had never used his pass in respect of private business and never would, because he never needed to do so.

MR. PIGOTT was surprised that members who had spoken on this Bill, who had backed up amendments to reduce the number of members in the Upper House and had backed up that reduction purely and solely on account of economy, did not now stand up and say they would take this opportunity ot reducing the cost of government. Apparently those gentlemen could not be sincere. It seemed to him that if they were sincere they would stand up in their place and say, "We will stop this payment of members, and save the country a fairly decent sum." Throughout Australia the principle of payment of members had been accepted; but as one of a minority he did not agree with that principle. The cost of government by the local Parliament and by the Federal Parliament was too great; but it seemed to him that we in Western Australia now had an opportunity of making the first move in this regard, by which we could set a good example to other State Parliaments, and we should only be acting justly and honestly if we now said, "We will be the first to do it; we will do away with payment of members." It would be better for members to start on themselves than to cut down the

salaries of public servants. He could not see why it was necessary that members of Parliament should be paid, and he did not look at the matter from a narrow-minded point of view. He did not look at it and say that a wealthy man required no payment, whereas a poor man might require payment; but he looked at it from the point of view that any constituency which wished to return a certain man as its member would do so, and, if necessary, provide payment for that member.

MR. HASTIE: Where was that done?

MR. PIGOTT: It might be an undignified position in the opinion of the hon. member; but it was done in Great Britain, and, what was more, it was done in Australia.

MR. HASTIE: Where?

MR. PIGOTT: One could only refer back to notices he had seen in the local papers of certain members of Parliament having been presented by their constituents with purses of sovereigns within the last few months. The papers might be telling the truth in that respect, or they might not. But if a constituency asked him to stand as its representative in Parliament and he were not able to afford to go into that position, he would not consider he was lowering himself at all by saying to those people, "I, on the condition that you will pay me for my services, will represent you." If he could not afford to be their representative without the assistance of his constituents, he would gladly go to them and tell them that he wanted that assistance, and he felt absolutely certain he would get it. He thought it was the same with every other member of the House. As long as payment of members was, however, the law, he would take payment; but the principle of payment of members was not a good one. As had been pointed out by the member for Perth (Mr. Purkiss), the limit was so small that the amount became inadequate as payment. The objection to nonpayment had been raised that if there were no payment of members we should only get one particular class of people to represent us in Parliament. He did not agree with that. As he had said before, any constituency had a right to return any man it chose and might reward him for his services. When we came, however, to the position that members were paid £200 per annum, the whole situation was altered. It appeared to him that the objection raised to non-payment of members could equally be raised to the payment of £200. By fixing the payment at £200, we either got men to whom the £200 was nothing or men to whom it was everything; or, in other words, we got men to whom the £200 was probably more than they would get from any other situation they could be put into. The sum of £200 per annum would not induce good men to leave a certain position in which they were paid a good salary—men whom we would like to see in Parliament. If we were to induce good men to come into Parliament by means of payment, we must pay them well; but we had all acknowledged that we could not pay a large sum, and that being the case it would, he thought, be better for everyone concerned and for the State if there were no payment at all. He intended to move, when this matter came before the Committee again, that certain figures be inserted in this blank that had been caused, which would have the effect of doing away with payment of members of Parliament.

MR. HASTIE: The hon. member who had just spoken had brought forward a new view of the case. Payment of members in Australasia was an accepted custom, but the hon. member proposed that we should do away with it, and he gave one or two reasons. The principal reason he gave was that it was necessary we should adopt that course in order to meet the cost of government. That being so, one fully expected that the hon. member would have done his level best by not drawing his own salary of £200 a year. One wished the hon. member would try to put his theory into practice. The hon. member said that £200 a year was a mere nothing to some people. He (Mr. Hastie) quite admitted it. He had very seldom met a man who thought that he was fully remunerated by getting £200 a year. The hon. member thought that the giving of this £200 a year would have the effect of getting some undesirable members of Parliament. He told us the £200 was not necessary to get good men. Apparently he must have meant that before payment of members became the custom in Australia the then representatives in each

Parliament were far superior beings to the present representatives. He went farther than that, and said that he did not bring forward this as class legislation. If, however, we had not payment of members, surely the choice of the electors would be very limited, and limited only to one particular class. It was all nonsense to assume that all the constituencies or any number of constituencies in this State were willing to subscribe regularly for the payment of their representatives. They might do it in some particular case in other States, but he believed that the spirit of independence was quite sufficiently established in this State for a member to try and get a position so that his constituency would not require to regularly subscribe for him. The principal point the hon. member brought forward was the cost of government, and he (Mr. Hastie) wished it had made been clear that government would cost less if members were not paid. To his mind there was no reason to suppose it would. His experience of human nature was that if men were not remunerated for their services, then we either got a wealthy class or a class who would get into Parliament to benefit their own particular business, and the result was that we did not reduce the cost of government. With the exception of South Australia and Queensland, £300 a year was given in the other States; that was also the rule in New Zealand, and he had not heard that it was seriously proposed to reduce the payment there. If that was the correct sum to be paid to members in those States, why should there be any reason to hesitate in this country? It had been pointed out that we desired to see members of Parliament independent, that those who were not rich should act as independently as those who had a fair amount of money. If members were desirous that every member of the House should feel in an independent position, it was not too much to ask that their services be somewhat remunerated by the country they were working for. Anonymous newspaper writers and various rich people had declared that payment of members would be the curse of Australia; but those persons had never brought forward any reason to back up that argument; or had politics become worse since payment was started? It was to be hoped members would deal with the question in such a manner that better remuneration would be paid than at present.

MR. MORAN: What would be the position if this matter was left over till the next session, and if the clause were altered after an appeal to the people? Would the Bill have to be reserved for the royal assent, because it might look a little bit indecent to interefere with the salaries of members at the end of a Parliament? Supposing members went to the country pledged and in favour of giving members a decent salary, then it would be possible to find what the country thought, and on coming back the Bill could be altered, if there was no disability. At the general election this could be a plank for members to go to the country on. It was part of the progressive plan that members here should be paid as well as members in the other States. Living was a lot dearer in Western Australia than in other parts of Australia, the inconvenience to members was greater, while the calls on the purse of a member were greater here than elsewhere. He rather admired the leader of the Opposition from the standpoint that he liked to see a man have the courage of his convictions. Could not this matter be discussed without asking a member why he drew his salary? The view which the leader of the Opposition had put forward was entitled to respect. Hearing these statements reminded him of the time when it took as much courage to advocate payment of members in the House as it now took to advocate its abolition. In the early days when there were only a few in the Chamber who fought the question of payment of members, we were told that this House would be dragged down to the level of the other Parliaments in the East if payment were adopted. It would be better to allow the matter to go before the electors to see if they were in favour of increasing the amount to £300.

MR. DIAMOND: It was not intended to apply the increased payment this session.

MR. MORAN: Without the plank of payment of members those belonging to the Labour party could not exist in this House. A sum of £300 in Western

Australia was hardly as good as £250 in Victoria. He would like to know if members could not go to the country, making part of their professions the increase of salaries, because there was something indelicate in seeking to raise our own salaries.

MR. DIAMOND: It would only apply to the next Parliament.

MR. MORAN: It was putting a substantial addition to the expenses of the country, but if the majority were in favour of it, he would not press that point. It was just as well to obtain an honest expression of opinion from everybody in the House without descending to personalities.

THE PREMIER: Every member agreed that the question as to payment of members and the amount to be paid should be embodied in the Constitution Act, and not be left to be dealt with either on the Estimates or by an ordinary Act of Parliament which could be amended from time to time according to the wish of a majority in the House. At the next general election a body of men might be returned to the House who thought that the existing rate of pay, or any larger rate of pay to which the Committee might agree, was insufficient; but on the other hand in the future there might be a majority who thought that the amount was too large. We desired to take out of the power of any Ministry the right to interfere with the question of payment of members. It must not be forgotten that unless the Ministry were prepared to bring down a message under which the increase could be granted, no majority in the House could move in the matter unless they were prepared to eject the Government from office on that ground.

MR. MORAN: Was the payment of members a part of the Constitution Act in the other States?

THE PREMIER: On that point he was not certain.

MR. MORAN: In Queensland the payment to members was subject to the retrenchment scheme at the present time.

THE PREMIER: Whatever it was in Queensland or elsewhere, it would be a very grave objection indeed to place the amount of salary payable to members in an ordinary Bill, and there would be a still greater objection to allow the amount to be dealt with on the ordinary Estimates. In connection with the Federal Constitution, as the Constitution itself provided a fixed sum, it was not quite fair that that sum directly or indirectly should be increased by privileges granted under the Estimates or in any other way whatever. We should decide for ourselves what was right. If other Parliaments thought it wrong, they could take steps to put it right. When one came to deal with the question of payment of members, it was not a question whether members should be paid or not. With all due respect to the member for West Kimberley, he thought that was a question which had long since been buried. Although the member for West Kimberley was a young man, and one hoped he would have a long life, still that member would not live long enough to see the Parliament of this State or any other State in the Commonwealth revert to the system when members would not be paid; therefore it became a question, what was a fair remuneration? It was not right in dealing with that subject to overlook the question as to the amount required to secure efficiency. Members should not approach the question by asking themselves whether £250 or £300 was sufficient remuneration for them for the time they gave to the work. If we were to approach the matter with that question on one's lip, then we would come to the conclusion that £300 or £500 or £600 was not sufficient. It all depended on what a man sacrificed in coming to Parliament. The satisfactory principle was to fix a certain parliamentary living wage. We wished to remove obstacles from members coming into Parliament so as to give electors the freest choice. The members who made the biggest sacrifices could perhaps afford to come into Parliament better than those who made less sacrifices, although those less sacrifices were far greater to the member who made them. Regard should therefore be had to the fact that the amount should be fixed with a desire to enlarge the choice of the electors, and not with a view to adequately remunerate the member. A member's personal qualifications had nothing to do with the question; for a good

member who discharged his duties honestly and well, who took a prominent part in parliamentary proceedings and obtained a high position in the State, would be badly paid at £200 or £300 a year; nor would even £1,000 a year adequately remunerate him for the good he did the State. We must consider what was a fair parliamentary living wage; and certainly £200 a year was low, representing as it did not quite £4 a week. For country members, meaning those representing constituencies outside the metropolitan area, £200 was not enough; but when dealing with members living inside that area, we dealt with men who were closely in contact with Parliament, and upon whom Parliament did not make the exacting demands which it made on those who had to leave residence and occupation and come to Perth possibly for some weeks at a time, with only a chance of going back to their work at the fag-end of a week or once in several weeks, as occasion might arise.

THE MINISTER FOR LANDS: Perhaps not at all.

THE PREMIER: Not at all during the session, because till Parliament prorogued it would be impossible for the members for West Kimberley, Gascoyne, Mount Margaret, and such distant electorates, to visit their homes. But those living in the metropolitan area, whatever occupations they followed, even if they attended the House regularly from 2·30 or 4·30 p.m., did not experience an entire interruption to an attendance at their business; and for such members £200 a year was not an unreasonable remuneration. For country members, however, £200 was not fair; and for them he would favour an increase from £200 to £252, equivalent to an extra £1 a week. A member representing a country constituency, if he lived in Perth, was put to far greater expense in visiting his constituency to keep in touch with his electors than was a metropolitan member; and if he lived in his country constituency he was put to far greater expense in coming to Perth to attend Parliament. While he (the Premier) did not approve of an all-round increase to £300, or of any suggestion which did not distinguish between metropolitan and country members, he did not think the present remuneration of £200 a parliamentary living wage for those who lived in distant places. For them £252 would be a moderate payment; it would be an advance on the present amount; and if he might say so with respect, it would be wiser not to go farther than that on the present occasion.

MR. MORAN: Surely we could not forget that the piecemeal method of paying on an irregular basis, now proposed by the Premier, was as antiquated as the practice of nonpayment, and had frequently been tried and abandoned. All members must be paid alike, for the Premier's system was utterly impracticable. The present member for East Kimberley (Mr. Connor) lived here, and one branch of his business was here. He (Mr. Moran) represented a metropolitan constituency; but most of his business and property was in Kalgoorlie and Boulder. We could not maintain that because a man represented a certain electorate he need not travel outside it. Some metropolitan members sacrificed much by remaining in Perth.

THE PREMIER: Suppose a man represented a country constituency and lived in Perth, he had to leave Perth to visit his constituents. The member for the Murchison (Mr. Nanson), who lived in Perth, had to go to his electorate once a year, and each visit cost him over £150.

MR. MORAN: Surely it did not cost the member for the Murchison so much to go round his electorate as it cost him (Mr. Moran) to go round West Perth; nor had it cost the member for the Gascoyne (Mr. Butcher) so much to go round his as it had cost the Premier to go round East Perth. Look at the question from whatever standpoint might be chosen, and it would be found that we could not discriminate.

MR. FOULKES: The present remuneration was sufficient. It must be remembered that no less than 30 members of Parliament lived in Perth, or within 25 or 30 miles of it. Surely none would contend that £200 was too little for their services. From previous speakers he had not learned definitely whether the remuneration was for expenses or for services rendered. If it were for expenses, then no matter what district or part of the country a member represented or lived in, £200 was sufficient for him. If for services rendered, it was hard to draw

a line; because there were members who by coming here seriously neglected their private businesses, while there were others who did not sacrifice anything, seeing that while they were members of Parliament they refrained from doing any other work and from attending to any other business. The member for Kalgoorlie (Mr. Johnson) interjected that some were debarred from attending to private business; but all could do something in addition to their parliamentary duties. Some members carried on large businesses. Again, there was no shortage in the supply of would-be members at the remuneration allowed. At the North Fremantle election being held to-day there were four candidates, all of whom knew the remuneration, and not one of whom protested against it. On the eve of a general election members would place themselves in a delicate position by voting to increase their salaries.

MR. DIAMOND: Not an increase for this Parliament.

MR. FOULKES: Some members evidently considered they would come back. Better let the question stand over till after the general election, as there might then be a sufficient number of members satisfied with £200 a year.

MR. HASSELL supported the suggestion of the leader of the Opposition (Mr. Pigott), and would vote for it if moved as an amendment. He objected to payment of members, always had objected, and always would object.

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

MR. WALLACE: In dealing with this question, one could not help being struck with the peculiar expressions given utterance to by different members. It appeared there was a desire to abolish the system of payment of members; but so far there had not been a direct motion on the point. He did not know why the leader of the Opposition should make it appear that it was necessary to reduce the cost of government, and should suggest that it was his intention to move the abolition of payment of members, when to-day the State was the most flourishing of the whole of the colonies. There would be justification for his taking such a step if we were in such circumstances that it was necessary to save every pound.

MR. PIGOTT: The salaries of civil servants were being cut down.

MR. WALLACE was not aware there was any desire to cut down salaries inconsistently with the amount of work done by civil servants. He had always advocated reduction of numbers and increased salaries. The *Morning Herald* of 6th May stated that Queensland, which of all the States was in the most depressed condition, paid members of Parliament £275 per year, with free railway passes and expenses; that the remuneration paid in Victoria was £300, in New South Wales £300, and the paragraph mentioned that members of the Federal Chambers received £400 in addition to free railway tickets, and in Sydney free rides on the tramway cars. Also, in South Australia and Western Australia the salary was £200, and in New Zealand £300, while in Tasmania members were reimbursed for expenses to the extent of £50. Not one of the other States had moved a motion directly vetoing the system of payment of members, though there might have been some necessity for reduction in Queensland during the time of very serious depression existing there. In the Federal Parliament there had not been one word raised against the remuneration given to members of both Houses being more than a fair allowance for the services given. There was a section of members in the House fighting for a principle which they prayed to the Lord would be defeated. Members were aware that there were men in the House who had advocated for years the principle of payment of members. Mr. Moran had suggested that the principle could be one of the questions for the general election; but six years ago he (Mr. Wallace) placed the question before his electors, and they had evidently approved of it. Nothing was heard from these members opposed to payment of members about the cancellation of railway passes. Members would sacrifice an increased remuneration rather than forego their railway passes.

MR. THOMAS: A railway pass could be bought for £70.

THE MINISTER FOR LANDS: A station-to-station pass did not include sleeping berths.

MR. WALLACE: Members possessed, by virtue of their free passes, many advantages over the holder of a station-to-station pass. Members realised that a free pass was a marvellous convenience and saving. He believed that on the production of their free passes, members visiting the Eastern States could travel free over the Eastern railways. It would be well, if the leader of the Opposition desired to move for the abolition of the system of payment of members, that he should include the system of free passes, for if he considered that members were not entitled to some remuneration, he should wipe the lot off. The Premier had also made a suggestion; but he (Mr. Wallace) thought no more in regard to that suggestion than he did of that of the leader of the Opposition. The Premier's suggestion was unworkable, and no member of the House would accept it. He would rather see the remuneration remain unaltered, because to discriminate would be very difficult. There were members for country districts living close to cities, and it would be unfair to give them the country allowance, while metropolitan members living about the same distance away received nothing. Any allowance to be made could only be made by a direct remuneration, an increase on the present salary. The list from which he quoted also gave other countries in which payment of members existed, but he found that the Australian States were amongst the highest for remuneration on the whole of this list.

MR. MORAN: They paid the highest wages, too.

MR. WALLACE: The member for West Perth (Mr. Moran) and those who sat here in the previous Parliament would remember how much was said by the same party now opposing the remuneration of members, against the undesirable class of politician who would enter this House. The undesirable class of politician referred to consisted of the Labour members. They did not want to see Labour members in this House. If that was not class legislation, he would ask the member for West Kimberley (Mr. Pigott) to explain what it was. That hon. member had always posed in this House as one desirous of preserving the best interests of the State. We knew the hon. member visited the Eastern States and conferred with his bosom friend Sir Edmund Barton with regard to coloured labour in the North-West portion of this State. The hon. member protested against the continuation of payment of members because he did not desire to see representatives of Labour sitting in this Chamber or in the other House. Perhaps if we had sitting in this House as honourable and good men representing all classes as there were amongst the Labour party, we need not be afraid to face any Legislature in the Australian States. Let us be fair, and if we were unanimous on the abolition of this remuneration, let us say so. He was not in favour of wiping off the £200 a year. It had been suggested that if a Federal member was worth £400 a year, the services of members of this House were worth about £1,000. That was not his valuation, but he did not see why people should place such a value upon a Federal member and take the view they did with regard to State members. If it were possible to give an increase of remuneration, he would support that, and he certainly opposed any reduction or abolition of the present remuneration.

MR. ILLINGWORTH: When the question of payment of members was first dealt with in this House, he suggested that the sum which ought to be fixed was £20 a month—£240 a year. He was defeated upon that motion at that time. He had never looked upon payment of members as remuneration to members, but he regarded it as the logical corollary of universal suffrage. The country had decided that all adults should vote for representatives in this House, and he held that if a man could vote for a member of this House and a constituency desired to send him, that constituency should have the power to send him. A constituency might desire to send a man whose position in life was not such as would enable him to serve the people in that particular capacity. Of course, it would be suggested at once that if the constituency desired to send him, that constituency could and ought to pay the salary of the man whom it wished to send. But why should that particular constituency be taxed for its representative while other constituencies were not? And why should the member himself be placed in the in-

vidious position of being compelled to obtain support from his constituency? The question which presented itself always to his mind was this: What is the amount which will enable any man who desires to sit in this House to do so? What minimum is the amount one should be disposed to fix? He did not think the amount fixed for payment to members was ever intended to be remuneration. It was not remuneration. To two-thirds of the members sitting in the Houses of Parliament in Australia the amount paid was not any remuneration. They sacrificed far more than the amount paid to them by Parliament. But a democratic principle for which he contended was that no man should be shut out of this House and no constituency should be prevented from sending any man it wished to send. In order to carry out that system we must have the principle of what we called payment of members. If we attempted to follow the idea of remuneration we should be asked in time to come to pay men according to their actual commercial value. That, however, was no part of the democratic principle. The ordinary earning wage was the minimum which should be fixed. In this country it could hardly be said that a man could live upon less than £5 a week. Miners' wages in some cases were four guineas a week, and a good many men working on our mines were earning over £5. Men even on our railways were earning £5 a week, and a good many men in other departments who had ability sufficient to hold their positions were earning, even in the ranks of tradesmen, something like £5 a week. He did not want the amount paid to members raised to such an extent that the sum would become a special reward, but he desired to follow the true democratic line of fixing the payment at that sum which would prevent any man from being excluded from this House. If we limited our representatives to those who could afford both time and trouble to come to this House, that would be one thing. Some people might say, "Well, you will get a better class of representatives." That was a question. Some of the very best men we had were, unfortunately, below the standard financially; consequently he thought Australia had asserted a wise principle in establishing payment of members. He still held to something like the amount he advocated when he first started. In his opinion £20 a month would be sufficient to prevent any man from being excluded from this House, and less than £20 would not be sufficient to make him free and independent. One did not see any great harm in fixing the amount at £300, if we wished to be uniform with the other States; but he repeated that if we fixed the amount at about £20 a month we should get the right sum. The last session of a Parliament was the right one in which to deal with any question of this sort. If we appealed to the constituencies before we fixed the amount, the constituencies would, if they approved of the principle, elect a Parliament to alter the Act; so retrospective legislation would be necessary. He always deprecated retrospective legislation. If in this session we passed a Bill fixing the amount at £300 a year, and we appealed to the constituencies—as all would have to do next May or earlier—and the constituencies thought the amount too high, they would pledge the members to a reduction of the sum. The power that could pass could repeal, and it would be easier to repeal this clause than it would be to pass an amending Constitution Act. The present Bill could not possibly come into operation during this Parliament, and consequently it would apply to the next Parliament.

THE PREMIER, in asking the Committee to report progress, expressed a hope that members would look into this matter of payment of members.

Progress reported, and leave given to sit again.

MINING BILL.

CONSOLIDATION AND AMENDMENT.

SECOND READING (MOVED).

THE MINISTER FOR MINES (Hon. H. Gregory), in moving the second reading, said: I do not know that I need make apology to the House for bringing in a Bill for the consolidation of the Mining Acts of Western Australia; but I can assure the House that I do so with some trepidation when I remember the fate that befel the Gold Mines Bill of 1898 upon its introduction. We spent many hours and many nights, which I

may say were wasted, with a view of bringing the Goldfields Act which we then had in force, more into line with the times; and then occurred the necessity for withdrawing that Bill and bringing in a few amendments. On this occasion I am going a great deal farther.

Consolidation of Mining Laws.

We not only amend the Goldfields Act by this Bill, but we are consolidating the Goldfields Act with the Mineral Lands Act and the Mining on Private Property Act. One of the great advantages that will accrue from the passage of this Bill is that one set of regulations in the future will apply to all our mining transactions. In the past we have had regulations dealing with the Goldfields Act, we have had a different set of regulations dealing with the Mineral Lands Act, and a further set of regulations dealing with the Mining on Private Property Act. If this Bill becomes law, we shall have one set of regulations dealing with the whole, and I feel sure it will be a great advantage to the mining people of this country. It will be my endeavour this evening to try to point out to members all the new parts of the Bill, and to show where the measure differs from past legislation. I feel quite satisfied there are many points in this Bill which will not meet the views of all members, but I appeal to members in regard to a Bill of this sort not to look at it from any political point of view, but from a sense of what is best for the State and for the interests of Western Australia as a whole.

Capital and Labour.

I know perfectly well that there are members in the House who think the only object in a Bill of this kind should be to strive, no matter how carelessly, for the exploitation of the country; and who think that the only object of such a Bill should be to try and bring capital here and have the money expended. I feel satisfied, too, that there are members here who think that we should do all we possibly can to keep capital out and retain amongst the people of Western Australia the wealth of our own mines. This Bill is not going to satisfy any of these people, because the Government, looking at the vast resources of Western Australia, recognise that both capital and labour are necessary to develop the very great industry we have here. It is useless, to my mind, for a single moment to say that we can do without capital or that we can do without labour. We want to look after the interests of capital, and to the greater extent we want to look after the interests of the people here. I think many members who peruse the Bill will see that this measure gives far greater security to capital, and encourages to a greater extent the *bona fide* worker, the man who wants to develop his own mine. I think one of the greatest objects we have in view should be to try and do all we possibly can in this Mining Bill to assist the working miner to develop his own claim. The Bill before members is a really big measure, and deals with the greatest industry of Western Australia; and I think I can say, if we carry this Bill, that it will give the capitalist security and the worker confidence, and do well for the State's wealth and prosperity.

Gold Mining as a Stimulus.

Before speaking on the different clauses of the Bill, I think I may refer to the wonderful effects which have followed, in different parts of the world, on the discovery of gold. I do not think any greater incentive can be given to develop any new country than the discovery of gold. If we look at the history of Victora we find that in 1850 Victoria was practically unknown. In 1851 gold was discovered there, and the population in the first year increased by some 26,000 people. In 1852 the population increased by 94,000 people, and in the three years following the increase of population was 250,000 people. In eight years Victoria produced £95,000,000 worth of gold. And what was the result of that? It meant at once a great population; it meant the settlement of the lands of Victoria; it meant that industries were started. And the same thing, I think, applies to a great extent in regard to Western Australia. In Western Australia it is only of late years that gold has been discovered, but after the discovery of gold in Victoria I find that an Ordinance was passed apparently under the impression that gold would be found in Western Australia; for in 1853, or two years after the dis-

covery of gold in Victoria, an Ordinance was passed in Western Australia providing for the maintenance and preservation of order in case of the discovery of gold in Western Australia.

MR. MORAN: What a prophetic eye they must have had!

THE MINISTER FOR MINES: They had a long time to wait. It provided power for the collection of dues and royalties and the appointment of commissioners. For a long time rumours were current in Western Australia of gold being discovered, but nothing authentic occurred until 1880, when Saunders and Johns arrived in Roebourne with horses and started from Beagle Bay across country to Port Darwin and discovered gold in the vicinity of Hall's Creek. Immediately afterwards the Government sent out Mr. Surveyor Johnston and the Government Geologist, Mr. Hardman, who reported on the auriferous country in Kimberley. It was not long before there was a population of 1,500 or 2,000 people there, and some rich finds were made, but owing, I suppose, to the huge distances from civilisation the field fell flat.

MR. CONNOR: There were 10,000 people there.

THE MINISTER FOR MINES: I am only giving the returns of the State. In 1886 the first Goldfields Mining Bill was passed, and in 1887 we had the discovery of Southern Cross. Numerous finds were made throughout the State, in various parts, at Cue and the Murchison, also on the Eastern fields; but all these were eclipsed by the find of Bayley, who in September, 1892, brought in specimens to Southern Cross and reported the discovery of gold. People came from all parts of the world, and the population of Western Australia was greatly increased. The best class of pioneering population was attracted here. No doubt a large influx of people came to us, and I think we can say the great mining history of Western Australia dates from the time that Bayley declared at Southern Cross the find he had made at Coolgardie.

MR. CONNOR: What about Hall and Slattery at Kimberley?

MR. MORAN: The Government started to build the railway to Southern Cross before that.

THE MINISTER FOR MINES: I am aware of that, but I am talking about those things which have given the country the great name which it has to-day. The member for East Kimberley (Mr. Connor) talks about Hall and Slattery. They did find gold and obtained a reward.

MR. CONNOR: Which was never paid to them.

THE MINISTER FOR MINES: That is a matter which the hon. member ought to have brought before the Government at the time.

MR. CONNOR: He has done so.

THE MINISTER FOR MINES: The hon. member has taken a long time in considering the question. It is a pity he did not bring the matter forward in the old days, when he would have had an opportunity of seeing that these pioneers were looked after, and not apparently have forgotten it until now.

Gold Mining in Western Australia.

In these remarks I want to point out what the great mining industry does for a State such as Western Australia. In 1890 the population of Western Australia was 44,000 people; now it is about 225,000 people. In 1890 the gold value —the reported gold value—was £86,000; in 1902 it was nearly eight million pounds. In 1893 the shipping, in and out, was less than a million tons; to-day it is over 3½ million tons. In 1891 dividends were declared to the amount of £1,875; in 1902 the declared dividends amounted to £1,424,272. Our output of gold up to July of 1903 was 11,408,723 ounces, of the value of over 42 million pounds, and the estimated gold production for 1903 is something like 2½ million ounces, of the value of about 9 millions of money. We have paid in dividends to date £8,588,977, and for the first seven months of this year we have paid £1,112,115. Taking the nominal capital of all the companies at present working in Western Australia, which is supposed to be a fraction over 30 millions, the dividends we are paying this year on all the mining—I refer to the nominal capital of gold-mining companies—is 6⅓ per cent. interest. I think that a wonderful record, and it shows that the industry in Western Australia predominates over the same industry in any other part of the world. In 1902 for every man employed above and underground there was produced 117 ounces of

gold, of the value of £427 per man, and this year it is estimated that each man will produce 136 ounces, of the value, for every man employed above or underground in the mines of this State, of £490 per man. That is a really wonderful record, and I do not think it can be spoken of too often; because the more we impress outsiders with the enormous resources of the gold-mining industry, the more likely we are to induce foreign investors to expend money in exploiting the industry. Last year, from every acre held under gold-mining lease from the Crown in this State, gold to the value of £234 was taken. I know that in the rich belt of Kalgoorlie the average was larger; but the general average return from the State speaks well for the industry.

Mining other than Gold.

Again, we do not rely on our gold-mining industry alone. We have large copper deposits at Ravensthorpe, Murrin, and Northampton; while from the northern portions of the State I have seen some magnificent specimens of copper ore, and to date the copper output is worth £236,000. There is tin at Greenbushes and in Pilbarra, and up to the present we have produced £254,000 worth. I am not inclined to say, with the hon. member for Coolgardie (Mr. Morgans), that we have the biggest tin mines in the world; because I do not believe in making such statements until the mines have been to some extent developed and the statements made capable of proof. But where we have solid figures by which we can prove absolutely what we state, we are justified in trying to put the best front before the public. We have in this State iron deposits which are, according to the Government Geologist, the largest and richest in the world; and we are doing our best to develop our coal resources also. I am informed by the Geological Department that we have lodes of antimony in West Pilbarra; and though up to the present most of them are not worked, owing to the distance from port and market, yet one or two deposits are being opened up, and some small shipments sent to London. Zinc occurs in considerable quantities in the Northampton mines and also in the copper ores of Croydon. Pure manganese ores occur at Mount Desmond (Phillips River), and Pinyalling (Yalgoo). Manganese is exceedingly valuable, but more especially is it valuable where there are opportunities of using it as a flux for smelting copper. If developed, our manganese deposits will prove a very valuable asset of the State. Many inquiries have been made as to whether we have wolfram in Western Australia; There have been discoveries of wolfram, and according to the Geological Depa - ment it has been known to occur at Roebourne. If it be procurable in payable quantities, a new industry must be opened up. Large deposits of bauxite, from which aluminium is made, occur amongst the so-called ironstone gravels of the Darling Ranges, from the Wongan Hills on the north to Bridgetown on the south. I believe a mica lode is at present being worked at Mullalyup, and some is being shipped to London with a view to the proper working of the find. We know that asbestos exists all over the State; and excellent graphite has been discovered near the Donnelly River. A company has been formed in London to work certain graphite deposits in the South; and I anticipate that in the next two or three months quantities of graphite will be exported to London. Then there has been a discovery of infusorial earth, which I am informed is worth from £4 to £8 per ton. It is used in making dynamite, disinfectants, and fireproof materials. It occurs in immense quantities at Wanneroo, and there is a possibility of a large export trade. Moreover, all explosives such as dynamite and gelignite are now imported to Western Australia; but this earth being so essential to the manufacture of dynamite, we may have that substance made here. Thus there are undoubtedly many mineral deposits in Western Australia which simply need development; and I think that every new mile of railway which we open and every new industry which we start by giving enterprising people a ready market — anything which will reduce the time and cost of realisation, and so by degrees render the working of these deposits possible—is in the true interests of the State as a whole. Meanwhile, until we can assist and induce the development of such deposits, they must remain latent assets of the State. I have made these desul-

tory remarks to show what an immense amount of wealth is at our disposal.

Principal Features of the Bill.

I should now like to point out some of the principal features of this measure. As I said at first, it is not only a consolidating but an amending Bill. The new principles in the measure are the right to demand exemption, the amalgamation of large areas under certain conditions, mining on private property for minerals, also mining on private property for minerals in reserved areas, that is on areas sold prior to the Lands Act of 1898, when the Crown did not reserve the baser metals. The Bill contains also regulations as to drainage of mines, more stringent regulations with regard to gold buying, special provisions as to mining partnerships, and as to the salting of mines. Members will recollect the Royal Commission on mining of five years ago, and the suggestion that we should establish mining boards. Now I am not urging the creation of mining boards. I think we can do more good by the present method of administering the department, by trying to get first-class inspectors. With the assistance of the State Mining Engineer, we ought to be able to do more good than by appointing mining boards. If at any place the appointment of a mining board is essential, I think that place is Pilbarra, where it is so hard to find out exactly what the people need for the proper protection of the industry. But I think a better plan is to engage a first-class mining man, a mining engineer, and give him greater powers than we give inspectors farther south, so as to insure that those fields are properly opened. I do not in this Bill ask the House to agree to the appointment of mining boards; I do not think they would be useful, and for that reason I have not included them.

Mining Rights and Tenure.

Before dealing particularly with the measure, I will make a few remarks as to the different mining laws outside of Western Australia. I wish to point these out, because a number of requests has been made through the Mines Department for greater concessions to persons desirous of expending money in Western Australia; and it is only fair to point out to the House, as far as I can, what are the conditions outside of Western Australia. In Australia generally, mining rights have always been confined to what is called the vertical plane; that is, a man has the power to mine only within his four pegs, though it matters not how deep he goes. But in various States of America—I believe also it is proposed in the Mining Act for the Philippines, and that it exists at present in Rhodesia, though I understand it has been decided to abolish the system—there is a system of what is called the extra-lateral right, which gives the man who locates a reef a right to follow it to any depth in any direction, provided he can prove that the reef he is working is the one which he discovered. I believe the introduction of the extra-lateral system followed on the discovery of gold in California. After the discovery of gold there was a great inrush of miners; there was no gold-mining Act in existence; there were no laws whatever in regard to mining; and the mining people themselves made such regulations as to mining titles as they deemed just, fair, and practicable in execution. They located their reefs; and it became a rule that while a man could work his reef he had the first right to it, no matter in what direction or to what extent it proceeded. Vested rights were thus created: and when statutory laws were passed those vested rights were so strong that this extra-lateral right had to be given—the right to follow the reef to a depth. I do not think that right exists in any part of the world except in Rhodesia and in several of the American States. In Mexico during the early days, in Spain, and I believe in all other mining countries, there is to be found the same system as we have adopted in Australia. The Mines Department have been asked to grant leases here with fewer restrictions and with greater security of title. That is the cry from people at home, and what we may term the capitalistic section in this House, that we should grant a lease with less restrictions and greater security of tenure. Now I cannot understand why the capitalist should be afraid of his tenure. If he looks back into the past history of mining in Western Australia, I do not think he can point to many occasions on which a

bona fide mining company has lost its property through any trifling failure to carry out the mining conditions. I do not know of a single instance where a *bona fide* company has lost its property.

MR. JOHNSON: There are many instances in which they ought to have lost.

THE MINISTER FOR MINES: No doubt there have been many instances where properties have been shepherded for a long time, and where the leases should, according to the mining laws of Western Australia, have been forfeited.

THE MINISTER FOR LANDS: And such properties were held by all sections of the community.

MR. MORGANS: Is that sort of thing confined to the capitalist?

THE MINISTER FOR MINES: No; not by any means. I was just about to point out that. Where we find that people have expended large sums of money on a property, and that they are for various reasons unable to carry on their work, the State should give them every assistance, so that they may retain their mine. I object, and have objected from the first day I entered this House, to shepherding; but I have always the greatest sympathy for the man who wishes to work his claim *bona fide*.

Labour Covenants, etc

Our leases contain certain covenants for the yearly payment of rents and the using of the areas *bona fide* for mining purposes in accordance with the regulations. Throughout Australia similar conditions apply, but they are in nearly every instance more stringent than those of Western Australia. First and most important of these are our labour covenants; and the request that we should abolish them has been made to us from London. We are asked to insist on a certain sum of money being expended yearly, and to dispense with the labour covenants. Now I do not suppose anyone wishes to hold a mining property and not to work it. I think in almost every instance when a capitalist or any other person holds a property that is worth working, he will be only too pleased to proceed to develop that property, so that he may as soon as possible obtain for himself a return. But there are exceptions; and if we take away the labour covenants, we place in the hands of the leaseholder the power to shepherd, the power to do as little development as he possibly can, and to hang on for the purpose of trying to obtain what I may term the unearned increment, to profit by the developmental work being done by the other leaseholders alongside. But I go farther, and will try to point out that did we not insist upon our labour covenants, I am sure that this House would not be satisfied with £1 per acre per annum from any gold-mining leases we at present have in Western Australia. Now I regret that I have not got the Transvaal laws, so that I could make a comparison. Unfortunately no copy of them is to be found in the State. I would like to have had them so that I could compare them with the laws of Western Australia. I have, however, got the laws of Rhodesia, and also those of the Yukon district of Canada, and those of many other places which I can compare with the laws existing in Western Australia. I have also those of the Eastern States. I think that, when we compare the laws of Western Australia with those of the Eastern States of the Commonwealth, and with those of Rhodesia and Canada, I can satisfy the House that the laws here are more liberal than in many of the other States or countries. The question as to whether we are justified in insisting upon certain labour covenants, or upon the expenditure of a certain yearly sum of money upon a leasehold, is one of which the House should be the judge. I think, myself, that we are justified in insisting on the labour covenants, the main object of which is to prevent leases being shepherded; and I think we can go one little bit farther and say that we are justified in insisting upon providing labour for the people within our own State. We grant our gold-mining leases under certain strictly defined covenants. Hon. members will see that special conditions are being made with regard to the rights of leaseholders to exemption, and when we grant these to the capitalist or to the leaseholder, we say that we are justified in insisting on these conditions being carried out. I do not think for a single moment that members would be satisfied to be receiving £1 per acre per annum for mines like the Golden Horseshoe, the Great Boulder, the Great

Fingall, and other great mines at present working in Western Australia, unless it would be for the fact that the labour conditions were being insisted upon. We know perfectly well that these conditions do not affect such mines to the slightest degree; but it is the principle at stake, and if we were to depart from these conditions, I think we would be glad to see that such leases should pay higher rentals or we should insist upon a royalty.

MR. MORGANS: You know you get dividends as well as rents from these mines.

THE MINISTER FOR MINES: They pay the same at home, and we hear nothing about that.

MR. MORGANS: We pay twice over.

THE MINISTER FOR MINES: Why do they not make a complaint to the home Government not to enforce it? I think we have a right to these dividends when they take the wealth out of the soil of Western Australia.

MR. MORGANS: I quite agree with you.

THE MINISTER FOR MINES: Taking the Australian States, Western Australia, New South Wales, Queensland, and Tasmania charge a rental of £1 per acre per annum for gold-mining leases. Victoria charges 2s. 6d., South Australia 1s.; New Zealand 2s. 6d. for the first year, 5s. for the second year, and 7s. 6d. for every year following.

Mining Legislation compared.

When we compare the value of the gold-mining leases in Western Australia against those of the other States, according to the statistics I have already given the House, I do not think there is much comparison between gold-mining leases in the other States and those here. New South Wales, Queensland, and Tasmania charge exactly the same rental as we do here; but when it comes to coal-mining leases we are, if not lower than, as low as any other State. For instance, we charge sixpence per acre, whereas in New South Wales they charge 5s. Of course we charge a royalty of threepence per ton for ten years, and sixpence per ton afterwards. In Victoria, where they charge 2s. 6d per acre for a gold-mining lease, they charge not less than 1s. and not more than £1 for a coal-mining lease, it being left to the discretion of the Minister what he should charge. In South Australia they charge just the same as they do in regard to gold-mining leases. With minerals, we are as low as any of the other States, and considerably less than some of them. Queensland charges 10s. per acre, whereas we only charge 5s. Now dealing with the labour covenants of the various States, we in Western Australia grant a 24-acre lease, and only ask that in the first year two men shall work it, and that after the first year one man shall be employed to every six acres. In South Australia they say "one man to every five acres," and in Queensland "one man to every four acres with a minimum of three men on any lease."

MR. MORAN: Is that the last amending Act?

THE MINISTER FOR MINES: I do not think that the amending Bill is through the Queensland House yet, but some of our clauses are taken from it. I have, however, the latest statistics. In New Zealand they say "one man to every six acres in the first year," which is ever so much more than here, because we say "one man for 12 acres." There they say "one man to six acres for the first year, one man to four acres for the second year, and one man to three acres for the third year." In New South Wales, Victoria, and Tasmania the number of men to be employed on a gold-mining lease is absolutely at the discretion of the Minister. Our coal and mineral covenants are about the same as in the other States, but I have not gone very carefully into these figures, because members will not be bothered about these details, being mainly interested in gold-mining. In Nova Scotia they will give you a lease free, and all you have to do, to comply with their labour covenants, is to employ one man for 40 days in the year. In Ontario an expenditure of six dollars per acre in six years, that is one dollar per acre per annum, gives you an indefeasible title to your lease. I never heard they had any great mineral wealth to give away there. It is something on this basis that the capitalist asks from us, and I think we are justified in refusing the request.

MR. MORAN: Give us a chance for 12 months on those terms, and you will soon

have the whole of Western Australia taken up.

THE MINISTER FOR MINES: I do not think the House would be inclined to do anything of that sort. The capitalist has been asking us to let him get away from his labour covenants as being annoying and not conducive to security of tenure, and to give him an indefeasible tenure provided he expends a certain sum of money per annum to secure his title. It would be well that the House should consider how the capitalist, when he gets power, endeavours to induce other capitalists to come along and help him in the development of a country.

South Africa—Mining Laws in Rhodesia.

I happen to have the laws for the British South Africa Company of Rhodesia.

MR. MORGANS: Why do you not say "leaseholders"?

THE MINISTER FOR MINES: There are two sides to the question; and I want to steer a middle course. I want to take those who represent capital on one side, in doing which I do not wish to be offensive in the slightest degree, and labour on the other side, because we would then have on the one side those asking us to give away something, and on the other side those asking us to pass extreme laws that might hurt the capitalist and prevent capital coming into the country. I want to induce the small men to take up leases and work them; but I also want to induce the capitalist to come here and put money into the State, knowing that he will get good administration and that everything will be done to try and make his leases secure when he comes here, and to let him distinctly understand the fundamental laws of what we demand from him when he does come.

MR. MORGANS: Do you wish to infer that every leaseholder is a capitalist?

THE MINISTER FOR MINES: I am quite satisfied he is not.

MR. MORGANS: Why do not you say "leaseholders," for there are more leases held by leaseholders than by supposed capitalists?

THE MINISTER FOR MINES: I am very glad to hear that, and hope they will increase. I want to deal with the British South Africa Company. They stand almost in the same position as this Parliament. They hold 750,000 acres of mineral country under charter from the British Government, and they have the power to make their own ordinances and their own laws. They have an enormous belt of mineral country, and desire to see it developed: but I want to tell the House what this capitalistic company does to try and induce capital to go there and assist in the development of that vast country. I can assure this House that the laws made by the company are far more drastic than those of any Australian State. Before it issues a prospecting license—and you cannot take up a piece of ground without it—you have to agree to assist in the defence of the territories of the company if called upon, and to obey without question all the decisions and directions of the company's officers. That is number one. By virtue of the license you are allowed to take up one block of reef claims—ten claims 150 feet by 600 feet, so that the ten claims allowed only give a length along the line of reef of 1,500 feet, or about 23 chains. It would be less than a 24-acre lease, but they have there the extra-lateral law allowing you to follow the reef to any depth, and thus allowing possibly the underground rights to a very large area, unless somebody else comes along and locates a reef close to you which happens to dip down and junctions with your reef or lode. In such a case you would find all the difficulty of the extra-lateral law. During the first year a certain amount of work has to be done. You have to do 30 feet of sinking, and 60 feet in each succeeding year; but by paying a certain amount of money you can get a certificate. For the first year you pay £30, for which the company relieves you of the labour covenant. You have to pay £60 in the second year, but if you have not got this certificate the lease is forfeitable. Should you have the certificate you are all right, whether you do the work or not. If you do a certain amount of development work, and the company finds that the work you do is of a profitable nature, under Section 65 it has power to compel you to stop work. Once you have proved that your location is a profitable one and the company finds that out, it can stop you from working your mine. And that is not the worst of it. I am talking now about an English

company from whom we have heard no growls from London. It stops you from working absolutely as soon as you are working at a profit. Any profit you have previously made you can have to yourself.

MR. ILLINGWORTH: What then, after it stops the work?

THE MINISTER FOR MINES: I am going to tell you. I am going to speak of the Minerals Ordinance of this British South Africa Company. [Interjection.] The company only wants half the profits. Section 52 of the Ordinance provides that every registered mining location shall be held by the registered holder on joint account in equal shares with the British South Africa Company, and every transfer of interest therein shall be subject to the rights of the British South Africa Company; provided however, that the provisions of this section shall not apply to any alluvial claim or deposit. The next section says:—

> It shall not be lawful for any registered mining location, other than an alluvial claim, to be worked for profit (except profit the whole whereof is expended in the development of the location), until such time as terms upon which such working for profit shall be permitted shall have been arranged with the British South Africa Company. Any location which shall be so worked shall be liable to forfeiture.

Section 54 says:—

> It shall be lawful for the holder of any registered mining location in respect of which a certificate of registration shall have been obtained to submit to the British South Africa Company details of a scheme whereby such location may be discharged from the provisions of the two last preceding sections and be acquired by any company for the purpose of working such location for profit, and in the event of such scheme receiving the approval of the British South Africa Company, it shall be lawful for such holder to carry out such scheme, but not otherwise.

MR. ILLINGWORTH: How would that work on the Golden Mile?

THE MINISTER FOR MINES: I think it would be very good if the Western Australian Government could insist upon such a clause; but that is what is provided by the British South Africa Company, a company of leading people in London who have been given a charter by the British Government to make mining laws for a country in which there is supposed to be great mineral wealth. There is not one little bit of complaint on the part of the mine owners in London with regard to this company.

MR. THOMAS: There have been any quantity of complaints.

THE MINISTER FOR MINES: The hon. member can tell the House about them. I am not making an untrue statement.

MR. THOMAS: I am not saying that, but that the statement is not true.

THE MINISTER FOR MINES: The hon. member can tell the House where I am in error.

MR. THOMAS: I say that statement is not true.

THE MINISTER FOR MINES: One does not know everything going on in the mining world; but my object is to point out that the mining laws in Western Australia give certain facilities to the English capitalist which are not given in other countries over which the British mine owners ought to have a great deal more control than they have over the mines in Western Australia. Possibly one of the reasons why we have heard no complaints from these people is that they are a South African company, and they are going to allow Asiatics to come in to man those locations. That I think may be one of the reasons why we have heard so little from the British mining companies. I want to go a bit farther.

Mining Laws in Canada.

I want to go to Canada and point out what they have done there. I am not talking about Nova Scotia or Ontario, but I wish to refer to Yukon, where the Klondyke finds were made. In the first place, when the great discovery was made the Government insisted that if 10 blocks were pegged out 10 should be reserved to the State. That has since been abolished.

MR. MORGANS: That is for alluvial mining.

THE MINISTER FOR MINES: These are the laws relating to the Yukon district, where great wealth exists. I repeat that I am not dealing with places like Ontario or Nova Scotia, where great wealth does not exist so far as gold mining is concerned. I am talking about where gold has been discovered, and very rich gold at that—the mines at Yukon.

A miner's certificate must first be obtained, and that gives the right to mine, to fish, to shoot, to cut timber, and for this he pays £2 1s. 8d. a year. That gives the right to peg out a claim. That claim is only 250 feet by 1,000 feet. After he registers the claim he has to pay £3 2s. 6d. per annum. We sell a miner's right here for 10s. Not only has a man in Canada to pay £2 1s. 8d. for the miner's right, and £3 2s. 6d. a year for the purpose of keeping it, but the Government charge 2½ per cent. royalty on all the gold sent out of the mine. Of course they go a little bit farther than that. A mining certificate gives only the right to peg out one claim, but they will sell others at the rate of £20 16s. 8d. a claim. So far as I can judge, they get from the miner all they possibly can, and do not give anything like the facility given in the Australian States, and they insist upon work being done. In the first place they want work to the value of £41 a year done. In lieu of work mineowners must pay £41 13s. 4d. for each of the first three years, and afterwards £83 per annum. If one does not keep his miner's certificate good his lease is liable to forfeiture. We consider the laws relating to Yukon, Canada, the richest of their goldfields, and we compare the laws of Rhodesia. I regret to say that I have not the Transvaal laws relating to the goldfields, although I believe they are even more liberal than those in Western Australia. Had I them, I would have been only too glad to bring them to the House even to show that they are more liberal. At the same time I think we can show that the laws of Western Australia are a great deal more liberal than the laws in those places I have mentioned.

Mining Laws in Western Australia: Requests for Alteration.

We have been asked very strongly to make our laws in Western Australia more liberal. A big petition was sent some time ago to the Premier, in which it was urged that we should give more security of title, the right to consolidate any number of holdings and work them as one property, and a right to concentrate labour on any number of leases contiguous or otherwise, provided it was in the same district and under the jurisdiction of the same warden. I have some extracts here from the petition. They ask that:—

Concentration of Leases, a Request.

(1.) When an owner has spent, say, £10,000 upon a mining lease, he should have an indefeasible leasehold title to it for the remaining term of his lease, provided of course he performs the conditions of his lease, but independently of the labour conditions. (2.) That any leaseholder who is spending and continues to spend £500 per month upon the outcrop developments should be entitled as of right to consolidation of all leases held by him upon the line of reef and in the direction of the dip of the reef, lode, or mineral deposit.

There were many other points with regard to this petition which will much affect the mining industry, but which do not in the slightest sense affect this Bill. They were dealing with the question of railway freights, wages, and other matters which do not concern this measure. I want to keep this Bill altogether apart from politics, so that we may have the very best Bill possible in the interests of the State.

MR. MORAN: Let us discuss it outside, then.

THE MINISTER FOR MINES: I do not think there is a member who will not do all he possibly can to make the Bill a good one. This is not a political Bill in any sense. They say:—

We earnestly appeal to the Government of Western Australia to set aside from the consideration of this urgent and important matter all questions of politics or classes.

They ask us to deal with this altogether apart from politics. I want members to remember there has been a good deal done in London in regard to Western Australia which has injured this State to a great extent, and I attribute a bit of it to political ill-feeling. The petitioners go on to say:—

We urge upon the attention of Ministers that to maintain a situation by which only mines containing high-grade ores are able to produce profitable returns, is unworthy of the administration of an important mining centre. Certain it is that so long as this state of things continues, capital will not be drawn to Western Australia. Already we find that the finance companies on this side have resolved not to take up any new mining venture in Western Australia until a more economical basis of working costs is established.

In dealing with the last paragraph first, can it be said for a single moment that the preceding Government or present Government have not done all they possibly

can to assist the mining industry? Can any member point to any State of Australia, or I might say to any country in the world, where so much money has been spent so rapidly with a view of assisting the mining industry by the construction of railways, by providing water supplies, by the building of roads and telegraph lines? I want to give all credit due to the preceding Government. I say that everything that could possibly be done with a view of assisting the industry was done by that Government, and I maintain it is being done now by the present Government on every occasion. Whenever a new field is discovered or we find that there is any way by which the industry can be assisted, the Government come quickly to the rescue of that field, and do all they possibly can to aid in its development. I assert that the work which is being done is unparalleled in the history of Australia; and I do not think the English people can complain with regard to this matter. With reference to freights and other things, they cannot blame the Government of Western Australia. These are political matters, and matters which such an organisation as the Mine Managers' Association should keep altogether aloof from.

Expenses and Cost of Working.

The question of working costs is a pretty old one. When we consider the character of the ore here, the immense distances from the coast, the difficulties under which a man lives, which are so much out of proportion to those in most other countries, I do not think the record is too bad here. But mining people generally when they make comparisons usually compare the cost of working in Western Australia with that in the Transvaal, which is a great mining country, turning out huge quantities of gold. A great deal was said in some recent speeches in London, in which attention was drawn to the very high cost of working here; and what did Mr. Hoover say? I think Mr. Hoover is looked upon as an authority upon mining matters, and that he holds a high reputation as a mining engineer. He says:—

> In spite of the disabilities to which reference has been made, we have shown a most remarkable decrease in our working expenses, and if we take those mines which are working on ore identical in character with that of the Transvaal mines, and compare the average weekly cost of those mines with that ruling in the Transvaal, we find that, in spite of the fact that we pay £4 a week for our labour against 12s. 6d. paid to the niggers, we are working for 20 per cent. less on the bare figures. In Kalgoorlie, where we have the most difficult ore to treat in the world, we are working for only 15 per cent. more.

MR. MORAN: What does he mean by that? Is it not contradictory?

THE MINISTER FOR MINES: In the earlier part of the evening reference was made to the very high cost of the working expenses in Western Australia, and he is dealing with the treatment of the sulphides at Kalgoorlie when he says it costs 15 per cent. more, but when talking about the general figures he says the expenses are 20 per cent. less than in the Transvaal. If Mr. Hoover is correct I do not think there is much in the petition; but what I want to know is, who has caused this feeling against the Government of Western Australia? It has been growing for the past two or three years, and has been brought on by certain people with a view of either injuring the Government or else injuring the mining industry. This feeling has been worked up politically to injure the Government, or by the boomster to knock down our mining shares. I am very pleased indeed to think that the efforts made in that direction have to a very great extent failed. I have been able to take a good deal of notice lately of the financial journals, and I would like to give an extract from the *Australian Trading World*, which says:—

> During the past four years the West Australian mining industry has, through various circumstances, been passing through a very trying period. Various causes have contributed to this unsatisfactory state of affairs, prominent among which we may mention what might well be described as the misunderstanding between the public, the capitalists, the West Australian Government, and the West Australian Labour party. Why all this suspicion and misunderstanding should exist has always been a conundrum difficult of solution and beyond our understanding. But we are happy to state that the time of doubt and suspicion is past, and to-day the public and the capitalists are realising that Western Australia has unequalled resources, and is destined to reinstate herself in the premier position of gold-producer of the world.

I have felt for a long time that these reports are being sent home for one or

two reasons, either to damage the Government or to reduce values for the purpose of dealing in stock.

MR. MORGANS: I suppose stock-holders would do that. I do not see how it interests anybody else?

THE MINISTER FOR MINES: Sometimes we see through different glasses, and at the present time I see through different glasses from the hon. member.

MR. MORAN: What are you referring to particularly?

THE MINISTER FOR MINES: A lot of reports have been going home during the last two or three years.

MR. MORGANS: Have you seen any of these reports? Do you know the authors of them?

THE MINISTER FOR MINES: I have seen them, but I do not know the authors. If I knew the names of the authors I would give them to the House at once; I would not beat about the bush. I have no desire to see booms created in Western Australia. Nothing does a country more harm than to see money injudiciously expended. I want to see the money brought here to develop the industries of this enormous country and its wealth. While we get money here we should see that it is expended judiciously so as to give people confidence in Western Australia, so that when people send their money here they should get a fair deal and an opportunity of getting some of the good things which are going begging at the present time in Western Australia.

MR. MORAN: Going begging! Can you lay us on to a few?

THE MINISTER FOR MINES: Every effort is being made at the present time to try and make the administration as fair as possible. There are no favours in the Mines Department. We are trying to carry out the Act as fairly as we can; at the same time we want to make the law a little bit clearer and give greater facilities in future than at present.

Indefeasible Title not granted; other Concessions offered.

To refer to the petition again, the petitioners ask that after an expenditure of £10,000 on a mining proposition they should get an indefeasible title. We are not suggesting that in the Bill. We do not think the House would agree to give an indefeasible title to any mining proposition, and we are not attempting to do that. Once we grant an indefeasible title we would be entirely in the hands of the London people. But we are going a bit farther than has been the case in the past. If members will look at Clause 92 they will see there that we give rights to the miner to demand exemption. That is an important clause. We give the right of exemption after the expenditure of a certain sum of money. The petition makes a farther request in reference to concentration. The request is that a company may take up any number of leases, no matter how far distant from one another, so long as they are in one goldfield or under one warden, and that they may concentrate the labour on one of their leases. I am more conversant with the Menzies district than any other, so I will take the North-Coolgardie field. They ask that one company may take up a property in Menzies, they may take a lease at Mulline, they may take a property at Mulgarrie, another at Kookynie, another at Niagara, in fact they may take up properties through the whole of that huge district, and by employing labour in the Menzies part of the district on one show, they wish to be able to obtain exemption from the rest. This is distinctly refused in the Bill. There is no hope of anything of that kind being granted in connection with mining in Western Australia. I have no hope that this Bill will give universal satisfaction. At the same time if members on all sides of the House will look at the matter from a national standpoint we may be able to pass a Bill which will give greater satisfaction than has existed in the past, and although we do not propose to give to the London people all they ask, still I think we are giving them a great deal. Every effort is to be made to encourage the local people of Western Australia, and the miner to work on his holding.

Public Batteries.

We are doing what we can with the battery system, but I see comments in the newspapers recently that the system is a bad one. It is said that men take away dirt to a depth of 100 feet and rob the mine of the best

bit of ore, and that nobody will come along afterwards and take that mine. It is futile to talk like that. Those who know anything about mining are aware that if a person wishes to purchase a property he would sooner buy one from which a certain amount of ore has been taken and which has been developed to a certain extent than take a mere surface proposition. We increase the system of batteries, more especially as they have now become a payable proposition to the Crown. Although we have considerably reduced the cost of crushing, we show a better result for the past few months than has been the case before in Western Australia. We have had our record crushing and our record profit. We have already given to the men who are working their own mines £666,000 worth of gold, and the whole of the money has been retained in the State. Last year we showed a clear profit and we are showing a much better profit this year. The batteries will not only pay their way in the future, but they will give to the capitalist, the person who wishes to buy a mining proposition, a most invaluable record; and there is no better way in which we can induce the local people to come forward and put a little bit of money in our mines than by this means.

CLAUSES OF THE BILL EXPLAINED.

Dealing with the Bill, I would like members to notice the different parts, so as to know how the measure is cut up. It is divided into 12 parts, dealing with administration, the granting of leases, mining on private lands, and various other matters. By the definition clause members will see we are giving a little wider definition to "Crown land" than has been the case in the past, and give greater facilities for mining on reserves made by the Government. We do not intend to have mineral districts as in the past; but "mineral fields." Then members will notice that "mining tenement" includes every form of holding, no matter whether a gold-mining lease, a mineral lease, a coal lease, an alluvial claim, water right, or any class of holding. "Mining tenement" includes everything. It includes a residential area, in fact any holding under the Gold Mines Act.

MR. MORAN: Does it mean a business lease?

THE MINISTER FOR MINES: Under this new Bill "mining tenement" includes any tenement, whether a water right, a business lease, or any other area.

MR. TAYLOR: Are they called by different names?

THE MINISTER FOR MINES: Yes; but mining tenement includes the lot. I mention that so as not to confuse members when dealing with the Bill, as the words "mining tenement" occur so often. It is a sort of genealogical tree. Under "mining tenement" we have gold-mining leases, mineral leases, quartz claims, and alluvial claims. Then there are "authorised holdings," which include business areas, residence areas, water rights, machinery areas, and different holdings held under a miner's right, except a quartz claim and an alluvial claim. I want members to recollect this, so that when dealing with the measure they will distinctly understand what the definition is.

Repeal and Consolidation.

The most important part in the Bill is the clause dealing with the repeal of previous Acts. When this Bill comes into force on the 1st of March next every instrument granted prior to the passing of the Bill will come wholly under the provisions of this measure, whether gold-mining leases, mineral leases, mining leases on private property, residence areas; in fact everything that has been granted under the Gold Mines Act, and under the Mineral Lands Act or the Mining on Private Property Act, will come within the provisions of this Bill.

MR. MORAN: It is retrospective legislation right through, then?

THE MINISTER FOR MINES: I am taking away very little indeed, but I am giving a great deal. I would point out to members that while we are taking away certain things—we take away a little by resumptions — but we are giving in the matter of exemptions and amalgamation, so that on the whole those holding leases under the measure will have a better position in future than they have had in the past. At the present time members understand that leases given under the 1886 Act, and under the 1895 Act and the different amending

Acts, cause great confusion in the Mines Department. The Bill places the whole of the leases which have been granted under the one law, no matter how the lease is held.

MR. MORGANS: Will not that be *ultra vires?*

THE MINISTER FOR MINES: Not if it passes into law. We are not taking away rights. If we were trying to do anything drastic, I should say, do not do it. But anyhow, we can deal with the matter in Committee; and I think that when members read the Bill they will be quite satisfied that we are not taking away rights from the people. For instance, with regard to amalgamation of leases, the Bill is not to apply to any amalgamation granted prior to its passing, for the clause dealing with amalgations is slightly altered, giving greater concessions in some instances and in others defining what area shall be amalgamated. Taking it all round, we are giving away a great deal, and I do not anticipate many objections from leaseholders. In future there will be no Under Secretary for Mines: he is to be called the Secretary for Mines to keep him in line with administrators of the other States; and the Secretary for Mines will be a warden for the whole State.

Administration: No Personal Interest.

Clause 8 is particularly stringent. It says that any person who, being a warden, mining registrar, or mining surveyor, holds, directly or indirectly, any share or interest in any claim, mining lease, or other mining adventure whatsoever, or being a warden adjudicates in any matter in which he has, directly or indirectly, any pecuniary interest, shall be guilty of a misdemeanour and be liable on conviction to imprisonment for any term not exceeding two years, and to be fined at the discretion of the Court. The section of the old Act did not include the words "directly or indirectly." I wish to make that point very emphatic, because I do not wish to give any person the slightest chance to misread the Bill; and I am making the penalty two years, instead of one as formerly.

Mining Licenses.

Part IV. deals with the issue of mining licenses. We abolish the term "miner's right" and substitute "mining license;" for I think mining licenses will more clearly convey to the people what we desire. The price for a mining license will be reduced from 10s. to 5s.: but a man will have to hold a mining license for every holding he takes up other than a lease, for to hold a lease no license is required. If he takes up a quartz claim or a residence area he must have a mining license; if he takes up a business area he must have a mining license for that. We reduce the price from 10s. to 5s., but we insist that for every holding he takes he shall have a separate mining license. The same provisions with regard to Asiatics apply in this Bill as in the old Act. Clause 26 deals with the privileges of the mining license. Under the old Act, if a man wished to take up a business area he had to apply for a business license, pay £4, and then he was not sure whether or not he would get a business area. Now he need only hold a mining license, and while he has it he will be able to hold a business area. The mining license gives to the holder the right against all persons other than the Crown to take possession of mining land and to occupy Crown land; to construct races, tramways, and reservoirs on Crown lands; to erect and remove any building on Crown lands, and to take possession and to occupy Crown lands for residence or business purposes. Members will see many other provisions in this clause, but I wish to deal with them as lightly as possible. Clause 28 deals with authorised holdings which may be required for mining purposes, and gives the right to mine on such holdings, provided the authorities be satisfied that the surface will not be damaged, or that the occupier be compensated for improvements. The same applies to reserves. We give greater facilities than have been given in the past; for if a man wishes to mine on a reserve, he at present pays £10, and we have reduced the fee to £5. Clause 31 gives to any person holding a mining license who takes up a quartz claim or an alluvial claim the right to all the gold within his four pegs. That is, the man who takes up an area under his mining license, no matter whether as an alluvial or as a quartz claim, is entitled to all the gold and to any other minerals which

may happen to be within his four pegs.

Residence or Business Areas.

Clauses 34 to 37 deal with authorised holdings, and I think the only important feature is that with regard to taking up residence or business areas. When a person takes up an area for residence purposes the Crown have the right to resume, but if they resume they have to pay compensation. If they decide to sell before the holder has had the area for 12 months, the holder will get compensation for all improvements effected; that is, when the property is put up for sale a valuation will be made of the improvements, and the value will be added to the upset price. If the holder keep the ground for 12 months, he has a pre-emptive right; so that when the ground is sold and the Minister states the upset price, the holder has the first right to the area at the upset price declared by the Minister. Clause 40 provides that no person who is not the holder of a mining license can take proceedings in the warden's court to recover possession of any claim. We have altered the law so far as to say that when he goes into the court to recover damages or to obtain relief in respect of any interest that may be held under a mining license, he must hold such license. To keep any such holding in force the mining license also must be kept in force.

Gold-mining Leases.

Part V. deals with the issue of gold-mining leases. The law will be practically the same as before, except when dealing with abandoned alluvial ground. An application may be made for large areas for sluicing purposes, and under the Bill I am giving the Minister power to grant up to 48 acres at a rent of not less than 5s. per acre. I think this will be an incentive to the working of large alluvial deposits which have been worked over and over again by the dry-blower. It may have that effect, and I think some power should be given to the Minister to try to get these areas worked at a lower rental than £1 per acre per annum.

MR. MORAN: It would pay you to give them away for nothing if the recipients would find the water for working.

THE MINISTER FOR MINES: In Clause 45 we make it quite clear that a man with a gold-mining lease on a 21-years term may, when the term has expired, renew the lease subject to all the Mining Acts and regulations which shall be in force at the time of the renewal. Clause 47 gives the right to a lessee under a gold-mining lease to all gold and other minerals in his lease. Once we approve a lease instrument, it gives the holder of a gold-mining lease a right not to the gold only, but to all minerals within his four pegs. Previously, the holder of a gold-mining lease had no right to any other minerals within his four pegs; but I cannot see why, supposing a copper lode should run through the gold-mining lease, the lessee should not be allowed to work that lode without taking out a mineral lease inside his gold-mining lease. I wish members to understand that the converse will not apply to a mineral lease. If a man take up a mineral lease, he cannot work the gold without taking out a gold-mining lease.

MR. BATH: When you give a man a gold-mining lease, why should you give him a right to other minerals?

THE MINISTER FOR MINES: Because we wish to see them worked, and do not wish to see another person coming in to work them within the first man's 24 acres.

MR. BATH: Why not make the first man take out a mineral lease?

THE MINISTER FOR MINES: To take out a lease at 5s. per acre, for which at present he has to pay £1 per acre?

MR. BATH: No.

THE MINISTER FOR MINES: Previously, in our mineral leases we allowed an area of 160 acres to be taken up as one lease. In the Bill we have reduced that area to 48 acres. So far as I can judge of the values of the mineral leases that are being taken up, there is no necessity for the granting of such very huge areas as have been granted in the past; so we shall allow only 48 acres instead of 160. The same conditions will apply to mineral alluvial as apply to the gold alluvial. We shall allow double the usual area for abandoned tin alluvial, at a rent of not less than 2s. Dealing with coal-mining leases, the area to be taken up is 320 acres, except for a new discovery, and

then we allow 640. The rent will be 6d. per acre per annum, and 3d. per ton royalty for the first ten years, and 6d. per ton during the remainder of the term.

Reward Leases; also Alluvial Discoveries.

Clause 56 and following clauses make special provisions for reward leases, and also as to a seam discovered at a greater depth than 1,000 feet. I wish to point out with regard to gold discovered on a mineral lease that we allow the lessee to work the gold, but extract a very large royalty unless he takes up his mineral lease as a gold-mining lease. If he does not report that he is obtaining gold, his mineral lease is immediately liable to forfeiture. Division 3 deals with mining on reserves and authorised holdings. For this great facilities have existed in the past, but to my mind the Bill gives every security that is necessary to occupants of such holdings. A very important clause is Clause 67, embodying the right of the miner to enter upon land the subject of application for a gold-mining lease. If a person apply for a gold-mining lease, and it is believed that the land contains alluvial, under the Bill I wish to protect the man who discovers the lode. The warden will have the power, if he believes or if evidence is given that the lease is likely to develop alluvial, to defer his recommendation for twelve months. But even after the expiration of twelve months, or if he wishes to send on the application to the Minister, the Government have a right to defer the farther granting of the lease to the applicant; yet at the same time they have the power to grant a permit to the applicant to work the lode. The alluvial on the lease may be worked; yet the man who pegs out—the first discoverer—knows that he has a pre-emptive right to the lease. He has the first right and is being protected by the Crown, yet at the same time the Crown will not issue a lease instrument until satisfied that the alluvial has been worked out. I think that this is a particularly good clause and one that will give a good deal of satisfaction. I know of cases at the Black Range where men pegged out leases, but because there was alluvial on them they were refused. I do not see why a man who discovers a property should not have the first right to it, always giving to the alluvialists the right to the alluvial. We will allow the lessee to work the reef alone, but we will not give him a title until the alluvial is worked out. Clause 77 says:—

> The Governor may, instead of granting or refusing to grant a lease, postpone dealing with an application for such time as he may think fit, and grant the applicant permission in the meantime to work the reef or lode on the land applied for on all or any of the terms and conditions as to rent and otherwise as the applicant would have been subject to if a lease had been granted, but subject to the privileges conferred on miners by section sixty-seven to search for and obtain alluvial pending the application.

Clause 78 says:—

> The applicant for a lease, in the event of the refusal of his application, and of the land applied for being exempted from lease as alluvial ground, may, subject to the regulations, obtain an alluvial reward claim for any new discovery of alluvial made by him within the boundaries of the land applied for.

So that we have power to grant an alluvial reward claim though we refuse a lease.

Concentration of Leases, how limited.

Now I want to refer to the clauses dealing with amalgamation of leases. In Victoria they allow any large area to be amalgamated subject to the approval of the Minister. In New South Wales they allow any area of mineral leases to be amalgamated. In Queensland they will not allow a greater area than 50 acres to be amalgamated. Here we allow 96 acres. In Tasmania they allow no greater area than 40 acres to be amalgamated; while in South Australia amalgamation of four leases is permitted. I want hon. members to look at Clause 86, which is a new departure and from a mining point of view rather interesting. It says:—

> (1.) Two or more adjoining leases, the property of the same lessee, and the aggregate area of which does not exceed ninety-six acres——

Some years ago we decided that 96 acres should be amalgamated. The clause proceeds:—

> may be amalgamated on application to the Minister in the prescribed form, and on payment of the prescribed fee. (2.) No amalgamation of leases shall be permitted if, in the opinion of the Minister, the length of reef or lode exceeds sixty-six chains.

That is, four 24-acre leases can be taken up in one block claim. This will be debated in Committee. I know that some members will say a greater area should be amalgamated, and others that a less area should be amalgamated. I do not desire to alter the existing law, but I think there should be some limit along the line of reef as to the area that can be amalgamated. This of course does not apply to coal-mining leases, nor to any leases granted before the passing of the Act. I do not want to interfere in any sense with anything done in the past so far as amalgamation is concerned, except in so far as my powers of resumption are touched upon. I am only dealing here with ordinary cases of amalgamation. Some time ago I was asked to allow concentration on very large areas, where all the areas were adjoining, making one huge property taken up with a view to working a reef at a depth. I would like to instance the Cosmopolitan (350 acres) and the Sons of Gwalia (500 acres). These are properties where the reef is dipping on a very gradual underlay, and where it is necessary for the mining company to expend large sums of money in the development of leases so as to enable them to be able to work their reefs down to almost any depth. In these cases they say they want a larger area than we can give them under ordinary amalgamation, and that they want concentration. In connection with the Cosmopolitan, I gave them concentration, conditionally that they allowed tributes to be worked on any of their leases they were not working off their line of reef. I told them that I believed in their being able to hold a large area, so that others could not come alongside them and blackmail them, but that if they wanted a larger area, and if there were other reefs in the property, they must allow tributers to work them on terms approved of by myself. This they agreed to.

MR. MORAN: Under what clause did you do that?

THE MINISTER FOR MINES: Under the right to grant concentration. If you look up the Mining Act you will find the power to grant concentration, and if I had power to do that I had power to impose conditions. The conditions were my own. The right to grant concentration was in the Act. I think members will agree with me that the idea of the House was that we should allow amalgamation up to 96 acres, and that concentration was looked upon as amalgamation. We did not assume that concentration would be allowed up to 350 acres or 500 acres, so far as my memory goes; but these companies had these areas and concentration had been granted to them in the past, and I told them that I had to carry out the policy of the past without doing injury to the people, but that on their side they were to carry out my conditions.

MR. MORAN: Which were *ultra vires.*

THE MINISTER FOR MINES: They were not *ultra vires.* I want to explain to hon. members the position in its entirety. I want hon. members to look at Clause 86 of the Bill. Then I would like to explain that in the case of the Cosmopolitan mine, where I insisted upon these tributes, I told them that I would grant concentration if they would grant tribute on the outside leases they were not working, on conditions approved by me, that is 10 per cent. in the old workings and 2½ per cent. in virgin ground. Concentration was to be carried out on these conditions, otherwise it would be cancelled. Within the first fortnight the company asked me to relieve them of concentration on one of the leases. They then put men on the leases and found a decent reef carrying 15 dwts. of gold, and I saw this morning that a reef of 30 to 31 dwts. had been discovered. Men have had crushings of over two ounces per ton out of a reef which the company did not think it worth while to try and prospect. Those are the conditions in connection with the granting of concentration over large areas. I have gone to considerable trouble over this, and have brought a chart to explain the matter to the House. I want this (indicating on chart) to be considered as a vertical reef. Amalgamation would only be granted up to 96 acres in this case. This again (indicating on chart) can be taken as an example of the Cosmopolitan reef which underlies somewhat.

Deep Mining Conditions.

I want companies possessing such reefs to be able to work them down to a depth of at least 3,000 feet. By taking up an area on a vertical reef a person

would be able to work his reef to any depth which nature would allow; but I want a company like the Cosmopolitan to be able to hold an area, no matter what the surface area is, so that they can retain the reef to a depth of 3,000 feet, provided they agree to the conditions which hon. members will find in the subsections of Clause 87. The Minister will have power to grant amalgamation subject to this, that if the reef dips suddenly he may cancel concentration on some of the leases. We are not losing any rights. We are only protecting the company. We have the right to take away the conditions at any time. In Subclause (*b*) of Clause 87, the Minister may—

> From time to time impose such conditions as he may think fit as to the working of any reef or lode or other mineral deposit proved to exist.

By Subclause (*c*), the Minister may—

> From time to time restrict the area in respect of which amalgamation has been permitted, if in his opinion the underlay has so changed that the amalgamated area is in excess of that required to work the reef or lode on the underlay to a depth of three thousand feet, or if in his opinion any gold or mineral deposits discovered subsequent to the amalgamation are of such importance as to require separate working.

I would like members to understand that generally I only want 96 acres to be amalgamated; but, instead of granting concentration, I want to give companies the right to be able to work their reef, and at the same time, if they will not work any other reef known to exist on the ground, to grant tributes to persons desiring them on terms to be approved by me.

MR. BATH: This provision will be absolutely unworkable.

THE MINISTER FOR MINES: The company must show by plans what it wants to hold. It needs only a little common sense to work the clause. I am quite satisfied it will work. It is being done now by concentration, but that is a system I do not want. I want a system adopted by the House, and not the system adopted in the past. The Peak Hill Company has 300 acres, the Sons of Gwalia Company 500 acres, and the Cosmopolitan Company 350 acres; and to protect these interests we have now only the power of concentration. In the future I will have nothing done in the department except what Parliament has said.

Coal-mining Leases, Remarks.

The clauses do not apply to coal-mining leases, and I want to take the House again into confidence with regard to the past, present, and future. If a seam is discovered at a greater depth than a thousand feet in a coal-mining lease, we will allow amalgamation up to 5,120 acres; if less than 1,000 feet, to 2,560 acres. That is the area we will allow to be amalgamated as a colliery. Under the old Act there were what were called special licenses. Special licenses have been granted, and they have enabled persons to take up properties amounting in some cases to 10,000 acres. Money has been brought into the State and invested, and the whole of this huge area has been held as a colliery. A special license enabled this huge area to be held, provided they complied with the conditions, those conditions stipulating for the number of men to be employed as recommended by the inspector. I do not agree with the principle, yet at the same time I think we must have legislation with a view to protect those who have invested their money in the past, whilst we must take care to make it impossible for such sort of thing to ever occur in the future. If coal-mining were anything like gold-mining, I would say let us refuse to allow these special licenses. But coal-mining is different. In gold-mining, as long as you can raise gold, the gold always has a standard value. In coal-mining, until we have a market we cannot insist upon putting men on mining for coal. If we have a big demand for coal, we can insist on labour covenants. At the present time, knowing that a large amount of money has been expended, and people have put a large sum in these leases, and special licenses have been allowed in the past, I think it would be wise on the part of the Government so far as special licenses have been granted, to let them continue for a time at least in the future.

Exemption Conditions.

Dealing with the question of exemptions, there is another very important matter here in which I am quite satisfied members will take a great deal of interest.

The reasons under which exemptions shall be granted are exactly the same as before, except that an additional reason is given, that being the "death of one of the owners." I was speaking some little while ago with regard to concentration. When I took office concentration was granted somewhat on the principle that is being asked for by the mineowners, that is that if a man owned a lease at one place and worked it, and had another lease five or 10 miles away, he could get concentration of labour. This is an extract from a circular I issued some 12 months ago giving instructions to wardens:—

> When the leases affected are not adjoining, concentration of labour will only be granted when it is shown that the work on the lease or leases to be worked will be likely to prove the unworked leases, or in cases where a large amount of unprofitable work has been done on the leases to be exempted.

I would prefer to see the system of concentration struck altogether out of the Bill.

Exemption and Protection, how limited.

We have in this Bill authority to grant protection. There has been no authority in the past. The Act states expressly that exemption can only be granted by application in open Court. I say the Minister or the warden must have power in special cases to grant 14 days' protection. We took power in the past, but we really had no power. I am asking for power now to be able to do this. In Victoria the power of exemption is granted without appealing to the Court at all: they simply go to the Minister, and there are various reasons given why exemption should be granted. Instead of going into the open Court and giving sworn evidence, they simply go to the Minister, and more than three-fourths of the mineral lands of Victoria are at present locked up under exemption. The maximum period, however, in Victoria is six months. In New South Wales exemption is granted by the warden under various conditions very similar to our own. In Queensland the warden has similar powers to those which the wardens in Western Australia have, and the Act is to a very great extent similar to the Act in this State. In South Australia the warden can grant one month's exemption after six months' work has been done, and the Minister three months after six months' work, but good cause has to be shown. In New Zealand the warden may reduce the number of men to be employed as he thinks fit, but if for a period exceeding six months, the consent of the Minister must be obtained. I have already told you how it is in British South Africa. This Bill contains clauses regarding the right to demand exemption, and these clauses are very important in their relationship to the mining industry. I gave members to understand that I wanted to make the capitalist feel not only that he has some greater sense of security if he has expended a large amount of money, but that he will get some sort of breathing time to enable him to provide funds to carry on his work. I also said that my strongest desire was to try to get the working man himself to take up a lease and work it, so that he himself would be the owner of the mine; to try to do all we can to keep in Western Australia our own wealth. I have had numerous instances of applications for exemption where the men have given evidence on oath regarding their work year after year, and have asked for exemption so that they might be able to go to work for a few months somewhere else to get enough to live on and go back to the mine. The men were so sanguine with regard to their property that they had a desire to go back and hold it. I want to do all I can to prevent shepherding upon the leases.

Forfeiture, how safeguarded.

I would like members to look at Clauses 92 and 93, dealing with the right to demand exemption. Subclause 1 of Clause 93 says four months' exemption shall be granted in respect of any lease the property of working miners, on proof to the satisfaction of the Minister that for a period of eight consecutive months such miners have, out of their own resources, continuously and *bona fide* worked the lease. The evidence has to be publicly made in the Warden's Court. That evidence is sworn, and if any evidence is given which is not true, the lease is liable to forfeiture. If the lessees have worked the mine for eight consecutive months absolutely out of their own resources they are entitled to four months' exemption. Subclause 2

provides that three months' exemption may be granted on the property partly of working miners working such lease and partly of persons who are not working miners but who are providing funds for working the lease, or the property of a registered company having a nominal capital not exceeding £5,000, on proof to the satisfaction of the Minister that they have worked the lease continuously for nine consecutive months. If they do that they are entitled to three months' exemption. [MR. MORGANS: That is every year.] Each year. Subclause 3 provides that six months' exemption may be granted on proof that for every 24 acres held the lessee has expended in mining or machinery at least £1,500 independently of the proceeds of any gold or mineral derived from the mine; and 12 months' exemption when the sum expended exceeds £3,000 for every 24 acres held, subject to exactly the same conditions, and irrespective of any money won from the mine itself. "Provided that every such exemption may be granted on such conditions as to tribute"—this is to prevent shepherding—"except in the main workings of the lease, as the Minister may prescribe, and that no exemption shall be granted under this section in respect of any expenditure incurred prior to the date of any expired exemption."

MR. THOMAS: You call that a concession!

THE MINISTER FOR MINES: If the hon. member does not think that a concession as compared with the present Act, I would like to know what he would want.

MR. CONNOR: The Esperance Railway.

THE MINISTER FOR MINES: The hon. member would find another grievance. The following clause shows that all these applications have to be on sworn declaration. They have to be brought before the warden in open Court, and if any lessee makes a false statement he renders the lease liable to forfeiture, which is a very severe penalty. I think these clauses will be found particularly stringent.

MR. MORGANS: I see you do not arrange for him to go to gaol.

THE MINISTER FOR MINES: I am trying to give facilities to these people, but not to those who would make false statements. A few instances have come under my notice where companies have had a good property and people have held leases adjoining, and they have done everything to try to get exemption; they have done all they possibly could to hold the lease and to compel the owners of the adjoining property to buy them out. I do not believe in that. Clauses 100 and 101 deal with applications for forfeiture. When a person makes an application for forfeiture, he will have to put down a sum of £10. I want to stop trivial actions being brought forward. If the warden is satisfied that the application is made *bona fide* or that the rent is more than 30 days in arrear, he may allow the application to proceed without such deposit being made. That gives every security. If a *bona fide* man comes along with a fair application, the warden can dispense with the deposit of £10. I want to prevent a person from coming along with all sorts of frivolous excuses in cases of that sort. [Interjection by MR. HASTIE.] I can give the hon. member many instances. Applications are to be heard in open Court. It enables the warden to recommend forfeiture of the lease or the imposition of a fine, or the warden may dismiss the application. I want members to notice here that I am going farther than we have gone in the past in regard to forfeiture. I have given the right to the Crown to fine instead of compulsory forfeiture. I am increasing the amount up to £500, so that there shall be a heavier penalty. We may have a lease of 21 years' currency, and one or two trivial cases may be brought forward in which a small fine may be inflicted, and then it may be necessary to inflict a very heavy fine, so I have increased the amount from £100 to the maximum of £500. The other day I fined a company £100 for breach of the labour covenants. I think that is about the heaviest fine that has ever been inflicted. [MR. JOHNSON: That company should have lost its lease.] I agree to a very great extent with the hon. member, but there were extenuating circumstances, namely the death of the managing director and the recent reconstruction of the company; also the recommendation of the warden that a fine should be imposed in lieu of forfeiture. Anyhow, I fined the

company £100, and I think that is one of the heaviest fines ever inflicted. I have increased the amount that the Crown can fine a leaseholder if the Crown think it not necessary to forfeit. There may be so many interests involved that it may not be wise to forfeit. At the same time, when a big fine is inflicted I think that if the person who applies for the forfeiture does not get the lease, he should get the greater portion of the fine. I want to point out to members that in this Bill I have left it open for the Minister to inflict a fine for many offences, and I have increased the amount that a person can be fined. Under the old Act, if there is a third case of non-fulfilment of the covenants, forfeiture must follow; but that is not so under this Bill. I do not want to miss anything that is new in this Bill; I want to tell members the new provisions.

MR. HASTIE: Does that apply to existing leases?

THE MINISTER FOR MINES: To every lease. This clause will apply to every lease that comes under the provisions of the measure.

MR. MORGANS: Do you not think these clauses will find occupation for a very undesirable class of people?

THE MINISTER FOR MINES: I do not think so. If the hon. member will look at the section of the present Act and then look at this Bill he will find that this measure is more liberal, because after the second offence under the old Act forfeiture must follow. Under this Bill forfeiture need not follow, but the Crown has the right to fine. This in a great degree is in favour of the leaseholder and not of outsiders. Clause 106 provides that after forfeiture the Governor may not grant the lease to the applicant for forfeiture. The ground may be granted or reserved, and then the land may be directed to be sold at auction, instead of being granted to the applicant. I want power to deal with applications after it is decided that the lease shall be forfeited. In dealing with the question of the "Princess Royal," in which the manager entered into collusion with another man to rob the company, I would have forfeited the lease; but owing to the fact that there was collusion, I could not agree to the forfeiture, and I refused it: had this Bill been in force I would have forfeited the lease and put it up to public tender. We give power to the Crown if there is an element of collusion, to reserve a lease instead of giving it to the applicant for forfeiture. Under the old Act the applicant had a preferential right, but this Bill takes that right away to some extent.

Mining Plant, Tailings, etc.

Clause 108 is new. It gives the lessee the right to remove mining plant within a certain time from a lease, but he must not remove timber from the underground workings. Many of these clauses are taken from the Victorian Act. Clause 109 deals more especially with tailings, and the right of those who formerly held the lease to remove their plant. I think the provisions will be found essential. Clauses 108, 109, and 110 all deal with leases that become void or are abandoned, and where there is a large amount of tailings, or where machinery is erected. Special provision is made for the Crown dealing with these matters. The clauses give power to the Minister to grant the necessary amount of time for the lessee to remove the machinery, and power is given to the Minister to grant a certain license to treat tailings on the ground. It is a little bit ahead of what is required in Western Australia just now, but these are clauses that will be found necessary in the Bill to deal with circumstances that may occur in a short space of time.

Resuming Portion of Surface for Residence.

Clause 111 gives power in the case of large holdings to resume portion of the surface of leases in excess of 48 acres, for residential but not for mining purposes, without compensation; but in order that no hardship shall be inflicted, the following safeguards are provided:—

No such land shall be resumed unless—(*a.*) The nearest point of such land is distant over three hundred yards from the outcrop of any reef, lode, or seam; (*b.*) The Government geologist or the State mining engineer reports that such land is not likely to be required for mining; and (*c.*) The State mining engineer or local inspector of mines reports that such land is not likely to be required by the lessee for or in connection with mining purposes.

This applies to the Kalgoorlie belt, where it is found that companies have large areas amalgamated, and where the whole

of the surface of the land is not necessary for mining purposes. The clause gives the Government power to resume for residential purposes any area exceeding 48 acres, but the area must not be within 300 yards of any outcrop. The matter must be reported on by the Government Geologist or State Mining Engineer, who must find that the surface is not required for mining. It goes farther and says that no person occupying resumed lands shall have a cause of action for any nuisance that may be caused by the lessee in the course of mining operations or by the discharge of water from the workings. Any person taking up a residential area from the land so resumed has no right of compensation as against the company. [MR. MORAN: The company could easily shift them.] Clause 112 deals with the rights of companies to discharge water from their mines.

Mining on Private Property.

I come now to some important clauses dealing with mining on private property. In the past we know the Crown has reserved the right to precious metals, and since the Land Act of 1898 came into force, on the 1st January, 1899, the Crown reserved the baser metals. The first portion of Part VI. of the Bill deals with mining on private property for gold and the minerals on lands sold after the 1899 Act came into force, that is after the baser metals were reserved. I think, as the hour is getting late, I need not deal with all the clauses referring to mining on private property. Members will allow me to skip those matters; but what I think I should make the public aware of is that we are giving now the right to mine for the baser metals on private lands alienated prior to 1899. I wish to point out the provisions which we intend to make, so that it will be known we are not going to rob the land holder. We are going to try and act as fairly as we can by him, but the nation must come first. If a man holds a mineral belt and will not work it—and I know of many cases in which mineral property is held and not worked; the owner is waiting a better market—we are justified in coming forward with such legislation as this. No person will be allowed to prospect on land which was alienated prior to the date above referred to, until a request is made to the Minister and the Government Geologist has reported upon the area. Then the area must be gazetted as mineral land before prospecting licenses can be granted. The owner of the property has then six months in which to peg out a lease. If he takes up a lease he comes under the provisions of a mining lease, but if he takes no notice and takes up no mining lease it is open for anyone else to take up a prospecting license or a miner's license, and such person must pay compensation for surface damage. We give the owner of land which was sold prior to 1899 all the rents or royalties that would accrue to the Crown, less 10 per cent. for the collection of them. That is the position taken up in regard to any land alienated prior to 1899. In regard to any land taken up since that date compensation will have to be paid for surface damage.

MR. HASTIE: Is that not interfering with vested interests?

THE MINISTER FOR MINES: I was not thinking about that. It might, and I think to a great extent it will, interfere with vested interests; but I want to see the mineral resources developed, and we give to the owner every compensation for surface damage. For the minerals that were in the ground we give the rents which the Crown would charge or the royalties, less 10 per cent., the Crown collecting the amount. Any lease which is granted will come within the mining laws; and should a lease be taken up and compensation paid, and the lease be then abandoned and another person desires to take it up, he can do so without paying surface compensation. If damages have accrued in the meantime there may be some compensation which he may have to pay. Clauses 165 to 173 deal with the drainage of mines.

Adjoining Leases, Conditions as to Benefit.

We have a clause which provides that wherever any development is going on and one man is developing and another man adjoining is standing by allowing all the work to be done by his neighbour, we have the power, upon the person who is doing the work applying to the warden, for the holders of the leases adjoining to be brought before the warden, and the

warden may compel the owners whose leases are being drained by the company who are doing the work to pay a share for the work being done to their lease. This may be in advance of what is required, but circumstances are working up to the necessity for legislation such as this. I think when members peruse these clauses they will find that they are provisions that should be found in any Mining Bill. Owners should be liable to contribute towards work which is being done for their benefit on adjoining leases. Should a person who is carrying out the drainage work use some of the water, the value must be deducted. This is only a fair thing to do when one company is draining another company's area; and provision is made for the enforcement of these regulations. Part VIII. deals with miners' homestead leases, and contains nothing new, except that if a person takes up and holds for 20 years a homestead lease and pays the rents, after that term we shall ask nothing but a peppercorn rental.

Purchase and Sale of Gold by License.

Dealing with the purchase and sale of gold, the Government have always been desirous of doing all they can to stop gold-stealing. Last year we passed the Criminal Code, which made the detection of illicit gold-buying more easy. Of course there is necessity for most stringent provisions with this end in view; and in regard to these we have had some important strictures from London. One of them is contained in a speech of Mr. Doolette to the Council of West Australian Mineowners, which reads as follows:—

> I sincerely hope that the Government will bring about an amendment of the Police Act as it relates to gold stealing; and while we have no intention to antagonise the Government or to hamper it in any way in its honest endeavours to safeguard the interests of the State, yet as predominant partners in the concern we mean to have our recommendations listened to and due weight given to our representations.

I do not know where Mr. Doolette found that he was a predominant partner in the administration of Western Australia. We are not inclined to let those people who send money here for investment think that they are predominant partners in the administration of justice here. [Mr. Morgans: I do not think he means that.] I do not think he does. I think he means he is a predominant partner in Western Australian investments. But I wish to show that we do consider it necessary, and always have considered it necessary, to do all we possibly can to stop gold-stealing. We are just as jealous for the honour of Western Australia as are the people in London; in fact we think that anyone wishing to promote a scheme for exploiting the public can find in London many more brains to formulate and execute it than he could find in Western Australia. [Mr. Morgans: London has a population of four millions to choose from.] Some time ago I tried to point out that the feeling existing or supposed to exist in London against the Western Australian Government was dying out; and I am sure members opposite will be glad to know this. The *Mining Journal, Railway and Commercial Gazette*, a leading London paper, says:—

> One of the burning questions on the goldfields is the prevention of gold-stealing. It seems to us that it is extremely undesirable either to excite English feeling on the subject, or to make it appear that English feeling is already excited. The question is one for the Colony, which is as jealous of its honour as is any other part of the Empire, and to make speeches which suggest that we over here are distrustful of the way in which the Colony is dealing with such a subject can only tend to make bad blood and add to the natural antagonism of the colonial worker to the foreign capitalist. . . . If the council of the Western Australian mineowners would set themselves to bring pressure on directors here to prevent them from picking the eyes out of their mines to maintain dividends for a time, to force them to permit examination by independent experts instead of by persons already committed, and to publish information as and when received, they would do a great deal more to prevent scandals than could ever be attained by the appointment of a Government official.

This is what an English paper says on the matter. I say that we are just as jealous as anyone can be of the honour of Western Australia; and that is proved by what we did last year in the Criminal Code. Now there are provisions in this Bill which will make the gold-buying regulations ever so much more strict. Part IX. deals with the purchase and sale of gold, and Clause 205 provides that either the seller or the buyer must be licensed. The definition of gold is

different from that in the principal Act. The sale must take place at the licensee's place of business; but the clause will not affect the sale of the gold-bearing ores or tailings. As to such sales, the seller is to have a contract in writing, and he has to keep a record of the lease from which the ores or the tailings are obtained. Applications for licenses will be made to the warden, but the granting of them will be wholly at the discretion of the Minister. Purchases made must be entered in a book, which is to be in a special form, showing the seller's name, where the gold was obtained, the name or number of the lease, its position, and all particulars which may be named by the Mines Department in its regulations, so as to make it certain that the gold has been taken from a certain lease and treated by a certain plant; and if the seller makes a false statement or the buyer a false entry, the guilty party is liable to 12 months' imprisonment or to a fine of £100. I think that is stringent enough: I am making it as stringent as I can. We have another clause to the effect that any bank or any person acting as a bailee, who sends away slimes or other valuable ore out of the country, must make a record of the transaction; and when we go into Committee I shall ask members to enact that such record shall appear as if it were a sale; to let it go into the record book and be shown there in exactly the same manner as if a sale were recorded. When such books of record are inspected, the inspector is to keep everything secret, except in a court of law. If anything wrong be found, the wrong will be exposed in the Court, otherwise the inspector is pledged to secrecy.

Administration of Justice in Mining.

Part X. deals with the administration of justice. All the existing laws have been re-drafted with a view to greater clearness of statement; and while giving a wide jurisdiction to wardens in mining cases, so that decisions may be obtained locally and promptly, the rights of appeal in proper cases are carefully guarded both on questions of law and of fact. The object of Clause 231 is to enable the warden's court to have concurrent jurisdiction with the Supreme Court in mining cases, including all the equitable jurisdiction of that court in matters of specific performance of contracts, mining partnerships, trusts, injunctions, etc. In Clause 233 every warden's court is given a general jurisdiction throughout the whole of Western Australia; but issues relating to leases and other mining tenements must be brought into court in the field or district in which the tenement is situated. We are to some extent altering the jurisdiction so as to give a warden power outside his own district in special cases. Clause 234 gives power to the warden, by consent of parties, to determine matters summarily, without formal proceedings. That is, mining people having a dispute may go to the warden and say, "We do not wish to go into court at all; we are prepared to abide by your decision." That agreement will be put in writing; the case will be heard before the warden without going inside his court; and the decision can be entered up and will be legally binding. Clause 237 gives the court special powers to make orders with regard to the possession and custody of gold or other minerals for apportionment between the parties entitled, and to order inspection and surveys of disputed boldings, and Clause 244 provides that judgments and orders are primarily enforceable under the simple procedure of Local Courts; but as shown in Clause 248, the powers of the Supreme Court may be exercised where necessary. Clause 246 provides that no proceedings can be dismissed at a warden's court for any informality or technical defect; but any such informality or defect may be amended in the court on the hearing. The warden, on being asked to make such amendment, has power to adjourn the case. Thus the Bill will give power for simple justice to be done in the court without allowing any formality or technicality to annul the proceedings. In dealing with these cases, any question of law arising may be deferred for the opinion of a Judge of the Supreme Court; and an appeal is given to a Judge on questions both of law and of fact; but provision is made for the prompt determination of all appeals. Where the appeal is on a question of fact the Judge may order or the parties may consent to appeal by way of re-hearing. When an appeal on a question of law is made from

the warden to the Judge, a farther appeal may be made to the Full Court; but that is the final appeal. No appeal can be made from the warden's court unless the subject matter is over £200 in value. Thus we prevent appeals in trivial matters. One can appeal on questions of law or of fact, or on questions of law and fact, but not when the value of the subject-matter is less than £200, nor from decisions or recommendations of the warden on applications for leases, forfeitures, or exemptions. These matters are purely Ministerial.

Mining Partnerships and Contracts.

There are new provisions as to mining partnerships, adopted from the New Zealand Act of 1898; and they will regulate all partnership holdings by miners. They do not apply to any registered company, but only to ordinary mining partnerships such as are usually made on our goldfields. I think I omitted to point out that in regard to any gold-mining lease under this Bill, all future contracts must be in writing. That is most important in the event of an action at law. The same thing applies under the Land Act at the present time, but it does not apply under the Mines Act. By this Bill, any person claiming an interest in a mining lease must make all contracts in writing with regard to such mining lease; but contracts as to quartz or alluvial claims need not be in writing.

MR. JACOBY: That is not retrospective?

THE MINISTER FOR MINES: No. The clauses dealing with mining partnerships give certain powers to the man who happens to be placed in charge. Four or five persons undertake to work as partners, and one man neglects to pay his share. The man in charge takes possession of the claim, and the miners wages are immediately a lien on the claim. If a man puts men on and pays them wages, he has the power first to pay them out of profits, or if he pays them out of his own pocket he can himself take a lien on the claim and register that lien at the warden's court. Special power is also given here for the selling of a man's interest if he does not pay up his share. I think, when we get to these matters in Committee, that members will agree these are clauses essential for the wise administration of the Act.

Wages, when a First Charge.

Clause 281 is a new clause, and provides that four weeks' wages for all employees on a mine shall be a first charge in priority to mortgages and other encumbrances. [MR. REID: Why not make it two months?] If a man allows wages to accumulate month after month and does not stop and say "I want my money," and if he is foolish enough to give credit, he should be penalised in some way; but I am prepared to give him one month over and above the first mortgage; and I think it is a very fair thing indeed. I want members to thoroughly understand that contracts must be in writing. This is a matter that should be well known before the Act becomes law.

Gold Export, Alien Restriction, etc.

Clause 287 deals with the exportation of gold and bullion, and makes provision that any banker or gold dealer or other person exporting gold ore, gold dust, or gold bullion must report it. This is another effort to prevent valuable gold ores being sent out of the State without being reported. I think hon. members will find this a particularly good clause. Clause 289 provides that any Asiatic or African alien who is found working on the goldfields may be removed by order of the warden. The object of Clause 293 is to prevent the salting of mines, and provides for a penalty, not exceeding three years, for any person who can be proved to be guilty of this offence. Clause 294 deals with collusive applications for forfeiture, made for defeating the labour covenants. There have been to some extent applications made to the department for this purpose, and this is a very strong clause dealing with it.

Closing Remarks.

I think that about deals with the Bill so far as it appears necessary to go to-night; but I do not think I should finish without a few words regarding those who pioneered this great industry. We should give some credit to those persons who, in the early stages of Western Australia, helped to develop the wonderful resources of this country. I myself have travelled in these outside places, and I know what

terrible hardships they endured. On seeing the immense waste of country, one can imagine the feelings of these men going out into back parts with very little hope of obtaining water. I think the work done by them is very worthy of record; and it would be invidious to mention names, but we should mark our sense of gratitude to those who helped this industry in its early years. With regard to the Bill, as I said at the start it can be dealt with altogether outside of party politics, since it deals entirely with the industry that keeps the farmer, the agriculturist, the pastoralist, and the metropolis going, and all the industries of Western Australia moving. We do not want to give way or pander to any section of the community, but we want to try and formulate an Act which will do everything possible for the purpose of exploiting—a word which I hardly like to use, I would rather say for the purpose of using the great mineral deposits of Western Australia for the many advantages of the State itself. I move the second reading.

MR. R. HASTIE (Kanowna) moved that the debate be adjourned till the next Tuesday.

MR. F. ILLINGWORTH (Cue): I suggest a longer time, perhaps two weeks. This Bill should go through the country first.

THE MINISTER FOR MINES: I have no objection to a longer postponement, especially before the Committee stage. There are members, however, who want to go on with the second reading. I will not press the Committee stage until we can send the Bill before the miners' associations and chambers of mines, and to all the mining centres; but if we can get through the second reading, I would be prepared to go on with the Committee stage as soon as we feel sure that the outside public have a thorough grasp of the Bill.

Motion passed, and the debate adjourned.

ADJOURNMENT.

The House adjourned at 10·38 o'clock, until the next day.

Legislative Assembly,

Thursday, 27th August, 1903.

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

PRAYERS.

ELECTION RETURN, NORTH FREMANTLE.

The SPEAKER announced the return of writ issued for election to the seat for North Fremantle, vacant by the resignation of Mr. D. J. Doherty; and that Mr. J. M. Ferguson had been duly elected.

MR. FERGUSON, having been introduced, took the oath and subscribed the roll.

QUESTION—ABATTOIRS, STATE MANAGEMENT.

MR. WALLACE asked the Minister for Lands: 1, Whether it is the intention of the Government to erect State abattoirs. 2, If so, when the erection will be commenced, and where will they be situated. 3, Whether it is intended to confine the slaughtering of all animals for future consumption within the metropolitan area of Fremantle, Perth, and Guildford to the abattoirs.

THE MINISTER FOR LANDS replied: 1, Yes. 2, Immediately, at Owen's Anchorage and the Eastern Goldfields. 3, Yes; as far as reasonable.

LEAVE OF ABSENCE.

On motion by MR. MORAN, leave of absence for one fortnight granted to the member for the Moore (Dr. O'Connor), on the ground of urgent private business.

CONSTITUTION ACT AMENDMENT BILL.

RECOMMITTAL.

Resumed from the previous day.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clause 61 (resumed)—Amount payable out of Consolidated Revenue Fund: