

able absence of the Speaker from the colony.

MR. PARKER: I have much pleasure in seconding it.

The House adjourned at a quarter past one o'clock, a.m.

LEGISLATIVE COUNCIL,

Friday, 6th January, 1888.

Intercolonial Postal Conference—Goldfields Act Amendment Bill, 1888; second reading; committed; third reading—Message (No. 4): Assenting to Bills—Australian Naval Force Bill: second reading; committed; third reading—Victoria Public Library Bill (lapsed)—Governors of High School—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

INTERCOLONIAL POSTAL CONFERENCE.

MR. PARKER, with leave, without notice, asked the Colonial Secretary whether an Intercolonial Postal Conference was to be held at Sydney on the 19th inst., and, if so, whether an invitation had been given to this colony to send a representative to the Conference?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that a Postal Conference was to be held at Sydney this month, and an invitation had been given to this colony to send a representative. The Government had considered the matter; and as it was found it would not be convenient that the Postmaster General (Mr. Gahan) should attend, the South Australian Government had been asked to allow the Postmaster General of that colony (Hon. J. S. Johnson) to represent Western Australia at the Conference. The South Australian Government, with their usual courtesy, had consented. He might add that the Postmaster General (Mr. Gahan) had made an offer to the Government, expressing his readiness to defray his own expenses,

if it was thought it might be convenient he should attend. The arrangement, however, stood as he had already informed the hon. member, and this colony would be represented at the Conference by the Postmaster General of South Australia.

GOLDFIELDS ACT AMENDMENT BILL, 1888.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in moving the second reading of this bill, said it would be in the recollection of hon. members that at the last session of Council a select committee was appointed to consider certain amendments suggested in the Goldfields Regulations by the late Mr. Hardman, in a letter addressed by that gentleman to the Government. The committee recommended that the 11th section of the Act should be materially altered, in order to give that impetus necessary to quartz reefing at Kimberley which the committee believed to be essential to the prosperity of the goldfields. That section provided, among other things, that no mining lease could be granted until the expiration of two years after a goldfield had been proclaimed. The committee recommended that leases should be granted at any time after a goldfield had been declared. The committee also recommended that provision should be made for separate rewards for gold discoveries being made only when a new goldfield had been discovered in another division of the colony, other than that in which a goldfield already existed. They also recommended certain modifications as regards the working hours and labor clauses. A few days after the committee brought up their report the Government received a report from the Warden at Kimberley on the subject of the regulations, from which it appeared that the regulations then existing were well adapted to the Kimberley goldfields. The Warden was satisfied with them, and he did not recommend their amendment. That being so, the Government, last session, did not think it advisable to proceed with the report of the select committee, and the matter was postponed. Since then, however, the colony had very much changed. At that time Kimberley was the only place in this colony where the existence of the precious metal in workable

quantity had been established; but since then discoveries had been made much nearer home. The Yilgarn finds had suddenly developed a keen speculative interest in gold mining, and the attention of the Government had been drawn to the desirability of liberalising the enactments limiting the activity of the public in the direction of gold-mining. The bill now before the House gave effect to the recommendations of the select committee of last year, and it also contained some other amendments which it was believed would meet with general approval. It was proposed to permit mining leases to be issued at any date after the proclamation of a goldfield, instead of waiting two years; and that, in future, no reward should be given for the discovery of a new goldfield except in a division of the colony in which no goldfield had been previously proclaimed. This would prevent half a dozen claims being put in for the discovery of so many goldfields in one and the same district. The bill also allowed three months exemption from conforming with the labor clauses contained in the principal Act, thus relaxing the stringency of the labor conditions in case of emergency. He believed there was a general feeling among hon. members that greater facilities should be afforded for the discovery of auriferous deposits, and he hoped the present bill would meet all practical requirements. He now begged to move its second reading.

Mr. HENSMAN said, while approving generally of the principles of the bill, he was of opinion that the rewards payable for the discovery of new goldfields should not necessarily be limited to divisions of the colony in which a goldfield already existed. One goldfield might be hundreds of miles apart from another, and yet be in the same division of the colony, and, if rewards were to be offered at all, why limit them to one goldfield in each division of the colony? He did not agree at all with the proposal, contained in the 5th clause, which enabled the Warden of a goldfield, at his own personal discretion, to relax or dispense with, wholly or partially, the conditions as to labor and residence required by the present or any future regulations which, in his opinion, it would be unreasonable to enforce. No appeal, it appeared, of any kind, was allowed against the decision of the

Warden. Each Warden would have his own idea of what was reasonable or not, and grant or refuse exemption accordingly. Telegraphic communication would be established between the fields and the capital, and these officers would thus be able, if necessary, to communicate with the Executive Government. He thought that instead of entrusting all this power into the hands of one man, it would be better to establish a Warden's Court on the goldfields.

The motion for the second reading was agreed to, and the House went into committee on the bill.

Clause 1.—Short title:

Agreed to.

Clause 2.—Interpretation:

Agreed to.

Clause 3.—Repealing the proviso contained in the 11th section of the principal Act to the effect that "no lease shall be granted upon any goldfield until two years after the date of the proclamation of such goldfield."

Mr. MARMION pointed out that the proposed alteration would altogether revolutionise the application of the law in the Kimberley district, where this proviso had been in operation. The whole aspect of affairs would be changed, and people would now be able to secure land under totally different conditions from those under which they now held it. He did not intend to vote against the clause, for he felt that circumstances had arisen in another part of the colony which rendered it desirable that the conditions of this proviso should be relaxed. He would suggest at any rate that the repeal of this proviso ought not to come into operation, so far as the Kimberley district was concerned, until some future date. He thought this ought to be done in the interests of those living at a distance, who had invested their money in the district.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said this was one of the recommendations made by the select committee of last year, who had before them a letter of the late Mr. Hardman, suggesting various amendments in the regulations. The committee were of opinion that it was very desirable to authorise the removal of this restriction to successful mining and the earlier development of the goldfields.

MR. LEAKE said it was not intended that the repeal of this proviso should operate as a revocation of acts done under the existing law. It could not possibly affect the rights of the holders of any existing claims in the Kimberley district. The hon. member must admit that, in view of recent discoveries and possible future discoveries, it was desirable to remove the present restriction under which no lease could be granted on any goldfield in the colony until the expiration of two years after its proclamation.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the proviso was no doubt designed to promote gold prospecting and to prevent gold-bearing country from becoming locked up in the hands of speculators; but it was believed it would be injurious to the interests of the mining industry. Capital could not be had to work mines without the security given by a lease. All these provisions were carefully limited to taking care of the miner's rights, and it would be impossible for the wealthy speculator to lay his hand on land already held under a miner's right.

MR. MORRISON suggested that in the first place a permit should be given to occupy the land applied for, and the lease withheld until a certain quantity of machinery and buildings were placed on the ground, showing the *bona fides* of the applicant, or a number of tons of ore raised. This, at any rate, would have a tendency to prevent gambling speculation, and would at the same time tend to develop the goldfields.

MR. A. FORREST agreed with the hon. member for Fremantle that some time should elapse before the operation of this clause should extend to the Kimberley goldfields, as it entirely revolutionised the conditions upon which many persons now held mining leases in that district, many of whom resided out of the colony. He would suggest that a proviso be added to the clause to the effect that the repeal should not take effect in the Kimberley district until the 15th April next.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he had no objection to this, and the clause having been amended accordingly, was put and passed.

Clause 4.—“The reward payable to the “actual discoverers of new goldfields, as

“provided in the 81st section of the Act, “shall be payable only when a newly discovered goldfield is situate in a division “of the colony in which no goldfield has “been previously proclaimed:”

MR. HENSMAN said he had already expressed an opinion that he thought it would be undesirable to limit the reward for the discovery of a goldfield to one goldfield in each division of the colony. If these rewards were to be offered at all, why should the inducement be limited in this way? A goldfield might be proclaimed at one end of a division, and another field discovered hundreds of miles away, of a still more promising character; but, simply because it so happened that a field had already been proclaimed in the same division, the finder of the richer field must go unrewarded.

MR. LEAKE pointed out that by the 53rd section of the Goldfields Regulations reward claims might be given for the discovery of gold in apparently payable quantities on any new reef, or the rediscovery of the same on any reef previously occupied and abandoned.

MR. MARMION suggested that the minimum amount offered as a reward for the discovery of a payable goldfield (£500) might be reduced to £100. He thought this would meet all that was required. They could then afford to deal with a larger number of claims, according to their merits.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said this amendment in the Act was also in pursuance of the recommendations of the select committee of last session, and hon. members were aware there were difficulties in the way of providing for an unlimited number of claims, regard being had to the claims already made.

The clause was adopted.

Clause 5.—“It shall be lawful for the “Warden of any goldfield to wholly or “partially, for such time as he may “please, relax, dispense with, or modify “the conditions as to labor or residence “required by the present or any future “regulations, when, in his opinion, it “would be unreasonable that such conditions should be enforced in their “entirety:”

MR. HENSMAN thought this was a very large power to place in the hands of

any Warden. It appeared to him it was a power that few men, however great their experience or capacity, were fit to possess, and which certainly never should be put in their hands.

MR. MARMION was unable to see what was the purpose of making any regulations with regard to the labor conditions, when any Warden might change them to any extent he chose. He would move that the following words be added to the clause: "Provided that such relaxation, dispensation, or modification shall be subject to the confirmation of the Governor in Council."

THE ATTORNEY GENERAL (Hon. C. N. Warton) pointed out that such a proviso would nullify the operation of the clause, on a distant goldfield like Kimberley. He thought the difficulty might be met by restricting the time during which the period of relaxation or dispensation should continue. He moved that the words "not exceeding three months altogether" be inserted after the word "please" in the second line.

Agreed to.

Clause, as amended, put and passed.

Clause 6.—"The provisions of the 79th Section of the Act shall be and are hereby extended to the making, altering, and repealing regulations relating to the prospecting and mining for gold in places not within the limits of a proclaimed goldfield, and penalties not exceeding those stated in the said section may be provided for the breach of such regulations."

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved to insert after the word "extended," in the third line, the words "so far as applicable and necessary."

Agreed to.

Clause, as amended, put and passed.

MR. MARMION, referring to a remark that had fallen from the hon. member for Greenough with respect to the expediency, as it appeared to him, of establishing Warden's Courts to deal with disputes on any new goldfields, instead of placing so much power in the hands of the Warden himself, asked whether it would not be desirable to provide for the establishment of such a court on any goldfields that might be proclaimed in the Eastern Districts.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that disputes at Yil-

garn could be decided by the ordinary courts of law.

Clause 7.—This Act shall be read and construed with the Act:

Agreed to.

Title and preamble agreed to, and bill reported.

The Standing Orders having been suspended, the bill was read a third time and passed.

MESSAGE (No. 4): ASSENTING TO BILLS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor informs the Honorable the Legislative Council that he has this day assented, in Her Majesty's name, to the undermentioned Bills:—

"1. *An Act to amend 'The Geraldton and Northampton Railway Act, 1873.'*

"2. *An Act to repeal 'The Tariff Act, 1882,' and to make other provisions in lieu thereof.*

"Government House, Perth, 6th January, 1888."

AUSTRALASIAN NAVAL FORCE BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved the second reading of a bill to provide for the payment by this colony of a proportional part of the cost of the establishment and maintenance of an additional naval force to be employed for the protection of the floating trade in Australasian waters. The object of the bill was simply to confirm an agreement entered into at the late Colonial Conference by the delegates of the various colonies to contribute, on the basis of population, for the employment of an additional Imperial Naval Force on the Australian station for the protection of our trade and commerce. The cost to this colony would not exceed £1,300 per annum.

MR. HENSMAN said no doubt the honor of the colony was to a certain extent involved in the passing of this measure, and therefore it was one we could hardly offer any opposition to, seeing that the object was to confirm the action of our own representatives at the late Conference. These representatives were, no doubt, men of considerable knowledge, and men in whom the colony had every confidence. Therefore it appeared to him the Legislature was in honor

bound to carry out the agreement which on behalf of the colony they had entered into, in conjunction with the representatives of the other colonies. At the same time it appeared to him that an important bill like this should not pass without some comment. It bound the colony to the payment of a sum of money—not a large one certainly—for ten years, and he thought some statement should have been made with regard to the action taken in the matter by the other colonies.

SIR T. COCKBURN-CAMPBELL said he could perhaps give some information with regard to the bill and the action of the other colonies in the matter. The object of the bill, as had been stated, was to confirm a provisional agreement entered into by our delegates at the late Imperial Conference. Our delegates, he supposed, had exactly the same authority as the representatives of the other colonies, and, he presumed, were in constant telegraphic communication with their Government, and came to no decision except after consent obtained from the Government here. As hon. members were aware, the proposal to increase the naval force in Australasian waters came from Admiral Tryon. The Imperial Government agreed to maintain the present force, but suggested that the cost of maintenance of the additional force asked for should be provided for by the colonies in proportion to their population. This arrangement had been fully discussed in all the other colonies and by every one of the Parliaments it had been declared to be a most liberal arrangement. Victoria had fallen in with it without the slightest hesitation; and in New South Wales Sir Henry Parkes had forced it through the House against a few stonewallers by an all-night sitting. All the other colonies had passed it with the exception of Queensland, where it had been withdrawn, as the Opposition leader had opposed the Premier upon it, not because he objected to the measure but because he wished to discredit the Government. It would doubtless pass next session, as there was generally a strong feeling in its favor. The measure was now before the Parliament of New Zealand, and the last telegram stated that the House would not rise until the bill had been passed. As our Speaker was on the point of leaving to attend the sittings of the Federal

Council, and, as this colony was amongst the first to respond to the appeal for the establishment of that Council, it would look very mean, and it would ill become us, now to turn back and abandon the position we had taken by refusing to pass this bill, which provided for federal action in time of danger.

MR. SHOLL said he intended to support the bill for this reason: hon. members would recollect the sense of relief that was felt during the late Russian scare owing to the arrival in our waters of two gunboats from the Australian fleet; and, should we pass this bill and agree to bear our fair share in the cost of the maintenance of this fleet, we could look upon it more as a right than as a compliment that a man-of-war, or more, should, in time of danger or necessity, be sent to protect the harbors of Albany and Fremantle. The amount asked for was really a small amount, and he thought we might very well afford it. As all the other colonies were joining in the movement he thought it would ill become us to break faith with our own delegates. He therefore intended to support the bill.

MR. A. FORREST said he had intended to oppose the bill, but after the explanatory speech of the hon. member for Plantagenet, he had altered his mind; and, as several of them were about to visit Sydney, he thought we should look very small and feel very small if we refused to agree to this proposal to join the other colonies.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he was not aware there was any occasion to ask for a vote on account of this service for the current year, nor perhaps next year; it would all depend upon the speed with which the Admiralty constructed their vessels.

Motion agreed to.

Bill read a second time, and committed.

IN COMMITTEE:

The various clauses were agreed to *sub silentio*, and the bill reported; and, the Standing Orders being suspended, it was read a third time and passed.

VICTORIA PUBLIC LIBRARY BILL.

On the motion of the COLONIAL SECRETARY the further consideration of this bill was postponed until next session of Council.

GOVERNORS OF THE HIGH SCHOOL.

On the motion of the DIRECTOR OF PUBLIC WORKS, Mr. Shenton and Mr. Parker were re-elected Governors of the High School.

ADJOURNMENT.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that, seeing that the business which the Government had to bring before the House had now been overtaken, he begged to move that the House at its rising do adjourn until Monday, 12th March, which, he believed, was a date acceptable to both sides of the House.

Mr. HENSMAN said he objected to the proposed adjournment, and wished to state his reasons for doing so. His principal objection was that the House had sent a telegraphic message to the Secretary of State asking when a certain despatch might be expected. That despatch, they had been informed, was now actually on its way out, and might be expected to arrive in the colony in the course of a few days. He thought, the House having heard from the Secretary of State when the despatch might be expected, and several hon. members having expressed regret and even reprobation because the despatch had not arrived before the House met, or while it was in session,—he thought they would be doing wrong by agreeing to such a long adjournment. The House should be in session when the despatch arrived, for the reason that it might necessitate instant action by communication with the Secretary of State, or it might be a despatch which would enable them to proceed within a few hours, or, at most, a few days, with the discussion of the question of Responsible Government and dispose of it. They were in ignorance entirely of what it would be, and if they adjourned until March 12, they would lose at least one year in this question of Responsible Government, because it was pretty certain that, whatever happened, the matter would not finally be passed without a dissolution taking place, and without the change having to be ratified by the House of Commons. Having made up their minds that this was a pressing question, and the Government having stated that they were not in a position to satisfactorily carry on the Government, they should

press forward this question, and he would therefore vote against the adjournment of the House until March 12.

MR. LAYMAN said he, too, was opposed to the House being adjourned until March. They were called there this session, as they thought, to deal with the question of Responsible Government, and some of them, when they found that the despatch from the Home Authorities had not arrived, almost boiled over with indignation. Now when they were told that this despatch was on the way, and would be here in the course of a few days, they proposed to adjourn for two months. He thought it would look bad if the House should not be in session when that despatch arrived, after all the fuss that had been made about it. The Secretary of State would see at once that their hearts were not in their work; and so would the whole colony. He could see also that in going away and leaving their work in this way they would probably be putting off the adoption of Responsible Government another year. He hoped hon. members would stick to their work, and wait for the arrival of the despatch, which a few days ago they were so anxious to receive that they threatened to stop supplies if they did not get it. Now when they were told it was on the way they wanted to adjourn until March.

The House divided upon the motion, the numbers being—

Ayes	17
Noes	5

Majority for	...	12
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AYES.	NOES.
Mr. H. Brockman	Captain Fawcett
Mr. E. R. Brockman	Mr. A. Forrest
Sir T. C. Campbell, Bart.	Mr. Keane
Mr. Congdon	Mr. Layman
Mr. Leake	Mr. Hensman (Teller.)
Mr. Marmion	
Mr. Morrison	
Mr. Parker	
Mr. Pearse	
Mr. Richardson	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Mr. Venn	
Hon. C. N. Warton	
Hon. J. A. Wright	
Hon. Sir M. Fraser	

Motion agreed to.

The Council adjourned at half-past four o'clock, p.m., until Monday, 12th March, at seven o'clock, p.m.