

Legislative Council,

Wednesday, 18th November, 1903.

	PAGE
Petition, Factories Bill	2182
Bills: Municipal Institutions Act Amendment,	2182
third reading	2182
Election of Senators, in Committee, reported	2182
Mining, second reading moved	2182

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

PRAYERS.

PETITION—FACTORIES BILL.

HON. G. RANDELL presented a petition from the West Australian Chamber of Manufactures, praying that the Factories Bill be rejected.

Petition received, read, and ordered to be printed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Read a third time, on motion by the COLONIAL SECRETARY, and returned to the Assembly with amendments.

ELECTION OF SENATORS BILL.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

MINING BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill): In moving the second reading of this Bill, I would like to state first that the laudable object in view is to pass a Bill which will consolidate, simplify, and amend all the laws of the State relating to mining. I do not suppose it is necessary for me, at any great length, to dilate on the immense importance of the past, present, and future of the mining industry of the State of Western Australia. Those of us who have not had the great fortune to be natives of the State, who have come here from elsewhere, but whose stay in the State has been of some length, can well remember a good many years ago, 14 or 15 years—for my part I can look back 15 years in the history of Western Australia—the outlook of the State was very small indeed.

Before the discovery of gold in payable quantities in Western Australia there was but little in the State to look forward to. All the industries that existed were languishing.

HON. G. RANDELL: Oh, no.

THE COLONIAL SECRETARY: I am speaking of the outlook in those days, and I think Mr. Randell will agree with me that the outlook of the agricultural industry was very limited, and the state of that industry itself was far from successful. Settlement was not going on to any large extent, and farming was not conducted in the modern methods and with the success which attends the pursuit of agriculture at the present day. We found that contemporaneous with the development of the mining industry all the other industries of the State developed likewise. It has been the same in every country where gold has been discovered. If we take as an example the Eastern States, their circumstances before the discovery of payable gold within their borders were very much the same as the circumstances of Western Australia. The discovery of gold brought an influx of population who had to be fed, preferably fed from the products of the country in which they had taken up their abode; hence the revivifying influence that was brought to bear in this State by the successful discoveries of gold, which I think date to about the year 1893. Again, those who remember the Perth of 14 or 15 years ago, and compare it with the Perth of to-day, know that the progress of the State was stimulated in the first instance by the development of the mining industry. What this stimulation has done needs no words of mine to explain.

HON. J. W. HACKETT: Not the first stimulus; the first was popular government. You will find history will bear that out.

THE COLONIAL SECRETARY: I think even popular government without the discovery of gold would not have resulted in anything like the prosperity which we have to-day; nor would we have found the improvement in trade, nor springing up in the centre of Western Australia, in inhospitable regions, those cities which now are at once the wonder and envy of our Eastern neighbours. Nor nowadays is our mining industry confined to gold-mining. We find in

various parts of the State mining for other minerals and metals has been successfully pursued. We find gold is found practically all over the State, and we find copper, too, successfully worked in more than one quarter. We find that tin is found away in the North at Pilbarra, and in the South at Greenbushes. We find the Collie coalfield developing, and the Governments of to-day and of past days have done their best, by using to as great extent as possible the product of that field, to assist in the development of that industry. I think I may be allowed to speak with some degree of authority in these matters, because it so happens that before I entered Parliament, and since I have entered Parliament especially, it has always afforded me a great deal of delight to travel through as much of Western Australia as I could. I do not think there is anybody in this House who has seen more of the State than I have.

HON. J. W. HACKETT: Especially the mining districts.

THE COLONIAL SECRETARY: Not alone the mining districts, but the coastal, pastoral, and agricultural districts.

HON. J. W. HACKETT: Especially the mining districts.

THE COLONIAL SECRETARY: I think it almost goes without saying that with such an industry as gold-mining, that has done so much for the State, and which I am firmly of opinion is going to do so much more for the State, we should have the best possible laws for its regulation. It is with this object that my colleague the Minister for Mines has, with his officers and legal advisers, worked hard and collected so much information, practically from all sources in the world, and this appears in the Bill before us. The present Bill is, I admit, an ambitious Bill, and if I may venture to express an opinion, it is successfully ambitious. It aims at bringing within the four corners of the Bill all the laws relating to mining and the conduct of mining in Western Australia; and if we have one set of laws, so it must follow we must have one set of regulations. We have a very large population in Western Australia dependent on mining, perhaps in the capacity of

mine owners if not in the capacity of those employed on the mines, and to them the laws and regulations which occur under the laws are of paramount importance. To what an extent must it benefit them and convenience them, instead of having to hunt through I think 10 Acts in all repealed by the Bill, that they find all they wish within the four corners of one document, and within the four corners of one set of regulations promulgated under this Bill. It has been pointed out that what with parent Acts and amending Acts, and the regulations which have been continually altered, it is very hard indeed for the average man, and rather hard indeed for a man with some legal knowledge, to find what the state of the law is. By this Bill it is contemplated, and with reason contemplated, to put an end to that state of affairs. The Bill consolidates, as I have mentioned, 10 Acts which have been in existence in this State, dating back as far as the seventeenth year of the late Queen's reign, and from that time to the year 1900. Nine of those Acts are repealed altogether, and the tenth one, the Mining on Private Property Act of 1898, is repealed except certain sections which members will see in the first schedule. Those sections deal with circumstances under which a land agreement was made with the Hampton Plains Company, and the regulations which apply to those circumstances. In addition to consolidating the law, the Bill also amends the law in certain directions; and the principles which underlie these proposed amendments I will briefly enumerate. Firstly, the Bill introduces a principle which has long been fought for by mine owners in the State. Mine owners, whether they be working leaseholders or representatives of capital, have long been inveighing against the circumstances in which exemptions are granted; and these gentlemen will be much relieved to find that by Clause 93, instead of their having to go cap-in-hand to a warden's court to get exemption, and being put to the expense of unnecessary litigation at the suit of any irresponsible person who perhaps through spite or from some other improper motive may wish to block their exemption as far as possible, there are certain rules laid down which stipu-

late that if the mine owners have performed certain conditions with regard to the expenditure of capital and the provision of machinery upon their holdings, they can claim exemption, not (if I may use the phrase) as a favour, but as a right. That provision will, I think, commend itself to all classes, not alone to the mine owner who is a capitalist, but also to the mine owner—and one who is very valuable to this State—who is working his own mine and spending his profits in the country. The Bill amends in some degree the law relating to the amalgamation of large areas of land, and will make it possible for persons who wish to take up abandoned alluvial ground, or ground which is difficult to work by reason of wetness or on account of the necessity for sinking to an extreme depth, to take up that ground in areas twice as large as are now permissible; and the maximum area of such ground proposed to be allowed is 48 acres, instead of 24 acres, the area of a mining lease under the existing law. With regard to the coal-mining industry it is proposed to permit amalgamation up to 2,560 acres. By the existing law the maximum area for amalgamation is 1,280 acres; and for larger areas there must be separate holdings, unless special licenses are obtained from the Minister. Now it is proposed to make the maximum size of an amalgamated holding 2,560 acres, and if any farther holding is required, then a special license has to be applied for; but the holder of a coal-mining lease is just twice as well off with regard to amalgamation under this Bill as he is under the existing Act. It has been thought wise thus to deal with the coal-mining industry, because it is realized that the market for coal is in no way comparable with the market for gold. Gold has of course a fixed value and a ready market, and does not deteriorate by keeping. But it is impossible to sell coal to a bank; and furthermore the price fluctuates considerably, and one cannot profitably store coal in order to wait for a favourable fluctuation in a market which is always fluctuating. Another clause provides for the due punishment of persons who "salt" mines; and I think this is the first instance of such a provision, and a very valuable provision, in any Australian Mining Bill.

And to prove that as I have said already practically all corners of the earth have been ransacked for good parts of their mining legislation to add to this Bill, I may state that this provision is taken from the mining laws of so far away a country as Rhodesia. I am informed by the Crown Solicitor that the provision is necessary in a Mining Bill, apart from the Criminal Code; and I venture to think that the provision will do much good. I have heard with regret that mines have occasionally been salted; and I hope the clause will in future exert on such practices some deterrent influence. I have now touched on the sources of the Bill; I have said that it results from a careful study of the mining laws of practically all mining countries; but it is founded in greater part on the mining legislation of the Australian States and New Zealand, combined with certain provisions from America and Rhodesia. Members will understand that the collating of all this information is no trifling task; and I think they will agree that immense credit is due to the Minister for Mines and those of his officers who have worked so hard and so loyally under him to present to Parliament a Bill which I hope, and which I think if passed, will form a model of mining legislation for practically the whole world. It is true that in one or two countries there are mining Acts which are more complex. There is for instance the New Zealand mining law, which is so complex that there is practically no need to make any regulations with respect to it, all the regulations being practically embodied in the Act itself; but for two reasons that is not desirable. First, an Act of that sort has not the necessary elasticity which the varying conditions of a large country like Western Australia demand; and second, in the multitude of sections there may be wisdom, but there is often confusion also; and the object aimed at in this Bill is to avoid confusion, and yet to make the Bill and its regulations as fully applicable to all the varying conditions of this State—and there are many conditions, and they vary greatly—as may possibly be the case. I shall now take as short as possible a trip through the numerous clauses of the Bill; and I assure members that I will not detain

them longer than is absolutely necessary. We find the usual definition clause, affording an index to the clauses which follow. In the interpretation clause is nothing very new. Especially in a gold-mining Bill I always look for the definitions; and the clause defines "alluvial," "earth," and "gold," together with less important terms. We find that these interpretations have not been altered in the least from the corresponding definitions in the existing Act. We find farther down that coal is re-defined as including stratified ironstone, shale, and fire-clay; and to mining members the reason for this must be obvious. These substances may be called by-products of the working of coal; and a mine which works for coal not necessarily but in many instances makes use of these by-products also. I hope no long time will elapse before Western Australia makes use of the by-product stratified ironstone, for instance, and I hope shale also. I am led to believe that fire-clay already forms part of the products of our coal-mining operations. We find that a new term is introduced on page 4, under the name of "mining tenement." This phrase members will see in several places in the Bill; and it is the most far-reaching term which can possibly be applied, for it practically includes all classes of mining holdings. Clause 4 deals with repeal, on which I have already touched, and contains the usual saving provisions as to holdings which have been acquired under past legislation. In Clause 6 a new title is given, in consonance with the titles already existing in the Eastern States and elsewhere, to the permanent head of the Mines Department. Instead of his being known as the Under Secretary for Mines, it is proposed for the future to call that gentleman the Secretary for Mines.

HON. J. W. HACKETT: All other Under Secretaries will want corresponding titles, and an additional £100 a year each.

THE COLONIAL SECRETARY: Not necessarily; and even if they do, it does not necessarily follow that they will get what they want. I should even go so far as to say it is almost a certainty that they will not get the £100. In Part III. we find a deviation from the present law. To bring what are now

known as mining districts more into line with the term "goldfields," it is proposed in future to call such districts mineral fields; and I should like to point out that instead of the principal officers administering the affairs of mineral fields being known as mining registrars as at present, they will, in common with their brethren on the goldfields, have the title of warden. [HON. J. W. HACKETT: A great improvement.] This will avoid confusion; and there are already so many different kinds of registrars—district factory, and others—that it is well for the status and the powers of these officers to be more specifically defined. Clause 12 contains a provision which I think will give great satisfaction to the working prospector, a provision which states that—

On proof to the satisfaction of the Minister of the discovery of payable gold at a place distant more than ten miles from the nearest place where payable gold has prior to such discovery been discovered, the Governor may in his discretion and subject to the regulations pay a sum of money not exceeding one thousand pounds to the discoverer.

It has often occurred to me during the last few years that prospecting is to a great extent languishing in this State. I do not know what may be the reason. I feel fully convinced that outside of our existing districts there are mines to be discovered, not perhaps as good as the best of our existing mines, but good and payable mines and mining districts. But somehow or other, for the past three or four years people seem reluctant, although encouragement has been held out to them, to go out to find these places. I hope, now that practically complete outfits are provided by the Government, and with the additional incentive of a monetary reward such as this clause makes it possible for the Government to pay, some stimulus may again be given to prospecting. The next clause of importance which I have to touch on is Clause 17. At the present time miners' rights cost their holders 10s., and this it is proposed under Clause 17 to reduce to 2s. 6d., and by an amendment made in the Legislative Assembly it is also proposed that no person shall be employed on a lease or claim unless he is the holder of a miner's right. The next few clauses deal with consolidated miners' rights, and the privileges conferred upon the holders by ordinary and consolidated

miners' rights. In Clause 31 it will be found that the term "mining license" is to be abolished. The only document that is to be issued for the purpose of giving persons the right to mine for all minerals throughout the State is to be a miner's right. There is to be no distinction between mining for gold and mining for other minerals. A person who takes out a miner's right is at present only entitled to mine for gold, whereas now he will be entitled to take up land for the purpose of mining for any mineral whatever. That, I think, is an improvement in the right direction. Miners' rights are of great value as matters of registration and keeping a check on the number of men engaged on a mine. In Part V. we begin to deal, at Clause 42, with mining leases, and I may state at once that the question of tenure is unaltered. There is no alteration in the application for, or the granting of, mining leases. In Clause 44 one of those increases occur which I touched on in my introductory remarks. Land which has already been worked or abandoned, or is suitable for leasing on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its development, may be granted in leases of 48 acres, instead of as at present 24 acres. In Clause 46 there is another provision which, it is contemplated, will encourage prospecting, that is the reduction of rent upon a lease for the first year. Hitherto it has been the custom to charge the usual rental all the time for a lease, that is £1 per acre per annum, but by Clause 46 the yearly rental of a lease shall be 5s. per acre for the first year and £1 per acre for every subsequent year. Members will agree with me that this is a valuable provision, especially for those going out into the country to find new fields and take up new leases. Division II. of this part deals with mineral leases, and again we find that in certain cases, as will be seen in Clause 54, a reduction is made in the rental of a lease from 5s. per acre to 2s. an acre in the case of land which has been already worked and abandoned, which is suitable for leasing and which for any sufficient reason ought to be exempted. The second paragraph of the clause states: "But in the case of any land within paragraph (a) or (b) of Sub-section 1 of Section 49 the yearly rent

may be any lesser sum not being less than 2s. an acre as the Governor may determine." That is whether it has been worked and abandoned or is suitable for leasing on account of its great depth or excessive wetness. We find very little change in the present provisions until we get to Division III., and in Clause 61 is found Section 39 of the present Act, but it is amplified and thereby considerably simplified.

HON. T. F. O. BRIMAGE : What about Clause 57 ?

THE COLONIAL SECRETARY : Clause 57 is the present law; there is absolutely no alteration in that. Clauses 67 and 68 deal in a clear manner with the vexed question of the entry of alluvialists on to gold-mining leases. It makes no difference, practically, in the law at present, but it is more clearly put than in the present Act. In Clause 77 we find a new provision, that the Governor may, instead of granting or refusing to grant a lease, postpone dealing with any application until such time as he is satisfied, if there is alluvial gold on the lease, that it has been taken out, or is satisfied that the ground is suitable for leasing.

HON. J. D. CONNOLLY : That is the present law.

THE COLONIAL SECRETARY : No.

HON. J. D. CONNOLLY : I think it is.

THE COLONIAL SECRETARY : I scarcely think so. I am told this is a new provision.

HON. T. F. O. BRIMAGE : He can go on a lease now for a certain time.

THE COLONIAL SECRETARY : In Clause 86 members will find an important point dealt with, the amalgamation of leases, and subsequent clauses also deal with the reason for the amalgamation and how the amalgamation may be affected. In Clause 88 the amalgamation of coal mining leases is dealt with: this is a point which I touched upon shortly in my introductory remarks. The system of amalgamation is twice as good under the Bill as under the present Act.

HON. Z. LANE : What about the present leases? They are all over 2,500 acres.

THE COLONIAL SECRETARY : If they are all over 2,500 acres they are not on the best possible standing under the present law, but they seem to get on all

right at present. I do not contemplate any difficulty arising with regard to the subject mentioned by the hon. member. How do the companies get along at present?

HON. Z. LANE: Exemption.

THE COLONIAL SECRETARY: That is provided for in Clause 93. Special licenses may be granted in regard to coal-mining. Clause 93 embodies the principle which I have already touched on, exemption as of right. That I look upon as one of the most valuable provisions in the Bill, and one which affords security of tenure and inducement to lay out capital which has been wanting up to the present time in our legislation. Members will see there is a sort of a sliding scale under the exemption clauses. They will see that four months' exemption are to 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. Members will see farther that three months' exemption shall be granted in respect of any lease, 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. This is a position which very frequently arises in Western Australia and in all the other States, a position which I hope will continue to arise. Nothing has done so much for mining here and elsewhere as what is known in America as "grubstaking" and what is known in Australia as "backing," half wages being paid to men in consideration for having an interest in a "show" themselves. Everyone of the most important mines in this State and throughout the world have been developed and brought into a state of efficiency by that means. It is possible for men under these conditions to receive exemption; and three months' exemption is granted in respect of any lease the property of a registered company having a nominal capital not exceeding £5,000, on proof to the satisfaction of the Minister that for a period of at least nine consecutive months the lease has been continuously and *bona fide* worked. Then again—

Six months' exemption shall be granted in respect of any lease or group of amalgamated

leases, on proof to the satisfaction of the Minister that for every 24 acres held under a gold-mining lease, or for every 48 acres held under a mineral lease, the lessee has expended in mining or mining machinery and other mining requisites at least £1,500, independently of the proceeds of any gold or mineral derived from the mine.

That I think is a very good provision, and I think a lessee, by having the expenditure above the amount of gold raised fixed at £1,500, is getting extremely good conditions. Again—

Twelve months exemption shall, in like manner, be granted when the sum expended exceeds four thousand pounds for the above-mentioned areas; but on the removal of any machinery from any such lease or leases during the currency of the exemption, without the approval in writing of the Minister, the exemption shall become void if such exemption has been granted in respect of expenditure on such machinery.

If the Minister for Mines is prepared to be generous he must also be just, therefore in the succeeding clauses and in the latter end of this clause there is provision that proper information about the details which lead up to the claim for exemption as of right must be given accurately, and a penalty is provided, which is fixed at not exceeding £100 and the forfeiture of the lease, if the exemption has been wrongfully obtained. In Clause, 95 the special licenses which the lessees of the Collie field appear to be in need of are provided for. In Clause 103 there is a departure from the present method. Hitherto it has been the usual procedure for a warden to forward to the Minister the notes of any case where in application is made for forfeiture of a gold-mining lease and for the Minister to confine himself to either confirming or refusing to confirm the recommendations of the warden in that particular. Now power is given to the Minister to call upon the warden to take farther evidence or to re-hear the application. That is a common-sense provision. Clause 104 contains a valuable departure. At present, and for not very long either, it has been competent for the Minister in his discretion to either forfeit a lease for the nonfulfilment of labour conditions or for the first offence to fine the man who has been guilty of such noncompliance. Now it is proposed that the Minister shall be able to fine the owner more than once.

For instance if, perhaps through the laxity of the mine manager but through no fault of the owner, a breach of the labour conditions is committed this year and the owner is fined, and in similar circumstances the owner, though still perhaps not culpable, is again charged with such a breach next year, the privilege of fining once only having been exhausted, it is impossible for that lease to meet with any fate other than forfeiture. It is proposed to overcome that difficulty by giving discretionary power to the Governor-in-Council, who of course acts on the recommendation of the Minister, to resort more than once to fining instead of to forfeiture. I expect that Clause 107 will meet with considerable sympathy in this House; for it provides that no lease shall be forfeited on the ground that the labour conditions have not been complied with, if the lessee satisfies the warden, in open court, that the lessee has been unable to comply with such conditions in consequence of a general strike amongst persons engaged in mining in the district. This clause is taken from the Tasmanian mining law. Clause 108 deals with the removal of plant from a lease. This is a matter dealt with under our regulations; but it is questionable whether the regulations in question are not *ultra vires* of the existing Act, because the Act gives no specific power to frame such regulations. To show the cosmopolitan nature of the Bill, I may state that as the last clause was taken from Tasmania, so this clause, which I think embodies a useful and reasonable provision, is taken from Victoria. Clause 109 also taken from the Victorian Act, is new, and determines the ownership of tailings found upon a lease which has been declared void owing to failure to pay rent, or for any other reason. Part VI. goes on, beginning at Clause 115, to deal with mining on private lands; and it is worthy of note that mining on private property as proposed in the Bill will not be confined to gold, but will embrace other minerals, and the definition of a mineral is given in a short interpretation clause at the beginning of the Bill. The Governor may from time to time, by proclamation, bring under the provisions of this part of the Bill any mineral other than those mentioned in Clause 115.

HON. J. W. HACKETT: Nothing is said of radium.

THE COLONIAL SECRETARY: That affords an instance of the necessity for a proclamation provision in this interpretation clause; because new minerals are frequently being discovered, and in many instances valuable minerals too; and as minerals will be discovered which are not yet thought of, it is necessary to give the Governor power by proclamation to bring such substances under the Bill. I have already stated that power is given in this mining on private property part to deal with minerals other than gold; and this is defined by Clause 117, which deals with the Crown ownership of gold and minerals. Clause 118 empowers the Governor, by notice in the *Government Gazette*, to exempt certain lands such as he may in his discretion think fit for exemption from the provisions of the Bill; and when such exemption is made, no such land shall be or be deemed to be private land within the meaning of this part of the Bill. Clause 119 also empowers the Governor to give certain qualified exemptions. In Clause 124 onward members will find that the machinery for the working of the mining on private property provisions is laid down, that no new principles are introduced, and that the method of dealing with these private lands is practically the same as the present method. This applies to the clauses dealing with compensation, which begin with Clause 146 and extend to 151. Clauses 154 to 164 deal with what are known as exempted lands—lands which were sold prior to the Land Act of 1899. There are legal questions as to dealing with these lands, which questions I suppose will be raised before long; and on them the decision of the Court will be necessary before our legal position with regard to such lands is definite and secure. Part VII. deals with the drainage of mines. This part is highly necessary, for drainage is dealt with partially and very imperfectly in our present regulations. Here again regulations have been framed the validity of which is somewhat doubtful, because sufficient specific power is scarcely given in our Gold-mining Acts for the framing of the regulations as they stand to-day. The clauses dealing with the drainage of mines are taken from the Victorian and

Tasmanian mining laws, and are looked on, I think rightly, as likely to prove of extreme value. Part VIII. deals with the principles surrounding the granting of miners' homestead leases; and I am glad to say that in many parts of the country this privilege has been largely availed of. I know of one mining field upon which there is now a great number of miners' homestead leases, sufficient at all events to meet the local demand, and also to provide a good living for the lessees. The provisions as to miners' homestead leases are practically the same as those which now exist, I think under the Goldfields Act Amendment Act of 1900, from which they have been taken out and embodied in this Bill. Part IX. is important, and deals with the purchase and sale of gold. The most important portion of this part seeks to enact that alluvial gold and coin, and articles manufactured of gold, are exempted from the operation of these clauses. With that exception, and with the exception that gold dealers' licenses shall be granted by the Minister instead of by the warden as now, the clauses embody much the same principles as are now embodied in the sections of our Goldfields Act dealing with gold buyers. Part X. deals with the administration of justice, and here we find that absolutely the same principles are followed as are laid down at present in the judicial part of our Goldfields Act, and in our judicial regulations. But it is claimed that these principles have in this Bill been in many cases simplified and condensed; but the principles which underlie the various clauses remain, as I have said, absolutely unaltered. Part XI. deals with the general provisions. In these there is not much which is new, or which has been in any way altered. The first new provision I find in Clause 280 and some of the succeeding clauses, which deal with a subject about which there has often been much litigation and much uncertainty. I refer to mining partnerships. Now, for the first time in Western Australia, the validity of mining partnerships, the extent to which they bind individuals, and the legal value of being a partner in a mining transaction, are clearly and concisely laid down and fully described. The only provision which is not new will

be found in Subclause 7 of Clause 280, which provides that—

The decision of the members owning a majority, of two-thirds at least, of the shares or interest in a mining partnership shall bind all the members of the partnership in the conduct of their business.

This I think is the only allusion to mining partnerships in the whole of our gold-mining legislation up to the present. I think members will agree that considering the immense amount of litigation, the numerous disputes, and the great trouble which have arisen over mining partnerships, which are often of the very vaguest description, it is well to embody in our legislation some definite method of dealing with them, and the penalties and privileges which attach to them.

HON. J. W. HACKETT: Whence is this clause taken?

THE COLONIAL SECRETARY: From New Zealand—yet another source; and again I think I may claim that the result is beneficial. In Clause 287 we find another slight alteration, dealing with the declaration of gold for export. Exporters of gold in very small quantities have often been put to considerable inconvenience through having to declare it; and we now provide that no declaration is necessary when gold under the value of £10 is exported. Clause 289 deals with a matter on which I should previously have touched, and provides for Asiatic and African aliens not being allowed to hold miners' rights or to hold interests in gold mines or mines of any sort, and states that aboriginal natives of Asia or of Africa, not being aliens, may not hold miners' rights or interests save by written authority of the Minister. That is the present method of procedure; but here it is put down in black and white as the law of the land. A member asks: "Is the Boer an alien?" He is a citizen of the Empire. Another member says, "Poor Asiatics!" If the hon. member would take a trip through the Northern Territory of South Australia he would see what the "poor Asiatics" have done there in the way of ruining the mining industry, and I think he would then say "Poor Australia." There the Asiatics are allowed to mine freely. Clause 293 deals with the question of "salting" mines, which I have already said has

been adopted from Rhodesian legislation.

HON. G. RANDELL: Is there a definition of "salting"?

HON. J. W. HACKETT: It is not mentioned in the Bill.

THE COLONIAL SECRETARY: No. I have no doubt the gentlemen who resort to the methods of "salting," when they read the cumbrous and legal phraseology given, will wonder how they ever accomplished such a process.

HON. Z. LANE: Is that Tasmanian?

THE COLONIAL SECRETARY: No; Rhodesian. Part XII., Clause 395, deals with the regulations, and I think if members will take the trouble to read through the 45 subclauses they will be inclined to agree with me in saying there does not appear to be much danger in the way of regulations being left out. The usual provisions are made for regulations being published in the *Gazette*, making it lawful to frame regulations to impose penalties, and the regulations must be laid before Parliament in the usual manner. There is a saving clause that the regulations under the repealed Acts must remain in force until rescinded by the Governor, which will not take place until other regulations are ready to take their place. In addressing, as I am doing, a Chamber which is always wishful to protect the rights of property, I think I may claim that this Bill is a distinct advance on our present legislation. I think I may say for the Bill that by it the tenure of the mine owner is guarded, and that tenure is guarded without in any way pressing harshly on the miners employed, and I may say, too, that sufficient encouragement is given in the Bill to prospecting, without which any mining industry must languish. I hope members will agree with me that this Bill is a good one. It is undoubtedly a distinct advance towards encouraging people to invest capital in Western Australia.

HON. J. W. HACKETT: What is the second schedule?

THE COLONIAL SECRETARY: That refers to certain lands held by the Hampton Plains Company. I was saying that this legislation which is proposed is a distinct advance towards giving security of tenure and increasing the privileges of mine owners without taking

away from the privileges of those employed. Under the Bill it is possible to give better encouragement to prospectors, so necessary to the State, than is possible under the present legislation. I hope, considering the immense amount of time and trouble and consideration that the Minister for Mines and those working with him have given to the Bill, it will not be found necessary to make many amendments in it. I do not think it will; but if members wish to propose amendments I think I may ask as a matter of courtesy that they will place them on the Notice Paper, so that I may have a chance of fully discussing them with the Minister who has taken so great an interest and so great an amount of trouble over the Bill itself. I do not wish in any way whatever to attempt to rush the Bill through the House. It has not been rushed through another place. The Bill was introduced and read a first time on the 23rd July, 1903, and the second reading was moved in a speech by the Minister for Mines—a model second-reading speech—on the 26th August, and the Bill was read the second time on the 7th October. It has now been before this House for a week or more, so that members and the public have had very good opportunity, through the protracted debates which have taken place in another place and the length of time the Bill has been before Parliament, of coming to their conclusions as to the various provisions contained in this important Bill. I hope therefore that members who have amendments to move will be so kind as to place them on the Notice Paper, so that I may have a chance of discussing them with the Minister who takes such a great interest in the subject of mining. I have nothing more to say than to again express my conviction that if the Bill is passed it will form a Mining Act which will be a model at all events for the rest of Australia. It will be of great convenience to the public, and from the principles embodied in the Bill be an immense advantage towards making the mining industry of Western Australia, which is so valuable to us, a stable and successful industry for the rest of time. I move the second reading of the Bill.

On motion by HON. Z. LANE, debate adjourned for a week.

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House do now adjourn.

HON. J. W. HACKETT: It was very important to certain members who were interested in the Redistribution of Seats Bill, but who would be unable to be present to-morrow owing to the last of the agricultural shows, that the House should be adjourned until Tuesday next.

HON. B. C. O'BRIEN: The Colonial Secretary might act on the advice of Dr. Hackett. The weather was not conducive to members coming here and making speeches.

HON. J. D. CONNOLLY was ready at all times to attend at the House.

HON. J. W. HACKETT: The Synod of the Church of England was now being held, and he, being the registrar of the diocese, had to be in attendance.

THE COLONIAL SECRETARY: In that case he would withdraw the motion and move that the House at its rising do adjourn until Tuesday next.

Question (as altered) put and passed.

The House adjourned at five minutes to 6 o'clock, until the next Tuesday.

Legislative Assembly, Wednesday, 18th November, 1903.

	PAGE
Notice: Motion of No Confidence, remarks on procedure	2191
Bills: Katanning Electric Lighting and Power (private Bill), Report presented	2191
Kalgoorlie Tramways Act Amendment, first reading	2191
Metropolitan Water and Sewerage, first reading	2191
Roads and Streets Closure	2191
Agricultural Lands Purchase Act Amendment, first reading	2192
University Endowment, in Committee, reported	2192
Prisons, Assembly's Amendments	2197
Early Closing Act Amendment, Assembly's Amendments	2198
Annual Estimates, Lands Department, general discussion concluded, Land and Surveys Vote passed, progress	2203

THE DEPUTY SPEAKER took the Chair at 2:30 o'clock, p.m.

PRAYERS.

NOTICE—MOTION OF NO CONFIDENCE.

REMARKS ON PROCEDURE.

MR. S. C. PIGOTT (West Kimberley): I beg to give notice that on Tuesday, 24th November, I will move:

That the Government has by its faulty administration forfeited the confidence of this House and the country.

THE PREMIER (Hon. Walter James): I hope the hon. member will not think I am discourteous when I propose to go on with the business of the country; because I think that is far more important than delaying it, pending a lengthy and wordy debate that will do no good to the country and which should not be utilised for the delay of the country's work. I make this statement, but I would not like the hon. member to think I am discourteous to him personally.

MR. PIGOTT: If the orders of the House permit of that procedure, I have no objection to its being taken; but in order that we may get some matters settled, and in order that the country may have a chance of seeing into the past administration of this Government, I have tabled this motion and intend to move it. I trust by the time a vote is taken it will be proved without any doubt whatever that I was perfectly justified in moving it. With regard to the question of going on with the ordinary business, I see no objection to it at all.

KATANNING ELECTRIC LIGHTING AND POWER BILL (PRIVATE).

MR. FOULKES brought up the report of the select committee on this private Bill.

Report received.

KALGOORLIE TRAMWAYS ACT AMENDMENT BILL.

Introduced by the MINISTER FOR WORKS, and read a first time.

METROPOLITAN WATER AND SEWERAGE BILL.

Introduced by the MINISTER FOR WORKS, and read a first time.

ROADS AND STREETS CLOSURE BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.