

£350,000 and to interfere with the trust in the control of its work. I oppose the Bill.

On motion by Mr. Sleeman, debate adjourned.

House adjourned at 10.48 p.m.

30/6/1934, £88,518; year ended 30/6/1935, £91,570; year ended 30/6/1936, £102,495; year ended 30/6/1937, £108,906. 4, £16,000, 5, (a) 36.3; (b) 63.7; total 100. Note.—Increased costs allow for debt adjustment and necessary valuations of properties, also transfer of wire netting accounts and additional expenditure in connection with drought relief. The percentage costs are based on the expenditure at 30th June, 1937.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 1).

Read a third time and transmitted to the Assembly.

Legislative Council.

Thursday, 9th December, 1937.

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

QUESTION—AGRICULTURAL BANK, GROUP HOLDINGS.

Sales by Goldsbrough, Mort & Co.

Hon. W. J. MANN asked the Chief Secretary: 1, How many group settlement holdings were handed over to Goldsbrough, Mort & Co. by the Agricultural Bank for disposal? 2, How many of those holdings were disposed of up to the 30th November, 1937, and in what way? 3, What was the total cost of administration of the Agricultural Bank for each of the past five financial years? 4, What proportion of the bank's last year's administration costs was debited to group settlement? 5, What were the relative percentages of administration costs charged against—(a) head office, (b) country branches and field work?

The CHIEF SECRETARY replied: 1, 678. 2, 72 under power of sale. 3, Year ended 30/6 1933, £87,660; year ended

BILL—BUSH FIRES.

In Committee.

Resumed from the 1st December; Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 35—Prosecution of offences:

The CHAIRMAN: Progress was reported on Clause 35, to which Mr. Wood had moved an amendment to strike out the words "every bush fire control officer" appearing in line 1 of Subclause 2:

Hon. G. B. WOOD: The reason for the amendment is that the clause gives bush fire control officers power to prosecute without reference to the local authority for instructions. The Chief Officer of Fire Brigades has not the power it is proposed in the Bill to give to others. It is extraordinary to suggest that an amateur should possess powers not held by a trained man like the Chief Officer of Fire Brigades.

The HONORARY MINISTER: The authority set out in the Bill is usually included in Acts dealing with officers of local authorities. Under the Health Act, the officers take action. The authority that Mr. Wood proposes to include in a further amendment is implied. No fire control officer would take action without the authority of the local board, so there is no need for the amendment.

Hon. G. B. WOOD: Local health officers do not possess power to prosecute without instructions from their boards, neither do the vermin inspectors. As the clause stands, the fire control officer will have power to take action without the necessity for instructions.

Hon. H. TUCKEY: There is an impression amongst members that too much power

is to be vested in fire control officers, and if the amendment be agreed to it will place a check on hasty action.

The HONORARY MINISTER: There is no objection to the amendment, but it is unnecessary. No fire control officer would take action without instructions.

Hon. H. V. PIESSE: I support the amendment. Power should not be vested in bush fire control officers to launch prosecutions without complying with the necessity to secure the authority of their local authorities.

Amendment put and passed.

Hon. G. B. WOOD: I move an amendment—

That in line 3 of Subclause 2 after "office," the words "and every bush fire control officer at the request of the local authority (or road board not being a local authority within the meaning of this Act) may" be inserted.

Amendment put and passed.

Hon. G. B. WOOD: I move an amendment—

That in line 6 of Subclause 2 after "authority," the words "or road board" be inserted.

The HONORARY MINISTER: The provision that Mr. Wood seeks to include by his amendment is already dealt with in Subclause 3.

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

Clauses 36 to 39—agreed to.

Postponed Clause 8—agreed to.

Postponed Clause 10—Certain precautions to be taken when burning bush:

Hon. H. V. PIESSE: I move an amendment—

That there be added at the end of paragraph (c) the following proviso:—"Provided that at the discretion of the control officer or other authorised person firebreaks need not be ploughed."

This should meet with the approval of members. There are many occasions when it is not necessary to plough firebreaks, particularly if there is to be only a small area burned.

Amendment put and passed.

Hon. H. V. PIESSE: I move an amendment—

That in paragraph (d) the words "at least three men" be struck out and the following inserted in lieu:—"the minimum number of men as directed by the firebreak control officer or other authorised person."

The amendment is self-explanatory. It gives power to the control officer to select the number of men he thinks necessary, according to the conditions and circumstances.

Hon. G. B. WOOD: I support the amendment. It should overcome some of the objections raised by Mr. Craig the other night, when that hon. member thought that five men would be too many. On occasion one man might be sufficient, whereas on other occasions five would be required.

The HONORARY MINISTER: The argument has been that too many men were being provided, and that two men would be all that were necessary. Would not the amendment put additional work, perhaps unnecessary work, on the control officer? In ordinary circumstances, when small parties are working, it is generally arranged that neighbours shall help one another.

Hon. H. V. PIESSE: If it should be a serious fire with a chance of getting away, the control officer would be able to call up more men than he would otherwise need. Surely that is only reasonable.

Hon. G. W. MILES: I cannot see that the control officer will be present when a fire is burning. A farmer may apply to the authority for permission to burn 50 acres, and there might be half-a-dozen other farmers who also wish to burn at the same time. Consequently we would have half-a-dozen fires, and I cannot see how the control officer would be at one farmer's place to supervise the burning.

Hon. W. J. MANN: In some instances this amendment might become impracticable. A man who wished to burn a paddock to-day might arrange with the control officer to decide what the minimum number of men required would be. But the conditions might change, and it might be on the one hand that the farmer would not burn at all that day, or, the conditions being specially favourable, he would not require even three men.

Hon. J. NICHOLSON: That view appeals to me, but there is another reason also why I think nothing would be accomplished by the amendment, which proposes to allow the minimum number to be decided by the fire control officer. The Honorary Minister has told us the department has laid it down that the minimum must be three men. So it can be taken for granted that every control officer will be instructed by the department invariably to fix the minimum at three men. But the delay likely to be occa-

sioned might be so great that, instead of conferring a boon on the farmers, the amendment would do harm.

Hon. L. B. BOLTON: I, too, feel a difficulty about accepting the amendment. A farmer will certainly have to give notice of his intention to burn, but there is nothing to say that he cannot go on with it if the control officer, or the road board secretary, fails to receive his notice. Again, when burning off, everybody selects the first good day, and so everybody would be burning off at the same time. I do not think the amendment would be workable.

Hon. H. V. PIESSE: Previously, I was in favour of a minimum of five men being at a fire. I now think that to give power to the officer to use his discretion will meet every case.

Amendment put and negatived.

Hon. H. V. PIESSE: I move an amendment—

That there be added at the end of Subclause 3 the following proviso:—"provided that a person is liable only when negligence is proved."

This is a most necessary proviso. It means that where a person is liable through negligence he shall be proceeded against, but where there has been no negligence on his part, it will not be necessary to prosecute.

Hon. H. S. W. PARKER: The amendment is so much verbiage, because the clause only preserves the right of a civil court. It follows that the prosecutor will have to prove negligence at any time. So the amendment means nothing at all.

Amendment put and negatived.

Hon. V. HAMERSLEY: I object to the whole clause. It reads as follows:—

Subject to Subsections (3) and (4) of this section, no person shall at any time between the first day of October and the next ensuing thirtieth day of April in any yearly period set fire to the bush—

The CHAIRMAN: That will be altered on recommittal.

Clause, as amended, agreed to.

Postponed Clause 16—Lighting or attempting to light a fire with intent to injure:

Hon. H. S. W. PARKER: I move an amendment—

That all words in lines 2, 3 and 4 of paragraph (b) be struck out and the following inserted in lieu:—"without taking due and proper precautions to prevent damage to pro-

perty, whether such fire shall be caused or not shall be guilty of an offence."

This clause is taken from the existing Act. The marginal note does not bear out the context of the clause. The words "with intent to injure," which are in the original Act, have not been crossed out in the Bill. No doubt the intention of the clause is to prevent the careless lighting of fires by picnickers and others, but as it reads at present it means that the lighting of such a fire would amount to a person committing arson. According to the Criminal Code anyone who wilfully sets fire to a crop of hay, grass, etc., is guilty of a crime. I think my amendment will lift the offence out of that category and overcome the difficulty.

The HONORARY MINISTER: It is required in the first place to deal with persons who carelessly light fires, and secondly with those persons who deliberately cause a fire. The idea is that the offender shall be dealt with summarily before a justice, and not prosecuted under the Criminal Code. The clause should remain as printed.

Hon. H. S. W. PARKER: It is difficult to prove that a person has committed an offence maliciously, whereas under my amendment such person could be charged with having acted carelessly. If a man commits what is known as arson, I do not see how he can be dealt with summarily, because arson is a criminal offence.

Hon. L. CRAIG: I prefer the clause as it stands. It will protect farmers against picnickers. These people may think they are taking reasonable precautions, but if they started a fire it would be impossible under the proposed amendment to secure a conviction against them. With the clause as printed it would be possible to do so.

Hon. G. B. WOOD: I think this clause was inserted in the Bill to protect farmers from persons who might wilfully set fire to haystacks, etc.

Hon. H. S. W. PARKER: The clause as printed will cause every picnicker to be liable if his action in lighting a small fire for his own purpose causes a big fire to occur. This will mean that no one will be able to light a fire anywhere in the bush.

The HONORARY MINISTER: If a man deliberately sets fire to a property he can, under this clause, be dealt with either according to this measure or under the Criminal Code. The clause is more effective than it

would be if the amendment were embodied in it.

Hon. G. W. MILES: The Bill is designed to protect the man on the land from damage by fire. The clause as it stands will give him every protection. We are not here to provide protection for picnickers.

Hon. V. HAMERSLEY: The clause is undoubtedly a dangerous one. I have in mind people who possess coastal runs, which must be burnt off every year. Only on special days can such work be done. People also travel stock from one place to another, and at times require to light a fire over which to boil the billy. It seems to me that such people will be liable to a penalty of £100 if they do this.

Hon. H. V. PIESE: I support the clause as it stands. If a man wishes to have a burn on his property he must give notice of his intention, but if his fire causes damage he is and should be held responsible.

Hon. J. NICHOLSON: It is a dangerous clause, and extends to every day in the year. The very act of lighting a fire will amount to an offence. The moment one is lighted the words it is proposed to strike out will apply. Certain members who are supporting the clause have each referred to cases where proper precautions have not been taken. A person should not run the risk of an open charge being laid against him merely because he has lighted a small fire. I am in favour of any clause that will fully protect a man's property. We know how careless picnickers can be and what damage they cause. There is every risk in putting in the words "without taking proper precaution." There might be circumstances arise under which any of us might be camping out and find it necessary to light a fire. It would be worth while the Minister reporting progress so that we might give the matter further consideration.

Hon. L. CRAIG: Mr. Nicholson is basing his case on the interpretation that it is an offence to light a fire. That is not so. Clause 16 says that "any person who lights or causes to be lighted or attempts to light any fire . . . in such circumstances as to be likely to injure or damage any person or property," etc. It is not an offence to light a fire unless it is in circumstances that are likely to injure anybody. The clause is not drastic and it is one that we want.

Hon. G. B. WOOD: This clause will apply to the person who deliberately lights a fire

to injure his neighbour. I support the clause as it stands.

Hon. C. H. WITTENOOM: It is quite impossible to prove that due and proper precautions were not taken. The clause is wanted to protect the property of the farmers.

Amendment put and negatived.

Clause put and passed.

Postponed Clause 17—agreed to.

New clause:

Hon. H. V. PIESE: I move—

That the following new clause be added to stand as Clause 18:—"18. Notwithstanding any provision in this Act, any person who under any condition sets fire to the bush on any land at any time on any Sunday for any of the purposes or under any of the circumstances in this Part mentioned, shall be guilty of an offence, and is liable to a penalty, for a first offence, of not less than five pounds nor more than twenty-five pounds, and for other subsequent offences, a penalty of not less than ten pounds nor more than fifty pounds."

I have been requested by one of the local authorities in the Province I represent to submit this clause and I am sure it will meet with the approval of members. It is intended that a fire shall not be lit on Sunday.

Hon. J. Nicholson: If you are travelling what are you going to do?

Hon. H. V. PIESE: This refers only to burning off and it is the desire of the local bodies that it shall not be done on Sunday. They object to work of this kind being done on Sunday.

The HONORARY MINISTER: I should imagine that the inclusion of a clause such as this would do a lot of harm. In the South-West particularly, farmers desire to help each other and frequently Sunday is found to be the most convenient day of the week.

Hon. G. B. WOOD: I am surprised to hear the Honorary Minister speak about working on Sunday when we have heard so much from him lately about the hours of work. Now he wants the poor hard-working farmers to work on Sundays.

New clause put and negatived.

Schedule, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the purpose of further con-

sidering Clauses 9, 10, 12, 14, 16, 20, and 26.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 9—Penalty for lighting fires:

The HONORARY MINISTER: I move an amendment—

That subparagraph (i) of paragraph (b) of Subclause 3 be struck out and the following inserted in lieu:—"That the land to be burned at one time and under the permit applied for does not exceed the area as fixed by the authorising officer when granting the permit, provided that the area does not in any case exceed fifty acres."

It is considered that this will be more effective than the amendment previously submitted by Mr. Wood.

Hon. G. B. WOOD: The other night we passed an amendment to make the area 50 acres. Now I understand that the 50 acres may be cut down if in the opinion of the fire control officer, it is necessary to do so. I read the amendment that way.

The HONORARY MINISTER: A farmer may have say ten acres of country to burn. He will have to apply for permission to burn that area and he must not burn more than that. The authorising officer will give permission to burn a certain area and no more.

Hon. G. B. WOOD: If I applied to the fire officer for permission to burn 15 acres, may I not burn off 50 acres?

Hon. G. Fraser: No, no more than you were given permission to burn.

Hon. G. B. WOOD: I did not quite understand the purpose of the clause at first, but I now agree with the Minister.

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

Clause 10—Certain precautions to be taken when burning bush:

Hon. G. B. WOOD: I move an amendment—

That in line 2 of Subclause (1) the words "October and the next ensuing thirtieth day of April" be struck out and "November and the next ensuing thirty-first day of March" inserted in lieu.

The clause makes the prohibited time for burning too long. Lots of places cannot be burnt at all in October, because the grass is too green. It would be advisable to narrow down the period.

The HONORARY MINISTER: The effect of Mr. Wood's amendment is to shorten the period during which precautions shall be taken when burning bush. Experience has shown that it is essential that the time during which burning can be carried out, subject to certain conditions, should not be reduced. The records of the Forests Department show that April is quite a dangerous month. Last summer 19 per cent. of the fires dealt with by the forestry officers occurred in that month. Unless heavy rain falls in March, April fires are even more difficult to control than those in the previous month. October, too, in some seasons is a dangerous month. In October this year the forestry officers had to cease controlled burning operations on certain days owing to the fire hazard. Mr. Wood may have confused the period mentioned in this Clause with "prohibited times." From the 1st October to the 30th April, with the exception of that portion of the period coinciding with the gazetted prohibited times in any particular district, burning is allowed for any purpose under this measure, subject to the conditions set out in the Clause. It is considered essential that there should be no amendment along the lines suggested by Mr. Wood. In the Bill we are legislating for State-wide fire control. If we are to make alterations throughout the Bill to suit the convenience of individual districts, the proposed legislation will be rendered totally ineffective. The clause imposes no hardship on persons burning off during the period stipulated. It merely seeks to prevent fires getting out of control at that time of the year when that possibility exists. Possibly in a particular district, or a number of districts, October and April may in some years be quite safe months for unrestricted burning, but we are not legislating for any particular district or any particular year, but for the whole State and for every year. In some parts of the State the gazetted prohibited times fall either prior to October or very shortly afterwards.

Hon. G. B. WOOD: I will not press the amendment if the Minister can tell me why the words were inserted in the Bill if the road boards have the power to fix the dates.

Hon. V. HAMERSLEY: Under this Bill the prohibited dates for the different districts as specified by the Government at the request of the local authorities are wiped out.

The HONORARY MINISTER: No. The Bill does not interfere with the times specified by the local authorities.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 12—Sale and Use of Wax Matches may be prohibited:

Hon. H. S. W. PARKER: I move an amendment—

That in line 3 of Subclause (1) the words "by any person" be struck out.

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

Clause 14—No fire to be lighted in open air unless precautions are taken:

Hon. H. TUCKEY: I move an amendment—

That in lines 4 and 7 of paragraph (a) of Subclause (1) "ten" be struck out and the word "five" inserted in lieu.

Ten feet is altogether too large a space to clear around a fire. Five feet is quite sufficient for purposes of safety.

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

Clause 16—Lighting or attempting to light a fire with intent to injure:

Hon. J. NICHOLSON: The penalty of imprisonment with or without hard labour for one year or a fine of £100 is too heavy for an offence that might be committed quite innocently.

Hon. G. W. Miles: It would be the maximum penalty.

Hon. J. NICHOLSON: While the clause should be made protective, it should not inflict injustice on people travelling in the country. I move an amendment—

That the words "whether such fire shall be caused or not" be struck out, and the words "unless he shall have taken proper and effective precautions to prevent such fire from spreading" inserted in lieu.

The HONORARY MINISTER: I oppose the amendment. Apart from dealing with fires deliberately lighted, the object of the clause is to make people more careful.

Hon. J. Nicholson: A good thing.

The HONORARY MINISTER: There should be adequate punishment for anyone who carelessly lights a fire.

Hon. H. TUCKEY: I support the amendment. Many other offences are committed through carelessness and no penalty at all is provided for them.

Hon. V. HAMERSLEY: Previously, it was suggested that the words in the marginal note "with intent to injure" should be inserted in the clause.

Hon. J. Nicholson: Then it would be necessary to prove intent.

Hon. G. Fraser: And in that event the clause would be useless.

Hon. V. HAMERSLEY: The clause as printed would be dangerous.

Amendment put and negatived.

Clause put and passed.

Clause 20—Special powers of bush fire control officer:

Hon. G. B. WOOD: I move an amendment—

That after "not" in line 2 of paragraph (d) the words "after consultation with the owner of the property" be inserted.

We have given the fire control officer all the powers of the Chief Officer of Fire Brigades. He may enter any land or building and pull down fences, etc., and take any other measures he may deem necessary. In view of those powers, it is only fair that he should consult with the owner of the property.

Hon. L. CRAIG: I oppose the amendment. I cannot see how effect could be given to it. If the owner was not present, he could not possibly be consulted. The clause provides for taking appropriate measures as may be deemed necessary to cope with a fire.

Hon. G. FRASER: I am surprised at the attitude of farmers' representatives. They seem to be making every move to delete effective measures for combating a fire.

Hon. H. V. Piesse: You are not a farmer and do not understand.

Hon. G. FRASER: I cannot understand the attitude of some members. The amendment would rob the clause of its efficacy.

Hon. G. B. WOOD: I do not expect Mr. Fraser to understand the position, but Mr. Craig should understand that the necessary powers have been provided and would not be affected by my amendment. The paragraph as printed proposes to confer too much power.

Hon. W. J. MANN: A property situated 20 or 30 miles from where the owner was living might be affected, and how could the owner be consulted? The amendment is impracticable.

Hon. V. HAMERSLEY: Those who have had experience of bush fires probably know what it means to be engaged on burning firebreaks and to have other fires started a mile behind them, thus destroying thousands

of acres of additional country. The residents of a district where a fire occurred would be at the mercy of a brigade located perhaps 20 miles away, and not conversant with the locality or the firebreaks already provided.

The CHAIRMAN: The amendment appears to be capable of two interpretations, inasmuch as the clause deals with two classes of land, the words being "whether private land or not."

Hon. H. V. PIESSE: I understand the amendment means that if the fire control officer can meet the owner of a property, he must confer with the owner before taking any drastic action. If the owner is not there, the fire control officer has the full powers of a fire brigade officer in Perth. Mr. Mann suggests that four or five properties may be in the same ownership, but if the owner is not present the officer has full control.

Hon. T. MOORE: Mr. Wood has on the Notice Paper a somewhat different amendment which refers to Clause 26, but which also meets this case. It proposes to insert "after consulting the owner if he be present." The officer should certainly see the owner if present; otherwise the officer would not know the various roads through the property, the places where scrub was burnt in previous years, and so on. After consulting the owner, the officer is still in full control.

Hon. C. H. WITTENOOM: I support the amendment, but I do not think it goes quite far enough. On many properties the owners do not reside. Does "owner" include "manager"?

Hon. J. Nicholson: Why not say "the occupier of the land"? There is already a definition of "occupier."

The CHAIRMAN: The amendment is altered by substituting "occupier" for "owner."

Hon. G. W. MILES: Are the words being inserted in the right place? Under the clause and under the amendment the officer could do a great many things before consulting the occupier.

The CHAIRMAN: The amendment is altered by inserting the words after "Act," in line 5.

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

Hon. G. B. WOOD: In regard to water supplies, a safeguard is necessary. I move an amendment—

That in paragraph (c), after the word "water," in line 1, there be inserted "other than the occupier's domestic supply contained in a tank at his dwelling-house or at a Government school."

Many people in the farming areas have perhaps only a thousand gallons of water in the tank, and that water may have been transported a hundred miles by train, and then carted. Moreover, it may have been paid for at the rate of 4s. per thousand gallons.

The HONORARY MINISTER: I offer no objection to the amendment.

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

Clause 26—Powers and authorities of officers of a bush fire brigade:

Hon. G. B. WOOD: Really as a consequential amendment, I move—

That in paragraph (b), after the word "shall," in line 1, there be inserted "after consulting the occupier if he be present."

There should be no objection to this.

Amendment put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. B. WOOD: I propose to move a further amendment to bring the clause into conformity with Clause 20 as amended with regard to the consulting of owners, to the domestic water supply, and so on. As the Committee agreed to similar amendments at an earlier stage, I presume they will regard the amendments I propose as consequential.

The CHAIRMAN: During the tea adjournment the Clerk drew my attention to the fact that the words "at a Government school" that had been inserted were ambiguous to some extent, and I suggest that Mr. Wood, on the further recommittal of the Bill, move to delete the words already inserted with a view to substituting the following words:—"other than that used at a school or the occupier's domestic supply contained in a tank at his dwelling-house."

Hon. G. B. WOOD: I am agreeable to that course.

The CHAIRMAN: Then I suggest that the hon. member move his amendment in that form on this clause.

Hon. G. B. WOOD: I move an amendment—

That in line 3 of paragraph (d) after "whatsoever" the following words be inserted:—"other than that for use at a school or an occupier's domestic supply contained in a tank at his dwelling-house."

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

Bill again reported with further amendments.

Further Recommittal.

On motion by the Honorary Minister Bill again recommitted for the purpose of further considering Clause 20.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 20—Special powers of bush fire control officer:

Hon. G. B. WOOD: I move an amendment—

That in line 1 of paragraph (e) after "water," the words "other than the occupier's domestic supply contained in a tank at his dwelling-house or at a Government school," inserted at a previous Committee, be struck out, and the words "other than that for use at a school or the occupier's domestic supply contained in a tank at his dwelling-house" inserted in lieu.

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

Bill again reported with a further amendment and the reports adopted.

BILL—INCOME TAX ASSESSMENT.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [7.43]: I move—

That the Assembly's request for a conference be agreed to; that the managers for the Council be Hon. H. Seddon, Hon. J. Cornell, and the mover, and that the conference meet forthwith in the President's room.

Question put and passed.

Sitting suspended from 7.45 to 8.30 p.m.

BILL—INCOME TAX ASSESSMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I desire to report that the managers have met and agreed to delete amendment No. 3, and have agreed to amendment No. 9.

Report adopted and a message accordingly returned to the Assembly.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 28th October.

HON. C. B. WILLIAMS (South—in reply) [8.29]: This matter has been delayed for over a month, so it ought to be stale by now, and the sooner we get it over the better. I very much regret that I was not here on the night when the Chief Secretary replied to my remarks. Had I been here there might have been a bit of joy between us. I wish to give a few figures dealing with the reservations. Some members seemed to think that this was not a very serious matter. But if those reservations had been paid for at any reasonable price per acre this State would have derived a million odd pounds over a period of three or four years. That would have saved all the deficits and all the emergency tax. I do not propose to read out all the list of reservations that I have here, but I may say that in these reservations there were 45,000 odd acres distributed amongst 48 different people, while one big concern, the Western Mining Corporation, held 1,346 square miles. That was quite apart from the 45,000 acres that other people held. I made certain statements when moving the second reading and I wish to refer to some of them. While certain conditions and terms are attached to reservations, such as having to pay a fee, the Western Mining Corporation were excused from those conditions, which in their case were waived by the Minister, as shown on the list that I have here. On the 1,346 square miles I have referred to, even the ordinary conditions applying to other reservations, such as having to man the area, were waived in the case of the Western Mining Corporation. My remarks were challenged by the Chief Secretary on behalf of the Minister for Mines, but whatever I said had to do with the Chief Secretary and the

Minister for Mines, and did not involve the Government or the Labour Party. The matter has been discussed in another place, and if there is any blame attachable to anyone for what I said about the Minister for Mines or about Mr. Calanchini, it is their own fault. Let me quote what appeared in the October issue of the "Western Australian Mining and Commercial Review," the office of which is in one of Mr. de Bernales' concerns in Murray-street:—

Mr. M. J. Calanchini, who recently retired from the position of Under Secretary for Mines, has accepted a seat on the local board of several companies controlled by the de Bernales group of mines.

I have not yet read anywhere that Mr. Calanchini has denied that, yet I understand that the Minister for Mines has denied it. I trust that during the next two or three years we do not hear that Mr. Calanchini has taken up that position, because if that were to happen it would only lend credit to what I have said here, and to what has been said in another place. If it were not for the upset that took place over the reservations, Mr. Calanchini probably would have taken on that job while still Under Secretary for Mines. I have had letters from the Prospectors' Association of Kalgoorlie, from the Amalgamated Prospectors' Association and from the Mt. Monger Prospectors' Association backing up our ideas in having these reservations curtailed. All the prospectors are quite satisfied that Mr. Marshall's Bill is on the right track. I wish to refer to the statements contradicted by the Chief Secretary, and I want to repeat that everything I said in moving the second reading was true, despite the denials given. I spoke to one member of Parliament, the member who was referred to in my second reading speech, and who was also referred to by the Chief Secretary, in the presence of Mr. Lew Anderson, of Westonia. The accountant at the A.W.U. office, Boulder, was also there when the member of Parliament agreed with what I said about the reservation at Norseman, that Mr. Munsie had made a similar remark to him. There was no reason to put the Minister in a wrong position, and Mr. Munsie said there must be some mistake as he did not remember discussing the subject. As for the statement I made regarding the Big Bell reserve, I took that from page 774 of "Hansard," when Mr. Marshall was dealing with the matter. That was the time when Mr.

Munsie should have disputed that question about the overlapping. Another statement about this reservation business in one portion of my electorate—and yours, Mr. President—was that within 12 months there would be 500 men working on the reservation at Ravensthorpe. That was three or four years ago. Yet the men are not yet employed on the reservation. I am not too particular now about the other remarks the Chief Secretary made, but I was very wroth at the moment. It is too near Christmas now to get angry with anyone. I wish to repeat the remark made previously about the reservations, that the promoters took too much out of the flotation, with the result that in the case of Mandelstamm's reservation at Tindal's, Coolgardie, the mine is at a standstill owing to lack of capital, and the Government had agreed to lend £30,000 to assist in the purchase of a plant. I have had a certain amount of notoriety out of all this which I did not wish for. It was even said that I took £5,000 out of the State without having earned it. However, it is for my electors to say whether or not I did earn it. Certainly it created some envy on the part of politicians when they saw that I was side by side with a millionaire. Some of them were not on speaking terms with me for over a week. As far as that paper is concerned, its managing director was the Nationalist candidate for Perth at the last Federal elections. I can say that after the attack he made on my statements about the reservations a lot of persons in his electorate voted against that managing director because he backed up the idea that any man in this country should get thousands of acres of reservations and hawk them to England for the purpose of selling them as a pup. I read in the newspaper two or three weeks ago an account of one of Mr. de Bernales' meetings, where Mr. de Bernales got gyppo and the shareholders wanted to know where all the money had gone. I am as much as ever opposed to the reservations, and anything that I said in moving the second reading I readily repeat. Some of my statements were challenged but I repeat those statements, despite the fact that the Chief Secretary on behalf of a member of another place said that the reservations had produced 42,000 ounces of gold. But all that gold came from old mines on those reservations. There was one at Southern Cross which was a paying concern when I was going to school.

Then there is the Big Bell producing gold under reservation, as are so many other old mines. But there has never been an ounce of gold got on any of those reservations except from old mines. Of course it can be said in a snide way that 42,000 ounces of gold has been obtained on reservations, but if that is the argument for backing up reservations, well those who use it are welcome to it. There is the reservation at Edjudina. There is no one working there now, but at one time there were from 80 to 100 men employed. However, all those men are gone and the business men of the country who were persuaded to invest their money in business in that area have probably lost their all. I repeat that no gold has come from those reservations, despite what the Chief Secretary or anyone else may say. I do ask that the House will tighten up this matter of reservations. Of course the argument we have had here, together with the argument that has occurred in another place on this subject, have done some good. The Western Mining Corporation hung up a large area of ground in Norseman, and declared that it would put down a shaft. I hope they will do so. I do not know whether that shaft has been started, but if in due course it be sunk, it will be because of the arguments that have occurred in Parliament. I see that there are two proposed amendments on the notice paper, but if the House will carry the second reading of the Bill I will take it as an instruction to the Government that the issue of reservations will cease. Reservations to-day are not worth holding because there is no money for mining flotations. Hence the reason for the surrender of the reservations. What is the use of hanging on to thousands of acres of reservations that are not of any value? I am sorry the Chief Secretary had to get heated in my absence. Had he told me he was going to attack me that night, it would have been better, for I certainly did tell him that I was going back to Kalgoorlie. Still, had he spoken to me on the subject I would have stayed behind. I am sorry he got heated in my absence. As the result of all this I have been walking about the place with members of the Labour Party looking at me as if I were Tom Hughes. However, we have got over all that now and I hope the second reading will be carried.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair; Hon. C. B. Williams in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 297 of the principal Act:

Hon. J. NICHOLSON: I move an amendment—

That the proposed proviso be struck out and the following inserted in lieu:—"But subject to the provisions of Section 297A."

The section referred to is that around which the whole of this discussion has taken place. It provides that the Minister, and pending a recommendation of the Minister, the warden, may temporarily reserve any Crown land from occupation, etc.

Hon. H. SEDDON: I have on the notice paper another amendment to leave the proviso as it is and add the following words:—"Except as provided in Section 297A." Mr. Nicholson's amendment really gives people the same right of occupancy that they had before. Parliament has been made the battle-ground for contending forces which desire to obtain the same area. If there is a dispute, it should be determined by the warden. A prospector may take up a 40-acre lease, and find that the underlay of the lode has passed out of his ground at shallow depth. Some individual who has a lease next door may get the benefit of the lode. In order to protect the discoverer of a new find I want to provide, in a new clause that I have had drafted, that he shall have the right for three months to a temporary reservation. Another point I wish to bring forward is that reservations should be applied for to the warden and dealt with in the same way as are mining leases. I also want to give the Minister the right to grant areas not exceeding 300 acres for a period of up to six months.

Hon. J. CORNELL: Mr. Seddon proposes to leave the Bill as it is, but to add a new clause. The two things will not work out. The proviso says there shall be no more reservations. That should be struck out. The Minister should not have the right to grant the renewal of any concession for more than 12 months unless with the consent of Parliament, and that consent should be one of the conditions of the reservation. To-day the Minister can do as he likes in the matter. Mr. Nicholson's amendment

has, however, been drafted so that the Minister is left some discretion. Mr. Seddon's proposal is that a reservation can only be granted to the holder of a miner's right. The Western Mining Corporation could not hold a miner's right.

Hon. H. Seddon: Yes, it could.

Hon. C. CORNELL: Why should Mr. Seddon circumscribe the position by saying that the Minister may only grant a concession to a person holding a miner's right? Who would take out a miner's right for a foreign company?

Hon. H. Seddon: The company's attorney.

Hon. J. CORNELL: The position would be absurd. A foreign company could not get that right. I said on the second reading that the Bill would require to be amended to protect the rights of those who are already reservation holders. No breach of contract should be allowed there. We should give the Minister a certain amount of discretion.

Hon. C. F. Baxter: But we do not want to create difficulties.

Hon. J. CORNELL: Under Mr. Nicholson's amendment, the only alteration will be that the Minister will not be able to renew a reservation unless the papers are laid on the table of Parliament.

Hon. C. F. Baxter: That is sufficient safeguard.

Hon. J. CORNELL: We want to arrive at a reasonable working solution of the position. I shall support Mr. Nicholson's amendment in preference to that of Mr. Seddon.

Hon. C. G. ELLIOTT: Which amendment are we discussing, Mr. Chairman?

The CHAIRMAN: The question is that Clause 2 stand as printed, to which an amendment has been moved to strike out the proposed proviso and substitute the following:—"but subject to the provisions of Section 297A." Mr. Seddon's amendment is not yet before the Committee but I have allowed members to discuss it in conjunction with Mr. Nicholson's amendment.

Hon. C. G. ELLIOTT: I consider it would be inadvisable to pass Mr. Nicholson's amendment. If we agree to it, the position will be very little altered from that which exists to-day. The Minister for Mines will be able to grant as many reservations as he likes, just as he was able to do in the past. The position will not be tightened up sufficiently because practically the same condi-

tions will obtain. Parliament has decided that the wholesale granting of reservations shall not continue, and therefore I shall oppose the amendment.

Hon. E. M. HEENAN: I, too, hope that Mr. Nicholson's amendment will be defeated, and that at least a part of Mr. Seddon's amendment, when it is before the Committee, will be agreed to. It will fit the Bill more adequately. It is the consensus of opinion that the wholesale granting of reservations should be restricted, and I believe everyone will be satisfied if reservations are applied for and granted in somewhat the same manner as leases are granted. I suggest that the warden should not have the power to grant reservations, but that he should make a recommendation. Before doing that, undoubtedly he would obtain a report from the Inspector of Mines, and in addition he would apply his own local knowledge. Then he would recommend that the reservation be either granted or refused. The period of six months might be too short and 12 months might be substituted. At the end of that time a further application could be made if it was desired to extend the period of the reservation. If such a procedure be adopted, we will not have prospectors complaining, because their rights will be protected.

Hon. H. SEDDON: Mr. Nicholson's amendment deletes the proviso and leaves the door just as widely open as it was before. Then the new clause says that the reservation having been granted, it may be subject to the will of Parliament. The object of securing the reservation is to carry out geological investigation. That takes considerable time and, in addition, involves the expenditure of a good deal of money. Does anyone mean to tell me that a person or a company will ask for a reservation and embark on the expenditure of money, and run the risk at the same time, when the matter comes before Parliament, of the possibility of Parliament saying "You have no right to the reservation?" Until the applicant's right to the tenancy is secure, operations are not likely to be started.

Hon. J. Cornell: A reservation can be obtained for 12 months.

Hon. H. SEDDON: An unlimited reservation as far as area is concerned, whereas my amendment proposes a limited area though not too small to permit of geological investigations being carried out. Let me quote Yellowdine as an example. The man who made the original discovery pegged out a

lease and other people pegged around him. Three or four leases were taken up by the Yellowdine Corporation and the result is that there is now concentration on an area not bigger than the area of one lease. Had my amendment been in operation, the prospector would have held 144 acres and there would have been time for him to carry out an investigation to determine how far the discovery extended, and the underlay of the reef. The whole work would have been done and the holder of the property would have had the whole benefit of the discovery. Under my amendment, the original discoverer will have sufficient ground to induce a large company to take an interest in it and carry on investigations. In the other case the man may discover, owing to the underlay of the reef or the pitch of the lode, that the shoot may pass through to the adjoining ground held by speculators, who will then get the benefit of the man's work. That is why I propose to give the prospector the right to take the equivalent of six leases, if the inspector of mines approves, while in the second instance, regarding areas required for geological examination, I propose that a reservation of 300 acres may be granted, subject to the approval of the warden who will inquire regarding the ownership of the area and make his recommendation. The difference between amendments is that mine recognises the part played by the mining officials, while the other may lead to storms in Parliament.

Hon. C. B. WILLIAMS: The Hampton Plains Company controls millions of acres of auriferous country.

Hon. J. Cornell: That is freehold land.

Hon. C. B. WILLIAMS: I am not concerned as to whether it is freehold land or not. The point is that the company controls that huge area.

Hon. T. Moore: But that has nothing to do with this question.

Hon. C. B. WILLIAMS: It has a lot to do with it, although it is apart from the phase dealt with in the Bill. If a person takes a lease on the land held by the Hampton Plains Company, he gets one lease, but the blocks surrounding the lease belong to the company.

Hon. J. Nicholson: But the area does not run to millions of acres.

Hon. T. Moore: A million or two does not matter!

Hon. C. B. WILLIAMS: I do not know about that but I know I have travelled for long distances and have still been in the area held by the company.

Hon. J. Nicholson: There are several holdings.

Hon. C. B. WILLIAMS: The point I make is regarding the total area held. If a company can act in that way and own the leases surrounding the one taken up by an individual, why should the Government be in any less favourable position? Western Australian mining was developed on 24-acre leases. Why talk about 140-acre leases? I agree that Parliament should have power to deal with regulations, for it should not be left to the whim of some magistrate. Reservations will be sought only by financial men or companies who choose to go to London and unload those reservations, not leases. The credit of the State is at stake, as was proved by a recent meeting in London of people who had been deluded into putting their money into mining operations in this State. Financial jugglers will always get mugs to put in their money. If companies will not take up reservations unless they can have a million acres, we do not want them here.

Hon. H. SEDDON: Reservations are granted for the purpose of investigation. Mr. Williams pointed out that not an ounce of gold had been taken out of the reservations, but gold has been taken from the old mines. The objection I see to Mr. Nicholson's amendment is that the Minister will be able to grant just as large areas as in the past, whereas under my amendment he will be limited to granting 300 acres for exploratory purposes, after which those concerned will have to take up a lease and apply for it in the ordinary way. My amendment is nearer to the spirit and conditions of the Mining Act than any that will grant unlimited power to the Minister, a power that has caused so much trouble in the past.

Hon. J. NICHOLSON: There is no suggestion of competition between the two proposals. The object of my amendment is to arrive at some basis that will at least attempt to cure some of the deficiencies in the existing Act. It embodies a proposal that is best suited to the Act as it stands at present, and has regard to the provisions of Section 297 of the Act. The Minister will be able to grant the right sought by a company pending a recommendation from the warden,

and power will be given to the Minister to cancel any reservation, which is important. If the granting of the reservation is not confirmed by the Governor within 12 months, the area shall cease to be a reservation. The important point is embodied in the latter part of the section, which sets out that the Minister may, with the approval of the Governor, authorise any person temporarily to occupy a reserve on such terms as he may think fit. I propose to import into the Bill a new clause that should commend itself to the Committee. The right of occupancy will be granted for one year. Occupancy for three months only will hardly be suitable for the purposes of the investigation indicated by Mr. Seddon. Obviously the purposes of reservations are exploratory, and therefore we must provide ample time for investigation.

Hon. T. Moore: They are of a speculative character, too.

Hon. J. NICHOLSON: A company taking up a reservation for exploratory purposes will have to spend a large amount of money, and if we do not provide the inducement for that expenditure, we will kill that very desirable object. Opportunity and convenience must be afforded for the making of that investigation, and the amendment will provide those factors. I see no objection to the granting of terms in excess of one year. The difficulty in that respect is the very difficulty which the Bill seeks to cure. A defect of the Act is the absence of supervision. The whole control is practically in the Minister's hands. Here is an effort to give Parliament the right of supervision through having the reservations laid on the Table. From that aspect, why should we look upon reservations as being in any way different from regulations? Regulations are not objected to in connection with Bills. They must, before having the force of law, be laid on the Table in both Houses. Then Parliament has control. Another objection which strikes at the root of Mr. Seddon's proposal is that the right is granted to the miner. The miner is usually regarded as an individual, and not as a company. The only person who can hold a miner's right is an individual, but there is provision for a company to hold a consolidated miner's right. That is a different thing, and places the company in a totally different position. A syndicate may be created for the purpose

of making investigations preliminary to the formation of a company. By adopting Mr. Seddon's suggestion we might prevent the attainment of the very object in view, namely, the taking-up and development of mining country. When having simply a small syndicate formed, not registered as a company, it is necessary for one or more of the individuals forming the syndicate to make application for miners' rights. The money that is essential for the making of investigations might possibly come from a source overseas. The individuals finding the money—and one knows how most companies are formed in the first instance—

The CHAIRMAN: I would not enter into that.

Hon. J. NICHOLSON: It would be against the interests of the development of our mining industry to adopt Mr. Seddon's view. The rights proposed in my amendment would be suitable to the interests of the mining industry, and would reserve to Parliament itself the same powers as we have over regulations when they are tabled. In the circumstances I hope hon. members will see the advisability of carrying my amendment.

The CHAIRMAN: I remind hon. members that we are in Committee, and not at the second reading stage.

Hon. G. W. MILES: A point that has been lost sight of is that Mr. Seddon proposes to retain the proviso, to which I am absolutely opposed, since it is a reflection on the Minister and on the Mines Department. I want the Minister to retain the power to grant reservations. The discussions here and elsewhere will have the effect of tightening up the conditions under which reservations will be granted in future. The Minister for Mines must be trusted. The Committee does not desire to reflect on the Minister. Mr. Nicholson's amendment suggests the right procedure. In future, when a Minister grants a reservation, it will be subject to the spending of a certain amount of money, instead of perhaps the employment of only a couple of men. I do not favour the holding of large areas for speculative purposes, without any work being done. As to Mr. Seddon's argument that the prospector who discovers a mine must be protected, that can be done by an amendment of the Mining Act enabling the prospector to take up, say, 100 acres as a prospecting area. At Marble Bar, for instance,

a prospector took up a 10-acre lease, whereas he could have taken up two or three 24-acre leases.

Hon. E. M. HEENAN: There seems to be some misconception about the actual practice. There seems also to be a complete disregard of the prospector's point of view. From my experience—and I have lived in a mining constituency for a number of years and have come into contact with many prospectors—the main objection to these reservations is the lack of knowledge on the part of prospectors regarding the granting of them. There is a large body of men whose vocation is prospecting. They follow that occupation year in, year out throughout their lives. They play a vital part in the mining industry. They are out in the backblocks all the time. We should safeguard their interests. Men who have done much to build up the mining industry are the wardens. They have a large discretion under our mining legislation, and we have been highly fortunate in having at our disposal men with much practical experience during the mining revival.

Hon. T. Moore: At all times they have been good.

Hon. E. M. HEENAN: I have the utmost confidence in the discretion and experience of our wardens, having seen those qualities displayed time and again in the courts. I do not agree with Mr. Seddon's proposal that prospectors should get areas of 144 acres, because the average prospector has a miner's right and usually applies for a prospecting area of 24 acres, which costs 10s. If there are two or three in a party, they take up two or three prospecting areas. The best tenement, however, is the lease, because the application for it does not come on for a month or so and in the meantime the prospectors may discover that portion of the lease is not worth holding. As regards reservations, the area of 300 acres might be increased to 500, and the Minister should have power to grant them for periods of six months to 12 months, with right of renewal. But applications for reservations should be controlled by the people best able to deal with the situation, namely the prospectors, whose living depends on the industry and who will be affected by the granting of reservations, and by the wardens, who have expert knowledge, and by the Minister for Mines. Those three authorities are better able to cope with the problem than are the members of this Chamber or of another place.

Hon. J. CORNELL: Mr. Seddon and Mr. Heenan have had a lot to say about the wardens. But Mr. Seddon's amendment is contradictory and would create chaos. The position of the warden is that he may make a recommendation, but the Minister can over-ride that recommendation and the matter ends there. Under Mr. Nicholson's proposal, the Minister's power is curtailed straight away. I am prepared to help the prospector in every way, but I have to be candid and say that a lot of people I have heard making a noise about reservations are people who are farming the prospectors. In considering this matter we have to bear in mind the people 12,000 miles away whose money we are likely to prevent coming into this State if the system is altered.

Hon. C. G. ELLIOTT: Reservations have been granted in this State since 1923. Hundreds of thousands of acres have been granted up to the present time and not one mine has been found on them, not one ordinary show. The system has outlived its usefulness. Mr. Nicholson is concerned at the effect the doing away with reservations might have in preventing capital from coming into the country, but capital will not come into the country unless there is something for it to come for.

Hon. J. Cornell: A lot has come for nothing so far.

Hon. C. G. ELLIOTT: The fact that nothing has been found so far is not likely to influence the introduction of fresh capital. The big mines which have yielded so much were not discovered as the result of reservations. Mr. Cornell said he considered that the cry against reservations came from those who farmed the prospectors. I am president of the Amalgamated Prospectors' Association of this State and most prospecting associations are affiliated with that body. They object strongly to the reservation principle. The fact remains that all the finds in this State since the revival of mining have been made by the prospector and nobody else. The system of letting reservations indiscriminately has outlived its usefulness, and Parliament has considered that to be so. We should not get back on the same track, as is suggested by Mr. Nicholson's amendment. The Minister for Mines will be able to let hundreds of thousands of acres just the same under this amendment. That the reservation system has outlived its usefulness is indicated by the fact that the Western

Mining Corporation which once held all the auriferous greenstone areas now has only about 5,000 acres. It has seen the futility of the system, although Mr. de Bernales still hangs on to his closed reservations. I am quite sure that Mr. Seddon's amendment will satisfy the mining people who are prepared to put money into this State. It will also ensure that the prospector gets a fair deal to which he is thoroughly entitled. I would like to see Mr. Nicholson's amendment turned down. I consider that 400 or 500 acres is a sufficient inducement for any company to put money into the mining industry in this State.

Hon. T. MOORE: I agree with Mr. Elliott that all the gold found has been found by prospectors and I want to see the prospectors able to go out where they like. The granting of reservations has enabled companies to point to a mine which has been worked out. They have been able to say that it has had so many thousand ounces taken out of it for so many tons of ore, and then they have pointed to the country around about and dwelt upon its prospects. But what was the country worth? That was only done to persuade unsuspecting individuals to invest in the company. Since the new idea of reservations came in, it has been a source of trouble on the mining fields. Prospectors have found themselves hampered. Who are we to stick to? Those with the big mining reservations who brought money into the country, of which they get a big cut themselves, but who have not opened up one new mine; or the men who have found the gold in the past and will do so in days to come? Land has been tied up and prospectors have not known where reservations started or finished. There are two amendments before us; neither suits me nor the men I represent. Mr. Nicholson's amendment still retains this right of occupancy over any good area at all. Does he still want reservations of 1,000 or 1,500 acres? In that regard he fails badly. With regard to the other amendment it is hard to understand because Mr. Seddon quotes two sets. First, he has a miner who is going to get 144 acres. If he could get the 144 acres, he could be given 300 acres as the amendment is worded. Subsection (4) says that notwithstanding anything contained in the previous three subsections, the Minister may grant to any miner the right of occupancy over an area not exceeding 300 acres for any period not exceeding six months, but such

period may be renewed from time to time by the Minister for any period not exceeding six months on each occasion of renewal. That is inconsistent with what he says about the warden having a say. In the first of the proposed new subsections he would give the warden the power, and in the last of the proposed new subsections he would nullify that. I wish to stick to the Bill, realising that many mines have been opened up in this State under the leasehold system. I hope members will not conclude that one of the two amendments of which notice has been given should be adopted because we shall get on quite well without either of them.

Hon. G. W. MILES: The reservation at the Big Bell mine resulted in £100,000 being spent simply to prospect that area.

Hon. T. Moore: Two leases would have done.

Hon. G. W. MILES: That is one of the best developments in the history of mining in Australia. The company did not go to the public for money. I am not favourable to those who look for a rake-off out of reservations by hawking them all over the place. That mine will be instrumental in providing work for thousands of people. I held a reservation long before the Minister for Mines granted gold mining reservations. My reservation was at the iron deposits at Koolan Island, Yampi Sound, and my object was to get capital to develop those deposits.

Hon. T. Moore: That is a different matter.

Hon. G. W. MILES: Are we going to refuse the Minister the right to grant reservations? Instances could be quoted of millions of money having been attracted to the State through the Minister granting reservations. The prospector has the right to take up a prospecting area or a lease. I am supporting the prospector and the miner, but the man who finds the money to provide work for a thousand people—work that keeps 4,000 or 5,000 more people in employment—should be protected. The proviso is a reflection on the Minister for Mines and I hope it will be struck out and that Mr. Nicholson's amendment will be agreed to.

Amendment (to strike out proviso) put, and a division taken with the following result:—

Ayes	12
Noes	12
	—
A tie	0
	—

AYES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. J. Cornell
Hon. E. H. Gray
Hon. W. H. Kitson
Hon. J. M. Macfarlane

Hon. G. W. Miles
Hon. J. Nicholson
Hon. H. V. Piesse
Hon. C. H. Wittenoom
Hon. A. M. Clydesdale
(Teller.)

NOES.

Hon. L. Craig
Hon. J. M. Drew
Hon. C. G. Elliott
Hon. E. H. H. Hall
Hon. V. Hamersley
Hon. E. M. Heenan
Hon. J. J. Holmes

Hon. T. Moore
Hon. H. Seddon
Hon. H. Tuckey
Hon. C. B. Williams
Hon. W. J. Mann
(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

Hon. H. SEDDON: I move an amendment—

That the following words be added to the clause:—"except as provided in Section 297A."

Hon. T. MOORE: If those words are added, we shall be altering the Bill and again opening up the question of reservations. I am sticking to the Bill and shall oppose the amendment.

Hon. J. CORNELL: I move—

That the Chairman do now leave the Chair.

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

Ayes 10

Noes 15

Majority against 5

AYES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. A. M. Clydesdale
Hon. G. W. Miles

Hon. J. Nicholson
Hon. H. V. Piesse
Hon. C. H. Wittenoom
Hon. G. B. Wood
Hon. J. Cornell
(Teller.)

NOES.

Hon. L. Craig
Hon. J. M. Drew
Hon. C. G. Elliott
Hon. E. H. Gray
Hon. E. H. H. Hall
Hon. V. Hamersley
Hon. E. M. Heenan
Hon. J. J. Holmes

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. T. Moore
Hon. H. Seddon
Hon. H. Tuckey
Hon. C. B. Williams
Hon. J. M. Macfarlane
(Teller.)

Motion (Chairman to leave Chair) thus negatived.

Amendment put, and a division called for.

The CHAIRMAN: There seems to be some doubt about the position, which is that if the amendment be carried it will then be necessary to carry the further amendment on the Notice Paper for a new clause,

whereas if this amendment be defeated the Bill will remain as it is.

Division resulted as follows:—

Ayes 13

Noes 12

Majority for .. 1

AYES.

Hon. L. B. Bolton
Hon. A. M. Clydesdale
Hon. L. Craig
Hon. J. M. Drew
Hon. E. H. Gray
Hon. V. Hamersley
Hon. E. M. Heenan

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. G. W. Miles
Hon. H. V. Piesse
Hon. H. Tuckey
Hon. H. Seddon
(Teller.)

NOES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. J. Cornell
Hon. C. G. Elliott
Hon. E. H. H. Hall
Hon. J. J. Holmes

Hon. J. M. Macfarlane
Hon. T. Moore
Hon. J. Nicholson
Hon. C. B. Williams
Hon. G. B. Wood
Hon. C. H. Wittenoom
(Teller.)

Amendment thus passed.

Clause, as amended, put, and a division called for.

The CHAIRMAN: There still seems to be some doubt as to the actual position. If the clause as amended be agreed to, the Bill will still be a Bill, but if the clause as amended be defeated, practically the whole Bill will have gone.

Hon. J. CORNELL: Not quite, there will still be one clause.

Division resulted as follows:—

Ayes 15

Noes 10

Majority for .. 5

AYES.

Hon. A. M. Clydesdale
Hon. L. Craig
Hon. J. M. Drew
Hon. C. G. Elliott
Hon. E. H. Gray
Hon. E. H. H. Hall
Hon. E. M. Heenan
Hon. J. J. Holmes

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. T. Moore
Hon. H. Seddon
Hon. H. Tuckey
Hon. C. B. Williams
Hon. V. Hamersley
(Teller.)

NOES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. J. Cornell
Hon. J. M. Macfarlane

Hon. G. W. Miles
Hon. J. Nicholson
Hon. C. H. Wittenoom
Hon. G. B. Wood
Hon. H. V. Piesse
(Teller.)

Clause, as amended, thus passed.

Clause 3—agreed to.

New clause:

Hon. H. SEDDON: I move—

That the following new clause be inserted after Clause 2 to stand as Clause 3:—

A new section is added after Section 297 of the principal Act.

297A. (1.) A warden may on the application of a miner authorise him to temporarily occupy for the aforesaid purposes any such reserve or portion thereof not exceeding 144 acres in area until such area shall be inspected by an inspector of mines and reported on by him to the warden.

(2.) If in such report the inspector shall recommend that the applicant's right to occupy such reserve or portion thereof should be continued the warden shall authorise the applicant to continue to temporarily occupy such reserve or portion thereof for a further period of three months upon payment of fees to be prescribed.

(3.) A warden may on the application of a miner recommend to the Minister that such miner be authorised to temporarily occupy for the purposes aforesaid any such reserve or portion thereof, but not exceeding 300 acres in area, and pending such recommendation being received and dealt with by the Minister the warden may authorise such temporary occupation. In respect to any such application the provisions of the Act and regulations relating to application for leases and objections thereto (excepting provisions as to survey and survey fees and rent) shall *mutatis mutandis* and so far as applicable apply thereto.

(4.) Notwithstanding anything herein contained the Minister may grant to any miner for the purposes aforesaid a right of occupancy over an area not exceeding 300 acres for any period not exceeding six months, but such period may be renewed from time to time by the Minister for any period not exceeding six months on each occasion of renewal.

Under this, a miner, by authority of the warden, may temporarily occupy a reserve not exceeding 144 acres in area, until the area be inspected by an inspector of mines. If the inspector's report is favourable, the warden shall authorise the applicant to continue temporarily to occupy such reserve for a further period of three months. A warden may on the application of a miner recommend to the Minister that the miner or prospector be authorised temporarily to occupy any reserve not exceeding 300 acres in area, and pending such recommendation being dealt with by the Minister, the warden may authorise the temporary occupation. Also, Subclause 4 provides that the Minister may grant to any miner a right of occupancy over an area not exceeding 300 acres for a period not exceeding six months, and that period may be renewed from time to time for a further period not exceeding six months.

Hon. C. F. BAXTER: One thing the Bill loses sight of is the necessity to encourage capital into Western Australia, not to frighten it away. If the amendment be agreed to, who is going to invest capital

when his tenure of the mining area is only three months? Would any company or individual take up a reserve under such conditions and invest capital in it? This is only fooling with the question. If we are going to alter the existing system, let us do so in a manner that will not frighten capital away. Those who have invested millions of money in our mining industry have done a great service to the State. We should avoid anything in the nature of pinpricking legislation that will affect future investments.

Hon. C. B. WILLIAMS: This State has been largely developed by the mining industry, with emphasis on what the prospectors have done. The remarks of Mr. Baxter are ridiculous. There is no reason why a company should not take up 300 acres of mining area when the cost would not exceed £300 a year. This industry has been developed on 24-acre leases. At one time there was no restriction on the area that a syndicate or a company could take up, so long as a rental of £1 per acre per annum was paid. As a matter of fact this State has been damned by its reservations. Large areas of country have been held as reservations, and those who have held them for some years and perhaps abandoned them have indicated by their scant investigations of the ground that the area was not worth going on with. Prospectors, on the other hand, when they have conducted investigations, have sunk shafts and thoroughly tested the value of the country they have been working. I should like to see proposed Subsection 4 struck out.

Hon. J. CORNELL: The Committee is faced with three alternatives: The first is to agree to the proposed new clause. If we do not pass it Section 297A of the Act will be unworkable. Another alternative is to vote it out, recommit the Bill, and strike out the words that destroy it. The third alternative is to vote the Bill out altogether.

Hon. E. M. HEENAN: Proposed Subsections 1 and 2 are not necessary because they deal with the granting of areas to prospectors, and damage the merits that are to be found in proposed Subsection 3. Proposed Subsection 4 must be struck out, because it proposes to allow the Minister to deal with reservations direct. I move an amendment to the proposed new clause—

That proposed Subsections 1, 2, and 4 be struck out.

If the amendment is agreed to, I will move a further amendment that in proposed Sub-section 3 the figures "300" be struck out, and "500" inserted in lieu, and that after the word "area" there be inserted the words "for a period of up to but not exceeding 12 months." Nos. 1 and 2 of the proposed new clause are not necessary because the amending Act already gives prospectors the right to take up leases without much expense. No. 4 must go out. With regard to No. 3, we agree to grant a fairly large area and I am suggesting 500 acres. We also agree that a period be inserted and I have proposed that the period be up to but not exceeding 12 months. Applications that may be made would have to be advertised and will come before the board in due course. Then anyone interested can appear for the purpose of safeguarding his rights.

Hon. H. SEDDON: The hon. member's amendment will deprive a prospector of the benefit I propose to confer upon him with regard to giving him an additional area as a matter of right.

Amendment (to strike out paragraphs 1, 2 and 4 of the proposed new clause) put and negatived.

New clause put and a division taken with the following result:—

Ayes	15
Noes	10

Majority for 5

AYES	
Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. H. Hall	Hon. H. Tuckey
Hon. V. Hamersley	Hon. C. B. Williams
Hon. E. M. Heenan	Hon. C. G. Elliott
Hon. J. J. Holmes	(Teller.)

NOES.	
Hon. E. H. Angelo	Hon. J. Nicholson
Hon. C. F. Baxter	Hon. H. V. Piesse
Hon. J. Cornell	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. G. B. Wood
Hon. G. W. Miles	Hon. L. B. Bolton
	(Teller.)

New clause thus passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. C. B. Williams, Bill recommitted for the purpose of further considering Clauses 2 and 4 and a new clause.

In Committee.

Hon. G. Fraser in the Chair; Hon. C. B. Williams in charge of the Bill.

Clause 2—Amendment of Section 297:

Hon. J. CORNELL: When Mr. Nicholson's amendment was put there seemed to be some confusion and doubt, and one hon. member who was keen on the inclusion of the amendment arrived just a moment too late to take part in the division, the voting on which was 12 all. I am going to give the Committee a chance to vote again on Mr. Nicholson's amendment because all things considered, if the Bill is to be amended, the amendment proposed by Mr. Nicholson is infinitely the better one for us to agree to. I move an amendment—

That the proviso be struck out and the additional words be struck out with a view to inserting "but subject to the provisions of Section 297A."

Hon. J. NICHOLSON: Mr. Cornell has correctly explained the confusion that existed in the minds of hon. members.

Hon. J. J. Holmes: On a point of order! Is Mr. Nicholson in order in reflecting on the Committee by saying that confusion existed in the minds of hon. members?

Hon. J. NICHOLSON: I did not say that to reflect on members.

The CHAIRMAN: I understand that was not the intention of Mr. Nicholson.

Hon. J. NICHOLSON: Undoubtedly there was confusion, and that was evident from the fact that—

Hon. J. J. Holmes: Is not Mr. Nicholson aggravating the position by saying that undoubtedly there was confusion.

The CHAIRMAN: Mr. Nicholson is quite in order.

Hon. C. B. WILLIAMS: On a point of order! We opposed both amendments. There was no confusion in our minds.

The CHAIRMAN: At any rate, there is no point of order.

Hon. J. NICHOLSON: I will leave the matter at that. I draw the attention of members to the fact that if the Bill is left in its present state, it will be seen that we have included provisions that really conflict.

Hon. J. Cornell: They stultify themselves.

Hon. J. NICHOLSON: Exactly. Section 297 provides definite power for the Minister to grant reservations and now we have added to that definite power a proviso that practically repeals Section 297, and then later on we add the words "except as provided in Section 297A." Then we agreed to the new clause, which will stand as Sec-

tion 297A, in which we provide for the granting of right of occupancy, and widen that right in the latter part of the new clause. Exactly what it will all mean will take a Philadelphia lawyer to construe.

Hon. J. J. Holmes: The Crown Law Department will interpret it all right.

Hon. J. NICHOLSON: Perhaps so, but I fear the Crown Law authorities will have a very thorny path to tread before arriving at a solution. Such legislation will not reflect much credit on the House, and will not be of advantage to the mining industry. I trust the amendment will be agreed to so as to get over the apparent difficulty.

Hon. J. J. HOLMES: If the Committee wants to make itself ridiculous in the eyes of the public, it will undo what it has done, as suggested by Mr. Cornell.

Hon. L. B. Bolton: That is what was done at your suggestion the other night.

Hon. J. CORNELL: Mr. Holmes says that if this Committee desires to make itself ridiculous, it has only to undo what it has done. I would refer the hon. member to what he did the other evening when we were dealing with the Municipal Corporations Act Amendment Bill.

Hon. J. J. Holmes: That was quite different.

Hon. E. H. Angelo: And in a thin House.

Hon. J. CORNELL: Six members put in what six members put out.

Hon. J. J. Holmes: But there were the pairs.

Hon. J. CORNELL: I have made a suggestion that will meet the objection raised by some members regarding the area, and I propose to fix it at 500 acres.

Hon. H. SEDDON: The amendment will undoubtedly kill the Bill, because it will delete the proviso, which is the Bill.

Hon. J. Nicholson: No, it will not.

Hon. H. SEDDON: If Clause 2 is deleted, obviously the new clause will be useless.

Hon. J. Cornell: Explain why.

Hon. H. SEDDON: It sets out that reservations shall not be granted, and Clause 3 sets out that they shall not be granted—except under certain conditions.

Hon. J. CORNELL: Mr. Seddon's interpretation of the position is just about as confused as what he seeks to include in the Bill. If Mr. Nicholson's amendment is included, it will mean that all the powers that are now contained in Section 297 will re-

main, and will merely be qualified by the conditions set out.

Hon. H. Seddon: That is what I explained.

Hon. T. MOORE: Apparently, there is a majority in favour of the amendment, so all that can be done is to make the best of it. For instance, perhaps Mr. Nicholson will explain what the first provision in the proposed new Section 297A means when it says "Any right of occupancy granted under the preceding section may be granted at will or for a fixed period not exceeding one year."

Hon. J. NICHOLSON: It is a matter entirely for the Minister. He will not be able to grant the right of reservation for any period beyond one year. The idea is to overcome the difficulty that has existed.

Hon. T. Moore: Would it not be better to strike out the words "at will or"?

Hon. J. Cornell: You can move that.

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

Ayes	14
Noes	11

Majority for .. 3

AYES.

Hon. E. H. Angelo	Hon. J. M. Macfarlane
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. A. M. Clydesdale	Hon. C. B. Williams
Hon. J. Cornell	Hon. C. H. Wittenoom
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. H. Kitson	Hon. G. W. Miles

(Teller.)

NOES.

Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Drew	Hon. T. Moore
Hon. C. G. Elliott	Hon. H. Seddon
Hon. E. H. Hall	Hon. E. Tuckey
Hon. V. Hamersley	Hon. E. M. Heenan
Hon. J. J. Holmes	(Teller.)

Amendment thus passed.

Hon. H. SEDDON: We have taken out of the Bill as it came from another place the prohibition of reservations.

Hon. G. W. Miles: We have supported the Minister; that is the point.

Hon. H. SEDDON: There is something else to go in, but my new clause inserted to stand as Clause 3 would prevent that something from going in.

Hon. C. B. WILLIAMS: I support Mr. Nicholson's amendment in preference to Mr. Seddon's, because, under the former, Parliament will have the right to say whether a reservation shall be extended after the first period has elapsed. Thus we shall take our

share of responsibility as individual members of Parliament, instead of merely falling in with party.

Hon. J. CORNELL: I move an amendment—

That the following words be inserted in lieu of the words struck out:—“but subject to the provisions of Section 297A.”

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

New clause inserted by a previous Committee, to stand as Clause 3—negatived.

New Clause:

On motion by Hon. J. Cornell, the following was inserted to stand as Clause 3:—

A new section is added after Section 297 of the principal Act.

297A. (1.) A warden may on the application of a miner authorise him to temporarily occupy for the aforesaid purposes any such reserve or portion thereof not exceeding 144 acres in area until such area shall be inspected by an inspector of mines and reported on by him to the warden.

(2.) If in such report the inspector shall recommend that the applicant's right to occupy such reserve or portion thereof should be continued the warden shall authorise the applicant to continue to temporarily occupy such reserve or portion thereof for a further period of three months upon payment of fees to be prescribed.

(3.) A warden may on the application of a miner recommend to the Minister that such miner be authorised to temporarily occupy for the purposes aforesaid any such reserve or portion thereof, but not exceeding 300 acres in area, and pending such recommendation being received and dealt with by the Minister the warden may authorise such temporary occupation. In respect to any such application the provisions of the Act and regulations relating to applications for leases and objections thereto (excepting provisions as to survey and survey fees and rent) shall *mutatis mutandis* and so far as applicable apply thereto.

(4.) Notwithstanding anything herein contained the Minister may grant to any miner for the purposes aforesaid a right of occupancy over an area not exceeding 300 acres for any period not exceeding six months, but such period may be renewed from time to time by the Minister for any period not exceeding six months on each occasion of renewal.

Bill again reported with further amendments.

Reports adopted.

BILL—INCOME TAX ASSESSMENT.

Assembly's Further Message.

Message from the Assembly received and read, notifying that it had agreed to the conference managers' report.

BILL—FINANCIAL EMERGENCY TAX.

Received from the Assembly, and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [11.23] in moving the second reading said: This is a Bill to fix the rates of the financial emergency tax. It provides that the same rates shall be imposed this year as last year. The Bill proposes, however, to fix the exemption figure for salary and wage earners, with dependants, at £3 17s. instead of £3 15s. The corresponding figure in respect of income earners will be £200 instead of £195. As I have pointed out on many occasions, the exemption of the basic wage from financial emergency taxation is one of the vital principles of the Government's policy. This Chamber, however, has not seen fit to exempt the basic wage as such, with the result that it is again necessary to adopt the procedure followed over the previous four years, and to fix the exemption at a figure slightly above the basic wage for the South-West Land Division. The level fixed—£3 17s.—is 1s. 2d. in excess of the present basic wage for the South-West Land Division, and 2s. 1d. in excess of the corresponding figure for the metropolitan area. The following figures show the corresponding position in the preceding four years:—

Date of Assent to Act.	Basic Wage.		Exemption provided.
	Metropolitan Area.	South-West Land Division.	
1933, October 13 ...	£ s. d. 3 9 3	£ s. d. 3 9 6	£ s. d. 3 10 0
1934, December 23	3 11 0	3 11 6	3 12 0
1935, November 25	3 10 6	3 11 2	3 12 0
1936, December 11	3 13 9	3 14 8	3 15 0

Collections from the tax are estimated to yield £1,000,000 during the current year as against £971,372 last year. With the rise in the basic wage which occurred at certain times during these periods, many people who were originally exempted by the taxing Act and the assessment Act were brought within the scope of the financial emergency tax, because the basic wage rose above the exemption. At a time when costs are rising, that must necessarily occur unless the exemption is far enough above the basic wage at the time the exemption is fixed to prevent it. It does not seem right that when Parliament decides that certain people shall be exempt

from the payment of a tax of this kind, because they are earning the basic wage or less, owing to the fact that there has been an increase in the basic wage they should by that means be brought within the scope of the tax. It is, therefore, necessary to have this margin above the basic wage, and to make it as nearly as we can such a margin that it is not likely to be affected by any variation in an upward direction of the basic wage. The Government is not prepared to re-impose the tax unless provision is made for the exemption of the basic wage-earner in the metropolitan and agricultural areas. There has been a lot of discussion in this Chamber on this question. The Bill merely carries out the same policy that has been put into operation and agreed to by both Houses during the last four years. The only difference is the difference in the figure which is brought about as a result of the increase in the basic wage during that period. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

House adjourned at 11.29 p.m.

Legislative Assembly.

Thursday, 9th December, 1937.

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

QUESTION—ARSENIC PLANT, WILUNA, INSPECTION.

Mr. MARSHALL asked the Minister for Employment: 1, On what date was the last inspection made by an Inspector of Shops and Factories of the arsenic plant at Wiluna? 2, When is it proposed that a further inspection shall be made?

The MINISTER FOR EMPLOYMENT replied: 1, The last inspection was made on 17th November, 1937. 2, It is anticipated that a further inspection will be made early in the new year.

QUESTIONS (2)—UNEMPLOYMENT.

Restriction of Unskilled Work.

Mr. SAMPSON asked the Minister for Employment: Does he realise that in limiting sustenance men to pick and shovel work, the problem faced by the unskilled worker is thereby greatly increased, such work being already severely restricted?

The MINISTER FOR EMPLOYMENT replied: Relief works are not limited to pick and shovel work. On every job skilled workmen are employed and in a great many instances the men employed are by a large majority receiving over the basic wage.