

That some ground is wetter than other ground—that some ground is harder than other ground—that some ground requires deeper sinking than other ground—that in some localities water is more abundant and more easily accessible than in others—all these are positions which are indisputable (and, for the purposes of practical mining legislation, in these varieties consist all the physical distinctions); but their admission by no means establishes that in one code apt Regulations may not be framed for each of these physical differences. It is with regard to the general principles upon which *the various kinds of mining* are conducted that the argument, if sound, would have weight. But here it is that we see this argument of “variety” does not apply. Quartz-reefing is conducted on the same general principles everywhere; so with ground sluicing—so with shallow alluvial working—so with deep alluvial working—so with puddling-machine work—so with river bed and creek working. For each of these descriptions of gold-mining of course different sets of Regulations must be made; but one general code of application throughout the Colony would well comprise these different sets. It may possibly happen that in some few exceptional cases there may be a necessity for some slight temporary modification of a particular Regulation in some particular locality; and to meet such a case, power might be given to the Warden to make some temporary Regulation to meet the exceptional local requirements, provided that those Regulations or Orders were not inconsistent with the provisions of the general code. In Victoria, for the last fifteen years, they have had a system of local mining legislation; and not only was the abolition of this system recommended, for many reasons, by the Gold Fields Commission of that Colony of 1862-3, but a careful collation of the existing By-laws of the seven Mining Board Districts,—which collation has, in the course of their labours, been made by your Commission,—shows that there is no difficulty whatever in embodying in one code all the Regulations applicable to the different descriptions of mining. This course was strongly recommended by the same Victoria Commission to which we have just referred. We may state also that fifty-four out of ninety-six individual witnesses, and eight of thirteen depositions before us have recommended one code only. We are unanimously of opinion that the argument as to differing local requirements is not sound, and therefore furnishes no good reason for instituting local legislative bodies. We would not be thought to sneer at the actually accomplished results of those legislative efforts which have been made by the local legislative bodies which have been in existence in this Colony; but we may be allowed, without saying more, to point to the evidence of Mr. Maclean,—of Mr. D. S. McKay,—of Mr. T. F. de Courcy Brown,—and of several other witnesses of experience; and specially to refer to the paper to be found in the Appendix, upon the History of Gold-mining Legislation in New South Wales.

27. Whether in the majority of cases competent men would be elected is a matter upon which there may fairly be expected to exist—as in point of fact there does exist—considerable difference of opinion; but confining ourselves with stating that we consider such a result of the elections as, at least, very questionable, we proceed to state some of the objections to a system of local elected legislative bodies, which objections induce us unanimously to report against the institution of such a system. Doubts as to satisfactory results of elections.

28. The objections then are that (1) there must almost of a necessity be a *great absence of uniformity in the provisions of the various codes*. The consequences of this clashing and conflict between the codes of different districts may very easily be conjectured, and have been very well described by some of the witnesses we have had before us. Both to the miners themselves and to those entrusted with the administration of the laws it must be a source of great perplexity, uncertainty, and consequent litigation, causing, almost inevitably, a cramping of the energy and enterprise of those upon whose well-directed enterprise and energy must depend the development of our mineral resources. Objections to Local Boards.

29. Not only would there, we feel persuaded, be a great and perplexing diversity between the various codes of different districts, but experience has shown, and it is the opinion of very many intelligent witnesses, that *in the legislation of succeeding bodies in the same district there will also be constant change*. The formation of cliques and coteries is not peculiar to the great Councils of Nations; and perhaps this evil, apparently inseparable from representative institutions, flourishes with greatest luxuriance in small communities. Again, in the minds of the members of these successive Boards it is not unlikely that it may be regarded as an imperative duty to exercise with zeal, unrestrained by discretion, the legislative function with which an admiring constituency has invested them. To show that this last apprehension of your Commissioners is not altogether groundless, we may be allowed to quote here a statement made by one of the witnesses examined before the Victorian Commission. The witness was a barrister of long standing, and of high professional reputation and large practice. He said: “In Ballarat I may say that each succeeding Mining Board generally commences the exercise of its functions by repealing the laws of its predecessors”; and it would appear that in the instance of the Ballarat Boards this had been done no less than fourteen times! These frequent changes in the local codes must largely aggravate the evils above pointed out.

30. A minor objection, but still one of considerable practical importance, is in the probability that the legislative intentions of these bodies would labour under considerable difficulty of expression. Mr. Harold Maclean, in speaking of this subject, says: “I have on several occasions had referred to me the codes of so-called Regulations which had been drawn up by Local Bodies; and in every instance these codes have been utterly useless—repugnant to the Laws, repugnant to one another, and objectionable in every way. The most strenuous efforts have been made by myself and others—Ministers, other Commissioners, and Crown Law Officers—to bring these codes so into shape as