Legislative Council,

Tuesday, 12th November, 1912.

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

QUESTION—STATE STEAMSHIPS "WESTERN AUSTRALIA."

Hon. J. D. CONNOLLY asked the Colonial Secretary: 1, The total quantity of coal on board the Government steamship "Western Australia" on leaving England, and the price paid per ton for same? 2, The quantity of coal taken on board at Port Said, and the price paid per ton for same? 3, The quantity of coal taken on board at Colombo, and the price paid per ton for same? 4, The total amount paid for Suez Canal dues? 5, The total tonnage of cargo carried, and the freight received for same? 6, The total number of passengers carried, and the amount received in fares for same?

The COLONIAL SECRETARY replied: Infomation regarding price paid for coal, canal dues, freight value, and amount of fares has not yet come to hand from the Agent General or the agents *en route*, Orient S. N. Co. The information available in reply to the questions is as follows: 1, 710 tons. 2, 602 tons. 3, 500 tons. 4, Information not available. 5, About 2,000 tons. 6, Twenty-eight first class: 48 second class.

PAPER PRESENTED.

By the Colonial Secretary: Report of the Zoological Gardens and Acclimatisation Committee for the year ended 30th June, 1912.

BILL—JETTIES REGULATION ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Responsibility for injury to jetties:

Hon. M. L. MOSS: Would the Minister inform the Committee whether he had paid any attention to the observations which had been made at the previous sitting about restricting the liability of damage caused through negligence, and added to that only the obligation to pay when injury was done to the jetty while the vessel was moored to it or unmoored from it.

The COLONIAL SECRETARY: The matter had been given careful consideration and he had consulted experts in connection with it, and if the amendment which was suggested by Mr. Moss was carried it would mean not only interference, but it would strike at the very root of the Bill. The amendment proposed to restrict the liability to the time when the vessel was being moored to the wharf or unmoored from it. If the amendment was carried the Bill would become useless because damage could only be claimed during the time the vessel was fastened to the wharf. The damage generally occurred when the vessel was approaching the wharf and the proposed amendment would not cover the position. The Government were quite prepared to free shipowners from liability in connection with any accident such as the occurrence of a willy-willy or a cyclone, or any act of God, but certainly not in the connection suggested. Why should taxpayers have to pay hundreds of pounds every year to repair the damage done to jetties through the carelessness of masters.

Hon. M. L. MOSS: There was no doubt that damage was being done and that the person responsible should pay. He was also prepared to admit that the present position was unsatisfactory, but in ninety-nine cases out of a hundred it would be difficult to prove negligence. The Minister might be prepared to submit some modification to the Committee. The clause went

too far and there should be some halfway measure.

The Colonial Secretary: I cannot suggest any modification.

The CHAIRMAN: Did the hon. member intend to move an amendment?

Hon. M. L. MOSS: What he had been trying to do was to get an expression of opinion from the Minister.

The Colonial Secretary: If the amendment is passed I shall have to withdraw the Bill.

Hon. R. J. LYNN: The Bill would receive his support as it was printed provided some amendment could be inserted as suggested by the Colonial Secretary in the direction of absolving masters in cases of accidents.

Hon. M. L. MOSS: In order to test the opinion of the Committee he would move the amendment which appeared in his name on the Notice Paper. This matter should not be entirely unlimited. He moved an amendment—

That in line 2 of Subclause 1, the following words be added:—"while such vessel is being moored thereto or unmoored therefrom."

Hon. Sir E. H. WITTENOOM: The remarks of the Colonial Secretary rather influenced him and when it was found that Mr. Connolly also supported the Bill, another gentleman who had occupied the position of Colonial Secretary, he became convinced that it was necessary that something in the direction indicated ought to be done. The opinions of these two gentlemen who had experience of these matters carried weight. They were in a better position to judge than a private member. He would therefore support the clause as it stood.

Hon. J. D. CONNOLLY: While there might be something in Mr. Moss's contention it was not possible to get away from the fact that there was absolute need for a measure of this kind, in order to save the jetties in the North-West from damage owing to wrongful acts on the part of masters and neglect as well. At the same time some protection might be afforded to shipowners, but it was hard to see how we could protect them. We would have to allow, however, that they would be treated fairly by the Government. He was aware that the damage was largely done when a vessel was being tied up, and also when vessels were putting off. Masters could be careless with their vessels and especially at the tidal ports in the North-West, ships often bumped at night against the side of the jetty, and did considerable damage there during the rise and fall in tide, which was as much as 30 feet. The clause ought to be allowed to pass as it stood.

Hon. M. L. MOSS: Under the circumstances he would not press the amendment, but he hoped that in connection with the administration of the Bill when it became an Act a certain amount of discretion would be exercised by the authorities.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL — RIGHTS IN WATER AND IRRIGATION.

Second Reading.

Debate resumed from the 7th November.

Hon. W. KINGSMILL (Metropolitan): It is not often in this House that after giving a Bill what I consider fairly close study I have to acknowledge that I cannot make up my mind about it, but such is the case in this particular instance. I must say that at the first glance this Bill appears to contain propositions of almost a revolutionary character.

Hon. Sir E. H. Wittenoom: Confiscatory.

Hon. W. KINGSMILL: And when one glances at it again those propositions contained in some of the clauses of the Bill lose but very little of that forbidding aspect which presented itself at the first glance. And it is only when one considers—and this after all is a negative sort of virtue—that this legislation or legislation of which this purports to be a copy, has been in existence for some years in the Eastern States without any dire re-

sults having happened, that one is inclined to think that perhaps the Bill is not so bad as it looks.

Hon. D. G. Gawler: They have not had much experience of it so far.

Hon. W. KINGSMILL: I say that legislation purporting to be the same as this has been in force in the Eastern States some little time. I am led to that conclusion, not I confess by a study of the legislation quoted in the marginal notes, but by those marginal notes themselves, and without that comparison which would take a considerable portion of my time, I am not prepared to vouch for the accuracy of the marginal notes. I remember very distinctly, I think it was last session, making a short inquiry into the marginal notes on the Workers' Homes Bill, in which a certain clause purported to be taken from the South Australian Act, but when I looked it up, due no doubt to misapprehension on the part of the draftsman, the corresponding section in the South Australian Act was no more like the clause in the Bill before us than chalk is like cheese.

The Colonial Secretary: Probably it was amended in another place.

Hon. W. KINGSMILL: No, the clause had not been altered or amended in another place, but the clause in our Bill and the section of the South Australian Act were absolutely dissimilar. I say it may have been due to misapprehension on the part of the draftsman; no doubt it was, and if there is any difference in these clauses——

Hon. Sir J. W. Hackett: There may have been mistakes in the numbers.

Hon. W. KINGSMILL: There was no mistake in the numbers. The clause in the Bill and the section in the South Australian Act dealt with exactly the same subjects, but from an entirely different point of view, and I pointed this out, as a reference to *Hansard* will show. I contrasted the clause and the section, and the error was proved and the requisite amendment made in Committee. I give that as an example of the necessity for care in examining and verifying marginal notes. With regard to some of the matters touched upon in this Bill, I would like to say that in some directions the measure is undoubtedly urgently needed, and first of all I shall touch on the necessity there is for some central control of artesian bores. The experience of Queensland, at all events, is sufficient to prove that this is the case. The artesian supplies are very far from being inexhaustible. Even the artesian supplies in the centre of Australia, originating as they do in an area of immense rainfall and extending as they do for an immense area laterally, even those are susceptible of exhaustion. In some cases the bores have become exhausted and they have had to be continued to deeper levels, and unless legislation is put into force regulating their flow, undoubtedly those deeper levels, too, will in time become exhausted. There is, I say, every necessity to completely regulate the flow of artesian bores on a scientific basis. With regard to some of the definitions in the Bill I admit that the subject is one of very considerable difficulty, but if members will turn to the interpretation of "lake, lagoon, swamp, or marsh," and the interpretation of "watercourse," they will find a good deal to cavil at, more especially in regard to the interpretation of "watercourse." In fact, the interpretation is a good deal wider than some of the watercourses to which it may be applied, and the scope of the Bill is such that if it is operated by extremists to its uttermost limits it may press very harshly on those who hold what they may consider ordinary land in this State. Hon. members will see that "watercourse" means "a river, stream, or creek, in which water flows in a natural channel whether permanently or intermittently." There cannot be much objection to the provisions of the Bill applying to watercourses wherein the water flows permanently, but if hon. members will consider what the words "or intermittently" mean they will recognise that this definition is far too wide. A natural channel in which water flows permanently or intermittently applies practically to every gully in country, level or not level, in the State.

Hon. J. Cornell: Most of the rivers are intermittent.

Hon. W. KINGSMILL: They are. This definition of "watercourse" is a most

dangerous one, and one which, as I have already said, furnishes a weapon in the hands of any extremist who may be administering it which may result in great injury to the State and injustice to private landowners. I take it, of course, that is not the object of the Bill. The Bill is brought in, as the title indicates, for the purpose of controlling the "rights in natural waters, to make provision for the conservation and utilisation of water for industrial irrigation and for the construction, maintenance, and management of irrigation works, and for other purposes"—other like purposes, I suppose is meant. I assume it has nothing of the nature of an amending land Bill.

The Colonial Secretary: Nothing of the kind.

Hon. W. KINGSMILL: I am very pleased to hear it, because that construction might be placed on some of the clauses which find a place in this measure. Now Clause 7, which has been alluded to with considerable satisfaction by some of the gentlemen who take a keen interest in landowning and land settlement, provides that the owner of land adjacent to a watercourse is to have access to a bed or bank and remedy for trespass, but it will be noticed that the access to bed or bank is for grazing purposes only. I do not know whether the clause is purposely worded in that way and whether access is denied to owners of that land for purposes of cultivation, or if it is a mere oversight that can be and should be corrected when the Bill is in Committee.

Hon. Sir E. H. Wittenoom: And that is only until it is appropriated.

Hon. W. KINGSMILL: Quite so. Clause 60 again, is one of the most important in the Bill because it deals with the acquisition and leasing of these lands for cultivation. Strange to say the marginal references to legislation in other States, which are so prominent a feature in connection with other clauses, are lacking in regard to Clause 60. I presume one is justified in concluding that this clause is the invention—not as hon. members may think I am going to say, of the Evil One—but of the local authorities who seek to control these watercourses. It seems to me that Clause 60 is one of those clauses which might lead one to suppose that this little Bill was somewhat wrong in its title and that it was a Bill initiating a new system of land tenure and of land administration, instead of legitimately furthering the cause of irrigation. A few general conclusions which I personally have drawn with regard to the Bill are as follows: In the first place the immense power which is vested in the Minister seems to be far too wide. Hon. members will, of course, remember that the Minister acts in the absence of the board whether on account of the board not having been created or whether on account of the board having been dissolved, and it is not absolutely necessary in any irrigation district to appoint a board, so that the administration of this Bill may for ever rest in the hands of the Minister if the Government of the day so decide. The powers under this Bill are too far-reaching for any one man to wield. I have the highest respect personally, and I may say politically, for the gentleman who at present holds the position of Minister for Works, but that esteem does not amount to idolatry, and yet is such that I think I would be acting in his best interests if I advocated some reduction of the widespread powers with which he is to be clothed under this proposed legislation. In my opinion the scope of the Bill is too far-reaching. I think the provisions of the Bill should apply only (a) where an irrigation district has been asked for by the inhabitants thereof and granted, and (b) when a board has been appointed. That is, until an irrigation district has been asked for and granted by the Government, the provisions of this Act should not apply, and furthermore its provisions should only come into operation when a board for the administration of the Act has been appointed. That would be a very reasonable start and would remove most of the objections which I understand hon. members have to the Bill, and it would satisfy the claims of districts, and there are such districts, which are clamouring for irrigation boards and control of this sort and to which such control is of vital necessity. For instance, the district of

Harvey, I understand, is dependent for its future on the passing of such legislation as we have before us to-day. If the suggestion I throw out is adopted in Committee the Harvey people could get their irrigation district and irrigation board and it would not be robbed of that prosperity which it anticipates by the passing of legislation of this nature. Now, I understand it has been suggested by several hon. members that this Bill should be referred to a select committee, and certainly I am of this opinion. The very many subjects dealt with by this Bill, the far-reaching nature of them, and the revolutionary nature of some of the subjects, are such as demand the closest scrutiny before such a measure becomes law. It seems to me it would be a very good scheme if a select committee were to take several concrete instances of how legislation such as this would affect land held by persons thoughout the State. To quote a well-known place, I would like to know the effect the Bill would have on such a place as that of Mr. A. R. Richardson at Logue on the Serpentine. I would like to know the effect of a Bill such as this is on the estate of Mr. William Patterson of Pinjarra. I would like to have the views not only of these gentlemen but of expert officers of the department who would administer the Bill, and of legal authorities to whom points which would arise if the Bill became an Act would be remitted. I think it is essentially a Bill that should be considered by a select committee. I consider it should have been considered by a select committee of another place; but that not having been done, I think it would be a very good thing if a select committee from this Chamber were to sit on it. Now, dealing with the resumptions of land, in Western Australia many estates derive value owing to the presence in them, in the first instance, of watercourses holding water for stock, and not only that, but providing grazing flats for the agistment of such stock. It is proposed in this Bill to pay the value of the land, and that of course is to be arrived at under the process laid down in the Public Works Act, 1902, but in all this land there is one thing for which compensation is never proposed to be paid, and that is for the foresight and good judgment of those people who took up the land—they acquired it honestly—who took up the land in the first instance.

Hon. J. Cornell: Was it not opportunity?

Hon. W. KINGSMILL: It may have been opportunity, but in many cases it was due to the foresight, enterprise and pluck of these individuals, qualities which do not seem to have any value in an Act of Parliament, or to find any place of recognition in the land policy of the present Government.

The Colonial Secretary: The resumptions will be under the Public Works Act.

Hon. W. KINGSMILL: Quite so, but even under that Act sufficient importance is not attached to this aspect of the question I am now dealing with. Pioneers in any industry, and very often in the land industry, are not sufficiently regarded for the foresight, enterprise and courage which they have shown in going into a new country or a new industry; and in taking away from them the fruits of that foresight, enterprise and courage, I think the State should deal very charily, and be inclined to deal generously, more than justly, with those people who hold lands of the sort I have described. Of course I am not aware yet, and it is very hard to say, to what extent legislation of this sort will affect land such as I have described, and it is in order that this question may definitely be set at rest that I support the suggestion that the Bill be referred to a select committee. Again, I am not certain about the urgency of this measure. Let us take the experience of Victoria. That is a country very densely populated by a large number of people who are seeking land. There is very much less land available in Victoria for land-seekers than there is in this State, yet we find Victoria, after spending immense sums of money in providing waterworks and irrigation colonies, has to send away from the country of land seekers, has to send Mr. Elwood Mead and a special representative of the Government touring the countries of the world, in order to find irrigationists to settle on its

irrigation colonies. If that is the case in Victoria, how much more will it be the case here? It seems to me that as a rule the Australian who goes on the land has a very rooted objection, for the present at all events, to intense culture. Being an inhabitant of immense distances, he seems to require immense scope, and whether that is right or not is beside the question, because we have to deal with matters as we find them, and we find that in Victoria, densely populated with people who desire land, they have to send out to other countries, not even countries in the British Empire, in order to find irrigationists to settle on their irrigable land. Then how much more will it be the case here? I think that is a distinct argument against the urgency of the measure before the House.

Hon. Sir J. W. Hackett: It would be an argument against all irrigation schemes in Australia.

Hon. W. KINGSMILL: Yes, I think irrigation is an acquired taste. Once it is started in Victoria possibly others will follow suit, and, example being better than precept, it will act as a spur on the imagination of seekers after land, and they will settle down on small irrigation areas rather than on larger unirrigated areas. It must be remembered that Victoria has had the advantage of one of the foremost irrigationists in the world, Mr. Elwood Mead, of whom one of his fellow countrymen has said that the nether regions would hold no terror for him if he knew that Elwood Mead would be there, because that gentleman would inevitably start an irrigation scheme and render the climate not only tolerable but even pleasant.

Hon. J. Cornell: He would have to find the water.

Hon. W. KINGSMILL: Exactly, but that is the capacity in which Mr. Elwood Mead excels, that of finding water. I do not seek for a moment to condemn the Bill, nor do I, in supporting the proposal for a select committee, wish to do otherwise than assure what I consider the proper amount of inqury before the Bill becomes law. With a measure so far-reaching as this, with such ramifications as it is likely to have, the House would not be justified in passing it without availing themselves of every means of having that inquiry. Some of the provisions of the Bill are absolutely necessary and advisable; others may act harshly. It is with a view to ascertaining which provisions are absolutely necessary and which are likely to act harshly and in what way those that may act harshly may be modified, that I shall support the proposal, when it comes forward, if it does, that a select committee be appointed. In the meantime I have no other option, knowing portions of the Bill are good, but to support the second reading.

Hon. C. SOMMERS (Metropolitan): Like the last speaker I can see some good points in the Bill, but I cannot see that there is any urgency for it. It has come so suddenly on the settlers of the State that I think greater good will be done by allowing it to remain unenacted this session, letting it come up again at a later stage. In any case I agree that it is absolutely necessary to send it to a select committee, but as a great deal of evidence will need to be taken, it is quite possible that a select committee would not be able sufficiently to investigate the question and bring down a report this session. I make that statement because I want to show that I do not wish to send the Bill to a select committee with the idea that it is to be defeated.

Hon. J. Cornell: Why not have a Royal Commission?

Hon. C. SOMMERS: I have no objection to a Royal Commission, but if it is to go to a committee I think good will be done. There is no urgency for the Bill. The powers sought to be taken are so far-reaching that it can be made a dangerous measure.

Hon. Sir J. W. Hackett: Are you asking for a select committee or a Royal Commission?

Hon. C. SOMMERS: I do not care so long as we get the evidence to the public. The better scheme would be in the earlier stages to select certain streams which we know are capable of supplying a certain amount of water, and we could limit the

number of streams available for the purpose; but to say "springs and swamps," and so on is so far-reaching that harm may be done. I know many instances in the South-West where a small damp patch some years ago unnoticeable on the surface has, with ringbarking and draining, developed into quite a small stream by the thrift and energy and foresight of the settlers; and it would be hard to resume such streams, while no amount of compensation could reward the settler for his thrift, enterprise and energy. Although great advantages will come from irrigation, and although I welcome the Bill as long as it has proper safeguards, I favour its being postponed, and no attempt being made to let it go through this session, but to send it to a Royal Commission or a committee so that people may become acquainted with it, and so that they may have ample opportunity of giving expression to their views on such an important question.

Hon. Sir J. W. HACKETT (South-West): I shall not detain the House very long, but it is suitable that I should say something about the Bill, nine-tenths of the operation of which will be confined to my province or thereabouts. I recommend the Bill, as one of the representatives of the South-West Province, most warmly, and most cordially—with amendments no doubt, of which some have been hinted at and others have yet to be discovered. But I think there is a tone of hostility in all the criticisms that have been directed towards the Bill. Members have sought for information in their speeches, but, underlying their remarks, there was this hostility, and I would beg of them to lay such feelings aside. We may have not another Victoria in the South-West—the Premier recently described it as a possible second Victoria—but we certainly have a marvellous country, if we could only direct the rainfall and water provision. Once that is accomplished, we can proceed from stage to stage until literally there may be no limit to the productiveness of the South-West Province.

Hon. Sir E. H. Wittenoom: Confine this Bill to the rivers and natural waters.

Hon. Sir J. W. HACKETT: My theory is that if large powers of efficient and operative action are given in the Bill will not be able to do good work in any direction. The two main principles I must begin by mentioning, or else I shall not get a chance of re-election, these two main maxims must be laid down—that the farmer or agriculturist, whoever is using the water, shall be moderately taxed, and that he shall get good value for the money he pays. These are the two main points I have in my view. If these two things are brought about there is no occasion to fear anything from the working of the Bill. There is no doubt the water question must be looked into. This is the one thing in which all Australia is deficient. Even in the South-West, where millions of tons go to waste every winter, during the summer the whole country is dried up and its productiveness destroyed to such an extent that, in the case of sheep, they are seriously limited in number by the drying up of the feed. I do hope the Bill will be treated kindly. If it is to go to a select committee, let it go; but always when select committees are spoken of I feel an impulse to ask who is to attend to the hearse; because in most instances a Bill only goes upstairs to come down again and be buried.

Hon. J. Cornell: It is generally a corpse when it comes down.

Hon. Sir J. W. HACKETT: That is what I mean. But we must look after the waters of the State. The day is not next year or the year after, but this very year, when every cubic foot of water should be accounted for, under the surface or over the surface of the country. We should commend the effort which is being made now by the Government to bring about that state of things, to see that there should be no waste of those enormous volumes of water which run down to the sea each winter. The Government have brought in the Bill, not with any hostile spirit nor with the intention of destroying freehold property, but to do something towards storing the large rainfall and inducing settlers to help each other in the distribution of the

water. I support the Bill, but if it has to go to a select committee let it go, although I do hope the committee will do as little harm to it as possible.

Hon. F. DAVIS (Metropolitan-Suburban): During the time the Bill has been before both Houses there appears to have been a good deal of discussion outside Parliament as to the contents of the measure. On a number of occasions people have come to me and given their impressions as to what the Bill contains, and I have found that they did not fully understand the Bill, because some thought their lands were to be taken away, and others held that they would be ruined entirely. It is unfortunate that such opinions should be prevalent outside Parliament, because the Bill does not reasonably give that impression.

Hon. C. Sommers: It shows the necessity of leaving the Bill before the public for a long time.

Hon. F. DAVIS: I do not know that. I think hon. members are quite competent to deal with a Bill of the kind. I agree that the country has to suffer the racket if any suffering is entailed by the Bill; but it must be remembered that the country has representatives here who know what they are doing. In dealing with a question of this kind, it always seems to me that there is a strong tendency to regard the Government as intruders, as doing something which would take away the undoubted rights of some people. In this connection that impression seems to obtain. I take somewhat a different view of it. It seems to me that water, at any rate in the form of rain, is just as free as the sun which, we are told on good authority, shines on the just and on the unjust alike.

Hon. W. Kingsmill: While the rain is in the air.

Hon. F. DAVIS: Yes, and when it comes down to the earth the man nearest to it claims a monopoly of it.

Hon. Sir E. H. Wittenoom: In most cases he has bought it from the Government, and paid a fair price for it.

Hon. F. DAVIS: He may have bought the land, but I do not see how he has bought the rain.

Hon. Sir E. H. Wittenoom: He has paid for the excavation of his dam.

Hon. F. DAVIS: But I fail to see why he should lay claim to all the water which passes through his land, simply because he holds land fronting a watercourse. He does not manufacture the water, and I fail to see why he should claim it. We might say the same in regard to minerals. Minerals below a certain depth are not granted with the land, and I do not see why land alienated to any person should carry the whole rights of water passing through it or lying on it or under it. Beyond a certain quantity, no man should be able to legitimately claim the water connected with his land. I notice with pleasure that there are numbers of exemptions in the Bill, in fact, a very large percentage of people are exempted in the endeavour not to injure those who consider they have had rights in the past. In this case the Bill is no exception to the general rule. There are exemptions which appear to be making for the benefit and welfare of those concerned. A question was raised by a friend of mine who thought of putting down a well and who desired to irrigate from the well by means of a pump. He wanted to know whether he would be affected by the Bill, and he was very pleased to learn that he would not be. Another friend of mine has a spring on his property, and he appeared to be very much relieved when informed that the Bill would not take away his right to that spring. No doubt a good many other instances of anxiety of the same kind could be removed. For many years past I have noticed that people are very much concerned as to the rights of land fronting various watercourses and lakes. It has been contended that if a man has land fronting a watercourse, in the event of the water receding he can follow it up and claim the land vacated by the water as his own property. This question has been a very vexed one for a long time, and it seems to me the Bill will settle that question once for all. If it does that it will relieve some minds of a good deal of anxiety. I met this afternoon a gentleman who has an orchard, and who

was under the impression that if the Bill passed he would be prohibited from having the use of the banks of his land running down into the water. He expressed the opinion that the Bill was not in his interests or those of his neighbours. But, on the face of it, clearly such is not the case, and many of the provisions of the Bill are not as harsh as they appear in the first instance. The Bill is a fair measure and certainly will not press unduly on a very large number of land owners. The greatest good for the greatest number is a sound principle on which to work, and the Bill is going on those lines. It assumes certain powers to do certain works in the interests of the people as a whole and in the interests of the people concerned in working the land. For that reason, I think it should have the support of all those who desire to see the largest number benefited. I fail to see why the Bill should be referred to a select committee. I have been unfortunate enough to be on two committees of the kind, and I do not wish to be on the third, even if it were suggested, because it seems to me the work of such a committee does not help very much.

Hon. J. F. Cullen: Especially if the members do not attend.

Hon. F. DAVIS: Quite so, or if they do not agree the case may be equally bad. In either case I think the House should be in the possession of quite as much information as is necessary to enable them to deal with the various clauses of the Bill. It seems to me a general knowledge of the provisions of the Bill should be sufficient to guide members in arriving at a decision. Therefore I do not see any necessity for delaying the measure, and I shall very much regret if a motion is carried for referring the Bill to a select committee. I trust the second reading will be carried and that the Bill in the very near future will become law.

The COLONIAL SECRETARY (in reply): Mr. Hamersley in opening the debate on the Bill made what to my mind was a remarkable speech, and, unlike certain good men immortalised in Biblical history, the hon. member came to praise and remained to scoff. In his preliminary observations he showered encomiums on the Government for having had the courage to introduce a measure of this description. He commended them for grappling with the question, and predicted that the outcome would be beneficial to the State. Then the hon. member accomplished a very sudden and striking reversion of form. In his concluding remarks he implied that we were on a voyage of confiscation, and said that what we proposed to do we proposed to do without compensation. That is to a large extent correct. We do not propose to pay compensation for the exercise of the powers asked for under the Bill. Now the three principal and essential features of the measure are—1. Declaration of rights of the Crown to all permanently running water. 2. The conservation and proper utilisation of such water. 3. Control of artesian bores for the purpose of guarding against waste. And all these without compensation. If there is to be compensation it means the end of the Bill. Without this power it will be impossible to successfully carry out the irrigation schemes contemplated by those responsible for the introduction of the measure. The question of riparian rights has been a fruitful source of litigation throughout Australia ever since the continent was first discovered. Even in Western Australia cases arise from time to time, and only last week one was decided by the High Court Judges sitting in Perth, who in effect ruled that an owner of land fronting a stream has no definite rights to that water flowing past his land. He has rights up to a certain point—rights until the man higher up or lower down complains, and once there is a complaint the doors of the Supreme Court are swung open, litigation commences, and probably a ruinous course for both parties is entered upon. This Bill will do away entirely with any such condition of affairs. In the first place it is only right that I should give some idea as to what the law is in regard to riparian rights. I will read a quotation from the speech of Mr. Swinburne when that gentleman introduced a measure of a similar character into the Legislative Assembly of Vic-

toria in 1905. Mr. Swinburne stated that this information had been supplied by some of the most eminent legal authorities in Victoria. It is cited in the text books as Miner *versus* Gilmour, and puts the law in regard to riparian rights in a nutshell. It is as follows:—

> By the general law applicable to running streams, every riparian proprietor has a right to what may be called the ordinary use of the water for his domestic purposes and for his cattle, and this without regard to the effect which such use may have in case of a deficiency upon proprietors further down the stream. But further, he has a right to the use of it for any purpose, or what may be deemed the extraordinary use of it, provided he does not thereby interfere with the rights of the proprietors either above or below him. Subject to this condition, he may dam up the stream for the purpose of a mill, or divert the water for the purpose of irrigation.

Hon. D. G. Gawler: What about lakes, swamps, and lagoons?

The COLONIAL SECRETARY: We will deal with them later on when the Bill is in Committee. That is the law, as I have said, in a nutshell. The proprietor has a right to water for his stock and for domestic purposes, but he has no further clear and definite rights. This Bill gives him all that and gives him more. It gives him all the water he may require for domestic purposes and all he wants for his cattle and stock, and gives him sufficient water to irrigate a garden of three acres with 18 inches of water. That is a right he does not possess at the present time. These rights are definitely assigned to him for all time so long as he complies with the main condition, that he utilises the water. Supposing he wants more he will have no difficulty whatever in obtaining a special license for a nominal fee. Members may wish to know what this fee is likely to be. Mr. Hamersley said it would be several pounds per acre. I do not know where the hon. member got his information, but what is contemplated is to charge something like £1 per acre. At Mildura the charge is 30s. and at Renmark the charge is 25s. per acre.

Hon. V. Hamersley: For how many inches?

The COLONIAL SECRETARY: That is for 18 inches. What we propose to charge is something like £1 per acre, so that for a rental of £10 a man can irrigate 10 acres of oranges and make a large amount of money every year. There is no warrant whatever for the term confiscation that has been used by members in discussing the measure. Confiscation means taking away definite rights without compensation. It means nothing short of robbery. No robbery whatever is contemplated under this measure. What we propose to do is to regulate the rights of everyone who wishes to engage in irrigation work to a supply of water sufficient to make it a success.

Hon. Sir. E. H. Wittenoom: Read Clause 4.

The COLONIAL SECRETARY: If this is confiscation every bit of legislation which enforces in any way the rights of property is confiscation. The Steam Boilers' Act of 1905 is confiscation. Hitherto it was not necessary for a man to pay fees to the inspector and it was not necessary to be bothered by inspectors going around and perhaps condemning boilers, but in the interests of the State and the people generally legislation was introduced which, by the reasoning of some members must be confiscatory, in order to regulate the use of boilers in the interests of the community. That is nothing more than what is contemplated under this measure. Mr. Colebatch asked that the Bill should be restricted to districts where there was plenty of water. The measure is not so much required in districts where there is plenty of water as in localities where water is scarce.

Hon. W. Kingsmill: What is the district which is crying out for the measure now?

The COLONIAL SECRETARY: The Harvey district.

Hon. W. Kingsmill: Exactly, and there is too much water there.

The COLONIAL SECRETARY : Where the water is scarce the Government propose, if practicable, to increase the supply by diverting other streams and by appealing to their experts as to the best methods to adopt to increase the supply. It is in the districts where water is not so plentiful that the Bill is needed. In localities where there are large rivers and the supply is likely to be ample for years to come, the Bill is not so necessary as in other places which, with Government supervision, and the exercise of proper care for the conservation of the water, might be made profitable to the country to carry irrigation at any rate on a fair scale. There is one automatic safeguard against possible oppressiveness in connection with the Bill and it is this: if the district is not suitable for irrigation there is no possibility of the measure being administered in that district, and one main essential is that there must be sufficient summer water. Unless there is sufficient summer water it will be impossible to carry on any irrigation scheme successfully. This scheme can only apply to localities where there is abundant water, or where it is possible to conserve sufficient water to serve useful purposes during the summer months.

Hon. Sir E. H. Wittenoom : Why do you want to take artesian bores ?

The COLONIAL SECRETARY : No individual rights are threatened under this Bill, but in respect to the half dozen irrigation schemes on a large scale in Western Australia their rights will be adequately considered in every way. They will get a license. If they require to irrigate more than three acres they will get a special license and they will enjoy all the benefits of priority of appropriation. Supposing others come afterwards and wish to irrigate, and it is found there is not sufficient water to serve all, those who were there first and those who have expended money with the object of irrigating will have their rights protected under the measure. With regard to a stream capable of irrigating 1,000 acres, it may traverse a long stretch of country. There may be 100 settlers fronting it and they may not be irrigating now, but before long there might be an irrigation boom and the whole hundred might commence irrigating, and there would probably be sufficient water only for 50. What state of affairs would arise ? They would come to a standstill and would be threatened with ruin. So it is absolutely necessary if irrigation is to be carried on, that it should be carried on under some definite system, and under some control. Water rights have been abolished in many of the States of the Republic of America. Canada is taking up the matter. Italy has proclaimed water rights public property within the last few years, and Sir William Wilcox in his report to Lord Milner respecting South Africa, said "The Crown must have the use and control of all water." New South Wales, Queensland, and Victoria have taken over all the water rights without any compensation. Mr. Deakin in the Victorian Legislative Assembly in 1886 introduced a Bill not exactly on these lines because there was no reference to bores, but in every other respect identical, but it failed to pass the Legislative Council. He introduced the measure again in 1892 and it passed through both Houses without any difficulty.

Hon. Sir J. W. Hackett : Only permanent waters are dealt with in Victoria.

The COLONIAL SECRETARY : No, their law is the same excepting that we include artesian waters. In New South Wales there is provision for bores and rivers and lakes, and in Queensland there is provision for bores, but not in Victoria. With regard to the cost of the undertaking, some members expressed a wish for information. The Harvey scheme will cover 4,000 acres and the prime cost will be about £50,000. The Collie scheme is almost identical as regards acreage and cost, that is it will cover 4,000 acres and cost about £50,000; and the license fee, as I have said, will be something like £1 per acre. Coming to the question of bores, the Crown takes the right to the control and use

of the flow of these wells the same as in New South Wales and Queensland and other places. It is absolutely necessary that this should be done, otherwise the subterranean supplies will ultimately be affected. There seems to be an impression that these supplies are practically unlimited. Mr. Gawler, in the course of his speech, said—

> I do not think artesian and surface waters should be dealt with on the same principle as regards State ownership.

As a matter of fact the necessity for assuming control of artesian water was recently impressed on the public mind by the report of the Expert Interstate Conference on artesian water, dated 17th May, 1912.

Hon. W. Kingsmill: That is an interesting part of the Bill.

The COLONIAL SECRETARY: I am glad to hear that. The report dealing with the question of uniform legislation stated—

> We deem the matter of uniform legislation for controlling bores of such importance that we venture once more to emphasise it. We are of the opinion that, where necessary, legislation should be enacted in order to ensure the effective control by the States of all existing and future bores within all artesian basins. Inasmuch as the interests of several States are involved with regard to more than one of the artesian basins, we would recommend that any future legislation be drafted on the lines of the Acts already in existence in New South Wales and Queensland, where provision is made for the granting of licenses for bores, for the supervision of boring methods, and for the periodic examination of all existing bores. We are of the opinion that the necessity for action in this direction to be taken in the remaining States is urgent.

We have no intention whatever, if this Bill is passed, of interfering with private enterprise in any shape or form, or of harrassing the owners of bores. All we want to do is to exercise some control over them. With regard to the question of artesian supplies, Mr. Kingsmill referred to Dr. Mead. Dr. Mead was introduced into Australia by the Victorian Government to report upon and direct the irrigation scheme in that State.

Hon. W. Kingsmill: Not artesian.

The COLONIAL SECRETARY: Previous to the passing of the Queensland Bill Dr. Mead was borrowed by the Queensland Government to report on the question of artesian boring in that country. He submitted a report to the Queensland Government, from which I propose to read a few extracts. He says—

> What is needed is a broad declaration of State control over both surface and underground waters; this control over surface streams to take in their entire course from the mouth to the remotest tributary, and in underground supplies to enable the State to prevent the sinking of wells, or to regulate the flow of wells, whenever this is required by the general welfare. To meet the conditions created by the vast population which will in time inhabit Queensland and to provide for the orderly and peaceable use of the variable or intermittent flow of scores of rivers, there must be State regulations and control. No less authority can reconcile and adjust the diverse and conflicting interests of individuals, cities and counties.

Then he goes on to say—

> The necessary oversight of the work of the administrative office will be secured by having all permits or licenses approved by a Minister or the Ministry.

Then he further says—

> It would be difficult to exaggerate the value of the State's artesian water supply. The very existence of civilised life in some sections depends on its perpetuity and steps should be taken at once to stop the waste now occurring from unregulated bores. This waste is not alone curtailing the State's future development but constitutes a grave menace to existing pastoral industries. From the statistics provided by Mr. Henderson, it appears that the

known expenditure on artesian bores approximates £2,000,000.

That was in Queensland. So they had large vested rights in Queensland in connection with artesian bores, yet this eminent authority said it was necessary for the State to take control and they should be licensed by a Minister or the Ministry.

Hon. D. G. Gawler: There is a difference between the Queensland Act and your Bill.

The COLONIAL SECRETARY: It is contended that the owners of existing bores should not come in under the Bill and arguments were used that hundreds of pounds had been spent to put down bores and that others had been put down unsuccessfully. There is a great deal of force in the contention, but it is a principle that we cannot for a moment admit in considering the Bill. If the House desires to exempt the people who have gone to the expense in the North-West of putting down bores, then the exemption should be regarded as a bonus to pioneers but not as a right to exemption as against other persons who are not exempted. Out of 36 bores in this State 18 are in the North-West. It is a great pastoral country and we should remember that in considering this Bill we should see that provision is made for the regulation at any rate of any bores that are put down after the passage of the Bill if members do not go so far as to exercise control over bores already in existence. The State control of artesian wells is not a thing unknown in Western Australia. It may surprise some members, but this House has already assented to the principle. It is contained in the Metropolitan Waterworks Act. Provision is there made that anyone in the metropolitan area cannot put down an artesian bore without first obtaining permission from the Minister for Works and the principle goes much further than is contemplated here because the Minister may at any time say, "I will not grant you permission to put down a bore in that locality." Mr. Colebatch started out to deal with this Bill, but 53 per cent. of his speech—I have carefully calculated and find that 53 per cent. of his speech was ill-grounded and a ferocious attack on a previous Labour Administration. It was provoked by a very innocent reference by me to what the Government in 1904-5 had done—I did not mention the Labour Government—in the way of providing facilities for transport and making preparations in that direction. He accused me, however, of introducing party politics and then expressed himself in terms of the most prejudiced partisanship. His remarks had little or no bearing on the Bill and my remarks now will probably also have no relevancy to the measure under consideration, but the hon. gentleman's statements have been given widespread circulation through the Press and it is only right that I should have an opportunity of replying to his accusations. In the first place he will not give credit to the Government of 1904-5 for introducing the policy of light agricultural railways. It is a matter of history that the Government of 1904-5 appointed a Royal Commission, and one of the duties of that commission was to go into the question of providing facilities of transport to agricultural settlers. We came down to Parliament in 1905 with a programme of agricultural railways and what did the Opposition say, those who were opposed to the Labour party? What did the leader of the Opposition say?—

> In the policy speech of the 19th May, the recent policy speech which I may without impertinence class as a "reckless gallop" speech in comparison with the "mark-time" one, we find reference to the Pilbara railway, the Coolgardie-Norseman railway, an extension of the Jandakot railway to junction with the South-Western railway, the completion of the Collie-Narrogin railway as far as the Williams and an extension from the Williams to the Darkan Area: light railways—three or four or half-a-dozen it does not matter very much—light railways in agricultural districts, the Mount Magnet-Lawlers railway, and several other suggested railways in different directions.

That is what the leader of the Opposition said of the Government of 1904-5 that introduced the programme of agricultural

railways. And the leader of the Government of that day, the Premier, in making his policy speech said—

> In regard to other works, the Government is determined to pursue a policy of encouraging agricultural settlement by every means at its disposal, and particularly by recommending and urging on the construction of railway lines in our agricultural districts. Everyone knows that it is impossible for us to get settlers to go outside the 15 or 20 mile limit of railways; or if they do go outside that district the cost they have to incur for carriage is so great as to render it almost impossible to operate successfully. In order to encourage land settlement we recognise it is necessary for us to construct light railway lines in those promising agricultural districts and for that purpose we have requested Mr. Palmer, consulting engineer in London, to represent the State at the International Railway Congress which sits this month in the United States; and he shall particularly collect all the data he can obtain in regard to the cost of construction and the working of light agricultural railways in America, because we believe we can get a fund of information that will be very useful in this State.

Then the Rason Government went into power and introduced three agricultural railway proposals. I stated while the member (Hon. H. P. Colebatch) was making his speech that these Bills had been prepared by the Labour Administration, but that is not so. I was under a misapprehension when I said that, but one of the proposals had been decided on by the Labour Administration, that is the Katanning-Kojonup line. The three proposals were introduced in one Bill, a most unprecedented course to adopt. Mr. F. Wilson, the Minister for Works, referred eulogistically to the good work done by the Royal Commission on immigation which was appointed by the Daglish Government in February, 1905, and Mr. Bath, Mr. Seaddan and other members of the Labour party pleaded for the holding over of the Bill purely on the grounds that the Bill embraced three propositions and was brought down at the fag end of the session, only a few days before its close. Mr. J. J. Holmes, the late Mr. J. Price, Mr. Keenan and Mr. H. Daglish also, who were not members of the Labour party, pleaded for the withholding of the Bill on similar grounds. The hon. member (Hon. H. P. Colebatch) said that the Labour party opposed the three measures. We passed the Katanning-Kojonup line and the opposition to the other two lines was on the ground that not sufficient information was given to the House and that they were brought down at the end of a session. The hon. member said the Government of 1904-5 in its financial capacity had blundered badly.

Hon. H. P. Colebatch: I said nothing about blundered.

The COLONIAL SECRETARY: The conclusion to be drawn from the alleged facts of the hon. member is that the Government blundered badly. He said the Government transformed a handsome surplus into a burdensome deficit. There was no handsome surplus when the Government of 1904-5 took office, for the James Government went back £148,000 for the year ended 30th June, 1904, but on that date there was a surplus of £83,000. But when the Labour Government took office, in August the surplus was reduced to £13,000. That is the magnificent surplus to which the hon. member referred.

Hon. H. P. Colebatch: You wound up your ten months with a deficit.

The COLONIAL SECRETARY: The deficit for the year was £46,000. There was a surplus of £13,000 existing when we went into office and therefore we went to the bad to the amount of £59,000. That was the burdensome deficit. Then we come to the Government that succeeded that Government—the Rason Government. They got into office by making the election cry that they would not introduce any increased taxation, but the next thing they did was to introduce an amendment to the Stamp Act that largely increased taxation and also introduced a land and income tax.

Hon. M. L. Moss: The Rason Government did not do anything of the kind.

The COLONIAL SECRETARY: It was practically the Rason Government—the heirs and successors of the Rason Government.

Hon. M. L. Moss: I was in one Government, and I opposed a land and income tax pretty heartily.

The COLONIAL SECRETARY: Although there was a deficit of only £59,000, in 1905-6 the deficit stood at £119,000. These are the successful financial administrations: 1906-7, £208,000 deficit; 1907-8, £211,000 deficit; and 1908-9, £312,000 deficit.

Hon. M. L. Moss: What has this to do with the question before the House?

The COLONIAL SECRETARY: Nothing, but the hon. member did not protest when Mr. Colebatch was speaking on the subject and that member devoted 53 per cent. of his speech to an attack on the Government that existed eight years ago.

Hon. M. L. Moss: I was not in the House.

The COLONIAL SECRETARY: I have almost concluded. With regard to Loan Funds there was a deficit of £142,000 when the Government took office and that Government left a surplus of £960,000. That is how the Labour Government of 1904-5 administered the finances of the country. I think it very wrong of the member to publish such statements as he has done in connection with a matter of so much importance, because these statements are reported in the Press and are circulated broadcast and create a wrong and false impression. Going back to the Bill, I must say that members on the whole have approached the consideration of it in a fair spirit. There is a certain amount of criticism but I cannot say, excepting a few instances, that the criticism has been in any way unreasonable. The Bill we know is not perfect and what may apply to one State may not successfully apply to another. I am particularly pleased with the attitude adopted by Mr. McLarty. He is one of the parties affected by the measure, and if it is a bad Bill, a confiscatory proposal, no one will suffer so much as the hon. gentleman: but his speech was a valuable contribution to the debate and showed his usual broadmindedness and commonsense. I am sorry several other members in the House did not follow his example. I do not like to hear hon. members using that ugly word "confiscation." The term implies robbery pure and simple, and it will lead the public to believe that the Labour Government are introducing something of a revolutionary character, something the like of which has never been submitted to Parliament before. That is not the case. If this is confiscation it has been fathered by Mr. Deakin, the leader of the Liberal party in the Federal Parliament, and it has been endorsed by that House of large landlords, the Victorian Legislative Council. That ought to be sufficient to remove a good deal of the suspicion which exists in the minds of hon. members. Mr. Kingsmill commented on the clause in which the Government are given power to resume land under the Public Works Act, 1902. He seemed to apprehend that an injustice would be done in carrying out the provisions of that Act, but I would point out that land is being resumed every day under that Act. All land which is required for railway purposes and which has been resumed during the last two years, and even the last four years and ten years, has been resumed under that statute. If the Government and an owner cannot come to terms in connection with any land matter, the case goes to arbitration, and if there is a difference of opinion it is decided by a judge of the Supreme Court. Nothing can be fairer than that. With regard to the question of urgency, some hon. members declared that the measure was not urgent. I say that it is. We already have an irrigation scheme, not only in contemplation, but in operation at Harvey, and it will be impossible to carry out that scheme in its entirety unless we have the machinery which is contained in the Bill now before members.

Hon. W. Kingsmill: Apply the Bill to those districts only.

The COLONIAL SECRETARY: It is the intention of some hon. members to do all they can to refer the Bill to a

select committee. I see no necessity for the adoption of such a course. I would have no fear about the Bill successfully emerging from the select committee, and in time to be passed during the present session, but there seemed to be something underlying the remarks made by Mr. Sommers when he spoke about referring the measure to a select committee.

Hon. C. Sommers: Not on my part.

The COLONIAL SECRETARY: Mr. Sommers informed the House on the second reading that there was no need for urgency, that the Bill could be referred to a select committee, carefully considered, and then presented to Parliament next session. I have had a good deal of experience of this House but I cannot recollect one instance in which a Bill, having gone to a select committee, failed to return in time to be passed. I know of instances where alterations have been made to measures, but I do not know of one case where the Chamber deliberately set itself out to kill a Bill by delaying its course through the select committee.

Hon. C. Sommers: On a personal explanation, may I inform the House what I really did say. I spoke about the far-reaching effect of this Bill, and said that it was such that a great deal of evidence would have to be taken, and that if the Government desired to close the present session of Parliament in a few weeks' time, the necessary evidence could not be taken in time for the committee to report before Parliament dissolved. I do not want to injure the Bill in any way. I want to see every publicity given to it, and if it is proved to be a good Bill I will welcome it. My desire was to see how it would affect everyone who would be concerned.

The COLONIAL SECRETARY: I could well understand the hon. member if he was under the impression that it was intended to end the session on the 30th November, but there is very little hope of that coming about. I do feel alarmed, after hearing Mr. Kingsmill's remarks on the subject of the select committee, and from what he said he contemplates that there will be no end to the work of this committee. If a select committee be appointed I think its work should be confined to getting at the bottom of the Bill, ascertaining what it means and what has been done elsewhere, and then take the evidence of those who are likely to be affected to any extent.

Hon. W. Kingsmill: I said we could get evidence of typical concrete instances.

The COLONIAL SECRETARY: If it is to be a select committee that is to obtain information from the man in the street or every man who has a block of land alongside a stream, then no finality will be reached. I do not wish to say any more. I hope, if the Bill is referred to a select committee, every expedition will be used so that the report may be presented as speedily as possible. There are fears that it will be defeated if it goes to a select committee, but I have sufficient confidence in any select committee that may be appointed to know that the members of it will do their utmost in the direction of using expedition and presenting their report to Parliament in good time.

Question put and passed.

Bill read a second time.

Select Committee.

The COLONIAL SECRETARY moved—

That the President do now leave the Chair and the House resolve into Committee for the consideration of the Bill.

Hon. V. HAMERSLEY moved an amendment—

That the Bill be referred to a select committee consisting of the following:—Messrs. Colebatch, Gawler, Clarke, Patrick, Davis, and Sir Edward Wittenoom; that three be a quorum, and that the committee have power to send for persons, papers, and records, and report to the House on the 3rd December.

Amendment put and passed.

Sitting suspended from 6.10 to 7.30 p.m.

BILL—UNIVERSITY LANDS.

Second Reading—Bill Rejected.

Debate resumed from the 7th November.

Hon. J. F. CULLEN (South-East): I find it necessary to correct a false impression which Sir Winthrop Hackett's introductory remarks would convey to the House and to the public. He assumed in his speech that the opposition to this Bill was opposition to the University. He even went so far as to accuse the two hon. members who had preceded him, Mr. Kingsmill and Mr. Colebatch, of having sharpened daggers against the University, and he expressed his opinion that the majority of members in the House seemed to be armed with similar weapons. I protest against this wilful and manifest misrepresentation of the position. I think that every member of this House has given ample evidence that he is entirely in favour of the University. There is absolute unanimity in support of the University, and why should the hon. member try, from his very strong position of influence on the public mind, to deliberately misrepresent his fellow members in this House? There is no opposition to the University.

Hon. W. Kingsmill: Hear, hear.

Hon. J. F. CULLEN: On the other hand, hon. members who have criticised any action of the Senate, and especially the influence of the hon. member which he has exercised on certain points, have done it with the desire to do their best to see the University founded on the soundest lines. Another misrepresentation made by the hon. member which needs correction is that, whereas he and his fellow senators are aiming at a modern University, the great foundations in Sydney and Melbourne are on mediæval lines.

Hon. Sir J. W. Hackett: Were on mediæval lines.

Hon. J. F. CULLEN: I accept the hon. member's addition or correction; they were on mediæval lines. Now, after making that misrepresentation, he went on to say that this University is to be on practical lines. The hon. member reminds me of a little episode in my school experience when I was very small. An irate old lady gave the headmaster a terrible dressing-down before the whole school for keeping her boys at 'subtraction and multiplication." She said "I want you to teach them interest; that is all they will want, because I am going to leave them plenty of money." Now the hon. member says that the University should be practical before it lays the foundations of culture and knowledge. What did Sydney and Melbourne do? They took the sound course that there must be a general foundation of knowledge before students can be specialised, and instead of the hon. member's view of these universities being correct, that they began by a mistake and are now correcting it, they followed not only a deliberate but an absolutely sound plan from the start. They said "First the foundations of knowledge, English, Classics"——

Hon. Sir J. W. Hackett: They did not.

Hon. J. F. CULLEN: The hon. member is entirely wrong. I do not object to interjections because I tried to put the hon. member right the other evening by a very pertinent interjection, and I was glad that he did not object. I want to put the hon. member right. The universities of Sydney and Melbourne, on the deliberate plans of by far the ablest minds that ever came south of the Line, compared to whom the Senate here is composed of babies, said, "First the foundations of knowledge; give the students the key of knowledge, and then build on your sound foundations; English, a certain time for Classics, chemistry, physics." Then they added "engineering, medicine, law and music."

Hon. Sir J. W. Hackett: I suppose you are aware——

Hon. J. F. CULLEN: Whilst I say I have no objection to interjections, I do desire that they shall be kept in the neighbourhood of fairness and correctness. The hon. member has entirely misrepresented those grand foundations of Sydney and Melbourne, and I hope he will take my correction in the spirit in which it is intended.

The PRESIDENT: And after making those corrections, the hon. member will perhaps come to the Bill.

Hon. J. F. CULLEN: In that respect also I hope to follow the hon. member. I hope hon. members will give me their attention, for this reason: I cannot ex-

pect to be reported in the morning Press. When last I had occasion to cross swords with the hon. member on the University site question I had to leave the House immediately afterwards, and I suggested that, whilst I would not ask the hon. member to pair with me, I considered it would be chivalrous if he would abstain from voting. The hon. member exercised his vote, and whilst his speech was reported word for word, mine was hashed into inches, and the only sentence that was not either suppressed or mutilated was one in which I paid the hon. member a compliment. Of course, that is a mere happening, but I ask hon. members to kindly listen to the argument I am placing before them as shortly as possible against this Bill. I will challenge the hon. member's attitude in assuming that the speakers against this Bill are opponents of the University. We are friends of the University who want to see it founded on the best lines. The hon. member in trying to carry out petulantly a decision in his own mind in favour of Crawley, tried to rush it, I say indecently, for no sooner was that catch vote in the Senate carried by a small majority than the hon. member rushed through the legal arrangements so far as he could do it with the Premier, and then announced in the Press "therefore the matter is settled."

Hon. Sir J. W. Hackett: More romancing.

Hon. J. F. CULLEN: I am stating the absolute facts.

Hon. Sir J. W. Hackett: You are not.

Hon. J. W. Kirwan: I am prepared to say that it was not a catch vote.

Hon. J. F. CULLEN: I withdraw the words, "catch vote," but it was a close vote. The hon. member says it was 10 to 6. It happened that two of the opponents of Crawley were absent on that occasion.

Hon. J. W. Kirwan: There had been previous votes on the same question, and the views of members were known.

Hon. J. F. CULLEN: It was absolutely known that the voting was 10 to 8, and in view of such a close vote, I hold that it would have been the proper thing for the negotiators for the Senate to have gone slowly. Instead of that, they rushed through as fast as they could the final stages of the exchange, and announced in the Press, "because this is done, therefore Crawley is fixed."

Hon. Sir J. W. Hackett: It was not in the Press.

Hon. J. F. CULLEN: It was in the Press. Surely the hon. member will admit the *West Australian* to be a part of the Press. Unfortunately, it is all the Press. Having dealt with those two points on which the hon. member so grossly departed from the wisdom he has displayed in this House in previous years, I will come to the Bill. I am going to vote against the Bill for the reason that it will strike a serious blow at what I hold to be the dearest object before my mind, a well founded University in keeping with the great destiny of this State. Firstly, there is no need for the Government to take back part of the endowment lands conferred on the University. There has not been one atom of argument for taking back those endowment lands. Why should they be taken back? It has been said that they are wanted for workers' homes. What a condition this State must have come to suddenly that there is no other land for workers' homes than to get back some of the land set apart by a previous Administration as an endowment for the University! Why the greatest commodity we have in this State is land! It would take very big figures to declare, not how much land is in the State, for that is enormous, but how much suitable land there is for workers' homes. There is any quantity of it all over the State, right around the city and Fremantle; and around every town in the country there is suitable land for this purpose, and yet the Government must look up a piece of land given by their predecessors, and take it back again. Is not the position preposterous? I can understand why no single member has attempted to justify that laying of hands on the scanty little bit of endowment conferred on the University. Personally, to be honest, I am not in favour of endowments. I believe that for the foundation of the grandest principle we have, the main essential of the country's life and

progress, education, the funds should be proudly voted year after year. There will never be any difficulty in getting Parliament to vote the necessary money for education. But Parliament deliberately began a system of the endowment of its University, and I, in the minority, gave way. Now I say, having begun it, what a childish piece of business it is to pick out the eye of the endowment and say, "We want it back again." There is no need to take back any of the endowment land; for whatever we are short of, we have abundance of land for the workers' homes. By the way, I would like to support an argument that has been ably put forward by Mr. Kingsmill. It is not desirable to assemble a great number of workers' homes in one group. We do not want any wing of the population pointed to as a separate thing in the community, and for it to be said, "Those are workers' homes." Communities are grouped together and the classes composing them are distributed, and rightly so. Why should we make one wing of any suburb a workers' homes wing? Even on the ground of sentiment it is undesirable, and furthermore, on the ground of aestheticism which counts for much, for why do we plant our gardens and try to beautify our dwelling-places? It is utterly undesirable that a number of houses should be very much alike. It is very undesirable to have one wing of the city built up in that way. Hon. members will surely see that. But some may say they need not be very much alike. I defy any hon. member to safeguard that. We have fixed a maximum of cost and under that maximum cottages will be very much alike. I would far rather see the workers' homes distributed evenly over the population just as the workers themselves are so distributed. Furthermore, I understand the idea in connection with this is that of small blocks. In the friendliest way I suggest to the Government that they do not let that blunder be made.

Hon. F. Davis: Who suggested it?

Hon. J. F. CULLEN: It is being carried out. Even in country places they are marking out quarter-acre blocks. It is a wicked thing to establish workers' homes in the country on quarter-acre blocks. The idea is to make a home and let the worker have the comforts of a home around him, and I would ask the Government not to skimp the workers' homes. There is no need to take back this endowment land; but if the Government must do it, then I say Crawley must not be given in exchange — for two reasons — the first is that Crawley was bought for park purposes, intended for park purposes and should go to park purposes.

Hon. Sir J. W. Hackett: That is all denied.

Hon. J. F. CULLEN: Yes, but it is like the hon. member's denials.

Hon. Sir J. W. Hackett: You can see it in *Hansard*.

Hon. J. F. CULLEN: The sight of a thing in print does not necessarily make it true, though there are some simple people who take that view. In the early days they used to say, "It is true; I saw it in print;" and now because it is in *Hansard* or in the *West Australian* it must be true. There is no truth in it. Crawley was intended for park purposes, and the present Government are so convinced of that that they say they must keep some of it for park purposes, and I understand they have set aside two chains wide on the water frontage for park purposes. I maintain that the whole of Crawley should be set apart for its proper use.

Hon. J. E. Dodd (Honorary Minister): Who are the persons to say what it was bought for; would you say it was the late Premier?

Hon. J. F. CULLEN: I do not know that the late Premier started the purchase.

Hon. J. E. Dodd (Honorary Minister): The late Premier said it was not for park purposes.

Hon. J. D. Connolly: You are confusing something he said in answer to an interjection.

Hon. J. E. Dodd (Honorary Minister): No, it is quite apart from any interjection.

Hon. J. F. CULLEN: Crawley should be absolutely set apart for park purposes. It is necessary, and should be done. And why should the Government

with their millions and millions of acres of land skimp and swap the endowment lands with Crawley? I have taken these three points, that the Government should not lay hands on the endowment of the University, that they should not put the workers' homes in one group at West Subiaco, and that they should not take Crawley away from its intended purpose and its rightful use as park lands. The University being the greatest concern of the people, the highest of all public purposes, it is not parting with land, it is not giving the land away to set apart the best we can find for the University. People seem to think there is something to bargain about. What is the University? It will be the highest instrument in the hands of the Government and the people for the people's good. Now, why should the Government begin to bargain about a site for it instead of saying, 'The very best site we can get we will willingly, gladly set apart for our University. We will not continue to beg something in exchange for it, we will not think of buying and selling for our University. Our very best lands on a very liberal scale we will give as a site for our University"? Now, I think the case is very strong against this Bill, and I have not heard one sound argument in support of it. I have completely thrown aside Sir Winthrop's delusion that opposing a particular site is opposing the University.

Hon. Sir J. W. HACKETT: This Bill has nothing to do with the University.

Hon. J. F. CULLEN: Opposing some swop, some land bargain, is opposing the University, according to the hon. member. By the way, how comes the hon. member to be so oblique in his vision? He says we must have this exchange carried out or it will kill the University.

Hon. Sir J. W. Hackett: No.

Hon. J. F. CULLEN: And then he says the Bill has nothing to do with it. He says that Mr. Kingsmill and Mr. Colebatch had daggers in their hands to kill the University because of their speeches. I am afraid the hon. member is somewhat mixed.

Hon. J. W. Kirwan: He seems somewhat amused.

Hon. J. F. CULLEN: That is something to be thankful for.

Hon. W. Kingsmill: He has just found out his mistake.

Hon. J. F. CULLEN: I shall not criticise the hon. member, but I cannot see any leg this Bill has to stand on. It will be said, "Oh, but you will be delaying the arrangements for the University." The first step in a University is not the erection of costly buildings. The first step is the temporary housing of the University, and over that the Senate has dilly-dallied until the real friends of the University are a bit disappointed. As a matter of fact, from the first mention of this University there has been a lot of dilly-dallying on the part of some members of the Senate without whom the others would not act. The members who assumed the lead rightly, whose previous services qualified them to assume the lead, have hung back and refused to focus their minds on the real issue of the University. They hung back and hung back until time was wasted, and now they say we ought to rush. Rush what? Rush this Bill which the hon. member says has nothing to do with the University. What I say to the hon. member and to the Senate and to the Government is—"Push on with the temporary housing of our University. You have no money now to put up palatial buildings, the sort of buildings that must be put up for a university; but never mind that just now; get your temporary housing for the University and get to work; and tell senators not to be anxious about billets in connection with the University; tell them to get to work. I do not mind if the hon. members says this is going to be more modern than any other university ever founded. All right; but get to work; and if you do not do what we think is right, by and by when Convocation comes into existence Convocation will have a say in the matter and through Convocation the public will have a say. Now, get to work in tem-

porary buildings. Throw this Bill aside, devote Crawley to park purposes. Do not touch the already skimped endowment of the University, and the clearer light of 12 months hence or six months hence perhaps will tell us where to erect the stately buildings for the future."

Hon. A. SANDERSON (Metropolitan-Suburban): I have listened with increasing interest and attention to the discussion on this Bill. I was under the impression at first that it was a measure that would go through without any discussion and that everybody would agree upon; but since listening to the speeches of members, I find that this is not so. I can hardly pretend that I shall satisfy anyone here, because I am not at all clear that I can satisfy myself that I am taking the right line on this particular Bill. I regret very much that it involved a discussion on the University management. I should prefer to leave that to the Senate, because they are trustees and managers for the University, and this Chamber should not be turned into a debating hall for academic questions in the strict sense of the word. Now we are told that the numbers on the division will be very close. I intend to vote against the Bill with a certain amount of hesitation, but I am going to vote against it for this reason, that if we accept this Bill we have committed ourselves beyond redemption, and if, on the other hand, we reject it, it will give the Senate and the Government and the House another opportunity of considering their opinion on the subject. I do not know whether there are any means by which this University management can be taken out of the hands of Parliament, but I give my promise to the Government or to anyone else that I shall always do my best in any measure of this kind to throw the management of the University into the hands of the Senate.

Hon. J. F. Cullen: And the Convocation later on.

Hon. A. SANDERSON: Well, into the hands of managers if you like. I think this University question should not be brought forward here, I will not say for discussion, but for settlement, for we are obliged, I regret to say, to give a definite settlement of this question. I propose to vote against the measure in order that if I should be making a mistake, or if the Council should make a mistake, we will have an opportunity of putting ourselves right next session. As far as the last speaker is concerned, with regard to his furious attack on the Chancellor of the University, I can only describe it as a regrettable incident. I am not going to join in that attack in which my friend has indulged. I know that both have a very keen interest in these University matters. For my own part if I took a keen interest in the University I should make an effort to belong to the Senate, or at least to strengthen it. I can only say that I do not believe in the management of the University being given to Parliament, and so I hope this thing will be finally settled next session. I propose to give my vote against the second reading in order that we may have another opportunity of re-considering the position.

Hon. J. E. DODD (Honorary Minister—in reply): The criticism that has been launched against the Bill is somewhat difficult to understand. Whilst no objection can be taken to what may be termed the criticism in regard to the better site, to the criticism we had in connection with the previous debate that took place here as to whether or not King's Park or the site opposite Parliament House was the better one, I say, whilst we can take no objection to that criticism, there is a strong feeling animating the minds of hon. members, not against the University Lands Bill but against the Government.

Hon. J. F. Cullen: Oh, the Government do not come in at all.

Hon. J. E. DODD (Honorary Minister): I will endeavour to show where the Government do come in. Mr. Cullen has this evening accused Sir Winthrop Hackett of misrepresentation in reference to the speech he made on the Bill, and inferred that the hon. member was seeking to gain sympathy on behalf of the University Lands Bill by some other ulterior means. I would like to point

out to the hon. member that when Sir Winthrop Hackett was speaking he himself interjected to the effect that the Senate was not a creation of the country, but was simply a political appointment. If that is a fair criticism to direct against the University Lands Bill I am at a loss to understand the fitness of things.

Hon. J. F. Cullen: Who appointed the Senate? The appointments were made by the Government.

Hon. J. E. DODD (Honorary Minister): That is so, but that is not what is meant by the criticisms indulged in. I know perfectly well there has been a strong feeling of jealousy over the Senate appointments, and the Government, and a good many other members, are fully aware of it. There is a feeling that some individuals should have been appointed who were not appointed, and that some were appointed who ought not to have been, and strong exception has been taken because the Government decided upon following a somewhat different method from that employed when other University Senates were appointed, that the Government branched out into new ideas. For instance, two ladies were appointed to the University Senate. But the whole opposition seemed to have been devoted to the fact that two representatives of the largest body of men in the State, the industrial section, were also appointed to the Senate. That seems to have been the real crux of the opposition to the constitution of the Senate, and to my mind is responsible for a good deal of the opposition to the Bill. In addition we have also the opposition to the Bill on the score that a certain exchange is to be made on behalf of the workers' homes scheme. I do not think hon. members will deny that there has been a considerable undercurrent of feeling in all debates regarding the workers' homes scheme.

Hon. J. F. Cullen: Not against it.

Hon. J. E. DODD (Honorary Minister): But why should the criticism be devoted in that direction if not against the scheme? Mr. Kingsmill says he is not against one part of the scheme; he is simply against this part under which the workers may be settled on the endowed lands at Subiaco. Mr. Kingsmill also raised the objection that the parent Act in reference to the University provided for permanency of endowment, and because of those words "permanency of endowment" being used, he claims that the intention of the Legislature was that those lands should be endowed for all time for the University. We often hear of the judges and others who have cases to try in the various law courts making use of the remark "the intention of the Legislature." A more superficial remark was never made. No one knows the intention of the Legislature. The only interpretation we can get of the intention of the Legislature is as it appears in the words of the legislation, and although the parent Act may have these particular words, surely that does not prevent the Senate appointed to deal with these matters making any exchange they so desire.

Hon. W. Kingsmill: It does prevent them—without the authority of Parliament.

Hon. J. E. DODD (Honorary Minister): There is one way of overcoming that, namely, through Parliament, and the Senate and the Government have taken the only course open to it and asked Parliament to ratify this exchange. Suppose those endowment lands became absolutely valueless; would there then be any objection to their transfer to someone else? I take it there would then be no objection whatever to the Government or the Senate affecting some exchange if it were possible.

Hon. W. Kingsmill: But they are not valueless.

Hon. J. E. DODD (Honorary Minister): When hon. members come to think of it, I do not fancy there will be any real objection to the exchange as an exchange. The objection, it seems to me, is to the leasehold system for the workers' homes, and also to some extent—I am not including the whole of the members—to the composition of the Senate. The argument has also been used that the establishment of a number of workers'

homes on 160 acres of land will be doing something to destroy the aesthetic beauty of the locality, I think Mr. Kingsmill said. I would like to point out that uniformity in price does not mean uniformity in design, and there may be just as much good taste in a number of workers' homes situated on a given block as would be found scattered about amongst similar dwellings in other parts of the City. In such a place as that there will be no slum blocks. It will be impossible to say that there will not be any slum dwellings, because you cannot decide what a person will do with his dwelling. But we know for certain that it will not be a slum neighbourhood, on that piece of land provided by the Government for the workers' homes. And, as I have said, there may be just as much beauty in a number of these homes as is to be found in what may be termed desirable portions of the City. Mr. Cullen said he would not like to hear of certain parts of the City referred to as workers' homes areas. I have just been reading the evidence given before the select committee on the High School Bill, and here is what Mr. Hall, the Government valuer, states in reply to Mr. Connolly regarding another part of the City, "I know that many people will not go anywhere but King's Park road, because of the fact that so many desirable people live there." That statement may be a direct antithesis to what Mr. Cullen means. The witness is not referring to the workers but to the *elite* in this one locality.

Hon. J. F. Cullen: I did not say that.

Hon. J. E. DODD (Honorary Minister): The hon. member said that he would not like to see the land set apart as land where workers are to reside referred to as workers' homes areas. I am just referring now to the other side of the argument, as given by Mr. Hall. I do not think there is much chance of workers' homes being established in this portion of the town, where the *elite* are supposed to be living. The workers' homes board do not build all on one design, nor all at one price.

Hon. J. F. Cullen: They have not built at all yet.

Hon. J. E. DODD (Honorary Minister): Yes, they have. The hon. member is not moving with the times.

Hon. W. Kingsmill: They have built on freehold.

Hon. J. E. DODD (Honorary Minister): The object of the Bill, if carried, will be to provide a certain amount of leasehold.

Hon. J. F. Cullen: Poor Government, stuck for land.

Hon. J. E. DODD (Honorary Minister: The hon. member would be quite content to run the workers right out on the sand between here and Kalgoorlie. We are anxious to provide that they shall live a little nearer to their work, that they may get a train, and in other ways take some advantage of the nearness of the locality to their work. I feel sure the Bill will be defeated judging by the consideration given to it.

Hon. J. F. Cullen: By the arguments against it.

Hon. J. E. DODD (Honorary Minister): No. I am not convinced that the Bill will be defeated by the arguments used in opposition to it. I feel satisfied it will be defeated because members think that the Government are going to bring a part of their policy into operation as a result of its passing.

Hon. J. F. Cullen: That is very unfair.

Hon. J. E. DODD (Honorary Minister): We have only to look at the *Hansard* debates and read the speeches and I think members must be thoroughly convinced that such is the object on the part of some of the members at least.

Hon. W. Kingsmill: Not on my part.

Hon. J. E. DODD (Honorary Minister): There are a few remarks I desire to make before I conclude and one is in reference to Crawley as a recreation reserve. Mr. Connolly said it was in reply to an interjection that the late Premier said Crawley was never intended as a recreation reserve; it was nothing of the kind. I cannot quote from *Hansard* because it is against the rules of the House but if members turn to *Hansard* No. 14 and look at the debate on the University Bill in Committee in another place, they will find that the Hon. Frank Wilson

stated emphatically that the estate was purchased simply to get the foreshore for the people and not as a recreation reserve. The Hon. Frank Wilson is also a member of the Senate of the University and he is strongly suporting the exchange as provided for in this Bill. There is just one other remark and it is this: some members opposing the Bill seem to be at variance with some of their arguments. Mr. Kingsmill objects to Crawley as a University site on the score that at holiday times thousands of people will be running over the grounds. Mr. Cullen was only too anxious, I think, to see the University grounds thrown open to the people, as is done in Sydney.

Hon. J. F. Cullen: They are both quite consistent.

Hon. J. E. DODD (Honorary Minister): I hardly know where the consistency comes in. There is every possibility of the tramline running to Crawley, where 45 to 50 acres has been reserved to the use of the people because the Government are not endeavouring to take away the recreation grounds of the people, as was insinuated by Mr. Colebatch. The Government prefer rather to give recreation grounds in various parts of the City and the country rather than to dump the whole of them in one small portion of the city.

Hon. J. F. Cullen: Apply that to Katanning; do not forget.

Hon. J. E. DODD (Honorary Minister): I have not gone into the matter of Katanning. As we want to finish the debate I do not desire to secure the adjournment in order to find out what the hon. member is referring to. With a tramline to Crawley there will be ample opportunity to make it pay, as I know of thousands of people who go there during the year. I do not think it is any argument against the University to talk of the people flocking there, and to my mind the exchange is a fair one to both parties. The Senate were appointed as representing the various phases of industry and life in this State, and they evidently know more about what is a suitable site, or they should do, than anyone else. Sir Winthrop Hackett has pointed out that the Legislative Assembly has passed the Bill, the Senate have agreed to it, and now in this Chamber members are asked to throw it out. I sincerely hope that members will not throw it out but will enable the Government and the Senate to ratify the agreement into which they have entered.

Question put and a division taken with the following result:—

Ayes	..	..	9
Noes	..	..	11
Majority against		..	2

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. J. Lynn
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. J. Cornell
Hon. Sir J. W. Hackett	(*Teller*).

NOES.

Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. A. Sanderson
Hon. W. Kingsmill	(*Teller*).

Question thus negatived.

Bill rejected.

BILL—TRAFFIC.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The necessity for this Bill is the existence of various Acts of Parliament passed from time to time dealing with the same subjects from conflicting standpoints and having diverse interpretations. For instance, the words "local authority" have four different intrepretations in four different Acts, namely, the Roads Act, the Width of Tyres Act, the Municipal Act, and the Cart and Carriage Licensing Act. The very same thing occurs in regard to the interpretation of the word "vehicle." This Bill practically consolidates the whole of the measures I have mentioned. It includes nearly all existing legislation dealing with the regulation of traffic and it repeals the whole of the Cart and Carriage Licensing Act and the whole

of the Width of Tyres Act. The only part which can be called new is the legislation relative to the width of tyres, motor traffic, traction engine traffic, and license fees and collection. With the exception of these provisions the rest of the Bill is practically drawn from legislation on the statute-book at the present time. The diversity of the present law has caused a great deal of confusion. The various by-laws adopted by the various local authorities have various and diverse interpretations. When it is remembered that the same road frequently runs through various districts, the necessity for uniformity must be apparent to members who have given the matter any consideration at all. For instance, the vehicles travelling between Perth and Fremantle travel through no fewer than eight different districts. First of all there is North Fremantle municipality, then the Cottesloe Beach roads board, the Peppermint Grove roads board, the Cottesloe municipality the Claremont municipality, the Claremont roads board, the Subiaco municipality, and the Perth municipality. What may be no offence at all under the Cottesloe roads board might be a breach of the by-laws in the North Fremantle municipality, so that members will see at once the necessity for bringing in uniform legislation in order to get over these present difficulties. This is not an isolated instance either; it fairly well reviews the conditions obtaining right through the State. The main road from Albany, Northam and York passes through different districts, and the by-laws of all the different districts through which the road traverses are in many instances conflicting. If the by-laws in connection with the various local authorities in the various districts which these roads traverse were carried out in their entirety, they would prove extremely harassing to the settler. Successive roads board conferences have passed resolutions urging successive Governments to amend the Width of Tyres Act and the Cart and Carriage Licensing Act and also to make provision for the more efficient controlling of traffic and the licensing of vehicles. In response to the general desire the Government have introduced this measure and in doing so they discovered no sound reason why the same legislation should not apply generally right through the State.

Hon. Sir E. H. Wittenoom: What is the general desire, that of the roads boards?

The COLONIAL SECRETARY: The roads boards' conference and the municipal conference.

Hon. W. Kingsmill: What municipal conference?

The COLONIAL SECRETARY: I will be able to give the hon. member any quantity of information at a later stage, and probably before I sit down. A new question has come to the forefront, namely, that of dealing with motor-car and motor wagon traffic. In the eight districts to be passed through between Perth and Fremantle there are nearly as many limits of speed to conform to. Each local authority has a different idea as to what is a safe rate of speed and what is a dangerous rate of speed, and in many instances if there was an attempt on the part of a driver of a motor-car to conform to the rate of speed necessary he would be running the vehicle on its own momentum; it would be impossible to run it on petrol and conform to the low rate of speed.

Hon. W. Kingsmill: That is in one place.

The COLONIAL SECRETARY: It might apply to one local authority. With reference to the matter of licenses, the license issued in one district now has effect right through the State, but in spite of that the fees differ widely. There is no restriction at all as to the fees which may be charged in regard to these licenses except that there is a maximum fee provided by Act of Parliament. They cannot exceed that maximum fee but they can go right up to it and each district seems to have a different idea as to what license fee should be imposed. Most of the motor-cars are owned in the city and the licenses are taken out within the Perth municipality. In spite of that, we must recollect that although the City Council receive the benefit of the license fees, these vehicles travel out beyond the boundaries of the

city and cut up and do a considerable amount of damage to the roads in the outside municipalities. The whole of the fees go to the Perth municipality. It was stated at a recent conference of local authorities in Perth that Perth received over £600 per annum from motor licenses whereas Victoria Park got only £1. That is a state of affairs that should not be allowed to continue. Then it is possible for one local authority to charge less than another in the hope of scooping the pool and I have every reason to believe that that is done. It is a very undesirable form of competition to encourage and I am sure it will gain very little sympathy from this House. This will be got over by Clause 23, because under that clause the Minister will be constituted the licensing authority for the metropolitan area. As already indicated, the Bill is based on the principle of providing that all existing legislation in the Municipal Act, the Roads Act, the Cart and Carriage Licensing Act, and the Width of Tyres Act shall be brought up to date in accordance with the wishes of the various governing bodies.

Hon. Sir E. H. Wittenoom: All these fees are paid back into the Treasury.

The COLONIAL SECRETARY: No, only the fees collected within the metropolitan area. The procedure established in this Bill is by no means new, although new to Western Australia. A similar measure has been passed in England, New Zealand, South Australia, Tasmania, Victoria, and New South Wales.

Hon. W. Kingsmill: In Victoria?

The COLONIAL SECRETARY: Yes.

Hon. W. Kingsmill: In what respect is it similar to the Victorian legislation?

The COLONIAL SECRETARY: I am given to understand that it is similar.

Hon. W. Kingsmill: I will have pleasure in pointing out some startling differences.

The COLONIAL SECRETARY: It may not be exactly alike, because in drafting the Bill we have before us, great care has been taken to profit by the experience of these countries. I do not say that our measure is an exact copy of the Acts of the other States; we claim it to be an improvement. The Perth-Fremantle-road has been a source of worry to various Governments for many years past and it affords a fair example of the trouble which is experienced in other parts of the State. In connection with this road Perth and Fremantle receive the bulk of the fees, consequently it is unfair to ask the intervening local authorities to contribute heavily to the maintenance of the thoroughfare, especially when we bear in mind that the road is principally used for the trade between Perth and Fremantle. The proposal under this Bill is to collect all the fees in the metropolitan area and distribute them amongst the various local authorities concerned on a scale to be laid down, so that each local authority shall get from the Minister an amount commensurate with the mileage of road repaired during the previous twelve months. In addition the Government propose to subsidise these municipalities for the upkeep of the main roads, and I understand there is a sum of money on this year's estimates for the purpose. The provisions in the existing Width of Tyres Act have been found impracticable in many districts, and consequently they remained a dead letter, but the existing Act makes the diameter of the axle a ruling factor. It is possible under that Act also for the size of the axle to be exempted by reason of the fact that it has a long box, and also steel axles which are capable of carrying heavy loads on vehicles with narrow tyres. The existing legislation goes further and it exempts public passenger traffic, and the result is that the owner can carry whatever weight he likes on narrow tyres on these public passenger vehicles. That was never intended by Parliament. All 'busses and heavy vehicles used for the conveyance of passengers are exempt from the Width of Tyres Act, even such as those which we see running from Perth to Belmont. Sometimes these vehicles carry a load weighing something like 3 tons, and they travel continuously and do a considerable amount of damage to the road, and yet they do not come under the existing law, whereas the ordinary dray with the ruling load of one ton, is required to have a tyre of four to five inches and axles of from two and three-quarter to three inches. The late

Mr. Piesse, in 1899, drafted a Bill to regulate the size of tyres on the basis of weight, but somehow or other the Bill was not presented. This measure embodies that principle.

Hon. J. F. Cullen: What grace will you give for the transition stage?

The COLONIAL SECRETARY: Ample time will be given. I think it is provided for in the Bill. Apart from the portion constituting the Minister the licensing authority for the metropolitan area, the only clauses of the Bill which can be termed new are those which amend the basis for the width of tyres and deal with motor and traction engine traffic. I will now proceed to explain the provisions of the Bill. Clause 5 is practically the machinery lever of the whole Bill and is necessary to give the authority for the license as well as the power to ask for the production of the license on the examination of a vehicle for lights, number, or license. In regard to licenses, Section 9 of the Cart and Carriage Licensing Act quotes, "Any licensing body under this Act shall give due public notice as to the person from whom, the time when, and the place where, licenses under this Act may be obtained." The existing Bill modifies this provision by the appointment of a person to issue the licenses and without the obligation of giving the public notice of time, date, and place, which details can be reasonably left to the local authority. Section 15 of the same Act empowers members only of municipal councils or roads boards or policemen to examine any cart or carriage, but does not empower their officers. It is a strange state of affairs that these should be the only people empowered to take action. Also under the Cart and Carriage Licensing Act the only persons who can issue a license are the board sitting in meeting assembled. In this measure by authorising boards to appoint inspectors, the end is attained without the repetition of "member of municipal authority and officer" as the local authority can appoint the existing town clerk or secretary as their inspector and other officers as assistants, as they may deem desirable; also, those members of the local authority who may desire to carry out the effect of the measure the same as they are empowered by the existing Act, can be appointed as honorary inspectors under the Act.

Hon. W. Kingsmill: What did actually happen?

The COLONIAL SECRETARY: The health inspector took action, issued a summons, took a person to court and if that person pleaded guilty he was fined. Under this clause every power will be given to the local authority to appoint their town clerk for instance, without additional salary, a traffic inspector and a roads board can do the same.

Hon. R. J. Lynn: Who will lay the prosecution?

The COLONIAL SECRETARY: The traffic inspector.

Hon. R. J. Lynn: Who will pay the local authorities for this service?

The COLONIAL SECRETARY: The municipality must bear the cost. In a big district I daresay they would appoint a traffic inspector at a salary, but in outside localities they would appoint their town clerk or health inspector or sanitary inspector.

Hon. R. J. Lynn: You propose to take away the revenue they derive from licenses and then ask them to administer the Act for you.

The COLONIAL SECRETARY: If they administer it successfully they can get back revenue in the shape of fines. Section 12 of the Cart and Carriage Licensing Act makes it obligatory for each licensing authority to publish a list of their licenses and transfers from time to time in the *Government Gazette*. This obligation is removed by the present Act and thus relieves the local authority of a lot of unnecessary trouble and expense. Clause 6 is merely a repetition of the existing legislation in Section 5, but differently worded. Clause 7 deals with the licenses for various vehicles at present issued under the existing Acts as follows:—Cart and Carriage Licensing Act for carts and carriages, and motor cars and cycle licenses collected under the authority of the Municipal and Roads Acts, which give power to make regulations for their collections. It is doubtful whether any

power exists for motor wagons and traction engines in the Roads Act. As regards bicycles, the Roads Act gives power to roads boards to make regulations to impose licensing fees up to 5s., and this is availed of by most of the goldfields boards. The idea of the prescribing of fees or licenses by regulations has led to a lot of trouble in the past. Clause 8 is a modified form of the existing power under the Cart and Carriage Licensing Act, and the Municipal Act, which make it necessary to have a license for passenger vehicles. There is no necessity at the present time to have a license to carry passengers under such circumstances. Clause 10 is a new provision, but it is already in existence in the shape of by-laws issued under the provisions of the Municipalities Act and the Roads Act. Originally, owing to a number of carts being linked up to each other, the front ones carrying lights and those following being without lights, other vehicles approaching from an opposite direction might make a detour to escape the first vehicle and collide with the second or third. On the question being inquired into there was found to be some doubt as to whether the then existing law could provide by-laws for trailers when such vehicles were not mentioned in the principal Act, and this new clause places the matter beyond all doubt. Clause 11 deals with the licensing authority. The existing Cart and Carriage Licensing Act is somewhat vague as to what authority shall issue the license. Section 181 of the Municipalities Act stipulates by inference that any person residing within three miles of the limits of the municipal district shall be liable to take out a license for a cart if such cart is used solely as a conveyance, and as there is no stipulation of a like nature in the Roads Act some confusion has been created, which this clause will remove. Clause 12 relates to fees. The existing legislation was considered somewhat faulty. The Cart and Carriage Licensing Act prescribed a definite fee for carts and carriages, while the fee for all other vehicles can be fixed by regulation at the will of the local authority, with the result that they are not uniform, and some difficulty is created. This clause, in conjunction with the Third Schedule, places the matter on a proper footing and makes the license fee uniform. Clause 13 prescribes the method of application for a license. This is somewhat like Section 7 of the Cart and Carriage Licensing Act, which provides for a license to be issued and to remain in force until the 31st day of each December. As regards other vehicles, the Municipalities Act and the Roads Act provide for everything to be done by regulation, and as the financial years of the two authorities are different, it is possible for an overlapping of the period of the licenses to occur. This clause rectifies both these matters whilst re-enacting the existing powers in an improved form. Clause 14 is a re-enactment in a revised form of the existing provision in Section 11 of the Cart and Carriage Licensing Act. Clause 15 is also a re-enactment of existing legislation in a more definite form. As to Clause 16, the present legislation does not provide as to who is to issue the licenses for each district, and consequently considerable trouble has been occasioned by one authority getting a license and refusing to refund to the authority entitled to receive it by reason of a vehicle using the roads and being domiciled in the adjoining district. Several cases have been reported where cart licenses were not taken out in one district but were taken out in another adjoining district for some reason, and in the case of the Cue roads board it was reported that scarcely any licenses were being taken out by those using the roads there owing to the owners of vehicles taking them out in adjoining municipalities. Previously, there had been an arrangement between two municipalities as to dividing license fees, but that fell through and the two adjoining municipalities claimed the whole lot. In regard to Clause 17, Section 17 of the Municipalities Act supplies this provision, and is re-enacted here so as to give the same power to roads boards in connection with all traffic, as many municipalities have been merged in the roads boards while existing roads boards require the authority. Clause 18 is new. At the present

time the obligation to grant licenses is being exercised as a matter of custom and by inferential authority granted under the Municipalities Act and Cart and Carriage Licensing Act and through by-laws.

Hon. R. J. Lynn: You are going to create a monopoly under that clause. Why prescribe a limit to licenses?

The COLONIAL SECRETARY: I daresay the limit would be prescribed by regulation. The present provisions combine the existing legislation and the best features of the several by-laws in existence. I am of opinion that there is similar provision in some of the existing laws. Clause 19 is the same as Section 11 of the Cart and Carriage Licensing Act. It provides power for the transfer of licenses, and Section 12 stipulates that such provisions must be published in the *Government Gazette*. The proposed provision is a modified form of this power without the obligation to publish, and is a good machinery clause on the basis of those existing in other States. Clause 20 is an amended form of Section 18 of the Cart and Carriage Licensing Act. Existing legislation gives the power for two justices to forfeit a license after proof has been submitted, and also provides a penalty that where licenses are forfeited the cart or carriage shall thereupon be incapable of being licensed for six months. The proposed provision, instead of disqualifying the carriage, disqualifies the licensee for the remaining part of that period. That is the difference between this proposal and the existing legislation. Clause 21 is pretty well taken from Section 2 of the Municipalities Act. It provides protection against any penalty being imposed where a vehicle is being driven from the maker to the buyer's address. As all new vehicles are either built on the coast or imported, and have to be taken to the goldfields or the wheat belt, it must be apparent that they should be protected until they reach the district in which it is proposed to domicile them. Paragraph (b) of the clause is practically new and enables the licensing authority to grant to the manufacturers or importers of vehicles a general license so as to use vehicles for trial purposes. Paragraph (c) will provide for any overlapping, and enable existing licenses to expire before a new one is taken out. Clause 22 is merely a machinery provision, whilst Clause 23 deals with the question of making the Minister the licensing authority for the metropolitan area.

Hon. C. Sommers: Would the Minister have power to fix the rules for traffic in the city of Perth?

The COLONIAL SECRETARY: There will be plenty of time to discuss that. Clause 23 is a new provision and is consequent on the Minister under this Bill taking over the metropolitan area as regards the collection of licenses. This was done at the special request of all the local bodies excepting Perth at two conferences held at the Technical School. The Road Boards conferences also confirmed the principle and resented that Perth at present collects over £600 per annum for motors, nearly all of which use the outside roads more than the roads of the city, and the Victoria Park council, whose roads are used by the same vehicles, receives only £1 per annum. For other vehicles the city of Perth collects over £700 under similar conditions, thus totalling £1,300, whereas outside authorities have to provide for the maintenance of the roads and get no portion of those licensing fees. The proposal in this clause is to put all fees imposed into a trust fund at the Treasury, the Government to subsidise the amount, and then pay to each authority an amount in proportion to the extent of main roads which the local authority has to maintain.

Hon. R. J. Lynn: That should be defined in this Bill.

The COLONIAL SECRETARY: I shall be glad if the hon. member will assist in its definition. The payments of the subsidies will be on the basis of so much per chain of road which has been actually maintained for the period by the local authority, after examination by an engineer of the Government.

Hon. J. F. Cullen: Where is that provided?

The COLONIAL SECRETARY: That has to be set out in regulations. The road, of course, has to be maintained and if it

fails to pass examination by the engineer then the local authority will get no subsidy. Clause 25 is a proposal to make a uniform regulation which everybody will be aware of and the police can easily carry out. In doing this every opportunity will be taken to consult the local authorities in the same way as was done in connection with the uniform by-laws for motors.

Hon. W. Kingsmill: In the same manner in which they have been consulted before?

The COLONIAL SECRETARY: No, when the regulations are being framed. Clause 25 is new and is consequent upon the previous clauses of the Bill, and in order to provide for cases when any special local requirements need local by-laws for any particular part or portion of a district. Clause 26 is practically new and removes any doubt which at present exists as to the one license only being required over the whole of the State for the same vehicle. Clause 27 is new. It is a machinery clause in order to bring in the new Act and new regulations on the proclamation of the Act, and so provide against two sets of regulations being in force at the same time which may be opposed to each other. Clause 29 is a machinery clause, and practically enacts Section 179 of the Roads Act and Sections 179 and 181 of the Municipal Act with the additional precaution contained in paragraph 3 to protect any local authority against any by-law which they think should not be in existence, and at the same time gives ample opportunity to Parliament to review any special regulation issued by the Government of the day. Division II. deals with the width of tyres and the principle is to make the weight carried by a vehicle the basis for the width of tyre, as I have already pointed out, instead of the diameter of the axle being the basis. Clause 30 contains a new provision and exempts pneumatic tyres which would be difficult to regulate in conjunction with the bearing surface of same and would not be applicable under this heading, but are provided for by additional licensing fees according to their horse power. Clause 31 may be regarded as the principal section under this division.

Hon. Sir E. H. Wittenoom: So it is.

The COLONIAL SECRETARY: It prescribes the basis for deciding the width of tyre to be provided. The basis provided in the first Bill introduced into the Assembly was 9 cwt. This was amended after consideration to 8cwt., which is considered a reasonable basis to adopt for this country, but in Victoria the maximum basis is a total weight of 4cwt. avoirdupois for each wheel for two-wheeled vehicles and 4½cwt. for four-wheeled vehicles for each half-inch width of bearing surface. Clause 32 is a new machinery clause taken from the South Australian Act and is similar to Section 6 of the existing Width of Tyres Act with an altered basis. Clauses 33, 34, and 35 are machinery clauses. Clause 36 is necessary to provide means for carrying the other part of the Bill into effect. Division III. deals with motor vehicles. When the present Cart and Carriage Licensing Act was passed in 1876, motor cars, as we all know, were not in existence, consequently in order to collect fees it was necessary to make provision in the Roads Act and Municipal Act by medium of by-laws. Thus power is given to local authorities to make by-laws as they think fit for motor cars up to a maximum of £5 in the Roads Act, but no maximum is provided in the Municipal Act, and for ordinary carts and carriages the licensing is governed by an Act which in many respects is out of date. Therefore, in making provision for motor cars, the best has been taken from existing by-laws or customs and provided in the Bill. It will be recognised that where local authorities adjoining each other can issue regulations differing in all respects and have different licensing fees it is a very undesirable state of affairs. The schedule as well as the majority of the information in this Bill was prepared as a result of a conference of delegates from the metropolitan local authorities, as I said before, assembled in the Technical School for the purpose of preparing uniform motor by-laws.

Hon. W. Kingsmill: All metropolitan local authorities?

The COLONIAL SECRETARY: I could not say if they were all represented.

Hon. W. Kingsmill: Do you remember the approximate date?

The COLONIAL SECRETARY: No. After a very lengthy consideration it was decided to abolish the speed limit in connection with motor vehicles and to provide a law which obtains in England, the Continent and the Eastern States in favour of penalising reckless or negligent driving in preference to the establishment of a speed limit.

Hon. Sir E. H. Wittenoom: It will be very much better.

Hon. W. Kingsmill: What about the destruction of roads? Take King's Park; there is no danger to life there, but there is a great deal of danger in the destruction of the road.

The COLONIAL SECRETARY: Could that not be got over by increasing the licensing fees?

Hon. W. Kingsmill: And give them to King's Park?

The COLONIAL SECRETARY: In regard to Clause 38 a similar provision already exists in the Municipal and Roads Acts somewhat differently worded. Clause 40 is new. A similar provision already exists in many of the by-laws passed by roads boards and municipalities which of course will cease on the passing of the Act. Doubts have been expressed as to the legality of some of the by-laws, hence the necessity for removing the doubts by putting the provision in the Bill. In regard to Clause 41 a similar power already exists in the by-laws of some of the local authorities, and the existing provision has been taken from Section 26 of the South Australian Act. Some question was raised by the roads board association so as to prohibit the consent of the Minister being given for race days, but all safeguard is made by the proviso that the consent in writing of the local authorities must be first obtained. Similar provision to Clause 42 already exists in both the Roads Act and the Municipal Act; it is merely a machinery clause. Division IV. deals with traction engines. The introduction of traction engines to this State is of comparatively recent date, consequently there is no legislation on the statute-book dealing with them except a general power given in the Municipal Act and in the Roads Act to levy licenses and some inferential powers also in that legislation. This is introduced at the request of the last two roads board conferences. Clause 43 deals with the condition of the traction engines generally, both in the interests of the travelling public and of those driving the engines. Clause 44 is similar to a provision existing in England and in Victoria and gives the local authorities some control with a view to avoiding accidents. Many of the bridges and culverts in this country are only built to carry ordinary traffic and they may not be strong enough to carry traction engines. Clause 45 is new, but similar legislation exists in England and Victoria. It is proposed in Clause 50 to make similar powers, so that all those causing special damage to the roads will have to pay for same. Clause 46 is taken from the Victorian Act, Section 589, and protects local authorities from any damage done to the engines by reason of the state of the roads. In many cases the roads were made long before the traction engines were introduced and were only made with limited means for the purpose of meeting the existing requirements. Clause 47 is a machinery clause. Legislation is already in existence in the Roads Act and Municipal Act empowering the local authorities to make by-laws. This clause was amended in another place by deleting the provision which compelled the attendant to pay a license. In regard to Clause 48 similar provision is provided in the preceding division for motor cars to stop when horses become unmanageable. This is making law what is the custom already in the country, but it is necessary to make it legal for one or two who may not have humane instincts. Clause 49 is merely a machinery clause, the same as the penal clauses in the Bill. In regard to Clause 50 there is a lot of damage done to the various roads through different vehicles of contractors and it is only reasonable that they should be called upon to pay for any damage done in this way.

Hon. Sir E. H. Wittenoom: Is that the carrying of heavy loads or carrying with too narrow tyres?

The COLONIAL SECRETARY: We can deal with that in Committee. Similar legislation already exists in Section 89 of the Public Works Act, and it will be repealed if this Bill becomes law. Clause 51 is a new clause so far as this State is concerned, but similar provision is included in Division III. dealing with motor cars. It is specially to provide against reckless or negligent driving of other vehicles, and puts the same on a similar basis for the interests of the travelling public. In regard to Clause 52——

Hon. Sir E. H. Wittenoom: Is this "joy riding."

The COLONIAL SECRETARY: It is legislation copied from the Victorian Act, and it is for the purpose of putting a stop to what is known as "joy riding." I could give some instances. In regard to Clause 53 the Municipal Act and the Roads Act already give the local authority this power, and the Public Works Act gives the Minister power. Therefore the clause only re-enacts the existing provision with the additional safeguard that the Minister may annul any order given by a municipality where sufficient reason is given to open a street.

Hon. W. Kingsmill: Supposing he closes a street for 10 years?

The COLONIAL SECRETARY: I think we had better leave that matter for the Committee stage. Clause 54 contains powers similar to those granted under the Municipalities and the Roads Acts. Clause 57 is virtually taken from the Cart and Carriage Licensing Act. It is merely re-enacted in modified form, the better to meet the provisions of the Bill. Clause 60 is new. It is a machinery clause, and it legalises what is to-day a general practice. Clause 61 is practically the same as the existing sections in the Roads and the Municipalities Acts. The Roads Act and the Municipalities Act makes the penalty £50. The reason for the larger penalty at the end is to provide for any of these offences which may be committed but which are not specified. Clause 62 is a machinery clause, while Clause 63 is practically a re-enactment of existing legislation, but in modified form, owing to the passing of the Act of 1909 dealing with the appropriation of fines and penalties. Clause 64 is merely a re-enactment of the existing legislation, so as to put all laws dealing with vehicles in one Act. It is slightly modified to meet present requirements. The Bill is a measure dealing with traffic only, whereas the Public Works Act deals more with the construction of tramways. I have a good deal more to say, but I will reserve it for the Committee stage. I beg to move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill debate adjourned.

House adjourned at 9.18 p.m.

Legislative Assembly,

Tuesday, 12th November, 1912.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: 1, Report of the Zoological Gardens and Acclimatisation Committee for the year ending 30th June, 1912. 2, Supplementary Return *re* Crop Reports in Esperance and Norseman Districts—Further Return to Order of the House dated 29th October, 1912.