

going to be carried by that party who have met all day to-day, and who in solemn conclave, no doubt, arrived at the decision that this splendid amendment of the Premier's would be brought down at the eleventh hour. And they are going to vote for it, one and all, no matter what arguments may be used against it from this side, or even from that side. Every man is bound to the decision which was arrived at during the caucus meeting to-day. I congratulate them upon their noble attitude. I hope that the division, if there is to be a division, will result in all my friends on that side responding to the crack of the whip.

Amendment (that the words proposed to be struck out be struck out) put, and a division taken with the following result:—

Ayes	..	..	..	26
Noes	..	..	..	9

Majority for .. .. 17

#### AYES.

Mr. Angwin  
Mr. Bolton  
Mr. Collier  
Mr. Dwyer  
Mr. Foley  
Mr. Gill  
Mr. Green  
Mr. Holman  
Mr. Hudson  
Mr. Johnson  
Mr. Johnston  
Mr. Lewis  
Mr. McDonald  
Mr. McDowall

Mr. Mullany  
Mr. Munsie  
Mr. O'Loughlen  
Mr. Scaddan  
Mr. B. J. Stubbs  
Mr. Taylor  
Mr. Thomas  
Mr. Turvey  
Mr. Underwood  
Mr. Walker  
Mr. A. A. Wilson  
Mr. Heilmann  
(Teller).

#### NOES.

Mr. Broun  
Mr. Harper  
Mr. Lefroy  
Mr. Male  
Mr. Mitchell

Mr. Monger  
Mr. A. N. Plesse  
Mr. F. Willson  
Mr. Layman  
(Teller)

Amendment thus passed.

Amendment (that the words proposed to be inserted be inserted) put, and a division taken with the following result:—

Ayes	..	..	..	26
Noes	..	..	..	8

Majority for .. .. 18

#### AYES.

Mr. Angwin  
Mr. Bolton  
Mr. Collier  
Mr. Dwyer  
Mr. Foley  
Mr. Gill  
Mr. Green  
Mr. Holman  
Mr. Hudson  
Mr. Johnson  
Mr. Johnston  
Mr. Lewis  
Mr. McDonald  
Mr. McDowall

Mr. Mullany  
Mr. Munsie  
Mr. O'Loughlen  
Mr. Scaddan  
Mr. B. J. Stubbs  
Mr. Taylor  
Mr. Thomas  
Mr. Turvey  
Mr. Underwood  
Mr. Walker  
Mr. A. A. Willson  
Mr. Heilmann  
(Teller).

#### NOES.

Mr. Broun  
Mr. Harper  
Mr. Lefroy  
Mr. Male  
Mr. Mitchell

Mr. A. E. Plesse  
Mr. F. Willson  
Mr. Layman  
(Teller).

Question as amended put and passed.

*House adjourned at 11.1 p.m.*

## Legislative Assembly,

*Thursday, 14th August, 1913.*

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

#### PAPERS PRESENTED.

By the Minister for Mines: Return of Mining Exemptions granted during the year ending 30th June, 1913.

By the Minister for Works: 1, Copy of agreement between the Commissioner

of Railways and the Westralian Powell Wood Process, Limited, dated 15th July, 1908. 2, Copy of agreement between the Minister for Works and the Westralian Powell Wood Process, Limited, dated 27th February, 1912.

#### QUESTIONS (2)—RAILWAY ROLLING STOCK AND RAILS, DUTY PAID.

Mr. GEORGE asked the Minister for Railways: How much money have the Government paid as duty to the Commonwealth Customs Department on the State importations of rolling stock for the year 1912-13?

The MINISTER FOR RAILWAYS replied: The duty paid on locomotives during the financial year was £18,206 ls. 11d., which was for 26 locomotives.

Mr. GEORGE asked the Minister for Works: How much money have the Government paid as duty to the Commonwealth Customs Department on the State importations of rails for the year 1912-13?

The MINISTER FOR WORKS replied: Public Works Department, £16,931 9s. 6d.; Working Railways, £17,889 0s. 2d.—Total, £34,820 9s. 8d.

#### QUESTIONS (2)—BRUCE ROCK TOWNSHIP, SANITATION.

Mr. MONGER asked the Premier: 1, Is he aware that necessity exists for an inspection by a health inspector of the township of Bruce Rock? 2, If so, will he cause such inspection to be made?

The PREMIER replied: 1, No. 2, An inspection will be made.

Mr. MONGER asked the Minister for Railways: 1, Is he aware that there exists a lack of sanitary conveniences at the railway station at Bruce Rock? 2, If so, will he cause the same to be supplied?

The MINISTER FOR RAILWAYS replied: Latrines and ladies' waiting room have been approved for Bruce Rock. Construction of same is now in hand at the shops, and they will be erected as soon as possible.

#### QUESTION—AVONDALE ESTATE, CONDITIONS OF SELECTION.

Mr. BROWN asked the Minister for Lands: 1, When did he withdraw the Avondale estate from sale? 2, Is he aware that persons desirous of putting in applications were refused that right? 3, Is the Avondale estate open for selection under freehold or leasehold conditions? 4, If under leasehold, is this in accordance with the Act for the repurchase of estates?

The MINISTER FOR LANDS replied: 1, In October, 1911. 2, Yes. 3, Under freehold conditions in respect of the two large blocks; under leasehold conditions in respect of the small lots, which have been thrown open under the regulations for leasing suburban lands for cultivation. 4, Yes; the Act provides that town and suburban lands within a repurchased estate may be disposed of in like manner as town and suburban lands may, for the time being, be disposed of under "The Land Act, 1898."

#### ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER: I desire to inform hon. members that I waited on His Excellency the Governor this morning and presented the Address-in-reply, and His Excellency has replied as follows:—

Mr. Speaker and members of the Legislative Assembly. In the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. Harry Barron, Governor, 14th August, 1913.

#### BILL—WAGIN AGRICULTURAL HALL TRANSFER.

Read a third time and transmitted to the Legislative Council.

#### BILL—NORTH FREMANTLE MUNICIPAL TRAMWAYS ACT AMENDMENT.

*Second Reading.*

Hon. W. C. ANGWIN (Honorary Minister) in moving the second reading said: I desire to inform hon. members

that this Bill has been introduced for the purpose of enabling the North Fremantle Council to complete a loan which they have raised as a reversion loan, to redeem a loan previously raised and time for the repayment of which has expired. It was understood that all the borrowing powers contained in the Municipalities Act were embodied in the North Fremantle Tramways Act. The sections of the Municipalities Act, under which this money was borrowed, and the provision for a sinking fund, etcetera, set out in Sections 452 to 461, both inclusive, have been embodied in the North Fremantle Tramways Act, but there are several sections between Sections 435 and 452 dealing with borrowing powers, which give municipalities the right to borrow for such undertakings as tramways, and these sections have been omitted from the North Fremantle Tramways Act. The position was that five years ago the North Fremantle Council, in order to complete their tramway system, raised a loan of £3,000, which made a total of £15,000 borrowed by the council. That loan falls due on the 1st September next. The council have established a sinking fund in accordance with the provisions of the Municipalities Act, and towards the redemption of the loan they have about £400 in the sinking fund at the present time. The council were under the impression that the sections in the Municipalities Act giving them power to borrow to meet any portion of the loan not paid by the sinking fund were also embodied in the Tramways Act. In June last they advertised their intention of raising this money for the purpose of paying off the loan. The money was subscribed and when they came to complete the loan and make arrangements for the money to be handed over as required, they found that these sections were not embodied in their Act, and consequently they could not complete the arrangements. This Bill provides for the insertion in Subsection 1 of Section 7 of the Act the following words:—

Or for liquidating any principal moneys owing by the municipality on

account of any previous loan raised under this Act.

These words, I believe, are exactly similar to those in the Municipalities Act, and provision is also made for limiting the borrowing power, so that the total amount of money raised shall not at any time exceed the total which the Act provides. That is, the council cannot, by raising loans to pay off other loans, exceed the amount which the Act gives them power to borrow. I do not think I need give any further explanation of the matter. The object of the Bill is to allow the North Fremantle Municipality to complete arrangements which they have in hand to liquidate a loan which falls due on the 1st September. I therefore move—

*That the Bill be now read a second time.*

[The Deputy Speaker took the Chair.]

Hon. FRANK WILSON (Sussex): If the power which the Minister asked for under this Bill is simply what he has explained to the House—and I have no reason to think otherwise—I do not see any necessity for delaying the passage of the measure. As I understand the position it is simply to enable them to use loan moneys to redeem a certain portion of existing loans falling due.

Mr. Bolton: They have already raised the money and cannot use it.

Hon. FRANK WILSON: Exactly, and so long as the total amount provided for in the Tramways Act is not exceeded, I see no harm in giving the power asked for.

Hon. W. C. Angwin (Honorary Minister): I might say, Mr. Speaker, that the amount of the loan is £3,000. The total amount provided for in the Act is £60,000.

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—RIGHTS IN WATER AND IRRIGATION.

### *Second Reading.*

Debate resumed from the 12th August.

Mr. TURVEY (Swan): It was not my intention when I secured the adjournment of the debate to take any part in the second reading stage of this Bill; I secured the adjournment wholly at the request of the Minister to enable an hon. member on the opposite side of the House to have an opportunity of speaking. However, as the Bill is substantially the same as that introduced during last session, it is unnecessary for any member on either side of the House to reiterate statements made on that occasion or to go into details for the purpose of proving the value of irrigation. The essential features of the Bill are, I think, acceptable to every member of the House, but there may be some matters of detail which are perhaps rather contentious, and which will receive due consideration from both sides in the Committee stage. I wish to take this opportunity of saying that so far as this Bill is concerned in its application to the beds of rivers, I would ask the Minister in charge of the Bill to think very seriously of what the effect may be on the beds of some of our rivers in this State. I have in mind at the present time the beds of a couple of rather small rivers which are being put to use by the owners for intense cultivation. I am sure the Minister for Works must know that there are at least two that have been put to use, and are to-day producing not only vegetable products but the finest of fruit. At Kelmseott, for instance, Mr. Butcher has an orange grove which is known throughout the State, I think, to everyone interested in the fruit industry; and while I do not think for one moment that it is the intention of the Government in any way to interfere with such land, still I recognise the uneasiness that is caused to these owners through perhaps the definition of the bed of a river not being sufficiently clearly defined. I know the Minister himself must have experienced difficulties in arriving at a definition which would allay the alarm of the

owners I have referred to, and also do justice to the State; but I am sure that when we reach the Committee stage the Minister will welcome any advice or suggestion that can be made in the direction of indicating more clearly to owners such as the one whom I named, that there will be no interference on the part of the State with land that is being put to such good use.

The Minister for Works: The Bill prevents it.

Mr. TURVEY: I hope that in Committee the Minister will be able to make it quite clear to the House and the country that such is the case. So far as irrigation districts are concerned, I would like to impress on the Minister the necessity for taking every precaution to guard against the occupation of too big an area by those who are going to settle in the districts. If we take the irrigation districts in other parts of the Commonwealth, and particularly in Victoria, where irrigation is practised on a very extensive scale to-day, and where it has been conducive to such excellent results, we find experience has proved that where the people at first thought that their holdings were somewhat limited in extent, to-day they are appealing to the commission controlling those irrigation districts and asking that they be allowed to reduce the amount of their holdings. In connection with, I think, the most recently inaugurated irrigation scheme in Victoria, that outside Mildura, it was thought that it would perhaps be an adjunct to the Mildura scheme, more for the purpose of dairying; the district was subdivided into blocks of about 50 acres in extent, and we find that to-day the owners are appealing to the Government of Victoria and asking to be allowed to forfeit one half of their holdings. Wherever irrigation districts have been created, and wherever irrigation has been successfully carried on, experience has proved beyond doubt the advisability of limiting the amount of the holding. As I have stated, the people in Victoria thought at the time that the 50 acres allotted in those districts was too small to enable a man to make a living. The expert officers of the Victorian Government told the Government at the time

that the holdings should be only about half of the size of those they were going to give. Practical experience in the work has now proved that the advice then offered by the expert officers was correct. I trust that the Government, when they are allocating the land that will eventually be subdivided, will do their best to limit the amount of land given to each particular holder, so that intense culture, which is after all the purpose for which these schemes are created, may be practised, and no man will find himself hampered with too big a parcel of land to cultivate effectively. There is one point I would like to mention in connection with the control of waters in this State and in connection with irrigation, which I would like the present Government to take into consideration. I want them once and for all to decide which is to be the scheme for supplying the metropolitan area with water. At the present time we find an immense area of some of the finest horticultural land in this State in the Canning district locked up because of the possibility of the Government requiring it as a water catchment area. Then when we go to another portion of the hills—the Mundaring district—we not only find in that particular district thousands of acres known as the catchment area, but we find below the weir many thousands of acres of fine country locked up in what is known as the supplementary catchment area. Reference was made by the hon. member for Bunbury (Mr. Thomas) a few nights ago to the amount of money that was being spent in bringing products into this State that can be produced in the State under intense cultivation, and I urge upon the Government to give the people who desire it—the people particularly who are settled in our metropolitan district, and who desire to have a home and a small garden area out in the hills district—to give them an opportunity by throwing one or the other of the areas of land to which I have referred open for cultivation. I do not need to mention the different portions of the district in question—I think they are well known to most hon. members in this House—but I do wish to emphasise the fact that in the gullies of either of those

two large areas to which I have referred, we have some of the finest horticultural land to be found in any part of Australia, and yet here in the city we have people crying out for the opportunity to go on to those areas, but they are denied that opportunity through lack of definiteness, not on the part of the present Government alone, but on the part of previous Governments, to arrive at some conclusion as to which of these schemes will be put in hand. I trust the Government will give this matter their attention, and at the earliest possible moment decide which particular scheme will be proceeded with to supply the metropolitan area with water. I wish for a few moments to refer to some of the statements that were made in connection with the stoppage of the previous Bill. We are told by some hon. members in another place that it was due to the Minister for Works being so anxious to rush away to New Zealand. They went out of their way to emphasise the fact that in his anxiety he was rushing away in a State steamer.

The Minister for Works: And they inferred that I did not pay my fare.

Mr. TURVEY: That was the inference. One need only read the debate in another place when it was proposed to send the Bill to a select committee, to see what the attitude was of those gentlemen who supported that proposal. It will be remembered that when the Bill was before this Chamber, the member for Kimberley, I think it was, asked that it should be referred to a select committee, and the Minister in charge of the measure, or one of his colleagues, pointed out that if it was referred to a select committee it would mean unnecessary delay, and probably the wrecking of the Bill. I remember the leader of the Opposition saying—I do not know whether it was intended as a threat or not—that ultimately the Bill would go before a select committee. We who have followed the history of the Bill know that it was referred to a select committee, and it is interesting indeed to find one member of another place who has for years been keenly interested in horticultural pursuits pointing out what he thought the effect would be if the Bill

was referred to a select committee. That gentleman went so far as to say that whenever select committees were spoken of he felt impelled to ask who was to attend the hearse, because in most instances he stated that when a Bill went upstairs it came down again to be buried.

Mr. George: There is such a thing as resurrection.

The Minister for Works: We have done that this trip.

Mr. TURVEY: Other hon. gentlemen in another place pointed out that they would support the motion to refer the Bill to a select committee, and in doing so some of them were candid enough to admit that they supported the motion in the hope that it would mean the defeat of the Bill. Yet we are told that the defeat of the Bill was due to the Minister for Works absenting himself on the occasion referred to.

Mr. Male: So it was.

Mr. TURVEY: I have before me a copy of a speech made by an hon. member of another place at one of the electorates where evidence was taken by the select committee. This gentleman said that the Bill was bludgeoned through by the dead weight of caucus majority. I suppose that is why the hon. member thought it was necessary to have a select committee in another place, so as to guard the measure carefully. Two or three departmental witnesses gave general support to the proposal. Let anyone read the latest reports of the commissioners on irrigation in Victoria, and they will find to-day that it has been borne home to those connected with irrigation there that it is a great pity indeed that the advice tendered by the departmental experts was not followed from the outset. The hon. gentleman in another place, to whom I have referred, said that the Minister in charge of the Bill was absent, and for that reason the Bill was defeated. I am now only repeating what he was reported to have said in the small country centre where he addressed a meeting. This gentleman did his own reporting so that it may be taken for granted that the report of his speech was correct. He went on to say that the Minister started off by

submitting an extremely confiscatory measure giving to himself exceptional powers.

Hon. J. Mitchell: Quite right.

Mr. Male: So he did.

Mr. TURVEY: I hope when the Bill is in Committee that the member for Northam will show the Minister—

Hon. J. Mitchell: You bet I will.

Mr. TURVEY: Where the confiscation is proposed.

Hon. J. Mitchell: Look at the Bill; read Clause 4.

Mr. TURVEY: I do not doubt for a moment that the hon. member would hesitate to dispute the question if a definite promise were given him by the Minister that he would carry out some big irrigation scheme in connection with the proposal the hon. member is concerned in for damming the Avon. The hon. member has "dammed" a few good things in his time.

Hon. J. Mitchell: That is not my proposal at all.

Mr. TURVEY: I am sure the hon. member would be quite satisfied if in this measure something definite could be included which would bring about that scheme. Personally I hold the opinion that if the Government are not hampered in their irrigation proposals it will not be long before the whole of that district will be under intense cultivation as the result of irrigation works.

Mr. Male: Where are the people?

Mr. TURVEY: I would advise the member for Kimberley to read up a little about irrigation works elsewhere. He asks, "Where are the people?" Why, in up-to-date irrigation proposals the land is ent up and it is eagerly sought after. In Victoria the Government went so far as to run their railways through the irrigation areas before the people were settled there so confident were they that once these districts were opened up by irrigation schemes, so surely would there be a rush of settlers. The hon. member asks, "Where are the people?" I am sufficiently optimistic to believe that, once the Government takes in hand its comprehensive scheme of irrigation, the people will soon be there. The people are ready

now to take up these small areas for intense cultivation.

Mr. Harper: For speculative purposes.

Mr. TURVEY: No, not for speculative purposes. The hon. member might take up one of these blocks for such a purpose, but I hope some day to see even him settled down on a 25-acre patch in an irrigation district showing us what he can do by intense cultivation. I will content myself in conclusion by congratulating the Minister on having introduced the Bill at such an early stage. Excuse cannot be offered on this occasion that the Bill, which means so much to the State, was introduced at the fag end of a heavy session. It has been introduced early, and I trust hon. members opposite will assist the Minister in every possible manner to bring the Bill into line with the requirements of the people of the State. I have not the slightest doubt that the people of Western Australia desire these irrigation schemes to be established. They want more than talk about the thousands we send away daily for dairy produce; they want something more than hearing that parrot cry; they desire something to be done. The Government to-day are showing the earnestness of their desire in this direction, and I appeal to members opposite to prove that they recognise that the people of Western Australia are anxious to see the Government put into operation the proposals outlined in this Bill.

Mr. GEORGE (Murray-Wellington): I wish to acknowledge the courtesy of the Minister in allowing the debate on Tuesday to be adjourned so as to give me an opportunity of making a few remarks on this matter, which, perhaps, concerns the district I represent more than any other in the State. There is hardly any need for arguments here or outside as to the necessity for passing into law this Irrigation Bill, or at any rate an Irrigation Bill which has been properly considered. There can be no doubt whatever that in the South-Western portion of this State there is a very large area which is admirably suited for carrying out an irrigation policy. We have the water, and it seems a sin and a shame that that

water should be allowed to run away in winter when we need it so much in summer. In some parts of that district as much as 33 inches of rain have fallen since the 1st January, and run to waste into the sea. The Minister for Lands, who was at the Harvey show yesterday, would be an eloquent witness to the fact that there is no likelihood of a shortness of water, for we, who were down there yesterday, were more like drowned individuals than anything else.

The Minister for Works: You are not likely to be drowned in the summer.

Mr. GEORGE: No, but we are almost drowned there in the winter, and I say that this scheme, if it got into proper working order, would be one that every person in the State, no matter of what political belief, would give support to. It is not a party question in any shape or form; it is a matter in regard to which party can be put on one side for the good of the State. Seeing that this question is of such paramount importance to a large proportion of the population of the State, and seeing that there has been a considerable amount of misconception and nervousness as to the proposed operations of the measure, I think it would have been wise to have allowed copies of the Bill to have been circulated among the different representative bodies affected, such as the road boards, and through them, the land owners, who will be prejudicially or beneficially concerned, would have become familiar with the provisions. Speaking for that long strip of country which I represent—100 miles in length, and for the people of all shades of political opinion—I can say that there has been a certain amount of nervousness as to how far the Bill will go, and it would be well when the Bill becomes an Act, and is in operation, that it should be received without any feeling of nervousness by the people who will be concerned. They should be educated, as it were, as to the effect of the Bill, and then I think that a good deal of the misconception would pass away. Now there is one point which I think, speaking generally, I can bring under the notice of the House. We all know that when a man purchases land he takes into considera-

tion the advantages and disadvantages which the land itself presents. The presence of water in the summer is a most important factor in the valuation of land. If the water is absent or is available only in sparse quantities, the price of the land varies accordingly, while if there is a good supply of water very much higher prices for the land are obtainable. The question has been put to me as to whether, when the Bill comes into operation and the taxation inseparable from irrigation is to be fixed, it will be fixed at a given rate in the pound on the value of the land, in the same way as the land tax or the road board taxes. People have asked me if they are to have any advantage in consideration of the fact that they paid extra to get a well-watered place, or whether, because of the higher value of their land, they will have to pay a higher rate than their neighbours occupying land of a lower value. In some instances as much as 30s., 40s., and 50s. per acre has been paid on account of a good water supply, whereas without the water the same land might have been purchased at 10s. per acre. Now, if all are to pay taxation on the same basis it will be scarcely fair to the man who has paid the higher price for his land. Both well-watered and ill-watered lands will be placed on an equality so far as the water is concerned as the result of the irrigation scheme, but the one man who has paid the higher value on account of a good water supply will have his holding rated higher than the other man who previously has had but a poor water supply. I think that for the purposes of irrigation taxation the land should be taken at the value it would have apart from its water facilities. I think that would be fair, and that the House will do well to take that point into consideration when the Bill reaches the Committee stage. There is another matter, which seems to have caused some amount of trouble. There may be in an irrigation district a man having, say, 150 acres, of which perhaps only five or ten acres can be irrigated. If he is to be taxed only on that irrigable portion I do not think he could complain, but if the whole of his land is to be brought under irri-

gation taxation, his position will be somewhat anomalous.

The Minister for Works: If it is irrigable land, he will have to pay on it.

Mr. GEORGE: If it is irrigable land, of course he must pay taxation; but will he have to pay on that portion of his land which is not irrigable?

The Minister for Works: We can only tax irrigable land.

Mr. GEORGE: Well, that does away with one objection. But there is still this point: suppose a man has 150 acres of irrigable land, but is not in a position to work the whole of it right away. It sometimes takes years of industry and thrift before a man finds himself in a financial position which will allow him to work the whole of his land. I do not think a man should be rated on the whole of his holding if he is unable to irrigate it right away. The answer may be that if he cannot work it, he should sell it and let somebody else turn it to account. But the idea in acquiring land is that a man shall have an opportunity of gradually working the thing along until, as time goes on, he is found dealing with the whole of his area.

The Minister for Works: Who is to carry the burden in the meantime—his neighbours?

Mr. GEORGE: No, it is not a question of carrying the burden; it is a question of allowing a man an opportunity of developing his land. Of course, I would say straight away that if a man were simply holding up his land, unworked, for speculative purposes, then the Minister or the commissioners, whoever is responsible, would be right in dealing strongly with it, dealing justly, of course, but at the same time not putting up with any nonsense. I know of a case at the Harvey. A man there has a large family and what is, for the district, a fairly large piece of ground, something over 100 acres. He purchased that with the idea of gradually working it and extending his operations as far as his means would allow, so that he might have his family settled round about him. That is a most commendable spirit and should be taken into



consideration. In the Bill great powers are given to the Minister of taking land which may be required for irrigation purposes. I think, and I always have thought, that if a man is holding a large area of land to the detriment of the population around him, and if he is unable or unwilling to work it, and is not carrying out the primary conditions which alone can justify the alienation of the land, then I think the Government may very fairly step in and have something to say; but I think that in all these cases where the right of the individual has to be interfered with by the Government in the interests of the majority of the people, it is for the Government and the State to see that that man is fairly compensated. Let us imagine an instance. Suppose the Government in making up an area for irrigation take from a man the only portion of his land which could be irrigated, and leave him with a much larger portion of land which, worked with the irrigable portion, would be useful and profitable, but which, standing alone, is of comparatively little value. Here, surely, is a case for compensation. Surely the compensation clauses should provide that in a case of that sort, when a valuable piece of land is taken away to the loss of the landholder, his compensation should be based, not on the area of the land taken away, but on the probable effect which the taking away of that piece of land will have upon the value of the remainder of that man's holding.

The Minister for Works: That is provided for.

Mr. GEORGE: I am glad to hear it. I may explain that I have not yet had an opportunity of going carefully through all the provisions of the Bill. I notice that the irrigation districts are to be declared on the advice of the commissioners. If a district is considered by the commissioners and the Minister suitable to be placed under the control and management of an irrigation board, the members of the irrigation board are to be elected, and provision is made for the holding of such election. It seems to me that if it is right and proper that the board which is to have the control of an irrigation dis-

trict should be elected by the popular voice, it would not be an unfair thing if the people in that district were given a voice to say in the first place whether or not they desired to have their district declared an irrigation district, and whether it was ripe for declaring an irrigation district. If provision were made for that, I should not like to see it made possible for the large landholders to veto the proposition. I should like to see it so arranged that bona fide landholders, however small, would have an equal vote with the large landholders on so important a question. It is quite easy to see that if we provided that the number of acres held by a man should be the test of the value of his vote, we would never get irrigation districts; because the large landholder, having regard to the burden it would be upon him, would never be in favour of his district being declared an irrigation district; but if all the bona fide landholders in the district had an equal right to say whether or not it should be an irrigation district, a good deal of the nervousness manifested in regard to this Bill would vanish. I notice that the commissioners who are to administer the Bill will be appointed by the Minister, and will be officers of the public service. Not even by implication do I wish to make any reflection against the officers of the department, but I do say that in regard to most of these public matters, public officers, from the very earnestness they display in carrying out their particular pet schemes, are apt to overlook the fact that most people on the land have started right from scratch and are not in good financial position in the early years of their experience, but have to work their way gradually. Consequently, although the officers may be absolutely right as to what is the best thing to do, at the same time the very best thing to be done may result in pressing too hardly upon the men they are trying to benefit.

Mr. Heitmann: I find, in regard to the Water Supply Department, that every consideration is being given to the class of person to whom you are referring.

Mr. GEORGE: I am not desirous of making any personal reflections upon any

officers. I merely mention that there is a tendency among departmental officers to go bald-headed for a big scheme, and consequently they are not able to appreciate the position of the small man concerned, or not to appreciate it as sympathetically as I think it is desirable they should do. In these irrigation schemes particularly the greatest consideration should be given to those who will have to be dealt with in the first instance. Very few men have any idea as to the effect of irrigation. They may have great faith and great hopes, and be very sanguine as to the result of the use of water, but they will have to be educated as to the effect of water and as to the quantity to be used. I remember when the water was first turned on in Perth most of the householders were rejoicing. They were going to have nice, green lawns. Not a word was said to them as to the effect which the water might have in regard to bleaching away the constituents of the ground. They poured on big quantities of water, and they got green lawns for a day or two. Then the grass went yellow. They poured on more water, until a large number of the lawns in Hay-street west were killed by too much water. Of course the irrigation experts will readily place all their experience at the disposal of those using the water, but there will have to be considerable education disseminated before the people will know what quantity to use. However, I am dealing rather with the commissioners to be appointed under the Bill. No doubt in their private capacity those gentlemen are as sympathetic and careful as anyone could wish, and in all probability they will carry these qualities into their official capacity; but there is a danger that in their zeal to carry out the work they will let the importance of the ultimate scheme they can see overshadow the necessary nursing and care required for the small consumer in the first instance.

Mr. Heitmann: I think you are speaking of something that has been.

Mr. GEORGE: Of course, we have to be guided by the experience of the past, and I do not know that even a change of Government, whether Labour or Liberal,

makes very much difference so far as the officers are concerned. They try to do their duty, but the same things that guide us all must necessarily have their effect upon the officers. I do not think it is necessary for me to say very much more in connection with this Bill because we shall have something to say in Committee, but the hon. member who last spoke expressed the hope that there would be a limitation of the area of land to be taken up by any one person when irrigation is declared. I think that is quite right. At Harvey, where the Government have purchased a large estate, that land is suitable for smaller areas of, say, 10 or 15 acres, whichever may be considered right, rather than allow it to be taken up in blocks of 50 or 100 acres. And I am sure the people would sooner see it settled in small areas of that sort than see any one person swoop down and take the lot. I was sorry that the member for Swan spoke about the select committee and threats in connection with it. A Bill of this sort is above any matter of threatening. It is far too important for one to suppose that for party purposes anyone would try to wreck the measure, and I am perfectly certain that if any member on this side were trying to wreck this Bill merely for party purposes, I should endeavour to fit myself into my old role of a party of one.

The Minister for Works: Will you tell me why the select committee in another place did not call any witnesses from your own district?

Mr. GEORGE: I know nothing about the select committee of another place, but I do say that any member of Parliament, I do not care who he is or to which House he belongs, who would try to absolutely wreck a Bill of this sort for party purposes, would be a disgrace to this Parliament, and ought to be kicked out of the country.

Mr. B. J. Stubbs: What about another place?

Mr. GEORGE: I am speaking of any member of Parliament.

The Minister for Works: Have you read the report of the evidence before the select committee?

Mr. GEORGE: No, but whatever may be the faults in that regard, if there were faults, I wish only to state my own emphatic opinion. So far as concerns any little bit of chafing that may have been felt by the Minister in connection with the failure of the Bill last year, it was unfortunate that the Minister was not able to be present at the conference of managers. I do not know what the etiquette of these conferences is, or whether it is right to say anything about what took place, but I do not think there can be much harm in saying, and I am sure the Minister for Lands and the Attorney General will bear witness, that there was not time to consider that Bill and say whether the amendments which had been made should be retained. The managers met at 12 o'clock midnight and sat till 1.30 a.m., while Parliament was waiting to prorogue.

Mr. Bolton: The member for Northam said that managers would be appointed before this Bill became law.

Hon. J. Mitchell: I said that if the managers met, I hoped the Government would be reasonable.

Mr. GEORGE: If the member for Northam has prophetic vision—I do not know that he has—I am satisfied that even if he is convinced that there is to be a conference of managers, he is not desirous of wrecking the Bill. If he is desirous of wrecking the measure, I hope to goodness he will get kicked out of the House as soon as possible. That is straight enough and I know he will take it as straight, because I hold that no man has a right to attempt to wreck a Bill of this sort for party purposes.

Hon. J. Mitchell: I am not attempting to wreck the Bill.

Mr. GEORGE: I think the Bill must pass this session; I cannot conceive of any reason why it should not pass. No doubt there will be some controversy in Committee over the different clauses, but I am sure such discussion will be taken as evidence not of party spirit but simply of a genuine desire to put the

views and experiences of each individual before the Committee, and let hon. members judge. What would be the use of hon. members on this side attempting to amend anything unless they hoped to get some members on the Government side to vote with them? The Government have their numbers here and they could prevail in spite of us, but there are times when party politics are put on one side, and it is possible for the Ministerial side to glean some crumbs from our table. I hope there will be no need for a select committee or a conference between this House and another place, but if there should be a conference let us get to grips as soon as possible, and have time to fairly discuss the amendments, so that when the managers come back to the House they will be able to tell hon. members exactly what the objections are. If there is any delay which will block this Bill from getting into operation this session, it will be a shame; indeed it will be more than a shame, it will be a crime against a big portion of the people of Western Australia and show to the world that we have not sense enough to take a good thing when we have the opportunity.

Mr. McDONALD (Gascoyne): When this Bill was before the House on the previous occasion it was agreed to by this Chamber that a comprehensive scheme of irrigation, or a series of such schemes, was necessary to the future salvation of Western Australia, but, unfortunately, those who considered this Bill in another place differed from us as to the methods which should have been adopted. Hence the necessity now arises for again bringing forward this measure, and it is pleasing to know that the Minister has taken this early opportunity of bringing down the Bill, so that a full and sufficient discussion may be allowed during the remainder of this session, and so that a measure suitable to all parties may become law. Besides providing for a scheme of irrigation for Western Australia, and thereby increasing its productive powers considerably, this Bill goes further, in so far as it vests in the Crown certain rights in the

natural waters. The Bill which was brought down last session went further than this one does, in that it included amongst those waters which might be vested in the Crown artesian wells. Artesian wells have been omitted from this measure, and it is to utter a word of warning and of regret that such is the case that I have risen in my place. As far as irrigation itself is concerned, I have expressed repeatedly in this House that the fertile plains on both sides of the Gascoyne river might be thrown open and water provided, so that intense culture might be gone on with there, and instead of those fertile plains maintaining only a few sheep, they might maintain many happy families. Except so far as that particular portion is concerned, I have no intention of dealing with irrigation in Western Australia other than from a general point of view. In Australia irrigation is of comparatively recent date. In Victoria and New South Wales for a long time population was confined mainly to those fertile plains which were within the range of an adequate rainfall, but as population increased and it became necessary that that population should extend further and further out from the settled centres of civilisation, it became apparent to all that some form of water conservation and, consequently, irrigation, must ensue, if those people were to be enabled to successfully cultivate the soil. But it was not until the early eighties with the advent of Chaffey Brothers to Victoria, that irrigation on anything like a comprehensive scale was brought before the notice of the people of Australia. At first Chaffey Brothers were not successful with their Mildura scheme. Over-capitalisation and other things acting against them prevented them bringing their scheme to a successful financial issue. However, the company passed out, the State stepped in, and profiting by the mistakes and experience of the pioneers in the irrigation system of Victoria, they have to-day brought it to an eminently successful issue. Other speakers have referred in detail to what has been done by the Government of Victoria

in the matter of irrigation, and I will leave it at that. So far as New South Wales is concerned, that State, too, had large areas of fertile lands well within the scope of the rainfall, and to her it did not seem necessary to go in for irrigation to a large extent. But the influx of population sent people into the fertile plains of New South Wales and the Riverina, and to-day among many\* smaller schemes we have the tremendous Burren-juck scheme which, when completed, will enable one million acres of the Riverina to be rendered fertile by the waters of irrigation. It is laid down that in the United States there are 10 million acres being irrigated, and it is no small feat for a State Government of Australia to bring about a result that will enable an area of country equal to one-tenth of that to be irrigated from the one scheme. South Australia and Queensland immediately followed suit, but in a small way, and it is strange that up to the present no comprehensive scheme on anything like a large scale has been attempted in Western Australia. I am told that there are about 300 small plants belonging to private people operating in this State, and it is by the provisions that will be brought about by this Bill becoming law that irrigation for the first time in Western Australia will be entered upon on a large scale. Western Australia is one of the countries which have only two seasons, a wet one and a dry one, but our wet season is the winter season, and although rain falls and there may be for a few months of the year plenty of water, it is to cope with the effects of a long dry summer that a scheme of conservation with its consequent irrigation becomes necessary. I might remark in connection with this that the experience of all countries which have gone in for irrigation, France, Italy, Spain, and the States of the Commonwealth proves conclusively that State ownership is necessary, and that the control of the waters must be vested in the Governments of the States. It has been said by the hon. member for Bunbury (Mr. Thomas), and I fancy by one of the members of the Opposition that State ownership of the waters and the land ad-

joining these waters enhances considerably the value of the adjoining country, but the hon. member for Murray-Wellington (Mr. George) struck a right note when he referred to the need for experts. I maintain that as we have demonstration farms in various portions of the State to show what products might be reasonably expected to thrive in those portions, so also demonstration irrigation farms are necessary for the reasons stated by the hon. member. Some time ago when travelling over the Midland Railway Company's line I was impressed with the class of work which is going on there. The company were having ringbarked a certain area of their land. They were clearing one hundred acres, ploughing it and fencing it, they were sinking wells, and in some instances, were putting seed into the ploughed land. I think the Government should do similarly in our irrigation areas when proclaimed. They should not only prepare the land, but should grade it, build houses, and outbuildings if necessary, and fence the land, and then with a demonstration farm in the district there is no doubt at all but that the holder on settling there must have a chance of success in the proposition in front of him. The question of initial expense will undoubtedly be great, but the security is good and a small charge in the way of rent and sinking fund might be charged which would soon recoup the Government for any outlay. Mr. Oldham, an officer from the Water Supply Department of this State, has given me a few extracts from a recent Victorian bulletin which I shall quote in order to show the results from irrigation in various parts of that State. For instance, 30 cows fed on 40 or 50 acres of lucerne, bring in each year £10 to £15 a cow; in Rochester a 36-acre farm yielded £48 a month from milk alone; at Mildura a 50-acre orchard last year yielded 10,000 case of oranges; in another place 350 sheep were maintained on 21 acres of paspalum from March to July, and the same area of land held 25 blood horses in the summer. I want to explain the exact meaning of the term "held" for those who might not understand it. The

sheep or horses are put on land in good, if not fat, condition, and they are kept in the same condition for a certain period. I do not want hon. members to imagine that a certain number of sheep in poor condition would, if put on certain land, fatten and remain fat, but if they are put on in good condition that condition is maintained. Victoria is not a whit more fertile than Western Australia; I do not mean as a whole, but I mean that in various portions of Western Australia we have land equally as fertile as the best land in Victoria or New South Wales, and what they do in other places we at least can do here. The hon. member for Swan (Mr. Turvey) referred to the possibilities in the Avon district, and the hon. member for Bunbury referred to the possibilities of the Harvey and Collie schemes. I leave those as they are, and for the time being I have finished with irrigation. As I said in the beginning, it is chiefly the portion of the Bill which dealt with artesian waters in which I am most interested. Artesian waters are not applicable to irrigation unless of course they are treated. In some cases if the percentage of carbonate of soda be not great it is possible to use artesian water for intense culture as is being done in portions of New South Wales, the United States, and in other countries. But in Western Australia such is not the case, possibly with the exception of the bore at Broome, and the artesian waters of Busselton and Bunbury. With regard to the bore at Broome, it is a well known fact that, and I think this is the only case in the known world where the water goes direct from the bore into reticulation; it is almost pure water. The artesian waters in the Bunbury and Busselton districts contain only 16 grains of solids to the gallon, so that they, too, might be considered to be almost pure. In those instances the waters would be available for irrigation without treatment immediately, but such is not the case with a majority of the waters of Western Australia. The artesian waters of the Commonwealth have been the subject of inquiry for many years past by scientists and others, and uniform legislation was recommended at the Interstate confer-

ence held in May of last year. Artesian water was first found in Australia about 30 years ago by a man named Officer at Kallara Station, in New South Wales, and in 1885, a bore was sunk at Blackall in Queensland. This was the first bore sunk in Queensland, and it was only on account of the prolonged drought from which the pastoralists were suffering that the owner made an attempt to find artesian water and he was successful. He got a flow of nearly 300,000 gallons and inside of ten years nearly 1,000 bores had been put down in Queensland, and that is the point I want to come at. The Bill which was brought down last session contained a clause, No. 25, which gave complete control to the Minister of all existing bores and of all future bores. That, I regret to say, has been omitted from the present Bill. When we come to think that in Queensland in 1905 no less a quantity of water than 390 million gallons was running away every day—some of those bores have decreased in their flow since, but others have been put down which compensate for the decreased supply—and hundreds of millions of gallons in New South Wales, millions in South Australia, and in this State something between five and ten million gallons is running away each day, we can understand that some control should be exercised by the Minister or by the powers that be in order that this water may be held. We have not an inexhaustible supply of artesian water. The old theories that artesian water was the result of rain falling in the Himalayas, or in the high country of New Guinea, have been exploded. We know now that we have a reservoir and we are drawing from the reservoir the water which represents the accumulations of millions of years, and the time must inevitably arrive when the supply will run out. In order to prevent the waste of water, the Queensland Assembly made several attempts to pass legislation. In 1891 the Queensland Assembly passed such a measure, but it was promptly thrown out by the Council. Hon. members will realise how history repeats itself. That was the first attempt in Queensland to pass a measure

with the object of giving the control of artesian waters to the State. In 1912 Western Australia made a similar attempt with a similar result. In 1894 New South Wales became alive to the danger and to the folly of allowing these waters to run to waste, and a small measure was attempted, but vested interests prevailed in the popular Chamber at that time and that Chamber refused to pass it. Gregory in his book "*The Dead Heart of Australia*" tells a story about a member of the Queensland Legislative Council. The Council wanted to know whether the supply of water was inexhaustible or not, and this genius said "If you want to find out, why stop the water? Let it run away and you will soon find out whether it is inexhaustible." That was the view which this genius in the Legislative Council of Queensland took of the matter. In connection with the attempts made by other States to prevent this waste and I may say they have since been successful in passing measures, Section 40 of the Queensland Act gives absolute control to the Minister and the New South Wales Act passed in 1906 gives similar control. I notice that under this Bill, the Governor-in-Council has power to make regulations and I hope the Minister will do his utmost to secure control, not only of any bores which might be put down in future, but of those which are already in existence. I wish to say, as I did on the last occasion when addressing the House on this measure, "Good luck to the Bill," and to wish it better luck in another place than the previous measure had. In conclusion I will read from *The Dead Heart of Australia* the closing lines in the chapter on "Flowing water"—

Those politicians who—in 1891 and in later years—have proposed to stop the unnecessary waste of these waters adopted a sound and safe view. Water is the raw material of which Central Australia is in most urgent need; Nature has stored up a vast—but probably a limited—supply in a safe, underground reservoir. That water, if prudently used, would probably last till Central Australia were so well occupied that it could afford to provide a more

costly supply. But to allow these deep-well waters—in obedience to a mistaken analogy as to their origin—to run heedlessly to waste, is a policy of which a later generation of Australians may have bitter cause for complaint.

Expressing the hope that the future inhabitants of this State will have no call to complain of the actions of our present Minister for Works, I conclude.

Mr. B. J. STUBBS (Subiaco): Every hon. member who has addressed himself to the Bill now before the House has emphasised its great importance in relation to the future welfare of this State, but unfortunately a number of hon. members sitting on the opposite side of the House would so emasculate the measure as to make it entirely useless for the purpose it is intended to serve. Upon every occasion that any measure of a progressive nature is introduced to this Chamber I have noticed a number of hon. members always have a strong phrase at their command, which they hurl at the members of the Government and others sitting on this side of the House, namely, that they are "confiscating" something from somebody else—that they are trying to take from somebody something to which that somebody has a right. I want to say that in a case such as this which we are discussing this evening, where it is found necessary in the interests of the whole of the people of the State that a law should be passed giving the Government a right over the waters of the State, that there is nothing whatever in the nature of confiscation about it. The position to my mind is this: certain people have purchased land upon the banks of our streams. Under the Common Law of England, so far as I understand it, the person who has purchased the land adjacent to a river or stream is entitled to take for his use the waters of that river so long as he does not appreciably diminish the flow of that stream or river; but in this country, according to the evidence of the Solicitor-General before the select committee of another place which inquired into this matter, it is very doubtful whether the Common Law of England applies to Australia in this particu-

lar aspect. I think it is recognised that the Common Law of England with regard to the waters of a stream came into use and grew up at the time when these waters were used for the driving of various mills with the mill-wheel which was the only means of motive power used at that time, and we have long passed out of that stage. In fact, mill-wheels were never used in this country at all, and it is doubtful, as the Solicitor-General states, whether the Common Law of England applies to Australia. My contention in relation to those people who have settled or taken up land upon the banks of streams or rivers, and who have used that water to irrigate land, is that while we should give them any amount of commendation, perhaps, for their enterprise in going out and establishing industries, we still cannot recognise their right to monopolise that water to the detriment, not only of their district, but the whole State of Western Australia, because we must realise that if we are going to make any advancement at all in the production of those necessities of life which can be produced only through intense culture, then we are compelled to go in for a proper system of irrigation in every part of the State which is suitable and where the necessary water obtains. For that reason I contend that there is nothing whatever in the nature of confiscation in taking from those people something which they have undoubtedly usurped as entirely belonging to them, and transferring it to the use of the whole of the people of the State. I am very sorry that the hon. member for Wagin (Mr. S. Stubbs) is not in his place at the present time; he dealt very fully with this subject of confiscation, and he always does, I have noticed, in every speech he makes on any measure intended to further the progress of this State; and when I interjected and asked him what it was that was going to be confiscated, he, instead of making an answer that would have enlightened myself or any other member of the Chamber, challenged me to a debate on any question I liked upon a public platform. I do not think his reply was at all convincing.

Mr. Underwood: Your interjection was unruly.

Mr. B. J. STUBBS: I was endeavouring to secure some enlightenment; when hon. members talk so glibly of confiscation it is only right, I think, for them to explain in what way that confiscation is going to be practised. I contend that to take something from an individual—something to which he has no moral right—to use for the benefit of the whole of the people of the State, then it is only a figment of the brain to endeavour to make those outside, who perhaps do not go very deeply into these questions, believe that the present Government are endeavouring to practise confiscation.

Mr. Underwood: He ought to get his brain powellised.

Mr. B. J. STUBBS: That is true. It has been recognised and emphasised by every hon. member who has spoken on this measure that there is a great necessity for the Bill in this State at present. The hon. member for Murray-Wellington (Mr. George) was very emphatic, and used words, of the meaning of which nobody could be uncertain. He said that anybody who, for party purposes, would endeavour to wreck this measure should be hounded out of public life, and I thoroughly agree with him. I trust that on this occasion the members of another place will display a little more consideration for the welfare of the State, and take no notice of the threat which has been made, both by the member for Northam (Hon. J. Mitchell), and the member for Toodyay (Mr. A. N. Piesse) that, before this Bill passes into law, managers will be compelled to meet upon it again, the same as they were last session. I want to mention a few figures in connection with one of the great necessities of life, something which I think will show to hon. members the great necessity of pushing on with irrigation in this State at the earliest possible moment. I want to deal with that household commodity butter, and I think it will be recognised that butter finds its way into every household; I am glad to say there are no families too poor in this State to afford to use butter. I find upon inquiry that when the price of butter is fixed in Sydney—and I want to say it is not fixed by the law of

supply and demand, as our friends opposite always endeavour to make us believe—when the price of butter is fixed in Sydney, there is from £4 to £6 a ton premium placed on the portion sent to the Western Australian market; £6 a ton if there is a stationary market, and down to as low as £4 on a fluctuating market. Not only have the people of this State to pay that £4 to £6 a ton on the butter they use, but a further cost of £7 a ton freightage to this State. and when we remember that during the last two years the freightage on this class of commodity has been raised no less than 50 per cent., we will realise how much we are at the mercy not only of the shipping people, but the producers in the Eastern States. Only during the last few weeks we have had an example in connection with the smallpox scare. I think that only one boat was put out of the ordinary running to this State, but the fact that it was is said to have caused a great shortage of butter in the State, and the price went up  $\frac{1}{2}$ d. or 1d. a lb. This was on account of only one boat losing its ordinary run, and I think it proves conclusively not only that the people of this State are paying a price for butter which should not be necessary if we were wise in our generation and made proper provision for intense culture, but it shows also that if anything were to happen to throw a few of the vessels which make their runs to this State from the East out of commission—

Mr. Turvey: We would have to eat dripping.

Mr. B. J. STUBBS: We would be absolutely devoid of butter in Western Australia. It is true that we would be able to eat dripping, but do not hon. members realise that dripping under those circumstances would perhaps be dearer than butter is to-day?

Hon. Frank Wilson: Then the law of supply and demand does come in after all.

Mr. B. J. STUBBS: No, it does not.

Mr. Underwood: The middleman comes in.

Mr. B. J. STUBBS: I admit this: that the law of supply and demand comes in



to this extent, that if there is a scarcity in any commodity up goes the price.

Mr. Male: Even in the case of labour.

Mr. B. J. STUBBS: But given a surplus of that commodity, and I say the price will not come down below what is fixed by those who produce that commodity. I say that everyone of the butter factories in the East combine together to fix the price of butter.

Mr. Male: And it is controlled by the London market.

Mr. B. J. STUBBS: As the Minister for Lands mentions to me, that is proven because they sell at 20s. per cwt. cheaper in London than they do in Australia, and when an inquiry was held into the butter trade of Victoria it was proved that they were sending butter to London, then bringing it back and selling it in Victoria, and everyone handling it was making a profit.

Mr. Male: You can send stuff cheaper to Darwin than to Broome. It is a matter of business, there is nothing in your argument.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. B. J. STUBBS: Before tea I was dealing with the heavy impost which is placed upon the people of the State in regard to the price for butter. I want to let members know it has come to my knowledge that the manager and one of the directors of one of the largest butter factories in Australia, some little time ago paid a visit to Western Australia to see what was being done in the way of intense culture in this State. They proceeded right through the South-Western portion of the State, and came to the conclusion that the Western Australian butter trade was going to be theirs for at least 15 or 20 years longer. I think that is a very serious position for the Government and the people of the State to face. I contend that the figures which I have quoted to-night show that the people are taxed really to the amount of £13 per ton for every ton of butter brought here. This demonstrates clearly that we must put forward a gigantic effort to bring the Irrigation Bill into operation and give to the

people the opportunity of settling upon land which is suitable for intense culture, and by that means bring about the production in this State of the necessities of life to which I have referred, and so save to the State the enormous amount of money mentioned by other speakers as being sent away daily for dairy produce. I think it will be recognised that this measure is practically a machinery one, and that the details of it can be thrashed out in Committee. There are a number of clauses which, doubtless, will lend themselves to a great deal of discussion, but I do trust that hon. members in debating the measure in Committee will bear in mind the great necessity for passing it and bringing into operation this scheme of irrigation which will be the means of so largely benefiting the South-West and the State generally.

Mr. UNDERWOOD (Pilbara): I do not intend to make many remarks upon this Bill. It seems to me that it is agreed almost unanimously by members of this Chamber that irrigation will do a great deal towards the development of the South-Western portion of Western Australia, and as the member for Gascoyne has stated, those of us who have been in the North and North-West, are of opinion that, after the scheme has been in operation and has been thoroughly tested in the South, we should exploit the great possibilities in the North. The member for Subiaco (Mr. B. J. Stubbs) spoke at considerable length about butter. Of course the hon. gentleman is not an expert, still he has been eating butter all his life and, therefore, ought to know something about it.

Mr. B. J. Stubbs: How do you know I have not lived on dripping?

Mr. UNDERWOOD: When I was a boy we used to get what was called Woodcock's butter; Woodcock was a big butcher in Collingwood. What I want to say is that in my opinion there is sufficient room in the Kimberleys to produce more butter than has yet been produced in Australia, but that can only be done by a system of irrigation.

Hon. Frank Wilson: It is immigration you want.

Mr. UNDERWOOD: The hon. member says it is immigration we want. The farmers and settlers say that they want longer hours and less wages, and possibly that is why they want immigration. But I am not going to be taken off the track by a dissertation on immigration. What I desire to say briefly is that, as long as this country can find employment at good wages and good living conditions, people will come here. While this is a better country to live in than the country they are in they will come and stay here, but if it is not better than some other country they will come here and go away again. It is possible in the Kimberleys, in my opinion, to produce more butter than can be produced in the rest of Australia, but that cannot be done without irrigation. The contention in regard to this Bill seems to me to be as to the rights of the owners of land. There will also be a discussion as to the rights of owners or holders of pastoral land under leasehold conditions who have bores. There is also another right which must be protected, if the Government are pretending to look after the interests of the people, and that is the rights of the people themselves, and after all, although we have parted with the fee simple of the land, we certainly have not parted with all the water rights in this country. One can appreciate the Minister's efforts to see that, not only the owners of land get their rights, but that the Government have rights too, and it would in my opinion be absurd for the Government to introduce a large scheme of irrigation, spend a considerable amount of the people's money on it—not the land owners' money—and then allow the land owners to have the absolute right over the whole affair, and permit them to be in the position to prevent the carrying out of the schemes the Government may have in view and prevent those schemes being as effective as they should be, considering the amount of money spent on them by the Government. A good deal has been said in regard to the necessity for producing in this State a great deal of the produce we at the present time import from the Eastern States of Australia. Figures have been quoted over and over again, showing the enormous sum of money

which has been sent out of the State to provide people with foodstuffs that can be produced in the South-Western corner of this State, and it does seem to me that those who have blocked this Bill have not had the best interests of the people of Western Australia under consideration when they did so.

Mr. Male: Who is blocking the Bill?

Mr. UNDERWOOD: Anyhow I will not say that anyone blocked it.

Mr. Male: You did say so.

Mr. UNDERWOOD: I will withdraw that statement, and will say that the Bill passed this Assembly last year, but failed to get through another place. Of course it might not have been blocked.

Mr. B. J. Stubbs: It might have been pushed.

Mr. UNDERWOOD: That is so. At any rate, I will leave it to the member for Kimberley to decide for himself whether it fell or whether it was pushed. The member for Murray-Wellington has stated that this Bill should be considered from an entirely non-party view, that it should be considered from the point of view of the development of Western Australia, and the advantages the people of the State will derive from its passage into law. I contend that, even supposing there was a misunderstanding on the last occasion, even supposing it was pushed when it was before another place, I trust that those who pushed it will reconsider the position and recognise that irrigation is absolutely necessary, and that the Bill has been brought forward by a Government which has in view only the best interests of the people of the State. In regard to the question of the Government's supposed desire to rob land owners of their rights, I would like to point out that there was scarcely a speaker on the other side of the House representing the farmers and settlers, with the exception, of course, of the member for Northam and the leader of the Opposition, who did not congratulate and compliment the Government and in fact thanked the Government for the manner in which they have treated the farmers of this country. As a matter of fact, it is freely admitted by the opponents of the Government, that the Government have

taken a greater interest in the farmers and the administration has been more beneficial to those endeavouring to settle on the land, and those already on the land, than has ever been the case before.

Mr. Harper: You mean by way of taxing them.

Mr. UNDERWOOD: As I stated at the outset, I had no intention of speaking at any length on this question, but I trust that party spirit will be absolutely dropped in connection with this Bill, and that those members of another place who opposed the Bill last year will realise that that the Government are submitting the measure again with the view of benefiting the country, and, I trust that they, on this occasion, will put country before party politics.

Mr. LEWIS (Canning): I desire to congratulate the Minister for Works on his laudable efforts to make provision for the conservation and utilisation of water in order that we might bring about the production of dairy produce which, to such a great extent, has to be imported at the present time, and the production of which locally would create a great deal of employment for our own people. In regard to the milk supply in the metropolitan area, we know that it is not sufficient to meet the demand of consumers. I have heard of supposed dairies having passed into other hands, and the discovery having been made in the dairy grounds during the process of preparing a garden, of numerous tins of condensed milk, from which apparently the supply was obtained when the dairy was in the control of the previous owner. That sort of thing should not exist, and the Government by making provision in regard to utilising the too few rivers we have, and by conserving the water supply, will enable those engaged in our dairying industry to furnish the necessary products for our consumers. We have examples from other parts of the world proving conclusively the wonderfully beneficial results obtained from the use of irrigation. For instance, in Victoria, Renmark and Mildura were waste wildernesses until irrigation was applied, and now men are making good livings there on ten and twenty acres. Also on

the abandoned goldfields of Bendigo many men are making comfortable livings by growing tomatoes and vegetables as the result of the utilisation of water such as is provided for in the Bill. In fact, under irrigation and intense culture the area of land necessary to support a family is so small that twenty, ten, and even five acres are sufficient to provide for the needs of a family. Men have been able to make a handsome profit on these small areas when water is provided. Moreover, wherever irrigation is practised the homes are closer together. An area of 640 acres has been known to support thirty and forty families. These families are, of course, within close distance of each other, and are thus able to enjoy many advantages of social life which under other circumstances would be available only in towns. It is hardly necessary to dwell upon the palpable benefits of irrigation. Land previously considered worthless has, by the application of water, proved capable of producing almost anything. Flourishing towns have sprung up where a few years before kangaroos roamed in congenial solitude among the mallee. The water supply under these conditions can be regulated, and when the principal needs of each cultivated plant have been discovered, a uniform maximum of productiveness has been obtained, such as would be impossible in localities that have to depend on the natural rainfall. The labour of years, where water is not applied, is often rendered fruitless, simply because of an uncontrollable irregularity in the rainfall. But under irrigation conditions there is no waiting or praying for the aid of the elements, for the control of those elements seems to be practically within the power of the settler where irrigation is applied to the land. During the debate on the Bill a great deal has been said about the South-West. I would point out that we have along the Canning River some splendid land, and that to enjoy the full productiveness of this land it is only necessary to put a lock across the river in order that the tide might be prevented from flowing up the stream and impregnating the fresh water with salt. After having visited the

district and seen for themselves what has been done along the river with the aid of an engine to pump the water over the land, the agricultural commissioners warmly eulogised the district and declared that if a lock were put across the river to keep out the salt water, wonderful results would accrue. This district is within easy reach of the metropolitan area, and the residents of the district, if advantaged by irrigation, would thus have an excellent market for their products. All that is necessary is to provide these irrigation facilities, and I venture to say that in a very short period of time the people along the banks of the Canning River would be able to provide sufficient to supply the whole of the metropolitan area with fresh milk, butter, eggs, etcetera, and so make a good living for themselves, while at the same time adding to the wealth of the State. Here, indeed, we have a district in which it is only necessary to tickle the land with irrigation and it will smile fruitfully in a very short time indeed. Water is the only thing really needed for the Canning, and I am sorry the Minister in his speech did not emphasise the importance of the Canning, which is far closer to the City than the other places mentioned. I hope the Government will take this into earnest consideration, and that when the Bill becomes law one of the first provisions made will be to put a lock across the river so that the people in that particular district will be able to furnish the products I have mentioned. I have much pleasure in supporting the Bill. It is a measure vitally necessary to the community. It is gratifying to know that the Government are doing things and are alive to the importance of irrigation, the wonderful results of which have been, as other hon. members have mentioned, amply proved in Egypt, Victoria, and California.

**THE MINISTER FOR WORKS** (in reply): I am thankful for the speeches delivered in support of the Bill. Of course we have to recognise that we had somewhat the same experience last session in this Chamber; but I regret to say that the Bill did not meet with that favourable consideration at the hands of Parliament

as a whole which one would have liked and might even have expected. However, I think the Bill is better understood now, and that there is not likely to be a repetition of the misrepresentation we had in regard to the measure last year. The member for Murray-Wellington (Mr. George) suggested that it would have been better to wait a little while and circulate the Bill amongst the people interested, so that they might express their views upon the provisions. But I would point out that we had the Bill of last session fairly well discussed, and that since that time a great deal has been read and said in regard to it, and consequently the people have had ample opportunity of getting first hand information as to the Government policy in this respect. Therefore, I do not think there is any misunderstanding as far as the people are concerned to-day. Those who say on the one hand that they favour the irrigation proposals, and, on the other hand, happening to own a little land on a river or stream, try to put in conditions which make it absolutely impossible to practice that which they allege they favour—it is not worth while taking those people very seriously, because they are adopting a selfish view, and, of course, the progress of the State cannot be retarded by the selfish views of individuals. The member for Murray-Wellington, in supporting the Bill, raised one or two points which gave me a clear indication that he has not studied the Bill, and must have forgotten the provisions of the measure introduced last session. He raised the question of rating, and wanted to know on what basis the taxation would be imposed; he wanted to know whether we are going to take the value of the land to-day or the original value of the land. The hon. gentleman will find, if he looks at the Bill, that it is not to be on land values at all. The foundation of the rating is to be the cost of the water, and the Bill provides that we have first to declare the cost of an irrigation scheme and then to divide it up in such a way as to return interest and sinking fund plus working expenses; and we are absolutely limited to that. Consequently we take the capital cost and distribute that over the irrigable

land so that it may return sufficient to recoup the Government or the board for their outlay. Another point made by the hon. gentleman was his suggestion that we should not apply taxation to the whole of an area held by an individual, or rather that we should impose the taxation only on that portion of the land which he could comfortably work at the start, and leave the remainder until he was ready to work it. That brought from me an interjection to the effect that if such system were followed we would simply be taking the burden off the one man's shoulders and imposing it on the shoulders of his neighbours; because the rate is struck not on the land values, but on the cost of the work. Therefore, if we take any part of the taxation off John Jones for a given period then we must put that part on to his neighbour. Clearly the only equitable plan is to rate the whole area and give everybody an opportunity of utilising the scheme. The hon. gentleman raised another point in regard to the Bill, which he agreed to, namely, that the Government should have the right to take over any large area of land in the event of an irrigation scheme being installed, so that that land might be prepared and subdivided by the State and handed over in irrigable form to intending settlers. But he pointed out, and rightly so, that it would be distinctly unfair to take a portion of any block of land fit for irrigation, or within the irrigation area, and leave on the hands of the owner the remainder of the land which was not fit for irrigation purposes; in other words, that if we took that which was irrigable, it would depreciate the value of the remainder. I may inform the hon. gentleman that the Bill provides for that. Sub-clause 8 of Clause 60 provides that in determining compensation regard shall be had to the damage, if any, caused by the severance of the land acquired from other lands of the person entitled to compensation. So we find that the special point the hon. member raised has been provided for in the Bill. The only other point of importance which I heard was raised by the member for Swan (Mr. Turvey) in regard to the

bed of a creek. In the interpretation clause such bed is specially defined, and it is defined in such a way that it would be utterly impossible to do those things which the hon. member feared might be done. For instance, he quoted that fine bit of land owned by Mr. Butcher on a stream out in the Roleystone district. That, of course, is one of the finest bits of land for intense culture which we have, I suppose, within the State. But the whole of the cultivation is right along the very bank of the creek, and if we were to take any portion of that bank we would be taking some of the trees together with some of the best of the land. But we have no power to do anything of the sort, or to interfere with the bank in any way. All we want is the water. We make it clear in the Bill that we can only take the bed where the water flows, so it is clear that we do not want to take anybody's land or to interfere with the banks of a stream. I do not think I need take up any more of the time of the House. It is essentially a Committee Bill requiring discussion in Committee, and consequently I will now ask hon. members to allow the Bill to go into Committee, where we can deal with the various points touched upon by hon. members.

Mr. George: Why not go into Committee next week?

The MINISTER FOR WORKS: We can put everything off to next week, and when next week comes go on to the next week again. I wish to appeal to hon. members to assist the Government to get through the session in reasonable time. Hon. members have had ample time to get ready on the Bill. If the Bill were a new one, I could understand the wish to postpone it. But the Bill is practically identical with the Bill of last session; if there is any modification it has been effected in an endeavour to meet the points raised by hon. members last session, and the Bill is now more in accordance with their views than it was last session. It is nothing new, and consequently they have had ample time to go through it and thoroughly understand its provisions.

Question put and passed.

Bill read a second time.

*As to Committee Stage.*

The MINISTER FOR WORKS (Hon. W. D. Johnson) moved—

*That Mr. Deputy Speaker do leave the Chair for the purpose of going into Committee on the Bill.*

Mr. GEORGE: There is no desire whatever on my part to hinder the progress of the Bill, but I never saw the measure until this evening. I and my district are very much interested in its provisions, and if the Minister will defer the Committee stage till next week I, for my part, will be quite prepared to go right through with it. My papers are at home, and I should like to have an opportunity of comparing this Bill with that of last session.

The MINISTER FOR WORKS: I will give my word that where there is any alteration from the Bill of last session, I will let hon. members know, and they will clearly see that, where alterations are made, they are for the purpose of meeting, as far as we possibly can as a Government, the desires of hon. members as expressed last session.

Question put and passed.

*In Committee.*

Mr. McDowall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. MALE: In connection with the definition of "bed," the words "river, lake, stream" were not included after "watercourse," as was the case later on in defining "lake." "Watercourse" was defined to mean a "river, stream, or creek." Either those words should be omitted from the definition of "lake," or they should be included in the definition of "bed."

The MINISTER FOR WORKS: It would be superfluous to include after "watercourse" the words given in the definition of "watercourse," because later on "watercourse" itself was defined.

Mr. MALE: Why was it necessary to put in the words "river, stream, or creek" in the definition of "lake," as well as in the definition of "watercourse?"

The MINISTER FOR WORKS: It was necessary to do that because under certain conditions the Government took the water running into and out of a lake, and, consequently, part of the bed was to be found in the lake; then, in the other interpretation, it was made clear what was meant by "lake, lagoon, swamp."

Mr. MALE: Why was it necessary to keep the words "river, creek, stream" under the definition of "lake," when they were already included in the definition of "watercourse?" If those words were necessary there they were surely necessary in the definition of "bed." Then the definition of "bed" mentioned land covered by water "permanently or intermittently, but does not include land from time to time temporarily covered." Would not "intermittently" and "temporarily" be the same thing?

The MINISTER FOR WORKS: This was one of the safeguards. It was perfectly clear that the Government did not desire to take any land that was only temporarily covered by flood waters, but what they did want to take was the bed only of the defined channel. Provision must be inserted that the water might be permanently or intermittently flowing, because there were in the State some rivers which were not flowing in summer. For instance, the Serpentine River, on which irrigation was being practised, flowed in winter but not in summer. It was necessary to explain that although the Government took the bed, and portion of the bed might include a large extent of country in flood time, they had no right to take that land which was outside the normal bed.

Mr. LAYMAN moved an amendment—

*That in the definition of "lake, lagoon, swamp, or marsh" the words "swamp or marsh" be struck out.*

It must be well known to any one who had any practical experience of farming in this State, and knowledge of farming lands, that our most valuable lands for agricultural purposes were swamps and marshes, and he had the opinion of the Solicitor General that the Government had power under this Bill to resume those lands. For instance, in the Stirling estate, which had been repurchased by the

Crown, the swamp lands had been cut up and sold at prices up to £12 per acre. Under the provisions of the Bill, the Government had power to resume the whole of the swamp lands, because the Capel River, one of the principal watercourses in the district, ran into the swamp, and there was also a natural outlet from the swamp lands. He had no wish to prevent the passage of the Bill, and if the Minister could frame an amendment whereby the Government could have the use of the water but would not have power to resume those lands, he would agree to it. It was all very well for the Minister to say that the Government did not require those lands and would not resume them, but he knew of a recent instance in which a property worth over a thousand pounds was resumed by the Crown for townsite purposes, and the Government were offering less than a quarter of its value for it. Yet the Crown said that they were paying more than they were bound to under their Act. There was nothing to show that the Crown would not exercise the powers given under this Bill if these powers were allowed to remain.

The MINISTER FOR WORKS: It was impossible to agree to the amendment, because by so doing they would be limiting themselves to those creeks or rivers which never entered a swamp or marsh. In the South-West quite a number of rivers in certain places went into a swamp or marsh and then out again. The amendment would dangerously limit the scope of the measure. If the hon. member's fears that the Government were going to take land under this definition were well founded he would be perfectly justified in raising the point, but the interpretation was so worded that it was utterly impossible for the Government to take the land. True, in another clause the Government asked Parliament to give them the right to resume land for irrigation purposes, but that right could only be exercised under certain conditions. The definition, however, was only giving them power to take the water and the portion of the bed where the water flowed, and in order that there might be no misunderstanding, the definition

made it clear that they could take only the bed where the stream ran into or out of a swamp or marsh. The interpretation was inserted to deliberately overcome that which the hon. member feared. The Crown Law Department could not have given the hon. member the interpretation he had quoted.

Mr. Layman: I had it from the Solicitor General.

The MINISTER FOR WORKS: This selfsame proposition had been submitted to the Solicitor General who drafted the definition, and it has been drafted after very careful consideration so as to avoid the possibility of doing what the hon. member mentioned. The point was raised last session. To do as the hon. member suggested would be confiscation, and the Government had no intention of committing that. If the term "confiscation" could be applied to the Bill, it would be confiscation only in respect to the water. There was no power to confiscate or take the land of any swamp or marsh beyond the bed which was defined as being where the water flowed.

Hon. FRANK WILSON: It was pleasing to hear the emphatic remarks of the Minister that the Government had no intention of confiscating any of the swamp lands. Nevertheless his sympathies were with the hon. member for Nelson in his desire for a further safeguard that such land would not pass to the Crown with the passage of the measure.

The Minister for Works: You do not argue that the amendment is a safeguard?

Hon. FRANK WILSON: A better safeguard would be suggested later on. It would be confiscation to deprive anyone of swamp lands which did not form the bed of a creek or watercourse—lands which were utilised in the dry months of the year for growing potatoes and other serial crops. There was a danger that with the passage of the Bill such lands would automatically pass to the Crown, and that was what the hon. member wished to obviate. The hon. member for Northam had intimated to the Minister a new clause which would safeguard the position. It provided that "watercourse" should be defined by the width of such course where it entered and where it left the swamp or

marsh. If this was adopted it would provide a safeguard and would obviate alarm on the part of those gaining a livelihood from the swamps.

Mr. THOMAS: The hon. member was to be congratulated on his apparently happy solution of the difficulty. While he considered that the definition in the Bill would have the effect stated by the Minister, it had caused uneasiness in the minds of people who were interested.

Mr. Layman: It is affecting their titles.

Mr. THOMAS: It might be assumed to do so. If the suggested new clause would give all that was required for the successful working of the Bill there was no reason why it should be objected to. The amendment, however, would have a disastrous effect on the measure.

The MINISTER FOR WORKS: According to his judgment and the judgment of the draftsman the definition was designed to overcome the difficulty which the hon. member was seeking to avoid.

Mr. Layman: Would you argue that all the water on the Stirling estate was confined to a natural channel?

The MINISTER FOR WORKS: Was it a natural collection of water?

Mr. Layman: It is, but it is not in a channel.

The MINISTER FOR WORKS: If it was spread over the land, the land would not be fit for cultivation. If the water was drained away, however, it would cease to be a natural collection of water and would be protected under the Bill. The definition covered all possibility of misunderstanding in regard to the powers for taking land. The suggestion of the hon. member for Northam could not be accepted, but the hon. gentleman might consult the Parliamentary draftsman and ascertain if the definition did not overcome the difficulties which he imagined would arise. The suggested new clause sought to provide that the bed should not exceed in width the width of the watercourse at its inlet to or outlet from the swamp or marsh. Which of the two was it to be?

Hon. Frank Wilson: Either.

The MINISTER FOR WORKS: A better definition than that was necessary,

because the watercourse might be one width at the inlet and a different width at the outlet. Further, if the outlet was confined the natural bed inside would be wider. If the suggested definition was put on the Notice Paper it could be taken as a new clause to be considered after the other clauses had been disposed of, and that would give hon. members time to get further advice regarding it.

Mr. DWYER: Much uneasiness might be dissipated if the Bill was compared with the Victorian legislation. A similar definition had been law in Victoria since 1902, and in 1905 a consolidating measure was passed which contained a definition on all fours with the one in this Bill.

Mr. Layman: That does not prove it to be perfect.

Mr. DWYER: If any confiscation had been intended, the people in Victoria would not have remained silent for 11 years.

Mr. Male: They have not been entirely satisfied.

Mr. DWYER: The intention depended largely upon the meaning placed on the word "bed." Under Clause 5 the intention was that the bed of a stream was not alienated from the Crown. The fact that that had been the law in Victoria for 11 years should allay the uneasiness of the Opposition, even if they thought that no good could come out of Nazareth.

Hon. FRANK WILSON: The Opposition as a whole had not asserted that no good could come out of Nazareth. Though some members might think that no good had come from the Government, he admitted that there had not been much, but there had been some. The Minister's undertaking to give ample opportunity later on to debate the suggested new clause was satisfactory. The point should be emphasised that when a stream ran into a swamp the waters spread widely, and there was great difficulty in defining what portion of that swamp was the actual bed of the stream. When water rose to a certain height it overflowed. It would be seen that the bed of the stream passed automatically from the ownership



of existing proprietors to the Crown. If we were not exceedingly careful we might possibly be doing an injury to the existing owners of swamps, an injury which no doubt the Government did not want to do. If such a clause as that suggested would make it clearer, and he thought it would, it would be well to go beyond the clauses of the Victorian Act. If an Act had been in force many years in another State without injury, it was likely, other conditions being the same, not to cause any injury in Western Australia. No matter what the legislation was in Victoria, however, we would be doing no harm by letting the settlers on these swamp countries realise that hon. members were going to see that these settlers were properly treated.

The Minister for Works: I promise I will give you time to discuss it.

Hon. FRANK WILSON: And the Minister would consider the matter in the meantime?

The Minister for Works: Yes.

Mr. LAYMAN: The only object he had in view was to safeguard the interests of property owners on valuable agricultural land. The amendment referred to by the leader of the Opposition was really one which he (Mr. Layman) had drafted as an alternative.

The Minister for Works: You wanted to have two barrels to your gun.

Mr. LAYMAN: Having been rather concerned about the provisions of the Bill he consulted the Solicitor General, who had assured him the Government had the powers he was afraid they had; therefore he had thought it necessary to move the amendment which he had moved. If the Minister would agree to accept the alternative amendment, he was prepared to withdraw the one before the Committee, but he certainly wanted some assurance in the direction indicated.

The MINISTER FOR WORKS: It had been made perfectly clear by him that he would give hon. members an opportunity of discussing this point under a new clause which he undertook would be placed on the Notice Paper. The position depended largely upon how the hon.

member for Nelson had put the question to the Solicitor General.

Mr. Layman: I put the Bill before him.

The MINISTER FOR WORKS: The story was told of a certain man who got an opinion from a lawyer; then another man who consulted the same lawyer got a contrary opinion, and the lawyer explained, "I thought he wanted that opinion so I gave it to him."

Mr. Layman: I have a better opinion of the Solicitor General.

The MINISTER FOR WORKS: Perhaps the Solicitor General did not want to offend the hon. member, saw the opinion he wanted, and gave it to him accordingly. In connection with the definition of "lake, lagoon, swamp or marsh," the words "into and out of" were used; the previous measure had read "into or out of." The alteration had been made after discussion, and at the request of members of the Opposition last year.

Mr. LAYMAN: Having received the assurance of the Minister for Works that discussion would be allowed on the suggested new clause, and that it would be placed on the Notice Paper, he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. FRANK WILSON: Attention should be given to the definition of "irrigable" as applied to land. It appeared in the Bill to cover the whole of the State.

The MINISTER FOR WORKS: The Bill was for practical irrigation. The Government were not silly enough to dam up the Swan river, lift the water to the highest point in Western Australia, and let it flow over the whole State. The term "irrigable land" was used in various parts of the Bill; we must have a definition of "irrigable." It would be applied to water that would gravitate from works that were constructed or proposed to be constructed. It should not be imagined that the Government were going to do any ridiculous thing.

The MINISTER FOR LANDS: The actual term "irrigable" did not occur frequently in the Bill. In Clause 29 it would be seen that the importance of the definition was entirely determined by its actual use in the course of the Bill. In that par-

ticular clause the constitution of a board was prescribed for a district, and the election of members of a board was decided by the occupiers of irrigable land in the district. Where it was used, the application of the term was strictly limited by the practical application of the measure to land which could be conveniently irrigated.

Hon. FRANK WILSON: Would this mean that members of the board were to be elected by occupiers of land in the district? Taking the definition of irrigable and reading it in connection with the clause which the Minister had quoted, how could we refuse any settler on that land the right to elect a member to the board?

The MINISTER FOR LANDS: The engineers would determine the works, and they would be determined by the practical method of applying irrigation on a practical basis.

The MINISTER FOR WORKS: The definition of "spring" was new. In the last Bill there were some points raised as to what "spring" was. The meaning was that if it started on a man's property it remained his property until it left his land, and went into that of another.

Clause put and passed.

Clause 3—The Minister and Advisory Commissioners:

Hon. FRANK WILSON: It was his intention to ask the Minister to agree to strike out of Subclause 4 the words "being officers of the Public Service." The clause would then read, "The Governor shall from time to time appoint three or more persons as commissioners." Already he had voiced his opinion that it would be wise to leave this open. The successor to the present Minister might deem it advisable to get as advisers—

The Minister for Works: Myself, for instance.

Hon. FRANK WILSON: —men who were not in the service, but if the present Minister for Works qualified during his term of office for such a position, and put in his time cultivating his land, and carried out irrigation works on his own property, there might be strong claims for his services receiving recognition as a

member of the Advisory Board. If the words were struck out the Government could still appoint officers of the Public Service.

The MINISTER FOR WORKS: If the word "being" was struck out, and "who may be" inserted, the alteration would meet the case. It would be an indication then that Parliament had given a kind of direction that the members of the board should be officers of the Public Service. Take the existing conditions. No one would ever dream of going outside the service to get these commissioners, because at the present time the State was possessed of experts who were as capable as any that could be found in Australia. The day, however, might come when there might be one outside whose services might be regarded as valuable, and while it was desired that the Civil Service should have the first consideration there was no objection to making the clause wider.

Hon. FRANK WILSON moved an amendment—

*That, in line 2 of Subclause 4 the word "being" be struck out and "who may be" inserted in lieu.*

Amendment passed; the clause as amended agreed to.

Clause 4—Natural waters vest in the Crown:

Mr. MALE: The words "artesian well" which were contained in the old Bill were struck out of this. The intention was, he thought, that existing bores should not be included in this Bill.

The Minister for Works: There is no provision in this Bill to take existing bores.

Mr. MALE: Was that perfectly clear?  
The Minister for Works: Yes.

Hon. FRANK WILSON: Subclause 1 stated that the right to the use and flow and to the control of the water at any time in any water-course, etcetera, should vest in the Crown. The member for Northam, who was unavoidably absent, desired to point out to the Minister that this ought to be certified to by the Advisory Board, and he suggested that an amendment to this effect should be made to the clause.

The MINISTER FOR WORKS: It would be a reflection on the Minister to insert such an amendment because it would be assumed that he could not be trusted unless the right to the use and flow being vested in the Crown was put in writing. The clause stated definitely that the Minister must have the advice of the commissioners, and the member for Northam wanted this advice put in writing. It was to be hoped that the suggestion would not be taken seriously.

Mr. DWYER: The suggestion would destroy the whole scope of the Bill. The clause set out that the water-courses et cetera, should vest in the Crown, and if we were to put in that this was to be the subject of a certificate or a requisition it would change the clause in character and intent. If the intention was to have all waters vested in the Crown, the clause should not be altered.

Clause put and passed.

Clause 5—The *alveus* of water-courses and lakes not alienated:

Mr. GEORGE: How was the Minister going to deal with this in the case of a large area such as Location 1, when originally granted, which, containing 100,000 acres, had since been subdivided and passed through various hands? Earlier in the evening the Minister had explained that springs and rivers would not be interfered with until they had passed the boundary of the block on which they originated. If the Act had been in force when Location 1 was originally granted, the Crown would have been unable to deal with the rivers rising in that huge location. It seemed to him to present rather a peculiar problem. How was the Minister going to deal with it?

Hon. Frank Wilson: The purchasers of those subdivided parcels of land will have the right to the water.

Mr. GEORGE: That was not so. Even the Harvey estate, where an irrigation scheme had been started, originally formed one of the big locations. The very place where the Minister proposed to take the water was within the boundaries of that original location. The Harvey was an original alienation from the Crown.

Since then the estate had been split up into small parcels, and if the explanation given previously applied to that area, the Minister would be face to face with a difficult problem.

The MINISTER FOR WORKS: It was easily understood that if the whole of the South-West was in one area the Crown would be unable to touch the streams under the provisions of the Bill. However, those original conditions did not apply to-day and immediately a stream passed from one occupier to another it came within the scope of the Bill. The fact that the originally large areas had been subdivided overcame the difficulty pointed out by the hon. member. The Bill did not view the land as it stood originally, but as it was at the time of the passage of the measure.

Mr. GEORGE: Apparently the point had not previously occurred to the Minister. This was a favourable opportunity for inserting words which would make the clause absolutely clear. The titles to these big concessions had conveyed the rights as far as the middle of the rivers. Most certainly a difficulty would arise in regard to Location No. 1, and it was only necessary at this stage to insert a few words which would make the position definitely clear.

Mr. DWYER: There was a good deal in the point raised. Clause 4 vested in the Crown the right to the use and flow and the control of practically all the waters of the State. Clause 5, which referred to the beds of these waters the control of which was vested in the Crown by virtue of Clause 4, was restricted. It referred to boundary water-courses, lakes, lagoons and swamps. Possibly a difficulty would be created if a stream existed in the centre of a block alienated from the Crown. If, under Clause 4, the Government had the right to the whole of the water, then Clause 5, which referred to the beds, ought to be made clear as to whether the bed as well as the water was to vest in the Crown. Clause 5 did not follow on parallel lines with Clause 4, Clause 4 being universal in its application while Clause 5 was restricted.

**THE MINISTER FOR WORKS:** Possibly there was a danger of the clause limiting the Government to the extent that it might interfere with the full operation of the measure. He was not prepared to say right off that the Government would not be limited in that sense. He would have the point inquired into, and if there was found to be any danger he would prepare an amendment to be inserted on re-committal.

**MR. MALE:** There was a certain element of confiscation about the clause. In the evidence given before the select committee last session it had been pointed out that areas of land granted under old titles included the rivers which flowed through that land. Did the Minister intend to repudiate those old title deeds? To entirely repudiate title deeds originally issued by the British Government might be a somewhat dangerous thing to do.

**THE MINISTER FOR WORKS:** If the hon. member would look through the Bill he would find that while it was proposed to take the beds they would only be taken in order that the water might be used. Nobody had bought the water. There was no such thing as private ownership of water. There was no desire to take the beds except that the beds must be taken in order that the water might be secured. The Bill distinctly provided that those who owned the beds to-day would continue to own them, the only difference being that the beds would be controlled by the irrigation board. The Government would not own the beds, except in the sense that they would require the beds for the conveyance of the water. In all other respects the beds would remain the property of the owner.

Clause put and passed.

Clauses 6 to 9—agreed to.

Clause 10—Pollution of water:

**MR. MALE:** This clause prevented the water from any sink, sewer, or drain from passing into a creek or river. Would that prohibit ordinary draining in country towns?

**THE MINISTER FOR WORKS:** If it causes pollution of the river, yes.

**MR. GEORGE:** What about the sewerage works in Perth?

**THE MINISTER FOR WORKS:** Primarily the clause was drafted to prevent pollution of water, and it went on to state "or cause the water of any sink, sewer, or drain, or other filthy water belonging to him." If it were not filthy it would not pollute the water. If the owner had a drain which was filthy it would not be allowed to pollute the river. The word "drain" could not safely be left out of the clause, but the drain must cause pollution before it could be interfered with.

**MR. GEORGE:** Would the clause apply to Perth and the Swan River?

**THE MINISTER FOR WORKS:** No, it only applies to streams for irrigation.

**MR. GEORGE:** It should be made apply to all rivers. It was only a proper provision, for no one ought to be allowed to pollute a stream. However, if it was to apply only to rivers used for irrigation purposes, then the clause required qualification.

**THE MINISTER FOR LANDS:** The clause only repeated a provision which already existed in the Health Act.

**MR. MALE:** Does this not go further?

**THE MINISTER FOR LANDS:** No. The section in the Health Act applying to the pollution of streams was even more drastic than the clause, which was in the nature of a supplementary power provided to prevent the pollution of water by filth. It was a most important provision. Line 4 of the clause ought to reassure the hon. member, because it used the expression, "or other filthy water." The direct implication was that the term "filthy" was applied to the water of any sink, sewer, or drain.

**MR. MALE:** But it assumes that all water from a drain is filthy.

**THE MINISTER FOR LANDS:** The direct grammatical construction was that if it was not filthy water in the drain, the clause did not apply. The word "other" directly connected it with the preceding words.

**MR. MALE:** If that interpretation is quite correct, I agree with it.

Clause put and passed.

Clause 11—agreed to.

Clause 12—Owner of land adjacent to any watercourse may have permission to protect land from damage by erosion or flooding :

Mr. GEORGE : Whereas the Minister had previously taken away from the owner or occupier all rights in the water, there was thrown upon the owner or occupier the expense and responsibility of keeping up the banks of the water-courses.

The Minister for Works : We do not take the banks ; only the beds.

Mr. GEORGE : Would it be necessary for the owner or occupier to remedy the ravages of flood ?

The Minister for Works : Whilst the Government take the bed and water, we say that if the water is doing damage the landowner may interfere with it.

Mr. GEORGE : In the South-West to-day every little stream was swollen abnormally and from being usually three or four feet wide was 30 and 40 feet wide and 15 feet deep. The hilly country was subject to a great extent of washaways, and it was not a question of asking permission from the Minister, but rather of doing something at once, or have the whole of the soil carried away. One man had had the whole of his surface soil and his crop of potatoes washed away during the last 10 days, and in such a case it should not be made obligatory upon the owner to get permission before taking protective measures. To quote a personal experience, he had, in order to protect his orchard, ploughed ordinary furrows round a hill, and such had been the rush of water that those furrows to-day varied in depth from 2ft. 6in. to 4ft., and it had been necessary to cut further furrows to prevent the whole of the stuff under crop being spread over the orchard. Did the clause mean that before taking such precautionary measures he must apply to the Minister ?

The MINISTER FOR WORKS : The clause only applied to permission to undertake permanent works or drains, in order to protect any piece of land. If a man wanted to undertake works which would mean a permanent inter-

ference with the watercourse and bed he must get permission to do it.

Mr. George : I do not suppose that if a man did take precautions the Minister would jump on him ; still, he would have power to do so.

The MINISTER FOR WORKS : The clause dealt with erosion or flooding. The hon. member was talking of land washing into the river, whereas the clause referred to the river cutting into the land. If permission were not insisted upon, a man could undertake some work to block the stream, divert the water, and interfere with the rights of somebody else. The man could say that the stream was making inroads into his land, and undertake some work to protect it, and so divert the water from his neighbour lower down. To obviate that, the clause required a man to get permission from the Minister, so that it might be seen that his protective works did not interfere with the rights of the owner lower down, or with the Crown's right to the water.

Clause put and passed.

Clause 13—agreed to.

Clause 14—Ordinary riparian rights defined :

Mr. GEORGE : The clause went further than was requisite or desirable. In connection with watercourses, the water of which was required for irrigation, the clause was all right, but there were a number of streams in the South-West which could be converted to irrigation purposes only at such cost as would make the scheme altogether impracticable. The clause should contain a proviso that it should only apply where the water was required for an irrigation scheme, because there did not seem to be any necessity to deal with creeks or water-courses which were not required for irrigation. The clause practically restricted the use of water which was not required for irrigation. If the Government wanted the water, and it was a stream that had any bearing whatever on any irrigation scheme they had in view, the powers conferred in this clause, and other powers, were necessary, but why deal with streams that could not be brought into an irrigation scheme ?

**THE MINISTER FOR WORKS :** This clause gave a right to individuals that they did not possess to-day. At the present time on no stream was any man legally entitled to take water from it, but this clause said that he should have that right for 10 years under license. There were, of course, streams where the Government would not be taking the water for irrigation purposes. The Government would not interfere with the stream that ran through Bedfordale, for instance. But if they were to say that everybody should have a right to take water for five acres, there would be somebody along the stream who would get no water at all. Therefore, the use of the water must be by license.

**THE MINISTER FOR LANDS :** These questions arose in every land where riparian rights had to be dealt with. In the Malay Peninsula, where a considerable amount of tin mining had been carried on, prior to the Federated Malay States legislating in almost a similar direction for the control of riparian rights, the men engaged in tin-mining operations were continually in conflict, even to the extent of actual blood-letting, resulting in small wars, and the position became so strained that the Government of the Federated Malay States did as was proposed to be done in this Bill, namely, constituted a trusteeship on the part of those entrusted for the time being with the control of Government, and so settled the difficulty that the control of water there to-day was the admiration of everybody who visited the country. But, of course, that applied only to those streams which affected tin-mining operations. Throughout the peninsula there were scores of rivers which were entirely unaffected, because the question of contest between rival parties never entered into consideration. The need for putting the provisions into operation would only arise when the actual question of riparian rights arose. If this Bill was passed there would be thousands of streams in this State in respect to which the question would never arise. Of course, if it did arise, then in the interests of a sort of trustee-

ship provided under the measure, the law would come into operation and not only benefit the individual but conserve the interests of all concerned.

**Mr. George :** People will have to take a license to get the water.

**THE MINISTER FOR LANDS :** That was a reasonable provision. Apart from irrigation there were other questions in regard to water rights which just as nearly affected the people with land abutting on a stream. If a creek flowed through a block of land in the eastern areas and the holder of a neighbouring block was prevented from getting water for his stock or for domestic purposes, he had a right at common law to intervention to prevent his interests from being damaged. Under this measure the object was to conserve to a man on a stream a supply of water, but a license was necessary in order that he might not exercise license to the detriment of others lower down. It was a sense of trusteeship which was causing every civilised Government to fall into line and adopt this system.

**Hon. J. MITCHELL :** The Minister for Lands had stated the position clearly that the Government did not wish to interfere with streams that were not necessary for irrigation. There were many small streams not needed for irrigation, and they should remain outside the scope of the measure. The Minister for Works should agree that only streams necessary for irrigation or for other public use should pass to the Crown.

**The Minister for Lands :** That would be unwise, because this Bill provides for contingencies which are bound to arise.

**Hon. J. MITCHELL :** The clause preserved the rights of all the people along a stream to water for irrigation. At Brunswick there was always a risk of trouble on account of the water being used at the State farm. If other people there had desired to irrigate, they would have had a right of action against the Government. That difficulty should be obviated. The clause was reasonable, but it allowed nothing more than the people concerned deserved

for giving up so much. They had paid an increased price for their land because of the added value due to the presence of the water.

The Minister for Works: This is a perpetual right.

Hon. J. MITCHELL: Yes, and it was only fair and proper. It was questionable whether the area of five acres was sufficient.

The Minister for Works: That is two acres more than the previous Bill stipulated.

Hon. J. MITCHELL: Streams not needed by the Government should not be brought within the scope of the measure.

Mr. B. J. STUBBS: The Minister had stated time and again that until streams were brought within declared irrigation districts, the people would retain their common law rights. The people who would be affected by this clause were being treated generously. Before the measure operated for ten years, he was convinced that people in the irrigation districts would be agitating against a privileged few enjoying this right, and it would have to be revoked. The Government were treating the people who had already established orchards or irrigation works very generously.

Hon. J. Mitchell: It would be scandalous to do otherwise.

Mr. B. J. STUBBS: Those people had not that right to-day.

Mr. George: They exercise it.

Mr. B. J. STUBBS: But they could be prevented from so doing. The measure would practically guarantee them water, and members of the Opposition should be more than pleased with the clause.

Clause put and passed.

Clause 15—Certain riparian owners may apply for special licenses to divert and use water:

Hon. J. MITCHELL: If an orchard was planted within the last two years, and irrigated, a license would not be issued. Was it necessary to fix the time at two years?

The MINISTER FOR WORKS: That was considered a fair period to fix because it was about two years since

the announcement was made that an Irrigation Bill would be introduced.

Hon. J. MITCHELL: If irrigation was practised at the present time the license should be issued. Did the Minister fear that water was being used by any person who had planted extensively since the Bill was first mentioned nearly three years ago? If there was any doubt about the wisdom of making the provision apply from the passing of the Act, then discretion could rest with the Minister. Was it right for the Minister to say that growers who, encouraged by Government experts, had planted within the last two years, should be denied a license?

The Minister for Works: I say that two years is a fair time and very reasonable.

Hon. J. MITCHELL: Why should not the time be taken out altogether, and, if the Minister so desired, he could have discretion to refuse a license. Some people might have unwittingly undertaken irrigation during the last two years. He moved an amendment—

*That in line 6 the words "not less than two years" be struck out.*

The MINISTER FOR WORKS: The Bill was giving something that did not exist to-day. If we were to give the right to everybody along a stream there would be no water left.

Hon. J. Mitchell: We do not want the water left; we want the water used.

The MINISTER FOR WORKS: It was necessary to make a limit, and the Bill was giving something by those two clauses which the people did not have to-day. Two years was a reasonable period. Did the hon. member want the limit brought down, because he knew of someone who had rushed in with the idea of getting an advantage over his neighbours?

Hon. J. Mitchell: No.

The MINISTER FOR WORKS: It was not possible for him to go further. Personally he thought two years was too long altogether, as there might be people who had rushed in with the idea of getting an advantage over their neighbours.

Hon. J. MITCHELL: It was quite possible that the clause as it stood would do an injustice. Some people growing oranges and other fruit in the South-West might be using water pumped on to their land during the last 12 months. The Minister for Agriculture and his officers had been encouraging people to undertake irrigation. Would the Minister for Works say that those people were to be penalised by the clause?

The Minister for Works: They are not being penalised; they have not the right to it at all to-day. We simply give them the right now.

Hon. J. MITCHELL: According to the Minister a man pumping from a stream to-day was doing something illegal, but it was no use arguing that that man was not taking the water legally. Was it not possible that the clause might work some hardship? The Minister should delete the words in question, and if he wanted power to refuse anyone who was likely to use too much water on an area planted within the last two years, he could take discretion in the matter of issuing licenses. He could not accept the dictum of the Minister for Works that the people were not using the water legally.

Mr. GEORGE: The argument had fallen from the Minister that no person was allowed to take the whole of the water and use it. With that he agreed. A policy had been followed urging and teaching the people to use water for irrigation. Mr. Scott, an officer who had proved himself to be the right man in the right place, had induced a number of people to do so, and when a Government or a succession of Governments had been encouraging people to go in for irrigation, it was right that those who had undertaken it on the advice of the Government, and had expended money for plant, should be carefully catered for; but the commencement of the clause knocked the hon. member for Northam's argument into a cocked hat. It was his intention to support the clause.

Mr. DWYER: The clause appeared more liberal when the legislation of other countries was considered. Under the clause it was possible that we would

be giving those who came under it a bigger right for ten years than they possessed at present. In Victoria, when an Irrigation Act was introduced, it was provided that the people had had to enjoy the right, not for two years, but for 20 years before they got the extension of time, which was in that case 15 years.

Amendment put and negatived.

On motion by Mr. MALE clause amended by inserting after "owners" in line 8 the words "or occupier or occupiers," and inserting after "owner" in line 12 the words "or occupier."

Mr. GEORGE: In that portion of the clause dealing with the determination of special licenses there was a paragraph which read, "If such order is made in the interests of the public, it may direct such amount by way of compensation to be paid to the licensee out of the Consolidated Revenue Fund as to the Governor seems equitable." Any compensation that had to be paid should be uniform in the Bill, and proceeding further we found that provision was made in some cases by means of the Public Works Act, 1902. Unless there were some special reasons, therefore, this particular clause should come under the same Act.

The Minister for Lands: It would be mighty expensive.

Mr. GEORGE: Otherwise we established a principle which was repugnant to the public feeling, and that was that we were setting up an autocracy to deal with what should be a matter of fair compensation, and we did not allow the person affected any chance of appeal.

The MINISTER FOR WORKS: The object of this paragraph was that where a license had been granted and it became clear that the license had been in operation, and that in the public interests it should be cancelled, it was a question of compensating the individual for the cancellation for the remaining portion of the term. It would be utterly impossible, of course, to pay the compensation by means of the Public Works Act, which would have no bearing on the question. It would be purely a matter of nego-



tiation. This clause was liberal indeed. Under the Bill we were giving something which the people did not possess to-day and we were giving that to individuals who would have an advantage over others, and we should not go to the extent of building up a special tribunal to determine what the compensation should be.

Mr. GEORGE: When a gift was made, it was made unreservedly. The Minister declared that if it was found that it was in the interests of the public to revoke that gift, compensation would be paid. The man might have gone to big expense and that rendered it necessary that there should be some tribunal before which he could appear to present his case. The rules of equity must allow a man the opportunity to plead his case before those who were uninterested, and the only tribunal was that constituted under the Public Works Act. The Minister for Lands declared it would be expensive, but the question of expense should not come in. The Minister in charge of the Bill would add to the generosity of this clause if he coupled with it some means by which the full claims of equity could be established.

Mr. DWYER: The hon. member had failed to fully appreciate the full meaning of the clause. It declared that a license would be given for ten years for something for which no license need be given if the Government did not choose to give it, but when that license was given, it was given subject to the provision that if the public rights were unduly interfered with, it would be withdrawn. Therefore it was a gift subject to a reservation, and if the Government took it from the individual, the Government would give something as compensation.

Mr. George: I am arguing for a tribunal.

Mr. DWYER: If we were to have an expensive tribunal under the Public Works Act, assuming the population increased here in ten years, especially around irrigation areas, there would be a regular crop of law suits, and the

Minister would require a special staff to look after them.

Mr. GEORGE: What the hon. member suggested could not occur, because there were only a limited number of persons to whom this could apply.

Mr. Dwyer: Everybody living on the bank of a stream could take advantage of the clause.

Mr. GEORGE: The number of irrigation plants to which this clause could apply would be comparatively few, and it was not at all likely that there would be the complications suggested by the member for Perth. It was admitted that the clause was generous, but the only point was that when the question of compensation came up the person who had his license revoked should have the opportunity of placing his case before an independent tribunal.

The MINISTER FOR WORKS: If it was possible to get a simple method of giving a licensee an opportunity to appeal, it might be done. He would consult the Solicitor General and see whether it would be possible to arrange for an appeal, say, to the local court, which would be inexpensive.

Clause as amended put and passed.

Clause 16—Ordinary licenses:

Mr. GEORGE: This clause might receive some consideration at the hands of the Minister. If the clause was allowed to pass as it stood, it would give to the Minister the right to levy a tax throughout Western Australia on all water taken from any watercourse, swamp or lake that there might be in the State, and that was not the idea.

The MINISTER FOR WORKS: The hon. member lost sight of the fact that no one had a right to this water.

Hon. J. Mitchell: They have a right.

The MINISTER FOR WORKS: If the hon. member proceeded on that line of argument, it would be no use attempting to get the Bill through. The hon. member knew that no one had the right to take water from a stream because from the time that was done the flow was diminished. In reply to the member for Murray-Wellington the clause was inserted in the Bill so as to overcome the difficulty which existed to-day. We

declared that we would give the commissioners power to say that someone should have the right, consequently the clause was essential.

Hon. J. MITCHELL: The Minister apparently did not know that watercourses were alienated until a few years ago. The Minister for Lands argued that if a man had a swamp on his land for which he paid to the Lands Department, he had no right to the water. It was agreed that in cases of a stream the people who had that stream had a legal right to the water, but if they were deprived of something they were entitled to an action might be brought. The Minister was continually stating that people had no right to take the water, that the men who were irrigating to-day were acting illegally. That was not so, although, of course, those people who were below the irrigation works might have some claim at law. The Minister for Works would have us believe that the landowner had no right even to the land he owned, but should hand it back to the Crown. When the streams and watercourses were sold with the land, did not the buyer acquire the right which the Minister was now about to take from him? It was ridiculous for the Minister to say that a man now using the water had no right to it. The Bill applied not only to running water but to a lagoon or marsh, to which no one, except the owner of the surrounding land, had access. Yet that man would have to go cap in hand to the Minister and ask him for a permit to use that water which none but he could get at, and, may be, the Minister would say, "You shall not have the water except on payment to the Crown." Would the Minister tell us what he proposed to charge for the use of water taken under license?

Hon. W. C. Angwin (Honorary Minister): You have water charges on the brain.

Hon. J. MITCHELL: The Honorary Minister had water on the brain. Would the Minister for Works tell the Committee what his intentions were in regard to these licenses, and what charges he proposed to impose.

Mr. DWYER: It was not certain that a person had no right to take water for irrigation. A man had the right to take water from a stream provided he did not appreciably diminish similar rights existing in neighbours who were also riparian owners. As for a marsh or lake on a man's land, which had no outlet, it would be difficult to prove that the owner of that land had not the right to make what use he liked of the water at the present time. However, the clause was essential, for the reason that if the Bill became law practically all the waters of the State would pass to the Crown, and, therefore, no one would have the right to use them unless with the permission of the Crown. Hence the necessity for Clauses 14, 15, and 16. If the Bill were passed, then as a condition precedent to the use of the water, it would be necessary to get the Minister's permission, and therefore the clause could not very well be dispensed with.

Mr. TURVEY: The issue of these licenses would give to the people concerned a right which, up till now, it was very doubtful if they possessed. The member for Perth (Mr. Dwyer) had just said that people had the right to take water so long as they did not appreciably diminish a similar right in their neighbours. But there was the case of the Bedforddale settlers, a case which was likely to be heard very shortly. The settlers in the Bedforddale valley contended that the more water they took from the brook to irrigate their orchards the greater the flow in the brook when it reached the plains. Strange as it seemed, that had been proved beyond the shadow of a doubt. Through their delegate appointed to give evidence before the select committee last session, those settlers had declared that they would be quite satisfied with the insertion of a clause to read as follows:—

The foregoing shall not apply to those owners of land who are within the catchment area of any watercourse, but they shall be allowed sufficient to irrigate the whole of their property, provided a greater quantity of water leaves the land than enters it.

It was, of course, a most extraordinary situation, but it had been proved beyond doubt. The clause would give to those people a license by virtue of which they would know definitely how they stood.

Hon. J. MITCHELL: The member for Perth had proved conclusively that the Minister for Works was wrong in at least some of his contentions. The Minister had been asked to tell the Committee what he proposed to do in respect to the conditions and charges relating to these licenses. Was the Minister not going to reply? The clause was taken from the New South Wales Act; was there in New South Wales any charge against the owner of land on which this water was found? Did the Minister intend to impose a charge in cases where the taking of the water did not interfere with similar rights in any other person?

The MINISTER FOR WORKS: The hon. member was not here to be convinced. The license fees would be fixed according to circumstances. The object of the clause was to overcome such difficulties as existed in Bedfordale. The little creek in that district was not likely ever to be utilised for a big irrigation scheme, but unfortunately there existed to-day dissension between two sections of the settlers in that district. Those who irrigated contended that they returned to the stream more water than they were taking out of it, while the people below them declared that the irrigation operations were appreciably decreasing the flow; and these people were taking action at law to prevent a continuance of the irrigation. Consequently, while that stream might never become the source of a large irrigation scheme, yet it was necessary for the Government to take control of it. Licenses would be given to the people to use the water. As the member for Swan had said, the irrigationists in that district declared they were not reducing the flow.

Mr. Harper: That is nonsense.

The MINISTER FOR WORKS: Certainly it did not appeal to one as being correct, although there was considerable evidence in support of it. However,

the clause had been inserted because, in the first place, the Crown would take the water in all creeks. If irrigation were practised along any creek, then it was necessary to have the right to issue a license to a person desiring to use that water. Of course, a man could go down with a bucket and take water from a creek, because that would not appreciably diminish the flow. But we were dealing with irrigation, the object of the Bill was irrigation, and therefore it would be necessary to issue a license for the use of the water. The member for Northam had demanded to know what the license fees would amount to. How was it possible to state what they would be under varying circumstances? In some cases no fee would be charged at all, while in other cases there would be a fee. It would all depend on circumstances.

Hon. J. Mitchell: Where there is no expense at all there certainly should not be any fee.

The MINISTER FOR WORKS: There would certainly be some expense connected with going to and inspecting a district, making calculations as to what quantity of water was in the creek, and devising a scheme for its best distribution.

Hon. J. MITCHELL: There would be many cases in which there would be no expense, or only a nominal expense. He had desired an explanation from a Minister of the Crown who was paid £1,300 a year to give explanations. It was impossible to get a satisfactory explanation from the Minister for Works, who, when appealed to, waxed wroth, and insulted members of the Opposition. He moved—

*That progress be reported.*

Motion negatived.

Clause put and passed.

Clause 17—Conditions for the exercise of certain rights to take and use water:

Mr. GEORGE: The clause stated that in no case should the owner or occupier be entitled to a greater quantity of water than "4,000 gallons per day for domestic and ordinary use, and for watering cattle or other stock in respect of every mile of frontage measured by the general course

to such watercourse." A person having a mile of frontage to any stream would have a large area of land, and probably a great number of stock, and 4,000 gallons per day was not a sufficient provision for the watering of cattle and other stock. The provision should be not less than 10,000 gallons per day for every mile of frontage. Then, apparently, if a person had only half a mile of frontage he could have only 2,000 gallons.

The Minister for Works: This applies only where we have created works and conserved water, and really we should not give any water at all.

Mr. GEORGE: To quote a case in point, for the number of sheep that Dr. Harvey and his partner were running on their estate at Harvey, 4,000 gallons would be very little use, especially in summer time. The Minister might well consider the suggestion to extend the limit to 10,000 gallons per day. Then the clause further said that the owner should be limited to 300,000 cubic feet per annum for the irrigation of a garden not exceeding five acres in extent. That would be about two million gallons per annum, which was quite insufficient to irrigate five acres.

The MINISTER FOR WORKS: The clause dealt with cases where the Government had incurred expenditure in an irrigation area, and where they had entered into a scheme of some magnitude. They would have power to rate the whole of the area in the irrigation districts so long as it was irrigable, but they provided in this clause that the owner should have a limited right to free water. The only question could be as to whether they had allowed enough, but if they increased the quantity they might be doing an injury to others and making the irrigation scheme impossible. There must be a limit, and seeing that this water was given free he thought the Bill was pretty liberal in the allowance it made.

Mr. GEORGE: Did this apply to people below the weir of an irrigation scheme, or could they water their stock with the surplus water that came over the weir?

The Minister for Works: Yes, up to this limited quantity.

Mr. GEORGE: How were the Government to get the measurements? One would have thought that anybody could have taken the overflow.

The Minister for Works: In an irrigation scheme all the works are below the point where the water is conserved.

Mr. GEORGE: On the Harvey estate previously referred to the overflow passed through land which could not possibly be irrigated, and which was only fit to run stock. Could not the owner water his stock with the overflow from the weir without being charged? In his opinion a person should have the right to water such stock as his ground could carry. There would not be so much objection to limiting the quantity a man might take for irrigation, but he did not think there should be any limit for stock.

The Minister for Works: We must have a limit. It would be just the same if we made the limit 20,000 gallons; there would still be no means of checking it.

Mr. GEORGE: Stock must have water, and that would keep them going even when the feed had almost vanished. The water they consumed could not be measured, but the stock could not take more than was necessary. Then why not let the owner take what he required for his stock? Then in regard to irrigation he repeated that 300,000 cubic feet per annum was not sufficient for five acres.

The Minister for Works: The experts have fixed the quantity and they say it is sufficient.

Mr. GEORGE: As one who had successfully irrigated half an acre, he knew that if he irrigated five acres to the same extent the quantity allowed in this clause would not be sufficient.

The Minister for Works: It would be equal to 18 inches per annum.

Mr. GEORGE: That would not be enough. The stipulated quantity of 4,000 gallons a day was not sufficient for a man owning a mile of river frontage, because he would have considerable back country and would be running a large number of stock.

Mr. ALLEN: It was important to know how the quantity of water would be measured. Surely some provision must be made for checking the quantity of water used. It might be better to expunge the words "four thousand gallons" and substitute "is necessary." People who were running stock must be allowed sufficient water.

The MINISTER FOR WORKS: An unlimited quantity of water could not be allowed. There must be some limit. If there was no limit, it might prevent the possibility of installing an irrigation scheme. In Western Australia it was not possible to carry such a large number of stock per mile of river frontage that any great harm would be done by the quantity of water consumed by the stock, but there might be a good reason for insisting on a limitation. He was prepared to look into the matter.

Mr. George: Will you give us an opportunity to discuss it further?

The MINISTER FOR WORKS: In order to do that, progress would be reported at this stage.

*[The Deputy Speaker took the Chair.]*

Progress reported.

*House adjourned at 10.44 p.m.*

## Legislative Assembly,

*Tuesday, 19th August, 1913.*

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

### PAPERS PRESENTED.

By the Honorary Minister (Hon. W. C. Angwin): Kalgoorlie Roads Board by-law.

By the Attorney General: Statutes of the University of Western Australia.

### QUESTION—POWELLISING CONTRACT AND PAPERS.

Hon. J. MITCHELL asked the Minister for Works (without notice): Will the Minister place on the Table of the House the sleeper contract with the powellising company, and also the papers in connection with the extension of the company's saw-milling permit over 15,000 acres of karri country, as promised by him when replying to the motion moved by the leader of the Opposition on Wednesday last.

The MINISTER FOR WORKS replied: All the papers in regard to the 15,000 acres have been placed on the Table. The only other thing I could do would be to place on the Table the company's letter in which they agreed to the price being reduced to 9d. on condition that they got the order to supply a million sleepers and the extension of 15,000 acres. Beyond that nothing has been done at all. There has been no application made for the 15,000 acres and they have not been granted. The position we are in to-day is that, as outlined in the agreement, they had the right to supply the million sleepers, but they have not gone on with the matter; nothing has been done.