

have the support of my colleagues in carrying out the wishes of hon. members in regard to this matter.

Mr. ELLIOTT (Geraldton) [10-15]: While not desiring to make a long speech so late in the evening, I do wish to place on record that I support the motion.

Mr. SPEAKER: The amendment is under discussion.

Mr. ELLIOTT: I am also delighted to give my support to the amendment. It is especially pleasing to me to do this, because both Mr. Pennefather and Mr. Dooley were representatives of the Victoria district. I knew both gentlemen very well, and from my personal knowledge of them can testify to the good and useful service both gentlemen rendered to the State in their respective spheres. I do not think we need have any fear of the bogey of creating a precedent. As the member for Claremont (Mr. Wisdom) pointed out, it is not a legal process, but a compassionate allowance, that is here in question, and every future case will be considered on its merits. It may be said that a precedent has already been established on the Estimates, in the form of moneys voted for compassionate allowances. I am entirely in sympathy with the motion and the amendment.

Amendment put and passed.

Question as amended agreed to.

House adjourned at 10.18 p.m.

Legislative Assembly,

Thursday, 23rd July, 1914.

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

QUESTION—PRISONER'S RELEASE, ROBERT BENNETT.

Mr. GEORGE (without notice) asked the Attorney General (1) Was Robert Bennett released with the authority of the Governor-in-Council; (2) If so, will the Attorney General lay the papers on the Table of the House? (3) Does the Attorney General intend to make any statement in regard to the report appearing in to-day's issue of the *West Australian* of an interview in Melbourne with Colonel Hoskins of the Salvation Army, which conflicts materially with the speech of the Attorney General on Thursday last?

The ATTORNEY GENERAL replied: (1) Robert Bennett was released on my recommendation by His Excellency the Governor, whose prerogative it is to exercise pardon on the advice of his responsible Ministers, and in this case I was the responsible Minister. The action was purely my own, that is to say, it was taken without consulting my colleagues or consulting anyone but the facts. If there be any blame, or any credit, whichever it may be, it is mine. (2) It is not customary to lay papers of this kind on the Table of the House unless it be through the medium of an Address to His Excellency the Governor. They are his papers and the act was his. (3) I have no objection to making a statement in regard to the matter. What I stated last week is in writing, that is to say, I have the agreement of the Salvation Army in writing over the signature of Major Head, and not only have I that in writing in the letter he sent to me, but I have it in his interviews with me in the

presence of witnesses. Yesterday afternoon I telegraphed to Colonel Hoskins in Victoria and received the reply this morning that Colonel Hoskins was not in Victoria and that my telegram was being forwarded to him.

Hon. J. Mitchell: He may have gone over the border after having given the interview to the Press.

The ATTORNEY GENERAL: I do not know what it means. It is doubtful whether he ever gave it. Major Head has told me that he cannot believe it to be a report of anything that Colonel Hoskins could have said.

The Premier: We know Colonel Hoskins well enough to be aware that he would not say such things.

The ATTORNEY GENERAL: What is more, Major Head supplied me some weeks ago, before there was any trouble about the matter, with a letter which Colonel Hoskins had sent him stating that he had seen Bennett, and that the man was living with his mother and relatives, and amongst other things—I can remember almost the exact words—Colonel Hoskins added, "With you I agree that the man has learnt his lesson and will prove to be a good citizen."—or words to that effect. That is Colonel Hoskins' writing upon the file in my office, and any hon. member can see it. I have nothing to conceal. This matter has given me a tremendous amount of thought, not for weeks, nor months, but for a couple of years, and scarcely a week passed without my having approached the subject. If any hon. member wishes to see the file, he can do so by calling at my office. I cannot lay the file on the Table of the House, because that is His Excellency's prerogative, and, moreover, it is not customary to place similar papers before Parliament.

QUESTION—VISITORS TO STATE IMPLEMENT WORKS.

Mr. E. B. JOHNSTON (without notice) asked the Honorary Minister: Will he take advantage of the presence of the roads board conference now sitting in Perth to invite the delegates who are from the agricultural districts to pay a visit to

the State implement works next Saturday morning, when it is understood the conference will finish its labours?

Hon. W. C. ANGWIN (Honorary Minister) replied: There will be no objection to the members of the roads board conference visiting the implement works on Saturday morning.

The Premier: Or anyone else.

Hon. W. C. ANGWIN (Honorary Minister): It is the desire of the Government that as many people as possible who are visiting the City should take the opportunity of inspecting the implement works. The Government are certain that the more people who see these works, the better they will be satisfied with the action of the Government in establishing them. I will forward invitations to the members of the conference to-morrow morning.

QUESTION — RAILWAY IRREGULARITIES, CASE OF HUGH McLEOD.

Mr. PRICE asked the Minister for Railways: 1. Is he aware that Hugh McLeod, late station-master, Torbay Junction, was recently suspended and subsequently dismissed from the railway service for allegedly altering certain return halves of railway tickets, thereby defrauding the Railway Department? 2. Did Mr. McLeod appeal against such dismissal, and as a result of the appeal was the Commissioner ordered to reinstate him in the service and pay his salary as from the date of suspension? 3. In view of the finding of the Appeal Board, which entirely exonerated Mr. McLeod from the charge laid against him, is it the intention of the department to pay his expenses in connection with the appeal: if not, why not? 4. Will he lay the whole of the papers in connection with McLeod's suspension, dismissal, appeal, and reinstatement in the service on the Table of the House? 5. Is it the intention of the department to take drastic action in the direction of discovering the party or parties guilty of altering the tickets referred to in the McLeod case?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, Yes. 3, The question of an appellant's expenses is governed by the Appeal Board Regulations, which provide that "until otherwise directed by the 'Board'" the attendance of appellant and his witnesses shall be at the expense of the appellant. The board was asked for costs, but specifically declined to award any. Subsequently, however, the deputy Commissioner agreed, in accordance with a later recommendation of the chairman of the board, after an interview with Mr. McLeod's representative, to pay £2 2s. for the appellant's writing expert, and the wages and travelling expenses of witnesses employed in the department. 4, Yes, if a motion is submitted in the usual form. 5, Every effort has been made to discover the guilty party.

BILL—LICENSING ACT AMENDMENT.

Introduced by the Attorney General and read a first time.

BILL—BUNBURY CONGREGATIONAL CHURCH.

First Reading.

Introduced by Mr. Thomas and read a first time.

Second Reading Stage.

Mr. THOMAS (Bunbury): I move—

That the second reading be made an Order of the Day for the next sitting of the House.

Mr. SPEAKER: Before the motion is put I desire to state that I am unable to judge from the title whether the Bill is a private or a public measure.

Mr. Thomas: Does that have to be settled at this stage?

Mr. SPEAKER: No, but it will have to be settled before the second reading is taken.

Question put and passed.

LEAVE OF ABSENCE.

On motion by Mr. Underwood (for Mr. Bolton), leave of absence for two weeks granted to Mr. Bath (Avon) on the ground of urgent public business.

BILL—RIGHTS IN WATER AND IRRIGATION.

Second Reading.

Debate resumed from the 21st July.

Hon. FRANK WILSON (Sussex) [±48]: I join with the Minister for Works in hoping that this measure, which has been before the House for a couple of years, will at last be passed and become law. I hope also that the matter is of such importance to the State that the Minister will not again sacrifice the measure, notwithstanding that certain amendments to which he is opposed may on this occasion, even as they were on previous occasions, be adopted. The usefulness of irrigation in our State is undoubted, and it has been recognised by every member of both Houses that we should have some legislation of this description in order to get the fullest advantage from lands which are capable of being irrigated. I commend the Minister for having arranged to submit his proposals with regard to the Harvey district to an expert in Victoria, Mr. Mead. I join with him in regretting that Mr. Mead could not visit the State. It would have been much better if he could visit the ground and see for himself what it is proposed to do. He would then have got a much better grasp of the scheme than he can possibly get by studying plans. Nevertheless, if this is impossible, the next best thing is to let one of our engineers proceed to Melbourne, and confer with him.

The Minister for Works: Mr. Oldham is over there now, and has the details with him.

Hon. FRANK WILSON: Is he over there for that purpose?

The Minister for Works: No, he is attending an Interstate conference, and he proposes to see Mr. Mead at the same time.

Hon. FRANK WILSON: Well, that is the next best thing to be done. It goes without saying that we require to move cautiously in these schemes, and get the best possible advice before committing ourselves to a large expenditure, and to something which might possibly turn out disastrously, or at least in some way be faulty. Last year, when the Bill as submitted by the Minister was rejected because he could not see eye to eye with hon. members in another place in their amendments—he having, of course, by his majority defeated amendments moved in this House—it is to be regretted, and we remember it very keenly, that in a fit of pique the Government proceeded to close down the Harvey works. They then discovered that they had no authority to go on.

The Minister for Works: No, no.

Hon. FRANK WILSON: And they closed down the works because the measure had not been passed.

Mr. Turrey: Because they did not know where it would land them if they went on.

Hon. FRANK WILSON: Now, however, we have the Minister calmly telling the House that he is restarting the works. He is "going a little bit farther," to use his own words. He is going to construct a dam in the centre of the stream, and leave it disconnected from the banks.

The Minister for Works: I did not say anything of the sort.

Hon. FRANK WILSON: What did the Minister say? He is reported to have said this—

On investigation recently it was ascertained by the engineers that they could go a little bit farther with advantage. If the Bill passed within the next month or so it would be possible to complete the damming of the creek, so that water would be available for the Harvey people next summer. Acting on the advice of their engineers, the Government have made money available for the purpose of starting the weir wall.

The Minister for Works: You said I was going to dam the river. I cannot do that until the Bill passes.

Hon. FRANK WILSON: I said the Minister was going to construct a dam in the river, leaving the ends disconnected from the banks.

The Premier: Read it again.

Hon. FRANK WILSON: He is going a little bit farther in anticipation of the Bill.

Mr. George: He has the men down there now.

Hon. FRANK WILSON: Of course he has. He does not know what work is going on.

The Premier: Will you advise us to stop it?

Hon. FRANK WILSON: Why did the Premier go down there 18 months ago and stop it, and throw the blame on the Legislative Council?

The Premier: I have never been down there.

Hon. FRANK WILSON: The Premier ought to have been down there.

The Premier: I am going down.

Hon. FRANK WILSON: And you had better stop down there. Anyhow, the Minister for Works went down there and voiced the policy of the Government. Because of the loss of the Bill, he could not go on with the work, and so he closed it down dramatically. And now, of course, we find that the Government have discovered that they can go a little bit farther, and construct this dam. They are going to leave the ends disconnected from the banks in the hope that the Bill will pass. The Minister appeals to us that we should render him every assistance to get the measure through. We have always done that. We have taken exception to certain clauses of the Bill which we thought were detrimental, and might be improved by amendment. We have moved amendments. Very few of those amendments have ever been seriously considered by the Government; they have been rejected, or at least those of them originating in this Chamber. Now, gradually, after a long course of training, the Minister is beginning to realise that legislation of this description, which is essentially non-party, and which has been treated as non-party by members on this side, can only be passed successfully into

law and be useful if the clauses are eventually agreed to in a spirit of compromise. It has taken him two years to find this out. If he had been previously in an amenable mood, as he now appears to be, I venture to think we would have had the Bill long ago, and the works to-day might have been in operation. I do not wish to rub it in too strongly on the Minister. I would simply sum up by saying that the reason why the Bill did not pass and become an Act is because the Minister himself was too obstinate, and would not lend an ear to the practical suggestions thrown out from this side of the Chamber.

The Premier: No, because the other leader would not allow it to pass in another place.

Hon. FRANK WILSON: What is the Government leader in another place for? What was he doing to allow another leader to take the business out of his hands? It was simply because he would not display that spirit of compromise which is essential to get useful legislation of this sort.

The Minister for Works: I agreed to two-thirds of the Council's amendments.

Hon. FRANK WILSON: Of course the Minister agrees to all the little amendments that do not matter, but when it comes to anything involving a question of principle he sticks tenaciously to his Bill. If he is going to do that right through with a measure of this description he cannot hope to get the legislation he desires.

The Premier: The Bill may be a non-party one, but party principle is attached to some of the clauses, and that principle is all right.

Hon. FRANK WILSON: In some of the clauses, yes; but there are other principles to be considered, and if the Minister will not agree to a useful compromise he cannot get useful legislation.

The Premier: Well, let them take the responsibility; that is all we are asking them to do.

Hon. FRANK WILSON: They will take the responsibility. Every member who moves an amendment takes the responsibility of his action. He cannot get

away from it. What I want to point out is that the country requires a measure of this description, and surely we have among us reasonable men who can hit upon a compromise which will enable us to pass useful legislation of this kind.

The Premier: The Liberal Governments in the other States are more drastic than we are.

Hon. FRANK WILSON: I think the Premier is wrong. In New South Wales irrigation districts are proclaimed only on the petition of two-thirds of the total number of landholders owning two-thirds of the land in such districts. That is not more drastic than some of the conditions in this proposed legislation, not half as drastic, and the Premier must admit it.

The Premier: That is only one.

Hon. FRANK WILSON: It is the only one on which I can lay my hands at the moment, but a perusal of the different Acts will show that the provisions are nothing like so drastic as those of this Bill. There are some matters which the Minister has been good enough to announce he will concede in this measure. Most of them were conceded during last session, but I am glad that he has agreed that the commissioners to be appointed under this Bill are not, as a matter of compulsion, to be officers of the State, one of them at any rate. They may be or may not be officers of the State, and this I think is a very important concession. Later on the Minister will find this a very useful provision, as it will enable him to appoint men as commissioners to advise him in connection with the operation of the Act who will be independent and better able to give him the views of the people interested and affected by the measure. We have four main points to which the Minister referred, and which I agree are the principal ones to be considered. I do not think it will take very long to debate this Bill, and I for one do not intend to occupy much time. I hope that even on those four main points the Minister will be able to come to some compromise. The first point mentioned by the Minister was that affecting the method of dealing with the beds of streams. We have contended, in this

House, that the owners of such beds, having acquired their property legitimately and having paid the value of the same, ought to be entitled to the use of the bed of the stream if they can use it. The Minister says that as the Government have the right to the water which flows over the bed of the stream, it goes without saying that they should also take away the receptacle which holds the water. I cannot see any reason why the receptacle should be taken away from the owners when they have lawfully acquired it. At the present time such owners cannot deprive other people of water. There are such things as riparian rights, which are respected by the laws of this State as in other portions of the British Empire, and, rather than jeopardise the passing of the measure, I should be inclined to compromise on this question. I can imagine that a man might wish to put a wall across the stream to conserve water for summer use. He would not deprive any one of a legitimate supply, as he would be raising the level of the stream for a short distance, and the water would pass over the weir as heretofore, and other owners could get all the water they required. In any case the Government want only the water; they do not want the beds particularly, and therefore, if they can get what they want, this is a point which need not be stressed.

Mr. Turvey: How can they carry out irrigation works without having control of the beds?

Hon. FRANK WILSON: They have control of the beds, except in those instances where men have paid for the beds and acquired them under their titles. The beds are included in their acreage and are their property. The hon. member would not suggest that we should take what lawfully belongs to such men without paying compensation. If the Government want these beds, they must resume them just as in the case of the banks of the streams. The next point we have to consider is the application of the measure to districts declared by proclamation. The Minister states that he is opposed to this, but that they do not take it too seriously. He

does not see why the measure should not apply to the whole of the State right away. I support the proclamation of districts. There is no need to interfere with individuals except when the necessity arises. We might just as well go slowly and move gradually, and deal with one section of the State at a time, as it appeals to us, and as it is reported upon by the commissioners as being suitable for irrigation and closer settlement. Then, as we complete one scheme, after due inquiry and expert advice and find it successful, so the Government can declare other districts and extend their operations. Then we have the vexed question of leasehold versus freehold. This is another principle which the Minister argues must be settled in this Bill, and he says that the Government will not have any freehold in connection with resumed areas under the Bill. I do not quite see how the argument that leasehold will prevent the aggregation of these areas applies. Unless we legislate and make it a condition in the lease, it will be possible to aggregate leases the same as freeholds, and we know that already speculation is going on in connection with the leaseholds of town lands. Men who have acquired leases will sell them for a consideration. We cannot prevent speculation in anything that is of increasing value, no matter what tenure it is held under. If we are going to settle the great principle of leasehold versus freehold, it should not be done in a Bill of this nature. We should prohibit the sale of Crown land—

Mr. Underwood: It is all sold.

Hon. FRANK WILSON: If the principle is to be established, let us introduce a Bill for this purpose and thrash the question out. We can just as well permit and encourage closer settlement on a freehold title as on a leasehold title.

Mr. Dwyer: Why not give the leasehold a trial?

Hon. FRANK WILSON: We are doing it in connection with workers' homes, but we should not prevent freehold, for four-fifths of the workers' homes are created on freehold and one-fifth on

leasehold, showing that there is a decided preference for the freehold title.

Mr. Dwyer: Showing the selfishness of human nature. Give leasehold a trial.

Hon. FRANK WILSON: What is human nature composed of? All of us are selfish; all of us want to get as much as we can.

Mr. Underwood: Why give freehold?

Hon. FRANK WILSON: When we find Ministers forming themselves into a limited liability company to acquire large pastoral properties—

Mr. Underwood: Is that freehold? It is leasehold.

Hon. FRANK WILSON: Exactly, and they can sell it too.

Mr. Underwood: You say they will not take leasehold.

Hon. FRANK WILSON: They have acquired freehold as other hon. members on the Government side have done.

Mr. Underwood: You say they will not take leasehold.

Hon. FRANK WILSON: Will the hon. member keep himself quiet and calm?

Mr. Underwood: He is beautifully calm—calm as a North-West summer.

Hon. FRANK WILSON: The hon. member is beautiful, but he ought not to apply the term to himself. This is not the measure in which to establish a principle which I recognise as a plank of the platform of the Government, a plank which they have jettisoned by their deeds. This is not the Bill in which to enforce the principle of leasehold as against freehold. If we are going to make a success of the irrigation farms, we will have to give settlers the right to acquire freehold.

Mr. Underwood: Let us have a trial of leasehold.

Hon. FRANK WILSON: We have had a trial.

Mr. Underwood: We have not.

Hon. FRANK WILSON: The hon. member is insulting; he is snarling at me like a hyena. We had leaseholds for residential purposes on our eastern gold-fields, and was not a cry raised that holders wanted them converted into freehold, and were not some of the Ministers

the first to go to the Administration of the day and have their leaseholds converted into freeholds?

The Minister for Works: That is incorrect.

Hon. FRANK WILSON: The Minister for Works was one of the first.

The Minister for Works: That is untrue.

Mr. SPEAKER: Order! The hon. member must not say the statement is untrue.

The Minister for Works: It is incorrect; it means the same thing.

Mr. SPEAKER: The hon. member must stand and withdraw the remark.

The Minister for Works: I withdraw the word, and say it is totally incorrect.

Mr. George: You did do it.

The Minister for Works: I was forced to do it.

Hon. FRANK WILSON: I said some of the Ministers were the first, and the Minister for Works himself converted his leasehold into freehold and he knows it.

Mr. B. J. Stubbs: He was compelled to.

Hon. FRANK WILSON: Nothing of the sort.

Mr. B. J. Stubbs: He was, and you know it.

Hon. FRANK WILSON: Nothing of the sort, but the Minister immediately afterwards sold out at a profit.

The Attorney General: He was lucky.

[*The Deputy Speaker (Mr. McDowall) took the Chair.*]

Hon. FRANK WILSON: Hon. members were selfish on that occasion, and would again be selfish if they had another opportunity. What is the good of them protesting and professing one thing and doing another? Everyone knows that every man wants to own the title of his land, and if we are to have a successful settlement of irrigation lands, have the freehold restricted in area if necessary, but let the settlers retain the freehold as they have it or take leasehold at their option. The next controversial point and the last one of the number is the question

of regulations. The Minister seems to be obstinate with regard to the amendment suggested by another place last session that regulations made under this Bill should be disallowed, as is customary, on the vote of one House. The Minister maintains that the regulations should be disallowed only on the vote of both Houses, that as it requires both Houses to pass the measure into law, therefore both Houses should disallow any regulations under that law. I wish to point out that both Houses do not make the regulations. The regulations are made by the Minister and sanctioned by the Governor-in-Council. Therefore they come under the review of both Houses only at the next sitting after the regulations are made, and, considering that these regulations have the force of law until they are rejected, amended, or withdrawn, surely when it takes both Chambers to pass this measure and make it an Act of Parliament it ought to take both Chambers to pass the regulations. In other words, if one Chamber disallows the regulations, they ought not to be considered to have the force of law. I hope I have made this perfectly clear. Either House should have the right, as is common in the case of other regulations, to reject them; otherwise we may have regulations, passed by the Government, who have a majority in this Chamber, having all the force of the Act of Parliament under which they are framed, notwithstanding that another branch of the Legislature sees an injustice in them. I do not intend to detain the House any longer. We have thrashed this measure out in all its different phases on two different occasions. We are at one with the Government in wishing to pass some legislation of this description. Notwithstanding the numerous interjections which might lead some people to suppose that we are hostile to the measure as a whole, I want to assure you that we intend reserving to ourselves the right to deal with the principles I have briefly referred to in Committee, and at the same time to endeavour to assist the Government in bringing this Bill into law.

Mr. GEORGE (Murray-Wellington) [5.16]: I do not propose to take up very much of the time of the House, but as this Bill concerns the district I represent, I want to say a few words to the House upon the matter. I do not propose to go into the question raised by the Minister for Works as to what led up to the previous defeat of the measure. I think that both sides of the House can very well allow what may have occurred in the past sessions to sink into oblivion now. It is sufficient that we have a Bill which is needed by the country before the House to-day, and it behoves every one of us to try to make of it a workable measure, acceptable by the parties concerned and for the benefit of the country in which we are. There is one little matter which I might refer to just for a moment. Again, this Bill has been introduced as a money Bill. If it should happen that differences occur between this Chamber and the other Chamber, it seems to me that unless some means can be evolved by which these differences can be reconciled in conference, we have a possible danger of the Bill being cast out again. It would, in my opinion, be a calamity if this happened, not only to the district which is most particularly affected by the Bill, but to many other districts which will be concerned very materially by this measure. Therefore, I ask the House, as I asked it last year, if any differences should arise, and I hope they will not, to sink all differences instead of casting this Bill on one side, and of course without sacrificing any very great principles, and see if by a conference the matters in dispute cannot be adjusted. I have gone very carefully through the Bill, and find that it is much in advance of the previous measure. It is for instance very much more reasonable. There is one thing I can trace in it. I am sure the Minister for Works will admit that the conference held at Bunbury, at which he was present, and other meetings at Harvey have had the effect of bringing before him the necessity for alterations which might have been made to the measure.

The Minister for Works: They were agreed to last session.

Mr. GEORGE: Not all of them. I shall go into the question in Committee to show that in all these matters which affect an industry itself it is as well that Ministers, as well as hon. members of the House, should have an opportunity of consulting with those who are likely to be affected by the measure when it is passed.

Mr. Bolton: You look upon it as a reasonable measure which ought to be accepted.

Mr. GEORGE: I say it is a big advance on previous measures of the kind. I think the Minister will agree that the advances have been brought about by the conferences and meetings I have mentioned, and also by the fact that various representations have been made to him, and that his officers have probably now seen things in a light different from that which they saw it in before.

The Minister for Works: I admit that we have profited considerably by the Bunbury conference.

Mr. GEORGE: I quite expected the Minister to say that because I know it is the case. Time has enabled the Minister for Works to see that there are other ways of looking at a subject than the one in which he first regarded it.

Mr. Turvey interjected.

Mr. GEORGE: I do not think that I interject when an hon. member is making a speech which is absolutely without party feeling, and which has to do with the people in his constituency. The Government in this Bill have made a pretty fair start on the principle that they hold here in connection with leasehold matters. Personally, I do not agree with the leasehold system, and would rather have the freehold system. I see that the Government have laid this down. When we get into Committee, I shall endeavour to show the Government wherein provisions for the protection of the lessee should be attended to. I might just give an instance. Under the provisions of the present Bill it is laid down that rack rents are to be revised at certain periods. That is right. But there is no provision,

so far as I have been able to discover for the protection of the lessee in cases of this sort. As soon as you get a rent fixed by the commissioners there should be afforded in the Bill some protection for the lessee (I have not been able to discover any) by way of compensation to him for the improvements he has effected during the first term of his lease. He may, for instance, have cleared his ground, broken it up, and planted it, and if he then finds he cannot continue because the rent is higher than he can afford to pay, and if he then has to give up his holding, some compensation should be given to him for the improvements he has effected.

The Minister for Works: You do not presume that the alteration in the rents will take place each year.

Mr. GEORGE: I understand that the alteration will take place at periods of, say, 5, 7, or 20 years. It is immaterial at what period the alteration in rents may take place. I am desirous, at all events, whatever period is fixed for the alteration, that the lessee should be compensated for his improvements. This might be done by the Government paying for the improvements when they took the land over. The Government might capitalise the improvements, and put that value on to the rent. Whichever way this compensation is brought about the man who has done the work has a right to be protected. I notice that the leasehold system is only to apply to purchased estates. This is, of course, an experiment which may prove an object lesson, not only in Western Australia, but the whole of Australia. I do not myself agree with the principle. The leader of the Opposition has dealt with the matter of the veto, and as I agree with what he has stated, it is unnecessary for me to go further into the matter. The Minister for Works took the hon. member for Sussex (Hon. Frank Wilson) to task with regard to the dam now being constructed. I take the words which the Minister himself used. My note says "they were intending to build the dam and leave it open and close it when the Bill is passed."

The Minister for Works: The leader of the Opposition said I was damming up the river. I cannot do that until the Bill is passed.

Mr. GEORGE: The hon. the Minister may not have a verbatim note of the words used.

The Minister for Works: I am making a bank on either side.

Mr. GEORGE: I know from a conversation I had with the Minister some time ago that he intended to start and go on with the work. They have already done some of the work, and I think they practically own all the land. The Minister told me some months ago that he intended to do this, and I replied that I was very glad to know it, but that he had no more power to do it to-day than he had when he stopped the work. The Minister has asked that hon. members should assist in regard to the passing of this Bill. I believe that every member of the Opposition will assist in this direction. They will endeavour, no doubt, to bring about certain alterations in parts of the Bill when it goes through Committee. They must do this if they hold different views from those on the other side of the House. There is no question about the Opposition being desirous of having the Bill passed. They would like it in a different form, perhaps. Of course we can only speak of and only deal with the Chamber in which we are sitting. I notice, too, there is an innovation in the Bill with regard to the acquirement of land. In the old Bill the powers that were stated there were with regard to irrigable land, and that only. The word "irrigable" has now, however, been left out, and the measure practically gives to the Minister power to compulsorily take land and deal with it on conditions that vary very considerably from the Public Works Act of 1902. I think it will be necessary in Committee for us to see whether the conditions that are in the present Bill do not conflict with the Act. This is, of course, a legal question, and possibly the Attorney General can tell us as to whether we should be justified in placing in an Act of this measure additional powers with regard to the land dealt with in a Bill of this

sort, and whether it would not be better, and more proper, to have a separate Bill, and let the whole principle of compensation in connection with resumption be fully discussed. I do not know that it is necessary for me to say any more. My friends down at Harvey are looking forward with very great interest to the construction of the works. This matter has taken some years to become advanced. The people of Harvey are satisfied that irrigation is what they need in order to obtain the best results with closer settlement, and they have waited a considerable time for the necessary facilities to be afforded them. They have been disappointed year after year.

Mr. Underwood: By the Legislative Council.

Mr. GEORGE: I wish the hon. member would go away somewhere by himself. We hope at any rate that this time the Bill may go through and the scheme may be finished. If it cannot be finished, and if anything should happen to the scheme it is to be hoped that the Government will enable these people to carry on the scheme by themselves. They are quite prepared down there, though they cannot find the money themselves, to undertake the whole responsibility of the scheme, and to take into their own hands the management of the work, if the Government cannot do so. I am very pleased indeed to see the Bill again before us, but I am somewhat pained by the idea entertained by certain members of this House that it is a foregone conclusion that anything the Opposition may say in connection with this matter is said with the idea of making this a matter of party quarrel.

Mr. Underwood: Ah.

Mr. GEORGE: The hon. member does not know what a quarrel means. It is painful that there should be any expression, either by interjection or otherwise, in this House, that a matter which affects the welfare of any particular body of this State should be dragged down to the depths of party politics. There is no party quarrel in connection with this measure, and there should be none; and why hon. members should be so anxious to put that aspect upon the discussion I

do not know. This is a matter which affects the livelihood of numbers of people, a matter which affects both sides of political opinion; and it is too important to be dragged into the turmoil of party politics.

Mr. McLeod: Tell that to your friends in another place.

Mr. GEORGE: My friends in another place have not made a party question of this. If they did so, or if the members on this side of the Assembly made a party quarrel of it, then I should have done with party rightaway from this out.

Mr. Bolton: Will you give the Bill a chance before the end of the session?

Mr. GEORGE: If it can be proved to me that any of the men with whom I am associated are making a matter of the people's livelihood a tossball for party politics—well, I am not allowed by the rules of the House to use the language which I should like to use, but hon. members can appreciate my feelings.

Mr. Bolton: That is a fair statement.

Mr. GEORGE: In the Committee stage I shall do my best to express my views on various clauses and to obtain acceptance of those views at the hands of hon. members.

Mr. TURVEY (Swan) [5.32]: I am indeed pleased that the Minister for Works has again brought this measure before the House, a measure which is fraught with the greatest importance to the people of Western Australia. I must give expression to my astonishment at the remarks which have fallen from the hon. member who has just resumed his seat. I must confess that I am astonished at the remarks passed by that hon. member to the effect that there has been no display of party spirit in connection with this measure. I would like to recall to that hon. member the words of one hon. gentleman in another place when this Bill was before that Chamber. When the Rights in Water and Irrigation Bill was before another place, Sir Winthrop Hackett stated, on the Bill being referred to a select committee, that he felt inclined to ask, when the Bill came down from upstairs who was going to attend to its funeral? And, in fact, another hon.

member of that Chamber said that he would support the motion for referring the Bill to a select committee, in the hope that by so doing he would defeat the measure.

Hon. J. Mitchell: Who said that?

Mr. TURVEY: The Hon. A. Sanderson. His remarks to that effect are recorded in *Hansard*. Sir Winthrop Hackett pleaded with his fellow members in another place to discard their bitter party spleen, and to record their votes in the interests of the State. He appealed to them to view the measure altogether apart from the party standpoint. Yet we hear hon. members opposite declare that no party feeling was exhibited in connection with this Bill. I may also refresh the memory of the member for Murray-Wellington (Mr. George) as regards the two previous irrigation Bills which were before this Chamber. The first, the original, measure was returned to this Chamber from another place with amendments; and exception was taken by Mr. Speaker on the ground that it was a money Bill. I remember perfectly well the Premier rising in his place in this House to state that on this particular occasion he was prepared to waive the privileges of the House, because he recognised the importance of the Bill to the State. But the hon. gentleman went on to say that while he was prepared to adopt such a course on that occasion, he would sound a note of warning that, so far as he as leader of the House was concerned, he would in future protect the privileges of the Legislative Assembly.

Mr. George: Was there any necessity for that?

Mr. TURVEY: Mr. Speaker also allowed the matter to pass so far as that Bill was concerned. However, in spite of those notes of warning both from Mr. Speaker and from the leader of the House, the second Bill, in the following session, was similarly returned to this Chamber. Mr. Speaker had, from his place in the Chair, to declare that this was a money Bill, and that the amendments should be disallowed. This occurred notwithstanding the warnings from the Premier and the Speaker during the previous session.

Mr. George: That is correct.

Mr. TURVEY: I hope there will be no necessity for similar action in connection with this Bill. I believe that hon. members opposite recognise—they must do so—the value of the measure to the people of Western Australia. Believing so, I trust in them not only to support the measure in this Chamber, but to use their influence—and I believe it will be required—

Mr. B. J. Stubbs: In caucus.

Mr. TURVEY: Yes, in caucus; to convince their colleagues in another place that in the interests of the State it is necessary to throw aside party feeling and party spleen and put this measure through. I have heard the member for Northam (Hon. J. Mitchell) and other members of his party declare from the public platform what a crying shame it was that a State like Western Australia should be sending something like £1,500 a day beyond its borders for dairy products—

Hon. J. Mitchell: It is more than that now.

Mr. TURVEY: Yes, I believe it is more than that now; for dairy products which might well be produced in this State. I, too, hold that opinion; but I believe that if we are to develop the dairying industry of Western Australia, hand in hand with it must go extensive irrigation works; and it is absolute hypocrisy, cant, and humbug for any man to talk either in the House or on the public platform about stopping the sending of this £1,500 per day out of the State, unless he is prepared to support measures of this kind when placed before Parliament by a Labour Ministry.

Mr. George: And yet we cannot get milk brought from Arundale and Beenup in time to be supplied to the people of Perth.

Mr. TURVEY: That is apart altogether from this particular measure.

Mr. George: It is part of the dairying business, though.

Mr. TURVEY: The present Government, I may point out to the hon. member, have gone a little further than that, so far as the metropolitan area is concerned. It was left to the Labour Gov-

ernment to give to the residents of the metropolitan area what they never had before, a guaranteed pure milk supply—

Hon. J. Mitchell: It is not pure.

Mr. TURVEY: A milk supply which, according to the reports of the medical authorities and especially of the physicians of the Children's Hospital, has saved many hundreds of lives to this State. That is what the Labour Government have done in regard to milk supply. However, this is merely an aside matter. I want to confine my attention to this particular measure, and I do not want to be drawn off the track. The leader of the Opposition referred to the Victorian irrigation expert, Mr. Elwood Mead, and said that if that gentleman could not be induced to come to Western Australia, then it was up to the Government to send their experts from this State to interview Mr. Elwood Mead. In other words, if Mahomet could not come to the mountain, the mountain must be brought to him. However, I have sufficient faith in the experts of this State to believe that they are conversant enough with irrigation methods to be able to go right ahead with the particular scheme now in view. I believe that we have in our Agricultural Department irrigation experts equally competent with Mr. Elwood Mead. That is thanks to the member for Northam (Hon. J. Mitchell). I have said before in this House that the appointment of the particular officers I refer to is the one good thing he did.

Hon. J. Mitchell: I am very much obliged to you.

Mr. TURVEY: It is the one and only thing on which I can congratulate the hon. gentleman. Thanks to him, Western Australia has irrigation officers just as competent as Mr. Elwood Mead, of Victoria. We have Mr. Moody, the Fruit Industries Commissioner, a man who has already done good work in connection with extensive irrigation schemes in Victoria and, I believe, in other States. Further, there are in the Agricultural Department other able officers experienced in irrigation work. No doubt, Mr. Elwood Mead has gained a wider experience by reason of his travels in the American States. However,

apart from our departmental officers, we have in this State men just as competent as Mr. Elwood Mead—men who are at present on the land and are putting their knowledge of irrigation into practice. I know of men now settled on the lands of this State, who have had probably just as extensive experience in connection with irrigation works as Mr. Elwood Mead has had. I mention this because I do not think it is essential to obtain the advice of Mr. Elwood Mead in order that we may start our irrigation works. Now, the leader of the Opposition and his colleagues claim credit on the ground that they started the irrigation works at Harvey. They had the matter, like many others, in the pigeon-holes: it never got beyond pigeon-holes and promises. Beyond that, they had done nothing. It was left to this Government to go on with the scheme. Then, when the Labour Government proceeded to put through a Bill for the construction of drainage works, they met with some opposition from hon. members on the other side of this Chamber, and met with a considerable amount of opposition from those hon. members' colleagues in another place. The importance of this measure to Western Australia was perfectly well known to all those hon. gentlemen. In the South-West of this State we have as vast an area of first-class land as is to be found in any of the Eastern States, in fact, vaster; and so far as the productivity and fertility of our South-Western lands are concerned, I believe that our South-West excels the lands of Victoria and New South Wales and any other Eastern State. Though a Victorian by birth, I have no time for the critic in this State who compares Western Australia, from an agricultural point of view, disadvantageously with Victoria or any other Eastern State. I have always said, and I repeat it from my place in this House, that when Western Australia has undergone the same process of development as the Eastern States, she will beat all of them hollow.

Mr. George: Hear, hear!

Mr. TURVEY: That is my candid opinion of this State, and I have an intimate acquaintance with the lands of the South-

West. I recognise the importance of irrigation works throughout the South-Western area. Other countries have led the way as regards irrigation—countries which, as I have indicated, have had many years' start of Western Australia. But the time is ripe now for our State to launch out on irrigation works, particularly in order that we may successfully establish the dairying industry which is required here. The leader of the Opposition and the member for Murray-Wellington are of opinion that irrigation works in this State should be confined to certain districts. I would point out, however, that it is a difficult matter to confine these works in that manner, because it is a matter of extreme difficulty to tell where a particular stream or brook begins. Therefore, if we are going to establish the riparian rights of the Crown and also its right to the control of the beds of rivers, streams, and brooks, we shall be landing the Government in trouble if we set out to define or declare certain districts in that connection. Further, I believe that in the interests of the land holders of this State it is necessary that the Government should decide exactly what is the status of the owner in regard to his right to natural waters and the beds of rivers, streams, and brooks upon his land. Scarcely a month passes but there is some litigation proceeding in connection with riparian rights. I know that in a certain portion of my electorate, near Armadale, almost every year or every half-year, there are disputes, leading to litigation, in connection with riparian rights on the Narrogin Brook; and probably one year a verdict will be given defining the rights of one particular owner, and within twelve months another judge deciding a similar case will give an almost opposite decision. It is time the Government stopped this once and for all. To-day the owners have no legal right; in my opinion they do not know where they are in connection with riparian rights, and I believe they would feel pleased if it could be settled in this particular measure.

Hon. J. Mitchell: It is not in the Bill.

Mr. TURVEY: Then we can make provision for it.

Hon. J. Mitchell: This is not the place for it.

Mr. TURVEY: This is the place, where we are proposing to give the Government control of the natural waters of the State. So far as irrigation is concerned, I do not think it is the intention of the Government, at any rate for a considerable time, to do any more than to carry out schemes in the Harvey and surrounding districts, but the time may come when it may be necessary to extend the schemes even into the sub-metropolitan area. Situated as we are, surrounded by the Darling Ranges, there is ample opportunity for irrigating the many low-lying lands in the sub-metropolitan area, and I believe if an extensive system of irrigation were carried out from the foot of the Darling Ranges, we could go in for intense cultivation and supply not only the metropolitan area, but the whole of the State with vegetable and food products. A great deal of misrepresentation was indulged in throughout the country when this Bill was before the House on two previous occasions. I remember throughout my electorate, and for what reason it is hard to tell, I found that rumours were current—and I was told in one or two cases that the member for Northam was responsible for their circulation—that the Government intended to take 33 feet on each side of the banks.

Hon. J. Mitchell: I said nothing of the sort.

Mr. TURVEY: I accept the hon. member's denial. However, the rumour was current that it was necessary to take 33 feet of land on each side of the bank. So far as irrigation is concerned, it is necessary that the Government should have control of the beds as well as of the natural waters, but I think it would be a difficult task for the Government to establish irrigation works if they had control of the natural water running over the bed and not the bed. There is necessity for careful consideration being given in Committee to the definition of bed of river, but to say that this Government ever intended to take 33 feet on each side of the bank of a river or each side of a bed, is utterly ridiculous. I want to point

out that the experience of irrigationists, particularly in Victoria, has recently led them to accept what departmental experts of that State have advised right through, and that is that they should cut up the irrigable land into very small holdings. At first the farmers who took up this land thought that their holdings were too small, but within a very few years they applied to be released of one half of those holdings. For instance, if a farmer had 50 acres, he asked that it should be reduced to 25 acres, so that he might devote his energies to intense cultivation. It was also said by the leader of the Opposition that the Government and their supporters were not prepared to accept the amendments suggested by another place, in order to make the Bill a reasonable one. So far as this particular Bill is concerned there is very little difference between it and the one which was before this Chamber last with the amendments made by the Upper House and accepted by the Government.

Hon. J. Mitchell: You are wrong.

Mr. TURVEY: Some 26 amendments were sent down from the Legislative Council and the Government accepted about 20 of them; yet we are told by some members opposite that the Government would not listen to reason. If that is not listening to reason, I do not know what is. Of the remaining six, there were about four points concerned. The principal one was the control of the bed of the river. Is it to be expected that the Government would give way on a vital principle of the Bill? The Bill contains certain vital principles in regard to which the Minister for Works stood firm, and I congratulate him on so doing. I hope on this occasion, if it comes to a conference again on those same principles, he will refuse to meet the other place. In my opinion the Government went too far last time in accepting 20 out of the 26 amendments which were made by the Legislative Council. We find that hon. members in another place were somewhat alarmed because they believed the measure was going to aim at vested interests represented by some hon. gentlemen in that Chamber, and I think it can

be proved that was the reason why one of those gentlemen, who was on the select committee, was such an advocate of the two-thirds system referred to by the leader of the Opposition.

Mr. Elliott: That is not so.

Mr. TURVEY: The hon. member can set me right then when he speaks. That is my candid opinion, and if it came to a majority of two-thirds of the land holders of the district, it would be found that the land was in the hands of a few who could outvote the others. I again appeal to hon. members opposite to convince their colleagues in another place to drop party matters altogether in connection with the Bill and to support it in the interests of the whole State. We have exactly the same kind of thing happening in connection with the Mundaring supplementary catchment area, and in connection with the Canning catchment area. So far as the former is concerned, I believe that in the time of the previous Government it was found necessary to resume certain properties there in order that the water might not be polluted. The policy of the Government was to gradually buy out those residents on the catchment area, and I pointed out on previous occasions what a foolish act the Government were doing in buying out some of the landholders and allowing them to use the money to buy out poorer men on the area and sit down tightly and wait for the Government to buy them out again. I believe the same thing is happening on the Canning catchment area to-day. Big areas are held in idleness and I think the leader of the Opposition holds a large parcel of land in that district, and I believe he is one of the gentlemen who is sitting down tightly waiting for the Government to buy him out. It is necessary that the Government should purchase land in either the supplementary catchment area at Mundaring, or in the Canning district. Sooner or later the Government must decide as to whether the metropolitan water supply is to be drawn from a reservoir at Canning or from the Mundaring supplementary catchment area. I trust the Government will decide this question as early as possible, not

only in the interests of the people of the metropolitan area, and of the State, but also in the interests of those residing on those areas. To-day we have two very big areas of land within close proximity to the metropolis, locked up waiting for the decision of the Government as to where the source of the metropolitan supply is to be drawn from. If I can read the writing on the wall correctly, I believe it will be found that the Government will obtain the supply from Canning. If that is the case, I trust that the Government will take the earliest opportunity of making an announcement so that then they can throw open what is known as the supplementary catchment area of some thousands of acres lying between Mundaring and the City. I think it is a pity that both these huge areas should be held in idleness at the present time, when we know there are people anxious to produce from the soil of those areas rich vegetable and fruit products. I do not desire to discuss this matter any further. I hardly think it is necessary to do so at the present time, because, I spoke at considerable length on the Bill on a previous occasion. I congratulate the Minister for Works on his indomitable stand, remembering as I do that he has been knocked out time after time. He knows that the matter is one that concerns the people as a whole and he deserves to be congratulated on the stand he is taking. I appeal to hon. members opposite to use their best efforts, as Sir Winthrop Hackett did in another place, to appeal to their colleagues in the Legislative Council to drop party spleen and support this measure, which is of such great importance to Western Australia.

[The Speaker resumed the Chair.]

Hon. J. MITCHELL (Northam) [5.57]: One listens more in sorrow than in anger to speeches such as we have just heard from the hon. member for Swan. What right has he to say that there has been party spleen shown by members of another place? Party spleen has not been shown in this matter. The desire of members in this House and in

another place is to have this made a workable, reasonable, fair and equitable measure, a measure likely to produce results which this House and every member desires to see brought about. We want irrigation, but are speeches like that delivered by the hon. member likely to help the Minister for Works? Everyone knows that that Minister is obstinate enough already, and that when he gets an idea into his head it is difficult to shift it. Can the Minister say that we in this House have not helped to make this measure that which we think it ought to be?

The Minister for Works: I say distinctly that in another place they have not made that effort.

Hon. J. MITCHELL: The Minister says it distinctly, but it is a mere assertion.

The Minister for Works: It is a fact.

Hon. J. MITCHELL: The Minister has admitted that an effort was made by another place because we have been told that he embodied in the Bill 20 of the 26 amendments made by the Legislative Council last year.

The Minister for Works: In a spirit of compromise.

Hon. J. MITCHELL: There is not one atom of compromise in the Minister's composition. The Minister has seen that some of the suggestions were good and that the Bill is very much improved by certain of the amendments made, particularly those in Clause 60, dealing with resumptions. We are desirous of having a Bill that will meet the case. The Minister may rest assured that if he will be reasonable with us, and treat our amendments with the courtesy they deserve, we will help him to the fullest of our opportunity. The member for Swan referred to the necessity for the State to produce for itself a plentiful supply of butter, milk, and other things that come best under irrigation. There can be no gainsaying the fact that we send £400,000 out of the State each year for butter and milk, while £2,000 per day is sent away for dairy produce of one or another sort. This is not wise. We bought nearly all our flour from South Australia for years,

but to-day, happily, we are exporting wheat in large quantities. Again, all our fruit was furnished from the Eastern States for many years, whereas to-day we are producing our own. All this is the result of the work of Liberal Governments that have gone before. We do not expect hon. members opposite to agree with that, but at any rate it is the fact. We have given ample evidence of our interest in the State, and our determination to help in every way to make Western Australia a great agricultural country. Hon. members opposite should at least give us credit for absolute honesty of purpose, and for having some faith in the country and its possibilities.

Mr. Bolton: You have no faith in the Bill.

Hon. J. MITCHELL: I say unhesitatingly that the Bill, as it stands, needs amendments. I welcomed the Bill as it was brought down before, and I endeavoured—no member did more than I—to have the Bill made what I thought it ought to be.

Mr. Munsie: So that it would be useless.

Hon. J. MITCHELL: That is an unfair statement. Had the Bill as amended been agreed to, we would have had a good working measure. Hon. members opposite know very little of this subject. They have had it in their heads that it is only necessary to get irrigation and it will spread all over the country in a few months. The Minister by this time knows that the first thing in connection with irrigation is the cost. The State of Victoria has written off a very large sum, some two or three millions of money, of the cost of her irrigation schemes. She has expensive schemes to-day, and the expenditure is about £20 per acre of the land irrigated. Irrigation is a very expensive work. In New South Wales vast sums have been spent. Of course, when we turn to thickly populated places like India and Java, we find irrigation there because without it the people would starve. The Minister will find that irrigation is not quite as popular as he imagines, and if he lands the country into

enormous expenditure he will have a difficulty in getting settlers to take up small holdings. The great bulk of the people of Australia are averse to small holdings. Under irrigation they cannot have very extensive areas. Victoria has found great difficulty in securing settlers for her irrigable lands. Mr. Oldham Mead went the world over in search of settlers to take up irrigation in Victoria. Having got the works and the settlers, it becomes necessary to find the markets, because for the most part those working in irrigation districts are producing soft stuff. We have an unlimited market for fruit and butter. Mr. Barrett-Lennard has proved that. The Minister will have room for a few schemes, but there is no occasion to attempt to transform the whole country into irrigation districts. It was to safeguard the country against enormous expenditure that we proposed that only streams suitable for irrigation should be taken for irrigation purposes. We asked that irrigation districts be declared by expert officers. Was that an unreasonable request? Irrigation is being carried on in Western Australia to-day. There are two or three hundred people working it. Years ago we appointed an irrigation expert. Mr. Scott, a very capable officer. He set to work encouraging people to undertake irrigation, pumping their own water. These schemes are cheaply managed and are doing a very great deal of work to-day. Some years ago Mr. Oldham Mead told me that the idea was a very good one for a country like this, and that by following it up we would be training young people in irrigation work, and so the schemes would gradually expand. Our country is suitable for irrigation, and I believe in irrigation. It is not likely that we would impede the passing of a reasonable measure. When the Minister had the Bill here previously he did not handle it very well; indeed he handled it very badly. He may have been sincere in the desire to get the Bill through, or he may not. A Bill like this can only be got through in a spirit of compromise. The Minister has always resisted any suggestion from this

side, with the one exception, namely in connection with the swamps and lagoons. In his speeches round the country, too, the Minister has not been very tactful, if he desires to have irrigation an established fact. He went to Bunbury and had a heart-to-heart talk with the people there. On that occasion he made statements scarcely calculated to assist the work he has in hand. He went to Harvey at the recent election and led the Harvey people to believe that he would take their vote at the election as an indication of what they wanted in regard to irrigation. I saw the report of his speech in the Bunbury paper.

The Minister for Works: I said nothing of the sort.

Hon. J. MITCHELL: I will take the Minister's denial.

The Minister for Works: Like so many other reports, it was in accordance with the policy of the newspaper.

Mr. Bolton: Like the interview from Melbourne to-day.

Hon. J. MITCHELL: At all events, the Minister did not treat the Harvey people very fairly. The Minister himself recognises that he is dealing with an important question that must necessarily affect a good many people. Whether it be the man working on the land, or the man who owns the land, all should be treated with consideration. Every class in the community is entitled to fair consideration. Is it a small thing that a man's holding should be attacked under a Bill like this? It is no wonder that the people ask how far the Minister is to be allowed to deal with their land? It is not likely that they would be so indifferent to their holdings as to allow the Minister to deal with them in a manner that would seriously affect the holders. We have never claimed that the man on the land is the only one to be considered; we merely ask that the treatment meted out to him shall be reasonable and fair. But the Minister has sought to make the people of the country believe that we have no consideration for the people generally, that our sole concern is for the man who owns land capable of being

irrigated. In his earlier Bill the Minister, supported by every member opposite, took power to resume land just when he pleased. The land might be resumed bit by bit.

Mr. Dwyer: He can do so now.

Hon. J. MITCHELL: Ten acres now and ten acres again, until the Minister had the lot. And the payment was to be calculated on the value of the land at the time of the establishment of irrigation. That has been altered; because it was pointed out to him that it was unfair the Minister has made an alteration which is a considerable improvement. Was it a small thing that we demanded fair treatment in connection with land resumptions? On the contrary, it was an important principle worth fighting for. The Bill has been taken partly from the Queensland Act, partly from the New South Wales Act, and partly from the Act of Victoria, while a great deal of it has originated with the Minister himself. Can we expect that a measure culled from so many quarters would be as likely to receive approbation as another that had been put into operation, and which we had some experience of? We know, and we are inclined to resent it, that the Minister is always reaching out for more power. We are not quite satisfied, or at least I am not, that the Minister exercises his power wisely. We had an experience of the Minister's management of his department in connection with the land tax imposed upon farmers affected by the goldfields water scheme. That power was given to the Minister, but it was understood that it would be used for only a year, when a new Bill would be brought in and the matter dealt with again. But we find to-day the Act is still in force, and those high rates are still being collected.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. MITCHELL: Before tea I was pointing out to the Minister some weaknesses of the present proposals. I object to the passing of all streams to the control of the Crown. If it were necessary for these irrigation schemes I should

agree, but I know, and every hon. member knows, that it is not necessary for the Minister to control all streams. We believe that it is necessary for the Government to control only the streams which are suitable and which are required for irrigation purposes, and not other streams. In the district I represent there are many streams, some of them salt water streams useless for irrigation, and it is not necessary for the Government to acquire them. Why should such streams pass to the Crown? The people who have bought the land have paid for the streams. The Minister, however, wants to get his hand upon them all. In the South-West, quite outside of any possible irrigation district, there are many small streams which are useful to the people and are used in some cases to irrigate small areas. Will this House say to the Minister—"All these streams shall pass to you. If people want to use them, it will be with your consent"? Is this reasonable? Would it be likely to encourage the use of the land abutting on these streams? To-day there are several people in some cases irrigating along the banks of one small stream. We have been told by the hon. member for Swan (Mr. Turvey) that confusion arises as to the fair share of water each land holder should have. But the Attorney General can tell us that, according to the law, a man must assert his undoubted rights to share in the water. When it comes to settling disputes in hundreds and thousands of other matters, we allow the law to decide, and we have to allow the law to decide as to the use of the water from these small streams, which, by no stretch of imagination, can be considered suitable for irrigation. If the Minister is to decide, and if all power in this connection is to rest with the Minister, his hands will be full. We ought to provide that in the case of owners of land being dissatisfied with the Minister, there shall be a right of appeal to some court in which they can enforce their undoubted rights to the use of the water on the land which they own, and have paid for. The Attorney General should advise the Minister for Works

that the law as it stands is sufficient. No matter what he does, the law will still be available and the courts of justice will be available to any man who considers himself injured. Let these people settle their own disputes as they have always done. If the law is faulty, this will have to be proved, but to say that the Minister is to control all these waters and to have the right to give permission or otherwise for the people irrigating to continue to use the water or set up their irrigation schemes, is going too far. I am not prepared to entrust the Minister with this work. The Minister is not wise enough to decide a great many of the small questions. When people take up holdings and acquire property, they accept the protection of the law, and they should look to the law for protection in this case. Last year a special case at Collie was mentioned. It was stated that one gentleman was irrigating from a stream and was using all the water, to the detriment of his neighbours. On inquiry I found that this was not so. There are millions of gallons of water running to waste which ought to be used, and the gentleman in question is using the water. The trouble will be to get the people to use water which is available, and nothing should be done to discourage them. I object, too, to leasehold, and there are many reasons for my objection. When it comes to a question of the improvements by the lessee under the leasehold system there is no provision in the measure to pay him for the work if he is dissatisfied with the rent fixed from time to time. The Minister said that the rent will not be fixed year by year, but at certain stages. Probably a moderate rent would be fixed now, and in ten years' time, if irrigation proved successful, it would be increased. If it is increased and the occupier is not inclined to pay it, there should be provision to protect him in respect of the improvements of a permanent and valuable character effected by him. In this connection the workers' homes scheme was used as an illustration. In regard to leasehold generally, it too often happens that the lessee has the decreasing value of the improvements

and the Crown has the increasing value of the land. The illustration of the workers' homes is a particularly happy one. A worker takes from the Government a block of land worth £30; the Government erect a house worth £500, and in 10 or 20 years' time the house is worth, say £350, and the land £130. The householder has lost on the value of his house, and the Government have made on the value of the land.

Mr. Underwood: Has not he been living in it?

Hon. J. MITCHELL: Has not he been paying for living in it all the time, paying interest on the money, and rent all the time? Of course he has.

Mr. Underwood: Of course he has not.

Hon. J. MITCHELL: If the hon. member can demonstrate how a man can borrow £550 and can escape from paying the interest to the Government, he will be doing a magnificent service to the great many people who have availed themselves of the scheme. Of course the occupier is paying interest. In the case of workers' homes the depreciation of the house is the worker's trouble, and the increase in the value of the land goes to the Crown. So it will be if we adopt the leasehold system in connection with irrigation schemes. No single individual is likely to acquire a very large area of land for irrigation purposes, and it is advisable that the Minister should take steps to prevent in irrigation districts an aggregation of estates. This can be prevented under freehold tenure. The Minister can add a clause to read in this way, "No more than so many acres in any irrigation district being irrigable land sold by the Crown, after an irrigation district has been proclaimed, shall be held by any one person." This will prevent for all time an aggregation of estates inside an irrigation area.

Mr. Underwood: Supposing they held it previously?

Hon. J. MITCHELL: The Minister desires that when an irrigation district is established and the water is laid on, irrigation will be practised. Everyone knows that irrigation is not likely to be

practised in this State over any large area except for fruit growing. It would be wrong to apply this provision to land already acquired by the present holders, but it would be fair to apply it to land resumed by the Minister and sold under the freehold system in future. I also object to the provision in regard to regulations. I do not know whether previous speakers have mentioned it, but under this Bill the Minister proposes that both Houses must reject the regulations. It takes both Houses to make a law, and this Bill must be passed by both Houses before it becomes an Act, but if any extension of the powers conferred on the Minister by this measure are to be made, they must be rejected by both Houses. I maintain that if the regulations are rejected by one House, they should cease to have effect. This is the usual practice, and why should we depart from it in this case? There is no need for me to labour the question of the regulations any further at this stage. We will deal with it in Committee. I would like to point out to the Minister that last year I moved a clause in regard to swamps. The Minister accepted the clause, and I believe it was rejected because of some amendments otherwise made in the Bill in another place. I do not know why another place rejected the clause, but it will be wise to make the provision in this measure. I ask the Minister to give me an opportunity to move a new clause before the Committee stage is finally dealt with. It is necessary that there should be no confusion in regard to this matter. Last year the Minister agreed with me. It is not the Minister's fault that the clause was rejected by another place. I do not wish to blame him for it, notwithstanding that he blames us for anything done against him when his Bills reach another place. An appeal was made to us by the Minister to pass this Bill in order that there may be a pure milk supply. I entirely agree that this Bill is needed, in order that there might be an adequate milk supply. Whether it will be pure or not remains to be seen. The Government should not claim that

the milk at their dairy, which they affirm has saved the lives of many people, is free from disease. It does not follow that because cows are owned by the Government, they are free from disease. Recently it was mentioned, in connection with the Brunswick irrigation scheme, that the dairy herd is in a very unsatisfactory condition. Cleanliness is apparently not a strong feature in the management of the Brunswick State farm at the present time. If the milk supply is increased as a result of the passing of this measure, much good will be done. The Minister appealed to us to endeavour to influence our friends in another place to accept this measure. It is for the Minister to conciliate, if conciliation is needed, for the Minister to be moderate, and to compromise where compromise seems wise.

The Minister for Works: How can you call it a compromise when I have given everything and got nothing?

Hon. J. MITCHELL: That is not a compromise. I think I have said before that the Minister does not understand the meaning of the word.

The Minister for Works: I gave away two-thirds.

Hon. J. MITCHELL: The Minister gives away precious little. He gave away 26 unimportant amendments. He gave away in hundreds of small ways that would have not affected the Bill at all.

The Minister for Works: I gave away in many important matters, and on the question of the banks, which is included in every other Act of Australia.

Hon. J. MITCHELL: The Minister is not right.

The Minister for Works: It is right.

Hon. J. MITCHELL: The Minister has given away on a number of small matters, and on one matter which is important, namely, on the question of the resumption of land and the price to be paid for it. The Minister gave away where it suited him.

The Minister for Works: I gave away two-thirds, not where it suited me, but out of a desire to get the Bill through.

Hon. J. MITCHELL: He gave away in small matters, and stuck out in im-

portant matters. That is not a compromise.

Mr. Underwood: What do you want him to give away?

Hon. J. MITCHELL: I want him to meet the suggestions put forward by members sitting here on this side of the House, and if necessary I want him to meet hon. members of another Chamber. I want this House, if necessary, in order that we may have a Bill, to give way if we are asked to by our friends elsewhere. I am only suggesting to the Minister, in reply to his request, that he should conciliate himself and endeavour to get some form of Bill through. It is not necessary with new legislation to insist upon having a complete Act, which will do for all time at the first time of asking. It is better that legislation should be built up stage by stage in progressive fashion, and alterations made after experience which is always useful. There is no legislation on the statute-book which has not from time to time been revised and altered to meet a different set of conditions. I think it would be wise if this House were moderate in its demands, and would put forward a Bill which can be accepted. I shall oppose to the best of my ability some of the provisions of the Act tonight. No doubt the Minister has put into this Bill what he believes in but he asks us to agree to everything he believes in, and not to object when the Government suggest something we do not like.

Mr. Dwyer: There is nothing there you cannot find elsewhere in the Acts of the Eastern States. I challenge the hon. member to point to a single provision that is not contained in one of these other Acts.

Hon. J. MITCHELL: I challenge the hon. member to read the Bill and compare it with other Bills in the Eastern States.

Mr. Dwyer: That is not a challenge.

Hon. J. MITCHELL: I am not concerned with telling the hon. member what provision I am referring to. He has made an assertion, and let him prove that the Bill is the same as the Bills in other places. If the hon. member had been in his seat he would have heard me explain

that this Bill is taken from three different Acts.

Mr. Dwyer: The hon. member said before that it was taken from the Minister's own ideas.

Hon. J. MITCHELL: Every time the hon. member opens his mouth he shows how little he knows about the subject. What I said was that it was taken from the New South Wales, Victorian, and Queensland Acts, and added to by the Minister.

Mr. Dwyer: The hon. member's ignorance of the subject is equivalent to the length of his speech.

Hon. J. MITCHELL: I am flattered by the opinion of the hon. member. I may inform him that I have the privilege of speaking as long as I please. I am not speaking without knowledge of the subject as he is. I do give a great amount of attention to every matter which is brought down to the House. It is the wish of every hon. member sitting here that the Bill should be brought into law this year. I will just conclude by expressing the hope that the wishes of the Minister may be realised in regard to this measure. There is one thing I forgot to mention. Some hon. member has accused me of stating that a chain or half a chain on either side of a watercourse would be resumed by the Government. I did not say such a thing, though it was said that the Government ought to do this by some hon. member sitting opposite. That is how the idea got abroad.

Mr. DWYER (Perth) [7.50]: I desire to make some small contribution to the debate on the measure in order that I may do something towards assisting in the direction of having the measure placed upon the statute-book of the State. It seems to me rather a pity that this is the third time that the Bill has had to be introduced. The country is crying out for the Bill, and the districts most affected are also crying out. We know that we need it by an inspection of the list of our imports and exports. We know that it will fill, carried into effect, one of the most crying needs of the community, and will minister to one of the most material defects of our lives as settlers. Notwith-

standing this great need, we have the spectacle here of this Bill being introduced on three separate occasions. Why? It seems to me that the only objection that has been made of any force or any strength at all from the point of view of the Opposition is that in regard to the leasehold principle of dealing with land which has been introduced into the Bill. There has been another objection with regard to the question of the control of the water. I think they would have overcome this and other minor objections if they could have made the Bill to suit their own opinion on land tenure. Surely, Mr. Speaker, that is an unjust position to take up. I would ask the members of the Opposition to prevail upon their friends in another place to view the matter in a reasonable light. I have no hesitation in saying that if any member of the Opposition or any member of the Liberal party in another place (and they constitute a big number there) were to purchase land and put up irrigation works, such as the Government propose to do here, you would not find him parting with the fee simple, or allowing anyone to dictate to him what tenure of land holding he should allow to the person to whom he would give parcels of land. He would regard this as an unjust interference with the rights of the subject. But because the Government are taking portions of land, and because they wish to convert them into a business proposition, a proposition for all time, and one for the benefit of future generations, the Opposition think they can dictate to the Government, and say, "You give the land out in this way—the way we want—or you will not carry out your project." The Government are entirely justified in adhering to their rights in the matter, and in saying, whether they own the land or acquire it, that it is their business to say how they will parcel it out, and what tenure they will have; that it is on them that the burden of carrying out the scheme and making it a success lies, and that they are prepared to undertake and shoulder the responsibility of making a business success of the undertaking, and will not allow hon. members of the Opposition or their brothers in another place to dictate as to

the system of tenure or land holding, and that they are going to give land to the people who will take it from them. It seems to me that it would be a wise thing to look up the experiences of other places for what has happened in other places might very well happen here. I would refer the House to the *Year Book* of the Department of Agriculture in Washington for the year 1912, and to an article on irrigation appearing there by Mr. Scofield, agriculturist in charge, Western Irrigation Agricultural Bureau of Plant Industry. This gentleman speaks words there which should commend themselves to members of the Opposition and be taken to heart. He says in the course of his argument—

One of the most serious difficulties encountered in the settlement of our irrigated lands lies in the inflation of land values on new projects. Desert land is usually very cheap. The development of irrigation, of course, gives occasion for a large increase in value. Then, as agricultural and industrial development begins and the demand for land becomes acute the future prospects are immediately capitalised. Not infrequently in the first exuberant optimism, hopes run too high. There is something infectious about rapidly increasing land values, and in the midst of a boom it seems easy to forget that in the final analysis agricultural land is worth no more than it can be made to produce. The larger profits of the first settlers are derived from increased land values rather than from crop production. As a result each newcomer seeks to obtain his share of the unearned increment by investing all his available capital in land instead of looking for industrial opportunities. In fact, a large majority of the first settlers in a new region are more interested in prospective profits to be obtained from increased land values than in all other opportunities combined. Land cannot be expected to be bought and sold indefinitely at a profit to each successive owner. Yet it would appear that each new purchaser has faith that he will be able to sell again before the crisis comes.

That is one extract. Again on page 493 of the same publication the same writer says—

The rapid rise of land values in newly irrigated regions is one of the chief deterrents to permanent settlement. Very often land is held by speculators who do not intend to develop it, and their prices are so high that those who would improve it and bring it into production cannot afford to do so.

Surely these words from an expert should commend themselves to our friends opposite. Can they not see the words of warning there? Can they not see what would happen in this State were we to have absolute free trade in dealing with land values here? If in dealing with our irrigation the freehold were to be given to the applicants, there is no doubt whatsoever, for nothing else could happen, that we should have speculation and an inflation of land values, and capital put into the inflated value of the land rather than into crops that the soil must produce. Capital would thus go in a wrong direction, and the streams of energy which should be directed towards activity on the soil would be directed to speculation in land values. That is not such an end as we would desire to see here. I believe that the American experience will repeat itself here, unless the Bill is carried in its present form. If we desire to avoid the pitfall of the land speculator, there is one way in which we can do so, and that is by retaining in the Crown the control of the valuation of the land, and fixing to the land whatever is an equitable rent to be paid for it by the holder. If we have that, we have the speculator with his nefarious schemes frustrated, and a chance afforded to the honest and industrial settler, and tiller of the soil, and we would also have some check upon the transfer of the holding; whereas, if the other system obtains, we have absolutely no check because the title, of course, is free of impediment. Now, land speculation may commend itself to our friends in opposition. Land speculation will, no doubt, commend itself to those who are commonly called "St. George's-terrace farmers." But land speculation of that kind, speculation in small

areas of intense cultivation, is not speculation that would commend itself to anyone who had the interests of the country or the interests of these irrigation schemes at heart. I told my friend, the member for Northam (Hon. J. Mitchell), that in the Bill now before the House there was embodied no principle which could not be found in the irrigation legislation of the Eastern States. As a matter of fact, the Bill as put before the House, in so far as it deals with the power of the Government over the beds of streams and rivers, is a much milder measure than that obtaining in Victoria, for instance. We find that under Section 5 of the Victorian Act—

Where any river, creek, stream, or watercourse or any lake forms the boundary or part of the boundary of an allotment of land heretofore alienated by the Crown, the bed and banks thereof shall be deemed to have remained the property of the Crown and not to have passed with the land so alienated.

Where any river, creek, stream, or watercourse, or any lake, lagoon, swamp, or marsh shall form the boundary or part of the boundary of an allotment of land hereafter alienated by the Crown, the bed and banks thereof shall, notwithstanding such alienation, remain the property of the Crown and shall not pass with the land so alienated.

Now let us turn to find how the Victorian Act defines "bed" and "banks"—

The terms "bed" and "banks" with reference to any river, creek, stream, or watercourse, lake, lagoon, swamp, or marsh together include the land over which normally flows, or which is normally covered by, the waters thereof; but do not include land from time to time temporarily covered by the flood waters of such river, creek, stream, or watercourse, lake, lagoon, swamp, or marsh, and abutting on or adjacent to such bed or banks. "Bed" means the relatively flat and "banks" the relatively steep portions of the first-mentioned land.

I also desire to point out that the system proposed by this Bill of holding land by leasehold tenure in irrigated areas is not new. I will read an extract from the

Official Year Book of the Commonwealth of Australia for 1913, edited by Mr. Knibbs. At page 250 we find the following on the subject of South Australian irrigation areas:—

Under the Irrigation and Reclaimed Lands Act, 1908, 1909, and 1910, special provisions are made for granting perpetual leases of reclaimed lands. The maximum area of irrigable or reclaimed land one person may hold in any irrigation area is 50 acres. Each block is offered under perpetual lease, at a rent not less than a sum equivalent to 4 per cent. on the unimproved value of the land, plus the cost of reclaiming. For the first year only one-quarter of the fixed rent is payable, for the second year one-half, and for the third year three-quarters.

So that there is nothing new in this Bill as regards the leasehold tenure of the land. We have there the example of South Australian irrigation boards. As a matter of fact, the South Australian Act goes further than we do in this respect, that it gives as an appendix to the Act a form of lease under which the land is held, and in that form of lease one of the conditions of forfeiture is if—

the land shall be transferred, sublet, or mortgaged without the written consent of the Commissioner first had in such cases.

This form of lease contains other provisions which, I think, will commend themselves to the Minister for Works as being worthy of imitation. I further desire to point out, before leaving this subject, that if the Opposition desire this Bill to become part of our Statute law, they ought to take the same broad view of it as the South Australian legislators have taken, that they ought to remember that this principle of leasehold tenure embodied in the South Australian Act—which principle it is, of course, unnecessary for me to defend at the present time—is introduced for the purposes of the Act, and not for any other purpose. The operation of that principle is confined to this Act, and they should consider it as such, and view it in the light of the South Australian experience. They should give the Bill a speedy

passage through this House, and urge their friends in another place to give it an equally speedy passage there. In the *Commonwealth Year Book for 1913* I find at page 248 the following reference to the irrigation works of Victoria:—

At Shepparton, one of the oldest of these settlements, there are now 100 families living where there were originally six. In Koyunga there are now 46 families with good houses, many young orchards, fine crops of lucerne and vegetables, where in November, 1910, there was not a house, a family, or an acre of cultivated land. Under three years ago there were 27 houses in the Rochester district, now there are over 230. In Tongala there are now 180 houses where two years ago there were 30.

Surely, with these prospects before the State, the members of the Opposition should endeavour to pass this Bill. After all, there is nothing to prevent us from doing here what has been done in Victoria. If the Victorian irrigation schemes have been successful, ours have just as good prospects of success. We may be saved from the danger of land speculation, which has been an injury to Victoria in many instances. We have good land; we have better markets at our doors; and if we repeat the experience which this *Year Book* discloses as having been achieved by Victoria, the present irrigation scheme will, in my opinion, be one of the grandest works to which the present Administration may point. As I have said, I trust the Bill will be given a speedy passage through this House, and that members in another place will at last come to their senses, and, instead of being hide-bound in their prejudices against any particular system of land tenure, will allow considerations of the general good of the community to overcome those prejudices, or to penetrate the hide which binds them, and will allow the Minister for Works for the time being, as proprietor of the land, to have the right to say how he will let the land, just as those hon. members have the right to say how they will let their own private

lands and what tenure they will demand. I hope they will see to it that the interests of Western Australia are conserved, and not the petty interests of a particular fad they may have that there should be no land alienated from the Government unless it is given under the fee simple condition. Those hon. members should be prepared to recognise that the interests of the country are superior and prior to those of party considerations, which up to the present time seem to have ruled those members in considering this Bill.

Mr. A. N. PIESSE (Toodyay) [8.11]: I am sorry that I have once again to disagree with the Minister for Works in regard to this Bill, which contains the same old clause, the clause that has been so much emphasised by the member for Perth (Mr. Dwyer). We on this side of the House are thankful to that hon. member for his kindly advice as to the manner in which we should use our influence with members of another Chamber. He went so far as to say that it was the business almost solely of members on this side of the House to speculate in land.

Mr. Underwood: You are land jobbers, pure and simple; that is what you are.

Mr. A. N. PIESSE: I do not know that the hon. member is so entirely free from land-jobbing business. I have heard him say in this House that he is a landholder; and it was not without a speculative turn, I should say, that that gentleman was prompted to invest a little in land. As for members on the Opposition side being land speculators, I have a strong suspicion that even under the leasehold system there are more speculators on the Government side of the House than there are on this side. I have information that a certain hon. member has a keen, strong appetite for leasehold town blocks in all new townships. Therefore, the holy horror of speculation cannot very well be attributed to the other side. On the important question of leasehold versus freehold, I am sorry indeed that the Minister has not made it optional under this Bill for the holders of irrigation blocks to have them either freehold or leasehold. It strongly appeals to the man settled on

the land, when he knows that his holding is freehold. I venture to say that the member for Perth is not conversant with the conditions of land settlement, or with the spirit which prompts men to develop the agricultural areas of this country. However, I do not propose to labour the question further than to express the sincere hope that if the Minister should find, when the Bill comes before another place, that the same objections are raised—and I feel sure they will be, and justifiably so—he will display a little more reasonableness and accept—

The Minister for Works: I gave them two-thirds of what they asked, last time.

Mr. A. N. PIESSE: Yes, but the Minister took very good care to stick hard and fast to that vital principal of tenure. I do hope that he will allow the settlers of this country to reap the full benefit of their labours, and let them know that when they are developing these lands they are assured of the full benefit of their work. From personal experience I know that it will require more than ordinary effort even to make irrigation pay. The settlers on these irrigation blocks should have the knowledge that their labour, when successful, will result in something of permanent and lasting value to themselves and their heirs—not something subject to revaluation at given periods. With all sincerity I beg the Minister that when the occasion arises—and it will undoubtedly arise, unless members in another place have seen fit to alter their minds and change their judgment—he will deal with the matter in a sober spirit and, in the words of the member for Perth—which apply more to that side of the House than to this—deal with it from a national standpoint rather than from a party standpoint.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Interpretations:

Hon. J. MITCHELL: I notice in connection with the definition of "bed" that

there is included the land over which water normally flows. In Victoria the water alone is controlled, and it is the same in New South Wales. It seems to me that if the banks are excluded it must be unnecessary to include the bed.

THE MINISTER FOR WORKS: I endeavoured on the second reading to explain why in the opinion of the Government and the expert officers the bed should be included as well as the water. There was some difference of opinion as to what was necessary from the bank point of view, and after going into the matter carefully, I differed from the experts who desired to get a portion of the bank, and agreed in a spirit of compromise to confine it to the bed only. It is a common practice in measures of this description for the bed to be included; we are not therefore including anything new, and if we deleted it we would be doing something which was not to be found in any other measure of a similar kind. In most measures there are included both beds and banks.

MR. ELLIOTT: Very often in the rivers in Western Australia there are no defined beds. In some places, especially in the North, we find a channel between two distinct banks, and perhaps ten or fifteen miles down the stream we find that the water is spread out into enormous flats, and the question arises, how are we to define these beds? In some instances, it must be difficult to define what is the bed of the creek.

THE MINISTER FOR WORKS: The definition is such as to overcome the difficulty the hon. member has pointed out. The bed referred to in the Bill is that portion of the stream where the water normally flows, either permanently or intermittently. The word intermittently has been included, because we know that many of our rivers flow for only a part of the year, but it is only that portion which is normal that we take. The definition limits it to that portion of the stream where the stream flows in normal times.

MR. ELLIOTT: The Bill, it must be remembered, will apply to the whole of the State, and we know that in the South-

West a difficulty such as I have pointed out would not arise. That is one of the weaknesses of the Bill.

MR. UNDERWOOD: I disagree from the hon. member in regard to the northern rivers. Almost every river in the North has a well defined bed. I should say that where a river runs out into a flat, that would be the end of the river. If it picks up again, then the river starts again.

MR. ELLIOTT: This Bill will apply to a river like the Yanyare.

MR. UNDERWOOD: The Yanyare would be defined under the Bill. The river runs out into flats, and then it is not a river at all.

MR. ELLIOTT: Lower on it takes up again; it is a continuous river on the charts.

MR. UNDERWOOD: I do not think that whoever is entrusted with the administration of this measure will be likely to act on the charts. After all, the Yanyare is only a creek; when a river runs out into crab-hole flats, it is not a river. The Yanyare really runs into an underground lake and that is the end of it there, and on the other side of the lake it picks up again. In that part of the State the hon. member has in mind, there would be no river or lake to come under the definition, and I am sure the Bill would not apply to it, while the land the hon. member has referred to is unworthy of consideration in a big irrigation scheme. Little bits of creeks in the North called rivers are never likely to be used in connection with irrigation.

MR. ELLIOTT: Why include them in the Bill?

MR. UNDERWOOD: They are not included.

MR. ELLIOTT: The Bill includes the whole State.

MR. UNDERWOOD: These particular places do not come under the Bill, and if they did, it would not matter.

MR. TURVEY: Many disputes which will arise after the Bill is placed on the statute book will centre around this particular definition. In many parts of Western Australia a good deal of the best

land is known as the bed of the river, but this definition sets out that it is to be only a properly defined channel, and I am pleased to know that the Minister and his responsible officers have given such a clear definition regarding the beds. When the Bill was last before the House, I referred to a dispute which centred around an orange grove at the Canning river belonging to Mr. Butcher, and it was conveyed to Mr. Butcher that confiscation of his orchard by the Government would follow, because that orchard formed part of the bed of the river. The definition, however, clearly states that it is to be the bed of the properly defined channel, and not that low-lying area adjacent to the defined bed over which the water would spread either permanently or intermittently. It is made quite clear that the bed of the river means the properly defined channel and not that adjacent to the river.

Mr. GEORGE: If hon. members look at Clause 7, they will find that the difficulty referred to in previous debates is practically overcome. Anxiety was expressed as to whether, in the case of a bed in which, when the water ceased to flow, there was good feed for cattle and sheep, the owner would be allowed to utilise that land. Clause 7 shows that the right to use the bed of the river is reserved to the owner as soon as the water ceases to flow. I think that meets the difficulty.

Mr. A. N. PIESSE: Will the Minister explain the words "normally covered." Do they mean covered by flood water?

The MINISTER FOR WORKS: The normal condition of the stream is the average flow of that stream. The word "normal" conveys the impression that it does not include flood waters, and in the balance of the definition this is made even more clear. All we want is to take that portion of the bed where the stream flows under normal conditions.

Mr. George: And you could carry out necessary works without having to ask permission?

The MINISTER FOR WORKS: That is so.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Natural waters vest in the Crown:

Hon. J. MITCHELL: I have an additional clause to move later on, dealing with swamps and lagoons. Clause 4 gives the Minister the right to use all water in any watercourse, swamp, lagoon, lake or marsh, and gives him the control of that water, just as he controls the water of an ordinary stream. I propose by amendment to give the Minister power over these, but I object to the bed of a swamp passing to the Minister, as it will if the clause is agreed to. I am not satisfied with the clause as it stands, unless we have the exemption I propose to provide later on.

Clause put and passed.

Clause 5—The *alveus* of watercourses and lakes not alienated:

Hon. J. MITCHELL: Here we find that where a watercourse forms the boundary of a block of land, the bed passes to the Crown. It seems to me the Minister has all the power he needs without the clause at all.

The MINISTER FOR WORKS: The Crown Law authorities have been consulted on this matter and they say that, seeing that in the majority of cases where the streams suitable for irrigation are to be found they form the boundaries of subdivisions, we should confine the taking of the beds to those that form the boundaries of subdivisions. The Bill does not apply to the beds of streams within an area owned by one individual. By the clause we make it clear that we want only to take the beds of streams forming the boundaries of subdivisions. Where we have the boundary of a subdivision formed by a creek or river it is impossible for the owners on either side to use the bed, because they would have to fence down the middle of the bed. If a man fences on his own side of the stream he is losing the bed of the stream; consequently where the bed forms the boundary we are not taking anything from the owners, because they cannot use it.

Hon. J. MITCHELL: The Minister's explanation is satisfactory as far as it goes. The bed is to pass to the Crown

where it is not held by one individual. However, I do not know that the Minister's argument justifies the taking of the bed.

Hon. H. B. LEFROY: The Minister's explanation clears up what has been a difficulty in the minds of many who held the impression that where land had been originally sold under a deed giving the owner both sides of the water, the Crown, under the Bill, reserved to itself the right to the bed of the creek. I understand from the Minister that where land has been originally parted with by the Crown under a deed giving the purchaser both sides of the creek, the bed still remains the property of the owner of the land.

The Minister for Works: That is so.

Hon. H. B. LEFROY: In many instances a creek is the boundary between two properties, and there has always been a difficulty as to where that boundary really is. As the Minister says, a further difficulty has been to decide who has the right to the water on either side. I think that in cases where the creek is a boundary, for the Crown to control the right to the water will be rather an advantage to the individual owners.

Mr. A. N. PIESSE: In the case of the dividing boundary being the middle of the river bed, does that bed revert to the Crown?

The Minister for Works: Yes.

Mr. A. N. PIESSE: Notwithstanding that it is a surveyed boundary?

The Minister for Works: That is so.

Mr. A. N. PIESSE: It often happens that the river bed has been sold under the Crown title to others.

Mr. Underwood: They did not pay much for it.

Mr. A. N. PIESSE: As much as £10 an acre.

Mr. Underwood: Nonsense.

Mr. A. N. PIESSE: If consideration is to be given to the man who owns land on both sides of a river, if such a man is to be exempt from the operation of the measure, I fail to see why similar consideration is not extended to two persons whose boundaries meet in the river bed.

Mr. UNDERWOOD: I think the provision is a perfectly just one. The hon. member spoke of £10 an acre being paid for Crown land. No such price was ever paid for Crown land. All the best land in Western Australia was given away. Land which we are resuming to-day and paying tens of thousands of pounds for was absolutely chucked away. If the hon. member can show me an acre of land in Western Australia, for which the Crown originally received £10 an acre, I am prepared to mark a chit.

Clause put and passed.

Clauses 6, 7—agreed to.

Clause 8—Presumption of grant by length of use annulled:

Hon. H. B. LEFROY: Will the Minister tell us whether an owner of land adjacent to the bed of a river has the right to use as much water as he likes, or whether his right is controlled under the measure. How much water can he use?

The Minister for Works: It is defined in a later clause.

Hon. H. B. LEFROY: I understand he can use what he requires for domestic purposes, and a certain quantity for irrigation purposes.

The Minister for Works: He is entitled to use water for his stock and for his dwelling, and sufficient for irrigating five acres.

Clause put and passed.

Clauses 9, 10—agreed to.

Clause 11—Right of entry to the Crown to prevent interference with watercourse:

Mr. GEORGE: If officers of the Crown desire to enter land, notice should be given to the owner before the entry is made.

Mr. O'Loghlen: Perhaps harm would be done before the notice arrived.

Mr. GEORGE: If this is to be an offence, timely warning should be given.

Mr. O'Loghlen: The owner would know this is the law, and should not break it.

Mr. GEORGE: It is a matter of a man having rights on his own property. Under the clause officers of the Crown can enter land which the Government do not intend to take.

THE MINISTER FOR WORKS: The Crown cannot be expected to give notice when it is a matter of protecting water from pollution, diversion, or undue interference. If we gave notice that we intended to see whether the water was being polluted—

Mr. George: That is another matter.

THE MINISTER FOR WORKS: We must have the right to enter, to protect a water course, because it is necessary to carry out the measure. In the case of pollution, it would not be wise to give notice.

Mr. GEORGE: It will be an offence to interfere with an officer entering upon land, or taking measures for any of the purposes mentioned in the clause.

The Minister for Works: The right of entry is defined in Subclause 1.

Mr. GEORGE: I can see that there will be trouble.

Clause put and passed.

Clauses 12, 13—agreed to.

Clause 14—Ordinary riparian rights defined:

Hon. H. B. LEFROY: The clause provides that an owner can take only sufficient water to irrigate five acres: If a creek runs through a man's land for half a mile, and he desires to irrigate a flat containing 100 acres or more, he will be prevented from using water for this purpose. At Gingin, people are taking water from a brook to irrigate 100 acres or more for fodder growing, and they will be prevented from continuing this useful work. Many people fear that the measure will interfere with their present operations. If these Gingin people are prevented from using the water, no benefit will be derived by anyone.

THE MINISTER FOR WORKS: On some streams a man might possibly take all the water to irrigate his land and leave his neighbours below him without water. On the Serpentine four or five owners are irrigating, and there is no water for the man below them. In the absence of control, a few people get all the water, and others none. The measure will give the Crown the right to regulate the distribution of water, and, under Clause 15, a special license will be granted on the

payment of a small fee. An owner will receive water for five acres free, and if he requires more he must take out a license. Thus everybody will get a fair share according to his requirements. There has been a cry at Gingin that some people are taking too much water to the detriment of others, and some people are afraid to plant a greater area of land because they will not be able to obtain sufficient water. The Bill will regulate this, and we will charge a small registration fee so that the Crown can exercise its right to distribute the water in fair proportion to all along the stream.

Hon. H. B. LEFROY: It is quite right that the water should be controlled, but until it is required further down, those now using it should be able to make as much use of it as they like.

The Minister for Works: So they can; there is nothing to stop them.

Hon. H. B. LEFROY: When the water is required lower down, the State should see that these people get a fair share.

The Minister for Works: That is what will be done.

Hon. H. B. LEFROY: I think this is the law to-day.

The Minister for Works: No.

Hon. H. B. LEFROY: The rights of those at present irrigating should be preserved until the water is required by others lower down the stream.

THE MINISTER FOR WORKS: The Bill aims at encouraging irrigation, and we will not stop those who are now irrigating, but will encourage them to do more.

Mr. GEORGE: At the Bunbury conference, the Minister laid it down in respect to the irrigation for gardens not exceeding five acres that owners would be entitled to grow vegetables for their own use, but not for the purpose of sale, and would not be permitted to grow fodder—

The Minister for Works: I did not go to that extent.

Mr. GEORGE: This was the view taken at the conference. Although the provision of water for five acres seems generous, it is apparently intended that this

area shall not be used for any purpose other than to grow vegetables for one's own use.

THE MINISTER FOR WORKS: It is difficult to define exactly what the owner should be permitted to do with his produce. The clause states definitely "used in connection with a dwelling." It is framed to prevent persons who get water free from competing in the market with those who have to pay for the water. I would not go to the extent suggested by the hon. member that a man will be prevented from growing lucerne for feeding pigs and selling them, or for feeding cows and selling the milk.

Hon. J. Mitchell: Why not let him do what he likes with the five acres?

THE MINISTER FOR WORKS: It would not be fair if a man getting water free competed with a man who is paying for water. It is arguable as to whether we should give the right at all. There is no reason why we should give the right because people are lucky enough to get land alongside a stream, and no reason why they should get water for all time for nothing. I agree that in this country land was often obtained, not by paying over money, but for services rendered. It is quite possible, of course, that the present owners have bought the land and given it an enhanced value because of the water being there, but we cannot take that into consideration in discussing a Bill of this description. We have gone quite far enough in giving free water for an area of five acres. That is some little compensation to the riparian owner.

Mr. TURVEY: The Minister is right when he says they are giving some little compensation, but it is very little indeed for those who have taken up land along these brooks. It is nonsensical to say that people who have taken up land along these brooks have not paid an enhanced value because they are situated alongside running streams. People at Roleystone, Kelmscott, and Bedfordale have paid a considerable amount for the land along the valleys, and more than the owners of land back from the streams. I am surprised to find that the Minister proposes in this clause to dictate to these people

as to what they shall do with the produce from their five acres, for which area only are they to be allowed free water for irrigation. I understand that the following clause gives them some further rights under license.

Mr. O'Loughlen: They are lucky to be on the stream.

Mr. TURVEY: They have had to pay for their luck, and in many cases very high prices too. I think, however, the Minister might have gone further than he has. The Minister has not put forward any tangible reason for dictating to the people as to what they shall do with the produce from their five acres.

Mr. GEORGE: I am glad there is one hon. member on the other side who sees with me on this question. I disagree with the Minister when he says that we have to deal with the people who hold the land to-day. Surely the Crown in the old days got what was considered to be their share at the time, and what they thought was necessary for the country. An instance of this is shown in the granting of a timber concession to a company in the South-West for the development of the timber industry, which company would not have come here without the concession. I take it that this clause is intended as giving compensation for depriving a man of rights he has acquired by the purchase of his land. It seems to me hardly fair that, having given him compensation, you should shackle him as to what he is to do with his produce. I can understand, if you give every small holder free water on five acres, that this will make a considerable difference to the results of the irrigation scheme. I would sooner see it based on a percentage of the amount of the holding, but whatever you give a man do not tie him down by the nonsensical law that he must only grow vegetables for his own use on these five acres. This matter was earnestly debated at the Bunbury conference. It was assumed there that a man would be allowed to grow sorghum or lucerne on this land for the purpose of feeding his stock, but it is quite clear that the Minister really only intended this land for the purpose of growing vege-

tables for a man's own use. I am not certain that it was not stated that he could not even sell his own vegetables to the men employed on his own place. I would like the Minister to say whether, instead of the words, "the irrigation of a garden not exceeding five acres in extent," he would allow the words, "irrigation for an area for gardening and other purposes," so that a man could do what he chose with the land. Surely the Government are not going to tell people what they may or may not do with their land. Many men would not have taken up land unless they felt they were free to do what they pleased with it.

Hon. J. MITCHELL: I refuse to subscribe to the doctrines of the Minister. These streams pass through properties owned by various people, and are really the property of these owners. The Minister argued that no man has a right to the water at all.

Hon. W. C. Angwin (Honorary Minister): These people did not make the water.

The Minister for Works: Under the ordinary law there is no such thing as ownership of water; there is only a presumed ownership.

Hon. J. MITCHELL: The Minister is wrong. The water that passes over the bed of a creek through land which belongs to anyone also belongs to that owner. Under the law of the land to-day owners of such blocks can see that they get their fair share of the water. The Minister says he is going to resume these water courses, and take charge of the flow of water over the beds and is going to give it back under license.

The Minister for Works: That is a guarantee that everybody shall get his fair share.

Hon. J. MITCHELL: The law says that if a man is unjustly treated by his neighbours in this matter he can take proceedings to get his fair share. Does the Minister say that his decision is to be final? It must be possible for a land owner to compel the Minister to deal fairly by him. The streams have passed beyond the control of the Crown to-day, and it is proposed to take them away and

set up restrictions against the use of the water. The responsible Minister has told us that he is going to allow the land owner to irrigate these five acres for purposes other than his own use, but the Bill does not provide for that. The Minister by regulation may provide for it.

Mr. O'Loughlen: We will deal with the regulations when they come along.

Hon. J. MITCHELL: We will. Does the Minister propose to restrict the land owner in the way set out in the Bill?

The Minister for Works: The regulations will be according to the measure.

Hon. J. MITCHELL: I am very much obliged to the Minister for the information. We object to the method it is proposed to adopt. We believe the Minister should be only allowed to control the streams he is going to connect with the irrigation scheme, and not the whole of the streams in the State. Reports will have to be made, and also inspections, and the Minister will be inundated with demands from land owners who imagine they have some grievance against their neighbour, and he will be setting himself up as a court of justice to decide between these people. In my opinion that is not desirable, and the Minister ought not to seek these powers. The trouble to which people would be put would discourage them from using the land.

The MINISTER FOR WORKS: The hon. member desires that we should give people the right to use sufficient water to irrigate five acres, and the right to deal with the product of those five acres as they please. Under those conditions the Minister would be called on to guarantee everybody water for five acres used, say, for market-gardening purposes. In the case of the Narrogin Brook, for instance, there is not enough water to allow of five acres being irrigated by every settler along its course. I may point out that it was only under pressure that the Government agreed to this area of five acres, instead of three, under the conditions of this clause. By reason of our desire to pass the Bill, we agreed to extend the area; but we said that we

would do so under the condition obtaining in other States, that the product of the area should be used in connection with the dwelling. That would ensure that the area would be cultivated only in the ordinary way, and not as a market garden. If hon. members will let the clause pass, I will go into the matter with the Crown Solicitor again to see whether I can arrive at an alternative proposal which would meet the wishes of hon. members. I especially do not wish the Crown to be placed in the false position of being called on to supply water that is not available.

Mr. George: You will go into this and similar clauses, and re-commit them?

The MINISTER FOR WORKS: I will re-commit this clause. The next clause is on a totally different matter.

Mr. TURVEY: The Minister will see that this clause gives a right only for such water as may be in the water course. If there is not sufficient water to meet all demands, the Government are not bound to supply it.

The Minister for Works: Which man is to have the water—the man at the top of the creek, or the man at the bottom?

Mr. TURVEY: It is an absurdity to say that the Government are giving people water free of charge for five acres, if they will not allow the people to dispose of the product of those five acres as they please. What person situated along those brooks would need to irrigate an area of five acres in order to grow products solely for domestic purposes? I am astounded at the Minister's proposal. This clause comes as near to confiscation as any clause in any Bill I have seen in this House.

Mr. O'Loughlen: The Minister cannot override the Act.

Mr. TURVEY: It must not be forgotten that many orchardists have been on their holdings for years, and are earning a livelihood by intense culture.

The Minister for Works: To the detriment of their neighbours. The man at the bottom is outside your electorate, perhaps.

Mr. TURVEY: I am speaking for the whole of the orchardists. However, I am prepared to accept the Minister's assurance that he will go into the matter again with his expert advisers. I trust that the

result will be that the orchardists will not be restricted as to the disposal of their products, which would be an absolute injustice.

Mr. A. N. PIESSE: Would the restriction apply to the products of an orchard? I take it an orchard and a garden are much the same thing.

The MINISTER FOR WORKS: I have given an assurance that the clause will be recommitted.

Clause put and passed.

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

Mr. GEORGE: A similar alteration to that required in the last clause would, I think, be needed here.

The MINISTER FOR WORKS: That alteration would be consequential.

Clause put and passed.

Clause 16—agreed to.

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

Mr. GEORGE: The same remark applies here as in the case of the last clause.

The MINISTER FOR WORKS: My promise will apply to this clause also.

Clause put and passed.

Clause 18—Artesian wells to be licensed:

Mr. ELLIOTT: What is the reason for licensing artesian wells? Why is it necessary, and does this apply to artesian wells in the pastoral areas? As a rule, the water from these wells is unfit for irrigation, being mineralised.

The MINISTER FOR WORKS: This provision to take control of artesian wells was inserted at the request of an Interstate conference of experts, at which all the States of the Commonwealth were represented. The conference appealed to Western Australia in particular to pass legislation of this description, because it has been realised that a considerable quantity of water from the artesian basin of Australia is being wasted. It is thought that unless the use of artesian water is regulated, there may be grave danger to Australia generally. The conference is now sitting again in Queensland, and its deliberations will probably conclude tomorrow. Mr. Oldham and Mr. Maitland represent this State on the conference;

and I have received a telegram from Mr. Oldham requesting that no alteration should be made in this particular clause, because the conference has again appealed to Western Australia to fall into line with other States in this respect.

Clause put and passed.

Clauses 19, 20, 21—agreed to.

Clause 22—Penalty for alterations in licensed well or contravention of license:

Mr. GEORGE: This clause requires written notice of maintenance works to be given to the Minister within seven days after the commencement of such maintenance works. The necessity for maintenance work might arise very suddenly, and in remote localities it might be impossible to give the required notice by letter. Notice by telegram should be sufficient.

The MINISTER FOR WORKS: I would not like to express an opinion as to whether notice by telegram would be sufficient under this clause. Still, one writes a telegram.

Mr. George: From some districts it might take a letter three or four weeks to reach the office of the Minister.

The MINISTER FOR WORKS: I quite recognise that. But if the notice is sent by telegram, it comes within the definition of written notice, I think.

Mr. Thomas: It is merely a question of the receipt of the notice.

The MINISTER FOR WORKS: I quite recognise the difficulty there would be in giving notice by letter from the North-West, for example.

Clause put and passed.

Clause 23—Control of artesian wells:

Mr. GEORGE: It is provided that the board is required to pay to the Treasurer interest on the cost of artesian wells at a rate not exceeding 6 per cent. There are times when this amount would be excessive, because money has been obtained at even less than 4 per cent. The Minister might consider the advisableness of reducing the amount.

The MINISTER FOR WORKS: I cannot agree to any reduction of the amount. Moreover, the clause specifies that it shall not exceed 6 per cent.

Mr. GEORGE: Further down it is provided that the Governor shall be entitled to take or resume necessary land under the provision of the Public Works Act, 1902. This brings back to my memory remarks with regard to the resumption powers in the measure, which I think are likely to clash with the Public Works Act.

The Minister for Works: They are two different propositions.

Clause put and passed.

Clauses 24, 25—agreed to.

Clause 26—Constitution of irrigation districts:

Mr. GEORGE: This clause was struck out by another place last year, and in other parts of the Bill dealing with irrigation boards the interests of the people in a particular district are fairly preserved. That being so, this should not be necessary.

Clause put and passed.

Clauses 27, 28—agreed to.

Clause 29—Mode of constituting boards:

Mr. GEORGE: This clause provides that one member shall be appointed by the Governor and the other members by the occupiers in the district. The owners should have a voice in this election; they are the people who should be able to say whether there should be irrigation or not. Further along, in Clause 31, it is the owner who has the right of vetoing a scheme. Surely then the owner should be the person to elect the members of the board.

The MINISTER FOR WORKS: That would be unfair. Take a man owning land on the banks of the Collie river and who resides in Perth. Before going into an irrigation scheme, it is fair that we should ask the owner to agree to the Government incurring the expenditure and making that an irrigation district and charging him rates from the irrigation point of view. Then afterwards he subdivides and lets that land. The man working the land is directly concerned as to the administration of the board. It is not the same as an ordinary occupier in a roads board district. It would be unfair for

an owner living in Perth to have representation on the board. The man who is on the spot knows all about it, and he should have a say as to how the work should be done.

Hon. J. MITCHELL: As in other measures, the ratepayer should decide. I move an amendment—

That in line three the word "occupiers" be struck out and "ratepayers" inserted in lieu.

Amendment negatived.

Mr. GEORGE: Subclause 2 provides that a person may be qualified to be a member of the Board, although he is not a ratepayer within the district. I do not think a member of the board should be other than an occupier or a ratepayer. I would not like to see a person outside the district on the board.

The MINISTER FOR WORKS: It is optional. The clause does not say that they "shall" be outside the district. Occupiers inside a given district may elect a member from outside, and if they desire to do so we should not limit that desire. It may be in the best interests of the district that they should have the opportunity of doing so.

Hon. J. MITCHELL: It is a most unusual power to provide. A man need only be an occupier to have a vote, and the occupier, who has no responsibility for rates, may elect to the board someone who is not even an occupier. It is a scandalous proposal.

The Minister for Works: You are casting a reflection on the intelligence of the community.

Hon. J. MITCHELL: It is not right that a provision of this sort should be made. Would the Minister propose a similar system to any municipal council?

The Minister for Works: In the majority of cases the occupier is the owner.

Hon. J. MITCHELL: Just the same, we should not give this power to occupiers. Every member of the board should be a ratepayer, and only ratepayers should have votes. The man who pays should be the man to vote.

Clause put and passed.

Clause 30—agreed to.

Clause 31—Construction and maintenance of works:

Mr. GEORGE: This is a marked improvement on the provision in the previous Bills, and I think it will give satisfaction.

Hon. J. MITCHELL: Subclause 4 provides that if within the period of one month after the publication of plans and estimates of works to be constructed a petition against the proposed works, signed by a majority of owners within the district, is presented to the Minister, the Minister shall not carry out the works. That is to say, instead of submitting the question to the landowners, and taking a vote on it, the Minister tells the landowners he proposes to do certain work unless they sign a petition against those works. It is putting the cart before the horse. The Minister should institute the works only on petition by the owners.

Clause put and passed.

Clauses 32 to 35—agreed to.

Clause 36—Principles of awarding compensation:

Mr. GEORGE: I desire to draw the attention of the Minister to the reference to irrigation in line 35. I take it that is consequentially amended. Then we come to paragraph (d). It will be hardly fair to say that an orchardist's claim to compensation is to be reduced because the bringing of the water has enhanced the value of the land. If his property is damaged in carrying out the wishes of the majority of the owners it would be only fair to compensate him for any loss he may have incurred. He has had to work his land for a long time without any return, and it seems unfair to reduce his claim because of any enhanced value of his land due to the introduction of the scheme.

The Minister for Works: It is a matter for the court to consider.

Mr. GEORGE: But it is for the House to lay down the principles upon which the court is to form its decision. It may easily happen that it becomes necessary to resume improved land. Take the Harvey scheme. I am convinced that before that scheme is carried out one or two

of the orchards there will have to be materially interfered with, and, of course, the best thing to do is to resume them. But in arriving at the amount of compensation to be paid for any damage, the enhanced value of the land ought not to be given too much consideration. It is all very well, provided a man is able to put his property into the open market. The bringing of the water to the land will, of course, give that land an increased value, but when it comes to resuming the land for the benefit of the majority of the owners there, we take away from the owner of the resumed land the full value of his labour, and prevent him getting the enhanced value of the land.

The Minister for Works: When such is the case the court will make no deduction at all. This is merely a direction to the court to consider that aspect of the case.

Mr. GEORGE: It says they "shall" consider the question of whether the land has been enhanced.

The Minister for Works: But if the water has not enhanced the value there will be no deduction.

Mr. GEORGE: But the man has paid and is paying for any enhancement, and when the Government resume the land the valuation is to be made on the value of the land before the irrigation scheme was introduced.

Hon. J. MITCHELL: The landowners in the vicinity pay for the scheme. Any benefit a man receives he has paid for, apart altogether from any damage he may have sustained. If he suffers damage he should be compensated to the full. If there is an enhanced value by reason of the scheme, it is paid for by the land itself, and any damage that may be caused should be properly compensated for. The people of Harvey will have to suffer the damage done as a result of the work which the Minister started without authority, and now the Minister asks the House to protect him. I move an amendment—

That Subclause (d) be struck out.
Amendment negatived.

Hon. J. MITCHELL: Paragraph (e) provides that remote, indirect, or speculative damage must not be calculated. In the case of an orchard, trees just coming into bearing might be damaged to the extent of more than the actual cost of the trees.

The Minister for Works: That would not be remote, indirect, or speculative, surely?

Hon. J. MITCHELL: The crop is more or less speculative. All through the measure operates against the owner.

Clause put and passed.

Clauses 37 to 49—agreed to.

Clause 50—Power to borrow money:

Mr. GEORGE: Surely the notice of a poll should be published in a newspaper circulating in the district. I move an amendment—

That after "newspaper" in line 13 of Subclause (2) the words "circulating in the district" be inserted.

Amendment passed; the clause as amended agreed to.

Clauses 51 to 59—agreed to.

Clause 60—Lands may be acquired and leased for cultivation:

Mr. GEORGE: Why has the word "irrigable" in relation to land to be acquired been omitted? Under the clause the Minister might acquire any land "for the purposes of this Act including closer settlement." The Minister should not have a roving commission under this measure to purchase land all over the place.

The MINISTER FOR WORKS: If the clause is limited to irrigable land, an injury might be done to a man who has a block, a portion of which is irrigable. The Government could take the irrigable portion and leave the balance on his hands. It is not likely that land which is not irrigable will be resumed, but out of consideration to the owner the Government should not be limited to irrigable land.

Mr. Dwyer: It will be on the advice of the commissioners.

Mr. George: Yes, but they are to be appointed by the Minister.

The MINISTER FOR WORKS: Surely they will see that no injustice is done.

Hon. J. MITCHELL: There is no limitation under the clause to what the Minister might do. The opportunity of the Minister should be restricted to irrigable land.

The Minister for Works: If so, you will do an injustice to owners of land.

Hon. J. MITCHELL: Then we should have a provision for the consent of the owners. In the South-West large tracts of land get their value solely from the few acres along the streams. If we give the power to acquire irrigable land, we will be doing all that can be reasonably expected, unless we provide for the consent of the owners in other cases. The clause provides that land may be acquired by agreement with the owner, or by compulsory process. In other words the compulsory process is at the discretion of the Minister for land that is irrigable if the land is accepted. It is not reasonable to give him power to do as he pleases for the whole of the South-West. It has been pointed out by the hon. member for Murray-Wellington (Mr. George) that the clause says that land may be acquired for the purposes of the Act, that is for irrigation, and also for closer settlement which need not be irrigated. The Minister may define a district to suit himself. There are many objections to this clause, but no objection is greater than that raised by the hon. member for Murray-Wellington.

The MINISTER FOR WORKS: This is limited to districts, and the definition of "district" is an irrigation district constituted under the Act. "Irrigation" means any method of causing water from a water course or works to flow upon and spread over land for the purpose of tillage or improvement of pasture, or of applying water to the surface of land for the right purpose. "District" therefore means "irrigation district," and an irrigation district includes land which is irrigable. If it is not irrigable it is not an irrigation district. The word is left out as being superfluous. There are no instructions from the Government that it

should be left out. It was the draughtsman who left it out.

Hon. J. MITCHELL: Will you put it in?

The MINISTER FOR WORKS: No.

Mr. GEORGE: An irrigation district may contain land which may not be irrigable. We do not want to go further than the fact that the Government purchased the Harvey estate for closer settlement. A considerable portion of that could be irrigated and some portions of it could not be irrigated. If the Government could have obtained an area without the latter they would have done so, but they were obliged to take the whole lot. This gives the Minister power to acquire land which may not be required for irrigation and may not be irrigable. He has the power he requires in other Acts. Why, therefore, introduce it in this Act?

The Minister for Works: I am limited to irrigation districts.

Hon. J. MITCHELL: It is entirely for the Minister to specify the boundary. Having once defined the boundaries he can resume any land within those boundaries, which he himself fixes.

The Minister for Works: No, which the commissioners fix.

Hon. J. MITCHELL: We know the Minister too well. We have the Public Service Commissioner.

The Minister for Works: Whom you ignore.

Hon. J. MITCHELL: You are ignoring him now in connection with Mr. Roe.

The CHAIRMAN: Order!

Hon. J. MITCHELL: We can make a comparison.

The Minister for Works: What is the comparison?

Hon. J. MITCHELL: There is no reason to expect that the Minister will treat commissioners under this Act any better than he treats the Public Service Commissioner. I move as an amendment—

That after the word "any" in line 2 the word "irrigable" be inserted.

Amendment negatived.

Hon. J. MITCHELL: Again I object to the power which gives the Minister the right to resume land at any time he pleases and in any quantity. Under most Bills, such as railway Bills, land may be

resumed, but within a year of the construction of the line. It may be that the Minister may resume a portion of a man's estate, and 10 years hence resume another portion, and 20 years hence resume a further portion. So long as the land is freehold it may be taken. This is a wrong position and may deter men from going on with improvements. If the Minister wants to resume land in an irrigation district he should do it within 12 months of the establishment of irrigation works. This is an unfair provision and ought not to be agreed to. It destroys the value of land because the present owner will not readily be able to sell his land. I would suggest that the Minister should provide for resumption within a specified time. The clause is very much improved by the amendment made in another place. The owner of the land will at least get the value of the land at the time of its resumption.

The Minister for Works: There is no need for this. I will promise that I shall do it very quickly.

Hon. J. MITCHELL: I am certain he will not. The Government will do it when they have the money. This clause is made to suit the Government and the finances of the Government. That is why it is left so vague and indefinite. I desire to enter my protest against this matter of resumption. Of course we object to the leasehold principle.

Mr. Elliott: You are quite justified.

The Minister for Works: The clause is justified.

Mr. GEORGE: On Subclause 11 I would like to say that I do not know whether the Minister has made provision for the transfer of irrigable lands. I think some provision should be made in the event of a tenant not going on with the land that he should be compensated for improvements. I think we should lay down some directions upon this point, and I should like to see them embodied in the Bill.

The MINISTER FOR WORKS: The point raised by the hon. member is that the Government grant a lease to an occupier who goes on working for a number of years, when the Government re-ap-

praise, and increase the amount beyond what the occupier is prepared to pay. The hon. member says that if the occupier elects to go out under those circumstances, the Government should compensate him for permanent improvements. Of course, that would naturally follow. If the tenant left, the Crown would require the incoming tenant to pay the value of improvements effected. That is done regularly now. In any case I am confident that will be provided for in the regulations.

Mr. GEORGE: As soon as the Government have taken the land, for which, say, £1 per acre or £2 per acre has been paid, and on which improvements to the value of £150 have been effected, the rent will be calculated on that. But when the re-appraisal comes along, what is to be taken as the basis of the re-appraisal?

The MINISTER FOR WORKS: The unimproved value, taking into consideration the improvements effected by the Crown under the original lease. The improvements effected by the lessee would not be taken into consideration.

Mr. George: Then, where comes in the necessity for re-appraisal?

The MINISTER FOR WORKS: It is the unimproved value that increases. Land in Western Australia is going to increase in value.

Hon. J. MITCHELL: I object, of course, to the leasehold principle; and I think that if there is one form of agriculture—

The CHAIRMAN: What is the hon. member speaking on?

Hon. J. MITCHELL: Clause 61.

The CHAIRMAN: What part of the clause?

Hon. J. MITCHELL: Subclause 11. Surely the leasehold principle should not apply to land under irrigation. The planting of oranges, for example, is a very profitable form of irrigation culture, but one which requires years to return a profit—say six or seven years. Then, before the oranges come into bearing, the Minister may estimate the value of the holding with the orange trees in

full bearing, and thereby do injustice. There would not be so much objection to this clause if re-appraisements were for 20 years, as under the Workers' Homes Act, and if the clause provided compensation for the work of the tenant. Tenant rights have been argued very forcibly from the Government side of the House when the question was one of the leasing of land by private owners. I do not believe the Minister will find suitable, capable men to take up irrigated land under the leasehold principle.

Hon. H. B. LEFROY: I just want to lodge my protest against the leasehold system as provided under this Bill. What Western Australia wants above all things is to get people on the land. We expect them to make homes on these irrigation areas; but they will not make permanent homes, homes for the duration of their lives and to be handed on to their children, under the leasehold system. Consequently, even if the Government are wedded to that system, still the people ought to be allowed to acquire the land under the freehold system. This applies with especial force in the case of land which is to be highly improved. In a State which ought to stake everything on the man on the land, the Government ought to grant the freehold of the land, in response to a sentiment which is inherent in the race. No doubt the Government are determined on passing the Bill in its present form, but it is to be regretted in the interests of the country.

Clause put and passed.

Clauses 62 to 77—agreed to.

Clause 78—Regulations and by-laws:

Mr. GEORGE: Subclause 2 provides that the regulations and by-laws shall be laid before both Houses within 30 days after publication if Parliament is in session, and if not, then within 30 days after the commencement of the next session. That period might well be reduced to 14 days.

The Minister for Works: I have no objection to the 14 days.

On motion by Mr. GEORGE, the word "thirty," occurring in lines two and three of Subclause 2, were struck out and "fourteen" inserted in lieu.

Mr. GEORGE: Subclause 3 provides that if both Houses of Parliament pass a resolution within one month after the regulations or by-laws have been laid before them, disallowing them, the regulations or by-laws shall cease to have effect. I am desirous of deleting the word "both" and inserting the word "either." The measure can only come into force by consent of both Houses; this House initiates legislation and the other House reviews it, and when it comes to a question of regulations it is only fair that either House should have the opportunity of affirming or disallowing them. I move as an amendment—

That in line one of Subclause 3 the word "both" be struck out and "either" inserted in lieu.

Hon. J. MITCHELL: It is quite unnecessary for the Minister to produce regulations to the House at all.

The Minister for Works: Both Houses should have the same power with regard to regulations.

Hon. J. MITCHELL: What I claim is that if either House disagrees with the regulations, they should be disallowed. The Minister declares that he does not want another place to consider the regulations at all. If the Minister sought to amend this measure, both Houses would have to pass the amendment, but although one House may disagree with the regulations, he proposes that they shall still remain and have the force of law. I do not think the provision in the clause is to be found in any Act of Parliament.

Hon. W. C. Angwin (Honorary Minister): Most of our Acts contain this clause.

Hon. J. MITCHELL: Not one other Act contains this provision.

Hon. W. C. Angwin (Honorary Minister): Yes, most of them.

Hon. J. MITCHELL: The Minister for Works does not realise what he is asking us to agree to. Will he agree to the amendment?

The Minister for Works: I cannot.

Hon. J. MITCHELL: Then we should report progress.

The Minister for Works: If you start to stonewall and make me miss my train,

we can keep you here for a few hours. I have noticed you looking at the clock.

Hon. J. MITCHELL: I arranged with the Minister that we should go on for some time dealing with a number of the clauses and postponing others, but we have got right on to the last. We have a perfect right to protest.

The Minister for Works: But not to stonewall.

Hon. J. MITCHELL: Well, I think we will have a quorum.

Hon. W. C. Angwin (Honorary Minister): Can the hon. member, when speaking, call attention to the state of the House?

Bells rung and a quorum formed.

[Hon. M. F. Troy took the Chair.]

Hon. J. MITCHELL: We propose to strike out "both" and insert "either." The provision is a most unfair one, and the Minister refuses to pay attention to what is being said. Why will he not let us hear him on the subject?

The MINISTER FOR WORKS: On the second reading I went to some trouble to explain the Government's attitude in regard to the clause. This is one of the four amendments that caused the defeat of the Bill last session. If it takes both Houses of Parliament to pass a Bill, and that Bill gives the right to make regulations, it would be wrong to allow one House to restrict the administration of the Act by disagreeing with those regulations. Both Houses should have a say as to whether or not those regulations should stand.

[Mr. McDowall resumed the Chair.]

Mr. ELLIOTT: It is quite clear that if one House has the power of disallowing a Bill, one House should also have the power of disallowing regulations made under a measure. It is so simple. The Minister is trying to throw dust in the eyes of hon. members.

Hon. J. MITCHELL: One House should have the power of disallowing regulations. Clearly this House, as at present constituted, would not vote against

the Minister's regulations. Here the Minister is a law unto himself.

Mr. Turvey: And hon. members are heartily tired of listening to you.

Hon. J. MITCHELL: Of course, the hon. member is a servile follower of the Minister.

Hon. W. C. ANGWIN (Honorary Minister): I have before me several Acts passed during the time the hon. member was a Minister, and in none of these is provision made for disallowing regulations. The provision that both Houses must disagree with in order to disallow regulations is in the Interpretation Act. Obviously it should take both Houses to disallow regulations.

Mr. Elliott: One House can disallow a Bill.

Hon. W. C. ANGWIN (Honorary Minister): One House should not be empowered to disallow regulations. If we had a House of review I would not object to the principle, but there is not a House of review in this State; it is a fraud and delusion on the public.

Hon. J. Mitchell: You ought to borrow the Senate.

Hon. W. C. ANGWIN (Honorary Minister): If the Senate was half as bad as the other place in the Western Australian Parliament, they would deserve to be kicked out.

Hon. J. Mitchell: They will be, too.

Hon. W. C. ANGWIN (Honorary Minister): Not one Bill passed in 1907 had this provision in it.

Hon. H. B. LEFROY: Many Acts contain the provision that regulations can be disallowed by either House, and I think that in the Interpretation Act it is "either House of Parliament." In any case, the first Act I pick up provides that if either House of Parliament pass a resolution against regulations made under that Act, those regulations shall be disallowed. This is in the Criminal Code Act, which the Government passed last session. The present is the first attempt made to get in this novel departure. It is really altering the Constitution, and should be made in the Constitution Act, if anywhere, an Act which provides that either House can veto or disallow a Bill. This being so, clearly

either House should have the right to veto regulations. This is a novel departure.

Hon. W. C. Angwin (Honorary Minister): It has been in existence ever since Responsible Government.

Hon. H. B. LEFROY: I have never known it inserted in any Act, and I am quite certain it is not in the Interpretation Act.

Mr. MUNSIE: I hope the Minister will adhere to the clause. I protest against the repeated remark of the hon. member for Northam that members on the Government side will not listen to reason. On this occasion the Opposition will not listen to reason. In 1912 an hon. member in another place gave notice of motion to alter the Constitution to permit either House, instead of both Houses, to disallow regulations, but the motion did not pass. I maintain that every Act providing for either House to disallow regulations is against the Constitution. In regard to the Irrigation and many other measures which the Government will have to administer, the other House will disallow every regulation which is likely to be beneficial.

Amendment put and negatived.

Clause put and passed.

Progress reported.

BILL—ESPERANCE NORTHWARDS RAILWAY.

Second Reading.

Debate resumed from the 21st July.

Hon. J. MITCHELL (Northam) [11.5]: I do not know why the Minister for Works after making such good progress, desires to continue.

The Minister for Works: You made us miss our train; we had now better work until the next.

Hon. J. MITCHELL: This Bill will be discussed by members on the Government side, and there is no reason why we should go on with it to-night. Nevertheless I am willing to proceed. When it comes to a matter of building railways, we have to consider what can best be done in the interests of the State. We

have to consider whether we should spend £160,000 and whether it is wise to spend it in building 60 miles of railway from Esperance northwards. Our duty is to spend money where the most good can be done, and this £160,000 spent in the Esperance district will not produce the best possible results to the State. Ministers are pledged to spend borrowed money on works which are likely to be reproductive, not only productive of profit on outlay, but productive of work for all time. When we build agricultural lines, we make it possible for people to settle on the land, to clear it and to engage in work. The work is continuous and men are constantly employed on farms adjacent to railway lines. Will this be the case in the Esperance district? Has our experience of the last few years justified the Minister in the statements he made the other night? Will it justify the expenditure of this money? Did the Minister make out a good case for the railway? I venture to say that the Minister, who has handled this question two or three times, has on every occasion done so in a most unfortunate manner. I think the Minister has not been sincere on any one occasion, or he would have put up a case for the proposal instead of against it. We only need to look into his speech to realise how cleverly he spoke against his own proposal. His speech is the only information available, and we are entitled to take it as the best information available, and on that speech is anyone justified in voting for this railway? The answer must be "No." Farming has been carried on, crops have been sown, State assistance has been granted, seed and fertiliser have been taken down to the people in the Esperance district, and what has been the result of this work by the Government, and of this large expenditure of money amounting to £5,000? This amount has been advanced to the settlers, and, according to the latest report of the Auditor General, £120 has been returned. The result has been something less than a five bushel average for the district—I believe it was 4.2 bushels during last season, and a little over three bushels during the season before.

Mr. Hudson: You saw better than that when you were there.

Hon. J. MITCHELL: I did not see a growing crop when I was going through.

Mr. Munsie: You went through in the night time, and could not see anything.

Hon. J. MITCHELL: I have heard that remark made before by ridiculous and flippant members of the House. I took three days to go through and the member for Yilgarn was with me on the trip and I think he saw all that there was to see. Mr. Sutton's advice has been sought and Mr. Sutton has been quoted by the Minister. What does he say? Where is his report? Can Mr. Sutton speak more emphatically than the Minister has spoken? Not he! The Minister has compared the land with Mt. Marshall. That of course is a ridiculous thing to have done, because in the Mt. Marshall district there is some of the richest land in the State, whereas in the Esperance district the land is little better than second class wheat land. The Minister has urged that the line is justified and has quoted the salt works as justification for it. There were, he said, to be thousands of tons of salt carried over the line. The Minister has also told us that there were 60 miles of wheat land in the vicinity of Esperance. He knows very well that the land in the first 40 miles is composed of sand hills, and that the land that grows wheat is beyond that 40 miles. The Colonial Secretary has been down there too, and his opinion was given. What did the Minister see? What did he see when he got to the Salmon Gums? This is where the Rodgers' live. He saw a very good farm. A little further on when he got to Mr. Lewis' he saw another very good farm, and when he got to the Grass Patch, 15 miles on, he saw another very good farm. These old squatters had picked out these areas years ago. He also saw the mallee country which is composed of second class wheat land. I saw a good deal of land that may be classed as second class, and which may be capable of producing 10 or 12 bushels to the acre under proper methods of farming. The Government have supplied the fertiliser and the wheat—the ploughs and

the horses are there—but the crops are wanting.

Mr. Munsie: What has been the average at Grass Patch?

Hon. J. MITCHELL: I am taking the average for the district. I am willing to admit that there are a few miles of land on the Esperance side, and that from the Grass Patch to the Salmon Gums wheat can be grown. It is not first class land, and yet we are asked to build 60 miles of railway through it, that is through a few miles of second class wheat country. The Minister says that land is to be resumed from the pastoral lessees. It is mostly swamp land, says the Minister. This swamp land is in very small areas, and the land is mostly sand hills. This swamp land will not supply a railway with traffic unless to take some of the stuff from Esperance to Coolgardie. He says it is suitable for closer settlement. It is, so far as the good patches go, but these are not very close together. It was contended when this line was first discussed that the water trouble was a serious one. I say again that we had dams put down in that country in order that the route might be kept open.

Mr. Munsie: Your leader said that the ground was porous and would not hold water.

Hon. J. MITCHELL: He did not say anything of the sort so far as I know. The Minister says that Parliament must absolutely pass this railway, and that it is perfectly hopeless for people to go on farming there without the railway. I agree that it is absolutely hopeless for people to go on farming in that district, or any other district, 60 miles from a market. But what I want to know before we build this railway is, that these people will have a chance to stay there when the railway is built. It is no use building a railway unless they mean to grow crops. We cannot accept last year, which had a fair rainfall, as satisfactory. I want to know who put these people out there, whether it was the *Kalgoorlie Miner* assisted by the Minister, or the Minister assisted by the *Kalgoorlie Miner*. I should say it was a little of

both. As a result we have a gentleman connected with the *Kalgoorlie Miner* getting back into Parliament without any opposition from our friends opposite. The people who put them there have to take the responsibility. When I went there there were three settlers, namely Messrs. Rodgers, Lewis, and Thompson.

Member: How many are there there now?

Hon. J. MITCHELL: I believe there are 50 or 60 there now. They were put there by the present Ministry, and went there after I had expressed the opinion that the land did not justify the construction of a railway.

Mr. Hudson: You expressed that opinion before you went there at all.

Hon. J. MITCHELL: And yet I notice one of the proprietors of the *Kalgoorlie Miner* accusing me, or the Government with which I was connected, with being responsible in connection with that settlement.

Mr. Turvey: It shows what little confidence they had in your opinion.

Hon. J. MITCHELL: The Minister for Works says that I put them there. It is a cowardly statement which he knows to be absolutely incorrect. The Minister, together with his colleagues, is responsible for putting them there. I had nothing to do with it. I told the people that I refused to cut up land for them there. The member for Yilgarn will bear me out in that.

Mr. Hudson: I will not bear you out in any statement you make to-night.

Hon. J. MITCHELL: I do not expect the hon. member to know very much about the trip. These people went there on the advice of the Ministers and assisted by the Ministers. I admit that the question of the Esperance railway was before the people of the State at the last Council elections, and also in the Eastern Province election. A Country party candidate was returned and he has promised to vote for the Esperance railway. The majority of the Labour vote went to him on the strength of his promise to vote for the railway. So it was with the member who was quite recently elected by the

Geraldton district, and who, I understand, has promised to support the railway. I believe this Esperance railway was mentioned for no other purpose than to get votes. I protest against people being settled in this district by Ministers merely in order that they may keep going an agitation in Kalgoorlie and other big centres for the railway. Hon. members opposite have used the line for political purposes. They know it has not been used for any other purpose.

Mr. Turvey: That is a cowardly statement.

Mr. Hudson: It is characteristic of him.

Mr. SPEAKER: Order! Hon. members on both sides are becoming accustomed to use the word "Cowardly" and such expressions as "Cowardly statement." The word is not Parliamentary.

Mr. Turvey: I withdraw the remark.

Hon. J. MITCHELL: It is a strange thing that Ministers have brought down this Esperance line before proposing other lines which are more urgently needed. I suppose there is no line so little justified that Ministers are likely to submit to this House.

Mr. Munsie: In your opinion.

Hon. J. MITCHELL: In my opinion, and in the opinion of all those who know anything about the country. It is absolutely futile for members to argue that the wheat-growing country, this 20-mile stretch of mallee country, to be opened up by 60 miles of railway is the best country available in Western Australia to-day. It is nothing of the sort. There is no occasion for me to mention the crops again.

Mr. Munsie: There is only one farmer there who ever used fertilisers and had a decent crop.

Hon. J. MITCHELL: Miles and miles of railway are required to open up country already settled, miles and miles of railway authorised years ago. All these lines which are more necessary should be built before the Esperance railway is undertaken. Why this hurry with the Esperance line?

Mr. Munsie: Hurry? It was surveyed 10 years ago.

Hon. J. MITCHELL: Why should so much attention be paid to this Esperance district?

Mr. Munsie: Because it is justified.

Hon. J. MITCHELL: No attempt has been made to justify it. Ministers know perfectly well that the records do not justify the building of the line. I wish also to refer to the report of the Advisory Board which went through the district. Mr. Paterson advised caution—the same advice as I have given to-night. It is true that Mr. Muir recommended the building of 60 miles of line northwards. He recommended that on the strength of the land to the East and to the West. It was suggested that the mallee belt extending East and West should be opened up by a line branching off from the North and South line running off, I suppose, to Ravensthorpe. I am prepared to accept Mr. Paterson's opinion and Mr. Sutton's opinion, but let us have Mr. Sutton's written opinion. I wish to point out, further, that the land about Ravensthorpe is the best land in that district. The member for Yilgarn (Mr. Hudson) will not gainsay that. And how much wheat has been carried over the line to Ravensthorpe this year? There are thousands and thousands of acres of first-class land, not mallee, in the Ravensthorpe district; and the rainfall is sufficient for wheat-growing. When I was in the district, with the hon. member who now represents Yilgarn, I had the pleasure of visiting the farms there, and I saw some fine wheat at the railway stations. But what has become of those farmers? There is the line, and everything is in readiness for settlers in that district; but still, Ministers have persuaded people—their friends, by the way—to settle in the Esperance district, where there is no railway, and not likely to be one. Why was this done? Why were these people encouraged to go to the wrong district and shut themselves off from the market? Why were they encouraged to produce where they cannot market? Why was this done? I say again, it is quite obvious that it was done

for political purposes, to enable the Government to force the country to build a railway from Esperance northwards towards Kalgoorlie. Then, of course, it is my duty to point out to the House the facts in connection with Ravensthorpe, because they have a bearing upon the cost of wheat production in that area. I have entered my protest, time and again, against the settling of this land. I am perfectly willing to consider a project for the opening up of a decent area of country if Ministers will provide a scheme for the building of the other railways which are necessary. It is perfectly useless to build an isolated railway of 60 miles. If the Government want to make it a paying proposition, they must run out to the East and West for a very considerable distance. When Ministers have a scheme, and can recommend a line for the opening up of a large area in that district—and I admit there is a large area of good land down there; not adjacent to this line, but capable of being served by spur lines running from it—then the project will commend itself to the House.

Mr. Munsie: But they must build the main line before they build the spurs, you know.

Hon. J. MITCHELL: Yes; but in this case we are asked to authorise the construction of a detached railway, apart from the general system. We are to have a second Ravensthorpe line, with another separate staff to work just a few miles. If anything in the way of railway construction is to be done in the Esperance district, Ministers should put forward a comprehensive scheme, and one that is likely to pay. Before the scheme is authorised, however, the country should be tested.

Member: It has been tested.

Hon. J. MITCHELL: Tested and found wanting, so far. I venture to say that there never was less justification than there is to-day for the building of that railway, apart of course from the fact that Ministers have settled a number of people in the district and that those people are entitled to consideration. They are people who have been encouraged

by the Government to settle there, and who have been helped in many ways by the Government. When the Agricultural Bank could not see its way to assist those settlers, the Government said, "Go on with the work, and we will find the money." Everything that the present Government could do to encourage settlement there, has been done. Those people must be treated with some consideration. I do not know what is the best thing to do. Ministers must find that out; the responsibility is theirs. However, I do know this, that the results obtained up to date do not in any way justify the proposal now made by Ministers. To me it is an extraordinary thing that Ministers are so persistent. Year after year they bring down the same Bills. All the Bills brought down this session are old friends; we know them very well. There is no need, really, to discuss the measures, because they have been debated time and again. In another sense, of course, it is necessary to discuss these measures. Indeed, it would be scant courtesy to Ministers if their Bills were allowed to go through without discussion from this side of the House. Again, we have a duty to the country. In this case, at any rate, we have some fresh evidence as to the value of the Esperance lands—some fresh evidence against the construction of the railway. Will Ministers face their responsibility seriously? Let them ask themselves whether this proposal is justified. Let them ask themselves whether in the light of the experience gained by Mr. Paterson, in the light of the trials made in the district, this proposal is warranted at all.

Mr. Munsie: Could you condemn the Government for attempting to develop that district?

Hon. J. MITCHELL: I can condemn the Government, and I do condemn the Government, for their action in this matter. They have put the people there, and of course they have to do something to help those people; and they propose to do it at an expenditure of £150,000. I, at any rate, do not agree with the Government; and I mean to vote against the

measure. I hope the Bill will not become law, unless, of course, very much stronger evidence than has been submitted hitherto is produced in favour of the railway. I am quite well aware that, when another place comes to consider this proposal, unless that other place agrees with the Minister he will criticise members there as he has already criticised them in connection with another measure discussed here to-night. I say that the Minister will have no justification for abuse of another place. The proposal will receive fair consideration from another place, and especially fair consideration from the members recently elected to that Chamber, because the matter, whether it be a political matter or not so far as the goldfields are concerned, has certainly been turned to political account in the agricultural districts, with the result that Labour votes went to the candidates who expressed themselves as being in favour of this Esperance railway.

On motion by Mr. Bolton debate adjourned.

House adjourned at 11.29 p.m.

Legislative Council,

Tuesday, 28th July, 1914.

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

PAPERS PRESENTED.

By the Colonial Secretary: Industrial Arbitration Act—return showing number