

Hon. J. J. Holmes: They appear to have been satisfied for 5½ years before they moved.

Hon. L. CRAIG: Time is required, and one step is to secure reduced distribution costs. Until I am convinced that these provisions are harmful to the three sections I have mentioned, I must support the regulations and oppose their disallowance.

On motion by Hon. H. Tuckey, debate adjourned.

BILLS (6)—FIRST READING.

1, Geraldton Harbour Works Railway Extension.

2, Swan River Improvement Act Amendment.

Received from the Assembly.

3, Marketing of Eggs Act Amendment.

Introduced by Hon. G. B. Wood.

4, Testator's Family Maintenance.

5, Guardianship of Infants Act Amendment.

Introduced by Hon. H. S. W. Parker.

6, Factories and Shops Act Amendment.

Introduced by Hon. J. A. Dimmitt.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.51]: I move—

That the House at its rising adjourn till Tuesday, the 19th September.

Question put and passed.

House adjourned at 5.52 p.m.

Legislative Assembly.

Tuesday, 12th September, 1939.

	PAOR
Bills: Life Assurance Companies Act Amendment, Com.	570
Inspection of Machinery Act Amendment, 2d.	571
Rights in Water and Irrigation Act Amendment, 2d., Com. report	571
Contractive, 2d., Com. report	585
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Plant Diseases Act Amendment, 2d., Com. report	589
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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

BILL—LIFE ASSURANCE COMPANIES ACT AMENDMENT.

In Committee.

Resumed from the 7th September. Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

Postponed Clause 4—Insertion of new section 58A:

The MINISTER FOR LABOUR: I move an amendment—

That paragraph (a) of the proposed new section be struck out and the following inserted in lieu:—

(a) (i) In the case of industrial life assurance policies notice stating the amount due or payable at the date of the notice and informing him that, in default of payment by him within a reasonable time, not being less than fourteen days from the date of service of the notice, and at a place to be specified in such notice, his policy will be forfeited, has been served upon him by or on behalf of the company, either personally or by leaving the same at his usual or last known place of abode or business, or by sending the same by post addressed to him by letter at such usual or last known place of abode or business;

(ii) in the case of policies other than industrial life assurance policies notice stating the amount which will become due or payable within seven days after the date of such notice and informing him that, in default of payment by him within a reasonable time, not being less than thirty days after the day upon which such amount becomes due, and at a place to be specified in such notice, his policy will be forfeited, has been served upon him by or on behalf of the company, either personally or by leaving the same at his usual or last known place of abode or business, or by sending the same by post addressed to him by letter at such usual or last known place of abode or business; and The clause purports to treat industrial life assurance policies and all other classes of

policies in the same way by providing that any notice of proposal to forfeit shall be forwarded to the person concerned and after receipt of the notice the person shall have not less than 30 days in which to meet any premium that may be due. If such person does not meet the due or overdue premium before that period has elapsed, the notice of forfeiture takes legal effect. The amendment provides that industrial life assurance policies shall be treated differently from other policies. The period is reduced from 30 to 14 days because other privileges in regard to industrial policies are provided in previous clauses of the Bill. The amendment then proposes in respect of other classes of policies that the notice of intention to forfeit shall be sent out seven days before the premium is due and that a period of at least 30 days shall be allowed to the policy holder before notice of forfeiture can be given effect to.

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

Title—agreed to.

Bill reported with amendments.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th September.

MR. PATRICK (Greenough [4.40]: "This is essentially a Committee Bill. No one can oppose the principles contained in it. With the march of science it is inevitable that new mechanical devices should be introduced from time to time, and that they should be covered by this type of legislation. In the Bill before us reference is made to refrigeration machinery that up till now seems to have been operated by men without experience, with the result that many accidents have occurred. From time to time legislation of this description requires to be amended. The Bill also proposes to issue certificates to engineers, covering, I presume, the type of machinery to which I have referred. The regulations bearing on boiler inspection will also be tightened up. It is all to the good that these things should be done, because it is wholly necessary to protect the lives of men engaged in these particular avocations. The Bill refers to certain things I would like the Minister to explain during the Committee stage. The mea-

sure contains, for instance, one word I have not been able to find in any dictionary namely, "monteju."

The Minister for Mines: That is in connection with certain underground work.

MR. PATRICK: I would like the Minister also to explain the rather complicated formula dealing with refrigeration. I support the second reading.

Question put and passed.

Bill read a second time.

BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th September.

MR. SAMPSON (Swan) [4.45]: I regret to inform the Minister that this is a very unpopular measure and likely to meet with much opposition. In view of the many difficulties confronting growers, I hope it may yet be withdrawn. The Bill, if passed will repeal Section 27 of the Act and bring Part III. thereof into operation. If we go back to 1914 we learn something of the dismay and indignation caused by the introduction of a measure, the effect of which was to a large extent the same as would be the effect of the Bill before us. In 1914 Hon. W. D. Johnson was the Minister for Works. He certainly did his best to secure the passing of the 1914 Bill by this Chamber. It was passed in this House, but met with a vigorous, sustained and ultimately successful opposition in another place. Because of what was done in another place and following upon an investigation by a select committee, Section 27 of the Act was introduced, and that is the section the Bill before us proposes to repeal.

If there are districts that support this measure, I have no knowledge of them, nor have I been informed of them. The Minister referred to a state bordering on civil war that existed in one or more districts and we were told of a man or men sitting on the banks of a stream armed with a rifle or rifles, ready to take action and to insist upon his or their recognition of the rights of those already located along the stream. One of the water courses to which this Bill refers is the Canning River, which runs through a district that was one of the earliest in the State to be settled. The

Act refers to privileges appertaining to certain locations, that existed prior to 1914. So far as I can understand, all the land along the banks of the Canning River was alienated long before that year. The Bill proposes, on the recommendation of the Minister, and upon the advice of the commissioners, to give the department power to bring into operation Part III. of the Act so far as its bearing on all water courses in the State is concerned. The term "water courses" includes swamps, marshes, lagoons, and every other place in which water may be found, whether running water or otherwise. The people located in the Canning River area are very perturbed. Surely they possess some rights because of their long ownership or occupation of the land. Notwithstanding that fact, if the Bill be passed the whole position will be altered. As I have said, those affected are much perturbed. They regard the Bill as a menace from which they must be protected at all costs.

Mr. Doney: That is going a long way—"at all costs."

Mr. SAMPSON: Once the Bill is passed, there will be no opportunity for the votes of those concerned to apply. That is a point to which the Minister should give further consideration. To-day we hear a lot about democracy. If these growers are to lose rights acquired over a long period of years, what is the use of speaking of democracy? Are their rights to be taken from them without their approval first being sought? Many of these growers are pioneers who, in the very early days, took up land and developed orchards and gardens. I certainly hope further consideration will be given to this measure. The feeling against the Bill is remarkably definite. If the peace of mind of the settlers and harmony amongst them are to be preserved, there would seem to be no alternative to the withdrawal of the Bill. The measure applies not only to the Canning River but to every watercourse throughout the State.

Some of the growers have established their own schemes by ringbarking trees on their holdings, and thereby setting up a flow of water. If we pass this legislation, an incalculable injury may be done to such men. I am advised by those who live along the banks of the Canning River that the flow of water in that stream has

diminished seriously since the construction of the Canning Dam was commenced. Confirmation is lent to that assertion by the fact that the water available for the swimming pool at Kelmseott has been definitely curtailed. Arrangements were made for the holding of a swimming carnival at the pool last Easter, but there proved to be insufficient water for the purpose and the contests had to be abandoned. You, Mr. Speaker, may claim, that that is not a very important matter, but I mention it to prove that the volume of water flowing along the Canning River has seriously diminished. Again, I ask: Is it competent for the Government to take from the people who are developing holdings in the Canning district, a right they have enjoyed for many years past, namely, the right to the water in that stream? During the summer months nowadays, those located on the banks of the river are required to depend on the goodwill and generosity of the Minister for their supplies of water. I will at once admit that when those orchardists found themselves in need of water, when their position became difficult and the flow of water ceased, with the result that their crops were endangered, the Minister was good enough to allow a freshet to flow down the stream. I acknowledge that that is so, but the question is raised: Why should those who have acquired certain rights be expected to depend on the generosity and consideration of the Minister? In view of the rights those settlers possess, the flow of water should be maintained as in past centuries.

Another phase to be borne in mind is that on occasions and for days at a time, the flow of water in the Canning River entirely ceases. The effect is that when a freshet is allowed to flow down the course, the water is mostly wasted. No definite time is fixed during which the water is allowed to run down the course of the stream. It may run during the night or during the day. At any rate, under existing conditions, a considerable quantity of the water is wasted and the growers, in consequence, suffer unnecessarily. I ask the Minister to consider the rights of the growers. Why should those concerned in the production of fruit and vegetables not enjoy the same consideration as that extended to those engaged in prospecting or in the gold-mining industry generally? I commend the Minister for Mines upon the provision of State batteries, which are

erected without those who are to benefit being charged with the expenditure involved. The responsibility for the construction of those batteries is accepted by the Government because the task is recognised as a national undertaking. The production of fruit and vegetables is equally important. Why, therefore, should those engaged in that form of production not receive like consideration? Each summer quite an appreciable volume of water is wasted. To counteract that, why does the Government not provide dams across the river and thereby conserve the water instead of permitting part of it to run uselessly away? Another point worthy of consideration is that at Kent-street a weir was constructed many years ago. I understand that at the inception sandbags were used, but later a concrete wall was constructed across the stream at the lower Canning. The object was to conserve the water available to the people in that locality. Since it was competent for the Government of the day to carry out that work, why does not the Government now in office extend the application of that principle and conserve the interests of the settlers along the Canning River? In all fairness, that question calls for an answer.

We have been told thousands of times that Western Australia is a primary-producing State. That being so, the growers deserve every assistance the Government can render. If we study the land settlement question, we are forced to the conclusion that a change of policy is needed. To-day growers are leaving their holdings because they find it impossible to make a living. Why is this so? It is because they do not receive consideration similar to that extended to those engaged in other industries. I have already mentioned the assistance provided for the gold-mining industry, and I claim without hesitation that equal consideration should be extended to the growers whose holdings adjoin the Canning River. Dams should be constructed across that stream so that the required assistance may be forthcoming. I am aware, Mr. Speaker, that my remarks may be a little wide of the Bill, but they are associated with the principle at stake. My reason for speaking is to urge the Minister to give further consideration to the points I have mentioned and to indicate his appreciation of the rights possessed by the growers whose holdings are contiguous to the Canning River, which

rights to adequate water supplies will disappear if the Bill be passed. In Subsection 5 of the proposed new Section 27 provision is made whereby the Governor, without constituting any irrigation district under Part IV. of the Act, may, on the recommendation of the Minister and acting with the advice of the Commissioners, declare that that Part "shall apply to and have its effect in relation to any river, stream, watercourse, lagoon, lake, swamp or marsh specified in the proclamation." The whole effect, I repeat, is to cause a tremendous amount of anxiety. Some 18 months or two years ago, a public meeting was called at Gosnells, about 150 people attending. I acknowledge I went to the meeting in the belief that the right course was to ration the water, and to take steps to see that consideration was given to that point. The matter was explained by the Under Secretary for Water Supply and the engineer, but very definite opposition was shown to the proposal. Only one person at the meeting voted in favour of the proposal put forward to ration the water.

Mr. Cross: How many settlers were present?

Mr. SAMPSON: About a week ago, at a meeting held—

Mr. Cross: I will tell you about a meeting held last night.

Mr. SAMPSON: I dare say the hon. member will and I am sure he will be able to throw much light on this subject. A meeting was advertised to be held in the Gosnells Hall a week ago yesterday. I was present, and the matter was discussed at length. I endeavoured to put forward arguments in favour of the Bill, urging that consideration should be given to the approval of the measure, because it aimed—so it seemed to me—at protecting people engaged in production on the banks of the river. There was, however, remarkable unanimity against that view. I shall not attempt to explain why; but definite disapproval was expressed to any proposal entailing the possibility of increased taxation. Unfortunately, the Bill does make that possible. At the meeting held a week ago yesterday, 50 or 60 growers were present; and, with one exception, they voted against approval being given to the Bill. Indeed, they urged that every effort should be made to induce the Minister to withdraw it; and, if that were not possible, that means should be adopted

to ensure the defeat of the Bill. The one person in favour of the Bill came from the Canning electorate. How it was that just one person was in favour of the measure, I cannot understand; but that one faint, glimmering ray of belief in the Government came from the Canning district.

The Minister for Labour: You just told us that you were in favour of the Bill.

Mr. SAMPSON: I was referring to the growers, and only one grower at that meeting was in favour of the Bill. Actually I cannot be sure that he was a grower; but he professed to believe that the measure was fair, and that the views expressed by myself should be supported.

The Minister for Labour: Are you still in favour of the measure?

Mr. Cross: It is a fair Bill.

Mr. SAMPSON: Can I favour a measure when I find such unanimity against it by my constituents?

The Minister for Labour: Ninety electors out of about 4,000!

Mr. SAMPSON: My constituents are not all located on the banks of the Canning River.

The Minister for Labour: They ought to be.

Mr. SAMPSON: Some of them are located on other streams. Some have established schemes for themselves. I have a sheaf of matter which I would very much like to read to the Minister. I do not know that I shall do so; it all depends on how I get on. The area through which the Canning River flows is not an irrigation district under the Act, but, if the Bill passes, it can at once be brought under the Act, and that is not desired. I shall quote Section 14 of the Rights in Water and Irrigation Act, 1914—

All owners or occupiers of land alienated from the Crown through or contiguous to which runs any water-course, or within or contiguous to which is wholly or partly situate any lake, lagoon, swamp or marsh, shall in respect to such ownership or occupation have rights free of charge to the water in such water-course or lake, lagoon, swamp or marsh, for the domestic—

this is the limitation—

—and ordinary use of themselves and of their respective families and servants, and for watering cattle or other stock . . .

How would my friend, the member for Canning (Mr. Cross), get on? He would get off violently if he supported something which

limits the usefulness of a stream in the definite way expressed in Section 14. The section continues—

—and every owner of land alienated from the Crown before the commencement of this Act shall have a further right to such water for the irrigation of a garden not exceeding five acres in extent, being part of such land and used in connection with a dwelling.

What about the big cauliflower gardens? Members will note the condition attached to the right to use the water—the five acres must be used in connection with a dwelling. I submit that that prevents the use of the water for commercial gardens. The water can be used only for a garden not exceeding five acres in extent, when such land is used in connection with a dwelling. Such a limitation would be of no use. I suggest that consideration of the Bill should be left in abeyance until such time as a majority of the people concerned ask for the Bill. In the meantime, they should not be deprived of rights and privileges which they have acquired through ownership or occupancy of their land over a long period of years. As I have said, when the Bill of 1914 was before Parliament, there was considerable agitation throughout most of the small producing districts, and also of some of the larger districts. There appeared to be a universal disinclination or distaste for the Bill. At all events, the Bill was amended, and Part III. of the Act does not apply to holdings of certain small growers.

I desire to read three or four extracts from the report of the select committee of the Legislative Council. The committee was presided over by Mr. H. P. (now Sir Hal) Colebatch. Undoubtedly, that committee made a very complete job.

The Minister for Mines: When was that?

Mr. SAMPSON: In 1914, when the Bill went down to another place. I believe the Minister was there at the time.

The Minister for Mines: I was at the war then. I was not in the Upper House.

Mr. SAMPSON: The extract reads—

The committee, while endorsing the views of the majority of the witnesses, is further of the opinion that the Bill, if passed in its present form, by its disturbance of long-existing and long-recognised rights, would destroy confidence and create a feeling of uncertainty prejudicial to the healthy development of the producing industry.

That applies to-day, just as it applied then.

The Minister for Mines: It applied years ago.

Mr. SAMPSON: Yes, but 25 years in the history of a watercourse is not of much account.

The Minister for Mines: I know it is not.

Mr. SAMPSON: History is repeating itself to-day. That was the opinion expressed at the meeting held on Monday last, a week ago yesterday. The Minister knows that the life of a brook is not determined by time. The owner of a property in Canning gave evidence that he had paid an enhanced value for land on the river bank, on account of water which would be available. The extract continues—

Mr. Oldham (then Engineer for Water Supply) said that the proposed Canning Dam would interfere only with a small portion of the flow of the river.

Mr. A. N. Piesse, a farmer and fruitgrower, gave evidence that he owned certain land, one boundary of which was in the centre of the river, and he said that, should the Government reclaim river ends, he would suffer hardship, through no longer being allowed to use areas left dry when the river receded. He said that the Bill's provision for resumption of dry river beds was not just or right.

Members who recall the late Mr. A. N. Piesse, an ex-member of this House, will agree with me that a fairer man never sat in this Chamber. The extract continues—

Mr. Lang of Maddington gave evidence of having paid £42 an acre for land with a river frontage, the worth of which he estimated at £15 to £20 an acre without the frontage.

Who would pay such prices for land, probably unimproved, unless it carried water rights? The extract continues—

Mr. Hart, orchardist, gave evidence of having purchased land with an 8-chain frontage on the Canning River at a high price. He said that it was solely on account of the frontage that he had bought the place. He said that he had put in a pumping plant and was endeavouring to make his orchard pay.

I have many other extracts, but shall not read them. I have read sufficient to show that there was very definite opposition expressed to the Bill by persons giving evidence before that select committee. I hope I shall not be called upon to vote against the Bill, but I certainly must do so if the Minister decides not to withdraw it in view of all the circumstances and the definite objection raised to it by persons possessing riparian rights in the rivers and watercourses, lakes, lagoons, swamps and marshes throughout the State. It is but fair and reasonable that the Minister should withdraw the Bill.

MR. CROSS (Canning) [5.15]: I listened intently to the faint praise bestowed upon the Bill by the member for Swan. I was pleased a week ago when I heard that he had attended a public meeting and had extolled the provisions of the measure. The hon. member then said the Bill was a very fair one.

Mr. Sampson: Like the hon. member, I am not financially concerned and do not make a living from the river.

Mr. Marshall: That is about the only place where the hon. member does not.

Mr. CROSS: No better illustration of the need for the measure could be found than in the conditions operating along the Canning River. Members will recall that the Government undertook the construction of the Canning dam to conserve a large volume of water for the needs of the greater metropolitan area.

Mr. Sampson: And the Nicholson dam.

Mr. CROSS: One can readily appreciate that, after the completion of the Canning dam, which will be one of the largest reservoirs in Australia, a relatively small quantity of water will flow down the river, particularly during the summer months. On the experience of the settlers during the last two seasons, there is little likelihood of the Government's figures being realised. When the construction of the Canning weir was begun, Mr. McCallum promised that the normal summer flow would be permitted for the benefit of settlers along the river. The supply for irrigation purposes, however, is limited, and it is important that the Crown assume control of the water to ensure that each settler located on the river gets a fair share. This Bill meets with my approval because it sets out to ensure a fair supply to each settler. However, misrepresentation has been indulged in by some people who may be termed bush lawyers and who frightened the settlers at the higher reaches of the river into holding a public meeting and requesting the member for Swan to oppose the Bill. On the completion of the Canning dam the flow of the river will be limited, but residents in the higher reaches will have first draw on the supply. Many of the settlers along the river have installed electrically-driven pumps in order to raise water for irrigation purposes, but during the last two seasons the people on the lower reaches of the river have been prevented, through

the action of settlers located higher up, from getting any water at all.

Mr. Sampson: Has there been any complaint?

Mr. CROSS: Yes, and steps have been taken to overcome the difficulty. This Bill, in fact, aims at removing the cause for complaint. Last year settlers on the lower reaches of the river—they are in my district and have been in business as producers for 35 years—complained that because small dams had been constructed in the higher reaches, the usual flow of water was not coming down the river.

Mr. Sampson: Are there any dams in the river now?

Mr. CROSS: Not at present.

Mr. Sampson: Have they been removed?

Mr. CROSS: I went to the higher levels and found two dams made of bags filled with clay which prevented the water from running down the channel, although the department was releasing sufficient water to give the ordinary summer flow. The settlers at the lower end got no water at all; in parts the river-bed was quite dry. I asked the department whether the settlers at the top end were entitled to draw the whole of the water and the reply was that they were not, but that there was no power to prevent the construction of these small dams. The Bill seeks to prevent that sort of thing.

As the quantity of water is limited, obviously it would be useless to allow new settlers to instal pumps at the higher reaches because that would prevent anyone from making a living. If there is sufficient water for, say, 100 settlers, it would be ridiculous to allow 1,000 settlers to draw from the river. The Bill will give power to prevent the construction of small dams, to prevent the holding up of the water on the higher reaches and to prevent the installation of new pumps, should that step be deemed necessary. When I approached the department I was successful in getting water released lower down the river. The department released some hundreds of millions of gallons from one of the pipes lower down; it did not matter to the department where the water was released. Last summer 600 or 700 million gallons were released in excess of the usual summer supply to cater for the essential requirements of the settlers on the lower reaches. A year before that similar

trouble was experienced, and I was able to persuade the department that the Canning dam should be scoured, as a result of which 1,000 or 1,200 million gallons of water were released. That had the effect of filling the Kent-street catchment and ensuring a plentiful supply. In view of these conditions, should we wonder that the people along the lower reaches of the river are anxious that legislation be passed to ensure each settler's receiving a fair share of the water?

The member for Swan agreed that the measure would prove beneficial, but after he had attended the public meeting, he was influenced by the statement that this was only a taxing measure to exact fees for supplying water from the river. That statement was wrong. Section 33 of the Act gives the Irrigation Board power to construct and maintain irrigation works, and Section 46 enables the Government to levy rates in order to keep the works in repair and to pay interest and sinking fund charges on the outlay.

Mr. Sampson: That sounds vigorous.

Mr. CROSS: It does, but what works are proposed beyond those I have indicated? If this measure is to prove effective, other steps will have to be taken. Some years ago another Government constructed what is known as the Kent-street weir. It was a cheap job and has never given satisfaction. At that time 89 settlers entered into an agreement to pay fees sufficient to cover interest and sinking fund charges on the cost of constructing the weir. The weir, however, was never effective. It did not prevent the escape of the impounded water, and in October and November when the sea tide was high, it did not prevent the salt water from gaining access to the fresh water. The salt water travelled some miles up the river and ruined the supply of fresh water. During the last seven years almost continuous complaints have reached me regarding the state of the Kent-street weir. I do not know how many visits I have paid to the weir. When repairs were required, the department has always sent men as quickly as possible to effect them. Last summer the department rang me while I was attending a sitting of Parliament and stated that certain repairs had been completed. I visited the weir at 10.30 next morning and already there was a hole big enough for a man to crawl through. The

weir was leaking in ten places and an enormous quantity of water was being lost. During the last seven or eight years several hundreds pounds have been spent on repairs to the weir, but it has been money wasted. If effective control of the water is desired, a weir must be constructed that will hold the water. A meeting was called at Cannington to discuss ways and means for providing a new weir. As I have pointed out, the Kent-street weir is useless and nobody is interested in its being retained. A new weir is imperative.

Mr. Sampson: Who will pay for it?

Mr. CROSS: I think the member for Swan received an invitation to attend that meeting.

Mr. Sampson: You know that I did not receive an invitation.

Mr. CROSS: Notices were sent out.

Mr. Sampson: What makes you think along such lines?

Mr. CROSS: Only last night I was informed that an invitation had been extended to the hon. member, and there were people present from Gosnells, which is in the hon. member's district. The meeting resolved to send a deputation to the Minister requesting the construction of a new weir. That decision received the approval of everybody who was present from the hon. member's electorate.

Mr. Sampson. What did they think of this Bill?

Mr. CROSS: They approved of it: I believe that all present at the meeting, with one exception, approved of it. The meeting discussed ways and means for providing a new weir and decided to interview the Minister and ask him to construct a new weir, and strike a small rate on the land to be served. They will go so far as to suggest to the Minister the metering of the pumps on the river and the striking of a rate sufficient to return interest and sinking fund on the cost of the weir. Those are the only charges ever likely to be exacted from the settlers on the Canning River, and I think the member for Swan will agree that that is a different proposal from what the Bill asks for—a separate proposal.

Mr. Sampson: Do those settlers want more taxation?

Mr. CROSS: The hon. member must agree that it is fair to rate settlers on the quantity of water they use to pay for the

new weir. He must also admit it is fair that the people on the higher reaches of the river should be entitled to water just as the people on the lower levels are entitled to it, and vice versa. In my opinion there are no objections to the Bill. Certainly there will be arguments and disputes and rows along the Canning River as long as the present unsatisfactory position persists. Accordingly I appeal to the member for Swan to do what he knows to be, and what he has declared to be, the right thing—namely to support a good Bill—instead of being influenced by persons who do not understand either this Bill or the parent Act. I ask the Minister to give the member for Swan an assurance that the Government has no intention whatever of levying unnecessary taxation through the medium of the Bill. I ask the Minister also to impress on the hon. member that the statement made at the public meeting held at Mad-dington—that the Government intend to use this as a taxing measure—is entirely untrue, without an atom of foundation. It is unfair for people to state at a public meeting that the Government intends to use a Bill for taxing purposes when the Government's only desire is to ensure that the available water shall be distributed fairly and at the cheapest possible price. I trust the Bill will pass.

MR. J. H. SMITH (Nelson) [5.34]: I support the Bill on several grounds. I was interested in the dog-fight between the member for Canning and the member for Swan, but I wish to remind the Minister that the Canning is not the only stream in Western Australia.

Member: But it is the most important stream.

Mr. J. H. SMITH: That depends on who represents the Canning electorate. The object of the Bill, as I view it, is to give the Minister full control of all waters. That control will be exercised through commissioners. Streams are affected by irrigation areas, it is true; but outside those areas the Government could, under the Bill, proclaim irrigation or drainage areas directly or indirectly. It will be foolish to give the Minister such sweeping powers as the Bill proposes. Let me ask, why the commissioners? Is another board of commissioners to be set up? There are to-day commissioners dealing with irrigation. Whom

does the Minister propose to make commissioners? Members of local authorities? For a hundred years settlers have gone right back into this country pioneering, and their water rights are scattered all over Western Australia. If the Bill passes, what is to become of those water rights? If a stream is dammed up so as to prejudice settlers lower down, there is already power to appeal to the Minister with respect to riparian rights. I remember such action being taken. I have known it to be taken successfully in the Murray-Wellington electorate. I remember years ago discussions in this Chamber as to settlers blocking a stream, and I also recall that a water course had to be declared by a Minister, who now sits on this side of the House, in order to give settlers lower down the stream access to the water. This measure affects the whole of Western Australia. I agree that what the Bill proposes ought to be done with respect to irrigation areas, but I cannot agree that it should also be done outside those areas. I cannot consent to conferring such power on any Minister. The passing of the Bill would not affect my district greatly, though some settlers there would be hit fairly hard. As the member for Swan pointed out, country is developed and rendered fit for cultivation by many men going out and ringbarking. Thus streams are caused to flow. But the Bill refers also to swamps, lagoons and so on. Therefore we must be most careful. I do not see that the Minister needs the powers proposed. He can now by proclamation make any area an irrigation area or a drainage area. Is not that sufficient? Why go outside the existing Act? The Bill might even affect suburban areas, such as Mount Hawthorn and Osborne Park. If occasion should arise for the Minister to exercise his proposed power, he can come to Parliament with the necessary Bill.

Mr. Cross: That is what the Minister has done.

Mr. J. H. SMITH: The Bill goes much further. Clause 5 affects all water courses, swamps and lagoons in Western Australia.

Hon. W. D. JOHNSON: Do not you consider that in a dry country we should conserve the water?

Mr. J. H. SMITH: In various districts the waters should be controlled. However, let information be brought before Parliament showing where difficulties have arisen. Under

the Bill the Minister might come to my electorate and declare irrigation or drainage areas without first examining the conditions.

Hon. W. D. JOHNSON: Is it not desirable that irrigation and drainage areas should be created?

Mr. J. H. SMITH: Perhaps in arid country, but not in the south-western portion of the State. Many of the settlers have been there for 60 or 80 years, and their holdings are not divided by fences or roadways. The farmers depend on the water supplies available to them. The Bill would enable the Minister to take away the right to use such supplies.

Mr. Cross: But that is not the intention.

Mr. J. H. SMITH: There is danger of it. Many years ago field surveyors were instructed that all watercourses must have a defined highwater mark. In the old days that was not so. Such a provision would inflict hardship on many settlers. I see no need for the extended powers, and therefore oppose the Bill.

HON. W. D. JOHNSON (Guildford-Midland) [5.40]: I have a vivid recollection of the early difficulties experienced in trying to obtain control of watercourses in Western Australia. It took some years to convince another place that the proposal was just, and essential to the proper development of our agricultural lands as well as the use of pastoral areas to the maximum extent. The ambitions of that period were defeated, with the result that at this late day the Minister is seeking to secure powers which were originally considered desirable. However, another place thought we were going a little too far, and ultimately we had to compromise to the extent of deleting a provision which would have enabled the Minister to function adequately without this amending Bill.

Mr. Sampson: Another place described that Bill as confiscative.

Hon. W. D. JOHNSON: I submit to the hon. member that if he reads up the debates on that Bill he will find himself going back a good many years, and that Parliament has been somewhat late in realising the need for irrigation schemes. Does the hon. member realise that at Harvey there has been no control over the water? Does he realise that there will be no irrigation in the North-West until we control all waterways there? In a country like Western Australia, where summer rains are so light, it is essential that we

should supplement them by conserving all the water we can, so as to achieve the maximum amount of cultivation and of production. Accordingly I support the Bill.

The Canning trouble is a comparatively small one, and only goes to emphasise the need for doing something in that district. I remember the first experiment in irrigation there, and the trouble in connection with the Canning Weir because I used sandbags. The idea was to see what could be done with water once conserved. The work accomplished by the Canning producers demonstrates that controlling water and using it when Providence does not supply the quantity required enables the soil to produce to the maximum extent. Therefore I am sorry to hear a member from a district such as Nelson—where the settlers will eventually welcome irrigation—speak as one who fails to realise the benefits accruing from a proper control of waterways. Western Australia as a whole has realised the advantage of damming up and conserving water. The original measure, however, was modified to the extent that certain waters were not controlled by the State. The Bill seeks to remedy a weakness in the original Act. I am glad the Minister has introduced it; and I think this House and another place, knowing the benefits which have accrued from the application of the original Act, will pass the measure.

MR. McDONALD (West Perth) [5.44]:

I agree that the apprehensions of the member for Nelson (Mr. J. H. Smith) are quite natural, because nobody wishes to impose any hardship upon early settlers in particular; but I do not think his apprehensions need concern him deeply as to the effect of the Bill. I support the measure, believing its principle to be right and logical; and since we have adopted that principle for irrigation areas and streams supplying irrigation areas, it seems merely proper that we should extend it to all watercourses of the State. We are a young State providing for the future, and we might at an early stage take control of our watercourses and put them under proper supervision. Right back to biblical times, rights in water were a matter of grave consideration to those who lived on the banks of streams. Under English Common Law, which also applies here, people who live on banks of streams are entitled

to a fair and equal use of the water. That is the general principle of common law; and the Act it is now sought to extend starts off by adopting the common law and endeavouring to provide a fair and equal distribution of water among the people living on banks of streams. Under this law a more definite provision is made regarding the area to be irrigated. But the Act has a certain elasticity and in addition to the rights that are applicable to every riparian owner, the Commissioners are given two powers; the first is that where a person has enjoyed more than the usual share of water for a period of time, the Commissioners may give him a special license to continue that excess for a term up to 10 years. Thus he is protected for 10 years. Further the owner of land on a stream may be given a license to use water for a particular purpose. When that can be done without interfering with the legitimate rights of other owners, an owner may be given the right to use more water than his share. Apart from the ordinary rights of a riparian owner, it is possible to obtain what is called a prescriptive right to a larger share of water from a stream, a share greater than one's fair proportion. By 20 years' use of an excess share of water, an owner may in certain circumstances acquire the right for all time to use more than his fair share. It is desirable that we should by legislation take charge of the allocation of water to provide an equitable exercise of rights. The development of a whole district might be affected, that is to say, the people who might take up land on a particular stream. On the whole, however, the measure should be of benefit. I should like the Minister, if he can do so, to make some inquiries as to whether there are many owners who claim special rights, owners of the type mentioned by the member for Nelson, people who have been on their holdings since the very early days, and who may have acquired rights beyond the normal use of the water. If there should happen to be such cases along streams, and people are likely to be affected by the application of this law, the Minister might be prepared to consider some provision to meet such special cases. But unless we have evidence of acute hardship, cases of people who have built up their future on the land and who require more than the usual share of

water, we can pass this legislation without feeling that any real injustice will be done to anyone.

MR. WARNER (Mt. Marshall) [5.52]: I have not heard any arguments advanced as reasons why we should not pass the Bill. There might be a case of hardship where a small stream was flowing freely in winter-time, but where in the summer it flowed only at the top end and where a dam might have been placed across it by the people along the banks just there to secure water not only for domestic and stock purposes but to irrigate the land. In an event such as that the person below would be left without a sufficient supply. That is what the Bill aims at; it will try to stop one individual taking all the water in the manner that I have outlined. I have always held the view that our rivers and streams, at any rate those of any consequence, should have a chain reserve on either side. Having heard the discussion, my conclusion is that the Bill should become law.

THE MINISTER FOR WATER SUPPLIES (Hon. H. Millington—Mt. Hawthorn—in reply) [5.55]: The member for Swan (Mr. Sampson), who appeared to have gone into the Bill thoroughly, offered opposition to it. The member for Nelson (Mr. J. H. Smith) also opposed the Bill, but under a misapprehension. The member for Swan told us that considerable indignation had been raised as a result of the introduction of the Bill and he spoke of settlers being deprived of the right they had enjoyed for years before. The opposition has come from only a part of one of the rivers that may be affected. Another member who represents the lower section of the river, supports the Bill. Thus in connection with this one stream there is divided opinion. The hon. member dealt particularly with the rights of those people who happen to be residing near the streams. We do not take away rights if we make available a court that will determine what those rights are. That is what it is proposed to do. We propose to set up an irrigation authority to apportion the rights. In that way justice will be done. If disputes are left to individuals who have their own views about what rights should be, irritation is set up. It is incredible the rights that some people think they have, as the member for Guildford-

Midland (Hon. W. D. Johnson) has pointed out. That hon. member introduced the original Bill in 1914, all the sections of which from Section 4 to Section 27 deal with rights in natural waters. Objection was taken to Section 27, which excludes artesian wells from the limitation relating to irrigation districts. The clause in the Bill merely preserves the existing provision in regard to artesian wells. The clause proposes to amend Section 27 by providing that the new section shall be deemed to continue to apply to artesian wells throughout the State. At present Part III. of the Act does not apply to or have effect on any river, stream, or watercourse, etc., not in an irrigation district constituted under Part IV. of the Act. The board will have to go through all the formula of setting up and proclaiming an irrigation district, and it will have to be possible to guarantee a supply of water. This it will not be possible to do in any of the rivers that will be affected. Deputations can wait on the Minister, but very often the people themselves should be able to settle disputes, though there may sometimes be a shrewd person who knows of the powers that actually exist. That person will sit tight. It is true also that at the present time a person can have recourse to law, and I explained when moving the second reading how expensive and difficult it was for the average settler to take a case to court. I have here the report of a simple case that was taken before Mr. Justice Rooth in 1917. The judgment reads:—

This action having on the 18th, 19th and 20th days of September, 1917, been heard before His Honour Mr. Justice Rooth and having been ordered to stand for judgment and standing for judgment this day in the presence of counsel for the plaintiff and defendants respectively and the said judge having directed as follows:—

1. That the defendant—

I shall not mention the name—

—is not entitled by prescription to obstruct, abstract, or divert the waters of the Wongong Brook as claimed in her defence herein and that the plaintiff is entitled to the unobstructed natural flow of the water of the said brook through her land in the statement of claim mentioned undiminished in quantity subject to the ordinary and reasonable use of the said brook and water by the riparian owners higher up the said brook.

Members will see how clear that is!

Member: As clear as mud!

THE MINISTER FOR WATER SUPPLIES: The judgment continues—

2. That the defendant . . . his servants agents and workmen be perpetually restrained from obstructing, abstracting, or diverting the water of the said brook by means of the dam and the south channel or branch in the pleadings mentioned or otherwise so as to interfere with the plaintiff's said rights, therefore it is this day declared and adjudged as follows:—

This is the judgment that the plaintiff obtained—

That the defendant is not entitled by prescription to obstruct, abstract, or divert the water of the Wongong Brook as claimed in her defence herein and that the plaintiff is entitled to the unobstructed natural flow of the waters of the said brook through her land in the statement of claim mentioned undiminished in quantity subject to the ordinary and reasonable use of, the said brook and waters by the riparian owners higher up the said brook.

The judge declared that the defendants had not the right to obstruct the free flow of water; but, even so the judgment is—as was pointed out by the member for West Perth (Mr. McDonald)—somewhat involved. It would be difficult to say that the case is one that could be used for the guidance of other people. I point out that the Bill was not introduced merely for the sake of introducing it but because of difficulties and disputes that have arisen in connection with rivers and streams not subject to the Rights in Water and Irrigation Act. There is a kind of anarchy existing so far as these streams are concerned; and we have no method by which the waters in them can be rationed in an orderly manner.

Mr. Sampson: I am told there is no trouble at the Canning.

THE MINISTER FOR WATER SUPPLIES: Trouble arises when some straw-headed person adheres to his own idea of his rights. Then other people must suffer. These are times when we ought rather to advocate fairness in settlement of disputes of this kind. In regard to the Canning River I understand a case has been put up that the Government proposes to declare the Canning River an irrigation area and levy rates. That is not so. There is no reason why the Government should do that, because it cannot provide or guarantee a supply of water. The Canning River cannot be brought under the Act, because already there is an area in the district for the conservation of water for domestic purposes.

The only way in which the waters of the Canning River could be rationed fairly would be by bringing the river under the terms of this measure and establishing a board which would license the various owners settled along the course of the river, if they had riparian rights. Clause 14, which was read by the member for Swan (Mr. Sampson) sets out the rights of owners. The measure introduced by the member for Guildford-Midland (Hon. W. D. Johnson) did not go as far as does the Victorian Act in the control of water-courses. Section 5 of the Victorian Act provides—

Where any river, creek, stream or water-course or any lake forms the boundary or part of the boundary of an allotment of land alienated before the commencement of the Water Act, 1905, 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.

Mr. Sampson: That is adopted in our Act.

THE MINISTER FOR WATER SUPPLIES: All we claim under our Act is the bed of the river. In Victoria, the Government has control of the full length of the river, the bed as well as the banks.

Mr. J. H. Smith: That would be the high-water mark.

THE MINISTER FOR WATER SUPPLIES: A difficulty apparently would arise to determine the bed of the river, because the bed changes.

Mr. Doney: Section 14 of our Act does not give unrestricted right to the whole of the bed of the river. You cannot have read the section.

THE MINISTER FOR WATER SUPPLIES: The Victorian Act provides for control of the river up to the bed and includes the banks of the river.

Mr. Doney: I am referring to the Western Australian Act.

THE MINISTER FOR WATER SUPPLIES: The members of the conferences on irrigation and which I attended, were amazed to learn that Western Australia did not control its watercourses, because Victoria, and New South Wales, and I believe South Australia, do. Water in this State is scarcer, more precious, and more difficult to ration than it is in those States. We are aware of the difficulty that exists in regulating the use of water in this State, even when boards are constituted for the

purpose. I shall refer to a dispute that arose over one of the brooks in the South-West. A man with plenty of money, whose property was well placed near the bed of the stream, took complete control and diverted all the water to his own property. When the members of the Irrigation Commission interviewed him on the matter with a view to arriving at an amicable settlement, everything was apparently in order. He had allowed a certain quantity of water to flow down the brook, and wanted to know what the complaint was about. Immediately the commission left, however, he again dammed the stream and took complete control of it. Members would hardly desire that kind of thing to continue. Will any member assert that that is a fair way of rationing the water in that stream? Yet that is what happens, and may happen. The Minister cannot interfere; he has not the power. Many "bush-lawyers" defy people to interfere with what they consider to be their rights. Their rights in this instance are what they can get by damming up the stream and in some cases sitting beside it with a gun. We do not want that. Whatever danger there may be in this measure it does provide fairer means of adjustment than that. I do not think the member for Swan (Mr. Sampson) would say that was the way to control the water in the courses affected by the measure.

Mr. Sampson: The Bill does remove certain rights, and no compensation is suggested.

THE MINISTER FOR WATER SUPPLIES: What rights does the Bill take away? It does not remove any rights at all, but defines rights. At present there is no way of obtaining such rights except by a man's going to the court. I have read the judgment that was given in a certain case, and that judgment is no guide to anyone else. If another individual on the banks of the river were anxious to conform to that judgment, it might easily be shown that the judgment did not apply. The conditions might be demonstrated to be entirely different from those on the Wongong Brook which was the subject of this particular dispute and the resulting judgment.

Mr. Sampson: Of course the Wongong had been diverted and separate branches established.

THE MINISTER FOR WATER SUPPLIES: Yes: that is exactly what is done,

not only there but in other places. It was so with regard to the brook further down which I mentioned as having been dammed back completely. The owner on the upper reaches took complete control, and there was no means of stopping him. That is why this measure was introduced, at the request of the settlers and on the advice of our irrigation commission. Many disputes could easily be settled and the waters regulated if the power were granted; but, as I have explained, certain settlers know that that power does not exist, and they have determined that they are going to have their way in spite of the rights of any other settlers on the brook. The member for West Perth (Mr. McDonald) referred to special rights. When the Bill is being considered in Committee, if members consider those special rights should be conserved, I do not know that I shall have any particular objection. This is not a case of the Government's desiring to take control for the purpose of establishing irrigation areas and levying rates. The measure will not affect the Government in the slightest. It is a question whether the local people, with the assistance of officers of the Irrigation Department, shall take control. That is what will happen if the Bill becomes law. The Act itself makes provision for the setting up of boards. The member for Williams-Narrogin (Mr. Doney) desires that local governments shall be consulted. We would have no objection to that. I assure members that in no instance will the Government rush in—

Hon. C. G. Latham: You can rest assured that the local authorities do not want to have to settle these disputes.

Mr. Doney interjected.

THE MINISTER FOR WATER SUPPLIES: I should say that those settlers along the river bank would be notified. There is no suggestion that we are going to take complete control of all the rivers of the State. This measure will apply only where there is need for it. The member for Swan seems concerned about certain rights that he thinks the measure will not conserve, but the Bill will provide the machinery for determining the rights, not of one particular man but of all those involved. That is why the Bill was introduced, at the request of the settlers, and because it may not suit a few settlers in the upper reaches of the Swan, is no reason why the Bill should be withdrawn when it is required for other parts

of the State. I cannot accede to the hon. member's request.

Mr. Cross: He is not serious. He said it was a good Bill.

THE MINISTER FOR WATER SUPPLIES: I am pleased with the manner in which the Bill has been received. I am anxious that those concerned should realise that there is no suggestion of their rights being interfered with. The measure is designed to determine and to conserve rights.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 27 of principal Act:

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DONEY: I move an amendment—

That the following proviso be added to the proposed new Subsection (5):—"Provided that no such declaration, cancellation, or revocation shall be made until after the expiration of fourteen days after notice of intention to make such declaration, cancellation, or revocation has been given to the local authority or authorities in or through whose district or districts such river, stream, watercourse, lagoon, lake, swamp, or marsh run or are situate to the intent that before the making of such declaration, cancellation, or revocation any objection by such local authority or local authorities may be considered."

In such an essentially local matter as a riparian dispute, local evidence should be sought in order that the Commission might arrive at a fair decision. No one would be better qualified to give evidence than would be the local authority in whose district the dispute occurred. Provision is made for the inclusion of three irrigationists in addition to the Government representative. The irrigationists would be satisfactory for dealing with questions affecting irrigation, but river problems would be an entirely different matter. Those men would be likely to know little about the difficulties regarding a stream distant from their own district.

THE MINISTER FOR WATER SUPPLIES: I see no objection to the proviso. The idea is that all interested should receive full notice of any proposal.

Mr. Doney: I want you to regard this body as being interested.

THE MINISTER FOR WATER SUPPLIES: Others might be more interested in the river course than the local authority would be. I should say that before a proclamation was issued, those people would be notified. The request for a proclamation would come from them.

Mr. Doney: While searching for the reasons, I suggest that you consult the local authority.

THE MINISTER FOR WATER SUPPLIES: As has happened in the past, there would be requests from the local people, and before action was taken they would be consulted.

Mr. SAMPSON: In spite of the arrangement for giving notice, no provision is being made for a variation. I move—

That the amendment be amended by adding the following words:—"and in the event of a decision disapproving of the declaration, cancellation or revocation, such shall not be proceeded with."

The addition of those words would ensure that objections would be met.

THE MINISTER FOR WATER SUPPLIES: I do not think the additional words are relevant. I have agreed that the local authority should be notified, not that the local authority should be the determining authority.

Mr. Doney: I have not suggested that.

THE MINISTER FOR WATER SUPPLIES: This legislation recognises the people concerned as the ones who are interested, not the local authority. Since members desire that the local authority be notified, I raise no objection, but the local authority must not be the determining authority. I oppose the amendment on the amendment.

Mr. SAMPSON: So that the amendment of the member for Williams-Narrogin may be of some service to those concerned, the Minister should also accept my proposal. The wishes of the local authorities should be respected.

THE MINISTER FOR WATER SUPPLIES: I did not say otherwise, but that they were not to be the determining factor.

Mr. SAMPSON: Their wishes cannot be respected unless they are given effect to. It would be an empty courtesy to submit a matter to a local authority when it was not intended to carry it any further.

Mr. DONEY: I did not suggest that matters should be referred to the local authorities, but that evidence obtained from them might be considered. They should have the right to submit evidence, as they are in a better position than is any other body to submit reliable evidence.

Mr. CROSS: I oppose the amendment on the amendment. The addition of those words is unnecessary, and would only complicate an already difficult position.

Amendment on amendment put and negatived.

Mr. CROSS: The member for Williams-Narrogin should extend the notice to be given from 14 days to 28. In some country districts the notice would not be received in time for it to be acted upon, or it might be received too late for a meeting of the local authority to be called within the number of days allotted.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That at the end of proposed Subsection 7 the following words be added:—"Provided that the relative subsections of this section shall not become operative until a petition requesting that such shall be done signed by a majority of the settlers on any river, stream, watercourse, lagoon, lake, swamp or marsh is received by the Minister."

Bitterness amongst the settlers may arise because some may have a larger share of the water available than others have obtained. Should that occur, there would be no difficulty on the part of the majority of the settlers in getting up the necessary petition. On the other hand, in the event of perfect harmony prevailing amongst the settlers, my amendment would still be a protection for them and would not invalidate the Act. Furthermore, the amendment would go a long way towards making this legislation acceptable to those concerned.

The MINISTER FOR WATER SUPPLIES: The amendment is not in keeping with the Act. The Harvey irrigation area was extended from 4,000 acres to 13,000 acres without the lodging of any petition by the settlers, although it meant that they all had to conform to the rating conditions. However, we have to give settlers an opportunity to object as the Act provides; and I do not think that position should be altered. Due notice will be given of proclamations. The amendment reverses the order of importance of things, and imposes a

heavy liability on all landholders. If a majority of landholders objected, presumably the proclamation would not issue.

Mr. SAMPSON: The delivery of notices is not enough. It does not give much protection. No doubt the Minister would sympathetically consider any objection by settlers. Nevertheless, the Act does not provide for it.

The Minister for Water Supplies: It is provided in regard to irrigation itself.

Mr. SAMPSON: That is only one portion.

The Minister for Water Supplies: The most important portion.

Mr. SAMPSON: There is the highly important aspect of the rights of old-established settlers. Surely the majority should decide whether any injury is inflicted on those settlers. I hope the Minister will either accept the amendment or defer consideration of the clause.

Mr. McLARTY: The Minister would be well-advised to extend favourable consideration to the amendment of the member for Swan. Before an irrigation area can be declared, a majority of the settlers in the proposed irrigation area should agree to the carrying-out of the work. If they do not agree, the Minister is not empowered to declare an irrigation area. If it is right that the majority of settlers in a proposed irrigation area shall decide whether the area shall be proclaimed, settlers on a stream should be consulted as to whether they want the stream controlled. In the case of all streams I have knowledge of, the majority of settlers would vote in favour of control.

Mr. J. H. SMITH: I agree with the previous speaker that the Minister should accept the amendment. In introducing the Bill the hon. gentleman distinctly stated that one man or two men at the head of a stream might penalise all settlers below. The amendment merely asks that the majority of settlers on a stream shall have the right of decision, which is thoroughly democratic.

Mr. CROSS: I cannot support the amendment. At the meeting regarding the Canning Dam, which the mover of the motion attended a week ago, it was proved that settlers can be stampeded by bush lawyers into something not to their advantage. Misrepresentations can be made at such meetings.

The MINISTER FOR WATER SUPPLIES: Section 33 of the principal Act

provides that before the construction of irrigation works is undertaken the Minister shall cause plans to be prepared, together with books of reference, and a statement showing the cost of the work and the estimated earnings to be derived therefrom, and also the value of the rateable property affected; the whole of this information to be deposited at the Minister's office and at the office of any board concerned. The section further lays down that an advertisement of the proposal shall be inserted in the "Government Gazette" and in newspapers circulating in the district, together with notification of the places where such particulars can be inspected. Then, if within a period of one month after publication a petition against the proposed work is presented to the Minister, signed by persons constituting a majority of the owners of irrigable land in the district, he shall not carry out such proposed work. Always must full notice be given of what is intended, and those affected have the right to object.

Mr. J. H. Smith: But that refers only to irrigation.

The MINISTER FOR WATER SUPPLIES: Unless some other provision were included, the procedure I have outlined would be followed, and the settlers would have the right to object. Therein lies their safeguard. There is no suggestion of an endeavour to adopt a course without those interested having the right to object. I do not propose to accept the amendment, nor do I wish this matter to be controversial. If members opposite are anxious about the position, I shall postpone the further consideration of the clause in order to have inquiries made to ascertain whether proper provision has been included to meet their objection. We should not have two formulae embodied in one Act.

The CHAIRMAN: The Minister cannot postpone the consideration of the clause as an amendment has been moved to it. He can report progress.

Progress reported.

BILL—CONTRACEPTIVES.

Second Reading.

Debate resumed from the 5th September.

MR. WITHERS (Bunbury) [8.4]: I do not wish to say much regarding the Bill.

The debate has developed along lines different from those to which the Minister confined his remarks when moving the second reading. The issue involved is not birth control or a prohibition upon the sale of contraceptives. I support the Bill, for I regard as essential the control of advertising in relation to the articles in question. One point to be considered is whether the legislation will confine the business to a few medical men or the chemists who deal in these preparations. I have not had any experience regarding the trade in contraceptives, of which not much is heard. I have a personal friend, with the nature of whose business I was not fully acquainted. People do not advertise the fact. I subsequently ascertained that my friend was concerned in a big way with this particular branch of business. He is apprehensive as to whether he will be at liberty to send out revised price lists to his clients, some of whom are fairly large firms. Would that man be liable to a penalty if he adopted that course? He is concerned as to whether his activities will be covered by the Bill and whether, should that be the position, he will have to go out of business altogether. Members have not had presented to them any statistics regarding the benefits derived from the use of contraceptives. In 1918 legislation was introduced dealing with venereal diseases. I believe many doctors are in agreement that contraceptives have been the means of minimising much disease. Then again contraceptives have played their part in preventing attempted abortion. I do not want legislation of this type to be considered behind closed doors, so to speak, or its effect to be the sale of contraceptives under the lap. If the object of the Bill is merely to prevent publicity, with which objective I am in agreement—

The Minister for Health: That is the object of the Bill. Another objective is to prevent hawking these articles from door to door.

Mr. WITHERS: If that is so, I support the second reading of the Bill.

HON. C. G. LATHAM (York) [8.7]: I know what provisions are embodied in the Bill. I would prefer to go further and place a prohibition upon the sale of contraceptives.

Mr. Withers: Yes, of course.

Hon. C. G. LATHAM: The main point to be considered has relation to the decline in the birth rate. I do not know whether the use of contraceptives has anything to do with that position.

Hon. P. Collier: Yes, a tremendous lot.

Hon. C. G. LATHAM: Personally I believe contraceptives have a lot to do with the decline in the birth rate. I would like to get back to the days when people were willing to accept family responsibilities that the nation demands. Unfortunately the task of Parliament in attempting to induce people to return to sound reasoning and the acceptance of family responsibilities, is exceedingly difficult. The Bill seeks to prevent the publication of advertisements regarding the sale of contraceptives and the hawking of those articles from door to door. Even if the legislation be passed, the result may not be that contraceptives will not reach people. They will be sent through the post as is done to-day. I have not heard of instances of pamphlets being put in letter boxes.

The Minister for Health: If you go to my office you can get particulars regarding what has gone on.

Hon. C. G. LATHAM: I have not seen any of the literature that has been referred to, nor do I know of people having had that literature placed in their letter boxes, or their children having received such documents. We could check that phase to a certain extent, but we could not exercise control over the despatch of such literature through the post. The publications need not be signed, and they will continue to be circulated and brought under the notice of people. We have to admit that contraceptives have at times served useful purposes, quite apart from the question of birth control. We know enough of what happened during the war period to enable us to agree that the use of these articles was of much benefit to some men. The necessity arises to be very careful in dealing with the matter. I was rather amused to hear that Victoria had endeavoured to prevent the use of contraceptives because most of the articles exported to Western Australia are manufactured in that State. For the most part they are not imported from overseas.

The Minister for Health: Supplies are imported from overseas.

Mr. Withers: Some come from Japan, and that is the worst of it.

The Minister for Health: Supplies were imported from France before the war broke out.

Hon. C. G. LATHAM: I am aware that Customs officers visited a certain place because they had been informed that supplies of contraceptives had been sent there. There must have been some reason; it may have been smuggling.

Member: Any quantity of German preparations are coming into the State.

Hon. C. G. LATHAM: Younger members of the House may know much more about this matter than I do. I am sorry we cannot prevent the sale of the preparations. After all, there are two aspects to be considered, that of the married people and the single people, and the moral side, if these things are to be procurable almost anywhere. If the measure will help in any way, I shall be pleased to see it placed on the statute book, but I am afraid the Minister will not get the result he desires if the Bill becomes law. We are probably trifling with the matter, but we can give the Bill a trial and, later on, we may be able to amend the legislation so as to make it more effective. Parliament has a big responsibility in the matter, and we ought to encourage in every way possible anything that will increase our birth rate. That is of extreme importance. When one notes the decline in the birth rate, according to the figures published in the Year Book, one fears what will happen to our nation in, say, 50 or 60 years. England has already decided that its school accommodation need not be enlarged, because in a few years it will not require the number of schools it has to-day. We in Australia may very shortly be looking at the matter from the same angle. I give this piece of legislation my blessing, although I do not think we shall achieve the result expected, because I think the Postal Department will still be used for the purpose of distributing these preparations.

Mrs. CARDELL-OLIVER (Subiaco): I move—

That the debate be adjourned.

Motion put and negatived.

Question (second reading) put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—RAILWAY LEVEL CROSSINGS.*Second Reading.*

Debate resumed from the 5th September.

MR. SEWARD (Pingelly) [8.15]: As the Minister said when introducing this Bill, it is a short measure, but a very important one. Obviously, when the present crossings were put over our railway lines, transport was in a very different condition from what it is to-day. In those days, we had horse-drawn vehicles, and therefore numerous crossings over the railways were required, more particularly in the metropolitan area, to move large numbers of people in a short space of time for sports gatherings and so forth. In country districts it was also necessary to have a fairly large number of crossings in order to enable traffic coming in from various points of the compass to get access to the railway and to the town itself. If that were the only matter for determination, probably the consideration of this measure would not take long. There is, however, another aspect of the question, as was pointed out by the Minister. When railway crossings were placed in position, the flow of traffic was directed towards the crossings, and this resulted in the establishment of a large number of businesses along the roads leading to the crossings. To close those crossings without mature consideration might greatly harm the people engaged in business along those roads. The Minister said that this was rather a selfish reason: but I would not regard as selfish the person who has invested money in such a business viewing with alarm the closing of a crossing which had induced him to set up in business. I hope this particular aspect will be given careful consideration before any crossing is closed, that is, if the Bill becomes law.

Again, if we had an indication from the Railway Department that it would speed up its traffic so as to give a better service to the public, we might view this measure more sympathetically. So far as I can ascertain, however, the attitude of the department is all take and very little give. It should be remembered that our Railway Department is fortunate when compared with the Railway Departments of the other States, because our department is saved a large amount of expenditure. The Railway Departments of the Eastern States, for instance, are required to fence their lines practically from end to end—involving a very heavy expenditure—whereas our railway lines are fenced

only at the approaches to towns and sidings. The railway systems of the Eastern States have to incur other similar expenditure that our department is not called upon to face. Therefore, I hope that the department, if these crossings, or some of them, are closed, will take measures to render the remaining crossings safe to traffic. I refer particularly to the metropolitan crossings and the more important crossings in country towns.

Consideration must also be given, when closing crossings, to foot traffic. As was mentioned by the Minister, or by an interjector, foot traffic has certainly very much decreased; but if crossings are closed, it is but fair to ask that a foot crossing be made so that people can more readily cross railway lines in the suburban areas. Admittedly the danger is not so great at foot crossings as at crossings for vehicular traffic. A person passing over a railway line on foot takes much more notice of an oncoming train: and an individual and a locomotive do not meet as suddenly as does fast moving traffic. So I hope that provision will be made for foot crossings.

One important point, I think, the Bill does not touch. I refer to a case wherein two local authorities are separated or divided by a railway line. The Bill provides that in the constitution of the board the local authority shall be represented by the nominee of the road board or the municipal council; but in the event of a railway forming a dividing line between two local authorities a question would arise as to which authority would have the right to choose a representative for the board. I bring this to the Minister's notice as I understand such instances do exist. The Bill also omits to make provision for the opening of a crossing should one be necessary in any locality. The board, if it is constituted, is given the right to close a crossing, and authority to re-open a crossing previously closed; but the board is not empowered to open a crossing where the movement of population makes one necessary. That is a serious omission, and I have an amendment on the Notice Paper dealing with the matter.

The constitution of the board, the Minister has pointed out, was the particular objection to a similar Bill introduced last year. I believe that five representatives were to have constituted the board, of

whom four were to have been Government nominees. Undoubtedly the representation suggested by the present Bill is much fairer. It will be noticed, however, that the chairman has to be a man agreed upon by the Commissioner of Railways and the Local Government Association. That association is composed of representatives of metropolitan municipal councils and road boards within the metropolitan area. My opinion is that in the event of a country siding being reviewed, there should be provision for a nominee of the Road Boards' Association and the Commissioner of Railways; either that or, as I have suggested in an amendment on the Notice Paper, the chairman should be the resident magistrate in the district in which the particular crossing is situated. Admittedly the resident magistrate is a Government officer, but I believe that all sections of the community have sufficient confidence in our stipendiary magistrates to be induced to accept them without hesitation as chairmen of such boards. For one thing, these magistrates are eminently fitted for such positions. They are competent to take evidence, and to give weight to that evidence. In addition they have local knowledge of the crossings concerned by reason of their visits to the various towns within the district in which they officiate.

Mr. Withers: Would that not be imposing too heavy a task on them?

Mr. SEWARD: I do not think so, because there would not be a large number of crossings requiring to be closed in the country. I think the measure relates more to the metropolitan area. Though there will be a few crossings in the larger country centres to be given consideration, there will not be nearly so many as in the metropolitan area. Consequently I do not think we should be adding very much to the duties of resident magistrates in asking them to preside over these boards. An investigation could be made at a time when the magistrate was paying his usual visit to the locality concerned.

Another amendment I intend to move provides that sittings of a board shall take place in the particular locality where the siding under consideration is situated. Otherwise the need would arise to bring witnesses all the way to Perth to give evidence. To hold sittings within the area

of the local authority in whose district the siding is situated would be much simpler, and more economical for all concerned.

Mr. Doney: Personal inspection by the board also seems essential.

Mr. SEWARD: That is so. I am pleased that the composition of the proposed committee has been altered. It is much more workable. While there may be objection to the closing of some crossings, we must admit that at present there are too many, and that in some instances they constitute a danger. If the Bill becomes law—the amendments I have mentioned being included—and a spirit of sweet reasonableness prevails, we have reason to hope that such arrangements will be reached as will be in the best interests of all concerned.

MR. SAMPSON (Swan) [8.28]: Undoubtedly the Bill is a much better one than that introduced last year. Nevertheless, various amendments are required; and one of these concerns the decisions to be arrived at. The Bill provides that a majority of the board will have the power to decide an issue. I am glad that a chairman and two members of the board are required to constitute a quorum, but there should be unanimity before an agreement is reached for the closing of any crossing. I would not say the Bill has a bias in favour of the Commissioner of Railways, though to prove that such is the case would not be difficult. One member of the board is to be mutually agreed upon by the Local Government Association and the Commissioner, and that member is to be the chairman of the Board. One member is to be nominated by and is to represent the Commissioner. The Bill might also have stipulated that he should be approved by the Local Government Association. Then another member is to be nominated by, and is to represent, the local authority in whose district is situated the level crossing the closing of which is proposed. There is certainly justification for the inclusion of a representative of the Local Government Association on the board, because it would not be fair to give the Commissioner of Railways the power to close a siding the usefulness of which he might not appreciate to the same extent as would a member of the local authority in whose district the siding was situated. I am certain that local authorities have no desire to retain level crossings unless there is need for them on the part of settlers or towns-

people. Section 102 of the Public Works Act which relates to railway construction reads—

Where the making of a railway line has cut off all access by road to land other than Crown land the Minister shall make such crossing or crossings as may be necessary to give access to such land.

The Minister mentioned that sometimes business needs require that a crossing should remain open. I agree with the Minister that that is an excellent reason why a crossing should not be closed. Candidly, I do not think there will be any objection to the Bill if it is provided that there must be a unanimous decision of the board.

The Minister for Railways: Why have a board at all?

Mr. SAMPSON: Oh, yes. I think members of the board would take a reasonable view; but, after all, the representative of the local authority would have more special knowledge of the particular railway crossing concerned. Admittedly there are many railway crossings that could with advantage be closed. The railway authorities should be reasonable in their requests, but they are not always reasonable. For instance, some crossings in Perth are kept closed to traffic for long periods, and the convenience of the public is not considered to any extent. I suggest that the Minister give consideration to the needs of the public, at the many crossings that are temporarily closed while trains pass and re-pass. Crossings where delays mostly occur are at Melbourne-road, Lord-street, and Pier-street. These are often kept closed for a long time. No one other than a Government department would be permitted to delay the public in that way. The draftsman, in framing the Bill, has kept the Government railways well in mind. That, of course, is only right, but it is a feature that should not be overdone. The personnel of the board has been fixed without fair consideration of the interests of all parties, and to an extent the dice is loaded, even in this measure.

The Minister for Railways: I do not know where that occurs.

Mr. SAMPSON: I shall vote for the second reading, but will not support some of the clauses unless they are amended. One of those clauses deals with the matter of arriving at a decision. The Minister need have no fear about the representatives of local authorities. He has had experience of

them; he is an ex-chairman of a road board, and I marvel that he included that provision in the Bill. However, there is yet time to delete it and give fair treatment to the people of the State. All said and done, the people are not enemies of the Government railways, and I am not aware that the fear regarding the nervous systems of the engine-drivers is justified. My experience of engine-drivers is that they have fairly strong nervous systems, and although other traffic now moves with greater rapidity than it did 30 or 40 years ago, railway trains do not travel any faster. Even if the men on the foot-plates have to maintain a lookout to ensure that they do not run down people on crossings, it is no more than drivers of other vehicles have to do. A man in charge of a motor car has to drive with due care and show proper consideration for other users of the road.

The Minister for Railways: Motor drivers travel much more quickly.

Mr. SAMPSON: Yes, and the trains still travel at the old steady pace. There is no great need for special legislation to safeguard the nervous systems of the engine-drivers. In fact, I believe that drivers would laugh to scorn and pour contempt upon any suggestion that their nerves suffer through this cause. If they do suffer, I would not blame the railway crossings for it. I hope the Minister will approve of the amendment to make mandatory that there shall be unanimity before approval is given to a decision. Otherwise, two metropolitan members constituting a majority of the board could close every crossing in the country because, in the circumstances, the representative of the local authority would be quite impotent.

On motion by Mr. Doney, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th September.

MR. THORN (Toodyay) [8.36]: I support the Bill. The amendments passed in 1935 have been of great assistance and value to the fruitgrowers of the State. As the Minister explained, this amendment is designed to clarify one section of the Act. Quite a lot of week-end gardeners and people who have become interested in

orchards have neglected them, and those neglected properties are a serious menace to commercial fruitgrowers. The desire is to give the Minister power to order that the trees in abandoned and neglected orchards be uprooted. In the past, growers have been able to evade the requirements of the Act by merely scratching around the trees. This, however, is purely an evasion of the Act, because when orchards are neglected, infected fruit drops into the long grass and only with difficulty can an inspector detect its presence. The main object is to prevent evasion of the Act.

Mr. Marshall: This Bill applies only to abandoned orchards.

Mr. THORN: Abandoned and neglected orchards.

Mr. Marshall: No.

Mr. THORN: I think the hon. member will find that it clarifies the section dealing with abandoned and neglected orchards. Every member should approve of the Bill, because it will be of great service to the fruitgrowing industry. The provisions already enacted to deal with pests such as fruit-fly have had excellent effect, and I know the Minister is well pleased with the results that have been obtained. I have pleasure in supporting the Bill.

MR. SAMPSON (Swan) [8.40]: The Bill will receive my support, but I doubt whether the cleaning up of abandoned orchards will be an effective means of controlling the fruit-fly. From the Hills districts the inspector has been withdrawn for the past three months, and the orchards have been without any supervision of that character.

Mr. Thorn: The trees have been pulled out and the fruit-fly has gone.

Mr. SAMPSON: No one objects to officials being given power to clean out abandoned orchards. Not long ago certain districts were proclaimed as affected areas, but the position to-day is that some are receiving no consideration whatever at the hands of the department.

The Minister for Agriculture: It is a slur on your constituents to suggest that an inspector should be on the spot all the time.

Mr. SAMPSON: A man should be there all the time. Some of my constituents require to have their attention drawn to

certain sections of the Plants Diseases Act. It is futile for the department to have abandoned orchards grubbed out unless all things possible are done. Several complaints have been made to me. Often have I been asked why no inspector has visited a particular district, it being assumed, apparently, that I am in charge of the department. I hope the Minister will not allow another day to pass without appointing an inspector under this Act to deal with the fruit-fly.

Mr. Thorn: The position is very different in my district, where inspectors are on the job.

Mr. SAMPSON: Of what use is it to enforce the registration of orchards? The fruit-fly will take no notice of a piece of paper that is put up in St. George's-terrace.

The Minister for Mines: How do you know that?

Mr. SAMPSON: The fees that are paid may or may not be sufficient, but the money is not being utilised in the districts. The Minister knows of one district to which I refer, namely, that which received unenviable prominence from the fact that it was picked out as an area infested with the fly.

The Minister for Agriculture: Two more are being proclaimed this week.

Mr. SAMPSON: I hope that does not mean the inspectors will be removed, as has occurred in another case. I regret having to draw attention to this matter, seeing that on previous occasions I said the position had improved. No improvement can be effected unless the provisions of the Act are enforced.

The Minister for Agriculture: And the growers accept some responsibility themselves.

Mr. SAMPSON: The growers will accept responsibility, but if they find only those who do look after their orchards are doing anything, and that no one else is assisting, the position will go from bad to worse. An officer must be available to provide an impetus to those who are inclined to be indolent. Some growers do not realise the seriousness of the position, and if one man neglects his duty the fruit-fly will thrive. I hope the Minister will see that a qualified man is appointed as quickly as possible. No one objects to visits by inspectors. Since so many people have to depend upon orchard products for their living, they welcome such

inspection, and will co-operate with the department to the utmost of their ability. Suggestions have been made concerning the registration fee. Many people believe it should be increased.

Mr. SPEAKER: This Bill has nothing to do with registration.

Mr. SAMPSON: I understand the Minister finds difficulty in securing enough money with which to pay an inspector.

The Minister for Agriculture: Not if this Bill is passed.

Mr. SPEAKER: Registration does not come within the scope of this Bill.

Mr. SAMPSON: You are right, Mr. Speaker. I shall vote for the second reading, but hope consideration will be given to orchard districts, and that qualified inspectors will be appointed immediately.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RESERVES (No. 1).

Second Reading.

THE MINISTER FOR LANDS (Hon. F. J. S. Wise—Gascoyne) [8.48] in moving the second reading said: This Bill differs very little from the Reserves Bill introduced in the latter part of last session, the only difference being that one reserve that was then included has been excluded, and another in the Katanning district has been added. There is urgent need that the matters included in this measure shall be finalised, not only from an inter-departmental point of view, but from the fact that documents in connection with the alterations proposed, involving transfers and changes in titles, are being held up. In one or two instances there is an added reason for urgency in that the transference of these reserves involves certain labour proposals, and will to some extent be the means of employment being found for people. The first reserve with which the Bill deals is portion of the Perth foreshore. In May, 1937, the Government entered into an agreement with the

Perth City Council under which the Government and the Council were to co-operate in the improvement of the reserves along the Perth foreshore. This improvement included the construction of Riverside Drive, which has now been completed, and, as hon. members are aware, links up with the Causeway. This road, as well as other connecting roads, largely passes over Class "A" reserves; and before they can be proclaimed public roads it is necessary that they should be excluded from the reserves. To do this, legislative authority is necessary. That is the purpose of the clause whereby the Riverside Drive, the parallel road known as Terrace road, and the continuation of Plain street, Bennett street, and Hill street are excluded from the reserves to the intent that they may be proclaimed public roads under the provisions of the Municipal Corporations Act. In all these cases I have the plans with me, and shall submit them, so that any particular reserves in which hon. members are interested may be examined.

The next reserve dealt with is A7691, in the Nelson district. It is portion of the National Park reserve near Warren House, south-west of Pemberton. This reserve, which contains 2,500 acres, was set apart in 1901 because it was considered advisable that the fine virgin karri forest country should be preserved in the interests of the State. The Conservator of Forests considered that the proposed alteration of the boundaries of the reserve would assist the timber industry, and at the same time improve the reserve for the purposes of a national park. The proposal is to cut off about 500 acres from the northern portion of the reserve and add about 1,400 acres of virgin karri forest to the west of the reserve. The area of the reserve will thus be increased from 2,500 to 3,400 acres, and the virgin karri forest on both sides of the Warren River will be permanently preserved for a distance of nine miles, instead of $3\frac{1}{2}$ miles as at present. Further, the Forests Department's fire control organisation will be enabled to prevent the development of serious bush fires in the area north of the river, and access will be given to the timber in the country north-east of the reserve. The Conservator of Forests suggests that it will be impossible to obtain economical access to this timber except through the reserve, and that it will also be un-

economical to put down a timber line unless the timber on each side of it through the reserve can be utilised.

Then the Bill deals with a reserve at Cottesloe. The Western Australian Fire Brigades Board holds Cottesloe lot 182 in trust for the purpose of a station site, on which is erected a building known as the Claremont Fire Station. The board is of opinion that a more favourable site and a smaller building not only would be more economical but also would increase the brigade's facilities, as the present buildings are in excess of the board's requirements and are costly to maintain. The board desires to sell the site and the buildings, and proposes to utilise the proceeds of the sale towards the acquisition of a new site and the erection of suitable buildings thereon. Section 26 of the Fire Brigades Act, 1916, gives the board power to sell land and other property; but as the title in this case is subject to a trust, Parliamentary approval is necessary to enable the board to give a title freed from the trust to a purchaser.

In the Swanbourne Reserves Act, 1931, whereby certain lands were excluded from Class "A" reserve 7804, it was provided that lot 192, containing about six acres, was to be granted to the Education Endowment Trustees in exchange for other lands held by the trustees in this vicinity. As the land held by them was afterwards acquired by the Commonwealth for defence purposes, the trustees could not effect the necessary exchange. So long as the relevant provision in that Act remains, nothing can be done with this land. A clause of the Bill repeals the provision in the Swanbourne Reserves Act, and will enable the lot to be dealt with in the ordinary way under the provisions of the Land Act.

The next provision of the Bill deals with a reserve in the Porongorup district. The proposal is to excise about 215 acres at present included in Class "A" reserve 18,987 for a national park, the 215 acres to be thrown open for selection. The reserve comprises about 5,600 acres, and the part proposed to be excised is of little interest, though a desirable piece of land to cultivate. The controlling authority, the State Gardens Board, has no objection to the proposal.

Then the Bill deals with a piece of land in the electoral district of the member for York (Hon. C. G. Latham). The reserve on which the Totadjin agricultural hall is

built, east of the Belka townsite, comprises 25 acres and is held under a 999-years lease by trustees for the purposes of an agricultural hall site and a recreation ground. Two of the trustees have requested the Bruce Rock Road Board to assume control of the reserve; but the whereabouts of the third trustee is unknown, in view of which it is impossible to obtain an effective surrender; so that to enable the area to revert to the Crown it has been included in the Bill.

The Bayswater Road Board some time ago acquired certain areas abutting on Beaufort-street, with a view to the eventual widening of the street to two chains; but as buildings have been erected on some of the land which was required, the proposal to widen the road had to be abandoned and the land which the board had acquired was at its request surrendered to the Crown and set apart as a Class "A" reserve for recreation. When last year's Bill was introduced here, the Leader of the Opposition raised some question in this particular; but I know that ultimately he was quite satisfied as to the purpose of the proposal. All the requisite authorities have agreed to the proposal, and there has been no difficulty in that regard.

The South Perth Road Board desires portion of reserve A. 3617 to be set apart as a site for the erection of an infant health clinic. The reserve is set apart for recreation, and vested in the road board. No objection is raised to the proposal.

An area at Bieton known as Class "A" reserve 17,863, at the corner of Canning Highway and Westbury Crescent, is under the control of the Melville Road Board for recreation purposes. I believe this is in the electorate of the member for North-East Fremantle (Mr. Tonkin). The desire of the road board is to hand over a small portion, 34.3 perches, of this reserve to the Melville East and North Fremantle Infant Health Clinic for the purpose of erecting a clinic building thereon. The proposals include a plan which shows that the outlook and the advantages of the recreation reserve will not be in any way disadvantaged by the erection of an infant health clinic on this land. There will be no fence around the building, and the entire proposal is for something that will be an advantage generally while not in any way proving detrimental to the reserve. All

these matters have to be dealt with in this House and the remarks I have made regarding the position at Bicton also apply to the area in South Perth.

There is part of a reserve at Kalgoorlie, which is also included in the Bill. In 1907, a 999 years' lease covering the land in question was granted for a hall site to three trustees of the Eastern Goldfields Brewery Employees' Union of Workers. The trustees have since changed under the rules of the union, but as in the lease no provision was made for succession and one of the original trustees cannot be located, it is desired that the present lease be cancelled and a similar lease issued to the new trustees. That is all that is involved in the provision regarding the Kalgoorlie area.

An addition to the Bill of last year, to which I originally referred, involves an area that was portion of the public education endowment area in the vicinity of the Katanning railway yards. The local road board intends to establish stock saleyards at Katanning on part of the area marked on the plan, which I submit to the House. That portion of the area has been acquired from the education endowment trustees and the Commissioner of Railways has entered into an agreement with the road board to construct new trucking yards and a siding on the area excised from the education endowment land. The trustees have agreed to surrender these lots to the Crown and the road board has agreed to pay the value of the area. That describes all the transactions necessary to complete the arrangements for the transference of the areas I have mentioned. Later in the session another Bill will be introduced to deal with other reserves, but, as I pointed out at the initial stage of my remarks, importance attaches to the early consideration of those embodied in the Bill now before the House because many matters are held up awaiting its passage. I move—

That the Bill be now read a second time.

On motion by Mr. Mann, debate adjourned.

House adjourned at 9.3 p.m.

Legislative Assembly.

Wednesday, 13th September, 1939.

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

MINISTERIAL STATEMENT.

Loan Expenditure, Albany and Neighbouring Districts.

The DEPUTY PREMIER: On Thursday last the member for Katanning (Mr. Watts) asked questions on notice regarding the total of loan money expended during the five years ended the 30th June, 1939, and as to how much had been expended 1, on the port of Albany; 2, in the remainder of the Albany electoral district; and 3, in the road districts of Plantagenet, Cranbrook, Gnowangerup, Tambellup, Broomehill, Kent and Katanning. I replied to the first question on Thursday last, and now reply to the other questions as follows:—1, £4,114; 2, £99,687; 3, £52,029.

QUESTION—UNEMPLOYMENT.

Youths' Registration, Grants and Benefits.

Mrs. CARDELL-OLIVER asked the Minister for Employment:—1, How many youths over school age and under 25 years registered with the Government Labour Bureau for employment? 2, How many between the ages of 18 and 25 years registered? 3, What is the total amount of Commonwealth grants received by the Western Australian Government for youth employment since 1931 to date? 4, What are the details of the expenditure of such grants? 5, Is any scheme in operation whereby youths between the ages of 18 and 25 years