Noes.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	(*Teller*).

Amendment thus passed.

Progress reported.

ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The COLONIAL SECRETARY (Hon. J. M. Drew) moved—

That the House at its rising adjourn until Thursday.

Hon. M. L. MOSS: Obviously the object of the Minister was to adjourn over Show Day, but Thursday was equally Show Day, and as most of the members desired to catch the train at 5 o'clock on Thursday the House should adjourn until Tuesday.

Hon. J. W. KIRWAN: The Minister should not forget that members had travelled 400 miles to attend the House, and though it was all very fine for city members to ask for an adjournment until Tuesday, the Government should consider those living at long distances from the City.

The COLONIAL SECRETARY (in reply): The House must certainly meet on Thursday. He had been inclined to ask members to sit to-morrow night, but so much pressure was brought to bear by members that he yielded. It was not only Show Day, but a public holiday, and as the Assembly were adjourning until Thursday he had decided to fall into line with the wishes of members, but an adjournment until Tuesday could not be justified.

Question put and passed.

House adjourned at 10.28 p.m.

Legislative Assembly,

Tuesday, 8th October, 1912.

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

QUESTION—PUBLIC SERVICE, RATES OF PAY.

Mr. CARPENTER (for Mr. Dwyer) asked the Premier: 1, Is it intended that all applicants for temporary employment in the Government service should pay for medical examination prior to appointment? 2, In the case of clerks on the temporary staff in the Government service in receipt of 11s. per day (£171 12s. per annum), is it intended that these, on being given permanent appointments, should receive at least £168 per annum? If so, have there been any exceptions to this rule, and how many, and what are the reasons for the rule being departed from? 3, What are the rates of pay now ruling for clerks on the temporary staff in the Government service? Is it intended that they should receive more than permanent officers employed in similar work?

The PREMIER replied: 1, This matter is now under consideration. 2, (a) It is not intended in every case to appoint temporary clerks receiving 11s. per diem at a commencing salary of at least £168. (b) Three have been appointed to the permanent staff under that amount on account of their age and qualifications. 3, The rate of pay is governed by the work to be performed. It is not intended to pay temporary clerks more than officers on the permanent staff.

QUESTION—RABBIT-PROOF FENCE.

Mr. ALLEN (for Mr. Layman) asked the Minister for Lands: 1, Is it intended to make the existing rabbit-proof fence proof against dingoes and foxes? 2. Will

the work be carried out by contract or departmentally? 3, If departmentally by the existing gangs, will not this extra work impair the efficiency of their supervision of the present fence? 4, Is it correct to assume that the departmental estimate of two years to do this work will allow the pests alluded to to establish themselves within the boundary before these precautions are taken? 5, Would it not be better, under these circumstances, to expedite the work by letting contracts?

The MINISTER FOR LANDS replied: 1, Yes. 2, Departmentally. 3, No; working gangs have nothing to do with fence inspection, the latter being the work of the boundary riders. 4, It may possibly be nearly two years before the northern end of the fence is finished, but the only place where there is any immediate possible danger is to the south of Burracoppin, and this is being gone on with at once and will be finished in less than six months. 5, No; owing to scarcity of feed and water contract work would probably cost three times as much as it would if done departmentally; the contractor would also have to purchase a very expensive camel outfit.

BILL—RIGHTS IN WATER AND IRRIGATION.

In Committee.

Resumed from the 3rd October.

Mr. Holman in the Chair, the Minister for Works in charge of the Bill.

Clause 27—Constitution of irrigation districts:

Hon. J. MITCHELL: How was it intended to constitute these districts? Such a district would cover but a very small portion of a roads board area, and there might be several irrigation districts in one such area. Would the services of the local authority be utilised, or would separate boards be appointed?

The MINISTER FOR WORKS: Under the Bill an irrigation board might or might not be appointed. In respect to the Harvey district, for instance, it was not yet decided whether a board would be appointed, or whether the scheme should be carried out by the Water Supply Department. A district would be declared only over the land to be irrigated.

Hon. J. Mitchell: You will have a separate district for each irrigation scheme?

The MINISTER FOR WORKS: There would be no connection between, say, an area irrigated from the Brunswick river and one irrigated from the Harvey; yet there would be no bar to combining two works in one district in instances in which there was reason to believe that plan would be more satisfactory. Personally he was opposed to the constitution of too many boards. For the sake of economy and good administration an endeavour would be made, wherever possible, to combine two propositions under one board; or, if Parliament endorsed a proposal to acquire the land to be irrigated, the whole thing might then be operated direct from the Water Supply Department. In some cases it might be advantageous to make the local authority a water board, if the administrative officers of the local authority were situated in the same district as the irrigation works. For instance, if the local authority was situated at Harvey, then it would be well to utilise the officers of the local authority in constituting the irrigation board.

Hon. J. MITCHELL: The Harvey district contained many streams, and while the officers of the local authority might prove useful in administering irrigation schemes, it was doubtful if the members of a roads board controlling so large a district would be able to give much attention to the work of irrigation.

Clause put and passed.

Clause 28—Governor-in-Council may by order alter the boundaries of districts:

Hon. J. MITCHELL: Would the Minister allow the people concerned to have a voice in the determining of district boundaries?

The MINISTER FOR WORKS: It was to be remembered that the Government would have to take in all land that was irrigable. If within a given district one individual declared that it was not his intention to utilise the Government water for irrigation, that plea would not

be held to be sufficient grounds for excising that individual from the district. A declared irrigation district would comprise all the land within its boundary, although, of course, it was proposed only to declare districts over land that could be irrigated.

Hon. J. MITCHELL: Was there any provision in the Bill under which people would be able to express their wish as to how the scheme should be administered, whether by the Minister or under local control?

The MINISTER FOR WORKS: No, that was left to the decision of an Order-in-Council, and, in consequence, it would be for the Government to determine. This was only right, because the Government took all the responsibility of financing the scheme. The scheme would be practically the Government's. Whereas in one district it might be easy to find settlers willing to and capable of administering an irrigation scheme, in another district it might be of the utmost difficulty. Of this there had been striking illustrations in connection with the Drainage Act, simply because they would not take their work seriously. They did not borrow the money and were not responsible and were indifferent as to how such a scheme operated. It must be left to the Minister to decide in which districts boards should be constituted. There was another consideration that we might have schemes at Harvey and on the Brunswick and Collie rivers and might operate the whole with one administrative engineer instead of each requiring a set of officers for their own little concern.

Hon. J. MITCHELL: The advantages of Ministerial control, particularly in the initial stages, were apparent. This, however, was special work subject to special taxation, and the Minister should allow the people concerned to express some wish for the appointment of a board from among their number or for departmental control. It would be wise to have such a provision in the Bill.

The MINISTER FOR WORKS: There was nothing to prevent the ratepayers from making representations in favour of a local board of control as against departmental control. It would be unwise to give machinery in this measure under which the people could demand the creation of a board. There was no reason why they should not petition or make representations, but there was no machinery to say that they should have the power to demand a board. That was left to the discretion of the Governor-in-Council.

Hon. J. MITCHELL: The people should be allowed to express an opinion.

The Minister for Works: There is nothing to prevent them from expressing an opinion.

Hon. J. MITCHELL: The people had to pay and if they were not anxious to have a board the Minister might force a board upon them. The measure would be improved by an amendment in the direction he had indicated.

The Minister for Works: That would be dangerous when we put all the capital into the scheme.

Hon. J. MITCHELL: The people had to pay.

Mr. NANSON: The time for residents to determine whether they would have a board was before the money was spent by the Government. When this scheme was applied, the lands benefiting would come under the scheme and it would be too late for residents then to say they did not wish to come under the board. Many of them would probably be glad not to come under the board if they could thus escape the payment of the rates on the land. There should be some machinery in the Bill by which the people of a district could say whether large and expensive irrigation works should be initiated, seeing that ultimately they would be responsible for the cost and maintenance.

Mr. S. STUBBS: Experience in Victoria led him to believe that the Minister should have control. A board might be appointed, as the member for Greenough had mentioned, and decide to spend £40,000 or £50,000. The same thing had been experienced in Victoria many times and the country had had to stand the brunt of it because the majority of the people in the area were not able to pay

the rates. He was against any board taking control as the Minister was the proper person.

The MINISTER FOR WORKS: It would be necessary in dealing with an irrigation proposition to get out an estimate of the cost and consult the people in the locality as to whether they were prepared to undertake the obligation.

Hon. J. Mitchell: Not under this measure.

The MINISTER FOR WORKS: Common sense would do that. We would not rush into expenditure and force people to come under an irrigation proposal unless they were a consenting party because we would not get the best results. That was done in regard to water supplies. The proposition was sent to the local body to ascertain whether the people were prepared to pay the rate. Common sense would demand this being done without special provision in the Bill, though he thought mention of it was made in the measure.

Clause put and passed.

Clause 29—agreed to.

Clause 30—Mode of constituting boards:

Hon. J. MITCHELL: Subclause 2 provided that a person not a ratepayer within the area might be qualified to be a member of the board. The Minister should give some explanation with regard to that.

The MINISTER FOR WORKS: That would apply in an isolated district. It was desirable to have that power, but it would be used as a last resort. In an isolated district, after the capital had been put into a proposition it might not be possible to get local people to act. In that event a Government officer in the district might be appointed. Though not a ratepayer, he would be competent to act. That, however, would only be done as a last resort if the local body were not sufficiently interested to form a board themselves. It was merely to get over the difficulty if the local people refused to form a board. The Government must protect themselves in some way as their money was in the proposition.

Hon. J. Mitchell: If there was no board the Minister would control.

The MINISTER FOR WORKS: That was so, but it might not be in the interests of the State for the Minister to administer the district; it might cost too much.

Hon. J. MITCHELL: That might be so, but the Minister's excuse for this extraordinary provision was that it might be desirable to appoint a Government officer as a member of the board. Paragraph (c) of Subclause 1 referred to the election of the members of the board. He did not know whether provision was made for the election. There was no provision requiring members of the board to be ratepayers. The men who paid the rates should control the affairs of the board. He moved an amendment—

That in line 1 of Subclause 2 the word "may" be struck out and "shall not" inserted in lieu.

The MINISTER FOR WORKS: The provision was absolutely essential. The Government had had difficulties with boards previously, and with the experience of the past there was no desire for a repetition. There had been difficulties with rating boards under drainage schemes, and great difficulty with water boards. Since the establishment of the Water Supply Department the Government were going into the matter to see if the boards could not be run on business lines, but the Government were experiencing the difficulty that districts were not enthusiastic in forming boards. Having had their drains made they now said, "If we form a board we shall have to raise money." Then there was the difficulty of getting boards to strike a rate which would pay sinking fund and interest as well as working expenses. Boards were composed mostly of locally interested people who took up the attitude that they would not tax themselves. They said, "The Government do not want the sinking fund and interest, and we will tax ourselves simply sufficient for working expenses." The Government had not gone into these propositions without first consulting the people. The people agreed, and after the work

had been done they turned round and were totally indifferent, not caring whether a rate was struck or not. It was necessary to be sure, if people did not carry out their part of the contract, that the Government would be able to appoint persons who would see that a sufficient rate was struck.

Amendment put and negatived.

Clause put and passed.

Clause 31—The board to have the powers and authorities of a water board:

Hon. J. MITCHELL: It was stated that this clause was taken from the Queensland Act. Was it not taken from the Water Boards Act?

The MINISTER FOR WORKS: There was a similar provision in the Queensland Act. This clause simply gave the irrigation boards the powers that a board had under the provisions of the Water Boards Act of 1904. It was simply taking over the machinery clauses of that Act, otherwise it would be necessary to repeal the machinery clauses of the Water Boards Act in this Bill.

Hon. J. MITCHELL: This clause no doubt was inserted so that the Minister might supply water to the Bunbury district, for instance, from the irrigation channel, but as the clause stood the whole of the provisions of the Water Boards Act would apply to every irrigation area. How far did the Minister propose to go if water was supplied by the Government, but the Government did not irrigate?

The MINISTER FOR WORKS: The member failed to realise that the Government were not taking the powers to outline how an irrigation district should be administered. The Bill only sought to give boards the machinery for their guidance as was given in the Water Boards Act, instead of taking all the machinery clauses and repeating them in the measure. The Bill simply took for purposes of the Irrigation Bill the machinery that was outlined in the Water Boards Act.

Hon. J. MITCHELL: The Minister had power to apply the whole of the powers under the Water Boards Act to any district or to apply any portion of the powers to any district. The clause went too far, further probably than the Minister thought. It provided that some other Act might apply except where the Governor-in-Council did not think that Act was applicable.

The Minister for Works: Districts might vary.

Hon. J. MITCHELL: The power which the Minister was taking was too great altogether. This seemed an awkward way to take authority which in some cases might be necessary.

Mr. NANSON: The clause enabled the Government to do what Parliament should do. We should have the provisions laid down in the Bill so that the Committee might go through the powers and discuss them.

The Minister for Works: They were purely machinery.

Mr. NANSON: No. There were considerable powers given under the Water Boards Act, and it would rest with the Government to say, instead of Parliament, whether those powers were applicable or not to any particular case. There were a variety of powers handed over to the Executive which should be a matter for legislation.

The MINISTER FOR WORKS: There was power in the Bill for the board to sell and distribute water for the purpose of irrigation. The same board would have power to sell water for other purposes, and the irrigation board might become the water board to supply water for domestic purposes. The only question was whether we should insert in the Bill all the machinery that was to be found in the Water Boards Act. It seemed to him to be useless to repeat clause after clause, giving the powers and responsibilities and authority of the board under the Irrigation Act, when it could be said that the board would have power similar to that given under the Water Board's Act.

Mr. Nanson: You can change the purpose of the board.

The MINISTER FOR WORKS: No further than that the irrigation board could become the water board. It might be found advisable, say in the case of the town water supply of Bunbury, to allow

the present water board to take water at a given price inside their storage tank, and we might take control of the water en route. The main object was to operate as economically as possible.

Mr. A. N. Piesse: This clause practically incorporated the Water Boards Act, 1909.

The MINISTER FOR WORKS: Except where it specified exemptions.

Mr. A. N. Piesse: If it was proposed to include the machinery powers of the Water Boards Act, could the Minister not specify that portion of that Act?

Hon. J. MITCHELL: The Minister should have further powers, because the cost of the weir and the conveying of the water should be borne in fair proportion by those who irrigated, and the ratepayers of the municipality, but it did seem extraordinary that the Minister should declare that all the powers of the Water Boards Act should be conferred on the Minister administering this measure. We were asked to give the Minister tremendous powers.

Clause put and passed.

Clause 32—agreed to.

Clause 33—Works may be placed under the control of the board:

Hon. J. MITCHELL: This clause provided that the Governor might place any works under the control of the board, or absolutely vest such works in the board on such terms as the Governor thought fit. It gave power to determine what the conditions should be, and further enabled the Minister to determine the method of control. The Minister could make any condition he pleased in connection with the appointment of the board and the future management of the district by-laws. Did not the Minister think that it would be advisable to appoint only those who were taxpayers to positions on the board?

The Minister for Works: The clause dealing with non-ratepayers had been passed, and it would be useless to argue further.

Hon. J. MITCHELL: Of course the Minister would be careful in appointing the board.

The Minister for Works: Care would be exercised.

Clause put and passed.

Clause 34—No action maintainable:

Hon. J. MITCHELL: If any damage was done the owner should be compensated.

The MINISTER FOR WORKS: This clause took the responsibility for certain damage, and the succeeding clauses outlined how the compensation should be paid. It did not exempt the Minister altogether from paying compensation, but outlined the mode by which compensation could be claimed, and when claimed, how it should be paid.

The MINISTER FOR LANDS: This was really a limitation of the way in which a person who thought he had a claim for compensation could secure it. The succeeding clause pointed out the particular way, and practically the only way, by which he could secure compensaion.

Clause put and passed.

Clauses 35, 36—agreed to.

Clause 37—Principles in awarding compensation:

Hon. J. MITCHELL: Would the Minister explain how he would decide the damage which had been done, and the compensation which would be paid?

The MINISTER FOR WORKS: The Minister did not decide. It would be decided under the Arbitration Act, 1895.

Hon. J. MITCHELL: An explanation should be given of paragraph (b), and particularly of the words, "and unless in the opinion of the arbitrator such diminution or deterioration is the direct, and will be the permanent result of the completed works." Considerable damage might be caused by a temporary stoppage of water.

The Minister for Lands: This is to shut out claims for damages due to natural causes.

The MINISTER FOR WORKS: Under this Bill certain persons had a legal claim for water for domestic supply, watering stock, and irrigating three acres. If the Government failed to supply that water then the arbitrator might take into consideration what compensation should be paid, but those persons were the only ones who had any legal right to water.

Clause put and passed.

Clauses 38 to 47—agreed to.

Clause 48—Colonial Treasurer may advance moneys:

Hon. J. MITCHELL: This clause gave the Minister power over all expenditure that might be incurred by a board.

The Minister for Works: Only for construction.

Hon. J. MITCHELL: All borrowed money would have to be borrowed by the Minister.

The Minister for Works: That is so.

Hon. J. MITCHELL: Then the power over the purse given by this clause obviated the necessity for the appointment of other than ratepayers to the boards.

The MINISTER FOR WORKS: The clause provided that all expenditure on construction should be under the control of the Minister; the boards were not to have power to borrow money at all. The object of having non-ratepayers on the board was to see that the rates were collected and revenue derived from the irrigation area to pay interest and sinking fund on the capital expenditure.

Clause put and passed.

Clause 49—agreed to.

Clause 50—Subsidy may be withheld:

Hon. J. MITCHELL: The irrigation district would probably be only a small portion of a roads district, but the Minister proposed to stop the subsidy of the roads board in order to protect himself against any deficiency on the part of the irrigation board.

The Minister for Lands: Only if the local authority is the irrigation board.

Hon. J. MITCHELL: The effect of the clause was that the Minister would take the whole of the roads district's funds to secure the payment of an amount due only by the irrigation area, which might be only a small portion of the district.

The MINISTER FOR WORKS: This power applied only where the local authority was the irrigation board, and the Government must have power in such circumstances to see that interest and sinking fund were paid. It was possible that a roads board might show carelessness in regard to striking a rate for irrigation, and the Bill therefore provided that if they did not do their duty as an irrigation board the Government would stop their roads subsidy. Of course, the power would not be exercised except in very rare cases.

Clause put and passed.

Clauses 51 to 56—agreed to.

Clause 57—Power to make by-laws:

Hon. J. MITCHELL: Would the Minister explain what he had in mind in regard to Subclause 11, which gave power to make by-laws for "the control in the public interest of the flow of artesian bores."

The MINISTER FOR WORKS: The Government proposed to prevent waste in the flow from artesian bores, and this subclause gave them power to make regulations prescribing how that prevention of waste might be undertaken.

Hon. J. MITCHELL: It was to be hoped the regulations would not be such as to discourage people in the north from putting down bores. Legislating by regulations should be avoided wherever possible. The Minister should have power to control waste, but the regulations should be framed and submitted to the public as soon as possible, in order that the people might not be discouraged from sinking bores.

The MINISTER FOR WORKS: There was no fear of the Government discouraging the sinking of artesian bores. In fact, the Governor's Speech contained a statement that the Government intended to introduce regulations to assist the pastoralists to put down bores on the same lines as settlers in the agricultural districts were assisted to get water. Under this system as it applied to the agricultural areas, an individual could, by depositing £5, have a small boring plant sent to his property to locate water, and if the plant was returned without injury the £5 was refunded. In the majority of cases the boring plants were loaned out to agriculturists free of cost. The Government proposed to extend that system to the pastoralists. He had found on his trip to the north that where the squatters had made provision for an artesian supply they had experienced no difficulty in the dry season through which they had just passed. A number of small squatters had pointed out that the capital cost of a

bore was so great that it was impossible for them to enjoy its benefits, and he had, therefore, recommended to the Government the introduction of regulations whereby the Government could sink bores to locate water, the cost to be charged up to the owners of the land, and recouped to the Government on the time payment system. Regulations were now at the Crown Law Department and would be issued in a few days to the local bodies in the North-West and to the members representing North-West constituencies, to gain an expression of opinion upon them. In these regulations the Government took the responsibility of saying whether it would be advisable to put down a bore within a given distance of another. Geological advice would be obtained as to the safe distance. If no water was obtained, the Government took the risk; if water was struck, then the capital expenditure on the bore was to be paid back in instalments. That was evidence there was no desire on the part of the Government to discourage the sinking of artesian bores. The North-West would not be developed unless the system of artesian water supplies was extended.

The MINISTER FOR LANDS: On the question of the control of the flow of artesian bores, while no difficulty was likely to be experienced at the present stage, owing to the fact that the discovery of artesian waters in Western Australia had been quite recent, it was well to bear in mind the result of the investigations of the inter-State conference on artesian water. The details before that conference were the result of a series of careful and minute investigations as to the variance in flow over a number of years in connection with bores in Queensland and New South Wales, and the conference came to the unanimous conclusion that it was necessary, in the interests of the future, and in the interests of the areas already served with artesian bores, that there should be some form of control applied by the States similarly, so that there might be no serious loss in the future through a decrease in the flow from bores owing to an excess of bores in a certain area. The decision the conference came to was as follows:—

> Periodical measurements of the flows of those bores in New South Wales and Queensland, which have been in existence for some years, prove conclusively that there is a general decrease in the flow of the great artesian basin, and experience has also shown that the same thing is true in regard to the Perth basin in Western Australia. The conference is of opinion that the decrease is not due, at all events to any considerable extent, to the escape of the water outside the casing. Nevertheless, the loss in this direction should be minimised by bedding the casing upon an impermeable stratum, and sealing it with cement. When this is done, waste of water should be prevented by shutting off the flow when it is not required. In those States where no provision has already been made by legislative enactment to prevent the unnecessary multiplication of bores due provision should be made to secure the effective conservation of the underground water resources of the basin. For this purpose, a board, composed of competent officials, should be placed in control of existing bores in each State, and no new bores should be allowed without its authority.

In regard to uniform legislation, they recommended—

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

nation of all existing bores. We are of the opinion that the necessity for action in this direction to be taken in the remaining States is urgent.

That recommendation was just as much in the interests of those already supplied with artesian bores as in the interests of those who contemplated putting them down in the future.

Hon. J. MITCHELL: Already power was given to control bores; and under this clause the Minister had explained that regulations were being issued in regard to the control of plants.

The Minister for Works: There are no plants in existence now.

Hon. J. MITCHELL: It was understood a plant was loaned by the previous Government to some people at Hall's Creek. The trouble was, in the past, to get the people to go in for these plants.

The Minister for Works: The dry season stopped all that.

Clause put and passed.

Clauses 58, 59—agreed to.

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

Hon. J. MITCHELL: Would the Minister give an explanation as to why he was taking compulsory power of purchase and power to lease?

The MINISTER FOR WORKS: It was absolutely essential to utilise the water of the State for the purpose of intense culture and closer settlement. If the owner of alienated land suitable for closer settlement and intense culture was not agreeable to utilise it for that purpose, simply taking the water for irrigation was useless to the State, and the State would lose the advantage of the closer settlement that that land should carry. There was any quantity of water in the South-West it would be absolutely impossible to use for irrigation purposes unless the State also had the land, and there was only one way of getting the land, namely, by resuming it and paying compensation. It would not be fair to the State to put in a dam to conserve water and sell it to the individual owning the land on either side of the stream; it would not be fair that the State capital should give that water to the individual, enabling him to subdivide the land and reap the result.

Hon. J. Mitchell: There are very few areas that can be cut up.

The MINISTER FOR WORKS: There were large areas in large estates. No one would interfere if the land was held in small areas, but at the Harvey there was an estate of 7,000 acres the greater portion of which it was possible to irrigate.

Hon. J. Mitchell: No.

The MINISTER FOR WORKS: It was certain it would be possible to irrigate 3,000 acres of this area.

Hon. J. Mitchell: Say 300 acres of first-class land.

The MINISTER FOR WORKS: The Government would not be silly enough to purchase an estate for closer settlement if there were only 300 acres in it capable of being irrigated. The Government had the advice of the engineers in regard to the portion that it was possible to irrigate, and the advice of other experts as to what results would possibly be obtained. At Harvey there was a large estate held by two individuals. The Government had put up No. 1 weir to irrigate a cultivated area which they did not propose to resume or interfere with, because there was already closer settlement and intense culture on it; but at Harvey what was being done on the smaller area could be doubled by erecting a second weir. It was in the interests of the State that this should be done, but it was no use doing it unless the State had the power to acquire the land. Fortunately Dr. Harvey had been reasonable, and had submitted his land at a reasonable price, and it was proposed to ask Parliamentary authority to complete the purchase.

Hon. J. Mitchell: Then that case is outside the scope of this clause.

The MINISTER FOR WORKS: But had Dr. Harvey taken up a different attitude, and said he wished to himself irrigate the area, he could have put up a second weir and conserved so much water that there would be none left for the No. 1 weir. To prevent him taking all the water we had dammed the stream. Dr. Harvey might have turned round and said, "You have taken the

water, but I will not sell you the land." What could be done in such circumstances, for the water in itself would be of no use to the Government? Hence the desire for the power to take the land if the owner proved unreasonable. The land would be resumed, just as in the case of land resumed for a railway, and compensation would be paid.

Hon. J. MITCHELL: The Minister had dealt largely with an estate which would not come within the scope of the Bill.

The Minister for Works: Because Dr. Harvey has submitted a reasonable offer. But suppose he had refused to sell; then we could apply the provisions of the Bill to that part of the estate which we can irrigate.

Hon. J. MITCHELL: Still the compulsion clause did not apply to that particular estate. If the Minister could get 300 acres of first-class land down there, suitable for irrigation the purchase of the estate would be a good proposition.

The Minister for Lands: We can get 2,000 acres of irrigable land down there, in addition to that under close cultivation.

Hon. J. MITCHELL: It was not at all certain that there would be found available on the estate much more than 300 acres of river bank land, which was of far greater value than the higher tracts. However, in this case the owner was not being deprived of any portion of his land; but if the compulsory clause were put into operation down in the South-West the Minister would be taking from the owners the best part of their land, leaving them only areas suitable for grazing purposes.

The Minister for Works: Suppose Dr. Harvey had refused to sell; what could we have done?

Hon. J. MITCHELL: This irrigation scheme had to be paid for by the irrigable land, so that if Dr. Harvey had not been reasonable, he would have had to pay rates and taxes on the scheme, and would have had to bear his fair share of the burden.

The Minister for Works: The taxes could not be applied in this case unless we went to the expense of building a special weir for that special area.

Hon. J. MITCHELL: In any case the irrigable land would have to bear its share of the burden. This was only a right provision. But under the clause land might be taken at any time; even improved land as, for instance, Mr. Teesdale Smith's orangery of 100 acres, could be taken under the clause. It was true there was no provision made under which Mr. Teesdale Smith could be compensated for his trees, yet, unquestionably, that highly improved land could be taken under the clause. He had the strongest objection to giving power for compulsory purchase. Again, power was given that in the event of the owner not being discoverable a notice might be posted on a tree, which would be deemed sufficient notice.

The Minister for Works: That is only for exceptional cases.

The Minister for Lands: It is an additional notification.

Hon. J. MITCHELL: If the Minister's officers reported that the owner could not be found, the Minister could say "Very well, nail a notice to a tree and the land shall be ours."

The Minister for Lands: There would be first a notification in the *Gazette*, and another by registered letter.

Hon. J. MITCHELL: The land could be resumed merely on a notification nailed to a tree growing on the block.

The Minister for Works: That is the final notice, given after notice in the *Gazette* and the posting of a registered letter.

Hon. J. MITCHELL: But it might happen that the Minister determined to take the land while the owner was on a voyage to England.

The Minister for Works: He would have left his power of attorney.

Hon. J. MITCHELL: That was not likely, for it required a special power of attorney to deal with the sale of land. The Minister had not told us why he required this power.

The Minister for Works: In the interests of irrigation, and in the interests of the State.

Hon. J. MITCHELL: There were certain owners near the Brunswick State farm who had already gone in for irrigation. The Minister might decide to take some of this particular land.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. MITCHELL: How would the value be fixed in connection with land to be purchased by agreement with the owner? There was no provision for inspection and valuation as under the Agricultural Lands Purchase Act.

The MINISTER FOR LANDS: Although there was no expressed power it might be possible to purchase under some other provision than that in the Agricultural Lands Purchase Act. It was not intended to depart from that method, but amendments would be made to that Act so that there would be more than the number required to constitute a board for examination, and the board would be constituted so that if it was a question of purchasing land for irrigation, the services of those members of the board competent to report would be available with regard to re-purchasing land for wheat growing and mixed farming or under this proposition. It would not be necessary to go outside that provision if an amendment was made to existing legislation.

Hon. J. MITCHELL: There was no provision in this measure. It should be provided that the advice of some expert body must be obtained before the purchase was made.

The Minister for Works: Subclause 1 states that distinctly.

Hon. J. MITCHELL: The clause stated that land might be acquired on the advice of the commissioners, but there was no mention as to price. The provisions of the Agricultural Lands Purchase Act should be embodied in this Bill. The Minister should consult the Crown Law Department and get an amendment drafted. There should be power to purchase on the advice of the commissioners as to value.

The MINISTER FOR WORKS: There was no limitation in the clause which distinctly said the Minister might, on the advice of the commssioners, acquire land. Would any responsible men advise without going into the question of values? No Minister would accept the advice unless accompanied by a report which gave full particulars of value after inspection. It would be a big responsibility for a Minister to act contrary to the advice of the commissioners when special provision was made that he must get the advice of the commissioners. It was not fair to assume that any Minister would go against such advice.

Hon. J. MITCHELL: If the Minister brought in an amendment to the Agricultural Lands Purchase Act, that would probably meet the case.

The Minister for Works: The necessity for that is in connection with the Harvey land.

Hon. J. MITCHELL: Under this Bill the Minister could purchase without the advice of any board. The commissioners could advise the Minister to pay £10 an acre for certain land and that would end it. The whole responsibility would rest with the Minister, and another Minister might purchase at his own sweet will. It should be made clear that the Minister must take the advice of the commissioners as to price.

The MINISTER FOR WORKS: It would be superfluous to put that in the Bill. The amending Agricultural Lands Purchase Act was contemplated to overcome difficulties which had been experienced owing to the board being limited to gentlemen whose knowledge was confined to the wheat areas. There was no question that the Harvey proposition was a sound one for intense culture by means of irrigation when viewed by competent experts, but the board investigated and decided against the price submitted. Under the Agricultural Lands Purchase Amending Bill provision would be made so that the Government could purchase, on the advice of the board, land for irrigation purposes, but it would be superfluous to put it in this Bill. All that was needed was the provision that the advice of the commissioners must be obtained.

Mr. George: The Minister takes the final responsibility, surely?

The MINISTER FOR WORKS: The Minister had always to do that.

Hon. J. MITCHELL: The Minister should make it clear that a report must be obtained stating that the land was suitable for irrigation and that the price was reasonable.

The Minister for Works: It is there now.

The Minister for Lands: It must be done on the advice of the commissioners.

Hon. J. MITCHELL: It need not even be in writing.

The Minister for Works: I suppose the commissioner will go to the Minister in the street and tell him to buy it.

Hon. J. MITCHELL: The suggestion he had made would improve the Bill and relieve the Minister of responsibility. He moved—

That paragraph (b) of Sucblause 1 be struck out.

There was no need to again traverse the arguments advanced before tea. The cost of irrigation in a district would be borne by the irrigable land whether used for irrigation or not. It was objectionable that power should be taken to compulsorily purchase land. It was repugnant to most people and would work considerable harm and would, moreover, depreciate the value of land that might sooner or later be required for irrigation. It did not follow that assessors would be competent to determine the value that an owner was entitled to get.

The Minister for Works: In other words, you say our courts are not competent to give justice.

Hon. J. MITCHELL: That was not his meaning, but it would be admitted that it was often difficult to assess values, and it happened sometimes that there was a sentimental value attached to a holding. Then there was nothing in the Bill which would prevent the Minister taking an orchard which was already irrigated and in full bearing. If the Brunswick State farm were not a Government institution the Minister could resume it; in fact the Minister could take many orchards. There was no desire to suggest that the Minister wished to do this, but he should have provided in the Bill, even where he purchased land by agreement, that it should be land which was not being used now. A man with 100 acres might have 20 acres taken to-day, another 20 acres in a year's time, and so on until the whole lot was gone.

The Minister for Works: Yes, with an imagination such as you have.

Hon. J. MITCHELL: The Government should not have power to compulsorily take this land. There had never been anything so far reaching as this proposal.

The Minister for Lands: Yes, under the Railways Act.

Hon. J. MITCHELL: That was for railway purposes.

The Minister for Lands: No, for settlement.

Hon. J. MITCHELL: That applied to land which was not used. When a railway was built to a property it was reasonable to assume power to compel the owner to improve his land or give it up. The two things were totally different. Would the Minister tell the Committee that the owner would be paid full value for the land as for land that could be irrigated? It was too much to ask the Committee to consent to this and he hoped the Minister would agree to the words being struck out.

Mr. GEORGE: The people in the South-West were in earnest in the direction of irrigation, and although the Minister might not know it there were a good many supporters of the Bill on the Opposition side of the House. He could plainly see that there might be a block of ground that was within the area that the irrigation scheme was to cover, which, unless it was acquired, might prevent the irrigation scheme altogether. He could understand the desire a man might have not to part with a piece of land which had acquired some sentimental value apart from its intrinsic value, and it would be well if the Minister could agree to some modification to meet cases of that description. He could not see how the Government could carry on this scheme unless they had power to remove obstacles which might otherwise be insuperable. The people of the South-West desired that this irrigation scheme should be carried through in a proper and systematic man-

ner, and they were satisfied that once this scheme was in full operation the taxation would be a mere flea-bite compared with the benefits to be derived. They were sanguine as to what irrigation would bring about. Whilst members of the Opposition had no desire to obstruct the Bill, they were anxious to rob the measure of any provisions which would cause uneasiness on the part of those whom the Bill would eventually benefit. Even in cases where there was a sentimental value on the land, if the great majority of people were to benefit by an irrigation scheme, then sentiment would have to be put on one side and the public weal prevail.

The MINISTER FOR WORKS: If the Government had not power to compulsorily take land, they would be without the power to utilise the water which the Bill enabled them to control. Suppose somebody stood in the way of an irrigation scheme and refused to allow the water to be placed on his property, what were the Government to do? There was one irrigation area in regard to which a fair amount of detailed knowledge had been obtained and a proposition had been submitted for his consideration. It took in a number of small areas that had been cut up for purposes of closer settlement. Inside that area was a block of 400 acres. If the Government could purchase that block by agreement with the owner, they would do so—that was the first instruction to the Minister—but if they could not come to an agreement they must have power to compulsorily take the land. If they could not acquire the land and cut it into small holdings, the rest of the landholders would be penalised because the block would not take the quantity of water which it should consume, and the burden of taxation would be increased on the shoulders of all the other irrigationists. Mr. Mitchell suggested that the Government should meet the case of obstruction by the objectionable system of rack renting.

Hon. J. Mitchell: On a point of order. I said that within limitations the Bill provides that a tax may be imposed on all lands suitable for irrigation.

The MINISTER FOR WORKS: The hon. member had distinctly said that the Government had power by means of taxation to compel any obstructionist to use the water.

Hon. J. Mitchell: Within limitations.

The MINISTER FOR WORKS: There was no limitation. The Government had power to strike a rate, and that rate would be struck in proportion to the quantity of water to be sold. The hon. member suggested increasing the rent until the owner was compelled to break up his holding, but that was an objectionable system which should not be adopted. The two honourable courses were, firstly to purchase the land by agreement with the owner, and failing that, to compulsorily acquire the land and compensate the owner. As to land having a sentimental value, were we to allow sentiment to stop intense cultivation and closer settlement? We could not allow the sentimental value of a block of land to blind our judgment as to what was best in the interests of the State. The hon. member for Northam had supported this very system in the various railway Bills.

Hon. J. Mitchell: That is quite different.

The MINISTER FOR WORKS: There was less justification under a Railway Bill. The Government expended money to conserve water and to make the scheme a success they must sell the water. That could only be done by intense culture under closer settlement. The only justification for taking land in connection with railway construction was to reap the increased value and to get more freights for the railway by bringing about closer settlement. As the member for Murray-Wellington had pointed out, without the power contained in this clause irrigation was impossible in the South-West. It was not his desire to confiscate water or land, but he had a genuine wish to start irrigation on up-to-date lines, and in such a way that the State would get the fullest possible results from the capital expenditure.

Mr. NANSON: One could agree with the contention of the Minister for Works that if land was capable of irrigation and

the owner was not willing to irrigate it when the opportunity was given to him, and would not agree to sell it to the State, the Government should have the power to take the land by compulsion. But there was the case of land already irrigated. It might be said that there was nothing to prevent the Government buying up an irrigated estate, such as that of Mr. Barrett-Lennard on the ground that if it was cut up by the Government it would settle ten families, and that if the Government could not purchase the estate by agreement they could take it by compulsion.

Mr. Lander: They would be justified.

Mr. NANSON: Probably in the future, but at present there was ample work to be done in providing for the irrigation of land that was not already irrigated. The complaint was not that we had too much irrigated; it was just the other way, and the object of the Bill was to extend irrigation. At present there was no ground for laying it down that any Government should have the power to compulsorily take land that was already being turned to the greatest possible amount of intense culture by the application of water to it. Perhaps in the future in isolated instances it might, on grounds of public policy, be advisable to split up a large area already being irrigated; a case might be made out for compulsorily purchasing such an area and dividing it into a number of small holdings; but before any step of that kind was taken there should be opportunity for Parliament to endorse it; and such action could only be justified after strong reasons were given for it. As the clause stood, the Government would have the power to take an estate like Mr. Barrett Lennard's on the Swan and, without Parliamentary sanction, compulsorily purchase it; but a novel departure in policy of that kind should not be taken without Parliamentary sanction first being obtained and without the strongest reasons being brought forward. The Minister did not deal at all with this aspect of the question, but had he done so he probably would have said it was not intended to purchase land of this kind. Future Governments, however, might adopt a different policy, or the policy of the present Government might change in this regard, and then it would not be necessary for them to get Parliamentary sanction for the change of policy. It would be well to alter the clause to provide that, while compulsory powers were given to secure land capable of being irrigated that was not being irrigated, these powers should not extend to an estate already being turned to the fullest possible use it was capable of under a system of irrigation.

The MINISTER FOR LANDS: Hon. members were asking the Government to provide safeguards which, when they were Ministers, they deemed unnecessary in regard to similar provisions inserted in railway Bills. They were quite right in omitting these safeguards in regard to railway Bills because it was impossible to impose in all these measures the limitations called up by the imagination of the member for Northam (Hon. J. Mitchell). But did these members claim that they were the only rational gentlemen filling the positions of Ministers in this State, and, therefore, it was unnecessary to have these safeguards laid down? Did they imagine that any other Government succeeding them would compulsorily repurchase for the purpose of irigating a piece of land fully irrigated?

Mr. Nanson: The member for East Perth fully approved of it as an admirable thing to do.

The MINISTER FOR LANDS: To irrigate four or five acres out of 1,000 acres in the centre of an area to be irrigated would not be regarded as a sufficient compliance with closer settlement. On the other hand, it would be absurd to say that the Government should resume an area fully irrigated. Was there any large area held by one individual in an irrigation area?

Mr. Nanson: There are any quantity of such cases in America.

The MINISTER FOR LANDS: It was only by the application of energy and thought to a small area that irrigation could be made possible and serious mistakes avoided. The way was paved for this provision by Victoria.

Hon. J. Mitchell: Is it in any other Acts?

The MINISTER FOR LANDS: The power to compulsorily resume land was in the Victorian legislation dealing with closer settlement. It was forced on a Conservative Government in Victoria. At first they sought to apply to large holdings the water conserved as the result of considerable expenditure, but because the number using the water was comparatively small the initial efforts were a failure, and it was only after the advent of Mr. Mead from America, where there were thousands of men settled on areas on from five to ten acres, that irrigation had made progress in Victoria and settlements had sprung up from which there was every prospect of success. No irrigation farm should exceed 50 acres. Only in this way could we hope to make an irrigation scheme in the South-West of the State a success. Otherwise it would be an intolerable burden on the general population. We could not entertain the suggestion of the hon. member that a sentimental objection on the part of the landholder should hold good. The objection would be raised every time, and the development of the district, as well as of the State, would be retarded. There was no exemption in regard to sentimental objection in a similar provision inserted in railway Bills. It was recognised that the public welfare and the general development of the State demanded that the Government should have the ultimate power of resumption. It was the basis of English law dealing with the ownership of land that, no matter what title a man might hold to his land, there was underlying it the recognition that for the public welfare the Crown had the ultimate right to step in and assert its ownership to the land. Even if payment was made for the land there was always the condition that the Crown could at any time demand an annual payment in the shape of peppercorn rental by way of land tax. If one man held the land and raised a sentimental objection to resumption, the whole of the progress of the district could be retarded, and there would be no opportunity for this development of production, for the increase of people settling on the soil, which we all claimed was to be the continuous record of development in Western Australia. The recognition of this had been forced upon even the most conservative Governments. Now that settlement and population was beating up against these boundaries the force of public opinion had compelled these people to recognise it. If we were to have irrigation schemes in Western Australia which would be successful in promoting closer settlement, and successful, too, in that they did not call for any undue sacrifice on the part of the general community, we must have this ultimate power of compulsorily re-purchasing lands when it was found impossible to arrive at a voluntary agreement between the landowner and the Government. He would defy the hon. member to quote one instance in the history of Australia of land being compulsorily resumed at less than a fair price. It would have been infinitely better had we adopted the system advocated last session, providing that the value should be that determined by the owner in his taxation returns, plus a fair value for improvements and reasonable value for disturbance. This system would be fair to both parties, and would save legal costs.

Mr. S. STUBBS: If the clause had provided that the land was to be compulsorily resumed without payment of any compensation, he would have supported the amendment. The assurance given by the Minister for Works on the second reading, that there was no desire and no intention to confiscate any person's property, had altered his (Mr. Stubb's) opinion with regard to the Bill. He maintained that the Bill was in the best interests of the State in that it would serve to stop the passing of the enormous amount of money which was sent out of the State each year for dairy products which could be produced in Western Australia. He failed to see what injustice could be done to any landowner in the event of land being resumed under the Bill. With proper safeguards the principle of compulsory purchase was a good one.

Mr. NANSON: As previously pointed out, he was at one with the Minister for Works in the desire to obtain power to compulsorily purchase land capable of being irrigated and which was not being irrigated. Nobody should be allowed to act the dog-in-the-manger. There was in Western Australia to-day no more important public work than that of irrigation, but where land was already under intense culture, as in the case of Mr. Barrett-Lennard's vineyard at Guildford, there was, as yet, no justification for the compulsory resumption of such properties.

The Minister for Works: Nobody would dream of doing it.

Mr. NANSON: But there were certain members of the Committee, as for instance the member for East Perth (Mr. Lander), who appeared to believe in reaping where others had sown. We should deal with idle land before attempting to take away land under intense cultivation. If the clause was passed in its present form it would be possible for any Government to compulsorily purchase an intensely cultivated estate merely on the pretext that it was advisable to settle ten persons thereupon. Perhaps at some future date in Western Australia, on the grounds of public policy, it might be found advisable to repurchase a large estate, even though it was so intensely cultivated as to be producing all of which it was capable; but that time was not yet. He would appeal to the Minister to see whether it was not possible to make some small amendment in the Bill providing for the exemption from the clause of land already under intense cultivation. The Minister for Lands argued that the late Government in their railway Bills had taken power to acquire land close to a new railway, no matter whether it was improved or unimproved. That was true, but there was this distinction. In the case of the railway it was necessary for the State to have as much population as possible adjacent to the railway, but in the case of an estate of 100 acres of land, if it was being irrigated to its utmost extent it would not be less profitable to the irrigation board to sell the water to one owner than an equal quantity of water to 10 owners.

The Minister for Works: If it was a question of 100 acres I would not interfere.

Mr. NANSON: There was no analogy between the powers taken by the late Government and the powers sought by this Bill. Even if there was it would not follow that because too liberal powers were given in the past, the matter should not now be put right.

The MINISTER FOR WORKS: The suggestion made by the member for Greenough to limit the operation of this clause to land not irrigated at the time of the passing of the measure would be taken into consideration. We had not arrived at a stage when any large areas were irrigated. Most of the areas were small and were giving the fullest possible result and that was all the Government desired. It did not matter whether one man was carrying it out so long as the State was benefiting from the return from the land.

Mr. HARPER: It was difficult to make the clause fair and equitable. The holder of a small area might not have the necessary capital to conform with the irrigation scheme. He might not be able to obtain the necessary labour. These were matters which should be seriously considered. Western Australia would require a large population before it could aspire to local production on a similar scale to that in Victoria.

The CHAIRMAN: The hon. member was getting away from the amendment.

Mr. HARPER: The Minister should not inflict any hardship on those who were now in occupation of land. The land to be irrigated was almost exclusively the best in a holding. The Minister for Lands said it should be valued on the owner's valuation for taxation purposes. A man might own a large area and only a small portion might be suitable for irrigation and it would be difficult to fix the value of that portion unless independent experts were obtained to value it. The Government should have not only the expert opinion of their own officers but the

assistance of experts in the neighbourhood.

Mr. GEORGE: The Minister's desire to make the clause a little less drastic was commendable. He suggested the insertion of the words "any land capable of being properly irrigated and which at the time of being acquired is not irrigated to its full extent." A man might have a piece of land capable of irrigation but might not have the means to carry it on. The Government might not acquire that land for four or five years and in the meantime the owner might be able to begin irrigating. If provision was not made for cases of that kind, we would be putting a stopper on individual enterprise. All persons should be encouraged to use their land and utilise it to the greatest extent. He could not support the member for Northam because an individual might stick out for an exorbitant price and the Government must be assisted in this connection.

The Minister for Works: My proposal is to go into the matter with the idea of recommitting the clause.

Hon. J. MITCHELL: The Minister had accused him of desiring to bring about a change of ownership by the worst possible means, namely, excessive taxation. He repudiated the suggestion. The only party who had ever made it were the Labour party in New South Wales and South Australia. Clause 39 limited the rate of taxation.

The Minister for Works: The power of taxation depends on the quantity of water sold.

Hon. J. MITCHELL: The Minister would not have got the clause passed if unnecessary revenue could be collected. The public credit might be pledged to provide funds to set up irrigation schemes but the land of those who benefited was to be taxed to cover all the costs. However, he had done his duty by calling attention to the matter and he realised the futility of pursuing it further.

Amendment put and negatived.

Hon. J. MITCHELL moved an amendment—

That the following be added to Subclause 7:—"*and the compensation shall be determined and paid within thirty days after the claim has been duly made, pursuant to the notification in the 'Gazette' declaring that the land has been acquired, unless the time is extended by the president of the compensation court on the ground that further time is needed to determine the claim.*"

Delays might occur and they should be obviated. It was the duty of Parliament to see that when the Minister compulsorily took land the payments should be made as quickly as possible.

The MINISTER FOR WORKS: The amendment was impracticable because under the terms of the Public Works Act it would not apply. In the first instance 30 days would not give time to carry out the process as outlined in the Public Works Act, and then again to show the difficulty of making any limit, the individual whose land was resumed might be outside the State, and, in order to overcome cases of that description, under the Public Works Act a claim could be recognised even though it was put in two years after the land had been compulsorily taken. It was impossible to see how a claim could be settled within 30 days.

Hon. J. MITCHELL: The amendment declared that the Government should say what they would do 30 days after the claim had been made. It was reasonable that payment should be made at the earliest possible moment.

The Minister for Works: You cannot do it within 30 days. In the Geraldton cases we have been waiting for a longer time for the courts to sit.

Hon. J. MITCHELL: Then some other means should be taken to determine the claims.

Mr. O'LOGHLEN: The futility of limiting the period to 30 days was realised because it was known how slow departmental methods were, and after the valuations and general crossfiring after the resumption of properties, very often months elapsed and sometimes years. If the member for Northam (Hon. J. Mitchell) had such a burning desire to bring about prompt payment, why did he not

put it in evidence during the time he was Minister for Lands in connection with the resumptions made by the late Government in the cases of farmers whose orchards were practically destroyed. Those men along the route of the Bridgetown-Wilgarup railway and the Donnybrook-Preston railway had had to wait not months, but in some cases up to four years for settlement. The Minister for Works could bear out that statement. It was a very unfair proposition that these men should have been kept waiting for three or four years, and if it was not practicable to effect a settlement in a shorter time when the member for Northam was Minister for Lands, it was not practicable now.

Hon. J. MITCHELL: The matter to which the hon. member referred had never been dealt with by him and he certainly did not remember a case where people had to wait for years.

The Minister for Works: It is true, nevertheless.

Hon. J. MITCHELL: By way of comparison reference might be made to the lack of interest shown by the Federal authorities in connection with the settlement of claims. The member for Forrest (Mr. O'Loghlen) perhaps was not yet privileged to defend the Federal authorities; he might, however, have the opportunity later, but to-day he was a member of the State Legislature and he should support the proposal for prompt settlement. It was to be hoped the Minister would accept the amendment or some modification of it.

Hon. FRANK WILSON: Claims for resumed land went through the Works Department, and the Minister for Works, if any individual Minister, should be responsible. Payments for resumed lands took far too long. That had been the case under past Governments as well as under the present Government, and the delay often occurred in the lands resumption office. Most of the claims had to pass through the hands of one individual and apparently he had more work to handle than he could possibly manage. The work should be divided.

The Minister for Works: Work of that character cannot be divided.

Hon. FRANK WILSON: Two officers could be appointed to do the same work. He had recently had personal experience of the delays of this department because land in which he was interested had been resumed. The price had been agreed upon, yet it took three months to get the claim settled. Some reform might be made so that when a large number of resumptions were taking place the work could be divided amongst two or three officers. In the Geraldton case, for instance——

The CHAIRMAN: The hon. member would have an opportunity of discussing that case on the Estimates.

Hon. FRANK WILSON: If the Minister could see his way clear to make a change in this respect he would earn the gratitude of those concerned. There were many instances where these delays had involved great hardship. He was inclined to think that the amendment was impracticable. It took more than thirty days to have a claim put through all the necessary formalities, and if the period were fixed at sixty days or ninety days the amendment would be more reasonable.

The MINISTER FOR WORKS: There had undoubtedly been too much delay all along in connection with these claims, but the difficulty was that it was a most dangerous thing to allow two men to deal with land resumptions. He believed that the gentleman dealing with land resumptions at the present time was one of the most competent officers in the public service. So far as the Geraldton cases were concerned, the department had been able that day to arrive at a settlement with practically the whole of the small men, although the claims of one or two of the big owners would have to be taken to court. There was no question that these people had been kept waiting too long. It was not right to take people's homes from them and not pay them the money with which to acquire others. He was prepared to endeavour to do something to expedite these settlements, and he would discuss the matter with the lands resumption officers to see if it was possible to insert an effective provision in the Bill.

Amendment by leave withdrawn.

Hon. J. MITCHELL: Subclause 8 did not give the Minister power to pay compensation for improvements. Would it not be advisable to add after "acquired" the words "or any improvements thereof"?

The MINISTER FOR WORKS: The suggested amendment could not be accepted without the Crown Solicitor first being consulted. At an earlier clause the Committee had decided that compensation should be paid, and had outlined under what conditions payments should take place, and what should guide the court in arriving at settlements. But if the suggested amendment was inserted it would be difficult to decide what constituted improvements. Under the Public Works Act the Government had to pay for improvements, but as to whether that was sufficient to guide the court in regard to the compulsory taking of land under this clause he was not prepared to say. As, however, he had to re-commit the clause, he would have this phase of the question inquired into.

Hon. J. MITCHELL: The right to compensation for damage by severance was recognised, and would the Minister consider whether it was not possible to add words to enable an owner of land to ask the Government to take the whole of his block if it had been so damaged by the resumptions as to be useless to him? Subclause 9 provided that waste Crown lands might be dedicated for the purposes of this Act. Under the Land Act agricultural land could only be sold, but under this measure it could only be leased, and the Minister was taking power to include Crown land as well as repurchased land in this scheme. Thereby the Minister for Works became a lands Minister, and dealt with land in a totally different manner to the Lands Department. That seemed to be objectionable. If the Minister was afraid that too much land might get into the hands of one person he could fix a limit, but it was undesirable to apply the leasehold system to Crown lands under this measure. Would this land to be leased be subject to taxation?

The Minister for Works: No. Crown tenants are not taxed.

Hon. J. MITCHELL: Then the freeholders would have to pay the whole of the cost of running an irrigation scheme.

The MINISTER FOR WORKS: The land would certainly be rated to get the necessary revenue. Either the rent would be fixed with the water given in, or the land value would be fixed plus the rate. Rating was the better system.

Hon. J. MITCHELL: The clause was objectionable because it set up the leasehold system. There would be two Ministers dealing with land matters.

The MINISTER FOR WORKS: It was true that the policy of the Government was to acquire this land, and having acquired it in order to absolutely guarantee for all time that it should be held in small areas under intense culture, it was necessary to have leasehold tenure. By alienating the land there was no guarantee that it would not get into large areas again. It was to overcome the difficulty of having two Ministers dealing with the irrigated land that the Minister for Works would deal with it. True, in a broad sense, the Minister for Works would be dealing with matters that attached to the office of the Minister for Lands, but it was better that than to have the Minister for Lands dealing with the important question of irrigation. In New South Wales there were three Ministers concerned in irrigation, the Minister for Lands, the Minister for Agriculture, and the Minister for Water Supply, and they conferred in regard to certain areas, but it was an objectionable method. To have irrigation on proper lines it was necessary to have it all in the hands of one Minister who would get the land ready and lease it out to individuals. One department should be made responsible. With two departments dabbling in the matter there could be no prospect of success. Two departments should not be got to move together. There might be room for argument as to whether it should be freehold or leasehold tenure, but the best results for the State would be given under leasehold tenure. It would make it possible for a man without capital to acquire land, and it would give a guarantee

that the land would be held in small areas and kept under intense culture.

Hon. J. MITCHELL: According to the Minister a man without capital could take up an irrigated block. In those circumstances the Minister would need to first improve the land and build a house for the settler unless the Agricultural Bank Act was amended.

The Minister for Works: The only power I have is to control the land from the irrigation point of view.

Hon. J. MITCHELL: Under the freehold system a man could take up a block without capital, and get assistance from the Agricultural Bank, and unless the Minister would give settlers a better title men with limited capital would be shut out.

Clause put and passed.

Clause 61—agreed to.

Clause 62—Notices and demands, how served:

Hon. J. MITCHELL moved an amendment—

That in line 6 of Subclause 3 the word "or" after "occupier" be struck out and "and" inserted in lieu.

This was to provide that the notice should be placed in some conspicuous part of the land of the owner or occupier and published three times in a newspaper.

Amendment passed.

Hon. J. MITCHELL: Would the Minister agree to an amendment providing that the publication of the advertisement should be at intervals of not less than a month between any two publications instead of intervals of a week, as provided in the Subclause? The owner might be out of the State for more than three weeks.

The Minister for Works: I cannot agree to that.

Clause as amended put and passed.

Clause 63—Notices binding on persons claiming under owner or occupier:

Mr. GEORGE: The notice for the compulsory resumption of land could be served on the owner or occupier, but the owner should be given direct notice.

The Minister for Works: What about the absentee?

Mr. GEORGE: The absentee was always represented by an agent.

Mr. Dwyer: You would need a special provision requiring every agent to be registered.

Clause put and passed.

Clauses 64 to 68—agreed to.

Clause 69—Offender may be arrested:

Hon. J. MITCHELL: Why should an officer of the board be empowered to arrest any offender against the Act or any by-law thereunder? Surely it was too much power to be put into the hands of these officers?

The MINISTER FOR WORKS: It was essential that we should give the officers this power; it would only be exercised in special cases.

Mr. O'Loghlen: Would it not be sufficient to give them power to prosecute?

The MINISTER FOR WORKS: No, the offender might be polluting the water, interfering with the dam, or in other ways doing damage, and the offence might be continued while the proceedings were being taken.

Mr. O'Loghlen: Still it is a serious thing to give an officer power to arrest.

The MINISTER FOR WORKS: The clause was safeguarded by the concluding words "if the offender refuses to give his name and address."

Hon. J. MITCHELL: It was not even necessary for the officer to produce a badge or other mark of authority. The officer would ask a person's name, and if the name were not immediately forthcoming an arrest would be made. What would be the punishment for refusing to give one's name?

The Minister for Works: There would be no punishment other than that one would be liable to arrest.

Hon. J. MITCHELL: It would be conferring upon an officer of the board all the powers of an ordinary constable.

The Minister for Lands: No, he could not arrest a person for using bad language.

Hon. J. MITCHELL: Even this could be done if the by-laws to be framed by the Minister included bad language among the offences against the Act. An officer

who had the right to demand an offender's name and address should produce some authority when he made that demand.

The MINISTER FOR LANDS: Sufficient protection against the possibility of extravagant action under the clause would be found in the saving commonsense of the average man, whether it was the Minister or a subordinate officer under the Act. That they could do these things was no evidence that they were likely to do them. It was merely a general power to provide against emergencies, and it was not at all likely to be abused.

Clause put and passed.

Clauses 70, 71—agreed to.

Clause 72—Actions against board or officers:

Mr MALE: It was provided in the clause that any action brought against the board should be commenced within six months after the act complained of was committed. Six months seemed scarcely a sufficient period; it ought to be twelve months. He moved an amendment—

That in line 3 "six" be struck out, and "twelve" inserted in lieu.

Amendment passed.

Hon. J. MITCHELL: Paragraph (b) of Subclause 3 provided that if the matter complained of appeared to have been done under the authority of the Act judgment should be given for the defendants with costs. Why the use of so wide a term as "appears"?

The Minister for Works: It is simply to give the court broader powers.

Hon. J. MITCHELL: Under the paragraph, if it merely appeared that certain things had been done with the authority of the Act the owner of the land would have no recourse.

Clause as amended put and passed.

Clause 73—agreed to.

Clause 74—Property of water board not to be taxed:

Mr. GEORGE: Could not the district claim something from the people who used the roads? They should contribute towards the upkeep of the roads. The fact of being Government tenants should not relieve them of rates when they had the advantage of local expenditure.

The MINISTER FOR WORKS: The hon. member's interpretation was not correct. The object of the clause was to exempt from local government taxation the waterworks or the works carried out by the Government or from rates in respect of land acquired for those works. Where the land was an irrigation district and was held by individuals they were subject to local government taxation. He would have the clause looked into because he did not desire that the individual should be exempt from taxation.

Clause put and passed.

Clause 75—agreed to.

New clause—Saving:

Hon. J. MITCHELL moved—

That the following be added to stand as the last clause of Part III.:—"Notwithstanding any of the provisions of this Part of this Act, the Crown shall not, under the powers conferred by this Act, take possession of or in any way interfere with—(a.) any watercourse, lake, lagoon, swamp or marsh, the bed and banks whereof are within the area of, or form the boundary of alienated land; or (b.) any spring or artesian well situated within the boundaries of alienated land; unless and until the Commissioners appointed under this Act have certified, in writing, to the Minister, that the water from such source of supply is suitable and needed for irrigation purposes."

The amendment was reasonable as the Minister should not seek the control of streams which were unsuitable or unnecessary for irrigation. The Minister should have control of all the waters he needed.

The Minister for Works: That is all we have the power to take.

Hon. J. MITCHELL: The Bill gave control of all the streams in the State. The Minister would get all he required if he accepted the amendment and people would feel more comfortable.

The MINISTER FOR WORKS: The new clause was superfluous. The Bill was based on the acquiring of water necessary for irrigation purposes. There was provision that that should be acquired

on the advice of the commissioners. If the hon. member could not see the purport of the Bill it was not for him to insert a special clause to convey to him what the Bill already conveyed.

Hon. J. MITCHELL: This was not provided for in the Bill which proposed that all rights in water should pass to the Minister.

The Minister for Works: That is so.

Hon. J. MITCHELL: It was his desire to have a limitation. In the Swan district a lot of small gullies were not suitable for irrigation.

The MINISTER FOR WORKS: This matter would be discussed with the draftsman, but the Bill was framed on the basis he had indicated and for that reason the clause seemed superfluous. If the draftsman considered that the point needed emphasising he would have the Bill recommitted.

Mr. DOOLEY: There were streams which were unsuitable for irrigation, but which might be suitable for industrial purposes, and any exemption such as that indicated by the new clause might militate in future against the use of water for industrial purposes. There were streams in the Greenough and Geraldton districts not suitable for irrigation but he hoped that fellmongeries or tanneries would be established and the rights to the water should not become a monopoly in the hands of one individual. If exemptions were to be made, that aspect of the question should be seriously considered.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC.

In Committee.

Mr. Holman in the Chair, the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Mr. BROUN moved an amendment—

That in the definition of "motor vehicle" all the words after "power" in line 2 be struck out.

It would be recognised that it was impossible to drive motor vehicles without those vehicles emitting vapour.

The MINISTER FOR WORKS: The definition was correctly stated. At the present time a motor vehicle need not smoke, and if proper instructions were given smoke could be prevented from being emitted.

Mr. LANDER: This was also in force in the old country. He had been informed by motor drivers from England that a nuisance caused by vapour or smoke was punishable by a fine.

Mr. BROUN: While a motor vehicle might not emit vapour or smoke, a motor tractor did.

Amendment put and negatived.

Mr. BROUN moved an amendment—

That in the definition of "motor waggon," in line 5, after the word "carriage" the words "or haulage" be inserted.

The MINISTER FOR WORKS: Provision was made in the Bill for hauling trailers, and that would get over the hon. member's objection.

Mr. BROUN: Would it be possible to tax a trailer so much per wheel?

The Minister for Works: Yes.

Mr. BROUN: Then there would be no need for the amendment, and with the permission of the House he would withdraw it.

Amendment by leave withdrawn.

Mr. A. E. PIESSE: In regard to the definition of "vehicle" it was necessary that that should be clearly and thoroughly understood. It was his intention to ask the Committee to add some words to the definition, and these had been necessitated by the fact that in the definition the word "machine" was included. The definition said that "vehicle" included every description of vehicle, engine or machine except a locomotive, a railway carriage, tram motor or tram car. As the Bill stood there was a possibility that every agricultural machine would require a license. That was not the intention of the framers of the Bill, and therefore he desired to bring the matter under the notice of the Minister in the hope of hav-

ing inserted a definition of agricultural machines.

Mr. Gill: What about Clause 10?

Mr. A. E. PIESSE: That clause related to trailers. In many cases agricultural machines were conveyed as trailers, but in most instances they were drawn direct by horses and, therefore, under the clause they would have to be licensed. Would the Minister explain what was meant by "machine" in this connection?

The MINISTER FOR WORKS: It was not proposed to compel agriculturists to take out licenses for all agricultural machines, but certain of those machines would require to be licensed. If the hon. member would put his proposed amendment on the Notice Paper he (the Minister) would report progress.

Progress reported.

ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The PREMIER (Hon. J. Scaddan): I move—

That the House at its rising adjourn till Thursday next.

May I explain for the information of hon. members, as well as of the Press and the public generally, that it was my intention to deliver the Budget on Thursday next but, owing to the fact that show week, with its public holidays, has interfered somewhat with the work of the departmental officers, I have decided to hold it over till the Thursday of next week.

Question passed.

House adjourned at 10.35 p.m.

Legislative Council.

Thursday, 10th October, 1912.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPER PRESENTED.

By the Colonial Secretary: Papers in connection with the New Santa Claus leases at Randalls (ordered on motion by Hon. J. D. Connolly).

BILL—BILLS OF SALE ACT AMENDMENT.

Read a third time, and returned to the Legislative Assembly with an amendment.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the 8th October; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 4—Interpretation:

The CHAIRMAN: Progress had been reported after paragraph (e) of the definition of "industrial matters" had been struck out.

Hon. T. H. WILDING moved an amendment—

That after paragraph (c) of the definition of "industry" the following words be added:—"provided that there shall be excluded from the definition of 'industry' the agricultural and pastoral industries."

It would be quite impossible to carry on those two industries if the Bill was made to apply to them. That fact had been realised by even such a democrat as the late Mr. Seddon. The very character of the work on farms made impossible the limitations which the Bill proposed. For