this small measure will assist the friendly societies greatly. I know that some hon. members connected with friendly societies consider that this amount should be reduced. But the registrar is very strong in opposition, and we must allow a professional man of his ability to express an opinion in regard to this. It is necessary that the House should be guided by such an officer, and he is strongly of opinion that it would not be safe to allow the friendly societies to draw any sum of a lesser amount than 4½ per cent. Consequently the Bill has been introduced with a view to allowing the friendly societies to have one-half per cent. more than they previously had towards the management fund for the amount of interest earned.

Mr. Gill: Will they be content with that much?

Hon. W. C. ANGWIN (Honorary Minister): It has been already explained to them, and the Bill has been accepted by a large majority of the friendly societies.

Mr. B. J. Stubbs: I suppose they know they cannot get anything better.

Hon. W. C. ANGWIN (Honorary Minister): It is the duty of the Government, on the advice of their officers, to see that the funds of the friendly societies are maintained in a thoroughly safe condition, and that no money more than is necessary should be used to keep those funds in a safe condition. The registrar of the friendly societies is of opinion that it would not be safe to reduce the amount below 4½ per cent., and I believe that on his advice the friendly societies have approved of the Bill as introduced and passed in another place. I move—

That the Bill be now read a second time.

On motion by Hon. J. Mitchell debate adjourned.

House adjourned at 10.37 p.m.

Legislative Council,

Wednesday, 24th September, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Amended food standards and regulations under the Health Act, 1912. 2, Amended regulations under the Jetties Regulation Act, 1878. 3, By-laws of Geraldton local board of health. 4, Port Regulation 46A.

QUESTION—PERTH TRAMWAYS PURCHASE MONEY.

Hon. H. P. COLEBATCH (without notice) asked: When does the Colonial Secretary expect to receive a reply to the cable forwarded to the Agent General on the 30th July asking for particulars as to the purchase money for the Perth tramways?

The COLONIAL SECRETARY replied: I will endeavour to get the information for the next sitting of the House.

LEAVE OF ABSENCE.

On motion by Hon. C. SOMMERS, leave of absence for the next six sittings of the House granted to the Hon. A. G. Jenkins on account of ill-health.

WEST PROVINCE ELECTION SELECT COMMITTEE.

Attendance of Member of Assembly.

On motion by Hon. R. D. McKENZIE resolved: That a message be sent to the Legislative Assembly asking that House to authorise Mr. W. Price to attend to give evidence before the select committee on the West Province election, 1912.

BILL—SUPPLY (TEMPORARY ADVANCES), £223,145.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading, said: This is *not* a Supply Bill in the ordinary sense of the term. It is merely a measure to secure Parliamentary authorisation to do certain things with money already appropriated by Parliament. Last year for the first time a similar Bill was introduced, and hon. members wondered why it was done. The practice of making temporary advances from the Treasury to paymasters and others had never previously received the sanction of the Legislature, but in strict conformity with the Constitution Act such approval is essential. Perhaps it is necessary that I should explain what these temporary advances mean. For the purpose of convenience, paymasters in the country districts issue orders on the Treasury for the payment of wages, and salaries in some instances, and also for payment for goods. There is, of course, a certain limit fixed and it is fixed in this Bill. Say that the limit is £1,000, the paymasters may draw orders to the extent of £1,000, and when they send into the Treasury receipts for the expenditure of that sum the account is revised. If this were not done the men employed on our railways and on our public works would require to send in a blue paper voucher to the Treasury and await the return of the money, but under this system, which has been in force ever since the introduction of responsible Government, if not before, money has been paid by the paymasters per medium of orders on the Treasury. Another instance might be quoted in connection with the State steamers. The acting manager is allowed a temporary advance account to the extent of £6,000. He can draw orders on the Treasury to the amount of £6,000, and when he sends along the receipts to the Treasury the account is revised. If that were not done and he had to pay the wages of the men employed on the steamers, he could only do it by getting those men to fill in vouchers which they would have to send to the Treasury in order to unlock the money. Such a Bill as this has never been deemed necessary until during the last two years, when the Auditor General represented to the Colonial Treasurer that the practice in operation in the past was not strictly in accordance with the Constitution Act. It is with the object of permitting these temporary advances to be made that I am introducing this Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1, 2—agreed to.

Schedule:

Hon. H. P. COLEBATCH: One item appearing in the schedule was "Purchase of stock and equipment. Yandanooka estate, £2,430." This estate had been purchased under the Lands Purchase Act, under which it was compulsory for the Government to re-sell. Did this item mean that the Government were not going to re-sell the estate but intended to run it as a Government farm?

The COLONIAL SECRETARY: The Government did intend to re-sell, and a fairly large number of blocks had been surveyed and would be open for selection at an early date. A certain area of the property, he understood, would be temporarily reserved for the purpose of fattening stock, but it was the intention of the Government to proceed with the subdivision and sell the estate as speedily as possible.

Schedule put and passed.

Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RIGHTS IN WATER AND IRRIGATION.

In Committee.

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

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. H. P. COLEBATCH: Would the Minister agree to the postponement of the clause until after the consideration of Clause 78? There was a number of items in the interpretation clause which must depend upon principles that had to be decided in the Bill.

Clause postponed.

Clause 3—The Minister and advisory commissioners:

Hon. F. CONNOR: As he had pointed out on the previous evening this clause should be altered so that instead of the administration of the Act being under the Minister for Works it should be under the control of a highly qualified hydraulic engineer with some experience in irrigation and agriculture, who would be able to prepare comprehensive schemes for irrigation of all lands that could be beneficially irrigated and drained. He would refer back to Clause 2 where it was necessary to have an alteration of the definition of "irrigable." Someone with authority and knowledge would have to make decisions, and with all due respect to the gentleman who would control the Bill, the latter was not perhaps sufficiently well qualified to say what was irrigable or not irrigable, or beneficially or profitably irrigable. It was not his intention to move an amendment, but simply to enter a protest against the clause in its present form. If it were possible for the Colonial Secretary to see his way to have an alteration made it would no doubt be of benefit to and be appreciated by the people most interested in this measure if it became law.

The COLONIAL SECRETARY: Every Act of Parliament was placed under some Minister who might not have expert knowledge himself, but had a body of experts to advise him. That would be the case with the Minister for Works if he was charged with the administration of this Bill.

Clause put and passed.

Clause 4—Natural waters vest in the Crown:

Hon. H. P. COLEBATCH moved an amendment—

That in line 4 after the word "supply" insert "required for the purposes of irrigation under this Act."

It would be within the recollection of the Committee that when a similar Bill was before this Chamber last session an amendment was inserted making Part III., which defined rights in natural water, applicable only to irrigation districts. The objection taken to that amendment was that it might conceivably happen that a good deal of the flow from which the Government or the board, as the case might be, would need to draw its water supply for an irrigation scheme, might be outside the irrigation district, and, therefore, if the clause were amended in the way suggested last session, confining the operation of this part of the measure to irrigation districts, it might interfere with the success of irrigation schemes. It was as an alternative that he suggested the amendment, the intention being that rights in natural water should remain as they were at the present time excepting in such cases as the water was required for irrigation under this Bill, and where so required, whether within or outside the irrigation districts, the rights in that water passed to the Crown.

Hon. M. L. MOSS: The Minister should give attention to Subclause 2. It ought to be made perfectly plain that where a person conserved water in his own land he was the absolute proprietor of that water. It was very doubtful whether Subclause 2 made that plain. It was the intention no doubt to do that. To understand the position one must look at the definition of "watercourse" in the interpretation clause where it meant river, stream, or creek, in which water flowed in a natural channel, whether permanently or intermittently. There must be thousands of instances in this State in ordinary farm lands where there was a bit of a gully and a farmer would put a dam across and conserve water. No doubt the water flowed intermittently in that gully during the rainy season, but we would not call that a watercourse.

It was nevertheless defined to be a watercourse here. Water would be flowing intermittently for perhaps two, three, or four months in the year, and the settler might utilise it by throwing a dam across. Some such dams would be constructed at trivial cost, but in some cases a few thousand pounds might be spent for the purpose of utilising the water throughout the year. It would be rough if the effect of the subclause would be that the Minister or the board in control compelled the owner of the water in the summer time to let that water go for the purpose of benefiting others below him.

The CHAIRMAN: The hon. member would note that an amendment had been moved prior to Subclause 2.

Hon. J. F. CULLEN: It was important that the hon. Mr. Colebatch's intention should be fully grasped by the Committee and by the Minister especially. No doubt Mr. Colebatch wanted his amendment to apply not only to subterranean sources of supply, but to watercourses, lakes, and lagoons.

Hon. H. P. Colebatch: It applies to the whole lot.

Hon. J. F. CULLEN: The Minister should be fully seized of that in his consideration of what would need to be done. Mr. Colebatch was right in saying that the amendment would do no harm at all. It would remove an immense number of objections.

The COLONIAL SECRETARY moved—

That further consideration of the clause be postponed.

Hon. M. L. MOSS: Could he——

The CHAIRMAN: The hon. member would be in order in speaking to the postponement.

Hon. M. L. MOSS: While not in opposition to the clause, he would like a statement from the Minister that it was not intended to deprive any farmer or settler of the water which he had conserved by spending money in the manner he (Mr. Moss) had indicated, which should be encouraged in every way possible in a country like Western Australia.

Hon. C. A. PIESSE: Several other amendments would be brought forward in connection with this clause, and it would be a pity if they could not be indicated so that the Minister might give consideration to them. Mr. Colebatch's amendment was very important and necessary. This was one of the most vital clauses of the Bill, but the effect of the Minister's motion was to prevent members discussing it.

Hon. F. M. CLARKE: The motion for the postponement would have his support, as it was important for the Minister in charge of the Bill to have time for consideration.

The COLONIAL SECRETARY: His object in moving the postponement was not to stop discussion, but he had been of the opinion that all members had spoken on the clause who had intended to speak.

Motion put and passed; the further consideration of the clause postponed.

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

Hon. H. P. COLEBATCH: Before discussing the clause he would ask the ruling of the Chairman as to whether it was in order. Standing Order 173 read—

> The Title of a Bill shall coincide with the order of leave, and no clause shall be inserted in any such Bill foreign to its title.

The Title of the Bill was—

> A Bill for an Act to declare the law relating to rights in natural waters, to make provision for the conservation and utilisation of water for industrial irrigation, and for the construction, maintenance and management of irrigation works, and for other purposes.

There was no suggestion in the title that it was intended in the Bill to interfere with the titles of land under the Lands Act. The Bill was composed very largely of extracts from Acts in operation in different States. The New South Wales Act, from which the Bill was largely drawn, did not make any reference to the taking over of these beds and banks. The Victorian Act did, but the title of that Act specified that one of the objects of the Act was to declare rights in certain lands. The Bill before the Committee made no reference to that in its

title, but nevertheless proceeded to interfere with the titles to land.

The CHAIRMAN : In his opinion the clause was in order. If the hon. member wished to object to his ruling he should do so in writing at once.

Hon. H. P. COLEBATCH : It was intended to oppose the clause. There was no need for it. If the clause were dropped, a great deal of objection to the Bill would be removed. It had been said on the second reading that if the Government were to resume the rights in water it was only logical that they should also resume the beds and banks of the streams. The Government did not propose to resume the land over which the water flowed if the water was contained within the bonndaries of one parcel of land, but merely to take the beds and banks if the streams formed part of the boundary. Subclause 3 provided that even though the land on both sides of a stream belonged to the same owners, if it formed part of the boundary it should be treated as land which had not been alienated. In many cases, of course, it would not form part of the boundary, and so would not revert to the Crown. Under the Victorian Act both the beds and the banks reverted to the Crown, but under the New South Wales Act it was not considered necessary to take the land at all. So long as the New South Wales Government took the rights in water they did not bother about the land. There were many instances in this State of the bed of a river representing a considerable acreage, amounting to a valuable proportion of the owner's property, for the reason that in summer time it was used for grazing purposes. If the clause was left in it would be necessary to have some definition of the word "normal," because normal would mean land over which water flowed in the wet season and, therefore, the bed of a stream might be a mile wide, in which case the whole of that land would revert to the Crown.

Hon. J. W. Kirwan : No; read Clause 26.

Hon. H. P. COLEBATCH : That applied only to swamps, and was a different matter altogether. It had nothing to do with rivers.

Hon. B. C. O'Brien : Would you not regard the stream you mentioned as a swamp ?

Hon. H. P. COLEBATCH : No, it was not a swamp at all. He would like to have some reasonable explanation from the Minister as to why it was desired to take over the land. He would vote against the clause.

Hon. F. CONNOR : In the far North there were places where the water flowed 25 miles wide.

Hon. F. Davis : That is not a normal flow.

Hon. F. CONNOR : It was not unusual, at all events, for it happened season after season. The water flowed 25 miles wide for weeks at a time. Again, in the North the beds of the rivers frequently deviated for miles in a wet season. He was not opposed to the clause, but he would move for its recommittal if it passed in its present state. As he had said on the second reading, the major portion of the Bill should not be applied to the northern part of the State.

Hon. C. A. PIESSE : With Mr. Colebatch, he would vote against the clause. It was a far-reaching provision and it was doubtful whether it would not do a lot of harm in respect to the old titles under which was held most of the land proposed to be dealt with. There would be a nice crop of court cases if the clause were agreed to. Had the clause been restricted in its application to future sales of land, it might have been acceptable, but as applied to the old titles it was distinctly wrong.

Hon. M. L. MOSS : The clause provided that if the bed of one of these watercourses was entirely within the land owner's boundary none of it would vest in the Crown; but if a small portion of the creek formed part of the boundary the Crown would not only take that portion, but would travel for miles into the property and take the rest of the bed

of the stream. It seemed a very unfair proposition.

Hon. D. G. GAWLER: One of the chief points for consideration was that in regard to riparian rights. It must be said that the Government were giving something back in exchange for common law rights, but they were giving nothing back for taking the bed. It seemed to be unfair to take the bed of the stream without compensation, considering that the Government were giving nothing in return for the bed. This point should come under the subsequent provisions in regard to the resuming of land and paying compensation for it. On the other hand, there seemed to be a certain amount of difficulty before the Government in determining what they were to do in respect to their works if they were not to have the bed. They must have the bed to carry on their works.

Hon. H. P. Colebatch: Provision is made for resuming land required for works.

Hon. D. G. GAWLER: If the Government took the bed they should pay for it. Clause 7 gave an illusory advantage back to the owner by providing that he could use the bed until the Government required it. A distinction should be drawn between the bed and the riparian rights. In many cases the bed represented land which the owner had been in the habit of using.

Hon. E. M. CLARKE: Apparently the clause had been drawn on the assumption that all lakes and watercourses were in definite channels. In practice this was not the case. As pointed out by Mr. Connor, the stream might be miles wide. This, of course, did not occur in the South-West, but even down there very many streams were dry in summer time, when they formed valuable pasturages or were even used for cultivation. All that the Government required was the actual water and of this, of course, they should have control. Very often there was no well-defined channel to a stream. He knew of a block of about 1,000 acres of first-class land which was nothing more nor less than the bed of a river. But it was nearly a mile wide. What could be described as the bed of that river? We wanted to know exactly what the Government required. If these channels were well defined there would not be much difficulty, but where two people owned land to the centre of a lake, it might be the most valuable part of their property and the rest might be of little value, such interests should be safeguarded. There was a clause defining that the strip of land should be equal only to the width at the inlet or the outlet of the lake, but he was referring to a collection of water in one huge lake derived from various streams, though it left the property in one fairly well-defined channel. Excepting for this clause the Government would take the whole of that swamp.

Hon. F. CONNOR: Swamps and lagoons were really watercourses, because they were the places where the water ran during the season. If these were taken many holders might as well throw the country up.

Hon. F. DAVIS: In connection with the word "normal" a common-sense rendering would be the condition of the stream during the summer time.

Hon. F. Connor: There would be none at all.

Hon. F. DAVIS: The hon. member had mentioned a river 25 miles wide. That would not be the normal condition of the river. The word "normal" would mean the ordinary channel of the river in summer time.

Hon. J. F. Cullen: It would be only a series of pools then.

Hon. E. M. CLARKE: To take the channel in summer time would not meet the case, because there was no water in many of the streams for five months in the year. The land was used for growing potatoes. Four out of five of the streams which the Government intended to take did not flow in summer time. The Collie river, where it was proposed to put a dam, did not run in summer, and the Brunswick river had run only since the timber had been ring-barked. The Benger swamp provided a typical case, and the best land in the Stirling Estate was simply a portion of the beds of the Capel and other rivers forming a huge lake which was perfectly dry in summer.

There was a lot of worthless sand reaches in the Benger river district and the only valuable part was that over which the river flowed. The Minister might say it was intended to take in a defined strip, but the word "normal" would not meet the case.

The CHAIRMAN: The word "normal" was not in the clause under discussion.

Hon. E. M. CLARKE: No; but it had been used.

Hon. H. P. COLEBATCH: The word "normal" might be discussed in connection with the bed of a stream. The hon. Mr. Davis's use of the word normal was contrary to the spirit of the measure, because the land taken would be that over which the water flowed at any time excepting in abnormal cases. To define it as the land normally covered by water, whether permanently or intermittently, would mean the land over which the water flowed either in summer or winter. What object had the Government in resuming this land? It was only in isolated cases that they would want to resume land and great hardship might be caused. Wherever land was required for irrigation works ample provision was made for the Government to resume it by paying reasonable compensation.

Hon. J. W. KIRWAN: A few words in the clause which had an important bearing on its meaning had not been referred to during the discussion. The words were "for the purposes of this Act." The land was to be taken only where it was essential to enable the measure to be carried out efficiently and properly.

Hon. H. P. Colebatch: Have you read Subclause 2?

Hon. J. W. KIRWAN: The hon. member should consider the words in line 4 of Subclause 1. Surely those words made it sufficiently explicit. If the land was used for pastoral purposes there would presumably be no interference with it unless it was essential to deepen the river or build up the banks, or do something necessary for the carrying out of the measure.

Hon. M. L. Moss: Clause 7 does not bear out your argument.

Hon. J. W. KIRWAN: Evidently it was the intention of the Government that land should be resumed only for the purposes of the Act. If legal members desired an amendment to Clause 7 to make it clear that the land would be taken only for the purposes of the Act, it would be a fair thing to ask. If the Government did not have the ownership of the land for the purposes of the Act there might be much litigation and trouble which might seriously impair the carrying out of the measure.

Hon. H. P. Colebatch: In what way?

Hon. J. W. KIRWAN: If those administering the Act were not sure of the ownership of the beds of rivers objection might be taken by the owner to any works.

Hon. H. P. Colebatch: That cannot be done.

Hon. J. W. KIRWAN: It was difficult to see why members should be so strong in insisting that the ownership of the beds of rivers should not revert to the Crown. If they made sure that the condition "for the purposes of this Act" was included throughout the measure, that would meet all requirements.

Hon. F. CONNOR: A watercourse which, during the dry season, dwindled to a chain of lagoons could be defined as a watercourse, and the Minister administering this law could say it was a watercourse even though some thousands of acres of land was involved. The Colonial Secretary should make some provision to protect the position.

The COLONIAL SECRETARY: For his part he could see no objection to the clause. The Committee had agreed that rights in water should be vested in the Crown and if there was no objection to that there should be no objection to the beds of watercourses being vested in the Crown. Such vesting would be only to a certain extent "for the purposes of this Act." When the water was running over the bed of a watercourse the bed would be of no use to the owner, and the Crown already had been given the right to the water. When a dry season occurred and there was no water, the owner would have the absolute right to it and could use it for grazing or for cultivation purposes.

Hon. H. P. Colebatch: What about his title if he wants to sell?

The COLONIAL SECRETARY: It was necessary that there should be a provision such as this in the measure. It might be necessary for the Government to divert the stream or it might be necessary for the Government to dam the water, and if the clauses were not retained there would be no power to do either.

Hon. H. P. Colebatch: Do you not think the Government should compensate?

The COLONIAL SECRETARY: The Government were not prepared to compensate. This kind of thing was described in Victoria as theoretical confiscation; the owner lost nothing. He could not use the bed when the water was running over it and when the water was not running over it he could not sue anyone for trespass. In connection with every clause in the Bill that gave rise to discussion, and he wanted as much discussion as possible, it was his intention to move that the consideration of those clauses should be postponed: then the views of hon. members would be carefully considered and he would be prepared to take a stand. What he desired was to have the fullest discussion on the contentious clauses.

Hon. C. SOMMERS: There was a grave danger in carrying out such a clause. In the South-West portion of the State the swamp lands were most valuable and in one property which he had in mind out of ten thousand acres only eight hundred acres were of any use, and the Government for purposes of irrigation, might construct a dam upon that land. It would be seen, therefore, what a danger that would be. The man's ten thousand acres would be worthless to him. The proposal of the Colonial Secretary to listen to what had to be said so that the Bill might be made as reasonable as possible was wise, and he hoped the Government would take note of what was said.

Hon. J. F. CULLEN: There were many points in connection with this clause which the Minister should weigh well. The Minister assumed that the purposes of the Bill would be sufficiently safeguarded, but the purposes of the Bill were very large. The purposes of the Bill would enable the authority to bank up water, throw it back 100 miles and cover thousands of acres of land now being used, and yet the purposes of the Bill would enable the Government to say that that was all theirs.

Hon. J. W. Kirwan: There is provision for a normal channel.

Hon. J. F. CULLEN: Normal could be interpreted to cover all that. There was that real hardship, but there was another point which some members did not sufficiently weigh. It might be stated that possibly there would not be any interference with the bed of a stream on both sides of which the owner might have land. Perhaps not, but there would be an enormous depreciation in the title if the clause was carried as it stood. The uncertainty as to what the Government might take would largely depreciate the value of the property. The Minister did not want to do that, and he (Mr. Cullen) was satisfied that after consultation with the experts the Minister would find a way of getting control of the necessary parts of the streams without prejudicially affecting any land owner.

Hon. M. L. MOSS: A serious difficulty arose here, and the whole trouble was because there was such a bad definition of the word "bed." Something should be devised which would be more intelligent. It would be seen that a bed meant any water course, etc., over which normally flowed water whether permanently or intermittently. Intermittently when? In the wet season, or throughout the year? Then members should look at this contradiction—"but does not include land from time to time temporarily covered by the flood waters of such water course, etc." The definition referred to intermittent flows of water and land temporarily covered with water, which were one and the same thing. It seemed to him in the definition of "bed" there was a contradiction of terms. The Government must get control of the beds of these streams for the purpose of carrying out irrigation, and whether they would pay for them or take them was a matter which

need not be discussed at that juncture. If we were taking land where the flow of water was intermittent we would be taking the only part of the land which was of any value. He admitted that he was not able to supply a better definition.

The COLONIAL SECRETARY: The intention is flowing water.

Hon. M. L. MOSS: Then that ought to be specifically stated. If it was to be the normal quantity that flowed in winter time then we would be taking a very large area and a valuable portion of a man's land. Clause 5 was divided into three subclauses, but it would be found that the third took in the first and the second. We were to assume that from the 1st May to the 31st October was to be regarded as the wet season, when we would get what was the average quantity of water that would flow, and that was to be the normal, and the land that was covered by that quantity of water would be taken. That, however, did not appeal to him as a fair proposition. Those who selected land years ago did so having the greatest regard to the low-lying parts which carried water.

Hon. J. W. Kirwan: You allow the words "natural channel" to be in the definition.

Hon. M. L. MOSS: It was the winter months that we would have to deal with. The conditions would not be applicable to the conditions which would prevail in the summer, and if we were going to apply the Bill to the winter conditions there would have to be a better definition of the word "bed."

Hon. J. W. Kirwan: There is a further definition in Clause 26.

Hon. M. L. MOSS: There was very little in Clause 26. It provided "Notwithstanding anything in this part of this Act contained to the contrary, the bed of any lake, etc., shall not exceed in width the width of the water course at its inlet to, or outlet from such lake." That would afford very little relief where a swamp might have no inlet; it might be saucer-shaped.

Hon. H. P. COLEBATCH: Some good reason should be given why the Government desired to take over the land at all. It was not contemplated that the Government should be able to take land without compensation. He desired to draw attention to the evidence given by Mr. A. N. Piesse before the select committee last year. That witness said—

> The Bill says that river beds shall revert to the Crown. I have ten acres of freehold which I hold under right of purchase at £10 an acre. The ten acres I am holding is in the river bed.

What would become of the title to this land? Ten acres of this man's land was in the bed of the river and it was worth £10 an acre. Was anyone going to give the man £100 for the land when the Government would own the bed? This provision was not in the New South Wales Act. Any land that was required there and which the Government took was paid for.

The Colonial Secretary: It is in the Victorian Act.

Hon. H. P. COLEBATCH: Yes, but he was told that the Victorian Government was not in the habit of alienating the bed and banks of the rivers. It was only when the beds and banks formed a portion of the boundary of a person's property that the Government desired to take it.

Hon. J. W. KIRWAN: Clause 26 which had been referred to provided that any lake, lagoon, swamp, or marsh which was capable of being drained or cultivated should not be taken. That placed a very different aspect on the question under discussion.

Hon. H. P. Colebatch: It did not touch the question. That did not refer to watercourses at all.

Hon. J. W. KIRWAN: But the clause referring to lake, lagoon, swamp or marsh showed that the argument which had been advanced did not apply at all.

Hon. M. L. Moss: You are quite right there: I was wrong.

Hon. J. W. KIRWAN: Mr. Colebatch has pointed out that the discussion had reference to river beds and watercourses. In conection with river beds, he would also like to refer to a matter touched upon by Mr. Cullen who pointed out that

if a wall was thrown across a river and the waters of the river were thus thrown back a long way, the Crown would have the right to take all the land covered by the water so thrown back.

Hon. J. F. Cullen: The hon. member is not quoting correctly.

Hon. J. W. KIRWAN: That, he understood, was the hon. member's contention, but whatever was the contention of the hon. member, the interpretation of the word "watercourse" was a river, stream, or creek in which the water flowed in a natural channel, whether permanently or intermittently. If any artificial means were provided by which the water was thrown back, that water would not be flowing in a natural channel. The difficulty might be overcome by inserting in Subclause 2 of Clause 5 after "Crown" the words "for the purpose of this Act"; also in Subclause 3 similar words should be inserted. That would make it absolutely clear that that was only the land intended for the purposes of the Bill that the Government could appropriate.

Hon. C. A. PIESSE: The suggestion of Mr. Kirwan did not go far enough. After the word "land" in line 2 of Subclause 2 there might be added "required for irrigation purposes." The Minister had previously taken serious objection to the use of the word "confiscate", yet on another occasion the Colonial Secretary distinctly stated the Government did not intend to pay compensation, therefore, they intended to confiscate.

Hon. C. SOMMERS: What would happen in the case of a watercourse being half a mile wide and running through a man's property, and it became necessary to construct a dam across the whole of that property, would the Government take the whole of that land?

Hon. D. G. GAWLER: Clause 26 read with the interpretation of "bed" appeared to place a different construction on the interpretation of "bed." The width of the bed was the width of the inlet or outflow whichever was the narrower. If water did not flow out of a lake, lagoon, swamp, or marsh, then it could not be taken by the Government. If the water did not flow in and out they did not take the bed; if it did flow in and out, they did take it. If the stream came into the lake, lagoon, swamp or marsh a foot wide, and went out a foot wide, it was only a foot in width that could be taken by the Government all the way. Therefore, the width of the bed to be taken by the Crown was only the width where the watercourse entered into or flowed out of the lake, lagoon, swamp, or marsh.

Hon. F. DAVIS: Members objected to this provision on the ground that if the beds of the rivers were vested in the Crown, property would be depreciated. Mr. Cullen had stated that no Legislature would ever take land without paying compensation. As owner of 101 acres in the Darling Ranges, to which he had a clear title, he had had the experience of having portion of that land taken by the roads board, and used for road purposes without compensation being paid.

Hon. J. F. Cullen: That is in your title; no compensation was due.

Hon. M. L. Moss: You did not understand the conditions under which you held the land.

Hon. F. DAVIS: If it was right in one case for the land to be taken for public purposes without compensation, it was equally right that it should be taken under this Bill for irrigation purposes.

Hon. J. F. CULLEN: The land law reserved the right to the roads board to take land for road purposes, and that was part of the contract under which a person took up land.

Hon. F. Davis: But no compensation was paid.

Hon. J. F. CULLEN: Certainly not. The right of the roads board to take that land was part of the contract under which a person obtained the land. It was quite a different matter to take away a man's riparian rights. He had already stated that where the Crown had alienated any of those rights it could only take them back honestly by resumption and payment.

Hon. E. McLARTY: Mr. Colebatch should persist with this amendment. If the clause was passed in its present form it would do a serious wrong to those people who owned land on river frontages. Much of the best land along rivers in the

southern districts was very often covered with water during the winter. The flats along the Murray River were covered by water in winter, and if the Government were going to claim those portions they might as well take the rest of the estate. The clause as printed would simply mean ruination to all the best estates in the southern districts. He would not vote for one clause in the Bill, which would give any Minister, no matter whom he might be, power to do anything without the people being fairly compensated for the loss they sustained. The Bill was going to press very severely on a few, and those who did benefit, if anyone did, would do so at the great expense of a few of the earlier settlers who had obtained river frontages. It would be a monstrous thing to take away the frontages and the land over which water flowed in winter time without giving compensation. The case mentioned by Mr. Davis was in no way analogous to the taking away of rights under this Bill.

Hon. M. L. MOSS: The discussion had boiled the position down to this: that members were agreeable to give back to the Crown all rights to the water. It was important that the Council should let it be known throughout the country what it was prepared to do. The general trend of the opinion of hon. members was to give the Government the fullest possible extent of title to all water wherever it might be on land.

Hon. J. F. Cullen: You mean that we recognise their right.

Hon. M. L. MOSS: The Committee would alter the common law in regard to the riparian rights of owners. They were willing to deprive the riparian proprietor of the use of certain water and allow the Government to take it for public purposes. Clause 5 did more than that. It was going to take away valuable property without compensation within the terms of any grant a person held. For instance, if the bed of a stream was required for purposes of public utility, under the terms of the Crown grant the Government could take it now to the extent of one-twentieth of the area of land originally granted. If the Government required land over and above that proportion they had to pay compensation. Mr. McLarty had a valuable river frontage, and if the Government required one-twentieth of that area for purposes of public utility, they could take it, but if they wanted more than that they must pay compensation.

Hon. J. F. Cullen: That does not apply to old grants.

Hon. M. L. MOSS: It applied to all grants. When this land was originally purchased five per cent. had been added to it, but was not charged for, and it was provided that one-twentieth might be taken by the Crown at any time without compensation. The Council wanted to do all that was possible to assist the Government to carry out any scheme of irrigation, and therefore members were agreeable that all the rights of riparian proprietors should be given back to the Government. Under the terms of the grants they could take up to one-twentieth of the land, and whatever they required beyond that they should pay compensation for.

Hon. J. F. CULLEN: Mr. Moss would lead hon. members to imagine that under any of the old grants the Government could take away the whole of the riparian rights. If that was so, the Government could take their one-fifth along the bank of the river.

Hon. M. L. Moss: For purposes of public utility, certainly they could.

Hon. J. F. CULLEN: The hon. member was wrong. There was no doubt about the one-fifth reservation in recent grants, but the hon. member was wrong in regard to the old grants.

Hon. M. L. Moss: I am correct.

Hon. J. F. CULLEN: Mr. Moss was also lax in his statement as to what the Committee was asked to do in regard to water rights. This Bill was a declaration of rights existing.

Hon. M. L. Moss: Look at Clause 4.

Hon. J. F. CULLEN: That was the intention of the Bill, and where the measure went beyond that members' criticism should come in. What the Crown was looking for was a declaration of existing rights, and what the Committee

had to do was to make clear the definition of Crown and personal rights, and take good care that the personal rights were safeguarded.

Sitting suspended from 6.15 to 7.30 p.m.

On motion by the Colonial Secretary, further consideration of the Clause postponed.

Clause 6—Diversions from watercourses, etc., prohibited, except under legal sanction:

Clause 7—Owner of land adjacent to watercourses to have access and remedy for trespass:

Hon. H. P. COLEBATCH moved—

That Clauses 6 and 7 be postponed.

Clause 6 depended on the decision arrived at in regard to Clause 4, and the necessity or otherwise of Clause 7 depended on the decision arrived at in regard to Clause 5.

Motion passed; the clauses postponed.

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

Hon. C. A. PIESSE moved an amendment—

That the words "or of some existing or future Act of Parliament" in line 8 be struck out.

If there were existing Acts of Parliament affecting this they should be named, and as for future Acts of Parliament, the Government had no right to attempt to dictate to future Parliaments what was to be done.

The COLONIAL SECRETARY: The object of the hon. member's amendment was not apparent. The clause did not bind future Parliaments. It recognised future Parliaments. It did no harm. The words might seem superfluous, but it was just as well to have them there.

Hon. D. G. GAWLER: Undoubtedly if this clause was not inserted the whole of the idea with regard to riparian rights might be destroyed. If they were affected by other Acts of Parliament we would have an opportunity when those other Acts came up to discuss them.

Hon. C. A. PIESSE: With the leave of the Committee he would withdraw his amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 9—Watercourse or race on alienated land not to be obstructed:

Hon. C. A. PIESSE: This clause might operate harshly upon people who had gone to much trouble to impound water that would have otherwise gone away to the sea. Where people had taken the trouble to impound water that would otherwise have run away to the sea, there should be something done to protect them. Probably along a water course there would be a man to whom the word "snag" could be applied, who through pure cussedness might insist on water that had been conserved being let go.

Hon. F. CONNOR: Hon. members should judge whether or not the source of water referred to by Mr. Piesse should be allowed to be interfered with under any Act of Parliament. Years ago a company of which he knew took up 10,000 acres of virgin land in a place where it was thought they were very foolish to take up land. The effect of that company taking up land, putting money into it, and conserving water on the watercourses was that this particular area of country was opened up to the public. Men could never have gone there but for the operations of this company. The result was that 100 miles further on in that same country there was to-day settlement of value to this State. Where people had spent money to develop the country it would not be proper for their rights to be interfered with. There should be some protection embodied in this Bill connected with the object referred to by Mr. Piesse. It was necessary that there should be some protection for people who had already spent their money, so that it would not be left open for some squib of a fellow owning some acres further down a stream to go to the Minister and ask for another man's property to be confiscated.

Hon. J. F. CULLEN: The intention of the clause seemed to be to protect the private owner. The only interference could be where it was required for the purposes of this measure.

The COLONIAL SECRETARY: Hon. members should give attention to Subclause 2 of Clause 4. If it was simply a case of making a tank in the ordinary course of agricultural operations, there was ample protection under Subclause 2 of Clause 4; but if it was wanton obstruction it was advisable that power should be given under the Bill to prevent a person from proceeding with obstructive tactics.

Hon. F. Connor: Who is going to say what the words "sensibly diminished" in Subclause 2 of Clause 4 mean?

The COLONIAL SECRETARY: A court of law.

Hon. C. A. PIESSE: The marginal note of Clause 9 appeared to be entirely wrong and should be altered.

Clause put and passed.

Clauses 10, 11—agreed to.

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

Hon. H. P. COLEBATCH: One portion of this clause was dependent on the decision to be arrived at in regard to Clause 5. He moved—

That the consideration of the clause be postponed.

Motion passed.

Clause 13—agreed to.

Clause 14—Ordinary riparian right defined:

Hon. H. P. COLEBATCH moved an amendment—

That in line 10 the words "a garden" be struck out with a view of inserting the word "land."

The COLONIAL SECRETARY: If the amendment was agreed to the Bill would fail. The Government would not consent to give by Act of Parliament a definite right to irrigate five acres of land for industrial purposes. It was a different proposition altogether from the right for a garden in connection with a dwelling. If it was fixed by Act of Parliament that every person who owned land fronting a stream was entitled to water sufficient to irrigate five acres, that right would be definitely entailed upon the land.

Hon. J. F. Cullen: We need not make it five acres; we can make it less.

The COLONIAL SECRETARY: The Government would not be prepared to accept the amendment. It was not proposed to go to the trouble and expense of establishing an irrigation scheme and then give a complete monopoly in regard to five acres.

Hon. Sir J. W. Hackett: What is a garden?

The COLONIAL SECRETARY: The definition was clear. The garden would not exceed five acres, and would be used in connection with a dwelling. It would be a garden under cultivation for the purpose of producing vegetables and fruit for a householder.

Hon. C. A. PIESSE: The amendment ought to be taken to a division. No householder could use a vegetable garden of five acres. The Government did not propose to allow the householder to sell the surplus of his vegetables. Why should not a man be allowed to irrigate five acres as he chose? Surely a man should have the right to do as he liked with his garden.

Hon. J. F. CULLEN: The Minister had previously admitted that this part of the Bill was put in for fun.

The COLONIAL SECRETARY: Nothing of the sort.

Hon. J. F. CULLEN: On a free translation at least. The Minister had admitted that three acres would not be sufficient. Then the Minister had said the area could be increased to five acres or 50 acres or even 5,000 acres, because it would not be used in any case. It was only an illusory advantage, nothing more. He was going to support Mr. Colebatch in making the concession apply to land; but after that he would listen to the Minister as to what area of land. The area of land ought to be proportioned to the rights of the holder to whom we were making the concession. The owner of a 10-acre patch could not have the same rights as the owner of 10,000 acres. Whatever concession was made should be a real one.

Hon. E. M. CLARKE: The amendment was deserving of support. On the Collie

river there were in all, counting the same people twice to account for the land on both sides of the river, about 20 persons. That could be reduced by three, and the area those people would claim would be only 75 acres in a distance of about four miles. If the Government were going to cavil at people wanting to irrigate only 75 acres, and were afraid that they could not supply sufficient water for that area, then the best thing the Government could do was to say nothing more about irrigation. It was only now dawning upon us why the Government last year had conceded the request that the three acres should be made five acres. The cat was now out of the bag. The Government might just as well have granted 30 acres, because from actual experience it was clear that three out of four people who were going in for systematic irrigation would buy their vegetables, exclusive of potatoes, cheaper than they could grow them. It looked very much as if the Government were taking certain things from the people and in return were going to give them the right to water five acres, well knowing that the conditions were such that the people would not be able to avail themselves of the privilege. Last session he had not thought that the Government would object to holders of riparian rights putting the garden area to any purpose they pleased so long as it represented the bona fide irrigation of a given quantity of land for the production of stuff which in all respects would be used for the betterment of the community at large. If the Government were going to cavil at giving the water to water 75 acres he had not much faith in their scheme. He would support the amendment.

Hon. C. SOMMERS: The amendment should be supported. We ought to encourage people to go in for irrigation as much as possible. If the clause were accepted as printed it would be questionable whether a man owning two plots of land, one within an irrigable district and the other beyond that district, and whose dwelling was on the block outside of the irrigable district, would have the right to irrigate such a garden. It was intended by the Government that whatever produce was raised on these garden areas should not be sold. Why not encourage a man to be industrious? If he could grow something for the good of the community let him do it. If the scheme was going to be hampered by the giving of these small rights the scheme was worthless.

The COLONIAL SECRETARY: If the amendment was carried it would mean entailing the right to water five acres of land. Each owner of land fronting a stream would have the right entailed on his land to irrigate five acres. The land owner had no such right now under common law to irrigate for industrial purposes. The owner had the right to water for domestic purposes and for the purpose of a household garden, and the Government were fixing these rights definitely for the owner; but they were not going any further. The owner had no right to water for industrial purposes. The Government were afraid of the absentees. If this right was entailed on the land as a right every absentee could claim that right, and would book up that right, and consequently the Government would be hampered in their efforts to arrange for a distribution of the water for practical purposes. If the owner wanted to irrigate five acres or 20 acres for industrial purposes all he had to do was to take out a license, which would cost him £1 per year for 10 acres.

Hon. J. F. Cullen: And pay his rates.

The COLONIAL SECRETARY: And pay any rates which might be levied. To ask that this right should be entailed on the whole of the land fronting a stream meant killing the whole of the scheme at the very inception.

Hon. H. P. COLEBATCH: With the attitude of the Colonial Secretary he sympathised to some extent, but if after consideration of the postponed clause the Committee agreed to take over the rights of water only where it was required for irrigation purposes, and not interfere with the people in other parts of the State, there would be no objection to the clause standing, because licenses would then apply only to people in the irrigation districts and it would be of no ad-

vantage to them, and no disadvantage to the Crown to give them water free for any area. When a scheme was inaugurated the land would have to bear the whole of the money required to pay interest and sinking fund, so that if the people were given a larger area the money would still have to be obtained. Last session similar words were struck out of the Bill. If the Bill was to apply to parts of the State where the Government did not intend to do anything, he would press the amendment, so that people in the outside districts might be able to use water over a large area. He suggested that the clause should be postponed.

On motion by the Hon. H. P. COLEBATCH, further consideration of the clause postponed.

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

Hon. F. CONNOR: Provision should be made for the special license to permit the use of the same amount of water for 10 years free of charge. The clause did not state for how long the water would be given.

Hon. C. A. PIESSE: The Minister should explain whether the condition "not exceeding five acres" should be read in conjunction with the words preceding it, or whether that part of the clause meant that if a man had eight acres cultivated at the present time he would be allowed water for only five acres. The privilege should extend to whatever area had been cultivated in the past.

Hon H. P. COLEBATCH moved an amendment—

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

This question was debated on the second reading. The special privilege was granted only to persons who had irrigated for two years prior to the passing of the measure. If a man established an irrigation plant six or even three months ago, it should not be interfered with.

Hon. E. M. CLARKE: The amendment would have his support. He sympathised with the man who had laid out money on irrigation and had not yet received any return. He personally had had time to make it pay, but if it was right to give the concession to a man who had had an opportunity to make it pay, it should certainly be given to the man who had not had an opportunity to recoup himself for his outlay. The concession should be even extended to those who had purchased plant.

The COLONIAL SECRETARY: In Victoria the period was not two years but 10 years. At present he did not see much objection to the amendment.

Hon. H. P. Colebatch: The Minister has the right to revoke the license if necessary.

Hon. D. G. GAWLER: If the amendment was accepted, a consequential alteration apparently would have to be made by striking out the words "or at intervals during every year exclusively." The Minister should bring the matter under the notice of the Crown Law authorities.

Amendment put and passed.

Hon. H. P. COLEBATCH: The five acre question again came in, and he suggested that the clause be postponed until after consideration of postponed Clause 14.

On motion by Hon. H. P. COLEBATCH, further consideration of the clause postponed.

Clause 16—agreed to.

Clause 17—postponed.

Clause 18—Artesian wells to be licensed:

Hon. F. CONNOR: Sir Edward Wittenoom desired that Clauses 18 to 22 should be struck out. He agreed with Sir Edward, and the Colonial Secretary should say whether he would agree to it.

The Colonial Secretary: Oh, no.

Hon. F. CONNOR: Personally he thought Clauses 18 to 25 should be struck out.

The Colonial Secretary: This clause does not apply to existing bores.

Hon. F. CONNOR: Would the Colonial Secretary say that absolutely?

The Colonial Secretary: Yes, absolutely, except in regard to deepening a bore.

Hon. F. CONNOR: If it did not interfere with existing bores, what about the

regulation regarding 33 feet on either side of the drain?

The Colonial Secretary: That is in connection with a bore purchased by the Crown.

Hon. F. CONNOR: Only in such a case?

The Colonial Secretary: Yes.

Hon. F. CONNOR: And it did not interfere with a private bore already in existence?

The Colonial Secretary: Unless it was desired to put down a new bore.

Hon. F. CONNOR: Having the Minister's assurance, he felt that he had done his duty in the matter.

Hon. V. HAMERSLEY: A great many of these bores had been put down and from time to time alterations were necessary. We knew what time it took for the authorities to reply to communications that might be made to them and it was rather a drastic course not to allow an owner of a bore to alter that bore for his own use without having to get permission from the Government. It might be considered only a trivial matter having to apply for permission, but in Queensland and in New South Wales squatters had found that this proved a serious inconvenience. Those who had gone to the expense of perhaps thousands of pounds in putting down bores, did not wish that they should be taken over by the Crown. Was it absolutely necessary that the bores in existence now should be taken over? Would it not be far better for the Government to say they would deal with all future artesian bores rather than exercise rights over those which had been put down in the past?

Hon. H. P. Colebatch: They do not intend to.

Hon. V. HAMERSLEY: They did intend to. The owner of a bore would have to send to head-quarters for permission to alter that bore. He knew of two instances where, in each case £19,000 had been spent on the bore which proved successful, and if anything in the form of corrosion of pipes took place it seemed unreasonable that the owners should have to lose the use of the water from the bores in order to wait for a reply from the department. Very often these people were a considerable distance from head-quarters and mails were delivered at long intervals and they might be kept waiting a considerable time for the necessary permission from the department.

Hon. H. P. Colebatch: Provision is made for that in Clause 22.

The COLONIAL SECRETARY: The Government had gone a long way in the direction of making concessions. In Queensland and in New South Wales, Parliament and the Government took over the control of all the bores in existence when their Bills were passed. Here it was not proposed to go so far, but when an owner of a bore wanted to deepen it and therefore trench on general rights, the Government said that that owner would have to apply to the Crown for a license and there would not be any great delay in securing that license. All the bores already in existence were within mail communication. There would be no interference, except when an owner wanted to deepen his bore, and when that deepening would interfere with the existing supplies of subterranean water; then the Government declared that the owner would have to apply for a license. Perhaps half a century would elapse before there was any necessity to interfere with existing bores.

Hon. H. P. COLEBATCH: Clause 22 covered the point raised by Mr. Hamersley. It gave the owner the right to do everything necessary to keep his bore in repair.

Hon. J. F. CULLEN: The clause as it appeared in the Bill would meet all the objections, but there was a small amendment which the Colonial Secretary might consent to. There was a penalty not exceeding £100 provided for contravening this clause, but a nominal contravention could be met by a fine of a couple of pounds. This clause, however, said that if it was continued there must be a penalty of five pounds a day.

Hon. C. Sommers: After conviction.

Hon. J. F. CULLEN: Even so. There was no need, after giving discretionary power for a fine, to make a hard and fast heavy penalty for a continuance of the offence. It would be safe to say "not

exceeding" £5 a day. He moved an amendment—

That after the word "of" in line 4 of Subclause 2 the words "not exceeding" be inserted.

Hon. E. M. CLARKE: The select committee which dealt with this question last year, referring to artesian bores, said in their report—

> In regard to artesian water, your Committee, in view of the conflicting opinions as to the practicableness or the wisdom of seeking to check the flow from artesian bores, is of opinion that there is no good purpose to be served by vesting the right in such waters in the Crown, and recommends that the powers of the Minister over artesian bores be limited to—(a) the issuing of licenses for the construction of new artesian wells, or the enlargement, deepening, or alteration of existing artesian wells; (b) the compelling of owners of artesian wells to furnish such reports and information as may be desired.

The Bill, therefore, was to a great extent in accord with the recommendations of the committee and there should be no objection to it. It was thought by interfering with the bores that possibly the flow of water might be checked. Indeed, the committee had evidence to that effect and it was thought that no new bores should be commenced without the sanction of the Government, and that not even should there be any deepening of bores without the sanction of the Government. The clause was practically in accord with the recommendations of the select committee.

The COLONIAL SECRETARY: There would be no objection to the amendment moved by Mr. Cullen. The penalty as it stood did seem somewhat severe.

Amendment put and passed.

Hon. F. CONNOR: There ought to be a proviso compelling the Minister to grant a license without the payment of a fee for the performance of repairing or re-laying any existing work.

Clause, as previously amended, put and passed.

Clauses 19 to 22—agreed to.

Clause 23—Control of artesian wells:

The COLONIAL SECRETARY moved an amendment—

That in line 9 the word "five" be struck out and "six" inserted in lieu.

This meant increasing the rate of interest on the cost of artesian wells constructed or acquired by one per cent.

Amendment passed.

Hon. F. CONNOR: The clause made provision for the reservation of a strip of land not exceeding 33 feet in width on each side of every drain connected with an artesian well. In some districts that might not be objectionable, but it would be objectionable in the North-West, where a man had put a lot of money into boring for water and making drains to convey the water over his property.

Hon. J. F. Cullen: This refers to land under the Crown.

Hon. F. CONNOR: At any rate it did not read well. It might lead to a 66 ft. strip of the best portion of a man's land being taken away.

The Colonial Secretary: This is after it has been resumed and paid for.

Hon. F. CONNOR: But the Government could not resume the whole property.

The Colonial Secretary: All the wells are on pastoral leases.

Hon. F. CONNOR: A man who took up land and paid for it and developed it should have protection. Surely it would be sufficient if the Government had power to reserve 40 acres at the site of an artesian well, and this provision for reserving a strip of land could be cut out, if not as regards the whole of the State, at any rate as regards the North-West where bores had been sunk and miles of drains cut from them to carry the water through the paddocks.

Hon. J. F. CULLEN: Everything would depend on the good sense and discretion of the Minister controlling the Act, but at the same time if a pastoralist had constructed drains extending ten or twenty miles through his country and the Minister could forbid that pastoralist to touch those drains except at the risk of pains and penalities, the position would be awkward. Of course the Min-

ister must protect the bore, and he could only protect it by protecting its drains also. The clause might be safely passed for the time being, and the Minister could then look into it.

The COLONIAL SECRETARY: There was no necessity to look into the clause further. It definitely stated that if the Government acquired any land under this particular clause they must do so under the provisions of the Public Works Act of 1902, which meant that they must resume the lands and pay full value for them.

Hon. J. F. Cullen: That is good enough.

Hon. V. HAMERSLEY: The Government might resume a bore which a pastoralist had put down and a strip 66 feet wide for a distance of 20 miles or more, and they would be giving into the hands of a board the same unholy power of taxation as was given in the Eastern districts at the present time. The objection was not so much to the resumption, but the pastoralist would lose control of a tremendous area of surrounding country that he had been in the habit of grazing, and his pastoral lease would be rendered less valuable to him because the whole of his country had been relying upon those drains. The mere return to him of the actual cost of the bore and the drains would not be fair compensation for the loss he would sustain over a tremendous scope of country, which, by his own energy, he had made of great value.

Hon. D. G. Gawler: He has the right to compensation for severance.

Hon. V. HAMERSLEY: Nevertheless, a man would be put into a very awkward position indeed.

Hon. C. SOMMERS: The clause stated that the Government might reserve an area at the actual site of the well. It would be well to limit the area that might be reserved, and therefore he moved an amendment—

That after "area" in line 12 the words "not exceeding 40 acres" be added.

The COLONIAL SECRETARY: When the Bill was introduced in another place it provided for reserving an area of at least 40 acres, but members of another place were of opinion that perhaps less than 40 acres would be sufficient, and consequently the words "at least 40 acres" were struck out. He was not going to oppose the amendment, but members would understand that the Government were not going to resume land unnecessarily and pay for it.

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

Clause 24—agreed to.

Progress reported.

BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

WEST PROVINCE ELECTION SELECT COMMITTEE.

Assembly's Message.

Message received from the Legislative Assembly giving leave to Mr. W. Price to attend, if he thought fit, and be examined as a witness and give evidence before the select committee on the West Province Election 1912.

House adjourned at 8.47 p.m.