standing that the rates would be reduced by the Bill. If there was a new rush on any part of the goldfields touched by one of these lines, the people owning the line would make a profit out of the carrying of goods and passengers and should be compelled to accept whatever risk was attendant on carrying the passengers.

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

Clause 3—agreed to.

Clause 4—Penalty for default:

Mr. MONGER moved an amendment—

That the words "and the Commissioner of Railways may disconnect the timber line from the Government railway notwithstanding the provisions of any Act or contract under which the connection may have been made" be struck out.

This was a most drastic provision. The Minister for Railways had the reputation of being a fair-minded man, and the member for Forrest also had that reputation; but when they wished a measure to be placed on the statute-book giving such drastic powers into the hands of any individual, they were expecting too much.

Hon. J. MITCHELL: The principal objection was that the clause provided a double penalty. There could be a fine of £20 and the possibility of the Commissioner of Railways disconnecting the line. It might be as well to abolish the fine and leave the other penalty in the hands of the Commissioner for Railways. Probably the idea of the member for Forrest was that the company might commit a number of offences and the Commissioner could in that case utilise the alternative power. Under the permit at present there was power to disconnect if the permit holder transgressed.

Mr. O'LOGHLEN: The Bill as originally drafted contained higher penalties; but seeing this power to disconnect the line was included, he thought that the penalty would be sufficient at £20. It might happen they could commit breaches every week and the penalty might not prevent them doing so. The power existed to-day and it was a power which should be given to the Commissioner. The object was to prevent a company having geographical advantages defeating the State as they were sometimes able to do.

Mr. Thomas: Why are you re-enacting it if the power exists?

Mr. O'LOGHLEN: Because it was a fair provision. Every Act contained provisions which were not likely to be put into effect but they were there as a healthy check.

Mr. McDONALD: The difficulty might be overcome by providing for a penalty for the first offence and providing that the Commissioner should disconnect for the second offence.

Amendment put and negatived.

Clause put and passed.

Clause 5—agreed to.

Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.35 p.m.

Legislative Council,

Thursday, 31st October, 1912.

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

QUESTION—SLEEPERS FOR TRANS-AUSTRALIAN RAILWAY.

Hon. H. P. COLEBATCH asked the Colonial Secretary: 1, Will the Government lay upon the Table of the House the contract (or a copy thereof) entered

into with the Federal Government for the supply of sleepers for the Trans-Australian railway? 2, What is the estimated cost, exclusive of royalty, of powellising the karri sleepers to be supplied under this contract?

The COLONIAL SECRETARY replied: 1, Yes, as soon as details with regard to the contract are finally completed. 2, It is not considered advisable at the present time to supply this information, as the business is being conducted in the nature of a trading concern.

QUESTION—SECONDARY SCHOOL FOR KALGOORLIE.

Hon. R. D. McKENZIE asked the Colonial Secretary: 1, Have the Government abandoned their intention of establishing a secondary school at Kalgoorlie or Boulder? 2, If not, when do they intend to open such a school?

The COLONIAL SECRETARY replied: 1, No. 2, After the end of the present financial year.

MOTION—OBSERVATORY TRANSFER, RETENTION OF SITE.

Hon. W. KINGSMILL (Metropolitan) moved—

That in the opinion of this House the Government should, in the event of the Observatory being taken over by the Commonwealth Government, take such steps by the removal of the Observatory or otherwise as will serve to retain in the control of this State the site now occupied by that institution.

He said: In moving the motion standing in my name I do not anticipate that any serious opposition will be offered to it by any person, whether representative of the Government or of private interests in this Chamber. The motion simply affirms the desirability of retaining within the hands of the State what is, in my opinion, one of the finest sites, one of the finest pieces of land, in the vicinity of the city of Perth. I am moving in this direction, not alone as a citizen and one of the representatives of the metropolis, but, I think, in the interests of the whole of the people of Western Australia. This particular piece of land has been mentioned a good deal lately. It was the subject of two or three questions asked by Mr. Connolly yesterday. Of course the Colonial Secretary, owing to the fact that negotiations are now pending, was not in a position, judging from his answers, to give to the House any definite information of the nature sought for by Mr. Connolly. I assume, therefore, that hon. gentlemen will not take it amiss if the House express an opinion which will strengthen him and his Government in the attitude which, I am sure, they would be willing to take up in this connection. I do not think it is necessary for me to dwell at any great length on the beauties and importance of the piece of ground in question. It is so well known to hon. members that it is scarcely necessary for me to dilate upon what, to my thinking, are its many virtues. Nor do I think that hon. members need trouble about attaching any importance to the object for which this piece of ground may be reserved. Of course it is too late for me to make any secret of the fact that I think this piece of ground, in conjunction with other ground, has one chief object which it could well serve. I wish to put that out of the question altogether. Even if the land were devoted to the object mentioned by Mr. Sommers yesterday, if it were proposed to put the State Government House there, that is an object which this piece of ground could well serve. This land is, by its very position, by its commanding situation overlooking the whole of Perth and the beautiful river, marked by that very position as a site for the best building this State can afford to put upon it. It is at present occupied by the Observatory. Hon. members who have been in this State for a considerable number of years will recollect that when the Observatory was established the State was, contrary to what I understand is the present position, suffering from almost a plethora of revenue, receiving more money than the Treasurer knew what to do with. If it had not been for the fact

that the Government of that time were practically pushed for objects on which to spend money instead of, as under existing circumstances, pushed for money to spend, if it had not been for that fact I make bold to say we should not have had an Observatory in Western Australia to-day. And, naturally, having decided upon an Observatory, and Perth not possessing then the outlook it possesses to-day, they put the Observatory somewhat too close to the centre of the City. I understand the principal necessities of a site for an observatory are that it should afford, as far as possible, a clear, uninterrupted view along the meridian, that is to say, the north and south line should be carried, as far as possible, free from any obstacles in the way of hills, or other natural features which would obstruct the view. This site is fairly good in that respect; but it does not enjoy a monopoly of this requisite. There are, in the vicinity of Perth, numbers of other sites whereon the Observatory could be re-erected in just as favourable a position as it occupies to-day.

Hon. J. W. Kirwan: At what cost, and by whom shall that cost be met?

Hon. W. KINGSMILL: Those are matters to be settled subsequently. I would even go so far as to say that if the State hands the Observatory over to the Federal Government, and if the Federal Government are not willing to pay some portion of the cost of shifting the Observatory—I do not think the cost would be very great: this statement could be verified by subsequent inquiries—if it were proposed to hand over this Observatory, and the Federal Government were not willing to pay a portion of the cost, then I would not begrudge the State furnishing the whole amount from State revenue. But my principal object is to keep his piece of ground within the control of the State for State purposes, whatever those purposes may be. It may be, as I have previously said, only a dream on my part that this site shall one day be occupied by the University of Western Australia. If it is not so occupied then it should be occupied by some building of, if not as great importance as the University, at least of greater importance than the building which now occupies it and which could easily be placed somewhere else. Some time ago a German scientist, Dr. Hessen, came here with a view of making certain calculations of an astronomical nature, calculations at least as important as any of the work now being carried out by the Observatory. That gentleman found a suitable site for the little observatory which he erected, somewhere in the vicinity of Maylands, and expressed himself as being perfectly satisfied with what was done in that connection. Therefore I think if the Government are of opinion that the State should still retain within its own power what is, in my opinion, and in the opinion, I think, of a good many of those who take an interest in the subject, the best site in or around Perth, they will not begrudge the small amount necessary to remove the Observatory and re-erect it. When the Observatory was erected a great deal more was done than was necessary. The late Government Astronomer, Mr. W. E. Cooke, whom I have had the privilege of knowing since early boyhood, often confided in me that he felt himself severely handicapped by having to keep up a house a great deal too big for him, and more than he required or desired. The building of that house represented the greater part of the cost incurred in the establishment of the Observatory. The house was used partly as offices, and partly as a residence altogether too large, in Mr. Cooke's opinion, for the Government Astronomer. That being so, any building which might be erected for the Federal authorities to take over, would, I think, necessarily be of a less ambitious character than that, which would be left on the present site. There is another thing. We have not yet heard what the intention of the Government is should the Federal authorities not be willing to take over this observatory. Judging by the Estimates submitted in another place and furnished to hon. members here, there will be nothing for it, in that event, but

the abolition of the Observatory. Allow me to say I deeply regret that such should be the case. Years ago it may have been an open question as to whether or not we should have an observatory here; but having got it there is no doubt whatever that to abolish the Observatory would be a retrograde step and one which I should be sincerely sorry to see the Government take, if only in the interests of the good name of Western Australia. I hope that before any step of that sort is taken the Government will do their best to see if, after all, some aid cannot be expected—and let me say that, if it is available, it should be freely accepted—from some of those scientific bodies, world-wide in their composition, which, after all, are the principal gainers by the work done in this Observatory of ours. For long past it has been, in my opinion, almost an injustice that individual States should be called upon to pay for work which after all, is the work of the world, and not of the State itself. The next best thing, of course, is for the Commonwealth to take it over. But apart from the Commonwealth it seems to me that work which is world-wide in its application, and the benefit of which goes to humanity as a whole rather than to the people of the State, should be helped by those societies which comprise all nations within their boundaries, and which are representative of the world and not of any portion thereof. But this, I fear, is somewhat apart from the motion. I have to plead with hon. members to support this motion in order to strengthen the hands of the Government if they wish, as I presume they do, to keep this most desirable site under the control of the State, rather than hand it over to the Federal Government for a purpose which, in my opinion, is not nearly noble enough for the site which the Observatory occupies. I have much pleasure in moving the motion standing in my name.

Hon. J. D. CONNOLLY (North-East): I have much pleasure in supporting the motion, although I much regret that circumstances have arisen to make such a motion necessary. Some little time ago the Commonwealth Parliament passed the necessary legislation for taking over the control of observatories, but so far the Federal Government have taken over only the meteorological portion, and have allowed the States to continue the astronomical work. That is very much to be regretted, because, as Mr. Kingsmill remarked, work of an astronomical nature is certainly not the duty of individual States. It is at least the work of the whole Commonwealth, if indeed the responsibility for carrying it is not even wider than that. However, that is the position in which we find ourselves to-day. The late Government, of which I was a member, made repeated appeals to the Federal Government to take over the Observatory, but we received no encouragement. Appeals were made also in the direction mentioned by Mr. Kingsmill, that is, to the larger and more central observatories in other parts of the world, but we did not receive any support from them. As a matter of fact, a great deal of the cost of the Observatory in late years has been incurred in carrying out an undertaking given to a certain scientific organisation, by which observatories in different parts of the world agreed to survey a certain portion of the sky, and photograph and measure the stars, and our Observatory had to do the portion in the Southern Hemisphere. I regret to notice by the Estimates that it is intended to either close the Observatory or hand it over to the Federal Government. For the reasons I have already explained, I think the chance of the Federal Government taking over the institution are somewhat remote, and I certainly think it would be a retrograde step to close it. It really should never have been established. It was a ludicrous undertaking for a State with such a small population as Western Australia had 15 years ago to establish such an institution as an observatory. However, the Observatory was established, and I have always felt that it would be a backward step to close it, because if the astronomical operations were to cease all the work done in the last 15 years would be lost. I still hope that the Government, if they do not suc-

ceed in inducing the Federal Government to take it over at the present time, will continue the Observatory for a few years until the Federal authorities are prepared for the transfer. But even if it is continued by the Federal Government, I quite agree with Mr. Kingsmill that it is not at all necessary to retain it on the present site. I remember that when the German astronomer (Dr. Hessen) came here he established small observatory premises on the hill between Maylands and Bayswater, and there carried out observations of a very important character for a couple of years. His experience proved that an observatory can be carried on in much less palatial premises than we have in our present observatory. As Mr. Kingsmill mentioned, the present building is seven-eights house and one-eighth observatory proper. In fact the Observatory consists of the telescope tower and another small building in the grounds, and of the large house only one room is used as a computing office. Mr. Kingsmill was right in saying that there was a great deal of unnecessary expenditure on the buildings in the first place. As for the meteorological portion, that can be carried on at a very low cost, because it is practically only necessary to have a few rain gauges. If the Federal Government take over the Observatory it will certainly pay the State Government to undertake the shifting of the institution to another site. Of course it may be argued from an astronomer's point of view that if the Observatory is shifted some distance all the calculations of the past 15 years would not correspond with those to be taken in the future, but I can scarcely imagine that observations taken a mile or two away will be any different from those already on record. There is not the least doubt that observations can be taken quite as well a mile or two out in the country as on that valuable site in the centre of the City.

Hon. W. Kingsmill: Nearly all the observations are independent.

Hon. J. D. CONNOLLY: They are independent, but I am only arguing that the shifting of the Observatory cannot make any appreciable difference. If the Federal Government should decide to take over the institution, and insist on it being retained in its present position, which I hardly think they are likely to do, then I would ask the State Government to consider whether a great deal of that ground cannot still be reserved to the State, because not anything like the whole of it is necessary for observatory purposes. Past Governments have introduced a very good rule, that in handing over any of these institutions to the Federal authorities they give them the least area of ground necessary for the purpose. I remember that the late Government had a special survey made of all the lighthouses, so that when the Federal Government took over control of them, they could not take over, for instance, Rottnest Island in its entirety, but just so much of the land as was necesssary for the work of the lighthouses. After all, they are only taking over the institution, and they have no claim to be presented by the State with more land than is necessary for that purpose. I do trust that the State Government will insist on shifting the Observatory to some outside site, and thereby preserve one of the most beautiful sites in Perth for the University, or if it is not used for a public building of that character, it should be reserved as a park for the people. It is an ideal position for a park, and I do not think it should be used even for public buildings other than say the University: certainly not for an ordinary public building. Of course it may be argued that even though it is used for observatory purposes it can still be made a park for the people, but that is not practicable because it is undesirable to have a crowd of people about such an institution. I have much pleasure indeed in supporting the motion, and I trust that the Colonial Secretary will accept it in the spirit in which it is moved, as an effort to strengthen the hands of the Government in preserving to the people of the State this very valuable park.

The COLONIAL SECRETARY (Hon. J. M. Drew): I have no objection to the motion.

Question put and passed.

BILL — STATUTES COMPILATION ACT AMENDMENT.

Bill read a third time and transmitted to the Legislative Assembly.

BILL—PEARLING.

Report of Committee adopted, and a Message accordingly returned to the Assembly with a request that the Council's amendments be made.

BILL—RIGHTS IN WATER AND IRRIGATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: It is my privilege to submit for the consideration of members a measure of first importance to the future development of the State. This House has from time to time been called upon to consider many important Bills, but I think I may claim that it has never in its history had presented to it a measure calculated to have more beneficial and far-reaching effects than the one I have now the pleasure of placing before hon. members. Most of us can recall the time when Western Australia was almost entirely dependent on the Eastern States and other outside sources for her foodstuffs, and it has been our pleasure and privilege to have assisted in the passing of many wise and beneficent measures through Parliament which have resulted in the happy position to-day of the State being able to supply the greater part of her own necessities. To-day we can point, not only to a sufficient production of the necessaries of life for our own wants, but also to cargoes dispatched to the commercial centres of the world, and not only so but our products in grain, fruit, wool, and timber have demonstrated their value in open competition in the various centres of the world. We have so meritorious a record in this respect that it may be urged we should be content to rest on the laurels we have won. That, however, is a dictum with which no young and vigorous State can agree, and I am certain this House would be the last to counsel such a course. It has been truly said that there is no such thing as standing still, that stagnation as it is known is in reality retrogression. Though we have done well, we should lose ground to our competitors unless we continue to push on the work of development. The Parliament of this State have an immense trust, and it must be our aim to discharge the responsibilities of that trust regardless of the labour, anxiety or trouble which it imposes on us. We have in our undeveloped land a great heritage, and we must do all in our power to develop the latent resources of that heritage. As I have said Western Australia has an excellent record in agricultural development. The policy adopted by the State in 1904-5, and continued since, of building agricultural railways has transformed the face of nature. In all directions where there was previously virgin land there are now smiling cornfields, well stocked paddocks and prosperous communities of sturdy producers, and I think it will be admitted on all hands that this State has been amply repaid for the interest it has been taken in the producer. It is well that in our solicitude for the advancement of what may, for want of a better term, be called the purely agricultural interests we do not lose sight of the potentialities of the State in other directions. It is true that we have made some progress in the development of the State's resources in several other directions—wool, timber, fruit, and coal—but it will not be denied that what has been done is only a fraction of what can be achieved by a wise application of the facilities bounteously supplied by nature for the better utilisation of our opportunities. A few years ago we set out to overtake the shortage of production in foodstuffs. To-day sees the initiation of a scheme, the ultimate object of which is to do in regard to dairy produce, fruit, and meat what has been successfully achieved in the matter of agricultural products. Despite the advance which the past few years have seen with regard to butter, eggs, bacon, cheese,

and kindred commodities, still Western Australia has yet a long way to go before she can claim to be self-contained so far as these commodities are concerned. While I have no desire to weary the House with a lot of figures, I will be pardoned if, in order to emphasise the point, I inflict a few statistics. I will be as brief as the circumstances will permit, but the figures are so convincing that I feel it to be necessary to place them before members. For the seven months ended the 31st July of this year, Western Australia imported dairy produce to the following value: bacon and ham £73,455, butter £292,180, cheese £32,750, eggs £26,452, and tinned milk £75,017. These are huge figures, and when we remember that the State is capable of producing these commodities it must be conceded to be worth some effort, and some large expenditure even, to keep that money in the State. That is the object of this Bill. We believe that by a careful system of irrigation it is possible to produce all those things here by our own people and for the use of our own people. While the Government are justified in laying claim to some of the credit which has accrued from the presentation of this Bill to Parliament, thus bringing the question within the scope of practical politics, we as a Government are prepared to admit that the problems here presented have received the attention of previous Governments. These problems, I may say, are neither few nor small, but we believe we have in this Bill the means for dealing successfully with the obstacles which the question presents, and we are further convinced that if Parliament approves of the proposals in this measure we shall have gone a long way towards achieving the object sought by this Bill. In the south-western portion of the State, we have an area second to none in its potentialities in dairying and in fruit culture. The results already obtained, hampered as they have been by many disadvantages, have shown that the expansive area stretching from Perth to Albany and from the western seaboard, through the Blackwood and on to Kojonup and the Great Southern is eminently suited to closer settlement. The chief, if not the only drawback is the absence of the means of irrigation and water conservation. I am referring particularly to the South-West for the reason that it is the only part of the State in which we propose to make a start. The rivers and watercourses in the South-West are admirably situated, and altogether the condition of the country is such as lends itself readily to irrigation. The Bill, of course, is applicable to the whole State, but we are of opinion, and I think the House will concur that for a commencement the possibilities and the natural conditions of the South-West invite prior attention. In matters of this kind we are justified in looking to the experience of others, and members are well aware of the wonderful results achieved by irrigation in other countries. In America, in Egypt, and in many of the older countries of the world irrigation has been undertaken; vast enterprises in water conservation and distribution have been established which have amply justified the outlay by the immense national benefits which have resulted from them. Scientists have declared that the conservation and distribution of water is the greatest of Australia's economic problems, and experience and common-sense tell us that the only bar to the settlement and development of millions of acres of our hinterland is the insecurity of the water supply. The history of the Eastern States contains many mournful tales of ruin wrought by drought, and it is a tribute to the wonderful recuperative powers of the country that Australia should have continued to forge ahead in spite of the many set-backs received during the early days of her development. In Western Australia it is true we have not this national spectre stalking through the land. We are comparatively free from drought, but the last season has shown what an immense bearing the question of a dry season or one marked by heavy and beneficial rainfall has on the prosperity of the State. I mention this to remind the House that, though the proposals provided in this Bill may not be regarded as a safeguard as against drought, the possibilities before us of developing our latent resources justify us

in giving every possible consideration to the provisions of the measure which has been submitted for our consideration. I have referred, in passing, to irrigation in other parts of the world, but it will perhaps be more to the point if I call brief attention to the fact that the Eastern States have long since recognised the value of irrigation. We all know the value which it has proved to be to the State of Victoria. We know the value of the irrigation settlement at Mildura and the complete success which followed the establishment of the Renmark irrigation scheme in South Australia. At the present time New South Wales is engaged upon the construction of a scheme more extensive than anything of the kind ever attempted in Australia, namely, the huge undertaking known as the Burrenjuck scheme, which is intended to irrigate no less than 150,000 acres, and the cost of which is estimated at one and a half millions of money. Compared with that gigantic undertaking our irrigation proposals dwindle into insignificance. We do not propose to do anything approaching to this magnitude, but we do propose that the State shall do what it can to enable the producers in the South-West for the time being, and ultimately in the North-West, to obtain from the land all that it is capable of producing. To show briefly what the possibilities before that portion of the State are, I may be pardoned for quoting for the information of the House a few more figures, showing the areas in different parts of the South-West which the engineers estimate can be brought within the zone of our rivers for the purposes of irrigation. The figures refer to the volume of water which can be conserved by a system of locking the different rivers, though it is still a question to be determined by experts whether that water can be economically used for the purposes of irrigation. I wish to make that reservation clear to members. The engineers estimate that a wall placed across the Serpentine river will back up the stream 4½ miles, forming a storage capacity of 1,000 million gallons. No. 1 site on the Murray river will back up the stream 3 miles and give a storage capacity of 550 million gallons. No. 2 site on the Murray river will back up the stream 8 miles and the estimated capacity of the water storage is 1,750 million gallons. At the Harvey river there is already a scheme in operation, known as the No. 1 site, which is estimated to provide a storage capacity of 400 million gallons. No. 2 site on the Harvey, calculated to serve an area which the Government propose with the concurrence of Parliament to purchase, will conserve 850 million gallons. There are two sites on the Brunswick river. No. 1 site will back up the river 1¼ miles and give a storage capacity of 360 million gallons. No. 2 site will back up the river 2½ miles and store 850 million gallons. No. 1 site on the Collie river will back up the stream for three-quarters of a mile and give a storage capacity of 100 million gallons. No. 3 site on the Collie river will back up the stream 4 miles and give a storage capacity of 400 million gallons. Another site on the Collie river will back up the stream 15 miles and provide a storage capacity of 40,000 million gallons. These figures do not by any means complete the possibilities of water storage in the South-West. There are still the Canning, Warren, Blackwood, Ferguson, and Preston rivers.

Hon. E. M. Clarke: Will the Minister give us roughly the cost of each of these schemes to conserve that quantity of water?

The COLONIAL SECRETARY: I shall be glad to furnish all possible information.

Hon. D. G. Gawler: In addition to rivers you are taking swamps and lagoons, are you not?

The COLONIAL SECRETARY: That is so. Having given this introduction, I shall now proceed to explain the provisions of the Bill. In the first place it is declared in Clause 4 that the right to the use and flow and to the control of water in any watercourse, lake, lagoon, or swamp, or any spring, artesian well, or subterranean source of supply, until appropriated under the sanction of the Act or other statutory authority, vests in the Crown. Subclause 2 of Clause 4 provides that the rights of persons to

drain their land or to make dams or tanks are preserved so far as the flow of water in any watercourse or into or out of any lake is not sensibly diminished. The Bill does not apply to water flowing from a spring until it has passed beyond the boundaries of the land belonging to the owner of the land on which the spring exists, or to any source of subterranean supply, from which the water does not flow naturally, but has to be raised by pumping or other artificial means. By Clause 5 the bed and banks of watercourses on alienated land are declared to have remained the property of the Crown, and, in the case of land to be hereafter alienated, will remain the property of the Crown and will not pass with the land alienated. These clauses may be regarded as having a confiscatory appearance. It may be said we are taking away the rights of private individuals. My reply is that we are simply defining those rights; we are defining the rights of all in the interests of each. That puts the whole thing in a nutshell. At present no one can say where riparian rights begin or end. Everyone, the boundaries of whose land include a river, has a right to the use of the water, but only to so much as will not interfere with the rights of his next-door neighbour. If Smith, higher up, is irrigating, and Jones, lower down, is doing the same, and Smith takes too much water, Jones can go to the Supreme Court and get an injunction. Hence no one has positive rights to the waters of a running stream. This Bill, however, will give such rights up to a certain point. Where a watercourse forms a boundary of an allotment, the owner has a right to take water for domestic purposes and for watering his stock, and to the bed or bank for the grazing of his stock. Moreover, it gives him all the rights of an owner to sue trespassers on the land. In addition to that he has the further right to water for the irrigation of a garden up to three acres in extent if it is used in connection with the dwelling. If he wants more water he can get it, but he must take out a special license. Legislation on similar lines has been adopted in all the States of the Commonwealth, except South Australia, and has also been passed in New Zealand. The necessity for defining riparian rights was recognised, and no means other than the course followed in this Bill was considered practicable. Clause 6 deals with the diversion or appropriation of water from watercourses. This cannot be done except by legal sanction. Clause 7 preserves to riparian owners access to the bed and banks of watercourses with a remedy for the prevention of trespass thereon. In Clauses 9, 10, and 11 provision is made to prevent the obstruction of watercourses and their pollution, with power to the Government to enter on lands for the conservation and regulation of waters, their preservation from pollution, the protection of the bed and banks, the removal of obstructions and the deepening of channels. Under Clause 12 permission may be given to riparian owners to carry out works for the protection of their land from damage by errosion or flooding. The ordinary riparian rights are defined by Clause 14 and permit the taking of water free of charge for domestic and ordinary use and for watering stock, together with the further rights of all owners of land already alienated or in process of alienation to irrigate a garden of not exceeding three acres used in connection with the dwelling. In Clause 15 provision is made to enable riparian owners who from a date not less than two years from the commencement of the Act have used the water of any watercourse for purposes other than domestic use and the watering of stock, or the irrigation of a garden of three acres, to apply to the Minister at any time within 12 months from the commencement of the Act for a special license to continue to divert and use water for such other purposes. Notice of the application for such special license must be advertised, and objections may be made by any owner or occupier of land contiguous to the watercourse, and, if made, are heard by the Minister, who may recommend the Governor to grant or refuse the application. If the special license is granted it may be for a term not exceeding 10 years and on such con-

ditions and provisions as the Governor may prescribe; but nevertheless every license is determinable or subject to modification at any time during its currency if it should be deemed expedient in the public interest to do so. A man may get a license to use the water but he may not use it; he may not carry on an irrigation scheme at all. The main principle of the Bill is that no man can play the dog in the manger. If he secures a license to use the water he must use it.

Hon. D. G. Gawler: If he gets it for ten years you can take it away the next day.

The COLONIAL SECRETARY: If he does not use it. The licensee is given the opportunity to show cause against the revocation of his license before the power to determine it is exercised; and a discretion to award compensation is given. In Clause 16 power is conferred on the Minister to grant, subject to regulations, ordinary licensees to take, use and dispose of water from any watercourse, lake, lagoon, swamp, or marsh for such period on such terms and subject to such conditions as may be prescribed. In Clause 17 conditions are prescribed for the exercise of rights of riparian owners, the quantity of water that such owner may take for domestic use and watering stock being limited to 4,000 gallons per day per mile of river frontage, and for the irrigation of a garden of three acres 200,000 cubic feet per annum. By Clauses 18 and 19 licenses are required for the construction or for the alteration or deepening of existing artesian wells.

Hon. D. G. Gawler: That is retrospective.

The COLONIAL SECRETARY: No, it cannot be. The proposed deepening of a bore is something for the future. Before a man can deepen his bore he must get a license from the Minister. Under Clause 20, the Minister being the licensing authority and issuing licenses in his discretion, the purposes for which the water is to be used are authorised by the license. Under Clause 23 the Governor is empowered to vest the control of artesian wells constructed or acquired by the Crown in a board constituted under the Act, and to require the board to raise and pay to the Treasurer interest at not exceeding 5 per cent. per annum on its cost. By Clause 24 artesian wells may also be leased to any person or public body.

Hon. V. Hamersley: In Clause 24 the Government can practically take an artesian bore on its own terms.

The COLONIAL SECRETARY: It must have been acquired or constructed by the Crown.

Hon. D. G. Gawler: The Crown takes the well and leases it to the man again.

The COLONIAL SECRETARY: If it is acquired by the Crown, why should it not? It is resumed under the Public Works Act of 1902. If it is resumed the fact is gazetted, the owner puts in his claim for compensation, and the Government make an offer, and if the person whose bore is resumed is not satisfied, he can go to arbitration. There is nothing fairer than that. Clause 25 makes provision for the prevention of waste of water from artesian wells. In Clause 27 the Bill provides for the constitution of irrigation districts in any part of the State and by the Order-in-Council constituting a district particulars of the scheme of local works, the estimated cost, and the quantities of water assigned to the district, and the sources from which, the seasons at which and the conditions under which the water is to be received are to be stated. By Clause 28 general powers are to be given to unite or subdivide districts and to apportion assets and liabilities. Clauses 29, 30 and 31 deal with irrigation boards. Under Clause 29 until the constitution of these boards the administration of the Act generally and in the several districts is vested in the Minister who for the time being can exercise all the powers of a board. But the Governor may by Order-in-Council direct that for any duly constituted district there shall be an irrigation board constituted, by the appointment of a local authority (municipal council or road board), or by the appointment of members of the board by the Governor, or by election of the members by the occupiers of irrigable land in the district. When the board is to be elected and the number of members and the time and mode of election, and the term of office

are fixed by Order-in-Council, and the preparation of rolls and the conduct of elections is provided for by regulations. The construction of works is in the hands of the Minister. The works when constructed may be placed under the management and control of the board or may be vested in the board. Any claim for compensation for injury to riparian rights in consequence of the construction of works is to be settled by arbitration. After providing for the requirements of riparian irghts as defined in Part III. the remaining water may be appropriated by the Minister for irrigation. Irrigation rates may be levied upon all irrigable land within the district, but not to exceed in any year such amount per acre as in the opinion of the board may be necessary—regard being had to the other revenues of the board—to provide interest on the cost of works, contributions to a sinking fund, and a fund for the replacement of depreciating property, the maintenance of the works and the management of the business of the board. The provisions of the Water Boards Act 1904, relating to the making and levying of rates are adopted, and an appeal lies under the provisions of that Act at the instance of any person who may allege that his land is not ratable by reason of the land not being irrigable. Every ratepayer is entitled to such quantity of water for irrigation as is prescribed by the regulations. But water may in the discretion of the board be supplied to other persons whether within or outside the district. And water may also be supplied for domestic purposes, watering stock, etcetera, on terms and conditions prescribed by regulations. In the event of an insufficient supply of water to meet in full the requirements of all consumers, an apportionment may be made by the board or the order of supply may be regulated. Under Clause 44 the supply of water is not compulsory. By Clause 45 the financial provisions in Part VIII. are substantially adopted from the Water Boards Act of 1904 except the borrowing powers of boards are restricted to advances by the Treasurer out of moneys provided by Parliament. Under Clause 60 power is conferred on the Minister, on the advice of the commissioners and with the approval of the Governor, to acquire land for the purposes of the Act including closer settlement, (a) by agreement with owners, or (b) by compulsory process. There is a proviso to the effect that the compulsory process shall not apply to land already irrigated. If the lands are taken compulsorily, compensation is assessed under and subject to the provisions of the Public Works Act, 1902. Any land so acquired may be improved and disposed of under perpetual leases at a rent based on the unimproved capital value—subject to re-appraisement—and the value of the improvements. If hon. members require further information regarding the provisions of the Bill I shall be only too pleased to supply it when the measure is in Committee. I beg to move —

That the Bill be now read a second time.

On the motion of Hon. V. Hamersley debate adjourned.

BILL—SHEARERS AND AGRICULTURAL LABOURERS' ACCOMMODATION.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. F. Davis in charge of the Bill.

Clause 1—Short title and commencement:

Hon. Sir E. H. WITTENOOM: It was his intention to move two amendments to this clause, the effect of which would be to alter the coming into operation of the Act from the 1st April, 1913 to the 1st January, 1914. There were many places in this State which were very far inland and which had a very infrequent mail service, very often intervals of six or seven weeks elapsing. The owners of these places would require more time than was provided in the measure to enable them to provide the accommodation which was stipulated. These people who lived in distant places would be placed at a disadvantage and they would find it very difficult indeed to comply with the conditions of the Bill in the specified period. In Victoria, which was a small and compact State, the shearing

Bill was passed in October and it did not come into force until the following July. Under the circumstances therefore it was a fair thing to postpone the coming into operation of the measure in Western Australia for twelve months. He moved an amendment—

That in line 2 the word "April" be struck out and "January" inserted, and in line 3 the word "thirteen" be struck out and "fourteen" inserted in lieu.

Hon. F. DAVIS: Shearing generally started about March and if the Bill did not come into operation until the date suggested by Sir Edward Wittenoom another season would have passed before the provisions of the Bill could be given effect to. The reports which he had received were different from those to which reference had already been made, namely, that on a majority of the stations the owners had already provided accommodation that might be considered adequate. Many shearers had reported that there was a considerable lack of accommodation, and they spoke feelingly. If the Bill was carried within the next few weeks there would be at least five months in which the people interested would be able to make arrangements to comply with its provisions.

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

Clause 2—agreed to.

Clause 3—Definition:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in line 7 of definition of "shearer" the words "or any aboriginal native" be added.

It was hardly reasonable to ask the settler to put up for the aboriginals employed by him accommodation which was not needed, and which those aboriginals would not agree to use.

Hon. F. DAVIS: No objection would be offered to the amendment.

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

Clauses 4, 5—agreed to.

Clause 6—Sufficient accommodation in other building:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in line 1 of paragraph (3) of Subclause 2 after "suitable" the words "bunk or" be inserted.

It would sometimes be very inconvenient, and perhaps costly, to provide a wire stretcher for a shearer on the confines of civilisation. A comfortable bunk would do just as well and would be much more easy to provide.

Hon. F. DAVIS: The objection was that it would be scarcely possible to keep bunks as clean as stretchers could be kept. Moreover, the cost of a wire stretcher in these days was not much greater than the cost of a wooden bunk, while the stretcher was much more comfortable and, as he said, would always be cleaner than any bunk.

Hon. Sir E. H. WITTENOOM: There would never be any great trouble in keeping a bunk clean. He had had a good deal of experience of this class of accommodation. In a hot climate a good wooden bunk would be just as comfortable as any wire stretcher.

Hon. A. SANDERSON: It semed to him that the Bill set up a standard which was much higher than the ordinary standard of the bush. Indeed the standard of comfort in many of the shearers' homes would not be anything like equal to that contemplated by the Bill.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That in paragraph (6) of Subclause 2 the words "three hundred and sixty" be struck out and "two hundred and fifty" inserted in lieu.

The paragraph dealt with the air space to be provided for each sleeper. In three other Australian States the air space prescribed by statute for each person sleeping in the sleeping room was 240 cubic feet. In the circumstances he had taken a fair average and made his amendment 250 cubic feet. The provision of 360 cubic feet was altogether unnecessary.

Hon. J. D. CONNOLLY: It occurred to him that the proposed air space was rather too small. Three hundred and sixty cubic feet represented a cubicle 6ft.

x 6ft. and 10 ft. high, which was not very large for a sleeper in a warm climate; but 250 cubic feet meant a box 5ft. x 5ft. x 10 ft. high, which was altogether too small in a hot climate.

Hon. H. P. COLEBATCH: The previous clause seemed to contemplate that these rooms should be for four men. Therefore the 360 cubic feet to each man would represent 12 ft. x 12 ft. x 10 ft. high, while the amendment would give a room 10 ft. x 10 ft. x 10 ft. high. The extra cost involved in the difference in size of these rooms would not be very great in comparison with the increased comfort to be obtained in the larger room.

Hon. F. DAVIS: Most of the shearing in Western Australia was done north of Geraldton, and the temperature in the North was probably much higher than that of Victoria, of New South Wales, or of South Australia, and therefore more air would be required to give the same degree of comfort. The provision in the clause was little enough. Moreover, while perhaps shearing occupied only four or five weeks on a given station, yet it was to be remembered the shearers started in March and went from station to station for the next four or five months So it could hardly be said that because the discomfort if any lasted only four or five weeks, it did not much matter. The Committee must also consider the converse side of the case, and have regard to the circumstances of men who were using this accommodation for several months in the year.

Hon. Sir E. H. WITTENOOM: Both the Victorian and South Australian Acts stipulated 240 cubic feet for each person. Therefore, there was good precedent for the amendment. It was unreasonable to ask a man starting station life in remote portions of the State to provide more accommodation for the shearers than was considered necessary in more settled and developed States. Still if the Committee thought the amendment unreasonable he would not be obstinate.

Amendment put and negatived.

Hon. T. H. WILDING: Paragraph 9 stipulated that there should be sufficient latrine accommodation "situate not less than 25 yards from any building used for sleeping or cooking, or serving meals, and not less than 100 yards from any water supply." This should apply to underground supplies. If the clause was allowed to pass, tanks situated within 100 yards would require to be shifted. The clause should be amended.

Hon. F. DAVIS: It has been found that on some stations insufficient care was taken to prevent the pollution of the water supply by the erection of premises of this kind. Having regard to the conditions in which shearers worked and lived a pure water supply was above all things essential. He took it that the regulations to be framed subsequently would take notice of any case requiring consideration. He did not think the regulations would be drastic, and in any case they must be laid on the Table of the House.

Hon. Sir E. H. Wittenoom: But this is mandatory.

Hon. V. HAMERSLEY: The distances required by the paragraph were too great. Even in some towns the latrine accommodation was not 25 yards away from the sleeping or dining premises. The distance was greater than that at his own house, and he did not see why an employer should be required to go to all this expense. The paragraph would cause a lot of trouble because the shearers were always looking for opportunities to create inconvenience, and the health inspectors were invariably causing trouble in some way.

Hon. H. P. COLEBATCH: Mr. Davis had explained that this matter would be largely governed by regulations, and that being so, there was no necessity for the words requiring the latrine accommodation to be less than 100 yards from any water supply. He moved an amendment—

That the words "and not less than 100 yards from any water supply" be struck out.

Hon. Sir E. H. WITTENOOM: If the latrine accommodation was placed 100 yards away from the sleeping accommodation it would not be used by the shearers. In many cases the water supply was

caught from the roofs of the shearers' buildings in tanks, and in those cases to insist on the latrines being 100 yards away would be a great mistake.

Hon. F. DAVIS: There would be no greater expense in erecting permises 100 yards from a building than in erecting them 20 yards away. There were many cases of illness having been caused through the water being polluted because of its adjacency to the latrines; in fact, there was no more prolific cause of fever than polluted water, and every precaution should be taken to secure to the shearers a pure water supply.

Hon. A. SANDERSON: The Health Department must have power to regulate all these matters. The shearers' union was one of the strongest in Australasia and surely they could get over any difficulty by refusing to work on a station unless satisfactory accommodation was provided. How could the Committee be asked to make this special provision for shearers which should be made for every section of the community, and not especially for the most powerful trades union? He would support the amendment.

Hon. J. D. CONNOLLY: The Health Act did not cover the circumstances contemplated in the Bill, because the stations were situated in the back country and the Health Act applied only to the settled portions.

Hon. A. Sanderson: Then amend the Health Act.

Hon. J. D. CONNOLLY: That would be a mistake because it would necessitate a health rate being imposed on an area where there were very few people living, therefore, there was some justification for putting some such provision in the Bill. In the interests of the shearers the hon. member would be well advised to accept the amendment. In some cases it would be just as dangerous to have a latrine half a mile from a creek if the water of the creek was used for drinking purposes. It should be a matter for the inspector to decide whether the site was liable to be a source of danger to the water supply.

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Hon. F. DAVIS: If the distance was laid down in the Bill it would be a guide to the inspector and there could not be objection taken by the station owner. It would save delay and disputes.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That paragraph 12 of Subclause 2 be struck out.

This paragraph provided that each sleeping and dining room should be provided with a proper and suitable floor, provided that an earthen floor was not deemed a proper and suitable floor; but in the North many floors were made of ant-hill, and there could be no better flooring, as it became as hard and firm as possible. Such floors would be prohibited by the paragraph, and it would be necessary to cart out wood or cement at great expense. People used ant-hill floors for their living rooms and the floors lasted for years.

Hon. F. DAVIS: An earthern floor could not be kept so clean as a cement or board floor. The cost of a proper floor would not be much. If it was necessary to have a proper floor in the shearing shed for animals, why not have the same consideration for human beings?

Amendment by leave withdrawn.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That in paragraph 12 of Subclause 2 the words "Provided, however, that an earthern floor is not deemed a proper and suitable floor" be struck out.

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That in paragraph 13 of Subclause 2 the words "and water" be inserted after "vessels" in line 1.

Hon. F. DAVIS: Paragraph 10 provided that a sufficient supply of good drinking water should be provided.

Hon. H. P. COLEBATCH: The amendment merely referred to water for washing purposes.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That in paragraph 13 of Subclause 2 the words "and one shower bath" be struck out.

The paragraph provided that it would be necessary to provide a shower bath for every five shearers employed, but it would be impracticable in many cases to have shower baths, though there were shower baths in many stations. It was doubtful whether the proportion of shower baths in the Palace Hotel was one to every five persons; it was doubtful whether that proportion was observed in any State hotel. It was hardly reasonable to expect it in this Bill. The shearers should have the water provided for them, and they should wash as they chose. It would be a hardship on many small pastoralists in their early stages to have to provide the number of shower baths required. The Bill presupposed the existence of a good well and windmill, and a raised tank, unless some one was to climb up a ladder with a bucket.

Hon. F. DAVIS: It was admitted that in ordinary hotels there was perhaps not a shower bath for every five persons, but there should be some provision for shower baths. It would be a hardship on the shearers if there were no bath.

Hon. Sir E. H. Wittenoom: What have they done for all these years?

Hon. F. DAVIS: They had simply endured it. Because a condition of affairs endured for years it was no reason for its continuance if it could be altered with advantage. There should at least be provision for an ordinary bath for the well-being of the men. It would only be a small expense.

Hon. V. HAMERSLEY: The idea seemed to be that those who had sheep to be shorn were a hard-hearted lot of villains. The employers made adequate provision for baths, and if the existing accommodation was not sufficient the shearers had their remedy.

Hon. B. C. O'BRIEN: So far members supporting the Bill had been very fair, and had offered no objections to the amendments moved already, but this amendment ought to be strongly opposed. If the words proposed to be struck out were struck out there would be no shower bath provision made at all, but merely a minimum of one washing basin for every five shearers. No hardship would be inflicted on owners of property by this provision of a shower bath. In some cases these shower baths were already provided and it was now asked that they should be provided in all cases. In the interests of good health and common decency such provision ought to be insisted upon.

Hon. C. SOMMERS: The difficulty might be overcome if provision was made for a minimum of one washing basin for every five men, and one bath for every shed.

Hon. F. DAVIS: No objection would be offered to the amendment suggested by Mr. Sommers.

Hon. Sir E. H. WITTENOOM: In the Victorian Act the nearest reference to baths was a provision for proper cooking and washing basins. However, he would be quite willing to adopt the suggestion made.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That after "employed" in line 4 of the paragraph the following be added: —"and one bath for every shearing shed."

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That after "agent" in line 2 of paragraph 14 the following be inserted:— "or if the shearing is done by contract, the contractor."

The paragraph provided that certain receptacles for the reception of refuse should be periodically emptied by the employer. The amendment meant that in the event of the shearing being done by contract the contractor would attend to these refuse receptacles.

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

Clause 7:

The CHAIRMAN: It would be noticed that there was no marginal note to the clause.

Hon. Sir E. H. WITTENOOM moved an amendment—

That after "accommodation" in line 4 the words "to the satisfaction of inspector or shearers employed" be struck out.

The clause provided that under certain circumstances tents might be substituted for other accommodation; and went on to add "to the satisfaction of inspector or shearers employed." This left a big opening for misunderstanding or dispute.

Hon. F. DAVIS: It was to be hoped the amendment would not be pressed, for it would strike at the very principle of the Bill. The object of the Bill was to provide proper accommodation, and if the words proposed to be struck out were struck out it would rest entirely with the station-owner to say what was proper accommodation. There would be no safeguard for the men as to when tents should be supplied, or whether those tents were suitable. In another place the clause had been moved by the Hon. H. B. Lefroy, and had been accepted as necessary in the interests of both the employers and the men.

Hon. Sir E. H. Wittenoom: I have seen the hon. gentleman since.

Hon. B. C. O'BRIEN: If the amendment were insisted upon, the clause would be rendered useless. The provision was only reasonable.

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

Clause 8—Buildings other than shearing sheds to be kept clean by shearers:

Hon. Sir E. H. WITTENOOM moved an amendment—

That Subclause 1 be struck out, and the following inserted in lieu:—"Every room, tent, latrine, or other building or structure provided by the employer for the accommodation of shearers, not being a shearing shed, shall be handed over to the shearers in good order and clean condition, and all the shearers using or occupying or entitled to use or occupy the same shall be responsible for the maintenance of the same in the like order and condition, and whenever any such building or structure is not being maintained as aforesaid, the employer may thereupon cause the same to be restored to good order and clean condition, and thenceforward kept in such order and condition from day to day."

No provision was made in the clause for compelling the owner of the place to hand over the rooms in a clean condition to the shearers. There was provision for having the rooms kept clean, but it did not provide for keeping any other buildings clean, but just the room itself.

Amendment passed.

On further motions by Hon. Sir E. H. WITTENOOM, Subclause 2 amended by striking out of line 1 "occupying any such building as"; also by striking out of lines 2 and 3 "the same" and inserting the words "such building or structure" in lieu; also by inserting after "building" in line 5 the word "structure"; also by inserting after "by" in the same line the word "any," and the clause as amended agreed to.

Clauses 9 to 17—agreed to.

New clause—Offences:

Hon. Sir E. H. WITTENOOM moved—

That the following be added to stand as Clause 14:—"Any person who contravenes any provision of this Act, whether by act or omission, shall, if no other provision is made by this Act for dealing with the contravention, be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding five pounds."

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

House adjourned at 5.24 p.m.