

ment, considerable harm would be done to the industry. Would the Minister give to a justice of the peace the power held by a magistrate? The Minister should accept the amendment or take steps to limit the power to the extent indicated earlier in the evening.

Amendment put and negatived.

Clause put and passed.

Clauses 12 to 20—agreed to.

Progress reported.

House adjourned at 10.28 p.m.

Legislative Council,

Tuesday, 16th 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, By-laws of Dowerin roads board. 2, Statement of expenditure under the Mining Development Vote for 1912-13. 3, Police Benefit Fund Regulations. 4, By-laws of Beverley roads district local board of health. 5, Report on the Medical, Health, Factories, and Early Closing Department for 1912. 6, Report of the Labour Bureau for year ended 30th June, 1913.

QUESTION—LOANS, INTEREST AND SINKING FUND.

Hon. Sir E. H. WITTENOOM asked the Colonial Secretary: 1, What was the total amount paid for interest on loans for the financial year ended the 30th June, 1913? 2, The total amount paid for sinking fund during same period?

The COLONIAL SECRETARY replied: 1, £963,412, 7s. 2d. 2, £244,554 14s. 9d.

QUESTION—OPOSSUM LICENSES.

Hon. D. G. GAWLER (for Hon. R. J. Lynn), asked the Colonial Secretary: 1, Have any licenses under the Game Act, 1912, to take and kill opossums, been as yet issued? 2, If so, to whom and under what conditions? 3, Is he aware that a considerable number of opossums is being taken in the South-Western district? 4, If, so, what action has been taken?

The COLONIAL SECRETARY replied: 1, No. 2, Answered by No. 1. 3, No. 4, Answered by No. 2.

QUESTION—QUAIRADING-NUNAJIN RAILWAY, COST.

Hon. D. G. GAWLER (for the Hon. R. J. Lynn), asked the Colonial Secretary: 1, What was the total cost of the construction of the Quairading-Nunajin Railway, exclusive of landed cost of rails and fastenings? 2, What is the length of the line?

The COLONIAL SECRETARY replied: 1, The actual cost of construction, including water supply and surveys, and exclusive of rails and fastenings, is £62,082. 2, 48¼ miles.

WEST PROVINCE ELECTION SELECT COMMITTEE.

Extension of time.

Hon. R. D. McKENZIE (North-East) moved—

That the time for bringing up the report of the select committee appointed to inquire into the West Pro-

since Election, 1912, be extended until Tuesday, the 30th September.

The chairman of the committee (Hon. A. G. Jenkins) was unfortunately laid aside by illness. There were several important witnesses yet to be examined, and the chairman had expressed the desire to be present at the examination of those witnesses.

Hon. F. DAVIS (Metropolitan-Suburban) seconded the motion.

Question passed.

Attendance of Member of Assembly.

Hon. R. D. McKENZIE moved—

That a message be sent to the Legislative Assembly asking that House to authorise the Hon. W. C. Angwin to attend to give evidence before the select committee on the West Province election, 1912.

Provision was made, as hon. members were no doubt aware, under Standing Order 363, that when the attendance before a select committee of a member of the Legislative Assembly was desired, a message must be sent to the Legislative Assembly.

Question passed.

BILL—COMPANIES ACT AMENDMENT.

Introduced by Hon. W. Kingsmill and read a first time.

BILLS (2)—THIRD READING.

1, Friendly Societies Act Amendment (transmitted to the Legislative Assembly).

2, Fremantle Harbour Trust Act Amendment, *passed*.

BILL—GAME ACT AMENDMENT.

Report of Committee adopted.

BILL—ROADS CLOSURE.

Second reading.

Debate resumed from the 27th August.

Hon. E. M. CLARKE (South-West): I asked that this debate should be ad-

journed in order to enable me to look into the matter in connection with the roads which it is sought to close. I have gone into the matter fully, and I have no objection whatever to the Bill. I only wanted to be sure that no injustice would be done to any of the settlers. I am quite satisfied that the closing of the roads will not prove detrimental to any one, and therefore I have no objection at all to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RIGHTS IN WATER AND IRRIGATION.

Second Reading.

Debate resumed from the 2nd September.

Hon. H. P. COLEBATCH (East): This Bill, as was explained by the Colonial Secretary in moving the second reading, is very similar to the one which was before this Chamber last year, and on which the two Houses of Parliament failed to come to an agreement. Before dealing, briefly as I intend to do, with the leading principles of this Bill, I take it to be my duty, as chairman of the select committee which considered a similar measure during last session, to reply in a few words to certain hostile criticism that has been directed against this Chamber in general, and against that committee in particular. I say, I take it to be my duty to make this reply because if the charges levelled against the committee were well-founded then I have no hesitation in saying that the members of that committee would be unfit to occupy places in the Parliament of the country, and we have to remember that, no matter how ill-founded these charges may be, they came from one occupying a place of such high authority that we cannot afford to treat them with the indifference which their merit, or lack of merit, might seem to

justify. The latest attack, in connection with this Bill, upon the Legislative Council in general was made by the Minister for Works, in a statement that the members of this Chamber are incapable of taking a broad view of this or any other proposed legislation because of the restricted franchise on which they are elected. Now, what after all does this restricted franchise amount to, especially when it is a matter of dealing with a Bill that involves to a large extent individual rights? What is required of a man before he is permitted to become an elector of the Legislative Council? Either that he shall have vested interests in this country amounting to less than the prudent labourer, being a single man without encumbrances can easily save out of a year's wages; or else he shall take upon himself the full responsibility of citizenship and establish for himself a home, the weekly rental of which need not be as much as the lowest minimum daily wage of the least skilled worker in this State. If it is the contention that all the wisdom, all the patriotism and all the broadness of outlook is to be found amongst those people who have refrained from doing either of those things, then the contention is strongly at variance with the practice of its leading exponents, whether we take the farmers and squatters in our own State Ministry, or the mansion-buying members of the recent Federal Government, or even the distinguished German socialist whom we read of lately as having started in life as a humble turner, but who left an accumulation of filthy lucre to the extent of £30,000. Turning from this general attack upon the Legislative Council to the particular attack, we are charged with having taken up too much time in connection with the consideration of this Bill. The Minister for Works and his supporters seem to think that the Bill involves very little change from existing conditions. They say, "We are taking away no existing rights; we are merely defining rights that exist." In this matter I intend to speak, subject to the correction of the legal members of this House, and I have no hesitation in saying at the present time that

there are rights in water and rights in land which will be very seriously interfered with, in fact entirely altered by the passage of this Bill. So far as the rights in water are concerned, under existing common law any person through whose lands a stream of water passes is entitled to use that water without let or hindrance so long as he does not interfere with the flow to the people below him, thereby disturbing their equal rights. It is true that a position like that leads to disputes, but strange as it may seem, there are many land owners who prefer that their disputes and differences of this kind should be settled by a judge in a court of law, rather than they should have to go cap in hand to the Minister before they can use the water at all. But it is not only rights in water that this Bill proposes to interfere with, but also rights in land, land forming beds and streams and water courses. It was beds and banks in the previous Bill, but now apparently the Government have come to the conclusion that all it wants is the beds, and at a later stage I shall ask the House to consider whether purely for purposes of irrigation there is any need for the Government to confiscate land. We admit for the purposes of irrigation it is necessary that the Government should have unrestricted rights over water, but I wish the House to consider whether it is necessary for the Government to take land from existing private owners. The alteration from the present law, contemplated by this Bill, so far as land is concerned, is of a very drastic nature. At the present time there is no confusion as to the rights of the owners of the land which forms the beds and banks of these streams and water courses. If such stream divides two properties then each freeholder owns the land to the middle of the stream. Under this Bill the whole of the bed of the stream will be taken from them. Under the existing law, if a stream passes through the property of one owner, then he owns the whole of the bed of that stream, and there are a large number of cases in this State in which the beds of these streams

form a considerable acreage, which has all been included in the original survey and paid for by the existing owners. When we remember that these drastic alterations were proposed, then I contend that the matter was of sufficient importance to have justified this Chamber in spending the whole of the time upon it that it devoted to it. The Minister for Works in his charge against the Legislative Council is so reckless as not to be accurate about dates. On page 494 of current *Hansard* hon. members will find the statement made by the Minister that the first reading of the Bill was agreed to by the Legislative Council on the 16th October, and that the second reading was passed on the 31st October. As a matter of fact it was not until the 12th November that the second reading was passed, and during the whole of the time the Bill was before this House last session members had to devote the greater portion of each sitting to such measures as the Arbitration Bill, the Workers' Compensation Bill, and others of an equally important nature. Coming to the charges against the select committee, as I said before, these charges are of so grave a nature that if they were true the members of that select committee would not be fit to occupy a seat in the Parliament of this country. It is my duty as chairman of that select committee to demonstrate that those charges are entirely without foundation. One charge was that the select committee called only hostile witnesses, and that witnesses favourable to the Bill presented themselves, but the committee wilfully neglected to examine them or to take evidence from them. This charge was made, not only by the Minister for Works, but also by the Attorney General in another place. As a matter of fact the committee called no witnesses who were hostile to the Bill. The process adopted by the select committee was to advertise in the newspapers and to invite all persons who wished to place their views before the select committee to appear and do so, and all those who signified their desire to give evidence were called and examined. The only witnesses that the committee took special pains to secure were departmental witnesses, every

one of whom was strongly and enthusiastically in favour of the Bill. The other charge that the committee did not take the evidence of favourable witnesses, presumably from the Harvey district, is still more monstrous and scandalous than the one I have just referred to. Amongst the members of that select committee was Mr. Davis, a supporter of the Minister for Works. This gentleman attended every meeting and he exercised freely the right to question witnesses, and if there had been neglect on the part of the committee, either to summon witnesses who could have given useful information, or to carefully examine the witnesses who attended, then I take it the blame would rest just as much on the shoulders of Mr. Davis as on the shoulders of the other members of the committee. But it seems to me when certain members start out to attack the Legislative Council they are entirely reckless as to whether they hit friends or foes. There is another matter I would remind hon. members of. When the Bill was presented for its second reading in this Chamber one of the departmental engineers, Mr. Oldham, occupied a seat alongside the Colonial Secretary. At a later stage when the Minister for Works, who was in charge of the Bill in another place, disappointed his colleagues and did not put in an appearance at the conference between the two Houses, Mr. Oldham was the gentleman who other Ministers requested should be allowed to attend the conference to assist them in the matter. Therefore to all intents and purposes Mr. Oldham was the agent and representative of the Minister for Works in this matter. What was the first action of the select committee when appointed? It was to invite Mr. Oldham to attend the sittings of the committee, to suggest to the committee witnesses who should be called, to suggest also to the committee places that the committee might visit, and Mr. Oldham took advantage of that invitation, and he attended every meeting. He freely questioned every witness, he explained the provisions of the Bill to a number of the witnesses, and had, except in the matter of framing the report, in all other respects all the privileges of a member of

the committee, and I have no hesitation in saying that the committee were entirely grateful to him for his assistance. The point I wish to make is that the Minister for Works, while knowing the committee had done this, that they had invited Mr. Oldham to take a seat with them, that Mr. Oldham had exercised the privilege, and had the opportunity of examining witnesses and explaining the Bill to them, well knowing all these things, the Minister for Works makes the monstrous charge that we invited only hostile witnesses, and that when friendly witnesses presented themselves we wilfully neglected to take their evidence. I think I have said sufficient on that point to show the nature of this charge. Personally, as chairman of that select committee, I regard the charge as a wanton and deliberate insult to the committee, and more particularly an insult to the departmental officer who probably is not in the same position as the members of the committee to defend himself. There is one more point I wish to refer to before I pass on to the Bill. Almost until the close of the session we were told that Parliament was to sit until Christmas, and afterwards, if necessary, in order to complete the business. Then suddenly this arrangement was altered, and we were told that the prorogation would take place on the 12th December. What was the result? The committee devoted their week ends to the consideration of the Bill in order to get it through before the termination of the session, and when it came before this Chamber the majority of the members of the Council waived their personal right of criticism and said, so as to bring this matter to a head, they would adopt the recommendations of the select committee. This was done so as to waste as little time as possible. The last stage was the conference at which the Minister in charge of the Bill did not attend. All I propose to say in regard to it is that it was rendered entirely irregular and abortive by the action of the Minister himself, and by no one else. He, and he alone, was to blame, and no other member of that conference, no matter how eager he might have been, could possibly have done

differently without offending against the Standing Orders of this House. The conference, as I have just said, was rendered irregular and abortive by the action of the Minister, and it is his sole responsibility in this particular that makes him so anxious to try and cast the blame on other people. If the select committee or this House desired complete justification for their action of last session they would find it in these two facts—first that the Bill at present submitted is a great improvement on its predecessor because of the inclusion of amendments suggested by the select committee; and secondly, that after an interval of 12 months the people most vitally interested have demanded of the Minister for Works practically the very amendments which the select committee suggested, so that neither this Chamber nor the select committee has any reason to regret the action taken last session. I do not intend to deal with matters that are more suitable for discussion in Committee, but I should like to draw attention to the two important principles underlying this Bill. It is, in fact, two Bills, one dealing with rights in water and, incidentally, rights in land, and the other dealing with the matter of establishing irrigation districts and irrigation boards. I am not at all sure that there is any real necessity for the resumption of land at all. Under the old Bill both the banks and the beds of streams were vested in the Crown, as if they had never passed into the possession of the holder of the fee simple, but, it having been decided that this is unnecessary, that the freeholder can still be allowed to own the bank, and that all the Government want is the bed, and the bed being defined as meaning with reference to any watercourse, lake, lagoon, swamp, or marsh, "the land over which normally flows, or which is normally covered by, the water thereof, whether permanently or intermittently; but does not include land from time to time temporarily covered by the flood waters of such watercourse, lake, lagoon, swamp, or marsh, and abutting on or adjacent to such bed"—if that is all the Government

require, the question does suggest itself to me—what necessity is there for making provision in this Bill for taking away land from private owners at all, even admitting that there is a necessity to take away the rights in water? It is admitted that it is not necessary to take the rights in all land over which water flows, therefore I shall await with interest the explanation of the Minister as to the necessity for any confiscation of land whatever. I feel sure that if the purposes of this Bill could be carried out merely by the State resuming the rights in water, with, of course, due regard to the properly acquired rights of private individuals, and all reference to the resumption of land was struck out, a big obstacle in the way of the adoption of this Bill would be removed.

Hon. J. W. Kirwan interjected.

Hon. H. P. COLEBATCH: If they do not want it, why take it? At the outset the Government wished to resume under the old Bill the beds and banks of streams, which practically meant the whole of the land over which water at any time flowed, and it might be argued that they wanted to do this so that in winter time they could erect dams to conserve the whole of the water. Now that is abandoned, and the Government in this Bill only want the bed of the stream, and the bed having been given a very limited definition indeed, it does occur to me that there is no necessity for confiscating any land at all.

Hon. M. L. Moss: The land will be taken under the Public Works Act which makes provision for the payment of compensation on resumption.

Hon. H. P. COLEBATCH: No compensation is provided for here. The bed of the stream is simply treated as if it had never passed out of the hands of the Crown. There is provision for compensation for land resumed for irrigation works, but that is different from the general principle of reversion in the Crown the beds of a watercourse, lake, lagoon, swamp, etc. Complaint was made by the Minister that the committee went out of their way to examine a witness from Toodyay, and he asked why we

wanted to examine a witness from Toodyay when the Government had no intention of carrying out irrigation works there. As a matter of fact, that particular witness was using land forming what certainly was, under the definition in the old Bill, the bed and bank of a stream. It was part of his holding and he was using it with the idea of growing fodder crops for his sheep, but had the old Bill been passed the whole of this land, amounting to a considerable acreage, would have been taken away from the private holder and reversioned in the Crown. It is useless to say that the Government would not have taken advantage of this provision, and that they would not have taken away the man's land: it is obvious that if an Act of Parliament said that this land did not belong to him, and that it was reversioned in the Crown, his right, title and interest having disappeared, he was damaged to that extent. The Minister also complained that the committee examined a witness from Heidelberg, and he asked, Why bother about Heidelberg? Why did the committee not seek evidence from Harvey? Now, the particular circumstances surrounding the case of the witness from Heidelberg were that he had practically created a water supply for himself; by ringing a large area of otherwise worthless forest land he caused a stream, which formerly ran for only a few months in summer time, to become practically permanent, and supply sufficient water with which to irrigate an orchard of 18 acres during the summer months. Under the Bill, as it stood in the original sense, and even as it is at the present time, it will be compulsory for that holder to immediately destroy the works he has erected. Of course he might get a special license from the Minister, but otherwise he would be regarded as an offender against the Act for having erected these works and conserved this water.

Hon. F. Davis: Under what section?

Hon. H. P. COLEBATCH: I forget for the moment the number of the section, but I know there is a section which prevents a man from building any dam or in any other way holding up the water.

This Bill makes no provision for compensation other than for land resumed for works. All the compensation which the Government propose to give is under Clause 14 and several other clauses, which gives the land holder the right to water "for the irrigation of a garden not exceeding five acres in extent, being part of such land and used in connection with a dwelling." In the Bill of last session this area was only three acres, and this alteration to five acres is one of the suggestions of the much abused select committee that has been adopted. Whether that allowance is of much use or not I do not know, because the objectionable restriction is still maintained that this water can only be used for a garden in connection with a dwelling; it cannot be used in connection with a commercial orchard, or any other enterprise from which a man might expect to make a living, and the old anomaly still appears that the man who has only a few yards of river frontage will be allowed water to irrigate five acres, whilst the man who has several miles of river frontage will only be allowed the same quantity. That, in my opinion, is an anomaly which we ought to endeavour to get over. Another portion of the Bill, Clause 15, is one which I think ought to be amended. That is the clause under which persons, who up to the present time have been irrigating their land, are to be allowed to continue irrigating, provided they have been irrigating for two years prior to the commencement of this Act. To my mind there is neither rhyme nor reason in that provision. If a man only started irrigating a fortnight ago there is no reason why he should be interfered with. That is one of the matters upon which the Bunbury conference was very explicit. Clause 27 is one to which I think the Council should give very serious consideration. It refers to the establishment of irrigation districts, and it is here that we are likely to find a bone of contention as to whether these irrigation districts are to be established simply at the will of the Minister, as advised by the Commissioners, or whether the people who have to bear the cost of these

schemes are to be allowed any say in the matter at all. In moving the adoption of the Address-in-reply Mr. Davis laid emphasis on the principle that those who paid the piper should have the right to call the tune, and I think that is an excellent principle to apply in this connection. When we look further in regard to these irrigation districts and irrigation boards, we find in the provisions relating to finance that the board may, with the approval of the Governor, borrow money. Clause 51, Sub-clause 2, says—

No proposition for borrowing money shall be adopted by a board unless a notice thereof has been published in the *Gazette* and in a newspaper generally circulating in the district.

That is practically a repetition of the clause in the Municipalities Act, but strangely enough, having adopted that clause from the Municipalities Act, this Bill stops there. The Municipalities Act goes on to say that within a month after such publication it shall be competent for a certain number of property owners to demand a poll as to whether the money shall be borrowed or not, and of course upon the poll being taken a majority vote decides.

Hon. M. L. Moss : There is no object in gazetting under this Bill.

Hon. H. P. COLEBATCH : None whatever. It simply says, "No proposition for borrowing money shall be adopted by a board unless a notice thereof has been published in the *Gazette* and in a newspaper generally circulating in the district." Why this is included in this particular clause I do not know. It is taken out of the Municipalities Act, but the reason for which it is included in the Municipalities Act is omitted from this Bill. Under the Municipalities Act this notice is given in order to allow people, whose property will become responsible for the payment of interest and sinking fund, in respect of a proposed loan, to say whether the debt shall be incurred or not. With this Bill, however, neither in the clause creating irrigation districts and boards, nor in the clause referring to the raising of

money to be spent by the boards, is the land owner to be allowed any voice whatever. Apparently, he is to be allowed to object, but what is the use of that? Since he has to find the whole of the money, since the interest and sinking fund for the ultimate redemption of the loans will be practically a charge on his land, I cannot see for the life of me why he should not be allowed to say whether the money should be borrowed or not. So far as the constitution of this local authority is concerned, there is room for a good deal of difference of opinion. Under the Bill as it stands now the board to which it is proposed to give these large powers of raising money may be the existing local authority, or it may be a board nominated by the Government, or an elected board. Now, suppose the second of these alternatives is adopted and the Government nominate the board, then we shall have this position: That a board nominated by the Government can pledge the credit of these people to any extent, borrow what money they like, and make the interest and sinking fund a charge on the land, without the land owners having any say in the matter whatever. It is not likely that this would be done in opposition to the wishes of a large body of land owners, but there are a good many of us who will be influenced by the harsh and unsympathetic manner in which the Goldfields Water Supply Act Amendment Bill has been administered in the agricultural districts, a measure which was passed through on the understanding that this House would have another opportunity of reviewing the rating provisions—

The Colonial Secretary: That is not correct.

Hon. H. P. COLEBATCH: Then probably the *Hansard* report is incorrect. I was not a member of the House at that time, but I read a statement in *Hansard* that the rate on those people abutting on the present main would not be applied until the House had had an opportunity of reviewing it, and that all the people to be affected by the Bill had expressed their approval of it. I know that

the matter has not been before the House since, and I know that the people along the pipe line are rated at a higher rate than it was said they would be, and entirely against their wishes. I merely mention this in order to show that the unsympathetic administration of that Act is likely to prejudice members in the consideration of this Bill. They will be inclined to take up this attitude—that we shall give the Government all the power we wish them to exercise, but we shall be disinclined to give them powers which we do not wish them to exercise, and if they do not require certain powers they must not ask us for them. One improvement in the Bill is that the Commission, which under the previous Act might or might not be appointed, must be appointed under this measure. That is a distinct improvement because it prevents the Minister acting on his own initiative; he must act on expert advice, and that is a very great improvement. Another amendment will be necessary in the definition of irrigable land, so that the people who own land that cannot be irrigated by these irrigation schemes shall not be called upon to pay a proportion of the cost. This is a matter of vast importance, not only from the point of view of the people who own land unsuitable for irrigation, but also from the point of view of the people who own neighbouring land which is suitable, because it must be obvious that the more we narrow down the extent of land which will have to pay the cost of these schemes, the greater will be the burden on those who have to pay. The committee recommended that before any irrigation district was declared the matter should be submitted to a vote of the landowners, and that it should be adopted on a two-thirds majority of the owners owning two-thirds of the land. In regard to that I would like to say that that was not a scheme evolved by the committee, but was copied from the existing law in New South Wales. Personally I do not say it is necessary to have a two-thirds majority in every instance, and apparently, judging by the reports I have received of the conference held at Bun-

bury, the landowners do not ask for that privilege; probably a simple majority would satisfy. I think we would be justified in standing out for some voice on the part of those who own the land and would have to pay. It seems unfair that they should be forced to take a scheme against their wishes and have their land debited with the cost if they do not like it. I notice that those who would receive the advantage from irrigation and who require a scheme, have no wish to attain their object through the pecuniary loss of others, so it is absurd to say that by putting in provisions of this kind we would prevent people from obtaining the advantages of irrigation. I shall leave to the Hon. Mr. Clarke and others living in the district immediately concerned, and who are acquainted with the people there, to deal with the details of this Bill. I would like to say so far as the departmental officers examined by the select committee are concerned, I do not think there is any member of the committee but has complete confidence in Mr. Oldham, Mr. Connor, Mr. Moody, and Mr. Scott. They are all enthusiasts who believe what they say, and whose only aim is to benefit this country and the people for whom this legislation is proposed, but that does not justify members of this Chamber in saying that the rights of the owners of the land are to be ignored. It has been charged against this Chamber that through not passing the Bill last session we hung up the Harvey scheme but, as a matter of fact, that scheme proceeded for a considerable distance without any Parliamentary sanction at all, and the only thing done last session was to pass through both Houses a vote of money for the purchase of the Harvey land, so the Government were in a much stronger position after last session to go on with the work than they were before. So far as I can see, if the Government are sincerely anxious to pass this Bill there is no reason why it should not be passed, but if they require privileges that are not needed from the point of view of irrigation, then it is very likely that those things will be opposed. I am keenly sensible of the good

which has resulted from irrigation in other States and other parts of the world, but I also know something of the difficulties and loss experienced in connection with these schemes, and while I am anxious that this Bill should pass I am going to oppose any clause in it which is of a confiscatory nature. I will endeavour to give landholders in the different districts some say in the matter, so that every burden that is cast upon them shall be with their voluntary acceptance. With these qualifications I have much pleasure in supporting the second reading.

Hon. E. M. CLARKE (South-West): I have listened very carefully to the speech made by the Hon. Mr. Colebatch; and with regard to attacks that were made upon this Chamber, upon the individuals who composed the select committee, and upon the report, I say that Mr. Colebatch is well within the bounds of truth, but I want to point out that abuse will never convince anyone. That is the point to which I take exception. I would listen to any man's reasoning, give him my ear and say what I thought about it, but I certainly do disapprove of abuse, and I have yet to learn that it will convince anybody. Such, to a great extent, were the tactics adopted with regard to this Bill last year, and I am pleased to find that there is not quite so much of it at the present time. At one of the meetings held at Bunbury it was stated that people opposed the Bill last year from party purposes. I deny that, and say that whatever opposition was offered to that Bill was given in the best interests of the State at large and more particularly in the interests of those places which hon. members represented. We have had proof of that since in the fact that the Minister has consented to a great many vital alterations in the measure. It looked to me very much as though last year the Government considered that if they asked for a big lot they would get a proportion of it, and after we had trimmed it down there would still be a good deal there. However, I do not want to say anything more in this direction, as I do not think it leads to any good. I only want to pro-

test against what was said about this Chamber and the members of the select committee. I consider that the present Bill is a vast improvement on the last one and, subject to certain amendments which we shall be prepared to suggest in the Committee stage, I shall do my utmost to carry the measure through this Chamber, and when it goes through I think it will be a big improvement on what it is at present, that is, from my standpoint. Everyone is entitled to his own view, but I claim that I have behind me the bulk of the people down in the South-West where irrigation is going to be performed, and they are the people to be consulted in this matter. I find, and I am quite satisfied that if a vote was to be taken there would be 75 per cent of those whom I represent who would say "Throw the Bill out," but I am not going to be a party to that. I want to see it carried through and made a popular measure. As the Hon. Mr. Colebatch remarked, an important consideration is that while the Minister stated he would trust the people, he would not trust them in the vital matter of deciding whether there were to be irrigation works in their district. The point is that if we do not trust a person we cannot expect that person to trust us. The people who are called upon to pay the rates are the people who should be consulted, and I want to say that this irrigation is not going to be one of those things which the people will tumble over one another in order to get first. Such, at any rate, is not the experience in the other States, and, I take it, it will not be the experience here. We want a workable Bill and one that will be acceptable to the people. With regard to water rights, it was claimed here for some time that the people had no rights whatever in the water. I say that if such were the case, what is the necessity of the clause vesting the whole of the waters of the State in the Crown; and in proof that they have certain rights and those rights are of considerable value, there is something given in exchange. It is this, that people having a frontage to these rivers and certain riparian rights, in return for them surrendering to the Government their rights,

they are to get the right to irrigate the immense extent of five acres of land for garden in connection with a dwelling. If hon. members read the report of the conference at Bunbury they will see the Minister said plainly that persons could use the water for domestic purposes, but they must not feed a few extra cattle or pigs. It seems to me that the Government are giving something and are making the conditions for the acceptance of that something such that they are absolutely worthless to the people. If these people are not allowed to irrigate more than five acres for commercial purposes what, in the name of common sense, is irrigation for? It seems to me to be absolutely illogical, and while something is taken from us, there is absolutely nothing given to us. With reference to having a definition of irrigable lands, a question which exercises the minds of the people in the South-West is that there is some land absolutely unfit for irrigation. It was pointed out to them that they could not be charged for land which was not commanded by a scheme, that is land above the supply. They of course know that there is some land that would never pay to irrigate and they do not want to be rated for that land at the same rate as the man who has excellent land, that is easily irrigated, and will give him a handsome return. I might say in this connection that the measure has been said to be on all-fours with the Victorian Act; but the section dealing with that matter sets forth that the land shall be classified into not more than three different classes, and that the rate of charge upon the land shall be in proportion to the value of irrigation to that particular land. In this clause there is nothing at all. However, that is but a simple matter and one of those questions which can later on be thrashed out, and I have no doubt a fair thing will be done in that respect. It is pretty well recognised that in this State we have very few large rivers, and a great many of the streams are stagnant during the summer months. Therefore, I say that what applies in another part of the world, for instance Victoria, does not necessarily apply in Western Australia. I am quite satisfied that the Minister has

come to the conclusion that it would not be advisable to interfere with people who are irrigating on small unimportant streams, and in this respect I say the measure is a vast improvement on the one which was before us last year. I would say this, and I think I have mentioned the matter before, that the Government have a fear that there would not be enough water, but I am satisfied that if they take the trouble to go up some of these creeks and ring-bark the useless timber there they would have a big supply of water. In proof of that we have only to take the Brunswick State farm where the whole of the water used on the irrigation scheme in the summer months is got simply because ring-barking was resorted to up the different branches of the stream. I believe a great lot of the lands up the Collie river are Crown lands, and while I would not think if going up there and ring-barking young useful jarrah trees, I would have no hesitation in ring-barking the timber that is of no use, including red gums, thus doing away with the need to build any dam at all.

Hon. C. A. Piesse: And not very costly either.

Hon. E. M. CLARKE: No, a few thousand pounds only. There has been so much said about the Victorian Act that I wish to read a few extracts from the report of the Victorian State Rivers and Water Supply Commission, dated 1910. The report states, in respect to the White Cliffs irrigation area—

Little irrigation was done last year. I may point out, without going right into it, that in that one year there was a decrease of irrigated land of not less than 47,000 acres in Victoria alone. The report states—

Little irrigation was done last year, the settlers not having had time to clear and prepare their blocks for seeding and planting. It is anticipated that almost the whole of the settlement will be irrigated during the coming season. A register of irrigable lands is being prepared, and water rights on the basis of $2\frac{1}{2}$ acre feet per acre will be assigned to all the irrigable lands. I may mention in this connection that

they charge 10s. for a foot of water, a foot per acre, and you can have it in two lots if you like.

Hon. W. Patrick: A foot deep?

Hon. E. M. CLARKE: Yes, a foot over an acre, a 12-inch rainfall. They also recommend that for the first year that the water is supplied it shall be supplied at one quarter of the cost thereof, proving that every means are taken to get people to go on the land and use this water. I am not saying anything against irrigation, but I want to point out that this thing must be made popular and must be framed on such lines as to induce the people to go for it. I am afraid there is going to be a mistake made. In this report it is shown that there is nearly a million and a half written off in one fell swoop of money lost. When I was in Victoria there was any amount of water there. I saw plenty of it, but I did not see very much irrigation. I may mention that Mr. Moody has shown there some pictures of Brunswick, some nice things; and presently along comes a very nice orchard. That was a swagger orchard in Victoria. I want to make the point that while we want irrigation it is not going to be rushed. On the subject of "Lands unsuitable for irrigation." the report continues—

The new Water Act of 1909, in addition to the provisions previously outlined, contains, amongst others, provisions enabling the Commission to apportion the cost of the Goulbourn River and Main Channel works over the districts benefited by these works in proportion to the water supplied to such districts therefrom; to establish water works districts in the Coliban "outside" area, and thus secure some financial return from land owners benefited by the water races in such "outside" area; and to exclude from the incidence of the compulsory irrigation charge all lands which, in the opinion of the Commission, are unfitted for irrigation. In view of the fact that a large deficit was accruing annually from the State's irrigation works, and in view also of the fact that no proper agricultural develop-

ment was taking place in the irrigation and water supply districts, the Government resolved that an organised effort should be made to obtain from abroad settlers who would be prepared to occupy and develop to its utmost possibility the land in these irrigable areas. In view of the importance of the movement the Government selected the Minister for Lands (the Hon. H. McKenzie) and the chairman of the Commission (Mr. Elwood Mead) to visit Europe and America, for the purpose of obtaining suitable settlers for the various lands which the Government has already purchased or intends purchasing in the irrigation areas.

It goes to prove that they have had difficulties with it or they have lost a lot of money, and they are sending elsewhere to get people to take up those lands: The report continues—

The loan liability of the State for works of water supply at the close of the year was £7,021,000.

I am leaving out odd hundreds.

Of this total £1,220,000 is for free headworks; £1,268,000 has been written off; £147,000 was advanced as free grants to some early-formed local authorities; £147,000 has not been expended; and £177,000 has been paid off by other authorities. The balance of £4,059,000 is the sum on which interest should be paid by the occupiers or owners of the properties benefitted by the various works.

Now, I only quote this to show that this irrigation scheme, while I am a strong advocate for it, is one of those measures which must be gone into very carefully. If we pass the Bill without giving the people who are going to pay the rates the right to say "Yes" or "No" we are going to put a big millstone around its neck. We shall make the thing unpopular at the start, and for a long time irrigation will be retarded. The report of our select committee goes to prove that irrigation is being done by the small individual in various places, and I want to be in a position to shake hands with tens of thousands of those people—if that were possible—who are doing things on

a small scale, in the same direction as is being done by a man in the hills here who was sneered at as being petty-fogging. There are various things which, when in Committee, I shall endeavour to get through, and having got them through it will then be my endeavour to see that the Bill is placed on the statute-book. My one aim and object is to see that irrigation is instituted on such lines that it will benefit the community, and will eventually turn out to be a success from the point of view of the State at large.

Hon. D. G. GAWLER (Metropolitan-Suburban): The present Bill, I think hon. members will agree, is a considerable improvement on the last one. I join with Mr. Colebatch in attributing that improvement largely to the attitude of the Legislative Council. One or two of the improvements effected on the last measure I desire to refer to. The first is the question of still waters. Hon. members will remember the discussion which took place over still waters, which the previous Bill sought to vest in the Government. We require very little evidence to show hon. members that there is no shadow of right to confiscate still waters on a person's property. Common law absolutely recognises a right in still waters; but of course common law is different in regard to the waters of a running stream. I think, therefore, that improvement has been effected by reason of an alteration in the definition of lake, lagoon, swamp or marsh. In the original Bill that was defined as a collection of waters into or out of which flowed water in a natural channel. The present Bill substitutes "and" for "or," and so alters the whole sense and excludes still waters. Another alteration drawn attention to by Mr. Colebatch was the omission of the word "banks." Clearly that has effected an improvement. I think it was Mr. Piesse, of Toodyay, who told us that he had been successfully cultivating the banks of the stream at Toodyay, sowing special grasses and the like, and that the effect of this would be to take away the most valuable part of his property. Then again, there was the question of the artesian wells. In the old Bill the Government could take existing artesian wells,

lock them up, put a metre on them, and dole out the supply. That was under Section 25. That section does not find a place in the Bill before us, and to that extent the Bill is an improvement on its predecessor. The Bill does not touch existing wells except in regard to alterations or additions made. There is one point to which I would specially draw attention, namely, the wording of Clause 4. That, I see, vests in the Government subterraneous sources of supply. On the face of it, it seems rather as though that would include existing artesian waters, which are supplied from an existing artesian well. I do not quite know how it will affect the general question, but the Colonial Secretary may possibly explain the bearing these words have on the rest of the Bill. The main question around which discussion centred at the passage of the last Bill was the advisability of vesting in the Government the existing water courses, or whether they should adopt the New South Wales scheme of making the vesting of water apply only to places where an irrigation district had been declared. As Mr. Colebatch has pointed out, this is a provision in the New South Wales Act. Moreover, I would like to point out that in Victoria provision is made that before an irrigation district is declared it has to be gazetted, and the intention has to be published in a newspaper circulating in the district, while papers containing the proposal have to lay on the Table for 30 days. Every opportunity is given for people raising any objections they may think fit. I would like to point out, too, that we have been twitted over and over again, both inside another place and outside, with having tried to prevent legislation of this sort being put on the statute-book on the lines obtaining in the other States. To follow the lines of the other States in this regard is the very thing we are trying to do, and therefore, I take it we are following the lines which the Government wish to proceed on. The objection which those of us who served on the select committee found to be so strong to the vesting of all waters in the State in the Crown chiefly arose from the fact that we had strong

evidence from men who had spent time, industry, and money in putting up irrigation works, and ring-barking and clearing their land, and in creating their own sources of water supply. It was the position of those, I think, that appealed chiefly to the members of the select committee, and it was their case which we endeavoured to put before the House as cases in which the Bill was likely to press harshly. I would like to refer to the evidence given before that select committee. Witness after witness came to us and gave evidence to that effect. I desire also to draw attention to a decision which the Acting Chief Justice gave only this afternoon in a riparian rights case in which I was personally engaged. It was a case concerning the Narrogin Brook. The plaintiff a few years ago purchased some land along the Narrogin Brook, seeing a stream of water. He was not a lawyer; if he had been one no doubt he would have walked up and down the brook and asked the owners of the land along it whether it was a natural watercourse within the legal meaning of that term. He bought the land, and the next summer he found the waters were cut off by the owner immediately above him. He brought an action against the owner immediately above him, and this owner set up the defence that it was not a natural watercourse, and the Acting Chief Justice found that it was a natural watercourse, but he also found that the plaintiff could not succeed as the law only gave him the water in this watercourse in its natural state, and that the water in that stream had been chiefly created by the industry and enterprise of the owners of the land along the banks, and the plaintiff therefore had no property in what the owners had created. He therefore found for the defendant except in the matter of the natural watercourse. The effect of the judgment is this: that the waters, having been created by the industry and energy of the owners, belonged to them. The effect of the Bill would be to deprive these owners of their rights in that water which they have created. It might be asked, what about the rights of the plaintiff who had lost these waters. That

appears to be a matter for careful consideration, and I would like the House to remember that every person's right has to be considered, not only the rights of those on the banks but those on the plain. The very people whose rights we are trying to conserve now, are recognised by the judgment I have referred to. There may be a way of adjusting cases like that by recognising the rights that persons have in the water, and, while not confiscating them, giving them a license to use the water they have been in the habit of using on easier terms than those proposed in the Bill. But the Bill on the face of it offers very little, in fact offers them nothing. It says we will give you a ten years' license, and in another portion of the clause it says the license may be revoked at any time by the Minister. There should be some means of protecting the rights of those persons I have spoken of, and I desire that those people should be protected in that direction. We should conserve the rights of those people who have created the water. I would like to bear out what Mr. Colebatch has said on the Bill by referring to what was decided at the conference at Bunbury. I think those assembled at Bunbury are to a certain extent in error as to the rights of action. They say—

It was resolved that Section 235 of the Victorian Act be inserted in the Bill as a section following Section 33. It was the wish of the conference that anyone through the scheme of irrigation works suffering loss or injury should be equitably compensated and that those requiring the scheme had no wish to attain their object through the pecuniary loss of others.

If members will turn to Clause 33, they will see it says that no action shall be maintainable against the Crown, and Clause 34 says in effect that, although action may not be maintainable against the Crown, still, compensation shall be paid to the Crown for any matters mentioned in Clause 34; and if members will turn to Subclause (b) of Clause 36, they will see that compensation is restricted.

Subclause (b) says—

No compensation shall be awarded for any diminution or deterioration of the supply of water to which any person may be entitled unless in the opinion of the arbitrator such diminution or deterioration is such as to deprive the claimant of a supply of water previously legally enjoyed by him and which supply was sufficient for domestic purposes, or for watering cattle or other stock, and the irrigation of a garden not exceeding five acres in extent; and unless in the opinion of the arbitrator such diminution or deterioration is the direct and will be the permanent result of the completed works.

It will therefore be seen that compensation is restricted to that. The Crown, by the Bill, take the water and give back sufficient for domestic purposes, for the watering of cattle and stock, and it says they will not pay compensation except they take away some of that which they have given. That is what I take it to mean. Subclause (c) goes on to say—

No compensation shall be made for the taking or diverting of any water which the Minister or the board is empowered by or under this Act to take or divert, either permanently or temporarily, from any river, creek, stream or water-course, lake, lagoon, swamp or marsh.

Therefore compensation is restricted to water which the Crown may take belonging to the owner under his riparian rights. If they take that they are liable to pay compensation. With regard to Mr. Colebatch's point as to the bed of the watercourse, if the Crown is to be entitled to the water in the water-course, lake, lagoon, or swamp, they should of necessity have the bed, because we must give them the bed to fully act on the rights they have in the Bill, such as rights of preventing obstruction or trespassing or carrying out irrigation works. I for one shall be very glad to see an agreement arrived at by this House so that a useful measure may be placed on the statute-book and I will do my best, subject to what I have put before the

House, to make the Bill a useful one and to see it go through, but the various attacks on the rights of individuals should be more carefully safeguarded than they are. I still adhere to the view that I take up that the New South Wales system whereby the owners of the district and those who are paying the cost of the works established should have a voice in the matter. I am not wedded to the two-thirds number. Possibly a majority of those interested would be sufficient, but they should have a voice before the irrigation district is declared.

Hon. Sir E. H. WITTENOOM (North): I have listened very carefully to the remarks which have fallen from Mr. Colebatch, Mr. Clarke, and Mr. Gawler, and I therefore do not propose to weary the House with any repetition in connection with the details of the Bill we are now considering the merits of; the details can be considered more readily and more easily in Committee. From my point of view, this Bill should be looked at from three aspects. First, is it really required—is a Bill of this importance and magnitude required for the State of Western Australia? The next is, should it apply to the whole of the State, if it is required, and, thirdly, is this State justified in going to the necessary expenditure that would be required to carry out the scheme under the Bill, looking at the state of our finances? It strikes me these are the general aspects and the most important points. To deal with the first of these, as to whether it is required, I do not think anybody has any doubt that a scheme carried out in a limited way, not too much involved, may do a great deal of good, but we must remember, in starting a scheme of the magnitude proposed by the Bill, we at present are only a small community and a not too wealthy community, and there are many other ways in which money is required, therefore we should be most careful in considering the expenditure involved in works of this character. We must remember that our population working on these areas is small. These areas are prepared at large expense, and we

have to be very careful to provide a market for the produce from these irrigated areas. These are matters we have to concern ourselves with. In the marginal notes, the States of Victoria, New South Wales, and Queensland are mentioned, but we cannot compare the state of affairs in Western Australia with the three States I have mentioned. They have far larger populations and two of them a very good rainfall, and moreover, there is a very large amount of money available for works of this nature there. There is not the smallest doubt there is a great deal of difficulty involved in carrying out these works, and a great deal of expense and I hold that a great deal of the information in the pamphlet which has been brought out by Mr. Oldham and others is of importance in discussing this matter. This pamphlet says that there must be a large expenditure before these schemes can be carried out. I do not propose to detain members long, but I should like to quote a few of Mr. Oldham's own remarks when dealing with this matter. He is fully aware of the difficulties which are caused by undertakings of this nature, and, in the first place, he says—

Victoria was the first State to recognise the value of water conservation and irrigation, and although many and costly mistakes have been made in the past, the State had learned by experience, and is now working under the best conditions and obtaining excellent results. It has ample and useful water rights provisions in the Water Act of 1905. Finding, from past favours, that the system of management by trusts was a failure, the Victorian Government gradually improved their system until they finally adopted the present method of placing the management and responsibility in the hands of a board of commissioners, with a thoroughly capable and experienced irrigationist and engineer, Mr. Elwood Mead, as chairman.

In Victoria they made many mistakes and a large expenditure was involved before they found out what was the correct and rightful method. Here we can make use

of the experience gained in Victoria and avoid the mistakes. At the same time there is no doubt about the question of the expenditure. I find again, almost in support of those who contend that the Bill should not apply all over the State, that Mr. Oldham says—

It will be seen that the whole of the district so far exploited lies between Perth and Bunbury, covering a distance of 110 miles, and that we have, therefore, only touched upon the potentialities in this direction. Nevertheless, the above proposals would serve at least 150,000 acres under irrigation.

I think hon. members will agree that if we took this 150,000 acres as an experiment and started on that alone, we should find that we were expending a very large amount of money, and that it would take many of our people to populate it. Therefore, I say that even on the advice of Mr. Oldham, it appears to give us sufficient land to work upon. Then he goes on to say—

In all large proposals there are generally costly head-works and distributing channels which take a considerable time to construct. During the course of construction the capitalised interest and depreciation charges mount up. Again, as Victoria has already found, it is quite possible to have large areas of land with irrigation water available and a temporary shortage of population.

Mr. Oldham has not disguised any of the drawbacks of his scheme while putting forward all the possibilities. The pamphlet continues—

In fact, in the case of the State above referred to, it was found necessary to send lecturers to the older countries with the object of attracting population. There are again difficulties as regards markets, etc., which take time to overcome.

Thus, I say this scheme is confronted with difficulties and expense in all directions, and therefore we require to exercise the very greatest caution and care before undertaking it. Again, Mr. Oldham recognises how difficult it is to get suitable people to work these lands, and after

having got them, he states that demonstration farms will be required—

Experience has shown that many initial difficulties must be overcome in the early stages of intensive cultivation, and closer settlement under irrigation. Government demonstration farms under capable and experienced managers, should be established in all centres, so as to instruct and demonstrate methods to settlers, who cannot afford to make experiments which would probably be attended with costly errors and failures Experience in all irrigated countries has amply demonstrated that water cannot be supplied profitably to widely scattered areas.

Here again we have evidence that it is better to contract and confine the area than to have it distributed over a large portion of the State.—

Victoria has had to pay dearly for not recognising this principle earlier, and those responsible for selecting our irrigation land in this State must keep this in view.

There is only one other quotation which I will quote to hon. members, and it states—

The Government should be prepared, if necessary, to fence, clear, and prepare a portion of a settler's holding; to grade it, and if necessary to sow it in lucerne; to build a cottage and the nucleus of the out-buildings; the cost of same to be repaid by the settler in annual instalments over an extended period. Victoria, last year, laid down 3,000 acres in lucerne in this manner, besides clearing land, fencing, erecting buildings, sheds, etc.

Therefore a large expenditure of money would be necessary, and everything points to a very heavy outlay, and I ask hon. members are we in a position now to go very extensively into this business when it is likely to cost so much? Let us look at the present position with regard to the finances. Are we in a position to find money to go into these large irrigation schemes? I made a little list this afternoon of different things for which the Government are at present finding money, in order to show how difficult it may be

to get the money to develop this scheme. We find that the Government are offering, or have offered, to provide money for different people to have their property connected with the sewerage system. This is one direction in which money is to be found. Then money is to be found for workers' homes, and I understand money is also required to help the University along. Then, we have the State industries, with which hon. members are perhaps familiar as having absorbed some little money, including State steamships, State brickworks, and State implement works, all requiring money, irrespective of whether they will be successful or not in the future. I am not speaking of their probable or possible success, or non-success. What I say is that to start all these industries requires money. Then we are to have another Government House at Albany at a cost of £5,000. It is not a very large item, it is true, but the money has to be found.

Hon. R. G. Ardagh: That will be wiped out.

Hon. Sir E. H. WITTENOOM: The fact remains that the money has to be found. Then, there is a large amount for the goldfields water supply. All these things require money, rightly or wrongly, probably in many cases rightly, but the fact remains that the money is required, and that makes it all the more difficult to find money for new works. Then we have to recollect that we have a large expenditure which is non-reproductive. For instance, there is the cost of the police; I do not think we get any profit from that department. Then we have education, the expenditure on which, as the Premier rightly stated the other day, is almost abnormal. It amounts to about £1 a head, or a total of £300,000 a year for education alone. I do not say that this expenditure is unproductive in other directions; I am speaking from the standpoint of the Treasury. Then, there is the cost of the administration of justice, which brings in nothing. Then there are the sums of money which the Colonial Secretary this afternoon told us amounted to £1,200,000 a year for interest and sinking fund on loans. Further than that, one of our best assets, the railways, in-

stead of bringing in a large amount of revenue, brings in only the small amount of about £25,000 a year, so that we are expending money on all sides, and the revenue-producing assets are not as good as they were. Even as regards the land, to which we generally look to get some revenue, the Government, in their good-heartedness, have had to forego large amounts representing rents and payments for seed wheat and manure. Every way we look money is going out, but is not coming in. Then there are new works, such as State hotels, which are being asked for, and there is the inebriates' asylum, which the Colonial Secretary stated the other day would cost a lot of money. And now, on top of this, we are going to enter upon irrigation schemes, and above all we have a deficit of nearly half a million pounds. Under the circumstances, does it not behove us to be very careful in our expenditure? If we pass a large and comprehensive Bill of this nature we must be prepared to find some money to expend on it. The engineers who are advising the Government are perfectly correct in their views. They will say, as the late respected Mr. O'Connor used to say, "You tell me what you want, and I will tell you whether I can do it or not. If you want a harbour or a railway, I will tell you whether it can be constructed, but as to whether it is going to pay, that is not my business; it is your business. If it is your policy to have a harbour here or a railway there, I will tell you how it can be done, but it is for you to say whether it will pay or not." The engineers dealing with these irrigation proposals are in the same position. Therefore it behoves us to be most careful in regard to our expenditure, and in regard to the authority we give for expenditure under this Bill. I am of opinion that some of these schemes carried out in a limited manner, where water is plentiful in districts to the south of Perth, would be beneficial and no doubt, if successful, would cheapen the cost of living, and save the importation of thousands, or I might say hundreds of thousands, of pounds worth of produce from the Eastern States. No one would hail such a development

with more pleasure than myself, and I am willing to help the Government with any scheme of a reasonable nature, but I do not feel inclined to give my assent to a measure which leaves it open to the Government, to the Minister, or even to a board, to do what they like with the waters and lands throughout the whole of the State. Whatever land is selected, it should be limited, and before being taken over and money spent upon it, the approval of those most interested should be obtained. I have seen it intimated somewhere—I had intended to look it up, but have not had time—that there is a clause in the Victorian Act which states that notice has to be given in the *Government Gazette* or in certain newspapers as to the resumption of land, and particulars have to be laid on the Table of the Houses of Parliament, for a period of thirty days. This enables anyone to lodge objections, and gives members an opportunity to bring the matter up in the House. This would be an admirable clause to include in this Bill, and as far as I can see at present I would be inclined to support it. With regard to taking away rights of the owners of beds of rivers, if the Government think such action is in the cause of utility, and for the good of the people to a large extent, then by all means let the Government take such rights, but let them remember that these people should be amply and fully compensated. These people took up that land under the laws of the country. They were induced to take it up under the law and whatever land regulations were in force at that time, and they acquired their rights legally and properly; and if the taking over of these rights is for public utility, the public is far more able to bear the expense of their resumption than the individuals concerned. If it is found necessary to take this action, which I hope will not be the case, then I think that compensation to the individual should be of the fullest nature, especially when we remember that it is the huge body of the public who are to get the benefit of it. The only particular parts of the Bill to which I intend to apply myself are those dealing with ar-

tesian wells. I do not think the Government should attempt the whole of the control of artesian wells. These wells have been put down at a very large expense and as the result of great enterprise by people in different parts of the State, and I cannot see any necessity for resuming them. Therefore, when the Bill reaches the Committee stage, I shall propose that Clauses 18 to 22 inclusive be struck out. These clauses deal with artesian wells at present in existence. Clause 18 begins thus—

No artesian well shall be commenced and no artesian well existing at the commencement of this Act or thereafter constructed, shall be enlarged, deepened, or altered in any manner unless (a) by the Crown; or (b) in pursuance of a license under this Act. This means that though the owner of an artesian well has had the enterprise to fossick out a place to put the well down, and risk his money on the undertaking, the Government will own the well, and he can only use it by the Government's permission. As was shown by witnesses before the select committee last year, most of the water coming from artesian wells in the northern portion of the State is so highly charged with minerals as to be unfit for irrigation. Therefore, I consider that at present we might leave artesian wells quite alone. Clause 23 states—

The Governor may, by Order in Council, place under the permanent or temporary control of a board any artesian well which has been constructed or acquired by the Crown within a district.

The clause gives certain powers to deal with artesian wells and waters, provided they do not belong to private individuals, and when they do, if it is thought to be in the interests of public utility, the Government will have the power to resume them under the Public Works Act of 1902 by paying compensation. Under the circumstances that will be quite fair and reasonable in connection with this matter. I do not think that I need take up the time of the House any further except to say that this is purely experimental legislation, and I should strongly advise the

members of the Government to go little by little, to first of all take over small portions and irrigate them, and as these prove successful to then acquire more extensive portions. In the circumstances I have mentioned I have much pleasure in supporting the second reading.

On motion by Hon. J. F. Cullen debate adjourned.

House adjourned at 6.17 p.m.

Legislative Assembly,

Tuesday, 16th September, 1913.

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

PAPERS PRESENTED.

By Hon. W. C. Angwin (Honorary Minister): 1, Report of the Labour Bureau for the year ended 30th June, 1913. 2, Report of the Medical, Health, Factories, and Early Closing Department for the year ended 31st December, 1912. 3, Regulations for the Police Benefit Fund. 4, By-laws of the Beverley Road District Local Board of Health.

By the Premier: (1), Reports of the Zoological Gardens and Acclimatisation Committees, 1912-1913.

QUESTION—PEARLING LICENSES, SHARK BAY.

Mr. McDONALD asked the Premier: 1, What are the names of exclusive license-holders in the Shark Bay area? 2, The area held by each? 3, How many licenses are in possession of more than one bank? 4, Who are they?

The PREMIER replied: If the hon. member will move in the usual manner for a return containing the desired information, it will be supplied.

QUESTION—RAILWAY CONSTRUCTION, YILLIMINING-KONDININ.

Mr. E. B. JOHNSTON asked the Minister for Works: 1, Has his attention been drawn to a paragraph in a weekly paper reading as follows:—Recently a correspondent in the Yilliminning district wrote, asking for information as to when a start was to be made with the Yilliminning-Kondinin railway, and in order to reply to the query in the issue of the following Sunday we made a verbal inquiry of the under secretary. To this we received the somewhat unusual request to submit the thing in writing to the Minister for Public Works. This we did, only to receive a curt reply to the effect that "if your correspondent places himself in communication with the member for the district, who is in full possession of the particulars, doubtless he will supply all the information required"? 2, As I have no definite information as to the rate of progress to be made with the construction of this railway, beyond the reply given in Parliament to me on Tuesday last, namely, that "a good supply of material was ordered and construction work will be expedited by the engagement of additional men," will he be so good as to supply me with the further particulars of which I am alleged to be in full possession, in order that I may impart it to the numerous correspondents who are writing to me as a result of the publication of this paragraph? 3, The points on which information is particularly desired are as follows:—(a) When are the