Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 7 SEPTEMBER 1886

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LEGISLATIVE ASSEMBLY.

Tuesday, 7 September, 1886.

Petitions.—Assent to Bills.—Questions.—Formal Motion.—Motion for Adjournment—The Case of O'Rourke and McSharry.—Health Act Amendment Bill.—Elections Tribunal Bill—consideration of Report from the Clerk of the Parliaments.—Water Bill—second reading.—Adjournment.

The SPEAKER took the chair at half-past 3 o'clock.

PETITIONS.

Mr. W. BROOKES said: I have to present four petitions from various Presbyterian Churches, praying for the repeal of the Contagious Diseases Act. The first is from the minister and office-bearers of the Wickham-terrace Presbyterian Church; the second from the minister and office-bearers of the Fortitude Valley Presbyterian Church; the third from the minister and office-bearers of the Presbyterian Church, Leichhardt street; and the fourth from the minister and office-bearers of the Presbyterian Church, Enoggera. They are all worded the same, and I think it will be sufficient to read only one. I therefore move that the petition from the Wickham-terrace Presbyterian Church be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. BROOKES, the petitions were received.

The COLONIAL TREASURER (Hon. J. R. Dickson) presented a petition from the members of the Baptist Church, Windsor road, Enoggera, praying for the repeal of the Contagious Diseases Act; and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of the COLONIAL TREASURER, the petition was received.

Mr. JORDAN presented a petition from the members of the Baptist Church, Vulture street, South Brisbane, praying for the repeal of the Contagious Diseases Act; and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. JORDAN, the petition was received.

ASSENT TO BILLS.

The SPEAKER announced that he had received messages from His Excellency the Administrator of the Government, conveying the Royal Assent to the following Bills:—

A Bill to amend the Pearl-shell and Bêche-de-mer Fisheries Act of 1881;

A Bill to amend the Elections Act of 1885;

A Bill to repeal the Acts relating to the introduction of labourers from British India;

A Bill to amend the Patents, Designs and Trade Marks Act of 1884; and

A Bill to amend the Pacific Island Labourers Act of 1880.

QUESTIONS.

Mr. BUCKLAND gave notice that he would ask the Colonial Secretary—

1. How many patents for inventions have been applied for under the Act of 1884?
2. The name of the inventions?
3. The name of the examiner to whom the inventions have been referred?

The COLONIAL SECRETARY (Hon. B. B. Moreton) said: I have to ask the hon. member if he will change the language of his motion into one for a return, as the number of patents is too voluminous to answer as a question. The motion will be passed as formal, and the papers laid upon the table of the House.

Mr. BUCKLAND said: I have no objection to withdrawing the question, with a view of giving notice to-morrow in the terms of the request of the hon. the Colonial Secretary.

Mr. HAMILTON asked the Minister for Works—

1. Has he received any official complaint concerning the manner in which the contract for constructing the first 8¾-mile section of the Cairns-Herberton Railway is being carried out?
2. If so, what action does he intend to take?
3. What route has Mr. Hannam, the Chief Engineer for Northern Railways, recommended for the extension of the Cooktown Railway past the second section?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. Complaints have been received from time to time that the men employed on the works have not been paid, and in each case prompt action has been taken.
2. No further action appears necessary at present.
3. The Chief Engineer's report and recommendation were laid on the table of this House, on the motion of the hon. member, on the 24th ultimo.

Mr. ADAMS asked the Chief Secretary—

Whether it is the intention of the Government, during the present session, to take legislative action, having for its object the benefit of the parcel post system between this colony and England?

The CHIEF SECRETARY (Hon. Sir S. W. Griffith) replied—

It is not likely that the Government will be able to ask Parliament to take any action in the matter during the present session.

Mr. BAILEY asked the Minister for Works—

What are the special circumstances which have induced the department to levy double rates on the coal traffic on private lines in connection with the Burrum Railway?

The MINISTER FOR WORKS replied—

The private lines on the Burrum Railway start from points where there are no stations, and the traffic over them is small, therefore they are not so conveniently and economically worked as other branches which start direct from stations and over which the traffic is greater. Further, the distance the traffic from the Burrum branches is hauled over the main lines is shorter than on the Southern and Western Railway, and the receipts therefrom are consequently less.

The charge of 1s. per truck for haulage is considered a fair one, but the charge of 1d. per ton over the main line is unremunerative.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. BUCKLAND—

That there be laid upon the table of this House, copies of all papers in reference to resumptions of lands for water or other purposes on Galloway Plain Run, Port Curtis district.

MOTION FOR ADJOURNMENT.

THE CASE OF O'ROURKE AND MCSHARRY.

Mr. LUMLEY HILL said: Mr. Speaker,—I rise to call the attention of the House to certain correspondence laid upon the table of the House, and I shall conclude with the usual motion for adjournment. The correspondence I refer to is the correspondence from the Chief

Engineer's Office and from the office of the Commissioner for Railways with reference to the ballast ordered to be paid for on the 8th November, 1883. In replying to the hon. member for South Brisbane, the leader of the Opposition stated that he passed this ballast on the recommendation of the Engineer-in-Chief. I have to call the attention of the House to the sort of recommendation the Chief Engineer gave, and the circumstances under which he gave that very ambiguous recommendation. I have interviewed the Chief Engineer on the subject, and he told me that he was sent for by the then Minister for Works, the hon. member for Port Curtis (Mr. Norton), and that he put all the pressure he could upon him to induce him to give a favourable account and pass that ballast.

Mr. NORTON: Who said so?

Mr. LUMLEY HILL: The Chief Engineer.

Mr. NORTON: Then he said what was not true.

Mr. LUMLEY HILL: This House will judge between the Chief Engineer and the member for Port Curtis.

Mr. NORTON: I do not believe he said so.

Mr. LUMLEY HILL: He did say so, and the hon. member will see that he said so. However, this is the recommendation which the hon. member for Port Curtis said the Chief Engineer gave:—

"Referring to Messrs. O'Rourke and McSharry's letter, dated 29th ultimo, *re* condemned ballast, addressed to the hon. Secretary for Public Works, and forwarded to me for report:—

"With respect to the ballast referred to by Mr. McSharry, I have the honour to state that, having examined it on the occasion of a recent visit to the works, I can confirm Mr. Smith's opinion that it is not in strict accordance with the specification, for although the bulk of the stone is fairly good, there is a certain admixture of trap-tufa, which is found in the quarries in form of boulders, has a conchoidal fracture, and rapidly disintegrates under atmospheric action."

That is a very strong recommendation, I should think.

"A part of this ballast Mr. Smith allowed to pass with a deduction of 15 per cent. on the schedule rate, the remainder to be condemned absolutely.

"Regarding the latter, I had some of the heaps opened out, and, from what I then saw, am of opinion that the material differed very little, if anything, from the other ballast, and, had I been dealing with the matter myself, should have been disposed to apply the same adjustment by a percentage reduction to the whole."

It appears to me that the whole of it ought to have been rejected, but it appears that Mr. Smith was also sent for by the Minister for Works and induced to pass it with a reduction of 15 per cent.

"I informed Mr. McSharry, however, that I could not interfere with any decision given by Mr. Smith whilst Acting Chief Engineer, as I considered his decisions equally binding with those given by myself.

"Under these circumstances I do not feel justified in making any recommendation which would in any way affect the action already taken by Mr. Smith.

"Papers returned herewith.

"HENRY C. STANLEY,
"Chief Engineer."

Then there is a memo. by the Minister for Works at the time, dated 3rd November, 1883, and to this effect:—

"Ballast to be allowed to pass with a deduction as in other case of 15 per cent."

Then there is the following memo. by the Commissioner for Railways, dated 8th November, 1883, just a week, sir, before the then Government went out of office:—

"Referring to your memo. of 3rd instant (151 B.V.), *re* condemned ballast, Brisbane Valley Branch, I am instructed by the hon. Secretary for Public Works to inform you that the ballast is to be allowed to pass, with a deduction as in other cases of 15 per cent. to the whole bulk."

Now, I doubt whether there is another case in colonial history where a Minister of the Crown has interfered with and usurped the functions of high officials of the Government to this extent, and in favour, as I have shown before, of one firm of contractors. I bring this question forward in the interests of the honour and purity of this House,—solely with that view. I will say to any member of this House who may think that I like to stir up this matter and expose these frauds that it is a disagreeable and dirty duty that I have to perform. I think it most objectionable, but it is only by exposing those frauds in the past that we can possibly hope to be able to prevent them in the future. What is more, when they are so exposed I take it to be the duty of this House to see that the perpetrators are punished. In New South Wales, I observe—it is a curious undesigned coincidence—that the ex-Minister for Works there is undergoing prosecution for fraud in a different line of business. I should recommend him, after he has got out of his little trouble down there, to come up here to Queensland. They don't even prosecute them here; they don't put them to the trouble of defending themselves. Members are allowed to sit there in their seats and treat these charges with silent contempt, especially if they are brought forward by me. It reminds me of the ostrich of the wilderness, which when pursued sticks his head in the sand. But he has to get it out again; either the hon. member's own friends or members opposite get him up on his legs again. I have shown, in the case of the Central line, that when this firm sent in claims to the Works Office of £5,118 18s. 2d., Mr. Ballard only had the conscience to recommend £996 of this; but Mr. Norton, who was then Minister for Works, ordered them to be paid £3,819 11s. 6d. I have proved this conclusively and undeniably. I have shown their claims in the Brisbane Valley line, and the only reasonable inference members can draw is that, had this party remained in power a little longer, or come in a little sooner than they are likely to do, they would have paid at least four-fifths of the claims lodged in the office, which were lying hidden away waiting for a change of Ministry to be brought to light. I say this House is entitled to some very much more satisfactory explanation than it has had of this favouritism which I allege has been shown to this one firm of contractors; we are entitled to a much more full and ample explanation. I do not care, Mr. Speaker, whether they choose to give it to me or not. If the House is satisfied with the explanations that have been given, there is no necessity to give any at all; but people in the other colonies, at all events, will think we have a very extraordinary way of doing business in Queensland. I move the adjournment of the House.

Mr. ADAMS said: Mr. Speaker,—I must candidly confess that, as a young member of this House, I am greatly surprised. Hon. gentlemen on the other side of the House laugh: they laughed the other night when I was speaking, but before I sat down they drew very long faces, and it is just possible they may draw long faces on the present occasion. I must say also—being a resident of Queensland even before it was Queensland, and not having been out of it since it was Queensland—I have heard a great many strange things; but the strangest thing I ever heard has come from the hon. member for Cook, Mr. Hill. He does not appear to me to be seeking the interests of the colony generally—of the taxpayers; but he seems to me to be most terribly wroth about this contract of McSharry and O'Rourke's and against the hon. gentleman who on one occasion occupied the position of Minister for Works. Now, sir, I

cannot make out for the life of me how it is that this thing is followed out. We are told, and I think the country believes, that the Chief Engineer, Mr. Stanley, recommended that this ballast should be taken over, as ballast had been taken over by Mr. Smith, at 15 per cent. less than cost price. Well, when a gentleman occupying that position comes in and tells the Minister for Works he is of opinion that that ballast should be taken over in such a way, I maintain the Minister for Works would not be doing his duty if he did not take the advice of that officer. The officer is supposed to know far more about that work than the Minister for Works does himself. I think, notwithstanding the aspersions the hon. member for Cook has tried to heap on the hon. gentleman, the country itself will believe what the hon. gentleman, the late Minister for Works, has said. I am perfectly satisfied that honesty of principle has been carried out, and I believe that if honesty of principle had been carried out in such a way by the present Ministry they would have no occasion to complain. I, therefore, am astonished to think that hon. gentlemen on the other side of the House should laugh or even say a word when the hon. gentleman rose to speak. I think myself he is heaping degradation upon himself and not upon this side of the House.

Mr. NORTON said: Mr. Speaker,—I think it is desirable to-day that I should say something further than I have said before in connection with these attacks by Mr. Lumley Hill.

Mr. LUMLEY HILL: Hear, hear!

Mr. NORTON: I think Mr. Hill will not say "Hear, hear," before I sit down. Now, when he brought up this subject on a late occasion, on the suggestion of the hon. member for North Brisbane, Mr. Brookes, I made a statement as to the circumstances under which that minute, which was published here, was written. Mr. Hill told us just now that he has seen Mr. Stanley, and that Mr. Stanley says I sent for him to come to my office, and pressed him to make representations favourable to the contractors. I believe that is a lie on the part of Mr. Hill.

Mr. LUMLEY HILL: Mr. Speaker, take those words down.

The SPEAKER: The hon. member is certainly transgressing the rules of debate.

Mr. NORTON: I should be very glad to withdraw that remark. I think it is the first occasion ever since I have had a seat in this House that I have been called upon by the Speaker to withdraw any word I have used. I think, sir, every member of the House who has occupied a seat here as long as I have will bear me out in that—that on no occasion before have I been called to order or requested to withdraw words I have used. To return to my subject: I believe the statement made by Mr. Hill is untrue—I hope that is correct. I do not believe Mr. Stanley made any such statement. I have sufficient esteem for Mr. Stanley to suppose that he would not make a statement of that kind, and particularly would not do so to Mr. Hill. Now, on that particular occasion to which I referred, I said—I have failed to find the place in *Hansard*, but this is what I said—that Mr. Stanley, after inspecting the line, came into my office and expressed some surprise that Mr. Smith, who had acted during his absence in England, had passed one lot of ballast with a deduction of 15 per cent., and had refused to pass the other. Mr. Stanley expressed his opinion that the two lots of ballast were about equal, but—as I pointed out—when I asked him if he would make an official recommendation that the two lots should be passed, he excused himself from doing so on the ground that he did not wish to interfere with the recommendation which had been made by Mr. Smith, who had acted in his absence. I will ask hon. members to refer to Mr. Stanley's report, and to say whether an official report could go nearer to the statement which I made here the other evening. This is what Mr. Stanley says:—

"A part of this ballast Mr. Smith allowed to pass with a deduction of 15 per cent. on the schedule rate, the remainder to be condemned absolutely.

"Regarding the latter"—

The condemned lot, that is—

"I had some of the heaps opened out, and from what I then saw am of opinion that the material differed very little, if anything, from the other ballast, and. had I been dealing with the matter myself, should have been disposed to apply the same adjustment by a percentage reduction to the whole.

"I informed Mr. McSharry, however, that I could not interfere with any decision given by Mr. Smith whilst Acting Chief Engineer, as I considered his decisions equally binding with those given by myself.

"Under these circumstances I do not feel justified in making any recommendation which would in any way affect the action already taken by Mr. Smith."

That is the statement which Mr. Stanley made to me. But when I asked if he was prepared to make an official recommendation to that effect, he gave me a very fair reason for not doing so—a reason for which I respect him. On the strength of that, I wrote a minute on Mr. Stanley's official report to the effect that the second lot of ballast was to be passed on the deduction of 15 per cent. I had reasons for doing that, and I will mention them now. Perhaps I did not act fairly towards Mr. Smith in not referring to it the other day. It must be remembered that Mr. Smith was *locum tenens* only during the absence of Mr. Stanley, and when Mr. Stanley returned and resumed his proper position I felt bound to treat him as the Government adviser in the matter, and that was one reason which induced me to accept Mr. Stanley's statement made in an unofficial manner. But there was another reason. Mr. Lumley Hill, of course, says that these are the only persons to whom any favour of this kind has been granted. They were not, as he would have seen if he had taken the trouble to find out. But he did not take the trouble. He does not wish, I suppose, to find out. He wishes to be able to say that this is the one firm which has been treated with any consideration of that kind. I went up the Western line some short time before this took place, and alongside the line there were no less than 3,000 yards of broken metal which had been rejected. Although there was a district engineer inspecting their work, the contractors, Macdonald and Fraser, had been allowed, with that man's knowledge, to accumulate 3,000 yards of metal, and to get it all broken and ready to lay on the line. They had also been allowed to draw 90 per cent. on it. The whole of that metal was condemned. I went up the line with Mr. Smith and one at least of the contractors, and saw the broken metal alongside the line. Naturally the contractors objected very strongly to the stone being condemned; they objected on the ground that the district inspector had been there all the time, had allowed them to collect the stone, break it, and bring it down to the line ready for use; at the same time they had been allowed to draw 90 per cent. against it. While those people were present I could, of course, say nothing to Mr. Smith. He condemned it, and that was all. When I was alone with Mr. Smith afterwards, I said to him, "With regard to this condemned ballast, what becomes of it?" He replied that it was generally used. I said, "Do you mean to tell me that ballast which has been condemned is used afterwards on the line?" He said, "What has been condemned hitherto has been used." Then I said, "In this case will the ballast that is lying there be used although it

has been condemned?" He replied, "I daresay it will be." I said, "What is the objection to it?" His reply was, "Although it is hard-looking metal, yet when broken and exposed to the air a certain quantity of it crumbles and turns to mud." I asked, "What proportion of the metal, then, do you think can be used?" He replied, "I cannot tell; perhaps 30 per cent.; it will have to be screened before it can be used." I said to him, "In this case, take the matter into consideration; let me know what portion of the ballast is unfit for use; make the deduction, and allow the contractors for the rest." That is what I did, and I think any man occupying the position of Minister for Works would have done the same. The present Minister for Works knows it, because the papers came before him after he took office. He spoke to me about it, and told me he quite agreed with what was done. That is one case, and I could mention others. I mention this because, in the first place, Mr. Stanley had resumed his proper position, which Mr. Smith had temporarily occupied, and because, if Mr. Smith had a fault, it was in the direction of a leaning towards the Government. So far as I had an opportunity of judging of the decisions which he gave, that was the impression he made upon me—that he was, if anything, rather inclined to be in favour of the Government than in favour of the contractors. Under the circumstances, the only fair way of dealing with that ballast was to allow the engineering department to ascertain what quantity of it could be used, the cost of preparing it for use, and then to allow the difference, whatever it was, to the contractors. That is what I did. I think I have said enough to satisfy every member of the House but one that I acted fairly in this matter. If I were again placed in a similar position, after what has taken place now, with the Chief Engineer making the recommendation which Mr. Stanley made to me, I should do exactly as I did then. I have already said that during the time I have occupied a seat in this House I have never once before been called to order or asked to withdraw words which I have used. I will draw hon. members' attention to the conduct of Mr. Lumley Hill, the junior member for Cook. I will refer first to a matter which took place outside the House, although it was not a private but a public matter, because I believe it is closely associated with the action afterwards taken in the House by the hon. member. The matter to which I refer is where he played the part of an informer against the Brisbane Newspaper Publishing Company, because they had not the name of the company outside their door, or some paltry reason of that kind. The matter went into court, where the hon. member was very properly "slated." Shortly afterwards he commenced a gross attack upon one of the most honourable men who ever lived in this town, who happened to be connected in business with one of the principal partners in that publishing company. The gentleman to whom I refer is Mr. Little, the late Crown Solicitor. You, Mr. Speaker, are acquainted with the case, because you were one of the members who sat on the select committee. A more gross, a more contemptible, attack upon an honourable man was never made; and I am sorry to say that another gentleman who occupies a seat in this House was associated with that fact to some extent. But I am glad to say that that hon. member has taken the opportunity since then to retract every word he used against Mr. Little, and to state publicly from his place in the House that he considered Mr. Little one of the most honourable men he ever knew. Mr. Lumley Hill has made no retraction or apology of any kind. I think every member in this House who knows Mr. Little, and who has a knowledge of that gentleman's character, will agree with me that a more honourable man never entered the public service. I referred to another matter when Mr. Lumley Hill attacked the hon. member for Townsville (Mr. Macrossan), and I think the action I then took was misunderstood. Mr. Lumley Hill made a gross attack on the hon. member for Townsville on mere suspicion. He had nothing to substantiate his charges against Mr. Macrossan except his own suspicions, and, of course, a man's suspicions are worth nothing unless he can support them by facts. I then referred to what took place with regard to the member for Cook respecting the payment of the expenses of members of this House, and I showed from documentary official evidence before the House that he, by deliberately false representations, had been enabled to obtain from the Treasury a greater amount than he was entitled to as expenses. To this there was no denial; there could be no denial, because it was absolutely proved. My object in stating that I will explain. Some persons supposed it was a sort of *tu quoque* argument. It was nothing of the kind. I brought forward that statement as a fact; but the statement made by Mr. Hill was based on suspicion. Would I bring forward a fact to answer his mere suspicions against Mr. Macrossan? I brought forward that circumstance because I was determined that the people outside the House who read that gross attack should also read the character of Mr. Lumley Hill. I think it has been clearly proved that Mr. Lumley Hill is not one who can be said to be absolutely without blame during the time he has occupied a seat in this House. In his attacks upon Mr. Macrossan and myself, he has always gone on suspicion; his speeches have consisted of gross accusations and imputations founded on suspicion. Did he ever suggest one reason why I should favour McSharry and O'Rourke? I never knew McSharry, and I never saw him until I went into office, and then I believe I saw him only about four times. Why should I favour McSharry and O'Rourke? There was no friendship between Mr. Macrossan and myself that should induce me to favour them. Hon. members may perhaps be able to recall some circumstances which took place a short time previously which might incline them to think that the reverse of such a friendship should exist. The award I made was made because I believed it was a fair one. With regard to the concession about the main range on the Central line, to which Mr. Lumley Hill has referred, I made that concession upon what I considered very good grounds. I declined the other day, when referring to the matter in the House, to give the name of the gentleman whom I consulted on the subject, and I do not intend to give it now. I would rather not mention it, because the gentleman referred to was not in any way connected with the Railway Department. He was a friend of my own who happened to be in Brisbane at the time. Knowing that he was an engineer, I asked him if he would come to my office and look over the papers I had before me, about one of which I had some doubt. The reason I will not mention his name is that I would not mention the name of any gentleman before Mr. Lumley Hill. I will bear all the responsibility of the matter, but as for mentioning the name of any honest man outside the House so that it can be brought up by an hon. member like that—as other names have been brought up by him—I would sooner cut my throat. I honour any gentleman or honest person outside as well as in the House, and I am always ready to support them, particularly when they do me a favour or a service. This gentleman did me a service. Because I had his

advice and his counsel, I made that award to McSharry and O'Rourke. I may state that the gentleman of whom I speak spent the greater part of the morning in the office with me—he is not in Brisbane now, I believe—and the result of my consultation with him was, as I have said, that I made that award. Now, I think it is about time I asked how long are these attacks to go on? No other member has asked that question. I appealed to you, Mr. Speaker, the other day when Mr. Lumley Hill was making gross imputations against me, in his usual style, to know whether he was in order or not. In response to my appeal you read a long extract from "May," or something equally interesting, and there was an end of it. No one else took the matter up, nor have the Government. I know the Premier was ashamed of what took place, but he sat in silence because, I believe, he was reluctant to offend the junior member for Cook. I believe the Premier would naturally desire to maintain proper order in this House. Of course, if I am wrong I will be glad to withdraw that statement. Just now I pointed out to the House the position in which I stand. A few moments ago, I used the word "liar," in reply to a statement made by Mr. Lumley Hill; I used it purposely to see if you would check me, Mr. Speaker. You did check me. I will point out to this House that, although I stand here a member against whom no accusation can be brought of ever having misbehaved myself in this House, yet when I happen to use a word like that against Mr. Lumley Hill, although it is true, I am immediately called to order. But how was Mr. Lumley Hill treated? He may get up and make accusations and imputations against the honour of men infinitely more honourable than himself, but no notice is taken of the matter. Are we to bear this for ever? I ask hon. members in this Chamber who have some manliness in them, how long is this thing to be allowed to go on? I am quite prepared, if anyone thinks there is any occasion for it, that a motion for my impeachment should be made against me; but I am only prepared to be treated as a man and not as a dog. I will not put up with the hon. member making these imputations day after day in the way he has done. What will be the result of this, sir?

Mr. LUMLEY HILL: Dynamite!

The HON. J. M. MACROSSAN: Show you in your true colours.

Mr. NORTON: I have a temper, sir, and that temper I sometimes lose. What would be the result if I were to lose my temper outside this Chamber with Mr. Lumley Hill? Am I to be subjected to the pains and penalties of this House for misbehaviour? Am I to bear the blame when he continuously brings forward such gross imputations? Now let me speak plainly, and I hope you will excuse me, Mr. Speaker, if I speak too plainly to you, occupying your present position. I say, distinctly, it was, in my opinion, your duty to stop Mr. Hill when he made those gross imputations—imputations so gross that they should be followed by some member moving a distinct motion. I say, sir, it is the business of the Speaker to maintain order in this House, and maintain such order that the proceedings of this House are not likely to lead to disorder outside. And I further say that members on both sides of the House, as well as yourself, are bound to see that the proceedings are conducted in such a manner that no possible evil consequences are likely to arise from them afterwards. Now, I just wish the House to understand me. I do not mean to say that I for one moment contemplate any action that may be condemned either inside or outside the House, but I remind hon. members that I am subject to the same infirmities as others, and although I have great control over my temper I do not always keep it. There have been times when I have lost it, and when I exceedingly regretted having done so; I do not want one of those times to occur again. It is a disgrace to this House that I should have to use this language to-day, and it would be a greater disgrace, if possible, for myself or anyone else who may be attacked as I and Mr. Macrossan have been to have to resort outside the House to such means as would serve the hon. member, Mr. Hill, very well right. Now, sir, I ask you and every hon. member of this House who has a spark of manliness about him, to put a stop to this once and for all. So far as I am concerned, if any explanation is required of my conduct during the time I was a Minister—I go further, and say if any explanation is required of anything I have done during the time I have been a member of this House—I am quite prepared to give it; but I say let the matter be brought plainly forward and not by imputation. Let a charge be made, and I am prepared to meet it.

The PREMIER said: Mr. Speaker,—I regret very much to have heard the latter part of the hon. member's speech. I think it would have been much more in accord with his dignity if he had confined himself to the first part of his remarks and the subject brought forward by the hon. member for Cook. I never heard anything I more regretted than the speech the hon. member has just made—for his own sake. I think it is an extremely inconvenient and undesirable thing to be continually attacking an ex-Minister of the Crown under cover of a motion for adjournment, but the hon. member must bear in mind that it is in accordance with the forms of the House. Ministers are supposed to be responsible for their actions, but that responsibility practically is limited to being turned out of office. But ex-Ministers are always liable to have their acts commented upon, and I do not think anyone is entitled to object to that. For some time after I ceased to be in office the last time I was subjected to some very unfair imputations, mostly from the Treasury benches, but I never objected to their being made and answered them warmly—but not more warmly, I think, than the occasion deserved. But I did not complain that anything I did when in office was commented upon in the House. I think we have heard about enough of this—I mean of these papers, or minutes, and the attacks upon the hon. member for Port Curtis; but the hon. member, I think, has lost sight of what seems to me to be the real gravamen of the matter, and that is, that in both instances in which he did not act on the recommendation of the Engineer-in-Chief that action was taken when the Ministry of which he was a member were virtually dead. That is the only point in the case that seems to me to amount to anything at all. If these things had taken place in the ordinary course of administration by a living Government nobody would have said anything. I call attention to that, not because I desire to suggest that the hon. gentleman did wrong in any way whatever. I believe he did what he believed to be right; but I call attention to that fact, because it is not desirable that Governments in that position should do such things. The ordinary rule in such circumstances is that Ministers do absolutely nothing except that which is necessary to keep the machinery of government going. They should do no act that their successors cannot reverse, and no administrative act except those of mere detail. As the hon. member was not in office more than a few

months he possibly was not aware of that rule; if he had known of its existence these matters probably would not have arisen. I daresay he thought he was perfectly right in doing this, not knowing the recognised rule on the subject. I certainly hope that we shall hear no more of it. For my part I entirely acquit the hon. member of any intention of doing anything wrong. I will not even express an opinion as to whether he was wrong in making the concessions he did. I do not know enough about the matter; but the mistake he made was in dealing with those matters at a time when they would have been much more wisely left to his successor.

The HON. J. M. MACROSSAN said: Mr. Speaker,—The hon. gentleman says he fully acquits the hon. member for Port Curtis of having intended to do anything wrong, but why does he sit quietly by and allow his supporter to impute the very grossest wrong to the hon. member? Has the hon. member not used the word "fraud" during his speech this afternoon as well as on former occasions? I almost think that the hon. gentleman himself is afraid of the scurvy tongue of the hon. member for Cook. I do not agree with the Premier as to the latter part of the speech of the hon. member for Port Curtis. I think that is the most manly part of it. It shows that he is a man as well as a member of Parliament, and I say that these attacks cannot be allowed to go on as they have been going on. If they do they will have to be taken notice of in some way or other. The hon. member for Cook, in his attack upon the hon. member for Port Curtis, has referred to what is going on at present in New South Wales, where an ex-Minister for Works is now accused of fraud. But why does the hon. member not try the same thing here? Why does he not try it in this House? It is now two months since the session began, but he has never asked for a committee to inquire into these matters. No; he prefers day after day to go on hurling these imputations of fraud with impunity, knowing, no matter what answer is made, the answer will never be sufficient to prevent him making the same charges over and over again. It is most cowardly to do so. And he must remember that, although there is an ex-Minister for Works in New South Wales accused before a court of justice of fraud, the House down there has a means of dealing with members like the hon. member for Cook. They have the courage of their convictions down south, and are not afraid to act as men as well as members of Parliament. I dare the hon. member to say outside the House what he has said against me—and I am quite sure the hon. member for Port Curtis will say the same—and he will not escape without having to pay for it at least. We will not have to appeal to you, Mr. Speaker, on the matter, that is certain. The hon. member has not the courage of a man; he has the courage of a member of this House, hiding himself behind privileges which every member can make use of to make gross imputations against hon. members of this House. I ask the head of the Government to stop this going on. He can do it if he pleases. I ask you, Mr. Speaker, when you hear the hon. gent—I will not say "gentleman"—when you hear the hon. member making imputations of fraud under cover of a motion of adjournment, to stop him, and I believe you are perfectly justified in stopping him. Although a member has the right of traversing the whole country under a motion for adjournment, he has no right to impute fraud and improper motives to other members, and I hope it will not be done in future. Otherwise what the hon. member for Port Curtis has foreshadowed will certainly take place.

The MINISTER FOR WORKS said: Mr. Speaker,—I am inclined to think that the hon. member for Townsville (Mr. Macrossan) is at the bottom of all this.

The HON. J. M. MACROSSAN: I think you are at the bottom of the whole affair.

The MINISTER FOR WORKS: It will be in the recollection of hon. members that the session before last the hon. member for Townsville made it his business to travel along the Brisbane Valley Branch Railway to rake up charges against the Chief Engineer about the construction of that line. Whether he did it in the interest of O'Rourke and McSharry or not I do not know, but I am of the opinion that the hon. member is at the bottom of the whole of this row that has taken place. He accused the Chief Engineer of being incompetent, and endeavoured to make out the best case he could for O'Rourke and McSharry; hence those claims sent in by that firm for a large amount. And the hon. member was not content with that, but he went to Mount Perry, and attacked the district engineer, saying that he was incompetent to discharge the duties of his office.

The HON. J. M. MACROSSAN: The hon. member has stated what is not true. I attacked the district engineer in this House, not at Mount Perry. All I have done in regard to engineers or to this case has been done in this House openly, and I am quite prepared to prove what I said upon that occasion—that the district engineer was utterly unfit for his work.

The MINISTER FOR WORKS: At any rate the hon. member was on the track in the interests of O'Rourke and McSharry, and out of that attack all these matters have arisen.

The HON. J. M. MACROSSAN: No!

The MINISTER FOR WORKS: My name has been dragged into this discussion, and I am not inclined to look so leniently on the actions of the hon. member for Port Curtis, who certainly acted with a high hand in accepting ballast which the hon. member for Townsville himself had condemned. At all events, the country has had to pay. As for me encouraging the hon. member for Cook to rake up these matters, I deny it. Of course, he had access to the documents in the Railway Department as well as any other member; but the hon. member for Cook never asked me for any information. If he or any other hon. member asked to be allowed to look at any public documents in the office, free access would be given. If I am not mistaken the hon. member for Port Curtis occasionally goes to the office to inspect public documents.

Mr. NORTON: Hear, hear!

The MINISTER FOR WORKS: I think any hon. member has a right to have the fullest information possible in connection with the public business. The subject has been pretty well thrashed out; but the hon. member for Port Curtis is himself to blame, for he stated clearly and distinctly that he never authorised or pressed the Chief Engineer to take this ballast, which was characterised by the hon. member for Townsville as "a heap of muck."

Mr. NORTON: I say I never did.

The MINISTER FOR WORKS: The hon. member for Port Curtis distinctly denied that he ordered the Chief Engineer to take over this ballast, and I think that under the circumstance the hon. member for Cook only wanted to put himself right, and that the hon. members for Townsville and Port Curtis brought this trouble chiefly upon themselves.

Mr. NORTON said: In explanation, I would like to say a few words in regard to what fell from the Premier. He seemed to think I was to blame for having interfered with these matters, when, as he expressed it, the Government of the day was dead. I was in this position: Two or three contractors had complained to me on different occasions of the treatment they had received at the hands of the Chief Engineers. Whether they were justified in making those complaints or not I do not know, but on those occasions I informed them that if at any time they had difficulties with the engineers and I could help to settle these difficulties, I would be glad to do so. In this particular case of the ballast, the contractor never spoke to me about it at all. Mr. Stanley had been up the line, and when he came back from his inspection he made his report, and then it was that the interview took place between me and Mr. Stanley. I was bound under the circumstances to pass the ballast. The contract on the Central line was completed. The contractor was here, and his men were here. He was waiting to have his contract wound up. Certainly there was a prospect of the Ministry going out. They had not met the House, but there was every chance of their being defeated. The men were simply waiting for their money, and I did not feel justified in delaying the settlement of the matter. I did not know who was likely to succeed me, but I do know that it is a very inconvenient thing for an hon. member to come into office not knowing the ropes, and having to deal with an important question the moment he comes in. When the contractors were here and everything was waiting, I felt justified, and I still think I was justified, in winding up the matter, seeing that the whole of the circumstances had taken place while I was in office or previous to the time I was in office.

Mr. BLACK said: Mr. Speaker,—I think the time has arrived when this sort of attack should be brought to an end. And I may safely say, from the indifference with which the frequent attacks are received by both sides of the House, that the hon. member for Cook does not receive that sympathy he possibly thought he might. These constant and uncalled-for attacks upon ex-Ministers—after all, what do they amount to? According to the utterances of the Minister for Works on the other side, and those of ex-Ministers for Works on this side, there is a difference of opinion about some ballast. But that is a matter for which I do not think any Minister or ex-Minister should be held seriously accountable. The hon. member for Cook, however, seems to impute personal dishonesty in these attacks, and to that this House should object. I do not think there is one member of this House, other than the hon. member who made the attack, that will endorse the statement that either of the two ex-Ministers, the hon. member for Port Curtis or the hon. member for Townsville, is guilty of any personal dishonesty in this matter. But that is what these constant attacks lead to, and that is what irritates this side of the House. The business of the country has actually been detained on several occasions by these attacks, which have fallen extremely flat, for the hon. member received no sympathy either from his own side of the House or from this. The Premier does not in any way endorse what is at the bottom of this charge, that is, personal dishonesty against those ex-Ministers; and I think the time has arrived when this sort of thing should stop. It makes the position of Minister of the Crown untenable, for I cannot imagine any hon. gentleman accepting office with the expectation of being subjected to uncalled-for, unnecessary, and wanton attacks after they have left office. I should be very sorry to impugn any Minister of the Crown at any future time for anything that they have done. I believe that any members of this House, if they should be called upon to take office at any time, would do so with a determination to act with integrity and in the interests of the welfare and honour of the country. I think it is despicable—the word "despicable" does not sufficiently represent what I should like to say upon this occasion—but I say that "despicable" is a proper term to be applied to an hon. member who persists in these incessant attacks. The hon. member, to use his own words, said "it was in the interests of the honour and purity of this House."

Mr. LUMLEY HILL: Hear, hear!

Mr. BLACK: Why, any hon. member in this House, who saw the dis-honourable member shivering with personal vindictiveness and animosity, must have seen that it was not the personal honour and integrity of this House that he had in view; but that it was personal animosity, spite, venom, and vindictiveness that actuated the hon. junior member for Cook. I think the time has arrived when it should be shown that this sort of miserable, paltry attacks, which cannot be substantiated in any way by anything the hon. member has brought before the House, receives no sympathy from any hon. member on either side of the House. I think the hon. member disgraces the position that he occupies in this House, and he certainly disgraces the constituency that returned him.

Mr. JORDAN said: Mr. Speaker,—I do not think the hon. member for Cook has enlisted the sympathy of any members either on this side of the House or the other.

HONOURABLE MEMBERS of the Opposition: Hear, hear!

Mr. JORDAN: I have listened to all his statements, and I am prepared to admit that he thinks he has discovered a mare's nest, and that he has not done anything in a spirit of vindictiveness. I give him credit for sincerity, but still I think he has taken an altogether diseased view of the whole question. I think he has got the notion that there was something wrong; but after having listened to the explanation of the hon. member for Townsville in his defence some time ago, I think every member of the House is satisfied. I listened to it with great attention, and was fully content with it, and several hon. members on this side—notably, the hon. junior member for North Brisbane—expressed their entire satisfaction with the explanation that had been given. I am sure that, so far as I am concerned, nothing that the hon. member for Cook has said has shaken my satisfaction with the explanation that was so carefully given by the hon. member for Townsville. I perfectly sympathise with the hon. leader of the Opposition, and I do not think with the Premier that the hon. gentleman said too much, because if it had been my case I should have repeated the latter part of the speech with perhaps more warmth than the hon. member did, as his own personal character was attacked. It had not been attacked once or twice, but three times—seriously and gravely attacked. His honour and integrity and honesty were distinctly called into question by the assertions of the hon. member for Cook. The integrity and honour of every member of this House should be dear to every one of us, and I believe it is. Sir, if the hon. member for Cook had made out a case against either the hon. member for Townsville or the leader of the Opposition, I should think those hon. members themselves would have called for a select committee of this

House to inquire into the whole case from beginning to end. But, as the hon. member for Mackay has just said, those charges met with no sympathy from either side of the House. They were treated lightly, and not considered of sufficient gravity to justify any such proceedings, and therefore it was not necessary for them to ask for a select committee to inquire into the matter. I hope for the sake of peace, and for the sake of the honour of this House, that the hon. member for Cook will let the matter rest here. He has ventilated what he considered to be something wrong. He has searched the thing to the very bottom; he has gone to the Works Department and examined all the documents available; he has read them in this House, and commented upon them very severely indeed. But I do not think he has altered the opinion of a single member in the House on the subject; and I believe that the honour and integrity of the late Minister for Works (Hon. J. M. Macrossan) stands as high as it did before the hon. member for Cook made these attacks upon him. I was very pleased indeed to hear the Premier say that he did not attach the slightest idea of anything wrong to the conduct of the late Minister for Works (Mr. Norton) when he passed that ballast. He believed that he did what he thought right. We must give the hon. member credit for being a man of common sense and a business man—and he thought he was doing right. If we are satisfied upon that point, what need is there of any further wrangling on the subject? I do think the House should set its face strongly against any repetition of these contemptible attacks.

HONOURABLE MEMBERS of the Opposition: Hear, hear!

Mr. FOOTE said: Mr. Speaker,—I should not have risen to speak upon this matter had it not been for the remarks made by the last speaker. I should be sorry for it to go forth to the public that the opinion of the last speaker was, at any rate, my opinion, even if it is the opinion of the majority of those who sit upon the same side of the House. We cannot all agree; it is not likely that we could. Even with a jury sitting in a court, who have heard the evidence, one man's opinion is one thing and another man's is another. Sometimes, Mr. Speaker, we hear of juries disagreeing, and they have to be discharged in consequence, and another jury empanelled. It is quite clear that in this case someone thought that something was wrongly done. According to the opinion of the Premier, the hon. gentleman's action in reference to the ballast, just as his Ministry was leaving office, was not in the usual form or according to the usual practice. I am quite satisfied that no member of this House will charge the hon. the leader of the Opposition with having done anything wrong. It is very possible that he may have acted inadvisedly, but I certainly cannot say, with some hon. members, that the hon. gentleman who has brought this matter forward from time to time is actuated by any feelings of malice or hatred or contempt for these ex-Ministers of Works. The hon. member is one of those who, if he finds out anything that he thinks to be wrong and that the public ought to know, will probe it to the bottom; and he has the courage to bring the matter before the House, so that the outside public shall know what takes place as well as hon. members. I certainly think, Mr. Speaker, that if the hon. member for Cook did think there was something wrong, and that it ought to be investigated, and that the House and the country ought to have a fuller knowledge of it than they have, his best plan would have been to have moved for a committee to inquire into the matter; that committee would have brought up a report, and no doubt that would have put an end to the matter. It is simply an error of judgment. One man takes one way of doing a thing and another man takes another way; but I certainly should not have adopted the course taken by the hon. member for Cook; I should have moved for a committee. It is quite clear that we do not all view the question alike, and it is not because every hon. member of this House does not say something upon the motion that they accept the dictum of hon. gentlemen opposite, or the contrary; nothing of the sort. This is a very unpleasant matter, and very few hon. members like to interfere in a matter of this sort. I do not myself, and, as I before stated, I should not have done so had it not been for the speech made by the hon. member for South Brisbane. I feel that there is something yet which we ought to know. I do not say that it shows that there has been anything dishonest, or anything of that sort. I do not wish to impute motives to either the late Ministers or to the hon. member who brought this matter forward; but I say that now he has gone so far, notwithstanding what hon. gentlemen may have said or felt—and no doubt some heated expressions have been made in reference to the hon. member this afternoon—notwithstanding all that, if I were the hon. member I should move for a select committee to inquire into the matter, and bring up a report to this House. I have no doubt the House would grant the hon. member the committee if he asked for it.

Mr. LUMLEY HILL, in reply, said: Mr. Speaker,—To begin with what fell first from the member for Port Curtis, that this story of Mr. Stanley's was untrue—that it was untrue that Mr. Stanley ever said so to me—I am not likely to be able to invent that kind of thing. Mr. Stanley did say to me in his office what I have stated, and it will be easy for this House to certify whether my memory is so inaccurate as all that. I do not say that I have quoted the exact words he used, but he made use of words to that effect to me on the second day after the hon. gentleman replied on the last occasion. I went to him on the Saturday, the day but one after the hon. gentleman made his explanation, to get the correspondence which I knew was in his office. I thought I had better get it in the printed form, and on reading it again I was struck with the ambiguity of his recommendation, and asked him the reason for it, and that was the explanation he gave. It will be very easy for this House to ascertain whether that is correct, as Mr. Stanley can be called to the bar of the House, I suppose, or any other step can be taken. With regard to the bearings of the whole matter, I say distinctly that the hon. member for Townsville is at the bottom of the whole of it. The Minister for Works was quite right in what he said on that point. It began, as hon. members will remember, upon the sworn evidence taken in the Supreme Court, and on which judgment was given by the Chief Justice, and which the hon. member for Townsville himself moved the adjournment of the House to take exception to. I, in the meantime, made inquiries to see if this charge and the evidence given were or were not groundless, and I got out certain facts, which I followed up with considerable trouble in investigating the papers in the Works Office. It has been a very disagreeable duty to me. I never at the beginning charged the hon. member for Port Curtis with anything more than negligence and incompetence, and with allowing himself to be made a dupe and fool of, and I really think he did show a most intolerable amount of neglect and incompetence. I say again that this has been a most painful task for

me to undertake. I have no malice against the hon. member for Townsville; for what reason should I have any malice against him? The only grudge I might have against him is that I was fooled into supporting him for three years.

Mr. NORTON: Did you ever hear of Uriah Heep?

Mr. LUMLEY HILL: Yes, and of Pecksniff too. I could have no possible personal grudge or animosity against the hon. member. The only grudge I could have would be a public grudge.

The HON. J. M. MACROSSAN: You never supported me.

Mr. LUMLEY HILL: I supported the Ministry of which you were a member, for three years.

The HON. J. M. MACROSSAN: You supported your own interests.

Mr. LUMLEY HILL: Not in supporting you. I have never been accused of furthering my own interests in my position as a member of this House. The interests of the whole colony are mine, and I look after the interests of the whole colony. I look upon myself as a custodian of the public purse, and when I find that is being interfered with I will expose the people who do it as far as I possibly can. I am not going to be deterred, either, by any threats as to what will happen to me outside the House. Whether I am going to be blown up by dynamite, knocked on the head, or have my head punched, as was done the other day to a member of the New South Wales Assembly, behind the Speaker's chair, I do not know, but it is a matter of perfect indifference to me. Notwithstanding all that, I am not going to lose my temper over it, nor am I going to be deterred from saying all I have to say. In instituting these investigations I have done it in the best way I could and as quickly as I could get the papers. I have been desirous either of sheeting the charges right home, believing that fraud was perpetrated and that negligence has accompanied it—since the suspicion was raised up in the public mind, and in my own mind—or of finding out whether such information could be brought forward here, and such evidence given, as would rebut and dispel the belief and suspicion of fraud and neglect. If that had been the case I should have been very glad to apologise for having made any charges of this kind. The hon. member for Port Curtis rakes up all my previous indiscretions about the *Courier* informing case, as if two blacks would make a white. Why, if I was the greatest pariah possible, what would it be to him? What does it matter to him what I am, if he cannot disprove these charges? So far as the *Courier* business went, I am not ashamed of what I did in the matter. If people make laws they ought to see that they are carried out; and if I saw a man robbing another in the street I would certainly give information about it. As far as regards the case of the Crown Solicitor, I never attacked him at all; I simply attacked the indecent position he was occupying, being at the same time Crown Solicitor and enjoying the right of private practice. That was what I objected to, and though the committee of inquiry brought up a milk-and-watery, whitewashed sort of report, the result of my action was that my object was attained, and Mr. Little had to give up the position immediately afterwards.

Mr. HAMILTON: Not on that account.

Mr. LUMLEY HILL: The attention of the House was drawn to the indecency of the dual position, and then the situation became intolerable for any man to hold. So far as the business of my drawing too much pay is concerned—I simply answer these things because they are brought forward—I simply applied for pay as a country member, and I did not apply for any travelling expenses, as some members on the other side have misunderstood.

Mr. NORTON: You said you usually resided on the station.

Mr. LUMLEY HILL: I did not. I said I did not know where I resided, and that was one of my places of residence.

Mr. NORTON: You said that was your usual place of residence; that is your own statement in *Hansard*.

Mr. LUMLEY HILL: It is not. I said it was the only place of residence I had, and I only resided there for a fortnight,

HONOURABLE MEMBERS of the Opposition: Refund the money!

Mr. LUMLEY HILL: Refund the money! As you are all aware, I have given the money to charitable institutions in my district. I appeared at that time as a country member, representing a country constituency—the Cook—and I had a perfect right, as the regulation was then, to be paid the amount I drew. I drew nothing more than I ought to have done—not a shilling.

Mr. NORTON: You drew more than other country members.

Mr. LUMLEY HILL: I beg the hon. member's pardon; I think he will find he is mistaken. I am not quite so discourteous to him as he is to me; I think he will find that is a mistake. However, it is a paltry thing to have to discuss at all; because I felt that the whole thing at that time simply had to be treated as conscience-money, and it was divided amongst the hospitals and schools of arts of the district I represent; so it does not matter much whether the amount was too much or too little. With regard to the advisability of referring this matter to a select committee, as was suggested by the hon. member for Bundanba, I do not like a select committee myself; I have had some experience of it, and it renders my position in the business an ambiguous one. I do not like to be the man who is, as it were, bringing the charges and sitting in judgment too. I have expressed that point of view before in the different debates that have taken place on this subject. I certainly have no wish to accept the challenge of the hon. member for Townsville to say this outside and stand a powerful action for libel. I consider I am sufficiently discharging my duty to the country by exposing these frauds to the House, without finding food for the lawyers outside. I think myself—I am sorry I do think so—that there is enough matter for the Crown law officers to take in hand, and, as in New South Wales, give the hon. members an opportunity of vindicating their characters in the police court or some other court. I must again express my sorrow and regret that the House should not accept this exposition of mine in the spirit in which it is intended, and will persist in attributing to me motives of malice. I have not the slightest interest in it in any way beyond seeing that the public purse is protected. If wrong has been done in the past—and no doubt it has been done ever since the beginning of the world—the only way to keep people tolerably right in the future is to expose corruption and wrong in the past. I am very sorry it should have fallen to my lot to do it, and if anyone else would have undertaken the business I should have been thoroughly delighted. But knowing what I did, finding out what I did, and seeing in the papers—for, mind, everything I have brought forward here has been substantiated by official documents with the hon. member's

own writing on—seeing that, I felt I could not retain my place in this House and not express my views of the whole business. I withdraw the motion.

Mr. HAMILTON said: Well, Mr. Speaker, I think that the action of my colleague, Mr. Hill, the member for Cook, is about the best certificate of character that could be given to those gentlemen whom he has attempted to malign—the member for Port Curtis and the member for Townsville. During his election, and subsequently——

The PREMIER: Mr. Speaker,—I rise to a point of order. Is it in order, after a member has spoken in reply on a motion, and is precluded from speaking further, for another member to rise and attack him?

Mr. HAMILTON: I object to the withdrawal of the motion. The Premier has done it himself.

The SPEAKER: It is not the ordinary practice in the House of Commons, after a member has replied, to reopen the discussion, but it is a practice which has been followed in this House.

Mr. HAMILTON: By the Premier himself.

The SPEAKER: Of course, the House will see the inconvenience of it, because, if new matter were introduced by subsequent speakers, the mover of the adjournment would have no right to reply. The practice of this House having been as I have said, it would hardly be right for me to lay down an arbitrary rule now and prevent further discussion.

The HON. J. M. MACROSSAN: When any new matter has been introduced by a member speaking after the member who made the motion, the House has always been quite willing to allow that member to reply.

The PREMIER: That is why it is so inconvenient to do it.

The HON. J. M. MACROSSAN: It is not a right thing to do, but it has been the practice in this House ever since I have been a member.

Mr. HAMILTON: I consider the member for Cook has given a certificate of character of those two hon. gentlemen, Messrs. Norton and Macrossan, whom he has attempted to malign; because during his election and subsequently I recollect that on numerous occasions he publicly said that it was his intention, if he got into the House, to rake out those musty old pigeon-holes and prove the dishonesty of the late Ministry which he so long supported. He has since admitted that during the time he has been in this House his whole energies have been employed in attempting to do so. And what has it resulted in? In a few paltry, unfounded charges—which have been satisfactorily answered—about a few tons of stone ballast. But, at the same time, I consider it a disgrace to this House, as well as to the hon. member himself, that these imputations should be so constantly levelled against other hon. members on such insufficient grounds. The Premier attempted to defend the conduct of that gentleman, but how would he like it if members on this side made similar imputations against himself on similar untenable grounds, but which could be made appear just as plausible as these, and more so? How would the hon. Colonial Treasurer like insinuations made that he purchased the land held by him on the turn-off of the railway from Sandgate to Gympie because he knew it was the intention of the Government, of which he is a member, to make the railway towards Gympie turn off at that point? How would the hon. the Premier like it said that the recommendation of Sir John Coode, of a crossing at Townsville, was not taken, because by doing so that property of his would not be so largely increased in value as it is by having the bridge where it is now being put? I would not attempt to make these imputations; I believe they would be groundless; but I wish to point out that it is just as disgraceful that Mr. Hill should make these imputations on just as little foundation as it would be for members on this side to make the imputations I have suggested. Mr. Hill states that frauds have been committed. What is his evidence? He has been challenged to make these statements outside the House, but he refuses to do so on the pretext that action would be taken against him for libel. I can promise him that if he will repeat the statements outside, neither the hon. member for Townsville nor the hon. member for Port Curtis will take action against him for libel. But it is well known that there is no quieter man than Mr. Lumley Hill outside the House; there is no man who has a greater regard for his skin or for his pocket. What is the charge he has made? The charge is that certain ballast supplied by the contractors was condemned by the Chief Engineer, and that an allowance was subsequently made for it. The hon. member for Port Curtis has explained that this was done on the representation of Mr. Stanley. Mr. Hill asserts this to be untrue—that the Chief Engineer told him that the hon. member for Port Curtis forced him to say that this ballast ought to be allowed for. I for one, Mr. Speaker, would be very sorry to take Mr. Hill's evidence in such a matter when I recollect his history in this House. This is not the first time he has made similar statements, which have been proved to be utterly untrue. I remember when he made gross charges against Messrs. Browne and Little, the Crown Solicitors, which he said he did on the authority of his own lawyer. What did his lawyer say to that? I will read his indignant, emphatic denial of the truth of Mr. Hill's statement.

Mr. W. BROOKES: I rise to a point of order, Mr. Speaker. I submit that the case of the former Crown Solicitor is altogether foreign to the present debate.

The SPEAKER: The question before the House is, that this House do now adjourn; and on that question the hon. member is at liberty to speak on any question he likes.

Mr. HAMILTON: Those charges, Mr. Hill said, were made on the authority of his own lawyer; and here is his own lawyer's indignant denial:—

"'AN UNQUALIFIED DENIAL.'

"To the Editor.—Sir,—I see in the *Hansard* of Tuesday last, that Mr. Hill, the member for Gregory, when the Estimates for the Crown Solicitor's Department were under consideration, after complaining of some hindrance to the transaction of business he had received through the Crown Solicitor, is reported to have said, that he asked his solicitor why it was done, and he said, 'Oh, it is done to get business for themselves' (meaning, I presume, the firm of Little and Browne, of which Mr. Little was a member). As I was Mr. Hill's attorney at the time, and remember the circumstances causing the alleged hindrance, I distinctly deny having ever said anything of the kind to Mr. Hill, or anything which could receive such an interpretation. In justice to Mr. Little, and in the interests of truth, I send you this communication.

"Yours, etc.,

"DANIEL F. ROBERTS.

"September 24, 1880."

After that evidence, I should be very sorry to believe any statement tendered by Mr. Hill against the character of any man. Surprise has been expressed that the hon. member should be so unceasing in his attacks upon Mr. Norton. I shall explain the reason. After Mr. Hill made those serious charges against the Crown Solicitor a select committee was appointed to inquire into them, and of that committee Mr. Norton

was the chairman. That committee decided unanimously that the statements made by Mr. Hill were utterly untrue; and the House endorsed the report of the committee by one of the largest majorities that has ever been recorded.

Motion, by leave, withdrawn.

Mr. HAMILTON called attention to the state of the House.

Quorum formed.

HEALTH ACT AMENDMENT BILL.

On the motion of the PREMIER, the House went into Committee of the Whole to consider the desirableness of introducing a Bill to amend the Health Act of 1884.

The PREMIER, in moving that it is desirable that a Bill be introduced to amend the Health Act of 1884, said it would be convenient that he should say a word or two as to the object of the Bill. The Government proposed to repeal so much of the Health Act as provided for an endowment on the general health rate; and provision was made for the levying of a special rate to be called the "cleansing rate." It was proposed that half the endowment in respect of this year's rates should be paid to the local authorities in January next. Advantage was also taken to introduce some provisions relating to the inspection of dairies, which were omitted from the principal Act. It was well known that in many cases disease had been propagated by the agency of milk, and it was desirable that there should be some such inspection as the Bill provided.

Question put and passed.

The House resumed; the CHAIRMAN reported the resolution.

The resolution was adopted. The Bill was introduced, read a first time, and the second reading made an Order of the Day for to-morrow.

ELECTIONS TRIBUNAL BILL — CONSIDERATION OF REPORT FROM THE CLERK OF THE PARLIAMENTS.

On the motion of the PREMIER, the House went into Committee of the Whole to consider a report on this Bill from the Clerk of the Parliaments.

The PREMIER said it would be remembered that the previous week when in committee on that Bill he called attention to the fact that there was a clerical error in clause 36, which could only be remedied by a report from the Clerk of Parliaments under the provisions of the Standing Orders. In looking at clause 36 it would be seen that, although there could be no misunderstanding the meaning of the section, still the word "candidates" was not the most accurate one that could be used for that purpose. The clause read that "two or more candidates may be made respondents to the same petition." Of course candidates could only become respondents when they became sitting members. He therefore moved that the word "candidates" be omitted with the view of inserting the words "sitting members returned at the same election for the same district."

Amendment put and passed.

On the motion of the PREMIER, the CHAIRMAN left the chair, and reported to the House that the Committee had made a further amendment in the 36th clause of the Bill.

The report was adopted.

On the motion of the PREMIER, the Bill was ordered to be transmitted to the Legislative Council, with a message inviting their concurrence in the amendment.

WATER BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—I believe it is the general wish that the second reading of this Bill should be moved during the present session, whether the House proceeds further with it or not. For my own part I shall be glad if there should be time during the session to deal with the subject. Opinions differ, I believe, as to the basis upon which we should approach the subject. In Victoria at the present time there is a measure before Parliament which attempts to deal with many matters not attempted to be dealt with in the Bill the second reading of which I now rise to move. The principles on which the Government propose to deal with the question are: first of all, that it is necessary that we should know exactly what the law is with respect to water—the natural water and the rainfall of the country—and the courses in which it flows; and secondly, that we should determine what is the best way of dealing with the water, intercepting it, storing it, and otherwise distributing it. We do not propose to go into details as to what is the best kind of works to erect in a particular district, or what is the best means to adopt to establish a system of irrigation, but as to what is the best general scheme to be laid down for managing the water of the colony. The two subjects I have mentioned are those which the Government have attempted to deal with in this Bill. Of course, added to them are necessary subsidiary ones, such as the special powers to be given to water authorities, when constituted, for the purpose of acquiring land and storing water, and protecting it from injury; also their rights with respect to the distribution of it, and to obtaining payment for the water they supply. All these are subsidiary matters. The first question to be dealt with in this country is to determine what are the rights to natural water. As I explained briefly, when I moved in committee that it was desirable that this Bill should be introduced, we are at the present time supposed to be governed by the laws of England in this matter, and these are almost entirely rules of the common law; that is, rules laid down from time to time by the judges as being the embodiment of common sense, as applicable to the country in which the rules were laid down. But a rule may be the embodiment of common sense in Great Britain, and be absolute nonsense in Queensland. On the other hand, there are some places in Queensland, perhaps, so much like Great Britain, that there might be very little difficulty in applying the rules; but, for the most part, all over the interior the rules of common law applicable in Great Britain are not at all applicable; and although no great trouble has arisen up to the present time in Queensland, yet there is danger of very serious trouble arising from that source. I do not think it necessary to explain in detail the rules of the common law here. I may point out, however, that the first three paragraphs of section 15 of this Bill contain, with tolerable accuracy, the principal rules relating to watercourses at present in force in this colony—that is to say, the principal rules of the common law. These rules are also almost identical with the provisions of section 640 of the Civil Code of France, and I think they will commend themselves as being very convenient rules under certain circumstances. Section 15 provides that when a watercourse passes through the lands of more proprietors than one, the following rules shall have effect:—

"The land on the lower part of the watercourse is liable to receive all water which naturally and without any artificial aid or interference flows over it from the higher part of the watercourse."

That is a burden imposed in England.

"The proprietor of the lower land is not entitled to obstruct such flow to the prejudice of the proprietor of the higher land."

And—

"The proprietor of the higher land is not entitled to do anything which may increase the flow of water over the lower land beyond the natural flow."

Now, these rules are well enough so far as they go, and I think no objection can be taken to them. They, however, are very far from exhausting all cases here, and to them has been added in England the rule that the proprietor of the higher land is not entitled to do anything to intercept the natural flow of water to the lower land. If a rule of that kind were adopted in this colony the making of dams or other works for the storage of water would be rendered impracticable—in fact, quite impossible. The first step to arrive at is a definition distinguishing between watercourses to which these rules are applicable, and the many other watercourses which exist and which are of entirely different character. It seems convenient, therefore, to divide water courses into two classes: first, to use the term used in the Civil Code of France, the watercourses which are and should be part of "the public domain," which we propose to call "the property of the Crown"; and, secondly, the watercourses which really are attributes or part of the properties through which they run, and which might in the circumstances of the colony be properly considered to be parts of them. If you consider the character of the watercourses in the interior, the distinction between the two classes becomes at once very apparent. Well, then the first step is to distinguish between the two classes—what shall be main watercourses, the right to which shall belong to the public, and what shall be considered to be minor watercourses belonging to individuals. Hon. members will find the attempted definition in section 5; and I propose briefly to explain the reasons which have induced the Government to adopt these particular definitions and not any others. I have no doubt that every superficial critic will at once say, "This part of the definition is wrong; something else would have been better." I have no doubt that the definitions are capable of improvement, but before altering them I shall hope to receive criticism from members who are personally acquainted with the particular kinds of watercourses to which these definitions are intended to be applied. I do not expect I shall get any superficial criticism in this House, but I have seen a great deal of it outside—criticism apparently written by persons who have not the remotest idea of the circumstances under which this Bill is intended to be made applicable. There are members in this House who are as well acquainted with the subject as anyone could be; there are members here who are personally familiar with every kind of watercourse to be found in Australia, and from them I certainly look for very valuable criticism and help in debating this Bill. Well, there are two rules laid down. The first part of clause 5 says:—

"When a watercourse discharges into the sea or into a navigable river, then that part of the watercourse in which water ordinarily flows is a main watercourse."

I do not think there will be much difficulty in accepting that definition. There are a good many rivers on the coast flowing into the sea throughout the greater part of which water ordinarily flows. Now, in all of these, considering the great value which water possesses in this country and in a climate like this, that water ought to be declared as belonging to the public domain. The running water does not fall on the property which abuts on the stream; it comes from a very considerable distance, and the advantage of declaring that water to belong to the State, and to be used for the benefit of the public at large, is self-evident. No definition of a main watercourse, applicable to this country, can be less than that. The definition of the water which belongs to the public domain in France is a navigable, or "floatable"—*flottable*—river or stream, and this definition of the Bill is very much the same. The English rule does not extend so far, but if there is any part of a watercourse here in which the water ordinarily flows, that ought certainly to be the property of the State; no individual should have the right to appropriate it. That definition will affect such rivers as the lower parts of the Brisbane, Mary, Fitzroy, and all the other streams on the coast and the large creeks running into them. The second definition is as follows:—

"When a watercourse is such that ordinarily, or after heavy or continuous rains, water flows therein for a distance exceeding *fifty* miles measured along the course of the flowing water, or for a distance exceeding *twenty-five* miles measured in a straight line from point to point, then, whether the watercourse discharges into the sea or into a navigable river or not, so much of the watercourse as is distant from the source not less than *fifty* miles measured along the course of the flowing water, or not less than *twenty-five* miles measured in a straight line from point to point, is a main watercourse."

Now, I do not know whether that can be explained in fewer words than are contained there. We know that all the streams that do not flow into the Pacific Ocean—streams which do not flow eastward—are mostly dry; but if there is heavy or continuous rain they run for hundreds of miles in considerable volume. But the greater portions of these streams are dry, and sometimes do not run for years together. Under the existing law probably these watercourses belong absolutely to the persons who happen to have possession of the runs abutting on them, but it must occur to everyone that watercourses of such enormous value ought, under the circumstances, to be considered as belonging to the public domain, just the same as watercourses running into the sea. These are main rivers, and they have tributaries which also sometimes run, but which for the most part are dry gullies, and which again have smaller ones running into them. I will start now from the other end. Take the case of the smaller creeks rising in the tablelands or mountains. Unless you allow some parts of these to belong to individuals, there can be no practical arrangements made for making dams or storing water; even considering that we propose to alter the law and make provisions applicable to what are called main watercourses, and others applicable to the watercourses running through land on which the owners or occupiers are to be allowed to catch and store water, it is necessary to draw the line between the two kinds. In every watercourse in the interior of any magnitude there is a point above which it will be proper to allow individual proprietors to store, and below which it is not desirable to allow them to do so. The only rule that can conveniently be laid down is one of distance; and, though twenty-five miles in a straight line, from point to point, is only an arbitrary distance, it is convenient in this case to lay down an arbitrary rule. Whether that is the best one or not is a matter of comparative detail. The practical result will be that the heads of watercourses for a distance of fifty miles of their course—those which are not affected by the first part of the section—will be considered to be private property. All those small creeks and tributaries will be considered the property of the individual proprietors of the lands through which they run; and those individuals will be entitled to store

the water flowing into them within that distance, which for the most part will be water falling on the land of those who endeavour to store it. Take the case of the head of the Barcoo. The Barcoo is a great river in flood-time, or after heavy rain. It would not do to say that owners of private property on the various heads of the creeks, gullies, and watercourses finding their way into the Barcoo—places where water might naturally and properly be expected to be stored—it would not do to say that they should not store water on any of those creeks, because such storage would not deprive anybody below of any of the water that would fall on his own land; and as a general rule the man who erects a dam will not be able to store any more water than falls on his own property. It will not be convenient to deny a man the use of all the water he can catch on his own run or his own land. Whether he catches it on a roof and takes it into a tank, or whether he catches it on the ground and takes it into a dam by means of drains, is of little consequence. We must admit that—though, of course, as a matter of abstract principle, it may be contended that rain is not the property of anyone any more than air—we must admit what I have just said for the purpose of dealing with this question. The result practically will be, on these minor watercourses, that the proprietors will be able to erect dams and store all the water they can catch. At a greater distance from the source the streams get larger, and after heavy rain the watercourses would really be very much like a creek which on the coast would be called water belonging to the public domain or to the State. The distance of fifty miles along the course of flowing water will, I think, indicate the character of the river or watercourse sufficiently. Some watercourses before running so far as that run out altogether. Some of the smaller tributaries which may be considered mere depressions in the ground would be excluded also. But these main watercourses which are in fact the great arteries of the water in times of rain would be put on a footing as nearly as possible similar to that of the navigable rivers on the sea-coast. The same principle applies with respect to the heads of rivers flowing into the sea. Take as an instance the head of the Brisbane River. That part of the Brisbane River where water flows ordinarily is certainly a part of the river which ought to belong to the State; that is the place from which the city of Brisbane will require to get its water before very long. But, higher up, where the water ceases to flow, the same rule is not altogether applicable. I am not quite sure, but I fancy that less then fifty miles from the source of the Brisbane River will bring you within the part of the river governed by the first part of the clause. All the waters of the Condamine below fifty miles from the head will form a main watercourse, and the smaller heads will be the property of the persons through whose lands they flow. I am not quite sure whether this definition is quite applicable in the case of the heads of the Condamine, but that is the only instance in the colony with respect to which any doubt suggests itself to me. Possibly all that part of the head of a river in which water flows ordinarily, whatever may be its distance from the source, or whether it flows into the sea or not, should be public property. I have already mentioned the Barcoo. The heads of the Flinders and the Diamantina are very much like the heads of the Barcoo. Now, in all those great rivers the water flows more than fifty miles after heavy rain or a flood; and I believe this definition may be applied to any particular river in the interior of the colony and will be found to distinguish fairly accurately—which is all we can expect in laying down a general rule—as to which parts of those rivers should belong to the country and which parts should belong to individuals. These are not the rules of common sense which are supposed to be embodied in the English laws, as we now find them, but we intend in this Bill to lay down rules of common sense applicable to Queensland, and these we have endeavoured to embody in the clause. The 3rd paragraph says that when a watercourse is formed by the union of two or more tributary watercourses, the length of the watercourse is to be measured from the source of the principal tributary watercourse; and the 4th paragraph provides that when a tributary watercourse falls into a larger watercourse, the length of the tributary watercourse is to be measured to the point of junction only, otherwise it might be suggested that it must be measured from the source of the tributary watercourse down to the main watercourse and along that, and in that way a distance of more than fifty miles could always be measured. Then it is proposed to declare by section 7 that the right to water in a main watercourse, and the right to store water therein and the right to intercept the flow of water therein and to divert water therefrom, belong to the Crown and not to any private person. Those are the definitions of rights in respect to water in main watercourses. Other parts of the Bill contain provisions as to how private persons may acquire the use of that water. Having distinguished between main and minor watercourses, it is proposed to declare that the right to the water in a minor watercourse and the right to store water therein, and the right to intercept the flow of water therein and to divert water therefrom, belong to the proprietors of the land through which the watercourse passes. Practically this will have the same effect as to declare that a man will be entitled to all the water he can catch upon his own land. It is no use putting that into an Act of Parliament and saying that a man is entitled to what he can get upon his own land. If you can lay down practicable rules, which will produce the same result, simple in their application and easy in their operation, it is better to do so. Then we propose to deal with the rights to the soil in watercourses, and provide that they should be the same as the rights to the water. At present the ownership of the soil of a watercourse, not being a navigable river, belongs to the proprietors of the lands adjoining it, and in that case also it is proposed to abolish the rule of law established in Great Britain. When a deed of grant describes a piece of land as being bounded by the bank of a river, it means the middle of the river. This rule was first established in Australia by the Privy Council in an appeal from New South Wales about the year 1840—between 1840 and 1850—the Privy Council, I think, reversed the decision of the Supreme Court of New South Wales. At any rate, they were not in accord with the opinion of Mr. Justice Dickinson, who thought that the English rule was not applicable to the colonies. However, that is the rule laid down, and the consequence is that if a man's land is described as bounded by the bank of a river, and the pegs are put in on the bank of the river, and it is measured from the bank of the river and everything is done so as to mean from the bank of the river—the law says that is all very well; but the man's boundary is the middle of the river. Of course that does not apply to a tidal or navigable river; but it applies to every other river. It is no use inquiring how that decision was arrived at. At any rate it was well argued, because Sir Roundell Palmer contended in favour of the contrary view—which was not adopted by the Privy Council.

Mr. NORTON: How long ago?

The PREMIER: Between 1840 and 1850, in the case of Lord against the City Commissioners of Sydney, in consequence of some alteration made in a watercourse. They stopped the flow of a stream which ran past some land occupied by Mr. Lord. His land was bounded by a creek, and as the Sydney Waterworks intercepted the flow of water in that creek, they intercepted the flow of water over his land—"that is the space between the bank and the middle of the creek, and he recovered damages to the extent of several thousands of pounds. That, of course, is a purely arbitrary rule. It may be applicable in England, where the origin of the division of property is lost. You cannot in England determine when, at what particular time, a tract of country intercepted by rivers was divided between the different proprietors. I suppose the rule was adopted that those proprietors were neighbours, and they divided the rivulet or stream—they do not call them creeks in England—down the middle, so that the property of one was immediately adjoining the property of another. They adopted that rule; but here, as we know perfectly well, we started from a different point of view. We started with no private property at all; nobody has any private property except under a grant from the Crown, which lays down the boundaries distinctly. It seems to be an absurd rule. It is perhaps presumptuous on my part to express dissent from a rule which is the law of the land, and has been determined to be so by the Privy Council; but there is a certain amount of satisfaction in knowing that an eminent judge in New South Wales did not think it could be made applicable to that colony, and some of the leading counsel in England were of the same opinion. I think it is well to abolish that rule, if it is one, because otherwise the rest of the Bill will be seriously affected. What is the use of saying that the water in a watercourse belongs to the Crown if the land belongs to somebody else? There would be no means of access to it. It is essential to adopt the rule in this form, or some other with exactly the same meaning. In the same way, in England, if a property is bounded by a road, it means the middle of the road. I do not know whether it means that here or not; but we know perfectly well that when the Crown gives a grant of land bounded by a road, it marks it off and intends to give the man a piece of land bounded by that road, going up to the edge of it and no more. The English rule was held to be the law in Victoria once, but the Supreme Court judges there have changed their minds and reversed the decision of their predecessors, and say that it means the road and not the middle of the road, in accordance with common sense. The question, so far as it relates to watercourses should, I think, be dealt with. I am sure it will not be an injustice to anybody at the present time, although the contrary rule might enable many persons to do an injustice to the public. Then, with respect to the minor watercourses, we propose to declare that some of the rules laid down in England shall be applicable, and so it should be. The 11th section provides that the rights of the Crown, in respect to water in main watercourses, shall be vested in and exercises by the water authorities. That is the first suggestion of the machinery by which the principles of this Bill are to be carried into effect. The 12th section provides a simple way of determining the question as to whether a watercourse is a main one or a minor one. I need not explain that at greater length now except to point out that the question is proposed to be determined by an engineer and two other competent persons, probably surveyors. If a question arose and it was necessary to go to law and produce witnesses to prove whether a watercourse came exactly under the definition contained in section 5, great expense would be gone to, and you might not have the same decision by two juries upon the same watercourse, because a decision between two disputants would not be binding upon two others. The first pair might not get up their case correctly, or they might get incompetent surveyors, and the next time the question arose between two other litigants, different evidence might be brought before the jury, and they might give another decision. It is therefore highly expedient, if not absolutely necessary, to provide some simple way of settling the question as to whether the property in a watercourse belongs to the public or to private persons. It is proposed to appoint, not a jury, but persons of the nature of a jury to visit the place and examine the circumstances of the case, because the question can be determined only by personal inspection, and also inquiry, as to whether the water ordinarily flows there or not. I believe that will be found a simple way of settling the matter. The report of this commission of inquiry may be adopted by the Governor in Council and published in the *Gazette*, and will be an authoritative declaration that that part of this watercourse is or is not public property. It is also provided by the 12th section that the same means shall be taken to determine which of several channels in a watercourse is to be taken to be the main one. That is a question that must clearly be dealt with. I do not know whether it is the case with any eastern rivers, but many of the western rivers have many channels, as indicated in many of our maps. To those who are not familiar with the country, the maps may appear very strange. The first time I saw those maps it appeared to me as if the draftsmen were not sure where the channel should be drawn.

Mr. LUMLEY HILL: Billabongs.

The PREMIER: Sometimes there are three or four, as if the draftsman did not know where to draw the line exactly. A river may run in some parts in one channel and in other parts in two or three; sometimes in half-a-dozen, within a mile or two of one another, or at a greater distance, and then join all together, and perhaps form a deep running river. Any definition we attempt to lay down in an Act of Parliament will fail to meet all these cases; but we lay down a general rule. The definition may not be defective, but it would always be expensive and difficult to say whether any particular channel of that kind is a main watercourse within the meaning of the Act or not. It is proposed, therefore, that questions of that kind shall be settled in a simple manner by a commission such as I have endeavoured to describe. It is proposed that a minor watercourse shall belong to the proprietors of the land adjacent. But if there are more proprietors than one on its banks they have a common interest in it, and neither should be entitled to interfere with the flow of water without the consent of the other. The 14th clause provides:—

> "When a minor watercourse divides the lands of two proprietors, neither of them is entitled without the consent of the other to intercept the flow of water in that part of the watercourse which divides their lands, or to divert water therefrom."

The 15th section proceeds to deal with the rights of proprietors of land situated on a watercourse which flows through the land of several proprietors. I stated earlier in my speech that the first three paragraphs of that section, are to the same effect as the present law in Queensland,

and are about the same as those of the Civil Code of France. The 4th and 5th paragraphs are new. The 4th provides :—

"The proprietor of the higher land is entitled to intercept water, and to erect dams or other works for the storage of water, upon that part of the watercourse which is within his land, notwithstanding that the flow of water to the lower land is thereby diminished, but in such case he must take reasonable precautions to prevent any sudden or injurious flow of water from his land upon the lower land."

That is not the existing law, but I think it is essential, and will commend itself to every hon. member as being essential. If any storage of water is to be allowed at all this should be the law, because there can be no case in which a man intercepts the water upon his own land where he would not deprive a proprietor lower down of the stream of water that might flow to him.

Mr. LUMLEY HILL : It could be done.

The PREMIER : I say there can be no case where a man can erect a dam upon a watercourse without intercepting the flow of water from the proprietor lower down the stream.

Mr. LUMLEY HILL : He might.

The PREMIER : I do not see it ; but before I proceed with this I will read the next paragraph :—

"The proprietor of the higher land is not entitled to divert water from the watercourse for the purpose of storage without the consent of all the proprietors of the lower land within a distance of *twenty-five* miles measured along the bed of the watercourse."

Of course twenty-five miles is an arbitrary distance. Storing water in a watercourse by the erection of a dam, and diverting the water and taking it away to store it somewhere else, are entirely different things. To intercept the water without diverting it would in most cases necessitate the erection of an overshot dam, and I think where a man can collect water for use without diverting it, by means of an overshot dam, he ought to be allowed to do so—that is, under the circumstances of this colony. If he were allowed to divert the water to a depression in his land, he might deprive all the proprietors of land below his portion of the watercourse of any water at all. But in most cases water stopped by means of an overshot dam would all be absorbed before it could get to the lower land. To prevent a man erecting an overshot dam might be simply preventing any water being utilised at all. I think it is better for the country that so much water as can be collected by an overshot dam should be used by the man who can collect it than that nobody should get the benefit of it. That is the reason for these provisions. This is the only way in which, I think, it can be done, and this will make it lawful to do what, so far as the law can be discovered, it is not lawful to do at the present time. I think I have explained, sufficiently for hon. members to follow me, the principles laid down by this Bill. Before going further I will call attention to the 16th clause, which is a provision for determining disputes. For instance, in a case where there are two proprietors of land on opposite sides of a watercourse, and one wishes to put up a dam, and the other objects to his doing so, they may refer such a question to the water authority, and, if there is no water authority, to the Minister. The same rule will apply where a man objects to water being diverted and stored ; that will be referred to the arbitration of the water authority, or of the Minister where there was no water authority appointed. That is the scheme of the Bill, but of course there may be, and there will be, for some time to come no water authority appointed in various parts of the colony, and in those cases the Minister will exercise the rights of the Crown as to water. I think that probably is not put as clearly as it might be in the Bill, but I think that the insertion of a paragraph in section 33, as is intended, will make it more clear. I now pass to other parts of the Bill, but before doing so I may say that these definitions are suggested as being, at any rate, a great deal better than the present law. Certainly the present law will not do, and must be altered. We must apply the rules of common sense as applicable to Queensland, instead of applying the rules of common sense as applicable to England or older countries under entirely different climatic circumstances. I do not say that this is the very best possible scheme that could be devised, but I submit that it is a great deal better than the present one. It can be amended where thought necessary, and I shall be glad to accept reasonable amendments ; but I suggest to hon. members before proposing them that they should bear in mind the difficulties of the subject, and see how their proposed alterations will apply to all the different classes of watercourses. It has been a very difficult matter to attempt to lay down laws applicable to so many different kinds of watercourses, and therefore the measure may not be as perfect as is desirable, but it is the first attempt I know of to deal with the subject in this way. If hon. members will allow me, I would suggest that in their consideration of the Bill they will deal with it from the points of view, so far as possible, that I have indicated. I believe they are the right points from which to approach the subject. If we approach the subject from those points, with the knowledge possessed by hon. members of this House, we are very likely to arrive at some rule which, if not perfect, will be a great improvement on the existing law. It is essential that something of this kind should be done before we can seriously deal with the question of water conservation at all. To pass to other parts of the Bill, which, compared with those to which I have already referred, are minor matters. I know that in other countries these first matters are considered of lesser importance, but here they are of essential importance, and the other matters can be dealt with much more briefly. The third part of the Bill deals with the constitution of water areas. The scheme of the Bill in this respect is that the water should be under the control of local authorities. I, for my part, have great confidence in local authorities, and do not at all fear entrusting them with the large powers proposed to be conferred by the Bill. It is proposed that the Governor in Council may proclaim water areas very much in the same way as he proclaims divisions under the Divisional Boards Acts or municipalities. Then follow four clauses dealing with existing water authorities, constituted at present, such as the Brisbane Board of Waterworks and the Rockhampton Municipal Council. There are no other cases dealing with the subject where an Act would have to be repealed, as there are only the Brisbane Waterworks Acts and the Rockhampton Waterworks Act. There has been some criticism with respect to the scheme of this part of the Bill. Of course, if we are going to supersede an existing waterworks authority in any way, we must appoint another one before we repeal the present Acts, because if this Bill were to repeal the present Acts without providing a substitute for the existing water authorities there would be an interregnum during which the properties would belong to no one, and no rates could be recovered. This Bill then provides for the constitution of a new water authority ; and the old authorities and the old Acts having fulfilled their functions, the Governor in Council may declare those Acts to be repealed.

That is the common way of dealing with such matters in Great Britain. As soon as the new authority has been constituted having the powers under this Bill the old law will be repealed, and all the powers given by existing laws are embodied in this Bill. With respect to the constitution of water authorities, they are proposed to be appointed by the Governor in Council. I do not know of any other way in which it could be done. Clause 26 provides that if a water area is coincident with the district of a local authority the local authority shall be the water authority of that area, and in other cases the water authority is to be constituted by the Governor in Council in one of three modes — either, first, by the appointment of a local authority whose district, or a part of whose district, is within the water area to be the water authority; by the election of the members of the water authority; or by the appointment of members thereof by the Governor in Council. To illustrate that, I will take the case of Rockhampton. In the case of Rockhampton the water is supplied all over the town of Rockhampton, but the waterworks are not within the municipality of Rockhampton.

Mr. PATTISON: Yes, they are.

The PREMIER: Not entirely. Is the lagoon within the municipality?

Mr. PATTISON: Yes, entirely; the municipality extends a long way over a mile beyond the lagoon.

The PREMIER: Very well; I will take another case. Take the case of Maryborough, or of Ipswich. The waterworks there are entirely for the benefit of the municipalities, but are outside the boundaries of the municipalities, and in those cases the first of these provisions would apply; the water area constituted would include the present municipalities, the pipe tracks, and the places where the waterworks are, and the municipalities of Ipswich and Maryborough would be constituted as the water authorities for dealing with the water there. In the case of Brisbane, I do not mean to say that the municipality of Brisbane must necessarily be the water authority; that is a case where another mode might apply, as the water supply is not for Brisbane only, but for several districts outside the municipality. But that is not the case in Maryborough or Ipswich to any serious extent. To illustrate the case of an election of members of a water authority, I will take the case of a district in the interior, or a country district where waterworks would probably not be so much for the supply of water to towns as to the country, and to some extent for the watering of cattle and the making of dams and works for the storage of water, where the people would go to get the water. In cases like that, one set of waterworks might do for more than one district, and it would be convenient that the water authority should consist of representatives of the local authorities interested. It is proposed that they should be elected, not directly, but by the local authorities. There are other cases where that might not be convenient, and the power to appoint the members is given to the Governor in Council. Then there are provisions relating to the tenure of office, and the mode of election or appointment in cases of that kind. I need not say more about these details, and pass on to Part IV., dealing with the powers and duties of water authorities. It is proposed in clause 33 that—

"Every water authority shall be charged with the care and supervision of all main watercourses within its water area, and may do such things and construct such works for intercepting, storing, or diverting water in or from any such main watercourse as it thinks fit"—

that it may enclose water and impose conditions on its use, may authorise persons to intercept, store, or divert water—in fact, they are to have general charge of the main watercourses. As I said just now, there should be a provision in that clause to the effect that where there is no water authority for the water area the Minister should exercise those powers. The other provisions in that part of the Bill give power to make by-laws, and so on. As to Part V.—"The Construction, Maintenance, and Extension of Waterworks"—I need not say much about many of these provisions. I will, however, call attention to clause 51, which provides that waterworks may be constructed of different classes: first, waterworks for the supply of water at the reservoirs themselves—these would be in many country districts the only works undertaken; secondly, waterworks for the supply of water for domestic purposes—the class of works required in towns; third, waterworks for the supply of water for irrigation or other agricultural purposes, or for mining purposes—these are waterworks I look for in the future—I regret I do not see any immediate prospect of them; and fourth, waterworks for the supply of water for any two or more of such purposes. Then there are provisions to protect private rights before the works are constructed. Then follow other provisions necessary in all Acts dealing with water, as to digging up streets, laying pipes, and so on —necessary for the protection of private rights and the rights of the municipal authorities in whose streets the works are made. Part VI. deals with the supply and distribution of water, and consists of provisions that are found in all Acts of the kind. Part VII. provides for the protection of fittings and works, and prevention of waste. This also does not require any particular comment; it will be found in the English Acts and the local Acts we have in force at the present time. Part VIII., dealing with water rates, provides for two kinds of water rates. The first are the general water rates—"water supply rates"—not to exceed 4d. in the £1 annual value, for the purpose of covering the general expenses or paying the interest on money borrowed. With respect to these, it is proposed to take the valuation of the local authorities whose districts are in the water area. There are also proposed to be "consumers' rates," which are really a charge for water supplied. As under the existing law, they may be made in respect of area, or value, or otherwise as the water authority considers most expedient. It is proposed that the owner shall be responsible for the water rates in respect of unoccupied land, and in respect of all occupied land the annual rateable value of which does not exceed £20. I will not enter at length into the reasons for the distinction at the present time, nor, I think, need I trouble the House with the particulars of the modes of recovering rates. I think hon. members will find that the provisions of this Bill will work very well alongside the provisions of the Local Government Act. The 127th section contains provisions for the payment of preliminary expenses necessarily incurred by a water authority before it can get to work. It is proposed that the money should be contributed by the local authorities merely by way of loan, to be repaid to them afterwards out of the proceeds of the water supply. There are provisions also in that part of the Bill for auditing the accounts. Part X. deals with loans for waterworks. It is proposed that the Treasurer may advance money to the water authorities out of funds appropriated by Parliament for that purpose. I am sure Parliament will always be very willing to advance money for the purpose of constructing waterworks. There is a quite inadvertent omission in

this part of the Bill; I do not know how it came to be made. We have overlooked the provisions of a Bill passed by this House last session for defining the commencement of the payment of interest on loans for waterworks. It is an omission which it is proposed to amend in committee. There are also provisions, in case of neglect by any water authority to meet its liabilities to the Treasury, for its supersession by the appointment of a board to see that the money is properly paid. Part XI. contains general provisions which it is not necessary to go through. I think, sir, I need not further detain the House by explaining the provisions of this Bill. I should be glad to hear from hon. members their opinions on the subject generally. No more difficult or important subject has come before this Parliament for many years, and it deserves the best attention of every hon. member. The most important and most difficult part of an important and difficult subject is that relating to the definitions of the law; the other matters are of comparatively minor importance. It is of little consequence whether these provisions are adopted or some others, but with respect to the definitions of the rights to water, that is the beginning of the whole subject. It is no use going into elaborate schemes for irrigation works, waterworks, drainage works, storage works, or any of those things until we know what the law is. That is the reason the Government have brought the matter forward this session—whether they can hope to pass it this session I do not know. I again commend the Bill to the careful attention of hon. members. I move it be now read a second time.

Mr. NORTON said: Mr. Speaker,—This Bill is one, I quite agree with the Chief Secretary, of as great importance as any that has been brought before the House for some considerable time. I go farther than that; I say it is one upon which both sides of the House may meet in a friendly spirit, and use their utmost efforts to make it as perfect a measure as possible. I think, sir, the Chief Secretary will find that from this side of the House, as well as his own, there will be no obstacle put in the way of a Bill of this kind; on the contrary, he will receive every assistance. I think, perhaps, it would have been better had the Chief Secretary at once made up his mind that he would not attempt to pass the measure this session. It would be more satisfactory to know that at once, because, it is a matter of such vital importance that if there is a probability of the Bill going into committee, every member who takes any real interest in it will be bound to study the subject, and in order to do so will have to look up a great deal of matter which under ordinary circumstances he would not have time to do. For my part, sir, I certainly have had the impression that the hon. gentleman would not attempt to pass it into law during this session. I do not mind saying that, so far as I am personally concerned, I have not the time, and am not likely to have the time, to give the subject that very full attention which it requires. It would be better, therefore, if we understood at once that we are to discuss the principle on the present occasion, making what suggestions we can with regard to it, with the understanding that during the recess we may have every opportunity of looking fully into the subject and making all possible inquiries about it. There is in the library which we have at our command here a great deal of information bearing on the subject; information not contained in volumes on which one can put one's hand, but contained in separate and isolated papers; and these will require a great deal of looking up before any hon. member can get that mastery of the details which it is necessary he should have. Apart from that, there is information to be obtained from other sources, which it is very desirable should not be lost sight of. With regard to the Bill itself, anyone looking at it will see that it is simply an initiatory measure—the foundation stone on which the water policy, if I may call it so, of the country is to be laid. For that reason we ought to be most careful to make the basis one which is likely to be satisfactory. The great difficulty is, as the hon. gentleman has pointed out, that in this colony we have climatic difficulties which are not encountered in many other places. Hon. members have no doubt read a great deal about the water schemes in California, India, and elsewhere, where they have perpetual streams from which to draw their supplies, and carry it for many miles, at any time of the year. That is not the case here. In this colony we have every class of stream almost that is known. In some places, though they are few in number, we have perpetual running streams. We have on the coast side of the range a number of streams which are running for the greater portion of the year, but during a part of that time there is so small a volume of water running through them that unless the water is stored they are almost useless except for the ordinary purpose for which they are used. On the western watershed we have long streams passing through flat country which, after starting in the ranges as a number of small creeks, gradually increase in volume as they extend to the lower levels; and after passing for miles through those lower levels divide themselves into innumerable anabranches. Then in some places they fall off altogether, to reappear after a time and form a great stream lower down. In every part of the country we have something different in the river system; and that is one of the great difficulties which face us in approaching a subject of this kind. With regard to the coastal watershed, we shall find that we shall be bound to treat it in a different manner from the watersheds in the interior of the country. In attempting to make this division between main streams or open watercourses, and minor watercourses, I quite recognise the difficulty which the Chief Secretary has laboured under. A difficulty which is perhaps greater is the fact that the hon. gentleman has not had that practical experience of the formation of the country which hon. members have whose lives have been passed largely in the country. The definition proposed is one the spirit of which we may cordially approve of; but I think it is a definition which can hardly be accepted without some modifications. For instance, if we take main watercourses—main watercourses are defined to be watercourses that discharge into the sea, or into a navigable river. In many parts of the seaboard there are numbers of creeks which certainly are not main watercourses in any other sense than that which is laid down here; that is, they run into the sea or into a navigable river. Apart from that, they are not main watercourses at all. This I say from my own personal knowledge. I will take the instance of my own run, and it is only one of many where the same thing occurs. On my own run there are four principal creeks, all of which run direct into the sea, and not one is more than eight miles, if as much, in length; I put eight miles as the outside limit. The definition laid down here, with regard to streams not running into the sea, is a distance of twenty-five miles in a direct line; so that hon. members will see at once that if we accept the definition laid down here there is bound to be a difficulty in cases of that kind. I presume the object is to induce the holders of runs as well as local authorities and owners of private land to make dams and reservoirs. In

those cases the only persons who could make any use of the streams would be the occupiers of the runs for the time being. Of course, in time they will be cut up into numerous selections, with a large population settled upon them; but during some years at least, the occupiers of the runs are the only persons that can derive any advantage from damming them. When we come to that portion of the definition, we shall be obliged to modify it to meet, not only cases of this kind, but also in the case of the smaller streams which run into navigable rivers, such as the Fitzroy or the Mary, and other rivers. There are streams of that kind along their whole length, often not extending more than eight or ten miles. Those creeks, or most of them, would come within the definition — that is, they are watercourses in which water ordinarily flows. During the greater part of the year, there is a current of water running through them. With regard to those minor watercourses the owner or occupier of the land at the head of the stream may place a dam in the channel of the watercourse. The hon. gentleman seems to think it is more desirable to place the dam across the stream than to divert the water into a reservoir in which to store a supply. In some cases that is, no doubt, desirable, but there are others where the reverse would be the case. For instance, in those long channels where the country is so level that it is almost impossible to tell by simply looking at it which way the water is flowing. If you dam one of those streams the water is thrown back for eight, ten, or twelve miles, and the body of water thus thrown back is very much larger than the amount the occupier would be likely to lead into any reservoir which he could construct. Of course, that is comparatively a minor matter, but I mention it to show that there are cases in which, however carefully and cleverly these definitions may be laid down, it is quite possible to make a mistake and to prevent the exercise of a power beneficial to the occupants of the land, not only to the particular occupant of land up the stream, but also to those persons who may settle lower down on the same stream. Although on minor streams the occupants have the right to dam back the water, but not to divert it, yet the principle is abandoned when we come to main watercourses. The difference between the two cases is that in one—namely, that of minor streams, private individuals have the right to dam back the water, but not to divert it except with the consent of the persons occupying the land lower down, but when we come to main streams then the local authority takes the place of the private occupant. Now, the local authority is more free to act with regard to main streams than private occupants are with regard to minor streams. The local authority which is down the stream may have very grave reasons for objecting to the water being diverted from the main watercourse; and if the case of a minor watercourse or diversion of the water is not to be made without the consent of private individuals lower down, then in the case of a main watercourse no diversion should be permitted without the consent of the local authorities lower down the stream. The principle ought to be the same both with regard to private persons and local authorities. So far as the principle is laid down of refusing to recognise the right of any private individual to any portion of a watercourse is concerned, I think it is a good one, but there is this difficulty in the matter: that although we may have no law which definitely applies to the subject, still there is that unwritten law which gives just as strong a claim under some circumstances as any law that was ever embodied in a statute. I do not know of any instance where private individuals have claimed the right which is given under the unwritten law that is acknowledged—the right given under the law of England—I have not heard of any case like that which the hon. gentleman mentioned in New South Wales as having been referred to the Privy Council in which the right over a watercourse has been exercised by a private individual in such a way that he would suffer a wrong if it was taken from him. I think, however, that it is desirable that before a measure of this kind is passed the principle should be so understood that anyone who has exercised that right should not be deprived of it without being heard with regard to his claim. We ought to be most careful in passing any such measure, however desirable it may be in itself, and to see that no wrong is done to a private individual without giving him the right of redress. The right of redress is refused in clause 58 of this Bill. That clause gives power to the local authority to deal with the water in different ways. It may divert the water; it may shut off the approaches to the water—that is, from the main stream—with this proviso, that—

"In the exercise of the powers conferred by this section, the water authority shall do as little damage as may be, and shall when reasonably practicable provide other watering-places, drains, and channels for the use of adjoining lands in the place of those taken away or interrupted."

That right is only granted under certain circumstances, and there is an additional paragraph which provides that—

"No compensation shall be payable in respect of any loss of water or loss of access to water in a main watercourse."

That is a case in point. At the present time the owners of land in the vicinity of a main watercourse have an acknowledged right to access. This Bill, as it now stands, proposes to take that right from them. I believe that is an undesirable thing to do, for many reasons. We will take the case of purchased land. A man buys land from the Crown, knowing the position in which it is situated, and that it is within a reasonable distance, perhaps half-a-mile from, and has access to, what is defined as a main watercourse under the provisions of this Bill. The land may be of comparatively small value if that access is taken away. Yet this Bill, by the clause to which I have referred, may deprive the owner of access to the water, and, in the event of that being done it also deprives him of all right to compensation. That is one of the points which I think it is desirable should be understood, not only by members of the House, but by all persons outside the House who are likely to be affected by the Bill. I do not think it is desirable to discuss the details of the Bill. There is a great deal in the details of the measure which is, to a certain extent, formal matter. The clauses which apply to the present water authorities must, of course, be passed to enable those authorities, or other authorities, to act in the event of this Bill becoming law and the present local authorities being abolished. Of course that is a formal matter. It is necessary that the details should be introduced into the measure, but I hardly think it is desirable to discuss them now unless the House has the intention of going on with the Bill this session. So far as the constitution of local authorities is concerned, I agree with the Premier that it is very desirable to entrust the local authorities, as much as possible, with the necessary powers to carry out the provisions of the Bill. I go further and say that, instead of making provision for nominating a body to act in this case, I would make provision for the local authorities to act, making the power to nominate dependent solely on the failure of the people resident in any district to elect their own board. I think it is

wise in passing measures of this kind to adopt as much as possible the principle of giving districts not merely the power, but of throwing upon them also the responsibility of acting for themselves. That is a principle which, I think, ought to be encouraged in every possible form; and where people in the country districts fail to exercise the privilege accorded to them in that respect I think the Government should retain the power to nominate men from among the residents, and to a certain extent compel them to exercise the power given them by the Bill. It is desirable that that power should be exercised in every part of the country. The same principle which is adopted in the Divisional Boards Act is the one to which, for my part, every possible encouragement should be given. During a late discussion which took place in this Chamber, on the subject of Northern grievances, I pointed out that I thought the system of local authorities ought to be extended, and that far greater powers should be given to those authorities than they now possess; I think it is by encouraging them in small matters to exercise the powers which they can very well exercise—which they will do, and are capable of doing—that we encourage a spirit of self-dependence which it is most desirable they should possess as far as possible. So long as this system of nominated boards is encouraged, so long will we have constant applications to the Government for assistance, because the mere fact of members of a board being nominated prevents that spirit of independence arising amongst the people, and they get into a helpless sort of way of asking the Government to do everything for them. By all means let the boards be elected. Let the people feel that they have some personal interest in all the public works constructed in their districts, and then the system will work very much better. It will, at least, take the odium from the Government of having passed a measure which, if it is not successful, the people will be to blame for; because, having the opportunity of carrying out the work themselves, with the best assistance the Government can give them, they at least will have to take the responsibility if they fail by their own personal efforts to make the system a success, so far as it can be made a success. So far as the main principle of the Bill is concerned, Mr. Speaker, as I have said before, I quite approve of the effort which the Chief Secretary has made to bring the matter fairly before the House, but in dealing with it we shall have to be guarded in accepting what are commonly spoken of as precedents or examples set by other countries. We will have to remember that even in Victoria the manner in which the water boards are likely to be worked there totally varies from the system under which they will work here. In every instance the streams to be dealt with under the Irrigation Bill in Victoria are streams which run for the greater part of the year, if not for the whole of the year. Many of them are streams which rise in the Snowy Mountains, and whether there is a rainfall or not they get the benefit of the melting snow, and during the early part of the year there is a large flow of water which can always be depended upon. We shall have to set aside, therefore, in dealing with the question, many of the considerations which weigh in carrying out similar schemes in other countries, and even in a colony so near to us as Victoria. And even in Victoria I would point out that the principle which is adopted here, and which allows one local authority to exercise authority over a portion of a main stream to prevent that stream flowing on, or to divert it into artificial reservoirs, and which consequently prejudicially affects the local authority lower down the stream—even in the case of Victoria and New South Wales it has been shown that the same difficulty arose in regard to the Murray. The colonies of New South Wales and Victoria appointed representatives to deal with the question of irrigation, or rather water supply, as applied to the waters of the Murray River which divides the two colonies. They did that without consulting South Australia at all. When the proposal was made to appoint a board, South Australia was consulted, and she was asked whether, in case of anything being done, she was prepared to send someone to represent her, but a long time elapsed before any decision was come to, and eventually New South Wales and Victoria appointed a commission between them to deal with the question and report. The consequence was that South Australia was left out of consideration altogether, and her rights to the waters of the Murray were ignored.

An HONOURABLE MEMBER: She has no right to it.

Mr. NORTON: I believe South Australia has every right. She has exactly the same right to the waters of the Murray that a private individual residing on a main stream would have to the waters that come down that stream, although two private individuals immediately above him had agreed to dam the stream above his property. The right is exactly the same. The man who lives down the stream; the local authority who holds authority lower down the stream; the colony which exercises a power on the lower part of the stream, are all exactly in the same position. They claimed a certain right to the water which came down, and they had every right to do so; therefore South Australia objected to New South Wales and Victoria settling such a matter between themselves without consulting her, she being deprived of any rights which she might possess. The same difficulty will arise, if this Bill be passed, between the local authorities down a stream and those higher up—between a private person on a minor watercourse when the water is intercepted by a person higher up. These are matters which were dealt with by the Premier as ably as he is able to deal with them and with the information which he was able to obtain; but at the same time I am not prepared to make any suggestion which would improve the Bill in that respect. I certainly do not wish to attempt to make any suggestion, but I hesitate to accept a measure until I and other hon. members in the same position have an opportunity of ascertaining what is done in other countries, and, as far as possible, finding out whether in any other place the circumstances are so similar to those of this colony that we may adopt, or be guided by, the provisions which are laid down there. I shall not occupy the attention of the House any longer, because, as I said before, I do not intend to go into the details at all. I look upon this as a measure which is introduced with every desire to produce good results. I look upon the principle as one which is likely to be productive of good results. I believe the Government should certainly have a right to the larger streams, which is given them by this Bill; and I almost go so far as to say that they should have a right over all streams in the colony, whether small or great. It is when we come to make a distinction between the two classes of watercourses that we begin to get into difficulties; and I am disposed to think that, rather than attempt to make a distinction between the smaller and larger streams, it would be better for the Government, having due regard for the rights of individuals in the past, to take all right over the water which comes down every stream, unless it can be shown by some person that he has a right which was given

to him under the present law and which it would be a hardship to take from him. Even then I do not say that it should not be taken from him; but, at all events, if it were he should have compensation. I rather hesitate to speak on that particular point; but so far as I have been able to judge, I think it would be desirable to abolish the definition of minor watercourses altogether, and give the Government power to grant the right to private individuals to make use of the water—to store it on smaller streams, or to divert the water where desired, or when diversion would be more desirable than storage or damming. Now, in regard to this diversion I may mention a case that I have thought of this evening. Some years ago in the country on the the other side of the Murrumbidgee River there was a natural channel extending between the Murrumbidgee and Billabong Creek. A number of settlers who had runs on that natural channel raised a large sum of money, and cut a channel for about twenty miles, through which the waters of the Murray might flow, watering their lands and going into the Billabong at the other end. That is a case where a diversion was better than damming, even if it could have been dammed, because the main stream had to rise a certain height, and the interference with the natural flow was of no consequence whatever. And that will be found to be the best plan in many cases in low country, where the rivers are flat and the occupants of the country can divert the current when it rises to a certain point into a lagoon, instead of stopping it and preventing those below from getting the benefit of the water. The greatest difficulty that has arisen in this continent in regard to water rights arose in the portion of New South Wales of which I have spoken. Large dams were constructed on the Billabong Creek. The whole of the squatters along the creek dammed up the water at their own expense. The creek was a considerable size there, and the volume of water thrown back would fill a dozen reservoirs such as I have spoken of. At one time when I was there the creek began to run after rain, but there was not sufficient to fill the dams in the lower part. The men below were indignant at the men above for checking the flow of water—though they themselves proposed to check it when it got as far as their property — and they went at night with men with picks and shovels and cut away the embankments. The consequence was that the people above lost their water, and their dams, on which hundreds of pounds had been expended, were rendered comparatively useless. These are cases in which it would have been infinitely better to have diverted the water rather than that the main channel should be blocked. It is desirable to mention it now, so that when the Premier comes to deal with the Bill next session he may insert a clause making the necessary provision.

The PREMIER: The Bill deals with that.

Mr. NORTON: I do not think so. However, am glad to support the Bill so far as it goes, and my only hope is that after it has been read a second time we shall be informed by the Government that they do not intend to go on with it this session—that they intend to give us and the people outside every opportunity of understanding fully the objects of the measure and the consequences it will bring about before they intend to carry it any further.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I quite agree with the hon. gentleman who introduced the measure as to the importance he attaches to the Bill; and I think he has acted wisely in inviting the criticisms of the House, and I may say of the whole community, on its principles as well as its details, before he attempts to pass it into law. I think it is about the most important Bill that has been before the House for some time—certainly the most important that has come before us this session. It is not only the importance it has at the present time that we have to consider, but the importance it will have at all future time, as by a Bill of this kind we shall be laying the foundations of our future prosperity. I think that the hon. gentleman has made a mistake at the outset. My own opinion on the matter of water rights is that he should have cut himself entirely adrift from the English law and claimed for the State the right to all the watercourses and streams of every description in the colony. I think he has been too far influenced by the common law of England in that respect—further than the circumstances of this colony, a new country only springing into life, warrant him. If the hon. gentleman had just read an account of the present state of California through that State not having claimed at first the right it is inclined to claim now to the entire control and ownership of all watercourses, it would have been a sufficient warning to him not to have adopted in the least degree the error that exists in England—an error that has come down from the old feudal system. At the present time there is litigation in California over water rights affecting property to the extent of nearly £40,000,000. This litigation has sprung up quite lately. We all know that California is a mere infant State so far, having about the same period of existence as Victoria, and about the same population and the same importance. The other Western States in America that have gone into the subject of water rights have taken the course which I say the hon. gentleman should have taken in this Bill. The State of Colorado, which is now the leading State in regard to water rights, as soon as it became a State, declared itself the owner of all running water. The same law exists in the other States which have come into existence since Colorado, and indeed in Queensland, and throughout Australia, as far as mining is concerned, the State claims the right to control the water. I do not see why the State should not only claim the right to water for mining purposes, but for every other purpose as well. The hon gentleman followed the definition which the Code Napoleon gives as to the right of the State, as far as navigable rivers are concerned; that is the only right that is claimed in France over running waters, but then the Code Napoleon is not a guide for us to follow in that respect.

The PREMIER: It is not followed at all.

The HON. J. M. MACROSSAN: That is a right which existed in old feudal France before the Revolution, with whatever improvements were thought fit to be made under Napoleon; but the codes of other States in Europe dealing with water rights have a much wider and more extended basis. In Italy, where the system of making canals for irrigation purposes has been carried on to a much greater extent than in any other country in Europe, the State has claimed the right to all the natural water. There was a time in the history of Italy when the right was claimed by private proprietors the same as it is in England; but as soon as the republics of Italy acquired their independence, they claimed the rights which the people possessed the same as they did before and which they had never forgotten—that is: the State claimed all right to running water; and that right extends nearly over the whole of Italy at the present time, coming down from the days of the independent Italian Republics. The same thing exists in Northern India, and why

should not we in Australia have a right to that which is God-given just as much as air? Of course we know that the old English law, being based upon the feudal system, gave the right almost to live to the feudal barons in the olden times. It is from that system that the English law is at present derived. If the hon. gentleman would simply define that all running water in the colony belongs to the State, he would do away with what will, I have not the slightest doubt, tend to endless litigation in defining minor and major watercourses, and giving the right to the minor watercourses to the proprietors of the land upon the banks. I believe that that will lead to any amount of litigation, and if we just assert the right of the State to the whole of the water it will do away with that litigation. Every individual then would have the same right, under the control of the water authority, or whichever authority has the power from the Government, to erect dams and divert the water for purposes which were thought by the local authority to be right purposes. The rights of no persons at present, unless a few proprietors who claim the right to watercourses, would be interfered with. Certainly the rights of no proprietor who would get possession of land after this would be interfered with, his right being defined by statute. I quite agree with the hon. member for Port Curtis that there may be a few whose rights would possibly be interfered with if such a system as I propose were adopted. But they would be so few and the compensation required, if any, would be so little that it would be much better for the State to do that at once than dally with the subject, and allow a great mass of private proprietorships to arise claiming the water, and the State would afterwards suffer far more than it could possibly suffer by the course I have indicated. It is very little use for us to discuss the details; in fact, I think we are generally agreed upon them. But the grand principle of the Bill is in Part II., which declares and defines the rights to natural water. It all lies in that, and I think that it is no use my dilating upon the subject further than to say that the most rational course, and the most natural course, is for the State to claim that which belongs to all and everyone alike. It does not follow that because a man owns certain pieces of land he has a right to control a stream of water running through that land. He might certainly control a spring which may exist in his land; he has that right; but the right to control a watercourse running through that land, he has not. And, so far as springs are concerned, even they were under regulation to a very large extent in Italy, in the days that irrigation canals were not in existence.

The PREMIER: So they are in France.

The HON. J. M. MACROSSAN: They are partly in the south of France. France was never a country equal in irrigation to Italy. In Spain, also, the hon. gentleman will find that the Crown claims the whole right to water, and they introduced that claim and established it in South America when they became possessed of it. Under the old system in Mexico, before the Spaniards went there, private proprietorships of water existed, but as soon as the Spaniards got there they abolished that and made the Crown the possessor of all water. That is what I say should be done here. There is one clause in the Bill which I think the hon. gentleman must have overlooked. The word I have put against that clause is the word "monstrous." It is the 94th clause, and by that section any person is liable to punishment for taking water out of a reservior, stream, or pipe belonging to a water authority, unless he has authority from the water authority to do so, or is not supplied by the water authority. I say that this is a most monstrous clause, and I think that if the hon. gentleman will give it any consideration he will agree with me. A man might not even take water to drink. It says:—

"Every person not supplied with water by a water authority who wrongfully takes, or causes or procures to be taken, water from any reservoir, stream, or pipe belonging to the water authority, or from any pipe leading to or from such reservoir, stream, or pipe, or from any other place containing water supplied by the water authority, for the use of any consumer thereof, shall be liable to a penalty not exceeding five pounds."

The PREMIER: Wrongfully! Stealing water.

The HON. J. M. MACROSSAN: The clause says, "Every person not supplied with water by the water authority." I have been in a country where there are a great many water authorities. In New Zealand, for instance, where the mining population have very large streams of water for mining purposes, and where they carry these streams by canals which they made themselves for distances of twenty-five or even thirty miles. In California the same thing is done for over 300 miles. In New Zealand, where I have been mining, I have been obliged, when travelling to use water belonging to those men in what they call "ditches."

Mr. LUMLEY HILL: Rightfully.

The HON. J. M. MACROSSAN: I say that according to this clause the water authority would not be supplying them with water, therefore I would be doing it wrongfully. Further, it was decided in that country that an ordinary miner using a cradle could use the water that was running in those streams which had been made by the water authorities.

Mr. DONALDSON: You could not divert it.

The HON. J. M. MACROSSAN: No. But they could use it for the purpose of cleaning their stuff. Of course, I have only to mention this to the Premier, and he will see the objection to the clause I refer to.

The PREMIER: It does not mean that.

The HON. J. M. MACROSSAN: That is the meaning that might be put upon it, and I am certain it will be the meaning put upon it in a court of law, although it might not be the meaning intended by the hon. gentleman. There are one or two other provisions which I think are very objectionable, and when the Bill goes into committee I shall take the opportunity of discussing them. In the meantime I wish the Premier to consider carefully that the State should have the right over all running water. That is the best principle to act upon, and if we do that we shall make fewer mistakes hereafter and there will be less work for the lawyers.

Mr. LUMLEY HILL said: Mr. Speaker,—The Premier, who brought in this Bill, has my most hearty sympathy with some of the objects he seeks to attain; but the great difficulty I see in the way of making this anything like a perfect measure is the different constitutions of the different parts of the colony. How in the world we are to make these two definitions of the rights to natural waters apply to all equally I cannot for the life of me see. I think the country will have to be divided into districts, and different definitions of the rights to natural water applied as well as possible to each of them. I happen to be well acquainted with the large pastoral district called Mitchell; and I consider that in it there are only two watercourses —namely, the Barcoo and the Thomson—that are worthy of being called main watercourses. I consider that nobody could do any harm in attempting to dam them—it would really be impossible. No harm could possibly be done by damming

to save the water, because in flood-time they generally come down in such enormous volume. There are plenty of little creeks of 100 or 200 miles in length which I have crossed without seeing them, still they carry a large quantity of water in flood-time, and not the slightest harm could be done by anyone attempting to save and stop some of it. There is this much to be said: A creek forty or fifty miles long might get a slight flush, and a person, by putting a dam in it, would secure some water that might otherwise dribble on to his neighbour's land, but more probably would be soaked into the ground and be wasted for all purposes of watering stock or beast. The slight hardship that one man might suffer in such a case would be as nothing compared to the benefit that would accrue to the district generally from the conservation of every drop that could be conserved in a place where it was likely to be of some use to something. I do not agree with the hon. member for Townsville in his view of putting the whole thing under the supreme control of the State. I would encourage private enterprise in every direction. The State has got enough to do now to manage its own affairs and look after this enormous colony without having also the sole superintendence of the water supply. I would much prefer to see it dealt with by local authorities. I would prefer to see the various districts allowed to form themselves into boards for the consideration of the water supply, and that they should themselves be permitted to establish their own definition of the rights to natural water. This is a matter of the greatest importance to this country, and it is most essential to consider the different circumstances of different parts of the colony. The Mitchell district is as large as the whole of the Darling Downs and East and West Moreton districts put together, and the legislation that would be good for one district might not be good for another; the same conditions do not apply. In the latter districts we have creeks and rivers continually running. Take the Gowrie Creek at Toowoomba for instance. Ten miles from its source it is a better river and a more sure supply of water than the Barcoo or Thomson Rivers 200 miles from their sources. The difference is as great as that. I am not going to take up the time of the House in describing the differences of the water supply in the North—in describing the beautiful rivers up there where there is not the slightest necessity for anyone to construct dams or sink wells. There water can be obtained easily everywhere on the eastern slope, and there is no difficulty in getting abundance of water for every purpose; and I do not think anyone is likely to interfere there with anyone else in using any quantity of it. I think this Bill should have embraced a more comprehensive system. It should have provided a freer and less complicated system to enable everyone, more especially in the arid districts that have suffered so much during drought—I refer particularly to the Gregory, Mitchell, and Warrego districts—that would give every security and every encouragement, even to every private individual, to save for himself as much water as he possibly could against times of distress. If we have to leave it in the hands of the State, it will be hundreds of years before those districts are properly supplied with water. I think they are quite competent to deal with it themselves through their divisional boards. I can speak from my own knowledge of the amount of money that has been wasted now by the Government sending out a scientific hydraulic engineer to deal with the subject of conserving water in a country the nature of which he is practically ignorant of. I am sure a bushman—a practised old hand who understands the climate and knows the watercourses—would be much more competent to deal with the water supply there than a man of far greater scientific attainments and far more education. The ability, knowledge, and learning of a man of that class is thrown away out there, and without the experience that can only be gained by a practical knowledge, it is useless for any such man to go there. I hope that in committee, or before the Bill goes into committee, the Premier will see his way to make some material amendment in Part II., and give fuller powers to the water authorities which may be constituted to define their rights and privileges.

Mr. MURPHY said: Mr. Speaker,—I quite agree with the remarks that have fallen from previous speakers with regard to this Bill. It is one of the most important measures likely to be introduced during this session, or, in fact, during any Parliament. It is a question that concerns every portion of the community, and more especially the pastoral and agricultural communities. The Premier deserves a great deal of credit for having tackled this question, because in all the other colonies except Victoria—older colonies than Queensland—they have deferred tackling it up to the present time, Victoria being the only colony that has yet found Ministers with sufficient pluck to tackle this very difficult question. There are many difficulties in the way, and the Premier has attempted to grapple with them in Part II. of the Bill. The great difficulty, of course, is to define a watercourse. The Premier, in this Bill, divides watercourses into two kinds—main watercourses and minor watercourses. Every watercourse, according to the Bill, is a main watercourse that is twenty-five miles in a straight line from its source—that is, going from point to point and bend to bend of the creek or river—or fifty miles along the actual course of the river. Every watercourse that does not come under that definition is a minor watercourse. There are many — especially in the case of all the western rivers of this colony—small feeders to those rivers nearly all of which would come under the definition of main watercourses under this Bill. Now, it is upon those feeders that we all have to depend. Nearly all that are of any service at all are twenty-five miles long in a straight line, or fifty miles by the course of the stream. These feeders are the streams upon which all the dams that water the whole of the western interior are placed. There are no dams on the main streams —the Barcoo or the Thomson, for instance—but there are large numbers of dams on all the feeders of these watercourses, which by the Bill would all come under the definition of main watercourses. The consequence would be that all the dams upon which the pastoral tenants have spent hundreds of thousands of pounds would come under the control of those boards; the pastoral tenants and others who occupy these lands would have no right to deal with these tributary watercourses. I think it would be far better if all the main watercourses were actually named, and the tributaries left as minor watercourses. Under the Bill all the tributary watercourses in the Mitchell district would pass out of the hands of the owners of the land; they would not be able to make a dam or touch the watercourses in any way. That simply means that you could not get men to occupy the land at all. I notice no provision in the Bill for the protection of existing rights. There have been many thousand pounds, as I said just now, spent already on dams and large earthworks on these waterworks, and are they all to be handed over to the trusts for nothing? It strikes me also

that this clause 94, to which the hon. member for Townsville drew our attention, would act very harshly in many ways. For instance, where the water trusts would make dams along main roads, I do not see how they could prevent water being taken by people for whom it was not intended. I think it would be very hard indeed that people should be fined because in travelling along a road they have to take water from dams and tanks made by water trusts. I hope the Chief Secretary will not go on with the Bill this session, because I think it requires a great deal of amendment. I think it would be very much better for him after the second reading to lay it aside, and let hon. members study it a little more. The more I look at it the more difficulties I see in the way of it.

Mr. DONALDSON said: Mr. Speaker,—The discussion which has already taken place on this Bill has shown the great difficulties that present themselves, and my idea is that the longer the matter is deferred the greater difficulties we shall have. I congratulate the Government on bringing forward this measure, because it is one of vital importance, and it is quite time, seeing that the climate and conditions of this country are so different from those of other countries, that we should strike out a course of our own. Now, it is my opinion that the English common law does not apply to this colony, or if it does apply, certainly it is to our detriment. The interior of this country, which is really good for grazing purposes, is of very little value until water has been conserved on it. At the present time, water conservation is carried on entirely at the risk of the person undertaking it; he has no protection whatever, on either main or minor watercourses, against the neighbours below him. It has often happened in New South Wales, when a man has made provision for water in dry seasons, that at that very time the persons lower down the streams have come and cut his dams; and there is no protection against that. The effect in many instances has been to prevent the country from being properly developed; it prevented persons from going to any expense to conserve water for dry times, or for purposes of irrigation. Now, sir, if a country will only carry stock in wet seasons, of course it is valueless in dry ones, and so a large expenditure is necessary in making dams. In fact, we are only just commencing in this colony to improve the country and develop its resources. I admit that there are very great difficulties in the way of defining the watercourses. Although the Chief Secretary has defined what is a main and what a minor watercourse, that, of course, is a matter of detail that can easily be altered if necessary. With regard to the main watercourse, I think it is hardly sufficient for the interior of the colony, because there are many places where streams fifty miles in length are certainly not to be looked upon as main watercourses. I cannot see the necessity for having two distances—fifty miles by the stream, or twenty-five from point to point. I think it would be better to adhere to one or the other; it would be very conflicting indeed if both measurements are adopted. Then again, by section 3 of clause 5—

"When a watercourse is formed by the union of two or more tributary watercourses, the length of the watercourse is to be measured from the source of the principal tributary watercourse."

I think it would be better to use the word "longest." In some districts there are tributaries which certainly have the largest watershed and the greatest flow of water, and yet are not so long as other tributaries; and a conflict of opinion would arise as to which was the main one; whereas by specifying the longest tributary that difficulty would be done away with.

With regard to minor watercourses, I think it is quite right that the owner of the land should have the right to conserve the water. Without that right the country would be lying useless. No one would take the risk of erecting dams which might be destroyed by the persons below them. That is a step in the right direction. Clause 8 provides that—

"The right to the water in a minor watercourse, and the right to store water therein, and the right to intercept the flow of water therein, and to divert water therefrom, belong to the proprietors of the land through which the watercourse passes."

But turning to subsection 5 of clause 15, we read that—

"The proprietor of the higher land is not entitled to divert water from the watercourse for the purpose of storage without the consent of all the proprietors of the lower land within a distance of twenty-five miles measured along the bed of the watercourse."

There seems to be a contradiction here. In clause 8 the permission is given, and in clause 15 it is withheld unless the consent is obtained of persons living twenty-five miles further down the stream, who, of course, would not consent to anything of the kind. One or other of the provisions should be struck out, and for my own part I should prefer to retain clause 8, and eliminate section 5 of clause 15. Subsection 4 of the same clause provides that—

"The proprietor of the higher land is entitled to intercept water, and to erect dams or other works for the storage of water, upon that part of the watercourse which is within his land, notwithstanding that the flow of water to the lower land is thereby diminished, but in such case he must take reasonable precautions to prevent any sudden or injurious flow of water from his land upon the lower land."

I think the word "sudden" here is a mistake, because it is quite possible to have a heavy flood of rain such as that which occurred at Cootamundra last year, and the water would flow over the lower land in a way it would not do in ordinary occasions. The word "sudden" should, I think, be omitted. With regard to main watercourses, it is provided in clause 7 that—

"The right to the water in a main watercourse, and the right to store water therein, and the right to intercept the flow of water therein and to divert water therefrom, belong to the Crown and not to any private person; and no private person is entitled to store water, or to intercept or divert the flow of water in or from any such watercourse."

It is not likely that water trusts will be established all over the colony—not for some time, at all events; and in the meantime the Government should be enabled to confer the right upon the lessees of runs to construct dams in main watercourses, if they choose to do so. I do not say they should have the right to divert the water, but to store it, and to give them that power would be no detriment to persons further down the main watercourse. But when the water came under the control of a water authority, then the lessee should give up whatever rights he has acquired. No doubt something will in future be done in this country in the way of irrigation. We have a suitable climate and some of the finest soil in the world for that purpose, and if we now strike out a proper course in that direction we shall be supplying the means to build up a very great country. The sooner we strike out that course the better. I shall give every assistance I can to get the Bill passed as quickly as possible—after full discussion, of course. There are a few minor defects which I have tried to point out, and no doubt other members will do the same; but when the Bill gets into committee I trust we shall all work together for the purpose of making it as perfect as possible, and by that means we shall have a powerful instrument for the building up in Queensland of a very great nation.

Large as our railway expenditure has been, it will be nothing to the expenditure of water conservation in the future. When all our large streams are brought under the proper control of man we shall make this country yield corn in such quantities that are at present beyond imagination. I was talking some time ago to an eminent hydraulic engineer, Mr. Gibbs, who has been over a good portion of this colony and of New South Wales. He told me that he had also been over India and America, and said that both these colonies possessed land second to none he had seen for irrigation purposes, and that the streams were sufficiently large, if properly conserved, to enable the land to yield immense crops of corn. I trust the Bill will go into committee this session. I should like to see it become law. It would encourage squatters in the interior to go on with improvements, and I am sorry to say that at present they have not that confidence. Every facility should be given to develop this splendid country, and no better step in that direction can be taken than to devise means by which we can have a large storage of water.

Mr. KATES said: Mr. Speaker,—The hon. gentleman at the head of the Government is deserving the thanks of the House and the country for bringing in this Bill at this time. I say "at this time," because I only regret that a measure like it was not introduced fifteen years ago. It would have been much better for the country, and there would have been no necessity for the hon. member for South Brisbane to have brought in his resolution of last week for the purpose of supplying land-grant immigrants. Men would have come out without any inducement of that kind. There would have been no necessity for additional taxation. The colony would not have been so heavily indebted as it is now, and thousands of stock would have been saved if a Bill like this had been introduced ten or fifteen years ago. According to Mr. Gordon's report we lost in one district during the last twelve or fourteen months 700,000 sheep, besides cattle and horses. We have a loss in another district of 300,000 sheep, and I am sure that if we had had a proper Bill for the conservation and distribution of water thousands of these sheep and cattle would have been saved. From a sanitary point of view also it is very necessary to bring in a Water Bill. We all know that we have recently passed a Health Act, and nothing is more conducive to health than a good supply of water. Further, from a humanitarian point of view, it is necessary that a Water Conservation Bill should be introduced, because we have on our Statute-book a law for the prevention of cruelty to animals. If a man works a horse with a sore shoulder he is punished, and justly so; yet here we have thousands of stock perishing by the most agonising death—want of water. I now come to consider that part of this measure which to my mind is the most important—namely, that which defines water or riparian rights. I look upon that part as the kernel or essence of the whole scheme, for without a proper definition of water rights the Bill will not be worth the paper it is written on. Looking over the measure, I find that the Government has introduced an innovation in connection with the definition of rights. Watercourses have been divided into main and minor watercourses. I do not think it is right to define Crown rights by distances. It is possible that some minor watercourses may contain a greater supply of water than some main watercourses. I know by experience that in some parts of the settled districts there are tributaries which contain a greater quantity of water than portions of the rivers themselves. I am inclined almost to agree with the hon. member for Townsville, that the State should retain the right to all natural watercourses, lakes, rivers, and lagoons. If this were done it would save a great deal of litigation. In California and Colorado the prospects of remunerative irrigation have been seriously imperilled either by the want of a clear definition of State rights in regard to watercourses, or by neglecting to maintain those rights, or, as it has been here, by injudicious legislation by which permanent rights to all kinds of watercourses have been wholly or partially transferred to private individuals. In Italy, France, Spain, and India, questions regarding water rights have been practically settled and set at rest by successful and beneficial legislation. I find that in Article 420 of the Italian Civil Code the following rule is laid down regarding the rights of the State—namely, that—

"The rivers and torrents, and generally all those portions of State territory which cannot become private property, are considered as dependencies of the royal domain."

Article 33 of the Spanish law of water says:—

"There shall pertain to the public—(1) the waters which spring perennial or intermittently within the public roads; (2) those of the rivers; (3) those, whether perennial or intermittent, of the springs and torrents which flow through their natural channels."

In those countries, therefore, they have assumed State control of nearly all watercourses. The preamble of the Northern Indian Canal and Drainage Act begins as follows:—

"Whereas throughout the territories through which this Act extends the Government is entitled to use and control for public purposes the waters of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of still waters," etc.

That assumes the right of the State to control water, as the starting point for legislation. The Royal Commission in New South Wales are of opinion that riparians are entitled to certain rights. Riparians should have rights as much as land-owners, and the commission recommend that the owner, lessee, or occupier of land should be allowed 2,000 gallons for domestic and stock purposes for each mile of water frontage. At the same time, they say that all rights which have been permanently or temporarily granted under mining Acts shall remain in force; that the persons concerned should have the exclusive right to the use of any springs of water rising or situated on such land, and of all the waters found under the surface of such lands, of which the owner may make any lawful use, but no owner has a right to use it in such a manner or to such an extent as to injuriously affect the supply of a well previously existing in any adjoining property. The English law in respect to riparian rights, as has been pointed out by the Premier, is to the following effect:—

"The right to use the water which runs naturally through or past land is a natural incident to property, passing with the property in the land to whomsoever the land passes. That right of use is, however, no more than a right to use reasonably—that is to say, in such a manner as not to interfere with rights *above* and *below* the stream. The Crown has such a right only where and in so far as it has land along the stream."

This question of riparian law has also been raised in Victoria. There the late Mr. Justice Fellows distinctly stated that the English riparian law did not exist and did not prevail in Victoria. In England the streams are full of water, and the people are more inclined to get rid of the water than to retain it. They have too much water, whilst we in this colony have but a scanty supply. So that, if the riparian laws of the old country prevailed here, it would be a serious check to water conservation and irrigation. In

California, unfortunately, this riparian right did prevail, and the following sentences will show the injurious effects that resulted :—

"The splendid fruits of irrigation upon desert lands have all sprung from schemes commenced *before* this issue was raised. From that hour all projects of new works or the enlargement of works in existence have been paralysed."

But there, to improve this, the local or State Legislature introduced a Bill dealing with riparian rights which enacts that—

"Nothing contained in the Act shall be construed as a recognition that any law now exists or has ever existed in this State which divested the right of this State to allow the appropriation of the waters to all useful and beneficial purposes."

Hon. members will therefore see that in all parts of the world the State recognises the necessity of controlling the water in its territory—in any of the natural water channels, watercourses, lakes, and lagoons. Even in South Australia they have seen a difficulty ahead, for we find that in clause 141 of their Water Conservation Bill it is declared that—

"The Governor may, from time to time, by proclamation in the *Government Gazette*, order that all or any of the lakes, rivers, creeks, streams, and watercourses, situated within any water district, shall be under the exclusive control and management of the commissioner."

And the 143rd clause contains the following significant words :—

"The Governor may, from time to time, by proclamation in the *Gazette*, place under the control of, or may absolutely vest in, the commissioner, any water reserves, waterworks, and the beds and banks of any stream."

I think myself that riparians should be satisfied with being in a better position with regard to the water—their land abutting on streams and watercourses—than their neighbours who are situated some distance from them. The former have the benefit of being nearer to the supply and they should not expect more, and more should not be granted them. It is monstrous to say that riparians should have the power to water their stock, whilst those at a distance from the water should be deprived of the right to water their stock. Under these circumstances, I think the question of water rights should be most clearly defined before we enter upon the principle of the Bill; and I firmly believe that the hon. gentleman at the head of the Government will do all he can before he goes into it to define the rights of riparians as far as the public are concerned. The second part of the Bill we come to is the constitution of water areas, and I would point out to the hon. gentleman the danger of small schemes. According to the Bill, if I am not mistaken, he intends to create water authorities in connection with divisional boards. That is a mistake, to my mind. The same mistake was originally made in Victoria, which was afterwards pointed out by the Royal Commission on Water Supply in New South Wales. The report touches upon this point in particular :—

"The appointment of a board as proposed in this section will ensure the administration of water conservation and supply on a complete and uniform system, while the organisation of water trusts will provide for attention to local wants and the economical treatment of details and maintenance. It appears to us that by the appointment of the board here proposed the weak points in the Victorian legislation, which have been remarked on in the secretary's report already referred to, will be provided against."

Now, it strikes me, Mr. Speaker, that if we allow each petty authority to construct waterworks there will be great confusion when hereafter a more comprehensive scheme is required. The money will be thrown away if it is expended by these small local authorities, because in the future a more progressive scheme will be required. I think it will be necessary to have national administration as well as district administration, and in this respect the commissioners also argued that—

"In order that the interests of water conservation and supply may receive in Parliament the attention which they deserve, we are of opinion that a separate department, under a responsible Minister for Water Supply, should be established."

Now, I think in this respect the hon. gentleman at the head of the Government should go a little further. I think a scheme like this is of the greatest importance to the country—that there is nothing of more importance, the hon. gentleman himself admitted ; and I think it will be necessary for him to constitute a special department for water supply with a head who will devote all his time and attention to this particular business. According to this Bill, it appears that an Order in Council will do everything that is required. I want to know who is going to take upon himself the administration of this Bill, and who is an Order in Council ? We know that what is everybody's business is nobody's business. I do not think the hon. gentleman could go far astray in taking my suggestion, and the people in this colony would not in the least begrudge it if he spent a few thousand pounds in the establishment of a separate water supply department. I even go a step further. I do not think there would be any money thrown away if the hon. gentleman borrowed a million or two, and made this a national scheme applicable to the whole colony. I am sure the Treasury would be recouped, because it would enhance the value of Crown lands to a very great extent. We know that not very long ago the Wimmera waterless plains were offered at £1 an acre, and found no buyers. But since the Chief Secretary of Victoria promulgated his scheme of irrigation I am informed the land has risen from £1 to 50s. per acre. If the hon. gentleman would take the same course as has been pursued in Victoria, and make this a national scheme, the country would be well satisfied, and better satisfied than if the small local authorities were allowed to deal with this very important question. If this Bill should fail, then it will be said hereafter that the country is not suitable for such a water scheme, or for irrigation, and it may damage and injure Queensland for a long time to come. The hon. gentleman need not be afraid of the expense. I am aware that a great many people think the cost would be enormous, but I do not think the cost would be so heavy as it would be under this Bill. We find that in the year 1881 the first Water Bill was introduced in Victoria, and Messrs. Gorman and Black reported that in the Goulburn district 6,000 acres could be brought under the influence of irrigation, and that it would cost about £1,800,000, or at the rate of 9s. 8d. for winter irrigation and 19s. 3d. for summer irrigation. After that they obtained further information, and they found that the cost would not be so heavy. They said they could irrigate 800,000 acres at a less cost—namely, £1,400,000 —which would reduce the cost to 7s. for winter irrigation and 11s. for summer irrigation. You see the more this question is inquired into, the more evident it becomes that the expense would not be so heavy. The farmers of Victoria were well satisfied, and admitted that they would not object to pay these latter sums of 7s. and 11s. even on the grain basis — producing wheat, oats, and barley, and those sorts of things, and much more readily would they be prepared to pay that charge if it enabled them to go in for special productions, such as fruit and other things, of a higher value than the staple productions—wheat, barley, and oats. Well, it may also be said by some hon. gentleman

that we have not got sufficient water; that we will not be able to irrigate or supply with water a large area in this colony. The same thing has been said in the southern colonies, but it has been found, after due inquiry, that the more they stored water the more irrigable land they found, and in 1881 the first Water Bill was introduced. They thought they could only accomplish irrigation in some fields in the immediate vicinity of constant running streams, and that some plains might be placed under a few inches of water; but two years after, in 1883, all the knowledge they had went to show that the only area where irrigation could be carried out on a larger scale was in the Goulburn Valley, and there over 100,000 acres of land could be irrigated. Then Messrs. Gorman and Black made inquiries and ascertained that 700,000 acres were irrigable, and last year they took even a step further. All that time the Royal Commission had been doing its work together with the Water Supply Department, and it was ascertained that there were 2,000,000 acres of irrigable land in Victoria. Later on they found that in the water districts, exclusive of Gippsland, they could bring 3,500,000 acres under irrigation and general water supply. I really think, with other hon. members who have addressed this House, that it would be just as well to let this Bill go into committee, and let it even go to the other Chamber and be discussed there; let it then be withdrawn in order that hon. members may gain as much information during the recess as possible. I will even go further, and say that it would be desirable to appoint a commission to make diligent inquiry during the recess and send in a report which should form the basis for future legislation. The other colonies have never attempted to legislate upon this important question before ascertaining by a commission the specialties of each district. It has been pointed out by the hon. member for Cook, and also by the hon. member for Fortitude Valley, that each district has its own specialty. Some districts will be best supplied by the diversion of their streams, others by subterranean water supply, and others by impounding the water; and it will be the business of the commission to find out all these specialties. That will be a considerable help to the Government hereafter in bringing forward a Bill on a better basis. In connection with the Bill, there will have to be introduced a system of agricultural education, because nobody will say that at the present time agriculture can be carried on without scientific education. I have merely to refer to what our southern neighbours are doing in this direction. They recognise the fact that irrigation and water supply and agricultural education should go hand-in-hand. Our old friend Angus Mackay, once a member of this House, was appointed not long since by the New South Wales Government to act as agricultural instructor, and only this morning I saw a telegram from Sydney stating that the Governor yesterday opened the premises in connection with the Technical College to which Mr. Mackay has been appointed. He has under him a staff of able assistants, and has laid down a scheme by which they will travel through the agricultural districts, imparting instruction in many useful ways. I will only point out the most important subjects of instruction, among which are the science and practice of agriculture in Australia; soils, their nature and constituents; the native grasses and timbers of New South Wales; botany; the mechanics of agriculture; rainfall and winds; stock-raising; sheep and wheat farming; wool-sorting; grain crops; fruit-farming; fruit-preserving; tobacco-growing; fibre-yielding crops; veterinary practice; dairying and siloes; poultry-farming; bee-farming, and so on. I am sure the colony of New South Wales is to be congratulated on having secured the services of Mr. Mackay in connection with this advance in agriculture and agricultural education It is only to be hoped that we shall follow in the same direction. As long as I have a seat in this House I shall not cease to remind hon. gentlemen on the Treasury benches that there cannot be enough done for the agricultural interest, because that interest must in course of time become the premier industry of the colony. I have a great deal more to say on the subject, but I will defer it till I bring forward my motion for the appointment of a Royal Commission. I find that the hon. gentleman at the head of the Government did not make any provision in the Bill for a sinking fund to pay off the debt.

The PREMIER: We follow the principles of the Local Authorities Loans Act—a very excellent plan.

Mr. KATES: I hope the hon. gentleman will not deal with this subject in a half-hearted manner. The eyes of the whole colony are directed upon this scheme; and I am sure, as I said before, that the people of the colony will not in the least object to making this a national scheme. Therefore I hope he will go into it heartily, because we know that without a proper system of water supply and irrigation we shall never go ahead, and farming will become almost a dead-letter. We know that after one good season we generally have two or three adverse seasons, and if we could supply the farmers with water they would be as certain of their crops as the artisans are of their wages at the end of the week. There would then be no necessity for expending any money for immigration purposes, because people will flock to the colony by the thousand when they find that they can make sure of their crops. And not only will they be able to produce staples, but special productions also, of a much higher value, an acre of which will be worth hundreds of pounds — such as fruit, hops, and other valuable productions. On behalf of my constituents I thank the Premier for introducing the Bill, and I hope that he will apply all his energies and talents to make it as perfect as possible. It is a measure of the greatest importance, but cannot be carried into effect for a year or two. It is time we made a beginning in connection with this matter, but it is better late than never, and I hope that by next year we shall be able to perfect this Bill so that it will become a blessing to the colony of Queensland.

Mr. FERGUSON said: Mr. Speaker,—There is no doubt that this Bill is a step in the right direction, but I am not so much in love with it as some hon. members who have spoken. It is an attempt to deal with one of the most important questions that can come before the House, the question of the conservation and distribution of water for irrigation and other purposes; but, as far as I can see, the irrigation part of the Bill is not worth much consideration. It will go very little in that direction so far as I can see. This is a question we have had before us for years, both inside and outside the House. Every Opening Speech since I have been a member has made some reference to the storage of water, and last session the Opening Speech stated that if there was time and the necessary information could be obtained, a Bill would be introduced; but the Bill did not make its appearance. I know that a great number of the outside public expected to see a more comprehensive measure than this. So far as I can see, this Bill is on the lines of the Bill at present before the Victorian Parliament.

The PREMIER: It is as different as possible.

Mr. FERGUSON: It is like it in some respects. I will explain the differences directly. The Bill before the Parliament of Victoria recognises irrigation on a much larger scale and takes altogether more notice of it than this Bill, which, so far as I can see, ignores it altogether. Of course, the colonies of Victoria and Queensland are altogether different, and what might be applicable or suitable in Victoria might not apply to Queensland at all. Victoria is a thickly populated colony, and while the area is small the streams are numerous. There are some rivers in Queensland—perhaps more than one—that drain more territory than the whole colony of Victoria, and therefore the same scheme in the same Bill will not apply to the two; and if ever Queensland is going to establish irrigation successfully at all, the main sources of supply will have to come from the rivers, and no trusts will ever attempt to deal with the matter. If the main rivers are to be used the State must carry out the scheme and construct head works, or whatever is required in that direction. It must be a national scheme, and then, if it is necessary, the canals and tributaries can be placed under the control of the local authorities of a water area. Victoria has gone to a great deal of trouble in connection with her water scheme. They have appointed commissioners and engineers to make reports, so that they have an enormous amount of information that we have not at present in Queensland. In fact, we have no information at all as yet—we are in the dark. In Victoria, they know the capabilities of their streams, and how to divide the country into water areas; and the water trusts have information before them to enable them to deal with the matter, while our colony is simply lost. We do not know how to set to work; we do not know the capabilities of any stream, or the quantity of land suitable for irrigation; but in Victoria they have all this in hand at the present time. So far as I can see there is only one new principle in the Bill, and that is the most important part of it—the part that defines the rights of natural water. The local authorities at the present time have the power to construct waterworks; that is, the divisional boards and municipal authorities can construct waterworks now and borrow money from the Government according to the Local Government Act; and can establish rates, and so on, as they can under this Bill; so that the only new thing in the Bill is the definition of the rights of water, and if it were confined to that only, and that only were decided until a more comprehensive scheme to deal with water throughout the whole colony is introduced, it would be better. It is not the slightest use saying that irrigation will never be successful in Queensland. I am satisfied from what I have read of other countries which are similar in climate, such as Spain and California, that it will be successful. In fact, in Spain not long ago, although irrigation has been carried on there further back than in almost any other country—500 or 600 years—the Government voted £1,000,000 to be distributed, free of interest, for irrigation purposes. Wherever the value of irrigation is known the governments do all they can to develop and increase the system. There is no doubt, as I say, that Queensland is quite as suitable for irrigation as some of those countries where it has been successfully tried, and where the conditions of soil and climate are the same—temperate, semi-tropical, and tropical. It will be far better for anyone to have 100 acres here with a certainty of water supply when it is required, than 500 or 1,000 acres as the country stands at present. Farming will not be successful so long as there are such great risks as at present. The seasons are uncertain, and the farming class will never succeed unless there is a certainty of getting their crops, and we will never settle a population in the colony unless we take up the question of irrigation on a much larger scale than the Bill proposes. The Bill does not propose irrigation, and unless we do that we will never get a settled population in the colony. And what is the good of constructing railways? We can construct them throughout the colony as fast as we like; but unless there are people and produce to increase the traffic they will not pay. The railways and the water scheme should go hand-in-hand. The lines would pay as soon as they were constructed, and the people would be prosperous as soon as they settled. As it is at present, people will only settle for a year or two, and after the first dry season they are wiped out. This is our experience up to the present. The only fault I find with the Bill is that it does not recognise the irrigation system properly. I do not intend to take up the time of the House, but I would like this Bill to go through only so far as establishing the rights to water. That part of it has been already so much discussed, and so well, that it is no use my saying any more about it. If I cannot deal with it as a whole, I would rather not deal with it at all this session, but have a more comprehensive scheme brought forward next session.

Mr. PALMER said: Mr. Speaker,—There is no doubt that the time is drawing nigh when a Water Bill will become necessary for the requirements of the colony. When we consider the considerable expenditure that has been going on from the Loan Fund and from the consolidated revenue in the interior of the country with, I may say, very small results so far, I think it is time that the management of these moneys should be placed in local hands. I suppose the Bill will apply to the expenditure of moneys upon main roads through the colony. I notice that it is estimated that over £19,727 is required for the hydraulic expenditure for this coming year 1886-7. When the Premier introduced the Bill this evening, it could be seen that he thought he was treading upon tender ground, for he knew that the matter was not one that he could fairly lay before the House in such a manner that he could speak firmly upon it. He gave the legal workings of it in a very masterly way; but I noticed that he was under some constraint in delivering his utterances this evening. As to the principal matter in the Bill, that is the first foundation of the establishment of water rights, we find it in the 5th clause, which defines the rights to natural water. Always supposing that this principle is fairly constituted and the legal question settled, then I fancy that all irrigation questions or water rights might be carried out free from any legislation. We must have this on a stable foundation. It is no use to begin building the house from the top, we must begin at the bottom and build it in a proper manner. The definition of main and minor watercourses will be the principal difficulty of the Bill. I think the Premier must have had the ideal in his head that what are here called "minor watercourses" may be rendered, by the construction of overshot dams, permanent watercourses. I have seen a creek out in the Western district in which eight or ten overshot dams were constructed of stone, and thus a permanent creek has been made of what was previously nothing but a sand-bed for months at a time. Such a construction as that is of course a matter of great importance, but I think may be impeded by clause 15, which deals with a case where a minor watercourse divided the property of two owners. They may not agree to construct such a dam on the watercourse, and if so, who has to pay the cost of it?

Subsection 1 of clause 15 deals with the matter, and it is one of very great importance in the Bill. It reads :—

"The land on the lower part of the watercourse is liable to receive all water which naturally and without any artificial aid or interference flows over it from the higher part of the watercourse."

If that was made to read, "The land on the lower part of the watercourse is liable to receive all water which flows over it from the higher part of the watercourse," it would meet the case, as it would then flow through or over the dam, and still the people below would receive all the water that flowed; because, once the dam was full, a very small flow will pass on, and the people below will not suffer any damage from the construction of these overshot dams. I think the Premier had a pretty good idea of that this afternoon when he spoke. The member for Townsville drew attention to one matter which looked like a hardship in the minor details of the Bill. I have seen one or two other cases of the kind in the Bill. For instance, in the 124th clause I see in the 2nd subsection the water authority is empowered, under certain circumstances, to sell unoccupied or unimproved lands on which the rates have not been paid. A very great hardship may arise under this clause if lands are sold by any arbitrary proceedings on the part of the water authority. There are several other harsh and arbitrary regulations, but which can, perhaps, be altered in committee. Dealing with the Bill as a whole, I think the time has scarcely arrived for so comprehensive a measure as this. I am only reiterating what other hon. members have stated when I say that I think the Premier will do well not to pass this Bill this session. We have not sufficient information before us for taking hold of such a Bill as this. Last session we agreed to a measure to fence out rabbits, but that was not done without a great deal of discussion, and the getting of a report from a person well qualified to report as to the necessity of it, and the proper places at which to construct the fence. There was also last session a vote passed from the Surplus Revenue Fund of £50,000 for central sugar-mills, but that was not done either without a good deal of information and a very able report from Mr. Hodgkinson as to the desirability of the step and as to the best places in which the vote should be expended. I therefore think that such a Bill as this should not be brought before the House suddenly, or that we should be asked to pass it in this manner. It has only been before the House about a week, and we have little or no information upon a great many subjects upon which we require information, before we will be in a proper position to consider this Bill. We require information upon the differences of climate and rainfall in different parts of the colony, and as to the most desirable places in which to construct irrigation works. We want information on all these matters, as from the meteorological reports we get we can gather very little as to where are the best water areas. The rainfall out on the Bulloo, where I once had it carefully taken, for eight years was not so much as in one year on the eastern slope of the colony. It amounted to something over 104 inches, and I have known that much rain to fall in one year about Cairns, Cooktown, and Port Douglas. The varying rainfall, therefore, in different parts of the colony is a matter upon which we require more information. The Bill, after all, brings us back to the declaration of what are riparian rights. I cannot see how any person can lay claim to the water any more than he can lay claim to air. They should both be equally free—the one man who lives eight or ten miles away from a watercourse should have an equal privilege to the water with the man located on the bank of it. Common justice would dictate that each should have an equal right to the water, which might be the salvation of both. If this Bill will settle that, it will go a very great way towards rendering the difficulties that have existed in other countries—difficulties which the hon. member for Townsville rightly referred to as leading to very great litigation in California, where an industry in which over 100,000 persons were concerned was at stake through the want of a proper definition of these riparian rights. As the colony is young, and we have no vested interests yet of any magnitude existing with regard to these rights, I think the time is ripe for this question to be settled once for all. The difficulty about minor watercourses is one which will crop up in connection with that. That is to be settled, I notice, in a local manner—by reference to a local committee, I think, which of course will take evidence upon the spot. I am not prepared to go into the description of a creek, because what is a creek on the coast is a matter of very small importance in the interior. We find watercourses there 100 miles in length run so peculiarly that you may cross them without knowing where they are, and lower down they get to be large rivers. I hope we shall have an opportunity of dealing with this Bill next session, but if it should pass this session I would suggest that clause 51 should be altered by striking out the 3rd subsection, which says :—

"Watercourses for the supply of water for irrigation, or other agricultural purposes, or for mining purposes."

I maintain that the colony is not ripe for an irrigation scheme to be properly carried out. There is no doubt the time will come when irrigation will be the mainstay of the agricultural interest, but the localities where irrigation would be available are so limited, the population is so limited, and I might say the capital is so limited, that for undertaking works of that kind I scarcely think we are ripe. The two previous subsections might be inserted in a Bill of this sort :—

"1. Waterworks for the supply of water at the reservoirs themselves"—

That would be on roads in the country, or dams for small towns.

"2. Watercourses for the supply of water for domestic purposes."

I suppose that would apply to towns. The subject, of course, after all, is the declaration and definition of rights to natural water, and, as I said before, it is often very difficult to decide which is the main branch. There are so many anabranches on some of the Western rivers that I believe they will have to make several main branches in the same river. There is one point in the Bill I do not quite understand—in case of a water area being constituted under this Bill, would the owners of land not directly benefited by the irrigation scheme have to pay the water-rate equally with those who use the water?

The PREMIER : Yes, the general rate.

Mr. PALMER : If so, I think the farming class will repudiate the Bill. I do not think men who perhaps will receive no benefit from it for years will agree to accept it. In comparing the scheme of the Bill with the schemes put before the American irrigationists, I find that the great success of irrigation in America has resulted from private enterprise. The only thing desired by the American irrigator was to be left severely alone. So long as the water rights were defined and water areas constituted, he was quite content to carry out his own plans, and wherever that has taken place it has been successful. I think that is what should be done here. All that is required is to define the rights that have been in dispute, and then I think the Bill might leave private

enterprise to deal with the matter. When large private enterprise does take up a thing, it generally goes on successfully. We have had the history of irrigation for many ages—in France, in Italy, and America; but then we have to come back to the subject as one specially applicable to Queensland. We have to deal with it in a great measure from local knowledge, and, therefore, I think we should have more information—information that could be got between this and next session, when we ought to have the assistance of every member of the House, which, I believe, they will be ready to give.

Mr. CHUBB said: Mr. Speaker,—I would like to say a few words on this measure, although the subject has been exhaustively dealt with by hon. members who have already spoken. It appears, so far as I am able to sum up the speeches of hon. members, that we have before us three schemes—the scheme of the Chief Secretary as defined by the Bill; the scheme proposed by the hon. member for Townsville, which is to declare all natural flowing water vested in the State; and the scheme proposed by the hon. member for Cook, to declare certain water districts, and allow each district to make its own definitions. That last proposition only needs to be stated to show its extreme inapplicability, because if you had a stream running through two districts, and each making different and inconsistent definitions, then the Water Act could never be administered. That scheme, therefore, being dismissed, there are only two left for consideration; and while I admire the scheme of the Chief Secretary, I am more in favour of the one proposed by the hon. member for Townsville. The scheme of the Bill is to declare two kinds of watercourses—main and minor watercourses, the main belonging to the State and the minor to the proprietors of the land. Now, the scheme of the hon. member for Townsville would obviate a great many of—I might almost say all—the difficulties which would arise as to the rights of proprietors; because if every watercourse belonged to the State there would be no necessity to define what was tributary and so on, as this Bill will render necessary. If that scheme were adopted, of course the Crown would have to make provision for dealing with the vested rights which have already been acquired. There are in this colony some cases—perhaps not many—where proprietors have expended money upon what under this Bill would be minor watercourses, and perhaps on some which would be main watercourses, and those rights would have to be protected in some way, either by purchasing them back for the State or by giving a lease or some sort of compensation for a fixed period. I would like to draw attention to one thing in the Bill which appears to me, though a matter of detail, to be a very substantial one, with regard to minor watercourses. Clause 8 says:—

"The right to the water in a minor watercourse, and the right to store water therein, and the right to intercept the flow of water therein, and to divert water therefrom, belong to the proprietors of the land through which the watercourse passes."

Now, the term "proprietor" has not received any definition in this Bill.

The PREMIER: Yes, in clause 17.

Mr. CHUBB: I had overlooked that; it is not in the interpretation clause. What I was going to point out was that if that word "proprietor" is not sufficiently wide to cover a Crown lessee, then a pastoral tenant on whose run there was no main watercourse, or who would be unable to obtain the right of storage of water on a main watercourse by arrangement with a local authority, would not be able to make any storage of water at all. If, however, by this clause a proprietor is so defined as to include a pastoral tenant, then he will have the benefit during the term of his lease, at any rate, of the water stored in a minor watercourse. With regard to the definition of main and minor watercourses, clause 5 of the Bill is as good as any which occurs to me at the present moment. Probably when the Bill is in committee hon. members will suggest some modification of the definition, though if we are to adopt abstract definitions these will do as well as any other. With regard to clause 15, it states some of the principles of the English common law with regard to water. Subsections 1, 2, and 3, I think, state the English law exactly as it is on those points, but subsections 4 and 5 are a negation of the English law to a certain extent. Subsection 4 gives a proprietor a right not given by the English law; it gives him a right to intercept the water. Under this subsection it appears to me that he might almost entirely stop the flow of water if his dam would do it, and deprive the unfortunate people further down of any water from the stream. Under subsection 5 he must not divert water from a watercourse without the consent of all proprietors within a certain distance. The right given under subsection 4 is therefore much greater than that given under subsection 5, because without the consent of the subjacent proprietors for 25 miles he may stop the flow of water altogether if his dam will hold it all. That will need some consideration when we come to that part of the Bill. It is not necessary to refer to the machinery of the Bill, because I consider that Part II., containing the definition of main and minor watercourses, with the subsequent sections defining the rights of proprietors, is really the keystone of the arch. When we are agreed upon the definitions the rest can be easily provided for. I do not propose to discuss the machinery of the Bill, except to make this remark, in passing, that there appears to be no provision to prevent persons, under a colour of right, from destroying any dams which may be erected in watercourses. No doubt the criminal law applies to the cutting of dams, but that applies to wilful destruction, and not to those cases suggested by the Premier, of cutting them under a colour of right—under a belief that they have a right to the water. They should be prohibited from doing that. If a watercourse is improperly dammed or obstructed it should be taken notice of by some properly constituted authority, but no person should be allowed of his own motion to cut down dams. Stringent provision should be made to prevent that. A case on that very point occurred in my own practice some eighteen months ago. I came to the conclusion that the courts here would probably follow the common law, and I recommended my client not to allow the dam to be cut, but to protect it by main force. That seemed to be the only thing to be done at the time. The persons in that case thought better of it, and my client was not compelled to have recourse to force to protect his rights. Like the dog in the manger, if they had succeeded in cutting the dam, the water would not have flowed to their runs. They would have done injury to the person who had spent a lot of money in storing water, and would have derived no benefit themselves. The hon. member for Burke made one remark which I will refer to briefly. He could not see why riparian owners should have water rights more valuable than persons behind them. Of course, in the abstract one may admit that they ought not. But I take it that those persons who have acquired riparian rights have mostly paid for them. Persons along a stream are likely to have paid a larger price for their land

than those who are at some distance back from water. And there is always the right of first possession, which is recognised by our law. In this country, where only a comparatively small proportion of the land is alienated, it may be right that we should declare that riparians have no more rights than other owners of the soil, always having due regard to those vested rights, which are already to some extent existing and are recognised. I would suggest that if the Bill does not pass this session, possibly a short Bill preserving those existing rights might be introduced as a temporary measure until the House is in a position to pass this Bill into law. It may be that some persons, stirred up by this discussion, may attack some of the dams already made, and which cannot be protected until this Bill becomes law. Existing rights should at any rate be preserved. Just at this moment the country has been blessed with very heavy falls of rain, and there is a considerable amount of water in the streams; consequently the danger is not so imminent as it was six months ago. I would urge on the consideration of the Government, whether, if this Bill is not gone on with this session, it would not be possible to pass a short Bill protecting the rights of those who have already expended money in the storage and conservation of water.

Mr. MACFARLANE said: Mr. Speaker,—It is not my intention, at this late hour, to discuss the Bill at great length, or even to discuss at all the question of main and minor watercourses. But I wish to congratulate the Premier on introducing to the House a Bill which the country has been discussing and asking for during the last ten years. Year after year the Bill has been promised, and I am glad to see it introduced, even at this period of the session. It is admitted by all that water is the great desideratum to make this colony worthy of the name it bears. Water to Queensland is very much like coal to Great Britain. Without it she can never properly progress, and must in time go backwards. Therefore we ought to be gratified to see this Bill brought in. Some hon. members on both sides, while congratulating the Chief Secretary for introducing the Bill, seem to think that it should not be allowed to pass this session, but should be put aside for further discussion and inquiry until next session. In my opinion it would be far better to pass the Bill this year. It is admitted to be a Bill of great importance, and the country has been asking for it for years. I look upon it indeed, not only as the most important Bill we have had this session, but the most important we have had introduced for many sessions. I hope the Premier will thoroughly consider the matter before he decides to postpone the full consideration of the Bill till next session, If it is afterwards found that some parts of the Bill do not work satisfactorily they can easily be amended in a subsequent session. I think the passing of this Bill will be the best gift the pastoral tenants could receive. We have had quite a flood of water in the House to-night, and I am glad to see that hon. members have recognised the importance of water. It is a very important material. I hope hon. members will assist the Premier in passing the Bill this session. I have no intention of taking up the time of the House any further, and merely wished to add my quota to the debate.

Mr. STEVENS said: Mr. Speaker,—I am very glad indeed that the Premier has brought this Bill in this session, and although the session is now in an advanced stage, I think there is plenty of time to allow it to go into committee and have it thoroughly discussed there. There is no doubt that on the second reading Bills do not get that thorough discussion they receive in committee. Another reason why I think it should be allowed to go into committee is that it will set at rest the minds of persons who have invested large sums of money in constructing dams and reservoirs in many parts of the colony. And another reason why I am glad the measure has been introduced this evening is that it is paving the way to one of the most important schemes it is proposed to deal with—namely, irrigation. I am surprised that more hon. members have not touched upon this aspect of the matter. Whatever the rights may be that will be conferred by this Bill on pastoral tenants and others in the colony, the Bill will be as nothing compared with what the irrigation scheme will be in years to come in Queensland. I quite agree with the hon, member for Darling Downs that that is almost the one thing which will bring Queensland to the front as an agricultural colony. I do not intend to go into the details of the Bill this evening, but I will just refer to some remarks that have fallen from hon. members in the course of the debate. It has been suggested by one hon. member that it might be left to local bodies to define the different rights in their districts. There is a great deal to be said in favour of that view; but if it is to be adopted in this Bill, a veto should be left with the Government. I could point out a number of hardships which could be brought about by influential persons in certain districts if such a provision were adopted. The hon. member for Townsville, if I understood him correctly, argued that the whole of the water supply should be in the hands of the Government; and he instanced Spain and Mexico as two countries in which that law obtains. I do not think that he could have chosen much more unfortunate instances. Spain has fallen from a nation of very great power to one of a third-rate power. He also said that in Mexico the control of the water was in the hands of the Government after it was taken by the Spaniards, which was also an unfortunate illustration. With regard to the definitions, the Bill provides that if a watercourse is more than twenty-five miles in length, in a straight line, it shall be a main watercourse. In the interior there are hundreds of streams—creeks as they are called—which are more than twenty-five miles in length, that could not, except upon the terms here laid down, be called main watercourses. They run a few miles, perhaps ten or fifteen, and then "peter out," as it is termed. Then there is an occasional hole in the ground; the creek gathers itself together again and becomes a defined course. It is only during heavy rains that the course of the creek can be followed. I think that, in the western interior, at any rate, this provision that a watercourse which measures twenty-five miles in a straight line should be considered a main watercourse will be a great hardship. In some instances these creeks are entirely surrounded by country belonging to one person, and in that case any dam or number of dams erected on it would inflict no hardship on any other person, as the whole of the watercourse is in the hands of the person constructing the dams. I think cases of this kind should be excluded from the provisions of the Bill. As has been pointed out by some hon. members at the present time, a person has no right to make a dam and to maintain it against all comers. That has been disputed in the southern colonies, where gangs of men have been organised to cut away the dams. The owners of the dams have had lookouts posted to ascertain if anyone was approaching the dam for the purpose of destroying it, and if there were, the men were sent down to the rescue. I do not see why the passing of this measure should be postponed. What is the

information hon. members want to get? As far as dams and reservoirs are concerned, there are no statistics which can be of very great use, but in the case of irrigation I can understand the necessity of allowing time for hon. members to obtain the information they desire. But this is only the first step towards irrigation; so that I do not see what there is to be gained by deferring the passing of this measure to another session. It may possibly turn out that next session we shall have very important work to do, and there may be no opportunity of considering and dealing with this Bill. Of course it rests entirely with the Premier whether the Bill will be carried through this session, but I hope it will.

Mr. BROWN said: Mr. Speaker,—I will not detain the House many minutes; in fact, I am afraid that if I did so there would be no hon. members present to hear me. I agree with a great deal that has fallen from the hon. member for Logan. I regard this Bill as only the first step towards irrigation, and I believe it will be a very good thing if it becomes law this session. There is one matter to which I should like to refer. With regard to the rights to natural water, it has been suggested by the hon. member for Townsville—and in my opinion the suggestion is a good one—that, in the first instance, at any rate, the State should claim the right to all natural water. If it is found, on experience, that any departure can be made from that principle with safety, it would be easy to concede water rights to the occupants of the country; but if these rights were conceded to the pastoral tenant now, it would not be so easy afterwards to get them back again. That is one other matter I wish to mention. We know that pastoral tenants in the interior have spent large sums of money in the storage and conservation of water. I am not a pastoral tenant, and have therefore no fear of being misunderstood in what I say. But I think we ought to be very careful in adopting any legislation that would prove injurious to the pastoral tenants. They have had trials enough during the last few years, and I will not be a party to any legislation that is going to injure them in any way by depriving them of those receptacles of water which they have constructed at enormous outlay. Their rights must be carefully considered. If the water authorities are to have control of all flowing water they will come into conflict with the pastoral tenants who have constructed dams, and I would like, at any rate, to know how those pastoral tenants are going to be compensated. I have heard of one or two very hard cases in which pastoral tenants have had to give up dams made by them at great outlay, and I feel very strongly on that point. As I have said before, I am not a pastoral tenant, and therefore no one can accuse me of being interested, or having any motive in bringing this matter before the notice of the Government. As the hour is very late I will not detain the House by saying any more upon the Bill on this occasion.

Question—That the Bill be now read a second time—put and passed.

The PREMIER, in moving that the committal of the Bill stand an Order of the Day for Wednesday next, said: Mr. Speaker,—I have listened very attentively to the very instructive debate that has taken place on this subject. So far as I can see, with respect to the main point—the definition of rights to water—there appears to be a general consensus of opinion that that ought to be settled. The general opinion appears to be that it should be settled, and that it is of more importance that it should be settled than how it should be settled. I must confess that I have been very much impressed by the arguments of the two hon. members for Townsville and of the hon. member for Darling Downs. With respect to the definition quoted by the hon. member for Darling Downs from the Spanish Code, I was much impressed with that, and it occurred to me that it might be better for the present, instead of dividing the watercourses into two kinds, to adopt some general scheme of that kind, giving power to the Government to issue licenses to persons to erect waterworks or dams, and at the same time to declare that those erected up to the present time have been lawfully erected. I say that as the result which the debate has produced in my mind at the present time, although I still consider there ought to be different rules laid down in respect to different kinds of watercourses. I am not prepared to say whether the Government will proceed further with the Bill this session. A great many hon. members I know would like to go on with it, and I should like it myself very much. At present it will not stand at the top of the paper, and if the Government see their way to go on with it ample notice will be given to hon. members.

Mr. STEVENS said: Mr. Speaker,—Perhaps I may be allowed to say two words upon what has fallen from the Premier with respect to the issuing of licenses for these water rights. I would point out that that might be affected by the provisions of the present Land Act. If a license was issued and it expired at the end of the lease of a pastoral lessee, in the event of the run being sold he might not be able to obtain compensation for the dam.

The PREMIER: There is nothing in that.

Mr. STEVENS: It would have to be provided for.

Question put and passed.

ADJOURNMENT.

The PREMIER, in moving that this House do now adjourn, said: It is proposed to take the second reading of the Health Bill to-morrow, and the business will then follow in the order in which it is now on the paper.

The House adjourned at a quarter past 10 o'clock.