Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 16 NOVEMBER 1910

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LEGISLATIVE ASSEMBLY.

WEDNESDAY, 16 NOVEMBER, 1910.

The DEPUTY SPEAKER (W. D. Armstrong, Esq., *Lockyer*) took the chair at half-past 3 o'clock.

QUESTIONS.

"KILLING A BIG INDUSTRY."

Mr. MANN (*Cairns*) asked the Premier—

1. Has his attention been drawn to a paragraph headed "Killing a Big Industry," which appeared on page 6 of the *Gympie Times* newspaper, dated 12th November, 1910?

2. If not, will he make himself acquainted with the subject-matter of the said paragraph with the view of refuting a gross libel on Northern Queensland?

3. Will he also consult with the Federal Government as to the best means of refuting the falsehood "That the duty and bounty on sugar are both paid by the consumer"?

The PREMIER (Hon. W. Kidston, *Rockhampton*) replied—

1. Only by the hon. member.

2 and 3. This is not the place, nor am I the person, to reply to Press criticisms of the Federal Government.

RIGHTS IN WATER AND WATER CONSERVATION AND UTILIZATION BILL.

RESUMPTION OF COMMITTEE.

(*Mr. K. M. Grant, Rockhampton, in the chair.*)

On clause 4, as amended, on which the Treasurer had moved that after line 25 there be inserted the following:—

"Bank of a Watercourse"—The bank which on either side limits the main or principal watercourse under normal conditions as indicated by the normal water level, or the water mark, or any bed of shingle, sand, or mud, as the case may be—

Mr. MANN said it often happened that a watercourse was split in two by a bed of shingle, sand, or mud, which was only covered in flood-time. Did this definition mean that in such a case the Crown would only claim the right over the main bed of the watercourse, and that the lesser channel would belong to the owner of the adjoining land? If not, what did the amendment mean?

The TREASURER: The hon. member would see that it was the bank on either side which limited the main or principal watercourse under normal conditions that was to be taken as the bank. That was quite distinct from the bank at flood level or after a sudden rise in the water.

Mr. MANN: If that was so, in a case where a man owned a 160-acre selection with a frontage of 28 or 30 chains to a watercourse in which there was a long narrow spit of sand or mud dividing the watercourse from the main bed, he would own the watercourse nearly to the middle of its bed, while a selector lower down, where the water was running in one channel, would have no right to any portion of the watercourse. There were cases in which there was sufficient sand, or mud, or shingle on which a man could erect a temporary fence in the middle of the watercourse during nine months of the year, and remove it again when there was likely to be a flood, and thus secure a right to a portion of the watercourse, while other men lower down the watercourse could not do anything of the kind, because the water ran in one channel between well-defined banks. What justification was there for such a definition? Why did the hon. gentleman not take the normal level of the watercourse during a normal period?

The TREASURER: That is what the definition means.

Mr. MANN: It meant that if there was a bed of sand or mud 40 chains long right out in the middle of the watercourse, the bank should be that part of the bed next the watercourse. He thought the hon. gentleman would do well to omit the latter part of the amendment, and restrict it to the words, "The bank which on either side limits the main or principal watercourse under normal conditions." As it stood the definition would operate unjustly.

Mr. CORSER (*Maryborough*) recognised that in the amendment the Minister had tried to meet contingencies which might arise. There were streams with double banks, and in sugar and agricultural districts a good deal of the land between the first and second bank was cultivated. The new definition would limit the watercourse to the bed between the inner bank, and it would serve as a guide to surveyors when surveying land on water frontages. He thought the amendment was an improvement to the clause, and that it would meet general cases, though it might not meet special cases.

Mr. J. M. HUNTER (*Maranoa*) confessed that on reading the amendment he was at a loss to understand what it meant, and he did not think the explanation of the Treasurer had made it much clearer. In Queensland we had two classes of watercourses—running streams, and creeks which were nothing more than sandbeds under normal conditions. It would be difficult to determine under the amendment what was the bank of a watercourse whose normal condition was such as he had mentioned. In his opinion it would be better to define the bank of a watercourse as "The bank which on either side limits the main or principal watercourse." As the hon. member for Cairns had said, it frequently happened that there was a small bank in the middle of a watercourse and that the water ran on one side only. He took it that the Treasurer did not mean to take that bank as the bank of the watercourse, but that he desired to take the topmost bank. The normal condition of a number of inland streams was a sandbed. There might be a trickle of water in one part, and on either side of that trickle what might be called a step, but he hardly thought it was the bank referred to in the amendment. The abnormal state of that stream would be when it was in flood.

Mr. CORSER: It sometimes flows over 3 or 4 miles.

Mr. J. M. HUNTER: That was so when it overflowed its banks, but he took it that the bank of any of these streams that the Treasurer was trying to get at was the topmost bank over which flood water flowed, not a lower step below—it might be two or three steps down to the normal stream. He thought the Treasurer wished to take in the area clearly defined by these two topmost banks—those which contained the whole of the water until the stream overflowed.

The TREASURER: This was one of the most difficult definitions in the Bill. (Hear, hear!) It had puzzled the surveyors and everybody dealing with the land in Queensland ever since Queensland had begun to cut up the land. He had asked Mr. Spowers, the Surveyor-General, what he thought of the definition. As they knew, no attempt had ever been made by legislation in Queensland hitherto to define what was the bank of a watercourse. Surveyors in the past had been in the habit of acting on their individual ideas as to whether they took the top bank of the stream, the edge of the stream, or the middle of the stream. Hon. members must recollect that while the top bank would do in one district, they would have to go to the edge of the stream, or even the centre of the stream, in another district, to get the boundary of the creek. This was the direction which had been given to the surveyors' board lately—

As it is desirable to establish uniformity of practice in the measurement of frontage watercourses, it is directed that the boundaries of portions fronting a watercourse shall be the edge of the main channel, as indicated by the water therein, or the shingle, sand, rock, or mud, where temporarily dry.

To that extent they had followed the surveyors, and they went on to say—

The minimum width to be reserved for the channel of frontage watercourses (that is between the portions on opposite banks) shall be fifty links.

In referring the matter to the draftsman he thought it inadvisable to put in anything as to links in the definition. (Hear, hear!) They

had incorporated a good deal of the definition of the surveyors. He considered that they were best qualified to interpret this, as they had been acting on their own initiative in the matter for a good many years, and he did not think we could do better than to act in conformity with what had been done by experts, and take the nearest definition they could give as to what was a bank or watercourse.

Mr. MANN: Judging by the remarks of the hon. member for Maryborough, they knew where this amendment had come from, and now the Treasurer had told them that the surveyors had given a definition.

The TREASURER: As a matter of fact, it did not come from him at all, if that is what you are pointing out.

Mr. MANN: The hon. member pointed out that if the Treasurer insisted on his first definition of watercourse, it would take a good deal of our sugar lands, and the farmers' party had been moving in the matter. The hon. member for Maryborough was quite rightly trying to protect the interests of the farmers. In spite of the definition given, it was still faulty, and he had given an illustration of what might happen under the clause. The Government apparently sought under the Bill to allow the fullest possible use of water; but, if this definition of a watercourse was taken, there was nothing to prevent any settler who happened to have a sandspit in the river in front of his holding from fencing that part off, and not allowing them to get water from that side of the river.

Mr. CORSER: Oh, no!

Mr. MANN: That could be done under the amendment, and everyone who had followed up our rivers knew that it was true. He had seen these sandspits covered with dense vegetation, and making in a dry period a fine grazing place for stock, but a man could fence in that country and say, under the definition, it belonged to him, while a man lower down, adjoining the same channel, had no claim at all. He considered the definition was faulty and ill-drafted, and would not meet the requirements of the public, and if the Treasurer had been wise he would have accepted the suggestion of the hon. member for Townsville, and withdrawn the Bill until he had got further information about these subjects.

Mr. J. M. HUNTER hoped the Minister would not press this through in its present form, because his own explanation proved how indefinite it was. He had taken part of the surveyors' definition, and left part out—the part which would have clearly defined the water channel, and where its banks might have been, had been left out. It might be a right thing not to put it in, but the only thing that made it at all definite was what was left out. Had he put it in, we might have found the bank of a creek somewhere in the middle of it, as in the Brisbane River we found the banks in the middle, and that would be most undesirable. As it read at the present time, we could not tell where the banks were or where the centre of the stream was. He hoped the Treasurer would endeavour to get some better definition than the one in the clause. He would like to see the definition made to bring in the whole of the area within the confines of the two topmost banks, and that he thought was the proper channel. There was a good deal of land between the top bank and the middle of the stream, but it was not suitable for cultivation, although there might be grasses on it. He did not see why those adjacent to these areas should not use the grasses, as it would not interfere with either the rights of owners as enjoyed at present or the rights of the Crown. He would rather the Minister tried to get a wider and better interpretation from the Parliamentary Draftsman. He did not follow the senior member for Maryborough when he desired to reduce the size of the bed of the creek to a minimum. He did not think it would be a good thing, and it would not serve the purpose of the Act, but help to cripple it in a large degree.

Mr. WHITE (*Musgrave*) could not see that the clause wanted any alteration. In the event of the Treasurer deciding that a dam should be put into the bed of the river, the water would rise to the highest banks of the creek, and then it would be the normal level, and the object of the Treasurer and the country would be preserved; but in the meantime it would be better to leave the clause as it stood, because there were a good many places on the banks of the river which would be utilised by those who had land on each side, and there was no reason why people should not utilise that land for a legitimate purpose until such time as a dam was put in for the purpose of irrigation.

Mr. J. M. HUNTER: The Bill does not set that out.

Mr. WHITE: The Bill did set it out. Immediately that was done the height of the dam would be the normal height.

Mr. COYNE (*Warrego*) would prefer to see a distance on either side of the centre bed of a watercourse made the definition—he would not mind making it a quarter of a mile. While the Crown did not want to utilise the watercourse, later on it might be necessary for wool scouring, factory, or irrigation purposes to divert it to a distance of a quarter of a mile away. If we made a provision of that sort now, there was nothing to prevent the adjoining owner making use of the land up to the time the Crown acquired it. It would be very expensive if we had to acquire the right after the land was alienated.

Mr. TOLMIE: What about land which is thickly settled?

Mr. COYNE: If the land was thickly settled, we should not be depriving the people of the use of that land in the meantime. We should not interfere with the people in settled districts if we left an adequate area on each side so as to utilise the water at any time it became necessary.

Mr. CORSER: It would take hundreds of acres of the best land.

Mr. COYNE: Where the land was alienated it would have to be resumed at a valuation, but there were thousands of places where it was not alienated from the Crown, and if we made provision that it should be reserved for the purposes of this Act, we should not have to buy it back when it was required.

Mr. ALLAN (*Brisbane South*): In discussing this definition there was one point that had not been touched on by any of the speakers. Might it not be better to provide for reserving the banks of streams for public purposes? They all knew that, in the past, land had been alienated right down to the edge of the stream and the owner had utilised every inch of that land; he had cut down some very beautiful scrubs, with the result that he got a few acres more or less, but the banks of the stream had been washed away after the scrub was felled, which had resulted in loss to the State in many ways. They could easily imagine that if some of the beautiful scrubs on the banks of the

[4 p.m.]

Brisbane River and Breakfast Creek had been allowed to remain, it would have added to the natural beauty of the river, but once a natural scrub had been removed, it was impossible to renew it. He thought, under that Bill, the Government should reserve power to keep some of the land on the banks of a river or stream. Another thing occurred to him. There had been instances where the natural bank of a river had been blocked, and a new channel carved out, and when the new channel was carved out it might be on private property.

The TREASURER: It can be resumed under compensation.

Mr. ALLAN: Some provision should be made in the Bill to properly define the banks of a river and reserve that land for the public use.

Mr. LAND (*Balonne*): This was a very important measure to the State, as the Government were taking steps to get control of the whole of the waters of Queensland. He did not think the definition was a good one. In speaking the other night he had not referred to the Brisbane River only, but to the inland rivers, on which the public had to depend for their water supply. There were many parts of Queensland where the rivers were hundreds of miles apart.

The PREMIER: Where are those places?

Mr. LAND: In the district he represented there were over 200 miles between the rivers, and there were only a few small creeks and lagoons in between. He considered that in years gone by a measure of this kind should have been passed to reserve the river lands for public use, and he had instanced a case, when speaking on the second reading, where the Government had sold land right on to the edge of the beach, and when the tide was in the public could not get along the beach. The same thing applied to many of the inland rivers of Queensland. He had suggested that there should be a mile reserved on each side of a river, and thereby keep the river open to the whole public. Just imagine the public having to travel in those parts where the whole of the water available for drinking purposes was locked up! They would have to travel along the road thirsty while there was water in sight. He thought a better definition would be to make the boundary some distance out from the centre of the stream, and he was in accord with the hon. member for Warrego when he made it a quarter of a mile. If that were done, there was no reason why it should not be utilised. If the banks of the Brisbane River had been made 200 yards out from the centre of the river, the river would have been used more by the public than it was to-day. Why should not the public be allowed to walk up and down the banks of the river when they liked? The definition would cause trouble later on, and the Minister should withdraw the clause until such time as he could make a better definition. The Surveyor-General, who had had a lot of practical experience, made a definition, and the Minister to some extent had adopted that definition, but it was not in the interests of the public.

Mr. BOOKER (*Maryborough*) claimed to know something about the banks of creeks, and he said distinctly that the definition of the Minister was very clear, and in effect would be very practicable. To take the contention of the hon. member for Warrego that the boundary should be a quarter of a mile back from the normal frontage of a watercourse——

Mr. LENNON: From the centre of the stream.

Mr. BOOKER: If that were done in the coastal districts, it would effectually block settlement, and more particularly close settlement, for the reason that in almost every case the quarter of a mile would extend back beyond the alluvial frontages of most creeks and rivers; and the settlers took up that country because they required some area of alluvial flats, and if they were denied the right of ownership of those flats, the back country would be absolutely useless to them. If such a provision were inserted in a measure of that kind, it would seriously block closer settlement, although it might be satisfactory in the Western districts.

Mr. LESINA (*Clermont*): The hon. member had stated that if the banks of a stream were made to extend from the centre of the stream a quarter of a mile outside, it would block close settlement in the coastal districts, but it might apply to the West. There was a certain amount of truth in that, because the more strenuous kind of settler went out West, and he did not mind having to go a quarter of a mile for water. It appeared to him that they should go very carefully before adopting this definition clause. The whole of the legislation was entirely new to Queensland, and legal trouble might eventually arise, and the definitions laid down in this clause would be used by the judges in giving their decisions. If the Committee took every care to adopt the clearest possible definitions, they might save thousands of pounds in litigation. There should not be the faintest possible doubt as to the meaning, as the judges maintained that they did not take any note of the intention of the Legislature at all in arriving at decisions, but only the actual words in the Act itself, and that was why they should insist upon every definition being absolutely clear, and beyond all shadow of doubt. He held that this legislation was altogether outside their scope; it was a matter that should be dealt with by the Federal Government. They were legislating to a large extent in the dark. There were men in the Western parts of Queensland who had been years and years searching for water, and their experience would not be considered at all, and many members had not heard anything at all of the practical effects of the clause. Out in the Western country there were scores of men who had spent years of their lives and thousands of pounds in their efforts to conserve water on their holdings, and the experience of those men might be secured by a commission. They ought to hasten slowly in that matter, but in spite of that they were rushing the thing through at the tail end of the session, when they could not give it proper attention. A matter like that should be left over till the next session.

Mr. HAMILTON (*Gregory*) recognised that this was a very important measure. The legislation was absolutely new to Queensland, and they were asked to legislate on very little information. Dr. Ellwood Mead's visit to Queensland was a very hurried one, and was very circumscribed. He did not go very far West, and he (Mr. Hamilton) did not attach any importance to his ideas about the artesian area. There were a great many people in Queensland who could have given information on the matter.

The PREMIER: It has been in operation in New South Wales for years.

The TREASURER: And in Victoria too.

Mr. HAMILTON: That was quite true, but the conditions were different in New South Wales and Queensland.

The ACTING CHAIRMAN: Order! The hon. gentleman is making more of a second-reading speech. There is an amendment before the Committee giving the definition of the bank of a watercourse, and I hope that he will keep to the amendment.

Mr. HAMILTON: He was just leading up to it. They wanted to be very careful before they accepted what was the definition of the bank of a watercourse, as it might lead to a lot of litigation in the future. He considered that the topmost bank would be the best definition of the bank of a watercourse. They had got a lot of different kinds of rivers in Queensland, and they had to be careful to get a definition to suit the lot. In many cases their rivers were tidal rivers, and it would be easy there to define what was the bank. They had rivers in the North where they might define what was the channel. The amendment of the Minister defined what was the bank under normal conditions. What was the normal water condition of the rivers in Western Queensland? Nil. They ran once or twice in, perhaps, three years, and for the best part of the year they were only chains of waterholes.

The TREASURER: It says also "as indicated by the sand or mud."

Mr. HAMILTON: There was mud there when it was wet, but there was no mud when it was dry. They could define the course of the stream by the banks. He did not mean when the water overflowed its banks for miles and miles, but the best way to define the course of the stream would be the topmost banks. That would be a better definition than was proposed by the Minister. When the water was high it was not normal. The normal condition of a great many rivers in Queensland was dry.

The PREMIER: But they leave a water mark.

Mr. HAMILTON: But that was not normal. That was abnormal. That only occurred once a year as a rule, and in some Queensland rivers the water did not run for two or three years.

The PREMIER: Well, that is their normal condition.

Mr. HAMILTON: No. That was their abnormal condition. The normal condition of the rivers was dry. The topmost banks would be the best definition. Members of the Labour party had spent hours over the clause that morning endeavouring to arrive at a proper definition, and it was almost impossible to do so. He admitted that it was difficult to get at what was the best definition of a stream. The hon. member for Maranoa was going to move an amendment making it the topmost banks, and he would support it.

The TREASURER: He did not think that "the topmost banks" would suit at all, more especially in the coastal districts, where frequently large areas of land were submerged during flood time. He was just as desirous as any hon. member to have a proper definition of the bank of a watercourse. (Hear, hear!) He had gone into the matter thoroughly with the draftsman, and they took a good deal of trouble in trying to get what they thought was the best definition, and he thought they had succeeded in the amendment which he now proposed. In the Victorian Act they had the following definition of the "bank":—

> The terms "bed" and "banks," with reference to any river, creek, stream or watercourse, lake, lagoon, swamp, or marsh, together include the land over which normally flows or which is normally covered by the water thereof; but do not include land from time to time temporarily covered by the flood waters of such river, creek, stream or watercourse, lake, lagoon, swamp, or marsh, and abutting on or adjacent to such bed or banks. "Bed" means the relatively flat, and "banks" the relatively steep portions of the first-mentioned land."

That might be suitable for Victoria, where the watercourses were well-defined and running all the year round, but it would be unsuitable for the greater part of the Queensland watercourses. The definition of "bed" particularly would be unsuitable for a large portion of Queensland. Under the circumstances, he thought they had got the best definition, as it was easily understood by everybody. It would be easily understood by the surveyor, who would have expert knowledge, and who would be called upon to define the watercourses when difficulties arose. As to the question of putting off the Bill, he thought that it had been put off long enough. (Hear, hear!) It seemed to him that it was quite time that they had legislation of this kind on the statute-books, and the longer they put it off the greater difficulty would arise. (Hear, hear!)

Mr. O'SULLIVAN (*Kennedy*): He would like to see a proper definition of watercourse. Perhaps they might conserve a few chains back from the watercourse at a distance of every few miles so that they would be able to erect an irrigation plant or anything that was needed for the distribution of water. If they did not do that now, then in the future they would not be able to use the water at all. He was in accord with the remarks of the senior member for Brisbane South, where he spoke about conserving the beauty spots along the river banks, and that would enable them to erect works when necessary, such as pumping stations and like things which would be needed for any water scheme in the future. If they did not conserve the land now, and allowed it to become alienated, then in the future, when they needed it, they would have to pay a lot in the way of compensation to get it back again. In the closely-settled districts where the population was now settled he admitted that it would be a hardship now to encroach on the banks. But in the North and West, where they practically had no alienated land along the creeks and rivers and watercourses, it would be wise to take into consideration the advisability of conserving some land back from the bank, especially where the land was under the control of the Crown at the present time. In his electorate they had the Burdekin, Cape, and other rivers, and they would lend themselves to irrigation, and the land on the banks should be conserved.

The TREASURER: That is more a matter for the Land Act, not a Water Act.

Mr. O'SULLIVAN: That was always the excuse with the present Ministry when a defect was pointed out in any Bill. He agreed with the Minister that if they kept putting it off the difficulties would increase, and that was why he (Mr. O'Sullivan) would support the Bill.

Mr. TOLMIE (*Drayton and Toowoomba*): He had listened with interest to the discussion which had taken place, and he agreed with the definition put before them by the Minister. Some of the arguments of hon. members opposite were most remarkable. He could not agree with the suggestion that the

lands should be reserved for a quarter of a mile on either side of the centre of the stream. That would put a complete block to all settlement if that were carried out. The natural lay of settlement was to follow the course of the stream.

Mr. MULLAN: Does it depend on the quarter of a mile?

Mr. TOLMIE: Yes, because the settlement which they had in Queensland at the present time originated with the persons who settled on the very confines of the streams and round about them. That was the way that Brisbane was built up. With regard to the argument of the senior member for Brisbane South about conserving the beauty spots along the Brisbane River, if that had been carried out they would have had no Brisbane to-day. And what was true in the case of Brisbane was true in the case of every other settlement. They should encourage the people to go to the banks of the rivers and settle there as much as they possibly could, if they were going to get any settlement at all. So far as the frontages of the rivers were concerned, if they were required for other purposes they could be easily obtained. There was no necessity to legislate to-day to conserve the banks of streams in all parts of the State. There had been no necessity for it in the past, even in the case of the Brisbane River, where sufficient wharfage accommodation could be secured at reasonable rates by persons desiring to obtain that accommodation. The amendment of the Minister was a reasonable one, and would help them to expedite the work of getting the Bill through the Chamber.

Mr. NEVITT (*Carpentaria*) did not agree with the remarks of the hon. member for Toowoomba. In another part of the Bill they would find that it was thought necessary to reserve land for 33 feet on either side of the drain from the artesian bores, and if it were necessary in the case of the artesian bores, then it was necessary in the case of the natural streams.

Mr. TOLMIE: That is resumed so that they will not trample on the drains.

Mr. NEVITT: The definition of the Minister would give rise to any amount of litigation. There were some rivers that had three distinct channels. In some parts it was in the centre and a few miles further down it would be on the east or west side. How would the definition cover that? Then he knew some rivers where the sand or shingle in the centre was higher than the banks, and would form an island. Would the amendment cover that? It looked to him as if the amendment were very faulty, although he did not know what method to adopt or what language to use to improve it. He had a case in his mind where he was satisfied that the amendment would not cover it.

Mr. SOMERSET (*Stanley*) considered that the amendment of the Minister was most likely to meet the case, and it was more likely to prevent litigation than to cause it.

[4.30 p.m.] As to the contention of the hon. member for Clermont, that the amendment would puzzle judges or magistrates, he would remind the hon. member of the legal maxim: *Qui hæret in litera hæret in cortice.*

Mr. LESINA: I never said that. (Laughter.)

Mr. LENNON: Will the hon. member kindly give us the translation?

Mr. SOMERSET: It was a legal maxim with which the Treasurer was no doubt familiar. The English of it was, "He who adheres to the letter (of the law) sticks only to the bark or shell." He thought the amendment was an improvement on the clause, and would support it.

Mr. MAY pointed out that there was no normal condition with regard to water in many of the watercourses in Western Queensland. The normal condition was sand. Nor was there any "water level."

The TREASURER: Go on; read a little further.

Mr. MAY: "Or water mark." They could not take the water mark as the bank of a watercourse, because in many cases it might be 15 or 20 feet above the topmost bank of the watercourse, or it might be 30 miles away, as in the case of the Diamantina and the Bulloo. He would suggest that the amendment should be made to read "The banks which confine the flow of water down the main or principal watercourse at half-flood." The present definition was certainly faulty. Many years ago he had crossed over some watercourses with a mob of sheep and did not know that he had crossed them, and he would like to know how the amendment would apply in such circumstances.

Mr. BARBER: The normal condition of our tropical rivers was distinctly abnormal. (Laughter.) He thought the amendment would be much clearer if it stopped at the words "normal water level." As hon. members knew, there might be a bed of shingle or sand in a watercourse at one time, and after a heavy fresh it might be shifted.

Mr. MANN: Then you would have a cause of action against the Government.

Mr. BARBER: Probably there would be a cause of action against the Government in such a case. Some years ago what was called the North Spit at Bundaberg ran some hundreds of yards further out than it did to-day.

Mr. WHITE: That is a tidal river.

Mr. BARBER: He knew it was a tidal river, but, as he had said, the spit had shifted some hundreds of yards, and the same thing happened in many of our tropical or semi-tropical rivers. In his opinion the definition would be better if it stopped at the words "water level" or "water mark." With regard to the suggestion that they should reserve certain river frontages, he thought the idea was to be commended. In England and Europe rivers had been polluted by factories established on their banks discharging putrid matter into the stream, and it was desirable to avoid that in Queensland, if possible.

Mr. GRAYSON intended to support the amendment, as it was an improvement on the definition in the clause. He was surprised to hear the hon. member for Warrego say he was in favour of reserving a quarter of a mile frontage on each side of watercourses. If a provision of that kind was made in the Bill, it would block closer settlement throughout the State. As a rule, on the Darling Downs the richest land was to be found within about a quarter of a mile of the heads of creeks and rivers, and it would be a great hardship to the settlers who had acquired that land if the Government had power to resume a quarter of a mile frontage on each side of a watercourse.

Mr. COYNE: It was a matter of the greatest surprise to him that one member after another on the opposite side of the House should stand up and repeat that he had suggested that a quarter of a mile on each side of a watercourse should be taken away from the people who owned that land at the present time. He had not proposed anything of the sort, and would be the first to vote against a proposition to take away from farmers their water frontages. What he suggested was that they should have a more common-sense definition of the banks of a watercourse than the one before the Committee. He did not propose that where land was alienated water frontages to a depth of a quarter of a mile should be taken away from the owners, but the Bill provided that if such land was required for irrigation or other purposes the Crown could resume it by paying reasonable compensation. In the Western parts of Queensland the great stock routes on either side of a river were taken away from the pastoral lessee, and, according to the argument of the hon. member for Cunningham, such resumptions rendered the remainder of a pastoralist's holding useless to him——

Mr. GRAYSON: The conditions are different there.

Mr. COYNE: The resumptions in such cases did not render the rest of the holding useless. The lessee had access to the water, and the resumption was a boon to him as well as to the public who travelled stock.

The TREASURER: You have that right of resumption now.

Mr. COYNE: Yes; and he wanted to extend the right to carry out the purposes of the Bill.

Mr. FERRICKS (*Bowen*): With regard to the contention of some hon. members that the amendment was inapplicable to smaller rivers, he would remind them that great erosion sometimes occurred in connection with the banks of some of our big rivers. There had been a wearing away of a quarter of a mile in some parts of the banks of the Burdekin River within a comparatively short period—thirty or forty years, and he believed that when the surveyors surveyed the Inkerman Estate, recently purchased by the Government, it would be found that there was a deficiency of a quarter of a mile in some places. The wearing away of river banks was greater in some cases than in others, and they could not apply a hard-and-fast rule throughout the State. He was not prepared to say how the definition could be improved, but he should like to see some amendment proposed which would bring it more into accord with the wishes of members of the Committee. He should be very sorry to see a hard-and-fast rule applied to all the rivers throughout Queensland, as the conditions varied so much, and if such a hard-and-fast rule was applied he was afraid it would lead to litigation later on.

Mr. LESINA: Several members on the other side had agreed that the definition was a clear one, but others representing Western constituencies and farming districts argued that the clause was not clear. Why did the Minister insist on passing a clause which was not clear? If it was not clear to the minds of members of the Chamber, it would not be clear to the judges.

Mr. COYNE: Who have no practical experience at all.

Mr. LESINA: Yes, and who must be guided by the letter of the statute. It ought not to be a difficult thing to select English words containing shades of meaning which would place their views indelibly on the statute-book. The clause left room for doubt, and where there was room for doubt there was room for litigation, and where litigation crept in popular rights in watercourses would be imperilled. We proposed to set all present laws aside in regard to water, and put matters on a new basis, and there should be a clear definition. When members representing Western constituencies, where this was a vital matter, were not satisfied, the Minister should get a better definition. Allowing the clause to go through because they could not amend it was merely to encourage litigation. He was afraid that this slipshod legislation would be the cause of a good deal of expense to the community in the end. It was much better to spend an hour or two in fixing up a suitable definition now, than later on to have people spending hundreds of pounds for the preservation of their rights. The Minister should give consideration to the suggestions made by members who represented farming constituencies, where water was more vital than in cities, because of its scarcity and the difficulty in conserving and getting at it. For that reason we should be very careful in defining what those popular rights were. If the Minister did not agree to that they might just as well agree to pass the whole thing without discussion. This was not a rational way to pass legislation. The Government might have satisfied themselves that they had done everything they could to preserve popular rights in this Bill, but it had been pointed out by the hon. member for Townsville that there might be trouble.

Mr. WINSTANLEY (*Charters Towers*) said: The term "under normal conditions" was confusing, for the simple reason that there were no such normal conditions in a great many of our rivers. It seemed to him that if the words "the bank which on either side limits the main or principal watercourse" only were left in, and the rest struck out, it would be more conceivable as to where the banks of the river were. But if we inserted "under normal conditions as indicated by the normal water level or the water mark," there would be a difficulty. He had seen a place where the edge of the water mark was 8 feet above the street in the town, and you could not call that the normal conditions. In a great many of our Northern rivers there was the summer level and also the height at flood time. It was almost impossible to clearly define the banks of watercourses under all the conditions which existed. He thought the better plan would be to postpone this definition and get it redrafted in a clearer form.

Mr. HARDACRE: This was a very important clause, and he agreed with the suggestion of the hon. member for Charters Towers to postpone it, but in the meantime he would give his conclusions for what they were worth. Practically the whole object of the Bill was embodied in clause 6, which provided that the bed and banks of a watercourse on alienated land should cease to be part of the alienated land, although the land was alienated before the passing of this Act—that it should go back to the Crown; and where land was hereafter alienated the banks should not be given to those people who hold the grant or title. At first sight, he thought that ought to be clearly stated in the Bill, but to do that might unsettle the deeds of property in some cases. To adopt the topmost bank of the river would really take part of the Brisbane River pro-

perty. Therefore, the object in view would perhaps be successfully accomplished if, instead of taking the maximum amount of the whole bed of the river to the topmost bank, they took a safe minimum and declared that we should take the lowest bank. We would then at any rate get sufficient for our purpose without unsettling any title deeds. We should declare that all the water in the lower levels of watercourses should belong to the Crown, and that would be quite sufficient. The question came in as to what was meant by normal. In the Brisbane River a certain amount of water was a normal condition, but out West the watercourses were very often quite dry; in fact, as one writer put it—

> There's nigger women without shifts on,
> And rivers here you can't sail ships on.

(Laughter.) In the Western districts there were rivers which were normally mere threads of water meandering through the watercourses, and in some cases, as the hon. member for Flinders had pointed out, there were watercourses which normally had no water in them at all.

Mr. CORSER: They are very rare.

Mr. HARDACRE: This was typical of watercourses all over Australia, and especially in Queensland. In many watercourses there were two or three banks. There was a lower bank, which confined a normally meandering thread of water, and then there was a higher bank confining the water in ordinary flood times, and then sometimes there was a still higher bank which confined the water under abnormal conditions——

Hon. R. PHILP: And sometimes does not confine the water at all.

Mr. HARDACRE: Where there was no water at all going through, as the hon. member for Flinders had mentioned, in that case the lower banks would still be the banks of the watercourse under normal conditions, because the normal condition in that instance was no water at all. If we took the outer bank we were liable to unsettle the title deeds of the land, but if we took a safe minimum—the lowest water banks—we should take sufficient for our purpose, and at the same time run no danger of unsettling title deeds. The definition he had mentioned would cover all those cases. The Minister's idea [5 p.m.] was to take the lowest minimum of safety—the normal conditions of the watercourse—what they might call the summer level. If the definition he had suggested were adopted they would run no danger, and the only question was, whether it was sufficient for the purposes of the Bill. To his mind it was quite sufficient. First of all, they were providing that all water should belong to the Crown—nobody could take the water no matter where it was.

Mr. J. M. HUNTER: We might want to conserve water.

Mr. HARDACRE: In that case his definition would still cover it, because certain works would have to be established, and those works would have to be under the authority of a water board. The normal level referred to by the Minister would not apply to the rivers mentioned by the hon. member for Flinders, where there was no water at all, and when the Minister talked about the water mark, it still further confused matters, because in some cases the water mark was up a tree. Again, when the Minister referred to the sand or mud, he still further confused matters, because the sand or mud might be a long way from the ordinary bank of the river. He thought the amendment suggested by him would cover all the cases, and would not be confusing. It would be sufficient for all purposes, and there would not be any danger of taking away property which had been placed in private hands.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. J. M. HUNTER said provision was made in the Bill to protect the rights of every owner of property. Clause 8 provided—

> Notwithstanding anything in this Act contained, the owner or occupier of any land adjacent to the bed or bank of any watercourse or lake may have and pursue against any person trespassing upon the portion of such bed or bank to which such land is adjacent any remedy for such trespass which such owner or occupier might have had and pursued if this Act had not been passed and as if such person were a trespasser upon land in the possession of such owner or occupier.

The TREASURER: He can proceed against anybody for trespass except the Crown.

Mr. J. M. HUNTER: All the Crown set out to do was to reserve all water rights, and he did not think there need be any fear that any person would be disturbed in the possession of the fee-simple. The trouble was that there were two classes of rivers or water channels in Queensland. They had the coastal streams that were normally in a running state, and they had other channels that were abnormal when they were running, and the difficulty was to get a definition that would cover both cases. The Treasurer, he was sure, desired to get the best possible definition; at the same time, the definition the hon. gentleman proposed would only lead to trouble. In fact, he (Mr. Hunter) would much sooner see the amendment omitted altogether than see it inserted in its present form. It would be absolutely useless for the normal conditions in the Western watercourses. He did not want to see the Bill dropped. It had not come too soon, and the sooner it was passed the better; but he did not wish to see a clause inserted like that, as it would lead to a crop of litigation. He did not agree with the hon. member for Leichhardt that if they left the normal condition in it would serve the purpose. He therefore moved the omission of all the words in the amendment after the word "watercourse" on the 2nd line. That would give them something approximate to what they wanted, and would serve both purposes.

The TREASURER: He could not accept the amendment, because it would be practically just saying "the bank is the bank," and would give them nothing further. It was necessary to have some definite definition, so that the department could give instructions to the surveyors—give them some basis on which to work. Without that they would be working practically in the dark.

Mr. O'SULLIVAN was very sorry the Minister could not accept the amendment, because he had in his mind's eye a case where it would be very hard to define a watercourse. The whole width of the river was about one-third of a mile, and in dry seasons one could walk across it by turning up his pants. If they had 2 inches of rain it would be running from bank to bank, and in about ten days or a fortnight it would be down again to about 2 feet. Under conditions like that, what part would the Crown claim? Would it be the normal condition when a person could walk across, or would it include bank to bank?

The TREASURER: The normal conditions.

Mr. O'SULLIVAN: Under normal conditions it would be about 2 feet 6 inches deep, but there was a well-defined bank.

The TREASURER: All we want is the control of the water.

Mr. NEVITT: The amendment moved by the hon. member for Maranoa was an improvement on the Minister's definition, and would do away with the trouble of the normal water-level. Was it possible to define the normal water-level of a river where there was no water, possibly for more than nine months in the year, and during the time water was flowing, it might not, two days in succession, have the same level? He thought the amendment of the hon. member for Maranoa would lead to a good deal less litigation than the suggestion of the Minister, and the Minister should try and get a more clear and better definition than he had given.

HON. R. PHILP admitted that this was a very difficult question, but he did not think it would lead to any trouble. The Minister's definition was clear enough, because all the main rivers of Queensland had well-defined banks. The bed of a river was not the bank. He thought they might let the amendment go, and if anyone would suffer an injustice under the Bill there would be no trouble in altering it later on. He would like to have seen much more information given to the Committee before the Bill was tabled at all, but some hon. members wanted the Bill as soon as possible. Well, let them pass the Bill as well as they could. There were no settled conditions that would apply to the whole of Queensland. They had all sorts of rivers and creeks in Queensland, and in some of the rivers there was no water at all—they were simply a great bed of sand a quarter of a mile wide. They were not legislating for all time—they were making an experiment, and he was quite satisfied the good sense of the House would alter the Bill if they found anyone dissatisfied.

Mr. MAY thought the amendment moved by the hon. member for Maranoa was an important one, but it was not all that was desired. In many cases the normal level of a river was 6 feet under sand, and yet during the drought it was still possible to get water in the beds of those rivers 9 feet under the sand. What was the normal water-level in cases like that? However, leaving that alone, if the amendment moved by the hon. member for Maranoa were carried, he would like to move a further amendment.

Mr. CRAWFORD (*Fitzroy*): He recognised that the proper definition of a watercourse was very vital in the Bill. It was useless going on with the Bill until they had a proper definition of the "bank of a watercourse." He had listened to the different definitions which had been made, and he was not satisfied at all as to which was the best one. A great deal would have to be left to the future to decide what was best, because our watercourses were continually altering their banks. He did not know that they would suffer from the surveyors, as they were gentlemen qualified by examination, and they must place some reliance on their carrying out their duties honestly. (Hear, hear!) They must rely on the discretion of the surveyors in fixing the limits of a watercourse. He was not satisfied that the amendment of the hon. member for Maranoa went far enough.

Mr. MANN: While the amendment of the hon. member for Maranoa did not meet the case, it was more definite than that of the Minister.

The TREASURER: You would not find it so in practice.

Mr. MANN: It just showed the trouble they would have in seeking to apply the same legislation to a big State like Queensland. The junior member for Maryborough claimed that the amendment of the Treasurer was a good and proper one—that it gave a correct definition—and yet in the next breath he said that while it would apply to the coastal districts it would not apply to the Western districts. But the Treasurer was trying to draw a hard-and-fast line, and say that it should be the definition of a watercourse. As the senior member for Townsville said, they would be able to get the Act amended at any time if they wished to do so, but they would not be able to get it amended with one or two grievances. They would have to pile grievances mountain high to get it done. The Treasurer should take the advice of the senior member for Townsville, and withdraw the Bill until he got more information on it. If he did that, it would be better for the House and for the country.

Mr. RYAN (*Barcoo*) supported the amendment of the hon. member for Maranoa. Hon. members would sympathise with the Treasurer in the position he was placed in in trying to get at a proper definition. (Hear, hear!) He had been trying to get a definition himself, and he found the greatest difficulty in arriving at a conclusion as to what should be the proper definition of a watercourse. The difficulty arose because they had one kind of river near the coast and another kind in the West. One ran intermittently and the other only occasionally. Were the billabongs in the West watercourses under that definition? The proposal of the hon. member for Maranoa would get over the difficulty more than the proposal of the Treasurer. The amendment of the hon. member for Maranoa limited the watercourses to the two banks, and it would suit the watercourses in the West, but how were they going to include the watercourses in the West in the proposal of the Treasurer?

The TREASURER: It also says "indicated by any sand."

Mr. RYAN: That would be the bed, and it was not "bed" that they wished to define but "bank." The Treasurer's amendment said that the bank was defined by the normal conditions as indicated by the normal water level. It also said "any bed of shingle, sand, or mud." Did that mean the bank of the stream or the bed of the stream?

Hon. R. PHILP. The bed.

Mr. RYAN: The senior member for Townsville was quite right. It meant the bed.

The TREASURER: It means that the bank is indicated by these things.

Mr. CORSER: It means the sand and mud at the edge of the bank.

Mr. RYAN: If it meant at the edge of the bank, it would be better to say so. The amendment of the hon. member for Maranoa would be much better.

Hon. R. PHILP: Much more dangerous, though better for you. (Laughter.)

Mr. RYAN: It did not matter twopence from a legal point of view, because the litigation, if any, would be between the Crown and the person owning the land abutting on the stream. It would not mean litigation between private individuals. He did not fear any

litigation would arise from the Treasurer's definition, although a lot of difficulty might arise in defining where the bank was. On the whole, the amendment of the hon. member for Maranoa was the better definition, even although it might be open to the charge that it was just saying that a bank was a bank.

HON. R. PHILP: He liked the Minister's amendment better than that of the hon. member for Maranoa. The first stream he had any experience of was Ross's Creek, which at high tide flowed right over the main street in Townsville, and the deeds that were issued gave the boundary below low-water mark. Then there were two rivers near there which had no water at all, but had well defined banks, and the Minister's amendment would cover all of them. First it related to a tidal river. That was easily defined. In the West, where they had dry rivers and beds of sand, the banks were well defined. The Norman River and Flinders were well defined rivers.

Mr. NEVITT: But in some parts of the Flinders the shingle in the bed is higher than the banks.

HON. R. PHILP: They would not have any settlement alongside the Flinders in our time. If there were found to be any difficulties in the Bill, no one would object to amend it afterwards.

Mr. HARDACRE: Clause 5 declared that the Crown had the rights over the water, but in the clause before them they wanted to fix the watercourse and say that the Crown had the right over the watercourse up to the banks. The only danger was that they might take from individuals some land which had been alienated to them. They might obviate that danger in another way by putting in the words "for the purposes of this Act."

The TREASURER: That is all it is.

Mr. HARDACRE: But it did not say so in the Bill.

The TREASURER: Clauses 7, 8, and 10 protect all rights.

Mr. HARDACRE: It said in clause 6 that the bed and banks "shall be and remain the property of the Crown." That was the case with the lands alienated by the Crown.

The TREASURER: Look at clause 10.

Mr. HARDACRE: All that clause 10 did was to provide that so much water might be taken for irrigation purposes.

The TREASURER: Clause 8 gives them the right to the water.

Mr. HARDACRE: No; all that clause 8 did was to declare that although after the passing of this Bill the watercourse would no longer be their property, still they could prevent trespass upon the portion of the bed or bank of a watercourse to which the land was adjacent. But the landlord could not sell that land, because it would not be his—it would be taken from him, according to the Bill.

The TREASURER: He never could sell the watercourse.

Mr. HARDACRE: He could sell the land on the bank, but he would not be able to do that after this Bill became law. There were plenty of properties on the banks of the Brisbane River, and unless they were very careful in defining what bank meant those banks would go back to the Crown.

Hon. R. PHILP: I think the tidal rivers are all right.

Mr. HARDACRE: Oh, no! The whole question was surrounded with doubt, even in the case of tidal rivers. He [5.30 p.m.] liked the amendment proposed by the hon. member for Maranoa very much better than that submitted by the Minister. However, they could obviate any danger by afterwards inserting the words "for the purposes of this Act."

Question—That the words proposed to be omitted (*Mr. J. M. Hunter's amendment*) stand part of the amendment—put and negatived.

Mr. MAY wished to move a further amendment providing that "The banks which confine the flow of water down the main or principal watercourse at half flood" should be the definition of "Bank of a watercourse."

The ACTING CHAIRMAN: Order! The Committee have just decided that the words the hon. member refers to shall stand part of the amendment. We are now dealing with the Treasurer's amendment. The question is that the words proposed to be inserted be so inserted.

Amendment (*Mr. Hawthorn's*) agreed to.

The TREASURER moved that after the word "water," on line 31, there be inserted the following:—

not situated wholly within the boundaries of a parcel of land alienated by the Crown before the commencement of this Act.

This amendment was proposed to meet the case of a person who had bought a freehold within the four corners of which there was a lake, lagoon, swamp, or marsh. It was thought desirable that the freeholder should have the right to that particular area, as that would not in any way infringe upon the rights of other persons.

Mr. MANN: From what the Treasurer said he gathered that, under the amendment, if a waterhole was situated entirely within a block of land alienated by the Crown, that waterhole would remain the property of the owner of that land. He could conceive of a place—as, for instance, in the Burdekin Delta—where a man might have a splendid waterhole on his land, the water from which might be very useful to neighbouring settlers for irrigating their cane or watering their stock. But, under the amendment, the owner of the land on which the waterhole was situated would be able to charge other cane-growers an enormous sum for the use of that water. Why should that landlord have the sole right and title to the water, when in other cases the Crown was taking water rights from persons who had bought land on rivers or creeks? Suppose a man owned land on the banks of a creek which emptied into a river having a precipitous channel where stock could not get water, then the water in that creek would not be available because it ran through the whole of the land held by that one landowner.

The TREASURER: The amendment only applies to lakes, lagoons, swamps, and marshes.

Mr. MANN: There were many cases in which a creek was only a chain of waterholes, except at flood time. Stock could not get water in the Barron River from the Falls down to the end of the Gorge, but there were numerous creeks running into the river where stock could get water. Were the owners of land fronting those creeks to have the sole right to the water?

The ACTING CHAIRMAN: Order! The question of creeks does not come into this amendment. The amendment deals only with lagoons and lakes; creeks are dealt with further down in the clause.

Mr. MANN: Well, he would deal with the amendment as it affected the right to the use of water in lakes. Anyone who had visited the Ayr Delta knew how necessary it was to get water there, and yet in this amendment it was proposed that if the Crown had already alienated a piece of land in that district on which there was a lagoon, no one else but the owner of the land should have the right to use the water for stock or irrigation purposes.

The TREASURER: He has paid for the lagoon.

Mr. MANN: The water in the lagoon might, perhaps, have drained from the lands of surrounding settlers, and yet the owners of those lands were to be denied the right to use the water.

Mr. WHITE: The owner of the lagoon might come on them for compensation for allowing the water to drain on to his land.

Mr. MANN: More ground for litigation. All these things showed how badly the Bill had been drafted, and how hurriedly the amendment had been prepared to meet the wishes of certain members.

The PREMIER: A parrot cry.

Mr. MANN: It was not a parrot cry. The amendment was hastily prepared, and the Bill was badly drafted. Why did the Treasurer intend to permit any person who had a lake wholly on his own land to retain his property in that lake to the exclusion of everyone else? Lake Eacham was a fairly big body of water, but if a man took up an area of 640 acres he might have the whole of that lake in his property.

Mr. WHITE: But no one has done so.

Mr. MANN: No; no one had done so, but it was possible to have done it. Would it be a good thing in such a case to allow a man to retain the exclusive right to use the water in that lake, if it could be shown that the water was required for irrigation purposes in the immediate neighbourhood, and there was more water in the lagoon than the owner required? Was it a good thing to allow that man to act like the dog in the manger, and say to surrounding settlers, "If you want water for your stock or for irrigation, you must pay for it?"

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. TOLMIE instanced the case of a creek, which ran for 20 or 30 miles and then lost itself in a swamp, which happened to be within the confines of some man's ring fence. Did he retain the use of that water unreservedly? He could give a case in point—King's Creek, one of the finest creeks in Queensland, which ended in some man's paddock in a swamp—had the man sole possession?

The TREASURER: He would have sole possession.

Mr. HARDACRE was opposed to the Minister's amendment, because he wanted to see all water in Queensland, whether on private property, or whether partly on private property and partly on other land, belong to the Crown. Under clause 5 we made a general declaration of rights, as follows:—

> The right to the use and flow and to the control of the water at any time in—
>
> (*a*) Any watercourse; and
> (*b*) Any lake; and
> (*c*) Any spring, artesian well, and subterranean source of supply;
>
> shall vest in the Crown for all purposes whatsoever, subject only to the restrictions hereinafter provided and until appropriated under the sanction of this Act or of some existing or future Act.

Why should we exclude the water which happened to be on somebody's private property at the present time? An artesian well might be on private property, and we declared that to be the property of the Crown. If it happened to be a lake, why should we not declare it to be the property of the Crown? The Crown might want to use it at some future time, and it might be very valuable. As pointed out by the hon. member for Cairns, the use of a comparatively small body of water, wholly on some person's land, might be used by the owner of it to the detriment of others outside. If there was a spring on a person's land, we did not give him the right to the whole of that spring.

The TREASURER: Oh, yes we do; it is not a flowing river.

Mr. HARDACRE: A lake, although on some person's land, was just as useful to the public, and it was necessary to declare that it should vest in the Crown. We did not interfere with the use of it for watering stock or drinking purposes, but if a man was going to erect a factory, or go in for irrigation, then he should get a license, just the same as a man who went in for an artesian well. We could declare that the water should belong to the Crown without interfering with the private owner in any way. The Minister was going to set up private property in water.

The PREMIER: Do you know a concrete case where it is likely to do injury?

Mr. HARDACRE: He did not. He knew of a pastoral property in his district in which was a water supply used by the lessee, and if he got exclusive rights it was going to do injury to the surrounding lessees. The whole object of the Bill was to prevent future injury to Queensland by setting up rights in water.

Mr. J. M. HUNTER intended to oppose the amendment for the reasons advanced by the hon. members for Cairns and Leichhardt. In addition to the case given by the hon. member for Toowoomba, there were Felton Creek and Condamine River. In the higher portion of Yandilla they had the Condamine running out into a broad pool of water, which might be called a lake, and going no further, They conserved the whole rights of that stream to the owners of that property. In Felton Creek the same thing happened right on the boundaries of Balgownie Station, in the Cambooya electorate. In the 1885 drought that was the only water in the district, and yet there was no possible chance of any selectors in the neighbourhood getting the benefit of it. The Treasurer had laid down that artesian flows were the property of the Crown, and that nobody could bore without getting a license from the Hydraulic Department. It sometimes happened that these lakes were the result of artesian flows, and it was wrong not to retain the rights over the water in both cases. He hoped the Minister would withdraw the

amendment. It did not improve the Bill, and it was quite possible it would do a great deal of harm.

Mr. CORSER had not heard of a lake being wholly on a freehold, and if it was not wholly in a freehold, clause 6 provided clearly for lakes under those conditions. This clause was important in cases where people were dependent upon waterholes, or water which they had created by a dam within the four corners of their deed of grant. The object of this, he took it, was to safeguard anybody who had created a waterhole or a dam, or a waterhole, within the four corners of their own estate.

OPPOSITION MEMBERS: No!

Mr. CORSER: A man might have bought the property with the water on it for the purpose of watering his stock or for irrigation purposes, and it was in his own ground, and the clause said that it should not be taken away from him. He might have made large dams, and be able to supply from that source sufficient to carry on a large industry, and if that was not covered under this clause, he did not see that it came under any other clause. He would be pleased if the Treasurer would give a definition.

Mr. LENNON would recommend the Treasurer to withdraw the amendment, as it had been clearly shown that it could be done without. Anyone who had visited the Lower Burdekin district, and seen the series of small lagoons with which the district was covered, would see the necessity for the Crown to control that water, especially in view of the large irrigation works carried on. This Bill was a declaration of rights, and it was the first time that we had had such a declaration of the rights of the Crown, or, to put it more properly, the general public, to the common use of the water. This amendment would only encourage litigation, and the Bill would be better without it.

Mr. CORSER: It would be more dangerous without it.

Mr. LENNON: The hon. member for Cairns had cited the case of the Lower Burdekin, with which he (Mr. Lennon) was familiar. There was a series of lagoons in that district, some of which were partly owned by small settlers. Some of them might give out in time, and if this amendment went through, people might be deprived of water which existed 200 yards away. If we left the Bill as it stood, the common use of water would be in the hands of the community. He appealed to the Treasurer to withdraw the amendment, as it was entirely surplusage, and would lead to costly litigation.

Mr. THEODORE hoped the Treasurer would accept the suggestion to abandon the amendment. Dr. Mead, in his report, made reference to the control of all natural water, and made no exception whatever in the case of freehold land or otherwise. The Bill, generally speaking, carried out Dr. Mead's recommendations, and the Treasurer would be well advised to abandon the amendment.

[7 p.m.]

Mr. MANN: He had listened to the speech of the senior member for Maryborough in regard to people who had made artificial dams to be supplied from a source within their own land, and if the Treasurer's amendment was carried for the purpose of allowing people to control water within their own land, he claimed that unless the water was naturally collected the amendment would not apply. He trusted that during the adjournment for tea the Treasurer had given consideration to the amendment. If it did not apply to a running creek, but only to a lake, lagoon, swamp, or marsh, he must see that, even with that definition, there might be great hardship inflicted if a landowner with a lagoon situated on his land was allowed to prevent other landowners in the vicinity from using the water in that lagoon without a charge. A man might have a crop of cane badly in want of irrigation, and the owner of the lagoon might refuse to allow him to irrigate that cane unless he paid £5 or £6 or £7 an acre. The cane might be required for a Government mill; and under this amendment the owner of the lagoon would be able to dictate terms to the Government. Why should any person who owned land on which he had more water than he could legitimately use be in a position to prevent his neighbours from using that water? If that was a correct attitude to take up, what was to prevent a man from damming a watercourse and preventing the water from going on the land belonging to other settlers? Would the Treasurer interfere in that case? The hon. gentleman could not give an answer. If he had land at the head of a creek, and chose to put a weir or a dam across the creek, he could prevent six or seven other people from having a drop of water during the dry weather. Why should he be allowed to do that?

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. O'SULLIVAN thought the adoption of the amendment would go very much against the value of the Bill. The catchment area to supply a lake or a lagoon would have to extend a long way outside a man's land. The hon. member for Maryborough seemed to make out that the water going into the lake or lagoon would all pour on the man's land, and therefore he would have a natural right to it. In a few instances that would occur, and when it did occur, it would not be for the public good. It was quite possible that there might be a very large lake or lagoon just within the boundary of a person's private property, and in many cases land had been taken up just to include a lake, and the boundary would be just inside the property and that would be detrimental to the settlers round about. Therefore, the amendment moved by the Treasurer was a very bad principle to set out in the Bill after they had been promised so much. When the Bill was first introduced, he thought it was a good Bill; that it would conserve the public interests as against private greed, but if the amendment were insisted on, that very objectionable principle would be again perpetuated. He understood the principle of the Bill was to give an equal share of Nature's bounteous rainfall to all, but the amendment would confine it to one little spot, which would be to the detriment of the settlement around. Anyone who had the public weal at heart would support the Opposition in resisting the inclusion of the amendment. If the amendment were passed, it would only be a very short time before it was proved unworkable, and an amending Bill would have to be introduced to rectify the very evil that the amendment perpetuated.

Mr. FERRICKS: To his mind, the Treasurer had refused to omit the amendment

because he was not seized of the importance with which his proposal was fraught, and that was one of the disadvantages of town residents holding Ministerial office. He was certain that if a practical man had been in charge of the Bill he would have realised that what had been advanced by members on that side was practically true. It was quite true what the member for Cairns and the deputy leader of the Opposition had said with regard to the vital connection this clause had to the Bowen electorate. In that district irrigation had been brought to a very high standard of perfection. There was a chain of waterholes or lagoons there which came within the meaning of the clause, and, fortunately, up to the present time, owing to good seasons for seven or eight years, there had been sufficient water there, but with the extension of cultivation in that quarter and with the increased demand there would be for irrigation powers it would only be a matter of time when there would be a need for all the water. When that state of affairs came about and there was an unfavourable season, the people who owned those natural lagoons would be in a position to demand a royalty from those not so fortunately situated who might want to use the water, which, in the first instance, had been drawn from their own property. He contended, with every justification, that the rain was sent for the benefit of the universe and not for the benefit of the few, and the amendment would be a very retrogressive step. He was very much disappointed when the Treasurer sat dumb while the hon. member for Drayton and Toowoomba propounded a very pertinent and sensible question. That hon. member asked what would be the case in connection with a creek which ran for 30 miles and ended in a marsh on freehold property. The Treasurer might have answered that question and told hon. members what would be the position of the freeholder who had the benefit of that output. Would he be entitled to put a barrier there and say no one could utilise the water, or would it be open to the public? He hoped the Treasurer would reconsider his attitude, because if the amendment were adopted it would create a hardship in his electorate and in others. This Bill, they were told, was a declaration of water rights, and to him the amendment was rather paradoxical, because in the very first clause it was now proposed to give away those rights. That was altogether an indefensible position to take up, and he would like to hear some arguments from the Government side as to why the amendment should be accepted. So far he had not heard any.

Mr. WINSTANLEY was certain if the amendment were accepted it would be detrimental to the State. The amendment would give to individuals who were possessed of alienated lands the right to any lake or lagoon on those lands. That was a wrong principle, as those people had no right to those water-holes, as they had done nothing whatever to make them. The definition of "Lake" originally was "a natural collection of water; the term includes a lake, lagoon, swamp, or marsh." That was an infinitely better definition, and it would not come into conflict with the principle of the Bill. He knew of a lessee who received double the amount of rent which he paid to the Government from people for the right to go near the lakes that abutted on his property. He had control of the lakes, and he made the people pay who wanted to use them, and the amount he received was double the amount he had to pay in rent to the Crown. He knew a case on the Burdekin where some land was taken up at £1 2s. 6d. per square mile, and the lessee controlled two splendid lakes of water there, to the exclusion of everyone else. The Bill ought to preserve to the Crown its right to these natural lakes and lagoons. The amendment was a step in the wrong direction. He hoped the Minister would withdraw it and let the clause go as it was at the present time.

Hon. R. PHILP: If anyone took up land he first of all looked to see if there was any water on the land.

Mr. HARDACRE: What for?

Hon. R. PHILP: For carrying on his business. For grazing or other purposes.

Mr. HARDACRE: This clause does not prevent it?

Hon. R. PHILP: Yes; hon. members opposite wanted to allow anyone else to come in and take that water. With reference to the remarks made about the irrigation on the Burdekin, if it were not for the efforts of those who started irrigation there there would have been no irrigation on the Burdekin today. The owner of the land adjoining the lagoon was best entitled to it. It would stop the best industry in Queensland if the Government were able to step in and say, "We want this water," just because a man had some water on his land. At the present time the owner of the land had charge of the water, and they should leave it to him. Plenty of people took up land for the sake of the water on it, as very often the land was no good. But members opposite wanted to disturb every farmer in Queensland who had a little pothole on his land. The Bill gave the landowner the right to the water he had on his land now, but no fresh rights at all. He knew the case in Charters Towers referred to by the hon. member for Charters Towers. The holder of that country had held it for the last fifty years, and at one time he allowed the people of Charters Towers to go and shoot on those lagoons. The result was that they knocked down his fences and let his cattle out, and he had to put up fences to block them from going there. The people then said that they would go on his land when they liked and did not care about his fences nor about his cattle. That man had the right to the control of that water. Another man would take up 100 acres of land because there was a waterhole on it, and hon. members opposite wanted the Government to take away the rights to that waterhole. The clause did not give the man the right to the water. He had that right now. The hon. gentlemen talked about lakes, but there were no lakes in Queensland, except Lake Eacham. He knew places which were called lakes, but which were mostly dry land. It was these lagoons which started irrigation on the Burdekin. A man put up pumps and made a success of it, and they now wanted to give everybody the right to go and use those pumps.

Mr. J. M. HUNTER: No one asked to do that.

Hon. R. PHILP: They wanted to take that water away from the man and give it to the Government.

Mr. HARDACRE: For certain purposes—for industrial purposes.

HON. R. PHILP: It was used for industrial purposes now—for irrigation. If the amendment were not inserted, he hoped the Bill would not be carried further, as it would invade the rights of every settler in Queensland.

Mr. NEVITT: The hon. member for Townsville was wrong in suggesting that members in opposition wished to take away any existing rights of any man, as the existing rights in a dam or lagoon still held good. All they wanted to preserve was the right of the Crown to have that water, if at any time they wished to resume portion of the land to get at the water. Even without the Treasurer's amendment the owner of the land surrounding the water was fully protected so far as the use of the water was concerned, but the amendment proposed to give him the absolute right to the whole of the water contained in the lagoon or marsh adjoining his land, and members in opposition maintained that that was not a right thing. They wanted to maintain the Government's right to the water, and if at any time it was necessary to resume the land to get at the water then compensation would be paid. If a man put up an irrigation plant, he had a perfect right to charge for the cost of transmitting the water to any other place, but he should have no right to charge for the water itself, as he had no vested right in the water. The Government should retain the right they held now, but if the Treasurer's amendment were passed then at no time would the Government be in a position to claim a right over that water.

Mr. HARDACRE: The Bill proposed to set up a declaration of rights in any lagoon on anybody's holding, but it did not debar the owner of that land from using that water for drinking purposes, for watering his stock, or for irrigation purposes. It gave the Government the right to control that water in the event of the Government wishing to go in for the irrigation of an extensive area, or for industrial purposes. The amendment excluded any water contained in the boundaries of a man's holding, and he objected to that. Dr. Elwood Mead, in his report, referred to the urgent necessity for conserving the rights in water in the interests of the community. As the community became more settled more water was needed, and in a young country they always forgot to make the necessary provision for future evils creeping in. For that reason it became more and more important that they should now insist upon the Crown having ample rights over all natural water anywhere in Queensland. The amendment applied to all land "alienated" [7.30 p.m.] by the Crown before the passing of the Bill, and the word "alienated" included land held under lease as well as land held in fee-simple, so that the amendment would affect quite a number of lakes in the State. In the Springsure district there was Lake Salvator; in the Belyando district there were Lakes Galilee and Buchanan; there was a large lake in the Roma district; in the Diamantina district there were Lakes Machatti and Phillip, Spring Lake, three large lagoons, and New Ponds; and in the Bulloo district there was Lake Mackillop. There were also an immense number of smaller lakes and lagoons in different parts of Queensland, and they would all come under the amendment. He did not think it was desirable that the persons who now owned those lakes, or leased the lands on which they were situated, should be given the sole right to the water in them. In declaring the water rights of the Crown, they did not interfere at all with the use of water by persons who had water on their holdings. All it was proposed to do was to give the Crown certain rights in connection with that water when it was required for irrigation, industrial, or manufacturing purposes. The Bill provided that any person requiring water for any of those purposes should get a license from the Crown to use the water, and that was a reasonable and proper provision. Clause 5 declared the rights of the Crown, and clause 7 provided that, except under the provisions of the Bill, no person should appropriate or divert water. Surely they were not going to allow the holders of land under lease to divert water, as they would be allowed to do if the amendment were passed in its present form. He really thought the Minister should pause before passing the amendment. If it was not included in the Bill nobody would be injured.

The TREASURER did not know that any great importance was attached to the leasehold portion of the amendment. Probably it would be better to leave it out, because, as the hon. member for Leichhardt had pointed out, there were a good many lakes on leaseholds which might be required in the course of a few years, or before the leases had expired. When renewing the leases the Crown could make what conditions they liked. If hon. members desired it, he would amend the amendment by inserting the words "in fee-simple" after the word "alienated."

The ACTING CHAIRMAN: Is it the pleasure of the Committee that the amendment be amended as suggested?

HONOURABLE MEMBERS: Hear, hear!

Amendment amended accordingly.

Mr. LENNON thought they might acknowledge the action of the Treasurer in meeting them to some extent. Still he felt bound to oppose the amendment. The contention of members on that side of the House was that, in passing a Bill declaring the Crown's right to water, they should not establish that right on the one hand and take it away with the other, as they would do if they passed the amendment. They considered that the Crown was not likely to disturb the owners of land on which lagoons were situated, but at the same time held that the Crown should assert its right to the water and to regulate it when occasion arose. If they did not establish that right now, an amending Bill would be necessary in the very near future.

Mr. MANN did not favour the amendment as amended. Under the Bill the Crown claimed the right to water in watercourses which might contain a great deal less water than there was in lagoons situated on a piece of land already alienated by the Crown. Hon. members should recognise that it was not proposed to take away from any owner any waterhole or source of water supply on his land that he required for utilitarian purposes. If there was any argument in favour of controlling the water, it should apply when on certain land there was more water than what the owner required. Here, at the outset, the Treasurer went back on that, and said no matter how valuable a lagoon or lake was, if it was on private property they could not interfere with it. We interfered where

there was a supply of water which ran out of a man's land. If it was legitimate to allow a man the sole control of a lagoon or lake, it would be equally legitimate to allow an individual with a watercourse running through his land to make an artificial lake.

Hon. R. PHILP: That is different altogether.

Mr. MANN: In some cases it might have been done through a big flood or erosion, and was it not as fair a thing for the owner to say, "I am going to make a lake in my own land, because I require all the water?" He (Mr. Mann) could not get an answer from the other side. Why seek to block the settlers from getting the use of the water because is was situated entirely on one piece of land? The Crown might have sold 40,000 acres on which there might be a lagoon sufficient to supply the settlers outside that area, but the Crown said they could not interfere with it. But if there was a mere trickle running out of a man's land, he was not to be allowed to dam that for his own use. They might have a very costly resumption case, and it might be argued that this water was worth millions. Up in the Burdekin, if there was a lagoon from which 10,000 acres could be irrigated for canegrowing, the owner might say it was worth £1,000,000 to him, because he could sell the water to the canegrowers. Under the Bill we could get over all that difficulty by saying that the water belonged to the Crown.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. WHITE: There was in his district a place where the owners of a plantation had searched for water, and in dry weather they pumped something like 12,000,000 gallons per day for the purpose of watering their own land. These men created that water by their own energy and industry, and would it be fair for the Government to come in and say that at the end of ten years these people would have to apply to the Crown for permission to use that water? There were no lagoons there till the water was made, and it was not natural water. In the Burdekin, which had been mentioned by the hon. member for Cairns, these lagoons were on private land. That was natural water, but there was no reason why these people who had the natural water on their own land should have to apply every ten years to the water authority for permission to use it, and be charged an exorbitant price for it.

Mr. HARDACRE: For industrial purposes, yes.

Mr. WHITE: For irrigation purposes.

Mr. HARDACRE: Yes; over and above 5 acres.

Mr. WHITE: He did not think that would be fair. These men had erected plants for the irrigation of their own lands, and it had cost them a tremendous lot of money to make the reticulation. To say that the water authority should come forward at the end of ten years and reappraise the water and say they were not to use more than a certain amount for irrigation purposes would not be fair. The Treasurer had withdrawn the leasehold, which he quite agreed with, and people would know what they were doing. He hoped the Treasurer would stick to his guns.

Mr. O'SULLIVAN was sorry to hear the lame arguments of members on the opposite side in their attempt to back up the Treasurer in this amendment, which was not going to do the slightest good. It was simply giving to the freeholder a right which he should not have above any other man. What right had a freeholder to the water more than a leaseholder?

Mr. CORSER: He has paid for it.

Mr. O'SULLIVAN: Did he send the rain down from heaven? We had said that a river running through a freehold property should be reserved to the Crown, and the same principle should apply to a natural waterhole. Many a natural waterhole had been snapped up with the idea of being able to force those around to go somewhere else for their water, and we did not want to perpetuate that evil in the future. He did not believe in giving a freeholder any more right than a leaseholder in this matter. The amendment was only trying to throw dust in their eyes. To give a man who owned a fee-simple the exclusive right to water was suicidal. The selfishness of freeholders was what had caused the failure of irrigation works in the past. In Victoria a few years ago the irrigation scheme in operation there had broken down because a few men owned too much land, and did not use the land, and they asked an exorbitant price from those who wanted it, and thereby used the water as well. In Colorado and other American States when irrigation was commenced people owned too much land, and held it for speculative purposes. Now they had gone in for small areas. That was what should be done in Queensland, but how could the Government provide water for small holdings if the water from a catchment of perhaps thousands of acres was all in the hands of one individual? If the amendment was carried, the Bill might as well be dropped. They would only be legislating for the benefit of a few. Hon. members on the other side were supporting the amendment because their own selfish interests were assailed. The rejection of the amendment would be in the public interests, and he was astonished at the Treasurer sitting idly by and allowing his Bill to be emasculated by such an amendment. He supposed that other useful features in the Bill would be surrendered later on.

HON. R. PHILP thought he knew a little more about land settlement in Queensland than the hon. member for Kennedy. The hon. member said that irrigation had been a failure in Victoria because some people monopolised the land and the water. Now, the trouble in Victoria was that people would not use the water.

Mr. LENNON: They would not pay for the water. They wanted it for nothing.

HON. R. PHILP: He had been over the irrigation works in Victoria, and he discovered that the trouble was that, after the Government spent millions of money on irrigation works, the people would not use the water. The Government were willing to let the people have the water at a very reasonable rate, but the farmers would wait until July or August, as they had rain before that and did not want water; and then, if there was no rain, they all wanted water at the same time, and there was not sufficient for them. He did not know of a single instance in Queensland where the fact that water was owned by a private person had caused any disturbance. If the Government wanted water for industrial

purposes, they had power to resume the land; but the land was used more profitably by private individuals than it could be used by the State. The Burdekin Delta was a case in point. He had heard hon. members on the other side say what a splendid place that was, because of the abundance of water for irrigation purposes. That was specially true of the underground supplies. The first attempt at irrigation there was with water from a lagoon, but, as the supply was not sufficient, they sank wells. They could not get at the water on a man's freehold without trespassing. To enter upon men's land in that way would disturb the whole farming settlement of Queensland.

Mr. J. M. HUNTER: How do you get at the rivers?

HON. R. PHILP: There were always roads to rivers. It was quite right that they should keep the water in rivers, because one selfish man might stop a lot of other settlers from getting any water.

Mr. MANN: There might be more water in a lagoon than in the river proper.

HON. R. PHILP: He did not know where there was such a lagoon. Lake Eacham was a reserve. Nobody had ever applied for it, and nobody wanted it. He had no waterhole that he wanted to keep, and he did not believe any other member on that side had either; but he knew that there were thousands of farmers who had a little water, and who did not want to be disturbed. If the hon. member for Kennedy owned 120 acres of land in the Burdekin Delta and someone demanded an equal right in his water, he thought the hon. member would object very strongly. At the present time the water was the property of the freeholder, and they should do nothing to interfere with him, or they would stop settlement.

Mr. J. M. HUNTER thought that the Treasurer would make a big mistake if he listened to the whispering of interested members on the other side who wanted to save a little pothole from what they believed to be an undue interference with their rights. The Bill should not be emasculated because some persons were, without cause, afraid their little interests were going to be injured. The Bill rose above that sort of thing, and he hoped the Treasurer would rise above it too.

Mr. CORSER: Rise above the farmers?

Mr. J. M. HUNTER: Rise above the parties and everything else.

Mr. LENNON: The State before everybody.

Mr. J. M. HUNTER: If any justification was needed for refusing to accept the amendment, that justification was furnished by the illustration given by the hon. member for Musgrave. The hon. member said that some men in his district were successfully cultivating the land through the establishment of small irrigation plants, and therefore they should not be interfered with. If the Government took control of the water, so as to permit the formation of water boards, ten men could be supplied with the water that was now being reserved for the use of one man. That was why the amendment should be rejected. The Committee would be wise if it refused to accept it, because its acceptance would spoil a very good measure.

Mr. FORSYTH hoped the Treasurer would accept the amendment. The hon. member for Maranoa referred to some remarks made by the hon. member for Musgrave. The hon. member for Musgrave had distinctly told them that the men he spoke of had spent thousands of pounds in many cases in order to get the water, and now the hon. member for Maranoa said that the Government should step

[8 p.m.] in and say to those men, "Now you have got the water, we will take it away and supply it to somebody else." If there was a lagoon in the centre of a freehold of 30,000 acres, that lagoon was of great value for the purpose of watering stock. It was quite possible that after a big flood there might be enough water for twenty people in that lagoon; but in ordinary times if the right to the water were taken away from the owner he would not have any water at all for his stock.

Mr. HARDACRE: This would not interfere in the case of water required for stock.

Mr. FORSYTH: He wanted the owner to have power to control that water for his own use. If a man had a natural waterhole on his land, he was justly entitled to all the water for his own stock.

Mr. FERRICKS: So far as he could see, by adding the words "in fee-simple," the Treasurer had not conceded anything. The hon. member for Leichhardt was right in saying that the dictionary meaning of "alienation" was a transfer or something equivalent; but the generally accepted meaning of the term was "parting with." It had that application in the Statutes and in the reports of the Lands Department; and therefore he thought that in putting in those words the Treasurer had conceded nothing, and it would have been far better for the hon. gentleman to have said whether he was prepared to withdraw the amendment or not, and, if not, why not.

HON. R. PHILP thought the hon. member for Gregory might have said something on this subject. The hon. member for Maranoa said there should be a big water board controlling this water instead of one person. The water was there for anyone; the people there did not monopolise it. When it was not available in lagoons, they got it by sinking; and he did not know of a better case of people making use of water than was to be found on the Burdekin. The hon. member for Maranoa said it would be far better if there was a water board.

Mr. J. M. HUNTER asked leave to make a personal explanation. What he said was that it would be better for the Government to have power to enter and take possession of the water, and allow a board to be formed.

HON. R. PHILP: The Burdekin was the only place besides the Burnett where irrigation was carried on to any extent; and if that was going to be stopped it would be dealing a blow to close settlement in Queensland.

Mr. O'SULLIVAN said he knew the position as far as the Lower Burdekin was concerned. All that had to be done was to put a hole or a series of holes in the ground, and with a traction engine and a pump they could raise enough water to require a 6-inch flow pipe. The hon. member for Musgrave was speaking about a different thing—something that did not apply to the Burdekin at all. He mentioned before that the great drawback to irrigation schemes was that people had too much land for the quantity of water, and it

Mr. O'Sullivan.]

would be better to bring it down to a minimum of 5 acres than to allow a man with 500 acres to monopolise the whole of the water. If they could get two men to settle on the land where there was only one at present, they would be doing good; and if they could increase settlement by providing for the formation of water boards they would be doing a good thing for the State.

Question—That the words proposed to be inserted (*Mr. Hawthorn's amendment*) be so inserted—put; and the Committee divided:—

AYES, 31.

Mr. Allan	Mr. Hodge
,, Appel	,, Hunter, D.
,, Barnes, G. P.	,, Keogh
,, Barnes, W. H.	,, Kidston
,, Booker	,, Mackintosh
,, Bouchard	,, Paget
,, Brennan	,, Petrie
,, Bridges	,, Philp
,, Corser	,, Roberts
,, Cribb	,, Somerset
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, Tolmie
,, Grayson	,, White
,, Gunn	,, Wienholt
,, Hawthorn	

Tellers: Mr. D. Hunter and Mr. Roberts.

NOES, 22.

Mr. Barber	Mr. May
,, Breslin	,, Mulcahy
,, Crawford	,, Mullan
,, Ferricks	,, Murphy
,, Foley	,, McLachlan
,, Hamilton	,, Nevitt
,, Hardacre	,, O'Sullivan
,, Hunter, J. M.	,, Ryan
,, Land	,, Ryland
,, Lennon	,, Theodore
,, Mann	,, Winstanley

Tellers: Mr. McLachlan and Mr. Winstanley.

PAIRS.

Ayes—Mr. Rankin, Mr. Fox, and Mr. Stodart.
Noes—Mr. Blair, Mr. Lesina, and Mr. Douglas.

Resolved in the affirmative.

The TREASURER moved the omission of the definition of "watercourse," in lines 41 to 43, with the view of inserting—

"Watercourse"—A river, stream, or creek in which water flows in a natural channel, whether perennially or intermittently.

This was a slight improvement on the original definition, and was following the Victorian definition.

Mr. MANN did not know why the Treasurer had left out the words "or other channel." Why did he not seek to have that included in the definition of a watercourse? The hon. member had to a certain extent spoiled the Bill by cutting out "any lake, lagoon, swamp, or marsh solely on private property." Did he also wish to cut out "any billabong on private property?" The original definition read "or other channel in which water flows." That was clear enough, and would allow the Government to have control of any channel and the overflow from an artesian well. The Treasurer was making a mistake in dropping the original definition.

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

On clause 5—"Natural water vests in the Crown"—

The TREASURER moved the insertion of the words "of water naturally rising to the surface of the land" after the word "spring," on line 6. That made it more definite—a spring must overflow.

Mr. MULLAN: That makes it more acceptable.

Mr. MANN: Seeing that the Treasurer had already exempted from the operations of the Bill any lake, lagoon, marsh, or swamp entirely on private property, he thought the hon. gentleman would have moved to exempt any spring or subterranean source of supply entirely on private property. If the one was right, why not the other?

The TREASURER: You see you made a mistake.

Mr. MANN: The water supply of the town of Mackay was a subterranean supply, and it might be wholly contained on one block of land; and the owner of that block of land would be able to say to the people of Mackay, "You must pay for your water." If it was right to exempt a lagoon—and he had argued that it was not right—why should the Treasurer seek to reserve the right to control a spring? He knew certain springs on a man's land in the Atherton district. The land was not yet freehold; and, if the clause was passed in its present state, it would mean that the Government would have the control of the spring on that small man's land, while at the same time they had no control over the lagoon, marsh, or lake on the big pastoralist's land. This beneficent dress-circle Government allowed the big squatter to have the right to the lagoon on his land, but would not allow the small man to have the right to the spring on his land. If the Government took the control of all water, it would be quite legitimate, but why leave out the lagoon on the big squatter's land?

Mr. CORSER: Suppose it is a large spring.

Mr. MANN: The hon. member voted in favour of allowing the big pastoralist to have the right to his lagoon, no matter how large it was. This fat-man Government was "straining at a gnat and swallowing a camel."

Amendment (*Mr. Hawthorn's*) agreed to.

The TREASURER moved that the following paragraph be added after line 11:—

And it is hereby declared that where a watercourse, which is generally adopted as forming a boundary of parcels of land, intersects at any place a parcel of land alienated by the Crown, whether before or after the commencement of this Act, the bed and banks of such watercourse within such last-mentioned parcel of land shall be deemed to have remained the property of the Crown and not to have passed with the land so alienated

This was to meet the case where, under the old system, an adjoining owner had a creek running between two portions of his freehold land, and he was allowed to have the boundaries fixed as extending to the centre of the creek. In many instances men had bought pieces of land on both sides of the creek, and this enabled them to get a deed of grant covering the two allotments and the portion of the creek which ran between the two allotments. He wanted to get the whole of the watercourses under the Crown.

Mr. LENNON: Then why don't you do it?

The TREASURER: They were taking over that portion of the watercourse which was included in the adjoining landowner's deed.

Mr. MANN: There was no doubt that the amendment was a step in the right

direction. But why did the Treasurer allow the lagoons on the squatter's property to pass away from the control of the Crown?

The ACTING CHAIRMAN: Order, order!

The TREASURER: You have got lagoons on the brain.

The ACTING CHAIRMAN: The question of lagoons has been discussed for nearly two hours, and we have dealt with that.

Mr. MANN: They were discussing lakes and watercourses, and occasionally these lagoons overflowed as the water ran through them. To that extent he could discuss it.

The ACTING CHAIRMAN: Order! I hope the hon. member is not going to discuss it in that manner. We have already had over an hour's discussion on it, and I do not think it can come under the definition of this clause at all.

Mr. MANN: The clause contained the word "lake," and the definition of "lake" was—

A natural collection of water: the term includes a lake, lagoon, swamp, or marsh.

The ACTING CHAIRMAN: I would point out to the hon. gentleman that we are not discussing the clause just now. We are only discussing the words proposed to be inserted.

Mr. MANN: He knew that, and if the amendment were carried, he could discuss the clause; but he did not wish to do that, as he wished to save time by discussing it at that stage.

The ACTING CHAIRMAN: Order! The hon. gentleman cannot discuss the clause now. He can only discuss the amendment.

Mr. MANN: He quite agreed with the Acting Chairman. He was glad that the Treasurer had proposed the amendment. It would have been wise if he had also adopted the advice of members on the Opposition side of the House, and allowed the Crown to retain the right over lagoons. Some day he would be sorry he did not accept that advice.

Amendment (*Mr. Hawthorn's*) agreed to.

Mr. MANN: He noticed some correspondence in the paper with reference to the Water and Sewerage Board that morning, and a member of that board said that they were somewhat concerned about clause 5, and when they waited on the Treasurer he assured them that they would be all right. H would like to know what the Treasurer told the members of the board, and what the board wanted?

The TREASURER: The Water and Sewerage Board wrote to him to-day, and the president, Mr. Manchester, had already approached him three or four days before. They went into the whole thing, and found that the board were sufficiently provided for. He subsequently submitted the matter to the Parliamentary Draftsman, and he agreed that the board were protected in the words of the clause—

shall vest in the Crown for all purposes whatsoever, subject only to the restrictions hereinafter provided, and until appropriated under the sanction of this Act or of some existing or future Act.

The Water and Sewerage Board had also got their own Act, and under clause 27 they appropriated all the Brisbane River water they required. It was considered by the Parliamentary Draftsman that the board was duly provided for.

Clause 5, as amended, put and passed.

On clause 6—"Bed and banks of watercourses and lakes not alienated"—

* Mr. SOMERSET: The definition of "bank of the watercourse" having been accepted, it took the sting out of clause 6 as it stood in the Bill. If it had not been for that definition clause there would have been serious objection to clause 6 on the part of those who acquired land with a frontage to a watercourse, in the past, and paid money for it, too.

Mr. LENNON: They would not get it without paying something for it. (Laughter.)

Mr. SOMERSET: He was not sure now that it conserved their rights sufficiently.

Mr. HAMILTON: I don't think it does. You look into it again. (Laughter.)

Mr. SOMERSET: Where people had acquired land in a perfectly legal manner, the Committee were not justified in interfering with their rights. If they did so, that would be repudiation. On one occasion a resident of his district prosecuted a railway [8.30 p.m.] contractor for taking shingle from the bed of the Brisbane River for use on the railway he was constructing, and he won his case, the court deciding that his deed gave him the right to the bed of the river. And he (Mr. Somerset) was satisfied that many other deeds gave property-owners a similar right.

The TREASURER: They all did up till 1887.

Mr. SOMERSET: Now they were depriving property-owners of that right. He noticed that the right of such persons to the use of their own water was protected by a later provision in the Bill, and he would not, therefore, move an amendment, as their rights regarding trespass and otherwise were also protected.

Clause put and passed.

On clause 7—"Diversions from watercourses, etc., prohibited, except under legal sanction"—

Mr. MANN wished to know if by this clause the right of persons to take water for domestic purposes only, and to have a prior right to take water for such purposes, was duly safeguarded. He did not think it was. He should also like to know if, in view of the amendment previously inserted, which debarred persons from going on to alienated land, a person could cross freehold land in order to get to the only water available for domestic purposes. Suppose the only available supply of water in a village or township was a well in the middle of that field, would a person have a perfect right to go through any land in order to take from the well the water he required for domestic purposes. In Scotland if a right of way to a well was established, the owner of a field across which that right of way went could not debar anyone from going to the well to draw water, even if they crossed his ploughed field. He thought it should be clearly set out in this clause that people who wished to draw water for domestic purposes should have a prior right as against persons who required water for their stock or their gardens.

Mr. LENNON: To a certain extent this was a good clause. It gave the right to all persons to use water for domestic and other purposes, but that right was absurdly restricted by the concluding words of the clause, which

read "and to which there is access by a public road or reserve." The clause gave the right to use water, but immediately after giving that right it imposed the condition that there must be an existing public road giving access to the water. The clause would be very much improved by striking out the words he had quoted, and he would ask the Minister to consider that suggestion.

The TREASURER: That was hardly a fair thing to ask, for the simple reason that they had already given persons who had a waterhole on their own land the right to that waterhole as long as it was within the four corners of their land. To give people the right to go on other persons' freeholds was most undesirable, and he could not agree to omit the words referred to.

Mr. O'SULLIVAN supposed at some future time they would have to pass a Bill giving people access to water. At present the right to use the water was of no value, since they could not get to it, unless they could go there by aeroplane, and they could not take their cattle with them in that way. He thought it would be better to knock out the words mentioned by the deputy leader of the Opposition.

Mr. MANN thought that the right of the public to get water in time of drought should over-ride any right in private property. If there was sufficient water in a waterhole or lagoon on private land, more water than the owner required for his own use, then persons living in a township or camped close by should have the right to use that water. The Treasurer claimed that this clause gave a prior right to persons using water for domestic purposes.

The TREASURER: Of course it does.

Mr. MANN: He could not see it, but as the Minister had a majority behind him, he supposed the clause would be passed. We should be very careful about allowing anyone to have vested interests in water, and if there was a waterhole, even if there was not a public road to it, the people should be allowed to go to use that water if their ordinary supply ran out. During the drought in the West a waterhole which had never been known to be dry in the life of a man might give out. If some stations were sold by the Crown to the pastoral lessee, and if there should happen to be a permanent waterhole there, the lessee should not have the right to prevent people going there and getting what water they required for domestic purposes.

An OPPOSITION MEMBER: And domestic animals.

Mr. MANN: And domestic animals, if the squatter had sufficient for his own stock; but if there was not sufficient, the people should come before the stock.

Mr. HARDACRE pointed out that they had declared the right of the Crown in regard to springs, but what was the use of declaring the rights over springs if they were not to follow it up by saying that the water from those springs should not be diverted or appropriated?

Mr. MANN: They are not game to do that—that is why they are leaving spring out here, but they gave the squatters their lagoons.

The ACTING CHAIRMAN: Order, order!

Mr. HARDACRE asked the Treasurer to put those words in.

[*Mr. Lennon.*

The TREASURER did not think there would be any harm in putting it in. He did not know that it was necessary, but if the hon. member desired it he would agree to it.

OPPOSITION MEMBERS: Hear, hear!

Mr. HARDACRE moved the omission of "or" on line 31, and the insertion of "or spring."

Amendment agreed to.

Mr. MULLAN said that unless there was access by a road or reserve, they could not use the water either for domestic purposes or for the use of stock. It was reasonable that there should be access by a road or reserve in order to water the stock, but when water was wanted for domestic use the public should have access to it, whether there was a road or reserve or not. The Minister might modify the clause to the extent that if it was required for domestic purposes—if a man who was travelling on the road wanted a billy of water to make tea, he should have the right of access to any water.

Mr. CORSER: I have never heard of anybody refusing it.

Mr. MULLAN: It was not a question of anybody refusing it; they did not want to place any man in the land under an obligation to another for a natural right, and there should be free access to water for domestic purposes.

Mr. HARDACRE did not understand the words "and to which there is access by a public road or reserve," and asked the Minister to explain their meaning. The object of the clause was to provide that—

> Except under the sanction of this Act or of some existing or future Act, no person shall divert or appropriate any water vested in the Crown—

Then it went on to say—

> to which there is access by a public road or reserve.

Did it include other land vested in the Crown, but to which there was no access by public road? We had already declared that the Crown had rights in running watercourses and creeks outside particular holdings. We said they had rights over that water, and that no one should, except under the sanction of the Act, divert or appropriate any such water, but it went on to make another limitation, and excluded all water from the operation of the clause to which there was no access by a public road. In the case of a watercourse which formed the boundary between two holdings, and to which there was no access by road, they could use the water *ad lib.* It was certainly not intended to exclude such a watercourse from the operations of the Bill.

The TREASURER thought the clause was perfectly clear. It provided that nobody was entitled to go upon private land and divert a stream. He had a right to get water as long as there was a public road or reserve by which he could get access to the water; but if he went on to private land he was a trespasser, and trespass was dealt with in clause 8.

Mr. MULLAN asked the Treasurer if he would give an answer to his question? If he were travelling and required a drink of water, had he a right to enter land, under that clause, and get a drink without subjecting himself to the risk of a prosecution for trespass?

The TREASURER: Not unless you are on a public road or reserve.

Mr. MULLAN: It would be a great mistake to impose such a hardship upon the citizens of this State.

Mr. D. HUNTER: Do you apply your argument to your own tank?

Mr. MULLAN: They were now declaring the natural rights in water, and a man should have as free access to water as to air. Circumstances might arise where it was absolutely necessary for the maintenance of life that a man should have water, and they had no right to put a man in such a position that, in order to get a necessary of life, he must break the law.

* Mr. SOMERSET: The hon. member seemed not to notice the fact that they were providing by the Bill something that was not now the law in Queensland.

Mr. MULLAN: No—we are taking a right away.

Mr. SOMERSET: They were giving the right of access to water. As far as watercourses were concerned, if a man had access to a river by a road, once he got to the bed of the river he was, by this Act, on Crown land, and he could follow the bed until he came to water. He did not say that he could take down a fence and water his stock.

Clause, as amended, put and passed.

On clause 9—"Presumption of grant by length of use annulled"—

Mr. MANN asked for some explanation regarding the position of people who had got the right to take water for irrigation purposes or for sluicing. Formerly water had been taken for the Russell Diggings for sluicing, and, though operations had been abandoned, they might be resuscitated. Would the rights of people who had already obtained permission to divert water for such purposes be fully preserved?

The TREASURER: Those who were already in possession of the right to obtain water for irrigation purposes were protected by clause 11. With regard to water for sluicing, clause 65 provided that "Nothing under this Act shall affect the right to the use of water under the Mining Act of 1898."

Clause put and passed.

On clause 10—"Ordinary riparian rights defined"—

The TREASURER moved the insertion, in line 13, after the word "stock," of the words—

and for factory use for the purpose of generating steam in steam boilers or condensing plants therein.

This was to provide for the case of sugar-mills and other factories that had plants already erected on the banks of watercourses, and had been in the habit of getting their supplies of water from those watercourses.

Mr. HARDACRE: The clause read—

Every owner of land alienated from the Crown before the commencement of this Act through or contiguous to which runs any watercourse, or within or contiguous to which is wholly or partly situated any lake, etc.

They had already provided that where a lake was entirely within a holding it should not come under the Bill. The clause would therefore require some amendment.

The TREASURER: This is only a definition of ordinary riparian rights.

Mr. HARDACRE: But the clause provided again what they had already provided for, having been put into the Bill before the amendment already made was thought of.

Amendment (*Mr. Hawthorn's*) agreed to.

The TREASURER moved that the following words be added to the clause:—

For the purposes of this section land in process of alienation at the commencement of this Act shall be taken as being already alienated land.

There were many cases in which people were purchasing land from the Government, and it was only right that they should come under the Bill.

Mr. J. M. HUNTER asked if this was contingent on the amendment in the interpretation clause with respect to "lake."

The TREASURER: Yes.

Mr. MANN: If it was a fair thing to admit every person who selected land up to 1st March, why debar people who selected land after that date? By putting in this amendment they might be [9 p.m.] giving away valuable water rights. Could the Treasurer say what water there was on the land that would be affected by this amendment?

The TREASURER: I would not attempt to do so.

Mr. MANN: The Bill was brought in to vest in the Crown the right to all water, but the Government were prepared to allow people to retain possession of water on their land, to allow the owners of land in fee-simple something similar, and now the Treasurer proposed to allow every person who selected or bought land before the 1st of March to get the same privilege. What was the use of the Bill, when it was being cut down like that? He thought the Government were going to pass a good measure.

The PREMIER: You thought the Government would bring in a good Bill?

Mr. MANN: In consequence of the way the elections went in New South Wales, he thought the Government would do something that would meet with approval in the country.

The ACTING CHAIRMAN: Order! I hope the hon. member will speak to the amendment.

Mr. MANN: He was drawn off the track by the Premier. He was going to say he thought the Premier was going to pass good legislation because of what had taken place——

The ACTING CHAIRMAN: Order! The question is the insertion of certain words, and I hope the hon. member will address himself to the question.

Mr. MANN: He was trying to apologise for being out of order, but if the Acting Chairman would not allow him to do so he could not help it.

The ACTING CHAIRMAN: Order, order!

Mr. MANN: He thought the amendment was a good thing for those in possession of land and those who would be in possession of land on the 1st March, but it was not a good thing for the State. He hoped the amendment would be withdrawn until the Treasurer could supply the Committee with full information as to the land in process of alienation.

Mr. RYLAND: It appeared to him that this was a proposal to give to people what

they never had before. In the case of mineral fields or gold fields the Crown always reserved the royal metals; but in mining freeholds persons were given the right to these minerals if they did a certain thing; and now they were above Parliament. That was done by the Act of 1872; and they were told that because that was done they could not work those royal metals. According to this it appeared to him that it was proposed to practically give those people a right they never had before. It would simply give them the rights of all water, and if Parliament by and by wished to take those rights back for the people, they would bring forward this Bill and say, "This water is practically reserved to us for all time." The Bill, which was supposed to conserve the rights of the water for the people, was handing over the water to the owners of the land.

Mr. WHITE said the Government had sold some land yesterday at Toowoomba, and for one piece, on which there was a waterhole, the purchaser gave £300 to the Crown. It was not the land so much as the waterhole they were buying, and the land was in process of alienation. Those people had bought the water and the Crown was paid for it, and their rights should be preserved to some extent.

Mr. LENNON: The amendment proposed to confer upon landowners rights which they did not now possess, because the land was not now alienated. Why do that? They had already given away a whole lot of things. It was first declared that the Crown had a right to certain water, and in clause after clause the Committee were whittling away the rights that they were professing to assert. This was a further instance of the Government frittering away the rights of the people, and he hoped the Treasurer would consider the matter from that point of view and preserve those rights. If not, he would have to oppose the amendment to a division. It was a most important matter, and members of the Opposition could not see their way to support anything that would confer upon those people intending to acquire land the very same rights they regretted were already conferred upon those who already had a legal right to land.

The TREASURER: He did not see how they could avoid giving to purchasers of land where the purchase was already made, although the title deeds were not completed, the same rights as those who had already got their title deeds. They had purchased the land under the same terms, and they ought to be put on the same footing as the persons who had actually got their title deeds.

Mr. RYLAND: In order to modify the injustice the amendment proposed to do, he would like to amend it by omitting the word "commencement," with the view of inserting "passing." The amendment would then read—"For the purpose of this section land in process of alienation at the passing of this Act shall be taken as already alienated land." The Bill would not come into operation until the 1st March next year, and if it were made to apply from the passing of the Bill, it would be from the date the Governor gave his assent. If the provisions of the Workers' Compensation Act had been made to apply from the time of the passing of the Act, it would have saved a good deal of hardship on the workers. He therefore moved to amend the proposed amendment in the way he had stated.

[*Mr. Ryland.*

The TREASURER did not see that there was much in the amendment. However, he did not object to the word "passing" being inserted, as he thought it would meet the case just as well.

Amendment (*Mr. Ryland's*) agreed to; and amendment, as amended, put and passed.

Clause, as amended, put and passed.

On clause 11—"Certain riparian owners may apply for special licenses to divert and use water"—

Mr. NEVITT: Subsection (3) provided that "the Minister shall cause notice of every such application to be published in the *Gazette* and in two newspapers published in Brisbane in three successive weeks." Why was it necessary to publish the application in two Brisbane papers for three consecutive weeks?

Mr. LENNON: The *Sun*.

Mr. NEVITT: The application might have reference to land in the Stonehenge district in Western Queensland, and he did not see any necessity for publishing the application in Brisbane. If there was any necessity, he should like to hear from the Minister what it was.

Mr. MANN did not see the necessity for the provision, but the Government did. Two Brisbane newspapers had to be pleased, and one issue of a newspaper in the district where the thing was to be done, would be sufficient. The only reason for advertising in two newspapers in Brisbane was that it was necessary for the Government to placate the Brisbane newspapers.

The TREASURER did not see that there was any great reason for publishing the application in two newspapers in Brisbane in three successive weeks.

Mr. MULLAN: Why in Brisbane at all?

The TREASURER: Brisbane was the headquarters, and it must be remembered that there was a very large number of persons who were interested in lands outside Brisbane who had their place of business and homes in Brisbane, and he thought it was not unreasonable to publish the application in that way. However, he would move the omission of the words "two newspapers," with the view of inserting "one newspaper," and was also willing to make it "two successive weeks," instead of three.

Mr. MULLAN would like to hear some stronger reasons from the Minister before he voted for the amendment. Why should a notice concerning the water rights in the Carpentaria electorate have to be advertised in Brisbane? It was to be advertised in the *Gazette*.

Mr. WHITE: Who sees the *Gazette*?

Mr. MULLAN: It was a deliberate sop to the metropolitan Press, upon which the Government were leaning so strongly, and without which they could not exist twenty-four hours.

Hon. E. B. FORREST: Put it in the *Worker*.

Mr. O'SULLIVAN: If there was going to be any general advertising, it should be in the paper which circulated in the neighbourhood where the water was.

The TREASURER: That is provided for later on in other clauses.

Mr. O'SULLIVAN: The advertising should be done in the neighbourhood of the land where the application was made. Why should they have to advertise in a Brisbane newspaper which might be 1,000 miles away? They did not get the Brisbane newspapers up North.

The TREASURER: No wonder that you are behind the times.

Mr. O'SULLIVAN: That was why they were so democratic. The senior member for North Brisbane remarked why did they not put it in the *Worker*. If they did so, it would get the benefit of a larger circulation, because the *Worker* went all over the State. It would be better to publish the Northern applications in the Townsville or Charters Towers papers. They were not Labour papers, but they did not mind that so long as the circulation of the papers would conserve the public interest. The thing was confined to the Brisbane papers.

Mr. J. M. HUNTER: He agreed with others that the right place for the advertisement to be inserted was in the papers circulating in the neighbourhood where the residents would have an opportunity of seeing them. In the outside districts what chance was there of the small holders seeing the Bribane papers? Clause 13 provided for an advertisement being inserted in some newspaper generally circulating in the locality, and clause 35 made the same provisions. As it served the purpose in those clauses, it should also serve the purpose in this clause. He did not see that any good purpose would be served by accusing the Government of trying to placate the city Press.

The PREMIER: You had better do it or you will be brought up for being only lukewarm.

Mr. J. M. HUNTER: He would be quite ready to blame the Government when sufficient cause was in evidence. He put it down as a slip on the part of the Treasurer that it got into the clause, and he asked him to make it the same as the other clauses.

Mr. MULLAN moved the deletion of the words from "and in two newspapers" down to "such publications," on lines 2 to 5, inclusive. The subclause would then read—

> The Minister shall cause notice of every such application to be published in the *Gazette* and in at least one issue of a newspaper circulating generally in the neighbourhood of the land, etc.

That would eliminate the words making it necessary to advertise in the Brisbane newspapers.

The PREMIER: You are eliminating the *Worker*.

Mr. MULLAN: The Premier said that the object was to eliminate the *Worker*. They were not actuated by the sordid motives which prompted the Premier to subsidise the papers which made it possible for his Government to exist at all. The Premier took his instructions from the *Sun* and the *Courier*, and he thought they took their instructions in the same way from the *Worker*, but the Opposition were above that and were more independent. There was no good reason why they should advertise in Brisbane. It was said that the owner of the land might live in Brisbane. In that case they should advertise in Sydney and also in the London *Times*, and so on *ad infinitum*.

The TREASURER: To save any further discussion, he was agreeable to accept the amendment.

OPPOSITION MEMBERS: Hear, hear!

Amendment (*Mr. Hawthorn's*), by leave, withdrawn.

HON. R. PHILP: He objected to the Minister's amendment being withdrawn.

OPPOSITION MEMBERS: You are too late.

HON. R. PHILP: Hon. members wanted to stifle publicity being given to the application. It was a most important matter. It was proposed to divert a watercourse, and the widest possible publicity should be given to it, but hon. members opposite wanted to stifle all knowledge of it in Queensland, and would just leave it to the little local paper with a circulation amongst 100 people.

Mr. LENNON: And the *Government Gazette*.

HON. R. PHILP: Who read the *Government Gazette*? Was there a man in the House who read the *Government Gazette*?

Mr. MURPHY: The people interested will get notice.

HON. R. PHILP: It was a serious matter as water might be diverted which might do incalculable damage.

Amendment (*Mr. Mullan's*) agreed to; and clause, as amended, put and passed.

Clauses 12 to 17, inclusive, put and passed.

On clause 18—"Constitution of board"—

Mr. RYLAND: This clause proposed that a water supply board might be constituted in four different ways—first, by the appointment of a local authority or water authority within the area to be the water supply board; secondly, by the appointment of members of the board by the Governor in Council; thirdly, by the election of members of the board by the ratepayers within the area; and,

[9.30 p.m.] fourthly, by the election of some members and the appointment of other members of the board. A person who was not a ratepayer within the area was qualified to be a member of the board, but such a person could not vote for the election of a member. Moreover, it was provided that some ratepayers might have three votes. He objected to that provision. In this matter they should have one elector one vote. He moved that the word "ratepayers," on line 21, be omitted, with the view of inserting "electors on the State roll."

The TREASURER: He could not accept the amendment. It was only a fair thing that those who paid for the water should have the right of electing their representatives on the board.

Mr. MANN: Because he believed that those who paid for the water should have votes, he thought the proposed franchise too narrow. In a town every householder should have a vote, because every householder used water, and had to pay for it. Even a man boarding in an hotel helped the hotelkeeper to pay for his water supply, and it would not be unfair to give him a vote. When the Harbour Board Bill was before the House, the Premier claimed that every elector should have a vote because he used the goods that came from oversea, and he inserted a provision in the Bill to the effect that no ratepayer should have more than one vote. That provision was, however, rejected by the Upper House. In some cases now a man could have twenty-seven votes in the election of members of a harbour board. In the Cairns Harbour Board district there were nine divisions, and a man could have three votes in each division, and the same kind of thing might happen under this Bill if a ratepayer was allowed three votes. He thought the member for Gympie was not wise in moving the amendment he had submitted, as it was not likely to be accepted by the conservative majority on the other side of the House, though they might agree to one ratepayer one vote. Every person in a water area paid for the water he used either directly or indirectly, and should therefore have a vote in elections of members of the board. He hoped that the franchise would be limited in that way, and that such a limitation would be supported by members on the other side of the

House. The only satisfactory method we could get of allowing every user of water to vote was by taking the electoral roll. But just to allow the members on the other side to show their democracy, they might later on, when this amendment was disposed of, move for one ratepayer one vote, and claim the vote of the hon. member for Woolloongabba.

Mr. D. HUNTER: And you will get it.

Mr. GUNN: This Bill was going to be very useful when making water authorities for any group of settlers, so that they could apply to the Government to put down a bore, and when the water was struck it would be carried by drains all over the adjacent property. He thought it would be a great mistake to place in the hands of the carriers or those working on the place the power to say which way the drain should be constructed, and to take the power from the owners of the land altogether. The people who were paying for the putting down of the bores should have a say as to the way they were going to have the water on their own land. It did not affect the boundary-rider, fencer, or dam-sinker; they got the use of the water free, and he did not see what the franchise had to do with it. The people who paid for it should have the power to say which way the dam should be constructed.

Mr. LENNON would remind the hon. member who had just sat down that the board had power to make by-laws, under which they could issue licenses and charge for them. Drovers would have to pay licenses, and had they not as much right to a vote? There would, perhaps, be taxation upon an even keel, and everyone should be allowed to vote, and the best way was to adopt the amendment of the hon. member for Gympie and take the voters on the parliamentary roll for that particular area.

Question—That the word proposed to be omitted (*Mr. Ryland's amendment*) stand part of the clause—put; and the Committee divided:—

AYES, 32.

Mr. Allan	Mr. Hawthorn
,, Appel	,, Hodge
,, Barnes, G. P.	,, Hunter, D.
,, Barnes, W. H.	,, Keogh
,, Booker	,, Kidston
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cottell	,, Roberts
,, Cribb	,, Somerset
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, Tolmie
,, Grayson	,, White
,, Gunn	,, Wienholt

Tellers: Mr. Hodge and Mr. Swayne.

NOES, 22.

Mr. Barber	Mr. May
,, Breslin	,, Mulcahy
,, Crawford	,, Mullan
,, Ferricks	,, Murphy
,, Foley	,, McLachlan
,, Hamilton	,, Nevitt
,, Hardacre	,, O'Sullivan
,, Hunter, J. M.	,, Ryan
,, Land	,, Ryland
,, Lennon	,, Theodore
,, Mann	,, Winstanley

Tellers: Mr. Murphy and Mr. Theodore.

PAIRS.

Ayes—Mr. Rankin, Mr. Fox, and Mr. Stodart.
Noes—Mr. Blair, Mr. Lesina, and Mr. Douglas.

Resolved in the affirmative.

[*Mr. Mann.*

Mr. HARDACRE had an amendment, which he thought a reasonable one, to insert after "ratepayers," on line 21, the words "and occupiers," so that it would give occupiers as well as ratepayers a vote. That would place the franchise on the same lines as the franchise at present existing under the Local Authorities Act. He thought we should not make this any less liberal than in that Act. The idea of putting in ratepayers only, he thought, was because we were going to charge certain rates to consumers of water, and therefore only those who paid the rates for water consumption should be entitled to vote. In an irrigation area a landowner might sublet his land, and in that case it would be only fair that the persons who used the water should have a vote.

The PREMIER: That is what the Bill provides.

The TREASURER: They will have votes if they pay the rates.

Mr. HARDACRE: The landowner would be the ratepayer.

The PREMIER: They can make themselves ratepayers by paying the rates.

Mr. HARDACRE: If they had power to substitute themselves for the landowner it would be all right, but the owner of the land was the ratepayer, because the rates were to be levied on the land.

Mr. LENNON: Apparently the Treasurer, assisted by the Premier, had come to the conclusion that there was no need to accept the amendment. He would like to call the attention of the hon. gentlemen to the fact that, whilst they did not seem inclined to allow a person who was not a ratepayer to have a vote, in the same clause they provided that a person who was not a ratepayer might become a member of a board.

The TREASURER: He might be an expert, and it might be very desirable to put him on the board.

Mr. LENNON: Other persons might have better claims to be experts and to have votes than the expert the hon. gentleman wanted to put on the board. Surely to goodness the greater included the less, and, if a man who was not a ratepayer could become a member of a board, a consumer of water who was not a ratepayer should be entitled to a vote.

Mr. HAMILTON: There was another difficulty. Under clause 41 a board might make by-laws requiring carriers to take out a watering license and to pay a fee for such license. There were many carriers who had lived for many years in a district, but who did not own any land. They would be ratepayers, yet they would not be entitled to a vote, because they did not own any land.

The TREASURER: They would be licensees merely.

Mr. HAMILTON: They might have thirty or forty horses, and might pay as much to the board as half a dozen allotment-holders.

Mr. MURPHY: They might not use the water, and yet they will have to pay for it just the same.

Mr. HAMILTON: The proposed franchise was most restrictive. It should include occupiers, just like the Local Authorities Act, and it should also include licensees.

Mr. FORSYTH: The license fee might be only nominal.

Mr. HAMILTON: The hon. member for Moreton had lived in the Gulf district, and knew that there were carriers who did not own land, but who had several teams.

Mr. FORSYTH: They never pay for any water.

Mr. HAMILTON: The Bill would force them to take out watering licenses, whether they used the water or not.

Mr. FORSYTH: There might be something in the statement of the hon. member for Gregory if a license fee was going to be charged, but he understood that [10 p.m.] any fee likely to be charged to carriers would be only nominal. If the hon. member would turn to clause 41, paragraph (*c*), he would see that carriers would not have to pay anything for watering their draught stock.

Mr. HAMILTON: They may have to pay a guinea a year.

Mr. FORSYTH: He did not think so. If they would have to pay, it would only be as far as the license fee was concerned; and it might only be 2s. a year. Why should they have a vote in such a case?

Mr. HAMILTON: It is only assumption that the fee would be 2s.; it might be two guineas.

Mr. D. HUNTER said that if a man who did not live in the district bought a cask of water, he would be a ratepayer according to the arguments of hon. members opposite. If the occupier of land paid for water he used for irrigation purposes, he would be a ratepayer, and would be entitled to a vote whether he was a landowner or not.

The TREASURER: A ratepayer was defined in the Water Authorities Act as a person named in the books of the water authority as a person liable to pay water rates. An occupier was certainly included in that. If he paid rates, and got on the books as a ratepayer, he was entitled to vote. And clause 22 supported that view, because it provided that if any person thought himself aggrieved as to the amount of valuation with respect to the land of which he was "owner, occupier, or mortgagee," he might appeal therefrom to a police magistrate.

Mr. COYNE: The occupier would not get a chance to be a ratepayer unless the landlord chose, because the landlord would simply charge more rent and pay the water rate himself. Clause 41, which was referred to by the hon. member for Moreton, dealt with the supply of water from artesian bores; but the clause under consideration provided for the constitution of water boards that would control water supplies of all kinds. If a certain amount was paid to a water authority by any individual, that person should be entitled to a vote. He would like to see the amendment go further; but he would like it to be accepted as an instalment of democratic provisions the Labour party would like to see passed. Though it was provided in the clause that every ratepayer should have a vote, a person who was not a ratepayer within the area might become a member of the board.

Mr. CORSER: He might be an expert.

Mr. COYNE: He might be an imbecile. Of course, if he was an expert, he would get the votes of most of the intelligent voters. Take the case of a city where a water board might be constituted.

The TREASURER: This has nothing to do with that; this is for irrigation purposes.

Mr. COYNE: The clause provided for the constitution of water boards; and a board might be established in a town or a municipality; but the occupiers of residences in that town or municipality were not given the right to vote, though the right was to be given to the owners. He hoped the amendment would be carried.

Mr. O'SULLIVAN would like to see a wider definition of "ratepayer" under those water boards, because he recognised there would be a lot of teamsters who would have to pay for water for their horses, and they should be included in the definition of ratepayer. The men who owned horses or bullocks should be put on the same plane as the holder or occupier of land. A man might use water supplied by a board for watering his horses, and it might not be possible for him to live in the water area. His home might be some miles away, but still he would have to pay for a license, and yet he would have no say in the election of the representatives of the board. That was unfair, and the Committee should recognise that very patent fact and include a licensee in the definition of a ratepayer.

HON. R. PHILP: There seemed to be some misconception about the matter altogether. Under the Local Authorities Act the local governing bodies had the power to provide a water supply; but this Bill was brought in specially for irrigation purposes and to allow settlers to band together and put down artesian bores to water their selections. Hon. members opposite had spoken about carriers having to pay for water. He (Hon. R. Philp) had never known a carrier pay a single shilling for water.

Mr. O'SULLIVAN: What will they do in the future?

HON. R. PHILP: The same as they have done in the past. He had never known any station manager charge a carrier for water.

Mr. HAMILTON: There were Government tanks on the road to Winton and the carriers had to pay for water used from those tanks.

HON. R. PHILP: In the olden times the local governing bodies would not take over those tanks. As a matter of fact, a carrier might only go over that road once in twelve months, and because he paid once in twelve months for a few head of horses, that did not give him a right to a vote in the election of the board. He (Hon. R. Philp) had driven cattle several times through Queensland and had never paid for water.

Mr. O'SULLIVAN: A teamster would have to pay under this Bill.

HON. R. PHILP: He might only make a trip once in a year.

Mr. HAMILTON: He had to pay for a license.

HON. R. PHILP: He would pay for a license if he was carrying water. The water boards were not going to water the roads, but certain sections of land would be put on one side for irrigation, and they would also put down artesian bores.

Mr. HARDACRE: Do you object to the occupier having a vote?

HON. R. PHILP: Not at all. If the occupier paid the rates, he was a ratepayer. As far as he understood the Bill, it was to allow eight or ten or twenty

grazing farmers to band together and form a board and arrange for water among themselves. That was why the Bill was brought in, and now the hon. member for Leichhardt wished to insert a number of amendments that would block the Bill altogether.

Mr. HARDACRE: Oh, no!

HON. R. PHILP: A station manager who had to depend on a carrier to bring his goods to the station was not likely to charge that carrier for water. He did not see that the carriers had anything to do with the thing at all. If a carrier or drover had to pay for a drink—it was a most unusual thing—but if he did pay, it would probably only be once in a year, and he had no right to a vote at all.

Mr. O'SULLIVAN: He did not want to detain the Committee, but he had a lot of teamsters in his district, and he wanted to look after their interests.

Hon. R. PHILP: There are no artesian wells in your district.

Mr. O'SULLIVAN: No; but clause 41 provided that carriers and teamsters should have to take out watering licenses, and he wanted a proper definition given.

Mr. RYLAND: Was the Minister satisfied that an occupier would have a vote under the term "ratepayer"?

The TREASURER: If he paid his rates, certainly. The valuation is served on the occupier in the first instance.

Mr. RYLAND: Then he thought they had better have the words inserted, otherwise there would be a doubt about it.

Question—That the words proposed to be inserted (*Mr. Hardacre's amendment*) be so inserted—put; and the Committee divided:—

AYES, 24.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mulcahy
,, Coyne	,, Mullan
,, Crawford	,, Murphy
,, Ferricks	,, McLachlan
,, Foley	,, Nevitt
,, Hamilton	,, O'Sullivan
,, Hardacre	,, Ryan
,, Hunter, J. M.	,, Ryland
,, Land	,, Theodore
,, Lennon	,, Winstanley

Tellers: Mr. Breslin and Mr. Ryan.

NOES, 31.

Mr. Allan	Mr. Hawthorn
,, Appel	,, Hodge
,, Barnes, G. P.	,, Hunter, D.
,, Barnes, W. H.	,, Keogh
,, Booker	,, Kidston
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cottell	,, Roberts
,, Cribb	,, Somerset
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, White
,, Grayson	,, Wienholt
,, Gunn	

Tellers: Mr. Grayson and Mr. Gunn.

PAIRS.

Ayes—Mr. Blair, Mr. Lesina, and Mr. Douglas.
Noes—Mr. Rankin, Mr. Fox, and Mr. Stodart.

Resolved in the negative.

Mr. RYLAND moved the insertion of the words, "No ratepayer shall have more than one vote," on line 21.

Question put.

Mr. RYLAND: He would like to know if the Minister would accept the amendment.

The TREASURER: He could not accept the amendment.

Mr. HAMILTON: He had an amendment that came before the amendment of the hon. member for Gympie.

Mr. RYLAND: He would withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. HAMILTON moved the insertion after "ratepayers," on line 21, of the words "or holders of a watering license." Clause 41 read—

A board may make by-laws—

(*a*) Requiring persons carrying on the business of common carriers within the area, and ordinarily using any road on or near which an artesian well is provided, to take out licenses to be called "watering licenses," and imposing fees for such licenses, which may be in proportion to the number of draught stock usually employed by such persons or on any other basis.

He knew carriers out West who had fifty or sixty head of horses, and they had to take out watering licenses within that area. There was an old saying that there should be "no taxation without representation," and these people, who paid in proportion to the number of stock they held, ought to have the same right to a vote for the board as the man who had an allotment there.

The PREMIER: He buys his water just the same as anyone else buys tea or sugar.

Mr. HAMILTON: He might not want to buy any water at all, but there was a provision in the Bill to compel him to take out a watering license.

Mr. O'SULLIVAN thought the Minister should accept this reasonable amendment. A user of water, whether he was a [10.30 p.m.] resident or a licensee, was a ratepayer, and it was only fair that he should have a vote. A teamster who paid for the water he used was just as much entitled to a vote as a resident of the water area.

Question—That the words proposed to be inserted (*Mr. Hamilton's amendment*) be so inserted—put; and the Committee divided:—

AYES, 24.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mulcahy
,, Coyne	,, Mullan
,, Crawford	,, Murphy
,, Ferricks	,, McLachlan
,, Foley	,, Nevitt
,, Hamilton	,, O'Sullivan
,, Hardacre	,, Ryan
,, Hunter, J. M.	,, Ryland
,, Land	,, Theodore
,, Lennon	,, Winstanley

Tellers: Mr. Mann and Mr. O'Sullivan.

NOES, 31.

Mr. Allan	Mr. Hawthorn
,, Appel	,, Hodge
,, Barnes, G. P.	,, Hunter, D.
,, Barnes, W. H.	,, Keogh
,, Booker	,, Kidston
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cottell	,, Roberts
,, Cribb	,, Somerset
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, White
,, Grayson	,, Wienholt
,, Gunn	

Tellers: Mr. Cottell and Mr. Wienholt.

PAIRS.

Ayes—Mr. Blair, Mr. Lesina, and Mr. Douglas.
Noes—Mr. Rankin, Mr. Fox, and Mr. Stodart.

Resolved in the negative.

Mr. RYLAND moved the insertion at the end of line 21, after the word "area," of the words "no ratepayer shall have more than one vote."

Question—That the words proposed to be inserted (*Mr. Ryland's amendment*) be so inserted—put; and the Committee divided:—

AYES, 26.

Mr. Barber	Mr. Lennon
,, Breslin	,, Mann
,, Collins	,, May
,, Cottell	,, Mulcahy
,, Coyne	,, Mullan
,, Crawford	,, Murphy
,, Ferricks	,, McLachlan
,, Foley	,, Nevitt
,, Hamilton	,, O'sullivan
,, Hardacre	,, Ryan
,, Hunter, D.	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Winstanley

Tellers: Mr. D. Hunter and Mr. J. M. Hunter.

NOES, 29.

Mr. Alian	Mr. Hawthorn
,, Appel	,, Hodge
,, Barnes, G. P.	,, Keogh
,, Barnes, W. H.	,, Kidston
,, Booker	,, Mackintosh
,, Bouchard	,, Paget
,, Brennan	,, Petrie
,, Bridges	,, Philp
,, Corser	,, Roberts
,, Cribb	,, Somerset
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, White
,, Grayson	,, Wienholt
,, Gunn	

Tellers: Mr. G. P. Barnes and Mr. Bouchard.

PAIRS.

Ayes—Mr. Blair, Mr. Lesina, and Mr. Douglas.

Noes—Mr. Rankin, Mr. Fox, and Mr. Stodart.

Resolved in the negative.

Mr. RYAN: Subclause (iv.) provided that a water board might be constituted by the election of some members, and the appointment of other members, but there was nothing to show who elected members and who appointed members. He presumed it meant that the election should be by the ratepayers within the area, and the appointment of other members of the board by the Governor in Council, and the Minister should add words to make that clear.

The TREASURER did not think it was necessary. The Governor in Council had power to say how they should be elected, partly by appointment by local authorities, partly by appointment by the Governor in Council, and partly by election by electors within the area, or partly by the one scheme and partly by the other.

Mr. RYAN did not think it was clear, although the Treasurer might understand it, and it should be made quite clear.

Clause put and passed.

Clauses 19 to 22, inclusive, put and passed.

On clause 23—"Making and levying rates"—

* Mr. SOMERSET: Subclause (2) provided—

All water supply rates shall be and remain a first charge upon the lands in respect of which they are payable in priority to any mortgage or encumbrance, and notwithstanding any change that may take place in ownership.

Under the Railways Guarantee Act, the Commissioner had a first charge on the land, and had priority over the shire council.

Hon. R. PHILP: Mr. Fisher has got a big claim. (Laughter.)

Mr. SOMERSET thought the railways and roads had the first right. The three primary elements were earth, air, and water, and, taken in that order, when they took the Commissioner's claim and the shire council's claim into consideration, without considering Mr. Fisher's claim, he thought the water conservation board would come in a bad last.

Clause put and passed.

Clauses 24 to 32, inclusive, put and passed.

The House resumed. The ACTING CHAIRMAN reported progress, and the Committee obtained leave to sit again to-morrow.

The House adjourned at nine minutes to 11 o'clock.