**MURRAY WORKS BILL 1910**

**House of Assembly, 23 November 1910, pages 1127-37**

Second reading

**The PREMIER**, in moving the second reading, said the question had been introduced on two previous occasions, and there was no subject so interesting to the State. His predecessors had gone thoroughly and successfully into the matter. The Bill was to authorize the construction of weirs, dams, locks, and other work on the Murray River for navigation and irrigation, and for other purposes. It might help if he made a short reference to recent interstate negotiations and to the present position of the Murray waters question. It was now three years since Mr. Price, as Premier and Commissioner of Public Works, had moved the second reading of the Murray Rivers Waters Bill in the House. That measure, as members were aware, was to ratify and provide for carrying out an agreement dated July 12, 1807, between the States of New South Wales, Victoria, and South Australia for works from Swan Reach to Echuca, on the Murray, and to Hay on the Murrumbidgee, for the improvement of navigation, and for apportionment of the waters of the Muray and its tributaries for conservation and irrigation. As the scope of the agreement was fully explained in the speech of his worthy predecessor, leader, and friend, he need not dwell upon it. At the same time, the second reading of a similar Bill was moved in the House of Assembly of Victoria by Mr. Swinburne, the then Minister of Water Supply for that State; but, owing to elections intervening, the introduction of the New South Wales Bill was postponed. The same Victorian Minister next session, on July 14, 1908, again spoke at length upon the question on a motion for leave to reintroduce the Bill. In his second speech, Mr. Swinburne suggested that this

State might have been treated too liberally in the agreement, especially in relation to the final allowance to South Australia after the completion of the locks, of 75,000 million cubic ft. of water or such greater volume as the commission might deem necessary for the maintenance of navigability, as prescribed in the agreement. Of course, it was at least equally open to them to suggest that the upper States were being treated too liberally, but the Government of the day very properly acted on the understanding they had come to, to fully explain, and to recommend the agreement to Parliament. The Victorian doubts appeared to have been to an extent influenced by a memorandum prepared from memory by Mr. Elwood Mead, an irrigation authority of high standing and reputation, who had recently been engaged to take charge of irrigation development in the sister State. The matter was mentioned in the speech of Mr. Price September 30, 1908, page 333 of Hansard. The memorandum referred to a recent decision of the Supreme Court of the United States that the water of the Passiac River, New Jersey, belonged to that State, and could not be sold by the riparian owners for diversion by an aqueduct into the State of New York. The decision, the memorandum went on to say, upheld the contention that “all water originating within a State belongs to the State.” However, the decision, as Mr. Glynn said at the time, and the report of the case when it arrived showed, only referred to waters confined to a State, that was not flowing into another State. It simply declared that an Act of New Jersey which prohibited the diversion of such waters by artificial channels into another State, was constitutional. No question of navigation or the riparian rights of another State was involved. It was, however, claimed that the riparian owners of New Jersey owned the waters, and so could sell them. The Court held they were only entitled to use them for riparian purposes, and could not divert them into another State. Mr. Justice Holmes (delivering opinion of the Court) said:—“The problems of irrigation have no place here. Leaving them on one side, it appears to us that few public interests are more obvious, indisputable, and independent of particular theory than the interest of the public of a State to maintain the rivers that are wholly within it substantially undiminished, except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State, and grows more pressing as population grows. It is fundamental, and we are of opinion that the private property of riparian proprietors cannot be supposed to have deeper roots. Whether it be said that such an interest justifies the cutting down by statute, without compensation, in the exercise of the police power, of what otherwise would be private rights of property; or that, apart from statute, those rights do not go to the height of what the defendant, seeks to do, the result is the same. But we agree with the New Jersey Courts, and think it quite beyond any rational view of riparian rights that an agreement, of no matter what private owners, could sanction the diversion of an important stream outside the boundaries of the State in which it flows. The private right to appropriate is subject not only to the rights of lower owners, but to the initial limitation that it may not substantially diminish one of the great foundations of public welfare and health.” However, misapprehensions and misunderstandings would arise, and sometimes prevent the settlement or lead to the postponement of important questions. The Victorian Bill was not proceeded with. The representatives of that State were influenced, so far as their public utterances and debates in Parliament afforded information on the point, by three main considerations., namely:—Mr. Elwood Mead’s opinion that navigation must be subordinated or sacrificed to irrigation: the assumption which they were advised, and he had shown, was mistaken, that a recent American decision was in favour of their view of the riparian rights of States; and the alleged excessive apportionment of water to this State. The Government of South Australia differed completely from the Victorian views on each of these points. Eventually, however, another conference of Premiers was held in Melbourne in October, 1908, and certain modifications of the agreement were agreed to, which were explained and submitted for consideration to the House on November 12, 1908, by Mr. Price. A new agreement had been signed on November 11. The principal alterations were those contained in clauses 33 and 51, providing for carrying out the scheme of locking forthwith, after the approval of the agreement by the three Parliaments, and reducing the final annual volume of water to be delivered at the eastern boundary of South Australia after the completion of all the works, from 75,000 millions of cubic ft., subject, as mentioned, to increase, if found by the commission inadequate for navigation, to 60,000 millions of cubic ft., without increase. The first works to be constructed were the Lake Victoria works, which were part of the works to be carried out, subject to an agreement for the purpose with New South Wales, and, if necessary, with Victoria under the Bill before the House. He referred members to clause 11. The Lake Victoria works were thus described in the report of the Interstate Commission of 1902, page 42:—“Lake Victoria is near the Murray, below the town -of Wentworth, and about 50 miles above the South Australian border. It covers an area of about 30,000 acres, and is connected with the main stream by the Rufus River, through which it is fed when the Murray is high. The level of water permanently impounded by the bar is R.L. 73.00, whereas flood marks show that the lake has been filled to R.L. 90.00, the storage between the two levels being 17,000 millions of cubic feet. Mr. Sharman (the manager of Lake Victoria Station) states that he has seen the outflow from the lake keep the river navigable to South Australia for four weeks after it had been closed above the Rufus. In order that full advantage might be taken of such floods, the lake could be filled by raising the river level below Frenchman’s Creek, and diverting through it to Lake Victoria. It is estimated that a weir on the River would cost £80,000, and the improvement of Frenchman’s Creek and the erection of embankments and regulators £4,800, or a total of £84,000. These works would make possible the storage of 22,399 millions of cubic feet, a volume which, while allowing for evaporation at the rate of 60 in. per annum, would provide in times of low river 100,000 cubic feet per minute for a period of nearly four months.” The estimate of the commission of 1902 was for one lock. The Bill gave power to construct two locks, as the second, on the river, would form part of the general locking scheme to be carried out under the Bill. Mr. Stuart Murray, in paragraph 14 of his special report to the Commissioner of Public Works in February of last year, referred at length to the Lake Victoria scheme. It was estimated that the locking contemplated by the interstate agreement would be completed in 12 years. Then their final volume would be 60,000 million cubic ft. per annum, but subject to reduction with the volumes of the upper States when the volume of the river for the year at all points of offtake, and at their as it is used by New South Wales to make up that State’s contribution towards the South Australian proportion; and South Australia should receive one-fifth of the total annual natural flow at the boundary, such proportion to be provided in such quantities per minute and at such times as the stock and domestic requirements for settlement within a reasonable distance of the river, and as the irrigation of an area not exceeding 200,000 acres may, in the board’s opinion, demand. 12. That, in order to maintain transportation facilities for localities which now have them only by river, and which do not hereafter obtain them by railway construction, the board be empowered to regulate the flow of the rivers so that the period of navigation hitherto customary be preserved for vessels of a reasonable draught, and so long as this is not inconsistent with irrigation development. 13. That, when the board is of opinion that the natural flow of the river, reinforced by available water from storages, is insufficient to supply irrigation requirements, and at the same time maintain navigation, as hereinbefore mentioned, it shall so report to the States concerned, and the members shall submit to their respective States a scheme whereby suitable transportation facilities and means of communication, whether by land or water, could be secured for localities on the Murray and Murrumbidgee, which are being deprived of such facilities and means of communication, and thereupon the States shall carry out such scheme upon such terms as to cost and otherwise as such States shall agree upon. In settling such terms the principle of payment, in accordance with benefit received, shall be observed. The Government could not, of course, accept those recommendations. Briefly, the recommendations of the commission were:— “1. That the canalization of the Murray and Murrumbidgee by means of locks and weirs should not be proceeded with, and that to lock and weir these rivers at present would be quite unjustifiable. That locking is for navigation purposes almost exclusively, and for this purpose it is not at present, and is not likely to be in the future, a proper object for the expenditure of public money. 2. Except for a stock and domestic supply for settlement within a reasonable distance of the streams, irrigation should be deemed the paramount use of the Murray Biver system. 3. That the Murrumbidgee and the Goulburn should, as far as is not inconsistent with the recommendations of the commission, be entirely subject to the control and management of the States of New South Wales and Victoria respectively, and that no irrigation works, or the use thereof on either stream, should be subject to objection by any State. 4. That the allocation of the Murray waters between the States should be New South Wales and Victoria in proportion to their contributions, but that the Darling should not be regarded as a contribution except in so far as it is used by New South Wales to make up that State’s contribution towards the South Australian proportion, and South Australia should receive one-fifth of the total annual natural flow at the boundary, such proportion to be provided in such quantities per minute and at such times as the stock and domestic requirements for settlement within a reasonable distance of the river, and as the irrigation of an area not exceeding 200,000 acres may, in the board’s opinion, demand.” The other recommendations were all of this nature. The Government was adivsedthat the legal rights of this state to a reasonable share of the water could be enforced, and, in view of the policy of the upper states to push on works, be desired if they failed to come to an agreement satisfactory to the three States, to agree to a submission of the question in the quickest and least expensive way to the Courts, for a declaration of rights. In an exhaustive memorandum on the recent inspection of the works of the other States furnished by Mr. Glynn, paragraph XX. referred to the report of the Victorian Commission as follows:—“The report of the Victorian Commission (p. XXIII.) recommends that an agreement should be arrived at between the States with regard to the regulation and use of the Murray River and certain of its tributaries.” Though the suggested terms of the agreement could be accepted, they might, as containing the latest Victorian position, facilitate negotiations. The necessity for increased storage was referred to. The increase of the Goulburn storages by Victoria, and the construction of storage above Albury, probably at Cumberoona, by New South Wales and Victoria, was recommended; and that as far as not inconsistent with irrigation development the stored water should be used towards maintenance of transportation facilities for localities which now had them only by river, and did not hereafter obtain them by railway construction; when the natural flow of the river was re-enforced by available water from storages, and was insufficient to supply irrigation requirements, and, at the same time, navigation to the extent mentioned, a scheme, it was said, should be proposed and carried out by the States to secure suitable transportation facilities and means of communication, whether by land or water, for localities on the Murray and Murrumbidgee deprived of such facilities and means. “In settling such terms, the principle of payment in accordance with benefit received shall be observed.” At the same time the Commissioners “venture to think that the prophecy of the 1902 commission that portion of the river would “eventually be locked” must rank with some of those utterances that Greek history associates with the oracle of Delphi” (p. 42). The burden of the report was the paramountcy of irrigation, and subject to that the conditional improvement of navigation by other means than locking . The incidental report of Mr. H. L. Wilkinson, M.C.E., on the improvement of the Murray River and its tributaries for navigation (appendix B) dwelt upon the advantages of an open river for navigation, and the possibility of insuring by means of storage in the upper Murray a plentiful supply of water for irrigation, and, subject to that, for navigation. He referred to the fact that the Barren Jack storage for years to come would have a surplus for navigation; that navigation was improved in either countries by release of stored flood waters; and concluded by saying that if there was not to be any great increase in diversion large up-river storages would greatly improve navigation. If there was additional storages would have to be built. Continuing, Mr. Glynn pointed out: —“There is no definite and reliable information as to the possibilities of storage in the three States; that the Barren Jack Reservoir will be inadequate for irrigation if the irrigation policy can be developed to the extent contemplated; and that though that storage may at first improve, it will, on the development of the schemes of irrigation, injure or destroy navigation from Hay down stream.” Mr. Wilkinson (Report, p. 127) admits that reservoirs at Cumberoona and Barren Jack would diminish the supply to the Lake Victoria storage in low flood years. He doubts the estimate of cost and the efficiency of the Lake Victoria works to be provided under the agreement of 1908, and recommends the construction of works at a cost of £15,000 instead of the works contemplated by the agreement at an expenditure of £164,800 for the purposes of that storage. Mr. Stuart Murray, on the other hand, thinks that the latter works should be constructed; that it is superfluous to dwell upon the advantage that would accrue from the provision in a dry season of this volume from Lake Victoria. The commission of 1902 recommended the construction of storage reservoirs at Cumberoona and Lake Victoria at the cost of the three States, while the Victorian commission is unable to express an opinion as to when they should be constructed. The earlier report stated that all proposals for storage, and other works intended to serve the interests of more than one State, and the apportion­ment of the cost thereof, should be investigated by the interstate commission to be .appointed. Mr. Stuart Murray, who was a member of the commission of 1902, in his report of 1910 (par. 37) says that in the event of sufficient storage not being found in this State an agreement for joint storage should be entered into with the other States.” Mr. Glynn then suggested that the question of storage capacity, cost, and possibilities should be definitely settled. He had referred to the report of Mr. Stuart Murray on the river and lakes, from the boundary to the sea mouth of the Murray, including the Lake Victoria storage. Mr. Murray (in paragraph 16) said:—“The permanent navigation of the Murray may be provided for by the construction of a series of works for the creation of slack water in the river channel.” The cost of six locks, from Swan Reach to the boun­dary, of the Chanoime type, set out in a diagram, with a lift of 10 ft., he estimated (in paragraph 18) at £482,428; but said that without detailed surveys and other exploratory work on a scale of minuteness greater than any now available the estimate which was for boats of 5-ft. draught, with 1 ft. 6 in. under the keel, was only an approximation. He had had an interview last week with an expert from the Nile who had launched 150 boats with two decks for that river, and they only had a draught of 2 ft. of water. He had been up the Murray, and was quite satisfied that he could build boats which would draw only 2 ft., and would be suitable for the river. This expert was going to reside in South Australia at present, as he felt confident there was an opening on the Murray for such boats that it would pay him to remain. The water required for the maintenance of permanent navigation with the locks would be, according to paragraph 26, in a year of low discharge, one- thirty-seventh; in the mean year, one fifty- eighth; and in a high year, one hundred- and-second part of the total volume for the year at Morgan. Even in a year like 1902, when the discharge was exceptionally low, in fact, the lowest for 45 years, it would have been only one-eleventh. Locking, therefore, meant permanent navigation at very little cost in water; indeed, meant making, for the purpose, a low discharge equal to a high one. During the inspection in June this year of some of the works of the upper States by Mr. Graham Stewart (Engineer-in-Chief), Mr. J. B. Labatt, Sir Josiah Symon, and Mr. Glynn, the weir on the Murrumbidgee about 19 miles above Narrandera was examined. The weir, which served for diversion and navigation, was of the Chanoine type - that was, it was made of movable shutters, which at a high dis­charge were laid flat on the bed of the river; and had two stony sluices of 40 ft. each, one the lock chamber, the other to run off the water when not diverted at the regulator into the Bundidgerry Creek and Canal for distribution on the lands to be irrigated below Narrandera. The original estimate of the weir and regulator was £35,000. The Government intended to get the best expert advice available as to the works to be constructed; that was, as to the kind of works, their situation, and the order of construction. The position the Government took was that, having up to the present failed in its efforts to secure an amicable settlement of the rivers question, based on a joint scheme of locking and conservation, it had decided to commence the construction of works, both on the river below the boundary, and, if it obtained the necessary permission and powers from the Upper States, at Lake Victoria, in New South Wales. The upper States were pushing on great works for irrigation, some of which, such as the weir and lock above Narrandera, might incidentally help local navigation. The waste from some storages would be considerable. The Victorian estimate of the waste through evaporation from the Warranga Reservoir, with its 19 1/2 miles of surface area and average depth of 17 ft., if not less, was 3 ft. per annum. “In India,” to quote from the memorandum, “it is generally held that seepage is about equal to evaporation.” The evaporation might be more than 3 ft.; but, assuming it was not, with seepage, which for the same class of soil would be as great here as in India, the annual waste would be 6 ft., or, according to the estimates of average depth, from half to one-third of the water stored. If, then, the waste of water must be considered in connection with any scheme of apportionment or in relation to the reasonableness of the use, the waste from the Waranga Basin must be taken into account as well as that from the South Australian lakes, Alexandrina and Albert. Those lakes had a total area of 326 square miles, were seldom more than 2 ft. above summer level, or zero on the gauge at Milang, which was from 7 to 10 ft. Evaporation from the lakes in a dry year had been given as 60 in. The element of waste affected Victorian artificial storage only to a less extent than it did the South Australian natural lakes; while, on the merits, the fact that in Victoria direct storage on the river was available must be considered. Comparing the works in the two States the memorandum continued—“It may be inferred from this outline of some of the facts that the economy of water is less or—to apply a test suggested by, without admitting the soundness of, the Victorian position—the use comes nearer to being wasteful and extravagant in Victoria than in New South Wales.” The Barren Jack dam would be deep and retentive. The Waranga Reservoir was comparatively shallow, and appeared to be more liable to losses through seepage and evaporation. Assuming annual fillings, for the same area of water surface the one gave more than four times the storage of the other. The report of the interstate commission of 1902, p. 16, spoke of the great waste under the Victorian practice, which it referred to as being faulty in respect of economical and effective use of water. Mr. George Garson, then engineer of the Waranga Waterworks Trust, in his evidence before the commission of 1902, stated that “it was desirable to bring the channels into the most effective state possible, and that 50 per cent, of the loss might be saved by effective use of the water.” Mr. William Hector, then engineer for the Rodney Irrigation and Water Supply Trust, stated that from 40 to 50 per cent, of the water was lost by evaporation and seepage, and that it was possible to greatly diminish the loss by lining the channels with an impermeable material. The impression formed during the visit of inspection was that the channels still permitted of available waste. It was admitted in the report of the Victorian Commission of 1910 that “a large proportion of the water used is applied to native grass which can hardly be called a profitable use;” but as the policy to be furthered was intense cultivation, that might be changed. As irrigation from the great works had not yet commenced in New South Wales, only the Victorian methods were dealt with. The opinion expressed as to the greater suitability of the land for irrigation in New South Wales seemed to an extent supported by the Victorian report. Then, with an 18 in. rainfall (Interstate commission-, 1902, Q. 2,241) in the Rodney, the largest Victorian district, irrigation cultivation, though it might give the best results, and assured produce, if not markets, was not essential to production. Such considerations, which were overlooked by those who objected to the waste, from the South Australian lakes under natural conditions, affected the merits of the interstate question.” The report and evidence of the Victorian Commission of this year showed that the stage was now reached in the development of the Victorian irrigation schemes at which the success or comparative failure of the policy would be determined. It was admitted that the system of large holdings, upon which the schemes had hitherto been based, violated “the fundamental requirements of irrigated agriculture.” Settlers with capital were being sought in Europe to take up the 200,000 acres of land at present available for subdivision and settlement. In New South Wales the Barren Jack Reservoir—when the dam was constructed to the full height of 244 ft.— would hold up 33,380 millions of cubic feet of water, and supply, by regulating the natural flow of the river, 204,000 acres. About 107 000 acres were to be developed under the present scheme, and would take 60,000 cubic feet a minute of water. It could be shown from published diagrams that if the full capacity of the reservoir, less compensation water, were used, the navigation of the Murrumbidgee below the diversion, weir above Narrandera would be stopped for several months in many years. It was such great works, and their effects, that rendered storage and locking desirable as the basis of a settlement of the rivers question. But there was not the time to do more than generally refer to the works of the upper States. The Bill (clause 3) repealed the Murray Works Act, 1905, but in effect or in express terms re-enacted its provisions, with some additions and a few modifications. There was no difference in principle; but in clause 11 power was taken to construct the Lake Victoria works with the permission of New South Wales. There were more specific provisions in Part V. as to the imposition of tolls in respect of freight, the tolls being prescribed by regulations under Part VIII., and as such liable to disallowance by resolution of either House of Parliament. Part IV. was added for the purpose of financing the works out of revenue or loan moneys; and other additions made which extended the Bill to nine parts and 30 clauses against the six parts and 14 sections of the Act. As nothing had been done under the Act, it was better and more convenient for reference to have all the provisions in one measure. The Bill was to be administered by the Commissioner of Public Works, who by clause 7 was made a body corporate, for the purpose of suing and being sued. He thought it would be well to have a short Bill passed making the Commissioner a body corporate for all purposes, as he was for some purposes, and would be for the purposes of this Bill. By clause 8 he might appoint the necessary officers, and by clause 10 he was empowered to construct .the necessary works in the State. The clause read with the definition of “work” in clause 6, gave the Commissioner general power to construct the weirs and locks, in the situations and in the order found best After expert advice. The Act of 1905 expressly provided that there must be expert advice. Since it was passed a report had been obtained from Mr. Stuart Murray. He did not think the House need ask for an express provision in this Bill that the opinion of an expert must be obtained. Then clause 11 provided for the carrying out of the Lake Victoria works and two locks, as described at page 42 of the report of the Interstate Royal Commission of 1902, with such variations, modifications, and extension as the Commissioner might consider desirable. These works might be constructed on obtaining the necessary permission and powers from New South Wales, in whose territory the site was. Though the bed of the river was in New South Wales, part of a weir or lock might be on the Victorian bank, so provision was also made for obtaining by agreement the necessary permission and powers to acquire land, and do whatever was necessary for construction and use of the works in Victoria. He had already communicated with the Premiers of both States on the subject. The agreement would cover the acquisition of land, and such rights, licences, permissions, easements, privileges, powers, and immunities in the said States, or in respect of the use, flow, and control in the said States of the waters of the said river, as might be necessary for the construction, or necessary or conducive to the use and enjoyment of the said works for the purposes of the Act. Clause 12 provided for the preparation of a general scheme and estimate of the works; and as particular parts of the works were to be constructed, for plans, specifications, and calling for tenders, with power to the Commissioner to construct the works through the department. Then in Part III and clause 2 they had the necessary powers to compulsorily acquire and enter lands in this State. Part IV. enabled the Treasurer to provide the funds out of revenue, or out of moneys raised by the issue of Treasury bills or inscribed stock, but without further appropriation, not beyond £300,000, which would be about what might be required for the first weir and lock in this State and the Lake Victoria works. Part V. gave power to impose tolls in respect of vessels carrying freight through a lock or locks, up to a maximum of 6d. per ton of the freight for every 100, or part of 100, up to the first 200 miles, and 4d. per ton afterwards, but only in respect of the portion of the river the navigability of which was improved by the works. Parliament retained control of the policy and amount through the power of disallowance of the regulations under Part VIII. prescribing the tolls. Part VII. vested in the Crown the rights to the use and flow and to the control in the State of South Australia of any water impounded or conserved by the works, subject to rights acquired under the authority of an Act, such as the right of irrigationists under the Renmark Acts and to rights under licence from the Crown, and also to ordinary riparian rights for domestic purposes, stock, and cattle. The Commis­sioner might, subject to those rights, prescribe by regulation the terms and conditions in which water impounded or conserved might be used for other purposes, such as irrigation. Some control, in that respect, would be necessary after construction of the works. The improvement of the rivers for navigation and irrigation, neither of which vises must be sacrificed to the other, should appeal to them as of great importance. They were willing to co-operate with the upper States in a joint scheme for the purpose, though the obligation to compensate for unreasonable diversions by works to render the diminished flow effective, rested only with the diverting States. Having failed up to the present in their efforts for joint action, they were prepared to do something to improve the navigation and regulate the flow of the river within or near their borders. That, of course, did not release the Government from the duty of preserving or protecting the full rights of the State subject to the similar rights of the other States to the use of the waters of the Murray and its tributaries. But the works should greatly help local development, and might perhaps lead to the joint undertaking of the greater works. The House would expect him to say, with as much precision as possible, the works proposed to be carried out if the Bill were passed. Section 10 of the Bill gave power to construct the works. Section 11 dealt with the Lake Victoria works which might be constructed under the Act if an interstate agreement were arrived at with respect thereto. Section 12 particularly required that a general scheme with plans and estimates should be prepared before anything was done. Section 17 limited the expenditure to £300,000, which must not be exceeded without further appropriation than that Act. That amount would carry out the Lake Victoria works at Mr. Stuart Murray’s estimate of £163,000. It would also be sufficient for one complete navigation weir and lock within South Australia, which, according to the site selected, would cost anything between £70,000 and £100,000. There would be left a. good balance, almost enough for another weir and lock, or for any other works which it might be found expedient to carry out under the Act. As they were arranging to obtain the services of an eminent civil engineer from Europe or America to carry out the works proposed, it would be impossible to say precisely what or where they would be until his arrival. The Engineer-in-Chief (Mr. Graham Stewart) would be sent to England in January, and would enquire into the qualifications and fitness of the applicants for the post of locks engineer, so that the appointment might be made without loss of time. Under the Premiers’ agreement the cost of the Lake Victoria works was to be borne jointly by the three States. They would press for a confirmation of those terms, which, if agreed to at the proposed conference, would secure a recoup to South Australia of two- thirds the amount spent at Lake Victoria. Mr. Stuart Murray’s report—which was a valuable one—contained all the preliminary information which the new engineer would want. The official information obtained by Mr. Graham Stewart, the Engineer-in-Chief, by his elaborate survey of the Murray Valley, was complete, and would be found most complete engineering detail, that would allow of the question of the nature and position of the works being brought to a concrete form in a very short time. Mr. Stuart Murray did not report very favourably of the proposal to construct a large weir with a navigation lock at Parcoola, near Overland Corner. It would take a long time to recount all that had been done since the telegrams of December 3, 1908, when the late Hon. Mr. Price was in communication with the Governments of Victoria and New South Wales on that matter. A letter was sent to the Premier of Victoria on February 23, 1909, by the Acting Premier of South Australia (Hon. A. A. Kirkpatrick):—“Sir—I have the honour to inform you that my Government has read your letter of January 19 with the greatest concern, and deeply regrets to learn that it is your intention, to appoint a royal commission to enquire into the Murray waters question, and to reopen the terms of its settlement. I trust that I may be pardoned for saying that the enquiries of such commission can add nothing to the information that is necessary for the settlement of the question, as the knowledge in regard to it is already so full and complete. Further, that, while the enquiries of the commission must inevitably lead to great delay, no assurance can possibly be given that finality will be reached at the conclusion of its labours. Without giving a history of the case, will you allow me to remind you of the great efforts that have been made to bring this question to an amicable settlement. It is not necessary that I should dwell on the efforts made by the Government of this State between the years of 1887 and 1895 to secure an interstate conference. Unfortunately, those efforts were futile. It will I am sure, be within your recollection that in May, 1902, a Royal Commission was appointed conjointly by the States of New South Wales, Victoria, and South Australia. The duty of that body was to make a full enquiry concerning the conservation and distribution of the waters of the River Murray and its tributaries for the purpose of irrigation, navigation, and water supply, and to report as to a just allotment of the waters to each of the riparian States. The work of that commission was only conducted, and the evidence taken and published was exhaustive. The report itself is an important document, and has been made the basis of the subsequent interstate consideration of the question that has taken place. Although the report was so valuable it was not regarded as acceptable on all points. Further negotiations were made, and the question was again considered by the Premiers of the three States concerned at Hobart in 1905 and at Sydney in 1906. The result of the Sydney Conference was a series of resolutions upon which a drafting committee representative of the three States based a formal agreement. That agreement, with few modifications, was approved and signed on July 12, 1907, and with the adopting Bill was ultimately accepted. Notwithstanding the promise and assurance so given that the question had been agreed upon and settled by the Governments, and that ratification by each Parliament would be sought without delay, at the suggestion of your Government the matter was reopened. At the request of the Government of New South Wales and of your own State another conference was held at Melbourne in last November. The Government of South Australia agreed to that course, but with very great reluctance, because it was perceived that there could be little hope of finality if a well-settled agreement were to be reopened and its terms varied, whenever criticism, which was inevitable, was directed against it However the conference was held, and still further abatements of the rights of this State and other compromises were made. The result was the agreement, dated November 11, 1908, which had been most carefully considered and deliberately entered into. The conference ended with the distinct understanding that the Government of each State would submit the matter to Parliament without delay and would do its best to secure ratification. On that understanding the Bill was proceeded with in our Parliament. We were assured that the Government of New South Wales was prepared to go on with the Bill, but another hitch occurred in your State in consequence of events that were of the greatest importance. My Government hoped that it would have been the policy of your Government to proceed with the Bill, and were grievously disappointed when the announcement was made that you intended to refer the matter to a commission. We cannot help realizing that the course signifies indefinite delay and a practical shelving of this great question, upon which so much time and energy have been expended. May I remind you that this State has made many great concessions in the hope of finality and to avoid recourse to law, but the patience of our people has been strained to the utmost, and the last word in respect of concessions by us has now been said. Four years ago a resolution was carried in Parliament in favour of submitting the question to litigation, but again and again the hope was expressed that it might not be impossible for three great States to arrive at a settlement of a difficulty no matter how vast, without recourse to the Courts of law. That position, however, is apparently the only one that is left to us, and to its regret my Government now feels that its solemn duty to the people of this State is to appeal to the Courts of justice for a decision that will define and settle the undoubted rights of this State, and prevent any further in­fringement of them.” On February 27, 1909, there was the following reply from the Premier of Victoria (Mr. J. Murray): —“Sir—I have the honour to return herewith your letter of the 22nd instant, which you desired to be withdrawn, and to acknowledge the receipt of the letter of the 23 idem, which you forwarded in lieu thereof, relating to the River Murray waters question. In reply to your representations, I have the honour to state that when the Murray Rivers Waters Bill to ratify the agreement arrived at between the Governments of South Australia, New South Wales, and Victoria, was before the Parliament of this State last year, the view was generally expressed that a royal commission should be appointed to go into the matter again, and an undertaking was given by the Government then in office that such would be done. This Government, in appointing a royal commission, is therefore only fulfilling a promise made by its predecessors. Let me assure you, however, that this procedure on the part of the representatives of the people of this State does not indicate any hostility to the agreement which has been drawn up, or any disinclination to come to an amicable settlement of the question; but, as they are aware that since the royal commission sat in 1902 to go into the subject additional data has become available, they desire to have the fuller information before them when considering the matter, and arriving at a determination upon it.” When the present Government came into office it further dealt with the matter, and on August 9 last he had sent the following letter to the Premier of New South Wales: —“My Government proposes to introduce to Parliament next week a Bill for an Act to authorize the construction of weirs and locks on the River Murray in South Australia, with which it is wished to include the works known as the Lake Victoria Works for utilizing Lake Victoria as a storage basin for South Australia, with the contingent weirs on the river immediately adjacent thereto. Can you authorize me to say that I have the consent of your Government for such action as regards Lake Victoria, subject to conditions to be mutually agreed to by the Governments of New South. Wales, Victoria, and South Australia by correspondence or conference?” He received the following reply: — “Sir—I have the honour to acknowledge the receipt of your telegram of the 9th inst. regarding the proposal to construct level, or zero on the gauge at Milang, weirs and locks on the Murray River in South Australia. The matter will receive consideration.—I have, &c., John Garland (for the Premier).” In response to his telegram he had received the following telegram on August 16 from Mr. Wade:— “Replying your telegram 9th inst., this Government regrets that it cannot consent to action re proposed Lake Victoria Works until definite conditions have been mutually agreed upon.” He then telegraphed to Mr. Wade:—“Shall be glad if you can suggest a suitable time for conference re proposed Lake Victoria works,” and received the following reply message on August 19:—“Re proposed Lake Victoria works, do you suggest conference of Ministers or of officials ?” The answer to that was:—“River Murray waters. We desire a conference of Ministers; not of officials.—P. S. Wallis (for Premier).” Mr. Wade, on August 24, wired:—“Murray River waters. Ministers unable to confer, pending general election campaign in this State.” Then he had sent a proposal for another conference of the Premiers of Victoria, New South Wales, and South Aus­tralia to reconsider the matters affecting the locking of the river. The following was his telegram to the Premier of New South Wales on October 26:—“With reference to the River Murray waters question and the proposal for another conference of Premiers of New South Wales, Victoria, and South Australia to reconsider Premiers’ agreement concerning locking and conservation—correspondence concerning which is now in your office—our last telegram sent August 20 last—we have a Bill prepared for our Parliament this session to authorize construction of two locks on the Murray— the construction of which we want to proceed with as early as possible, and now negotiating for an eminent European expert to come to South Australia to advise us. Will you be good enough to take up the subject so as to agree to the conference, and I will be glad if you will name suggested date and place of meeting?” To that he had received the following reply telegram from the Premier of New South Wales:—“This Government agrees to suggestion further conference re Murray waters about, say, second week in January, actual date to be settled later. Think Melbourne most convenient place of meeting. Presume you will communicate with Victorian Premier.— McGowen, Premier. November 4.” The following was a copy of a telegram to the Premier, Sydney “Replying your telegram 4th instant, we concur that conference re Murray waters be held second week in January next at Melbourne. Have communicated with Premier of Victoria, (signed) John. Verran, Premier. 8/11/1910.” On November 8 he had sent the following telegram to the Premier of Victoria:— ‘‘With further reference to the River Murray waters question and the proposal for another conference of Premiers of New South Wales, Victoria, and South Australia to reconsider Premiers’ agreement concerning locking and conservation, we have a Bill prepared for our Parliament this session to authorize construction of two locks on the Murray, the construction of which we want to proceed with as early as possible, and now negotiating for an eminent European expert to come to South Australia to advise us. New South Wales has suggested holding conference during second week in January at Melbourne, with which we concur. Do you agree?” The following was the reply from Mr. Murray:—“Concur in proposal hold conference with New South Wales on Murray waters question in Melbourne second week January next.” The River Murray question was, one of the greatest national questions they had ever had to deal with. The Scottish farmers who were touring the Commonwealth would cc-me to South Australia, and if they were satisfied that there was an opening in the State for good farmers the matter would then have to be carefully considered. By locking the Murray they would provide means for the settlement of hundreds of families. He moved the second reading of the Bill with confidence.

The Hon. A. H. PEAKE said they all realized that it was late in the session to bring down a measure of that great importance, and at the same time to allow members the proper opportunity for adequate discussion. And yet they recognised, perhaps, that it would be unfair to ask the Government to at once adjourn further discussion in view of the lateness of the session. They had seen from the provisions of the Loan Bill that it was a comparatively easy matter to get the House to agree to large undertakings and large financial responsibilities, but there was a day of reckoning coming, and that was to find the money at anything like a reasonable rate of interest. The Treasurer must realize that. The Bill might involve the State in several millions of money. (Premier-—“We were hampered in bringing the Bill down, owing to the legal opinions and reports.”) He fully appreciated the difficulties the Government had had to contend with. There was an Act now in existence that contained all the provisions necessary for present purposes. That was 902 of 1905, in connection with which £100,000 was voted on the Loan Estimates for that year. If the Premier had not taken that Act into consideration he asked him to do so. There was the authority to proceed with certain works, and the money to do so. That was for work inside their own territory, and when they got to the point oi dealing with the Lake Victoria scheme“, which unquestionably must form part of any comprehensive proposal, more power might be required. But, so far as he could see at present, the Act to which he had referred would meet their purposes. The Premier had intimated that he had arranged for a conference of Premiers, and it would be useless to proceed until some agreement had been reached. He did not know what the Premier expected from his search for a competent man; but if Mr. Graham Stewart was to be sent home as competent to advise on the qualifications of an expert, possibly he and his staff should be able to deal with the work. (Treasurer—“We have advertised, and have received a large number of applications.') If the Government was not satisfied by their references it might be advisable to get Mr. Stewart to make enquiries.” (Treasurer—‘“They have, been recommended by their respective Governments.”) A previous Government had secured what the Premier had referred to as a valuable report by Mr. Stuart Murray on the Murray waters in regard to South Australia. That report had been called for on account of the uncertainty of the result of appealing to the Courts to establish the rights of South Australia. It had been felt that something must be done as to the quantity of water this State should receive, and Mr. Murray had been asked to assume the worst for South Australia as the basis for his report. He had done that, and had also discussed the position under more favourable conditions That report should be sufficient to go on with. He did not think there should be any doubt as to where locks and weirs should be constructed. It was an immense work, involving immense liabilities at once, and others contingent on the passing of the Bill. There was little time to consider the question . Yet it was proposed to visit the site after the work had been authorized. The visit might be educational, but there should be time to give effect to that education, rather than to give effect to it in anticipation of having received it, if they could imagine such a contradictory position. If the Premier was going to import an expert to construct the works would not it be better to get the expert to advise the Government before it authorized further works? Underlying all of their considerations was the fundamental principle of what were their rights, and the question what steps would be taken, and when to establish their lights. Members on his side were anxious to deal effectively with the question. (Premier -"We all are.”)

On the motion of Mr. SMEATON the debate was adjourned until November 24.