

Goulburn-Waranga No. 2 Main Channel.

Forestalling Monopoly

AS long ago as 1860 the importance of the development of natural resources was recognised by the Victorian Legislative Assembly which voted the sum of £600 sterling to be divided into four prizes of £125 sterling each, accompanied by a medal, for essays on various subjects including water, soils, minerals and manufactures, for the economical development of the colony's resources.

The winner of one of those prizes wrote: "Irrigation is predestined to be a prominent feature of Australian husbandry; and, though it may seem paradoxical, it is nevertheless my impression that irrigation would be more general and would have been earlier and better employed in Australia than it has been had its rivers been without drawback and fluvial for all seasons of the year. The spur of necessity is an excellent goad for onward move." The writer suggested prospecting for water storage sites before private ownership was allowed to create any impediments to the formation of mountain storages exactly where they ought to be. He said it would be faster, easier and cheaper to reserve than to re-purchase. It was his wish to avert the intrusion of a dog-in-the-manger policy into one of the finest fields for engineering enterprise which the colony had to offer. He concluded with an estimate that the produce of the land brought under efficient irrigation would be trebled, and that the permanent wealth of the colony would be found in its agricultural resources rather than in its mineral treasures.

Water Rights Made Public Property

In 1862 an engineer of water supply, Mr. Peter Wright, who had become a member of the Legislative Assembly, tried, unsuccessfully, to get a Bill through Parliament to make the waters of Victoria's streams public property for the use of the people of Victoria. But in 1881, at his suggestion, the then Minister of Lands, the Honorable

WATER

PUBLIC OR

In England, and in many other lands, water in streams The State has no control over its use. Generally speak supply a town or a city without payment to some title- land, no man can hold such natural resources out of use

This is the story of how the Australian State of Vic for the benefit of the community generally. It is con State Rivers and Water Supply Commission and author

Walter Madden, by an Order in Council of May 23 of that year, effectively reserved from alienation the front-ages of practically all the lakes, rivers, inlets and water-courses of the state. No one since that time, acquiring land adjoining these waters, has been able to obtain any rights over the waters themselves.

The whole question of water conservation had been much in the public mind for some years, largely as a result of the tireless advocacy of another member of the Assembly, Hugh McColl, who, for eleven years until his death in 1885, never ceased to preach the cause of water conservation. In 1880 the government appointed an engineer and a surveyor, Messrs. Gordon and Black, to report on the best means of providing water supplies in the drought-liable northern plains of Victoria. Their report formed the basis of the Water Conservation Acts of 1881 and 1883, the latter being the first to provide expressly for irrigation works. A number of weirs were constructed at sites recommended by these men, including those on the Broken, Loddon and Avoca Rivers. In 1884 a Royal Commission was appointed under the chairmanship of the Minister of Water Supply, the Honorable Alfred Deakin.

Sound Foundations Laid

Deakin made a very close study of irrigation in various parts of the world and produced monumental reports dealing with the legal, engineering and agricultural problems associated with irrigation in America, India, Egypt and Italy. He called special attention to water rights and to the legal difficulties that had so greatly handicapped and retarded the full utilisation of America's water resources. He noted the marked advantage enjoyed by the state of Colorado whose constitution embodied the provision that "All streams within its boundaries were declared to be public property." The recommendations of the Deakin Royal Commission led to comprehensive legislation in 1886 which provided a sound foundation for the

RIGHTS

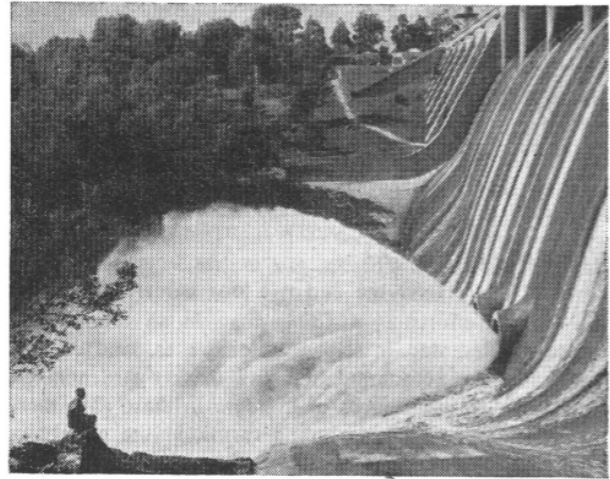
PRIVATE?

is regarded and held as though it were private property. In such countries water cannot be taken even to the holder. In Victoria, as in New South Wales and Queensland, the government charges other men for the right to use them. Victoria safeguarded this particular form of natural resource through the initiative of L. R. East, C.B.E., chairman of the Victorian Commission of "The Financing of Development Works."

remarkable development of water supply and irrigation that has since taken place.

The outstanding feature of this Irrigation Act of 1886 was its effective nationalisation of all surface waters by vesting in the Crown the right to the use and control of such waters, and the prevention of the acquisition by landowners of any riparian rights after the passage of the act. From that date the ownership did not carry any riparian rights to water, and no landowner could take legal action to require the waters of streams to "come to him in their natural state of flow, quality and quantity," as was the position under the Common Law of England. Had that law been allowed to apply in Victoria, a landowner on the lowest portion of a stream could claim the right to prevent all persons farther upstream, or on its tributaries, from using the water; in fact, any man could prevent any other man from using water for irrigation. The far-sighted provisions of this act spared Victoria the costly litigation that handicapped early water-supply development in many other parts of the world. It provided for the setting-up of local trusts to construct irrigation works with money advanced by the state and for national storages and headworks to be constructed by the state. More than 90 of these trusts were set up in the ensuing few years with very ambitious plans, and in 1887 work has begun by the government on the first of the national works, the Laencoroie Weir and the Goulburn Weir near Murchison.

For a variety of reasons, the local irrigation trusts proved a failure, and in 1905 the Minister of Water Supply, the Honorable George Swinburne, got Parliamentary approval for legislation abolishing them, with the exception of the Mildura Trust, and putting the whole responsibility for water conservation and distribution throughout the state on a new form of corporate body to be known as the State Rivers and Water Supply Commission. This was one of the earliest organisations of its kind in the world — possibly the first — to be



Lauriston Reservoir on the Goulburn River.

entrusted with the development of the water resources of a whole sovereign state. It was to "have the authority of government with the initiative of private enterprise." It set the pattern for a host of statutory semi-governmental corporations throughout the English-speaking world.

In line with the forward-looking nature of this legislation was the government's appointment of an American expert to be the commission's chairman. This was Elwood Mead, in 1907 chief of the Irrigation Investigations Bureau of the United States Department of Agriculture. Mead held the post for eight years, making a contribution to the state's water and irrigation development of the greatest importance.

Blow to Speculation

Mead introduced the outstandingly successful policy of closer settlement of irrigated lands together with compulsory charges for water provided for irrigation whether used or not. Irrigation simply as a side-line on large holdings, said Mead, could never be successful. A compulsory charge for irrigation water would be the most potent influence to make men learn how to use the water, and use it properly. A landowner faced with this charge either learned how to make the most out of irrigation, or he sold out to someone who was prepared to do so. This was a big factor in eliminating large tracts of undeveloped land held for purely speculative purposes. The policy has fully justified itself in the years of its operation. Water rights are now recognised as more valuable than the land itself.

Flourishing settlements all over the state today bear testimony to the wisdom of the Victorian Government's water conservation and irrigation policy, based as it is on the principle that natural resources belong to the people as a whole, no one having the right to levy a private toll for their use.