

The Premier: Would it not be better to use the words that are generally made use of in Bills on this question?

The CHAIRMAN: That could be done in another place.

[The Speaker resumed the Chair.]

Progress reported.

#### ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The PREMIER (Hon. H. B. Lefroy—Moore) [11.7]: I move—

That the House at its rising adjourn until 4.30 p.m. on Thursday next.

I move this in accordance with the practice which has existed in the Legislative Assembly for years past of adjourning over Show Day. I am as anxious as other hon. members that we should get through the business of the session, but as it has been the practice to adjourn for this purpose I think it is only right that I should submit this motion.

Question put and passed.

House adjourned at 11.8 p.m.

## Legislative Assembly,

Thursday, 10th October, 1918.

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

#### STANDING ORDER 386a, TO REVIEW.

Mr. SPEAKER: Hon. members will recollect that on the 13th March last the House carried the following resolution:—

That in view of the different interpretations placed on Standing Order No. 386a, the Standing Orders Committee be requested to review the said Standing Order, and, if necessary, recommend an amendment of the same to the House.

I now present the report of the Standing Orders Committee, and direct the Clerk to read it.

Report read, and on motion by the Premier, ordered "That the report be printed and its consideration made an Order of the Day for the next sitting."

[For "Questions on Notice" see "Votes and Proceedings."]

#### LEAVE OF ABSENCE.

On motion by Mr. MALEY, leave of absence for two weeks granted to the member for York (Mr. Griffiths) on the ground of urgent private business.

#### BILL—CRIMINAL CODE AMENDMENT.

Read a third time, and transmitted to the Legislative Council.

#### BILL—PRISONS ACT AMENDMENT.

In Committee.

Resumed from the previous sitting; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

[Clause 3—Insertion of new Part (VIa—Reformatory Prisons) in the principal Act, partly considered, the proposed new sections being taken separately.]

Proposed new Section 64F—Persons detained to be required to work:

Mr. JONES: Will the Attorney General explain the provision regarding any prisoner being required to work outside the prison? That course seems to me dangerous.

The ATTORNEY GENERAL: I would agree with the hon. member if it was intended that prisoners should be allowed outside to perform general work. However, nothing of the kind is intended. Prisoners will necessarily be out of their gaol or reformatory prison on Rottneest Island, for example, when doing plantation work, or working on the salt lakes. Again, there would be re-afforestation camps and farm settlements. Out-door work will necessitate prisoners' absence from the place of confinement; and the clause is intended to apply only to work of that description.

Hon. W. C. ANGWIN: If that is all that is intended, should not this very wide clause be limited correspondingly? The intention seems to be merely that prisoners shall be allowed to work in forests or in farming settlements and similar places.

The Attorney General: If you can suggest an amendment I shall be prepared to consider it.

Hon. W. C. ANGWIN: If the clause passes as printed, prisoners may be compulsorily taken from a reformatory prison and placed anywhere to work. They go to their work in custody and carry out the duties required of them. Suppose there happened to be a labour trouble.

The Attorney General: There is a similar section in the existing Prisons Act.

Hon. W. C. ANGWIN: In my opinion this is an entirely different matter.

The Attorney General: It is only like a gaol regulation put into the measure.

Hon. W. C. ANGWIN: A prisoner may be sent out to private employment.

The Attorney General: That is not intended.

Hon. W. C. ANGWIN: But it can be done under this proposed subsection, and if the man is in custody all the time he is there, he dare not say a word.

The Attorney General: You can amend the clause, if you like, to provide that it shall only be work prescribed by the authorities. Perhaps the clause is a little wide.

Hon. W. C. ANGWIN: I move an amendment—

That in line 2 of proposed Subsection (2), after "prison," the words "as may be prescribed by regulation" be inserted.

The Attorney General: I have no objection to that amendment.

Amendment put and passed.

Mr. LUTEY: With regard to the wages to be paid to these prisoners, would it not be wise to put in something to the effect "as prescribed by the arbitration court for the class of work engaged in"?

The Attorney General: No.

Mr. LUTEY: I think so. These men may be doing some work and competing against others, and receiving 5s. when the wages should be 10s. a day.

The ATTORNEY GENERAL: This has been the law since 1914, and the regulations were promulgated by the Government of which my friends opposite were members. The rates of remuneration, it was provided, would be subject to the regulations, and were—unskilled labourers 8s. per week, skilled labourers 10s. per week, artisans 12s. per week. Those wages applied to males. So far as females were concerned, the wages were—for unskilled labour 4s., for skilled labour 6s., and for proficient 8s. per week. The object was merely to give them some reward for the work they were doing. Hon. members will see that proposed Subsection (4) provides for the disposal of the net proceeds of the prisoner's work, or the wages earned by him, while the next proposed subsection provides for the application of these funds towards the maintenance of the prisoner's wife and family, or his dependents, during the period of his detention, and the next proposed subsection provides for an account to be kept and for the balance to be handed over to the board, to be disbursed by the board in the manner that it may be considered conducive to the man's welfare.

Hon. P. COLLIER: Proposed Subsection (5) provides that the net proceeds, or wages, shall be applied towards the maintenance of the prisoner's wife, or family, or dependents, and power is given to the board to prescribe the manner in which it shall be applied. This is an extraordinary power to confer upon the board. The final decision should rest with the Minister and not the board.

The Attorney General: I will have no objection to the alteration being made.

Hon. P. COLLIER: I move an amendment—

That in line 4 of proposed Subsection (5) the words, "Indeterminate Sentence Board" be struck out, and "Minister" be inserted in lieu.

Amendment put and passed.

Hon. P. COLLIER: The next proposed subsection provides that the board shall disburse the net proceeds or wages in such manner as they may consider conducive to the prisoner's welfare. There again we are placing too much power in the hands of the board.

The Minister for Works: Cannot you place too much power in the hands of a Minister?

Hon. P. COLLIER: Certainly not. The Minister is the proper person to exercise this power.

The Attorney General: I will have no objection to the substitution of "Minister" for "board."

Hon. P. COLLIER: I move an amendment—

That in line 4 of proposed Subsection the words "Indeterminate Sentence Board" be struck out and "Minister who" inserted in lieu.

Amendment put and passed; the proposed section as amended agreed to.

Proposed Section 64G—Release on probation and recommitment:

Hon. P. COLLIER: The first line appears to be unfortunately worded. It says, "The Governor shall not direct the release . . . until." It is usual to say, "The Governor may," and in this case the clause could read, "The Governor may direct the release after he has received," etcetera.

The Attorney General: I have no objection to the clause being amended.

Hon. T. WALKER: Standing Order 10—it will be found on page 202—defines the powers of the Governor. It says—

When any crime or offence has been committed within the State, against the laws of the State, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in our name and on our behalf, grant a pardon . . .

The powers of a Governor in this respect are conferred upon him by Imperial authority. The power of pardon is the prerogative of the Sovereign, and no legislation can deprive the Sovereign of that power. It is quite true that many decisions have shown that even in the exercise of that prerogative the Governor should be guided by the advice of his responsible Ministers. There have been instances of Governors ignoring the advice of their responsible Ministers in the matter of the exercise of the prerogative of mercy, but in no case has the prerogative been refused to the Governor taken from him.

The Attorney General: Nor is it now.

Hon. T. WALKER: This certainly limits that prerogative.

The Attorney General: No. This is merely release on probation.

Hon. T. WALKER: But he can release on lawful conditions.

The Attorney General: And this furnishes lawful conditions. I am agreeable to accepting the suggestion of the leader of the Opposition.

Hon. T. WALKER: Under this provision the Governor is to do it in a certain way and on certain reports. It conditions and modifies the Letters Patent.

The Attorney General: Not at all.

Hon. T. WALKER: It prescribes to him certain form of action. In other words, the prerogative of mercy is taken from him. It is to be routine now, purely an official act.

The Attorney General: Your argument has no more to do with the Governor's power

under Letters Patent than Treasury bills have to do with the Treasury bonds deficiency. He cannot release on probation to-day.

Hon. T. WALKER: He can exercise the prerogative of mercy.

The Attorney General: But not on probation.

Hon. T. WALKER: If it be lawful or if it be made lawful, he can.

The Attorney General: It is made lawful by this proposed section.

Hon. T. WALKER: The moment we get any lawful conditions he can release a prisoner on those lawful conditions. It is purely a prerogative of the Governor's, and not of the board or of the Comptroller General.

Mr. Pilkington: He is given power under the new Section 666 of the Criminal Code.

Hon. T. WALKER: Once the conditions are lawful, the Governor can exercise his prerogative of mercy without modification.

The ATTORNEY GENERAL: I do not agree with the view of the hon. member. There is no intention to limit the Governor's powers under Section 10 of the Letters Patent. The powers of the Crown in that respect are unlimited. Assuming that the words suggested by the leader of the Opposition are put in, this is only providing the machinery, it is only a provision for releasing on probation.

Proposed section put and passed.

Proposed new Section 64h—Power to permit person detained in reformatory prison to leave the prison temporarily:

Hon. P. COLLIER: In this provision we are to confer on two members of the board power to release a prisoner, as set out in the order. I do not think any prisoner should be allowed out of any prison without the consent of the Governor-in-Council. It should be for the Governor-in-Council to order the release, even though it be only for a prescribed period. I move an amendment—

That in line 1 the words "the Indeterminate Sentences Board by order in writing signed by any two members thereof and with the concurrence of the Comptroller General" be struck out, and "the Minister" inserted in lieu.

The responsibility should be on the Minister.

The ATTORNEY GENERAL: I will agree to the amendment. Let me say, however, that this provision has been taken word for word from the Victorian Act of 1915. It has been found to work satisfactorily there. It is not dealing with a permanent release, or with a release on probation, which must come from the Governor; it is only a permission to leave the gaol temporarily in order that the reform of the prisoner may be tested. In Victoria, under the same provision, there had been released up to the 30th June last 21 prisoners from Castlemaine and six from Pentridge, for periods ranging from six weeks to three months. In only one instance was the trust betrayed. The periods must be short in order to test the prisoner. This is purely a matter of routine work and if we are to have a board it should be able to test a prisoner to see whether he has sufficiently reformed.

Hon. P. COLLIER: Suppose the prisoner has sufficiently reformed, what would happen then?

The ATTORNEY GENERAL: The leave is then repeated. If the prisoner is unsatisfactory he has to go back. His arrest can be made by an ordinary justice of the peace. If the Committee think that the powers should be vested in the Minister rather than in the board, I am not going to haggle over the matter, but would draw attention to the fact that it would mean throwing upon the Minister a lot of petty work that might even hang up the discharge of a prisoner. The matter is one that might well be left to the board.

Hon. T. WALKER: The whole thing hinges upon whether we get the right board or not. If we do not get the right board much harm will be done.

Mr. Teesdale: The members of it can then be shifted.

Hon. T. WALKER: A certain amount of latitude must be allowed to the right board, and there should be as little red tape as possible. Furthermore, it might be difficult to get hold of the Minister in a special case. The Director of the Claremont Asylum for the Insane has repeatedly allowed patients out for a while, and it is found that this has a most salutary effect upon them. The board should have a sort of personal and friendly relationship with their patients, so that they may be able to play upon their hopes and gratitudes and other moral qualities.

The Attorney General: They put a prisoner on his honour.

Hon. T. WALKER: Undoubtedly, and that cannot be done by red-tape processes. We have our safeguard in this clause in the concurrence of the Comptroller General. I should be sorry to remove the personal relationship between the board and the prisoners and leave the matter to an outsider.

Amendment put and negatived.

Hon. W. C. ANGWIN: I should like an explanation regarding the meaning of the words "conditions specified in the order" as contained in proposed Subsection 2.

The ATTORNEY GENERAL: The word "conditions" means just what it says. This may include leave for 24 hours or for some other period, or for the purpose of visiting a particular place or person, or some other condition of the kind. This is a temporary release only.

Hon. T. Walker: A condition may be that the person concerned may not visit an hotel.

The ATTORNEY GENERAL: Yes. Each case stands on its own merits, and the board will only impose such conditions as are for the welfare of each person concerned.

Hon. W. C. ANGWIN: I would point out that one of the conditions may be that persons so released would have to report themselves once a week, and that if they fail to do so they may immediately be arrested.

The Attorney General: That would be investigated.

Hon. W. C. ANGWIN: I advise the Attorney General to see the picture play called, "As in a Looking Glass," which deals with this very question. The conditions shown in that picture are liable to be found anywhere.

Mr. Foley: That is taken in America.

Hon. W. C. ANGWIN: Some of these picture plays have a high educational value on these points, and this is one of them. I do not think members intend to introduce the old ticket-of-leave system, under which a person is compelled to report on a certain date and time at a certain place. In many cases it is almost impossible for such a condition to be carried out. I can understand a person being let out for a period of three weeks, and returning at the end of that time, but I do not like the thought of a person being compelled to report at a certain time and at a given place. There would be a tendency to influence people in giving employment to persons who are out on ticket-of-leave.

Mr. Teesdale: With long leave a person would have time to get out of the State.

Hon. W. C. ANGWIN: He could do so on short leave.

The Attorney General: I do not think that is contemplated.

Hon. W. C. ANGWIN: Has the Attorney General assured himself that this ticket-of-leave system will not apply in this case? It is a very serious matter, and I think that the system should be avoided.

The Attorney General: I will ask the question of the department. I agree with you on that point.

Mr. Foley: Do you not think a person ought to report?

The Attorney General: Not in that way.

Proposed new section put and passed.

Proposed new Sections 64I and 64J—agreed to.

Proposed new Section 64K—Provision for permitting prisoners to leave reformatory prisons for certain purposes:

Hon. P. COLLIER: I may be unduly sceptical as to the ability of the board to carry out these duties. Up to this stage I have not had sufficient confidence in the sagacity or good judgment of the board that is likely to be appointed to freely confer upon the members the power of liberating prisoners from gaol. We confer on the board the power to liberate a person from a reformatory prison to be treated at a hospital, or for the purpose of visiting a relative believed to be dying, or for any other reason which appears to the board to be sufficient. If we are to have a board appointed for the reason suggested by the member for Sussex, who said that probably persons might be appointed to the board for political considerations, such a board would be entirely irresponsible. The members of the board would be responsible only to the Minister in charge of the department. They carried no liability and if they abused the power given them, all that could be done would be to remove them and appoint others in their places. This might open the door of undesirable practices. The friends of a prisoner would ascertain the names of the members of the board and bring pressure to bear and influence on them to secure the release of a friend or relation. The friends of a person under sentence would try to influence those in high places to extend merciful consideration. The Minister of the day is an-

swerable to Parliament for any action taken, but in this case the board is responsible to no one. The Minister can well say to the House, "I am not responsible, I know nothing about it. I did not know the person was liberated, the board did it." While agreeing that persons in prison should be given an opportunity of showing their desire to reform, the responsibility should rest on a Minister of the Crown. I can imagine under paragraph (c), one hundred and one reasons being urged on members of the board for the freedom of a person in a reformatory prison. If we had an ideal board it might be all right, but I do not think we shall get such a board. The final decision should be left to the Minister. The Minister would act on the recommendations of the board and the Comptroller of Prisons, and there would be no delay in getting the consent of the Minister. I am inclined to move that the words "the Comptroller General" be struck out. The Comptroller General would not place himself in the position of standing up against the members of the board. This board can set aside a sentence imposed by a Supreme Court judge and allow a prisoner out for any period or for any reason. It is too great a power to give to anybody.

Mr. PICKERING: Too much power should not be given to the board. I move an amendment—

That after "Comptroller General" the words "on the approval of the Minister" be inserted.

The ATTORNEY GENERAL: The two members who have spoken have failed to recognise the word "temporarily" in the first portion of the clause. This provision cannot be carried out to defeat a sentence. The person can only be allowed out for a day or a couple of days.

Hon. P. Collier: Three months would be "temporarily" in a sentence of five years.

The ATTORNEY GENERAL: The last proposed new section dealt only with those prisoners of the highest class: those men who had worked their way up and had established confidence in the board and were on the highway to reform. This is a different class of cases. The same privileges may be granted to those in the first, second, third, or fourth classes, and can only be granted for specific purposes. Much of the administration of the Act will depend on the personnel of the board. The board must be expected to act reasonably and sensibly and we must give them these powers. If the board makes mistakes, as it is to be expected they will, these mistakes can be rectified by curtailing their powers or getting rid of the board. We must not forget that the provision is only temporary and subject to the Comptroller General.

Amendment put and negatived.

Hon. T. WALKER: Proposed Subsection 2 says that the Comptroller General may direct that the prisoner shall during the temporary period of release be in the custody of a member of the police force or gaoler, or officer named in the order, who shall in due course return the prisoner into custody. Just imagine sending a man out with a policeman! It is absurd.

Prisoners are only released for certain purposes. One is to go to a hospital. Imagine sending a prisoner to a hospital with a policeman! There can always be communication between the hospital and the gaol so that there would be a guarantee that the man would go back.

The Attorney General: The prisoner would belong to the highest class.

Hon. T. WALKER: Again, a person may be released temporarily for the purpose of visiting a relative believed to be dying and a policeman may go with him.

Hon. P. Collier: I can imagine situations where the presence of a policeman would be a terrible nuisance.

Hon. T. WALKER: Than the publication, by the fact that a man goes abroad with a policeman at his side, that he is a criminal, I can imagine nothing more pitiful. I hope the Committee will not pass this provision.

Mr. Teesdale: It would be only a very doubtful case where a policeman would accompany.

Hon. T. WALKER: But we do not want to advertise even the doubtful case in that fashion. Whatever has to be done, should not be done in this form.

The Attorney General: Probably it would be a plain clothes constable.

Hon. T. WALKER: That should not be left to the discretion of the administrative authorities.

Proposed section put and passed.

Proposed new Section 64L—agreed to.

Proposed new Section 64M—Power of Governor to make regulations:

Mr. PILKINGTON: I move an amendment—

That paragraph (h) be struck out, and the following inserted in lieu:—“Classifying the persons who are detained under the provisions of this Act or the Criminal Code in a reformatory prison, or who are liable to be so detained.”

The matter has already been fully discussed.

Amendment put and passed; the proposed section, as amended, agreed to.

Proposed new Section 64N—agreed to.

Clause 3, as amended, agreed to.

Clauses 4, 5, 6—agreed to.

New clause:

Mr. ROCKE: I move—

That the following be added to the Bill:—“Upon appointment to the Indeterminate Sentences Board by the Governor of any person who, at the time of such appointment, is engaged upon the administrative or disciplinary staff of any prison within the State, such person shall cease to be engaged upon such administrative or disciplinary staff.”

This is one more endeavour to make the Bill effective. The whole measure, it is agreed, will rest upon the constitution of the board. If officers engaged in the prison are deemed essential on the board, then with the insertion of this new clause there would be no difficulty about placing them on the board. But if they are to remain in the positions which they occupy at the time of their appointment, it will, obviously, be a farce to have them making recommendations to themselves and framing regulations to be administered by themselves.

Here is a good chance for the Attorney General to accept advice from men who, unlike the Attorney General, do know something about the working of prisons.

The Attorney General: Who are the men? Are you one of them?

Mr. ROCKE: I have had a good deal of experience there. I hope the Attorney General will accept the clause.

The ATTORNEY GENERAL: I object to the new clause, because it would tie the hands of the Government. So far as I know, there is not any intention to appoint any prison officer to the board. In fact, no complete determination of the personnel of the board has yet been made. I quite admit that it would be improper for an officer engaged in the ordinary work of the prison to be a member of the board, and thus be advising himself. But I do not want to see that proposition embodied in a statute. Cases might arise where it would be advisable that such an officer should be on the board temporarily. Those who have the authority to-day, are desirous, not of seeing their reform project wrecked, but of seeing it carried out thoroughly and soundly.

Mr. ROCKE: The board can make it or wreck it.

The ATTORNEY GENERAL: Quite so; and for that reason the qualifications of members of the board will be carefully sifted. The selection in Western Australia is extremely limited. I suppose there are probably not ten persons in Western Australia who are qualified to sit on such a board.

Mr. ROCKE: You will not limit the choice to the State.

The ATTORNEY GENERAL: No, but I do not want the hands of the Government tied. The Government will see that the board will carry out the ideas they have in mind, and those ideas certainly cannot be carried out by people who are doing other things.

New clause put and negatived.

Title—agreed to.

[The Speaker resumed the Chair.]

Bill reported with amendments.

Sitting suspended from 6.5 to 7.30 p.m.

## BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Message.

Message from the Governor received and read recommending the Bill.

Second Reading.

The PREMIER AND MINISTER FOR LANDS (Hon. H. B. Lefroy—Moore) [7.33] in moving the second reading said: The Agricultural Lands Purchase Act is an Act to make better provision for the purchase of lands suitable for closer settlement, and to facilitate settlement on the land. That Act has been in force for some years past. It is now necessary to make certain amendments in that Act in order to bring it into line with the Land Act and its amendments, and also to make better provision for the settle-

ment of discharged soldiers, and to widen the powers of the Government in regard to the acquisition of land for this purpose. The principal features of the Bill are that payments for conditional purchase leases granted out of properties purchased under the Agricultural Lands Purchase Act may extend over 30 years. Provision is made in the amending Land Act of 1915 to enable the term of conditional purchase leases of ordinary Crown land to be extended over 30 years, but the Agricultural Lands Purchase Act only provides for the extension of payment over 20 years. The Bill brings the payments for land purchased under the Agricultural Lands Purchase Act into line with the provisions of the Land Act Amendment Act, which allows the payment to be extended over 30 years. I think the provisions made for settlers on Crown land should be extended, when there is sound reason for it, to those who acquire lands which have been purchased by the Government for the purpose of closer settlement and to facilitate settlement on the land. In regard to leases granted to discharged soldiers, the Bill goes further, for it permits of the payments being extended over 40 years. It thus allows more liberal terms to returned soldiers, while the payments of an ordinary individual will only be permitted to be extended over 30 years. As a further indulgence, the Minister also has power to accept interest for the first five years on the cost of survey and of improvements, and to postpone for the same period the payment of instalments of purchase money. The majority of repurchased estates have certain improvements upon them, and consequently the returned soldier will be asked to pay interest on the value of those improvements for the first five years. On the other hand, his instalments of principal will be extended over a period of 40 years. The principal Act provides for the payment of interest at four per cent. on land selected from a purchased estate. The Bill provides that the interest shall be that prescribed for the time being. Under the General Loan and Inscribed Stock Act of 1910 the interest on debentures was limited to four per cent. In 1915, owing to the stringency then arising in the money market, the interest on debentures given for purchased estates was increased to five per cent., and in the amending measure passed last session, only a few months ago, the interest was extended to 6½ per cent. That is the limit under our General Loan and Inscribed Stock Act Amendment.

Hon. W. C. Angwin: But that Act ceases at the end of the year.

The PREMIER: It ceases in September, 1919. We are not borrowing our money at that rate; still there is the limit, and we cannot go beyond that 6½ per cent. But in future the interest which will accrue to purchased estates will not be permitted to extend beyond the limit provided in the General Loan and Inscribed Stock Act, whatever that limit may be for the time being. It is hoped that within a few years after the declaration of peace money will become cheaper than it has been during the last few years and we shall then be able to reduce the

limit. The Agricultural Lands Purchase Act provides for the payment for land purchased by the Government in bonds bearing interest not exceeding four per cent., and redeemable in 25 years. The Bill extends that period to 40 years. It proposes to give more liberal terms to those who settle on purchased estates, and the bonds will be redeemable in 40 years instead of 25 years. We have found that in nearly all cases where settlers have gone on to repurchased estates they have been very much handicapped in the first instance, and, in consequence many concessions have had to be made to them. If we are to get the best value out of these lands we must try to place upon those acquiring the property only such burdens as they can bear and still make satisfactory progress with their holdings, at the same time securing a good living for themselves and their families. Under the existing Act the numbers of members of the Agricultural Lands Purchase Board is five. The Bill proposes to increase that number to seven. It will not be necessary for more than three to act for the purpose of reporting on any land under offer. The object in increasing the number from five to seven is, of course, that we may have a wider selection of gentlemen with a thorough knowledge of land in the various districts, and that when it comes to a question of purchasing we may hope to have on the board at least one with a special knowledge of the district in which the land is situated, of the carrying capacity of the district and of the general value of land in the vicinity. Moreover, in view of the expense of travelling it will be much more economical to have a board consisting of seven instead of five, which will give us a wider selection of men with an intimate knowledge of the country they are asked to report upon. Paragraphs (b), (d), and (e) of the principal Act are repealed. It is well that I should explain to hon. members the provisions of the principal Act which are repealed, because very often they have to look these up for themselves. It would therefore save them time if I did so. In the Land Purchase Act provision is made that any offer before acceptance shall be referred to the Land Purchase Board for their report on the following matters: First, the fair value of the land and the improvements thereon, and (b) the demand for the land in the neighbourhood for agricultural settlement. They have to report as to whether there is a demand in the neighbourhood for land for agricultural settlement. It is thought that this is an unnecessary provision, because when an estate is purchased it is purchased not only for the settlement of people in the neighbourhood, but for the settlement of anyone who may come along and desire to take up this country. It is, therefore, thought advisable to repeal that portion of the original Act. The board also have to report on the probability of the immediate selection of the land. It seems rather a difficult thing for any board to decide whether land is likely to be immediately selected or not. We know that land which has been purchased in the past has not been selected for years, and it is only just lately that we have been able to make arrangements for the settlement of land both

at Yandanooka and Avondale. Then again, under the original Act the board are directed to inquire as to there being a sufficient quantity of Crown lands in the neighbourhood available for agricultural settlement. I think that was also unnecessary. There is no reason why it should be necessary for a board to report as to whether there are sufficient Crown lands or not. If it is necessary in the interests of this country that land should be purchased, and it is likely to be taken up for closer settlement, and made more productive, we think it will be better to repeal this section of the Land Purchase Act, and give more freedom to the land board in making their recommendation.

Hon. W. C. Angwin: Would it not be a safeguard for the Minister to know that there were other lands equally suitable belonging to the State?

The PREMIER: The Lands Department have a full knowledge of these matters.

Hon. W. C. Angwin: They are not brought under the attention of the Minister.

The PREMIER: We do not want to go to the land board to be told whether there is land in a district suitable for settlement or not. The Lands Department is always fully cognisant of that fact. What we want particularly to know is whether the value placed on the land is a right and proper value, and whether the land is suitable for settlement. Having once been satisfied on that point, if it is deemed necessary the Government can well go ahead and purchase the land. Clause 6 of the Bill repeals Section 8 of the principal Act, which provides that the Land Purchase Board must be satisfied that the land is likely to be immediately selected for agricultural settlement, and that there is not sufficient land in the neighbourhood available. Now we come to the most important provisions of the Bill. Private land held in fee simple may be compulsorily acquired for the settlement of discharged soldiers. I should like to point out to members that in every railway Bill that comes before this House we have this provision. Indeed it has been found in every Bill which has passed through this House for many years. The provision in question is:

At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the "Government Gazette" declaring the railway open for traffic, the Governor may—(a) with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons, jointly or in common, and situated within fifteen miles of any part of the line of the railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement; (b) Compulsorily purchase any land situated as aforesaid for townsites; provided that no land shall be compulsorily purchased under paragraph (a) of this section until the Land Purchase Board has favourably reported thereon.

Hon. W. C. Angwin: I do not think action has ever been taken under that clause.

The PREMIER: That is so. I merely point this out to show hon. members that we have had provision in our legislation for some years past for the compulsory purchase of land within 15 miles of a new railway. It is thought that the time has arrived when we should endeavour if possible to get land within a reasonable distance of our existing railways more closely settled. I am confident that throughout our network of railways there is a large amount of land which should be more profitably employed than it is at present. There are large tracts of land which have not been profitably improved, or improved to the utmost extent, and will not be for a long time unless the areas occupied are in some way reduced in size. Moreover, it is not in the interests of the land owners themselves that they should hold too much land. I maintain that the man who owns 5,000 acres of well improved land is in a much better position than the man who owns 10,000 or 15,000 acres of unimproved land. What we chiefly want in this country is to see our land improved and more profitably utilised. I know that some people are advising the farmers not to grow wheat. That is a very wrong idea to put into the minds of our farmers. The growing of wheat does not only include the profit that the farmer derives from it, but it means improving his land all the time.

Hon. P. Collier: That is not an advantage if he can get better results by some other means.

The PREMIER: He will not adopt those other means. I maintain that by clearing our country and putting it under the plough, and growing wheat or some other cereal, the land will carry a much greater number of sheep than it did before.

Mr. O'Loughlen: Has not the Premier gone nap on sheep instead of cereals?

The Colonial Treasurer: He has a fair amount of cereals in.

The PREMIER: We all try to grow sheep if we can. I also endeavour year by year to keep on clearing more land and turning it to better use, for by doing that I double or treble the carrying capabilities of the country. I do not wish to encourage our farmers to give up growing wheat.

Mr. O'Loughlen: Or pigs.

The PREMIER: Although wheat growing may not be the most profitable thing a man can do, when he grows wheat and runs sheep in conjunction with it he will be improving his land and also benefiting himself.

Hon. P. Collier: A wheat growing country carries a bigger population than one which goes in for wool.

The PREMIER: Of course the country benefits in more ways than one.

Hon. W. C. Angwin: And a few men benefit considerably more than others.

The PREMIER: There is great difficulty in regard to our wheat, but that will not last for ever, and when our shipping facilities are increased by and by and we have the markets of the world for our wheat, although we may not get a very high price for it, I want to see the people in this country grow more wheat and still more wheat. If they grow

more wheat they will be able to carry more sheep.

Hon. P. Collier: In other words, "produce."

The PREMIER: Yes, and make the land more profitable. Instead of growing trees I want to see the land grow wheat and sheep. I want to see it inhabited by sturdy yeomen. Then we shall have fine children and noble men to fight the battles of this country. This Bill does not deal with secondary industries in any way, and therefore I will not go into that question. In conjunction with our primary industries, however, we must continue to work up our secondary industries. I leave the secondary industries to be dealt with by the Attorney General. They occupy a very important position in this State. That is the policy of the present Government. We have been told by our critics that we have no policy. The policy of the Government is to endeavour to get the people of the country to produce as much as they can from the land, and also to start those secondary industries which are worked hand in hand with the primary industries, and so build up a nation that will not only be self-supporting but a credit to itself.

Hon. P. Collier: It is a bit late to come forward with a policy now.

Mr. O'Loughlen: Do you not think it is possible to over produce in the matter of wheat?

The PREMIER: I do not think it is possible. People must go on growing wheat if they want to clear this country. Possibly Western Australia is one of the most difficult States to deal with in the Commonwealth. We can ringbark this country and even clear it, but if we do not put the plough into it in a few years it is grown up again as thick as it was before. The other States do not have these difficulties. I do not know why it is that we are given these difficulties to overcome. Perhaps this is a greater country. All great people have greater difficulties to contend with than smaller people have. This country is no doubt intended to be occupied by a fine race of people, and the Royal Show which was opened yesterday furnishes evidence that the people of Western Australia are not unprosperous. I do not think one could find anywhere a finer lot or better lot of people collected together than we had at our Royal Show this week.

Hon. P. Collier: The I.A.B. was there yesterday.

The PREMIER: It strikes with astonishment the eyes and minds of those who come from the Eastern States that this small community is doing so much. Now that we are linked up with the rest of the Commonwealth by the iron rails, upon which I hope the trains will soon be running, if hon. members will only induce these people to go on with their work, as no doubt they will do shortly—

Mr. O'Loughlen: We have not much control over them.

The PREMIER: We shall probably have a stream of the wise men of the East coming to this State to spy out the land. I am sure that the more they see of Western Australia the better it will be for the State, and that we shall gain a considerable advantage

in the end by being connected with the Eastern States by this band of steel. I have to deal with the question of compulsory purchase because I know it is an important one. In all the States of Australia it has been deemed necessary to give powers for the compulsory purchase of land for closer settlement. In Queensland, in Victoria, in New South Wales, and of course in New Zealand, as members know, it so so. In all those States power is given for the compulsory purchase of land, but there is no such power given in Western Australia.

Hon. W. C. Angwin: New Zealand is quite different from these States.

The PREMIER: Yes, it is quite different country from ours. I do not desire to go too far at once. My desire is to make haste slowly, and in submitting this proposal to hon. members the Government are really going further than they have gone at the present time in Queensland, which is looked upon as one of the most radical States of Australia. We have even gone further than they have there.

Hon. W. C. Angwin: Which State?

The PREMIER: Queensland is looked upon at the present time, I believe, as one of the most radical States in Australia. When I use that term I do not use it in an offensive way but in a political sense. We are going even further than they have gone in Queensland, although it is only fair to say that the Closer Settlement Act in Queensland was not passed by the Government of to-day; it was passed some years back and the Government of to-day have made no attempt that I am aware of to amend or alter their Act. Still, the Act seems to be meeting the case of Queensland. We are providing in this Bill that compulsory purchase shall apply to properties exceeding in value £10,000 exclusive of improvements. In Queensland the Act is made to apply to estates valued at £20,000, exclusive of improvements. We think in Western Australia probably the land many not be at the present day considered of as high value as in Queensland, but we think it is only a reasonable thing to bring down the value to £10,000. There is no power in the Bill to compulsorily acquire any land over £10,000 value exclusive of improvements.

Mr. O'Loughlen: Do you think it will lead to such a great increase in production?

The PREMIER: I hope so.

Mr. O'Loughlen: A lot may not comply.

The PREMIER: It may not be found necessary to apply the compulsory clauses of the Bill because the Government may be able to acquire the land without compulsion. If an agreement cannot be entered into between the owner and the Government as to the price, if it is considered necessary to purchase certain lands, then the Government can compulsorily resume the land under this Bill. An owner, under the Bill, need not be obliged to give up possession until the expiration of six months after the gazetted notice of acquisition. It is only right, where land is compulsorily acquired, that the owner should have time to settle his affairs and, consequently, power is given under the Bill, as I believe it is given under other Acts, for owners to settle



their affairs before the land is taken over. This Bill also provides that where persons retain portion of their land, they shall be obliged to take that portion around their homesteads. Provision is made where land is compulsorily acquired that the owner may require the Government to take all the property instead of only a portion. That is only a reasonable provision, a provision which holds good in all the other Acts dealing with this subject in the Eastern States. If the value of a property exceeds £25,000 the owner may retain land to the value of £7,500. If the value exceeds £50,000 the owner may retain land to the value of £10,000. It is necessary to put those provisions in the Bill although I am doubtful if there are many properties in Western Australia of the value of £50,000 exclusive of improvements. Still, it is necessary to make a provision of this description, otherwise there would be no provision for dealing with the question. When in Committee on the Bill I shall be glad to give members, if they so desire it, a detailed account of the areas of land—the large areas—which are held by individuals. Without perhaps divulging the names, I shall be able to inform the House exactly the number of large properties that might come under the operations of the Bill.

Hon. P. Collier: It does not apply to pastoral land at all?

The PREMIER: No. Does the hon. member want to get hold of pastoral properties?

Hon. P. Collier: I think it would be better for returned soldiers to have pastoral land than to be slogging on agricultural lands.

The PREMIER: The provisions of the Public Works Act, together with the provisions of the Commonwealth Act, are put into this Bill as the machinery to be used in regard to compensation. Compensation will be ascertained by the Supreme Court in lieu of a compensation court. Here the compensation court decides on the compensation to be paid. In the Commonwealth Act the Supreme Court decides upon the compensation, and it has been found to be much better, and meet with better results in every way, both to the Government and to the individual, than to have the compensation decided by a compensation court. The Commonwealth Lands Acquisition Act has been followed in this respect. The Bill only gives power to compulsorily purchase settlements for discharged soldiers. It provides that if any of the land acquired is not disposed of to discharged soldiers within two years of the termination of the present war, the lands may be thrown open for selection by ordinary settlers. Therefore, if returned soldiers cannot be found to purchase the land within two years after the war, there will be free access to the land, and the lands will be open to selection by ordinary individuals. I do believe it will be much better in many instances, and in the interests of the State, that we should acquire some of the properties now available rather than go into our virgin country and clear some of our huge forests which would take a very large amount of money to prepare. I believe estates can be purchased at bedrock prices; they must always be purchased at bedrock prices, and I believe they can be pur-

chased at less cost than if the Government went into the country and cleared virgin land in many instances.

Mr. O'Loughlen: The South Australian Government did not pay bedrock prices.

Hon. W. C. Angwin: Western Australia either.

The PREMIER: We know better here. I think they have had some difficulties in South Australia. Perhaps we know the value of land in Western Australia better than they do in South Australia.

Mr. O'Loughlen: We have bitten our fingers here a few times.

The PREMIER: I have had some reasonable offers and I think members will agree with me we want to see the lands within easy reach of existing railways more closely settled than they are at present.

Hon. W. C. Angwin: We are all with you in that.

The PREMIER: It is an important thing, and Western Australia will not make the headway we should do if we have not the land more closely settled; I mean the land close to our railways. If we get the land close to our railways more closely settled the railways will pay better than they do now, and, moreover, we shall have people settled in the country where they will have an assured rainfall and where they are close to a market, also where they will have much greater opportunities of making good than in far distant places. We have been going far afield with our railways.

Mr. O'Loughlen: It takes us a long time to recover from our drunk.

The PREMIER: I think we have built too many railways in Western Australia. If we had paid greater attention to the settlement of people alongside existing railways it would have been much better for the country. That is the object of the Bill. I want to see the time when we shall have in our eastern wheat belt a larger number of people settled than there is to-day. We have the surveyors now taking stock throughout the eastern wheat belt; the amount of land which we have within seven miles of railways, and it is wonderful to find the large area of land which is not improved, land which should be improved and which can be improved. There are now eight surveyors in our eastern wheat belt taking stock of the land we have there, and I am certain that if that land comprising millions of acres within the eastern wheat belt were all turned to use, we should have three or four times the quantity of wheat we now grow, and at the same time would be able considerably to increase the number of our livestock. I am strongly of opinion, and hon. members with practical experience will agree, that if we are to get the best out of this country we must have the timber off the land where it is fit for agricultural purposes. Hon. members know full well that before the land is cleared there is little or no feed on it, but that directly the plough is put into it and superphosphate applied, there springs up a marvellous growth of grass. This measure is really more of a Committee Bill than anything else. I hope the Government's proposals will commend themselves to hon. members. The ob-

ject of the Government in bringing forward the measure is not only to increase the productiveness of Western Australia but also to give our discharged soldiers who are fit to go on the land and desirous of doing so, a better opportunity of achieving success than would be afforded them if they were settled on the ordinary Crown lands. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin debate adjourned.

## BILL—FORESTS.

### Second Reading.

Debate resumed from the 26th September.

Mr. NAIRN (Swan) [8.20]: In dealing with this most important measure, I wish at the outset to congratulate the Minister for Woods and Forests on his determination to introduce a thorough and workable Bill, dealing with one of the largest industries in this State—an industry which, if carefully handled, but not otherwise, will be handed down to our posterity. Let me also give expression to my appreciation of the speech delivered by the member for Forrest (Mr. O'Loughlen), whose almost lifelong association with the timber industry lends to his words on this subject greater value than attaches to the utterances of most other members. I realise that the problem confronting the Government is one of great difficulty, because this forestry question has been allowed, more or less, to drift into an ill-conditioned state, in which many varying and even warring interests are comprised. Whatever measure may be passed by this House must in a greater or less degree interfere with existing interests. There are, for instance, the interests of those who have been for many years actually engaged in timber occupations. I have in mind those men who have established their homes in the south-west of this State and have spent the whole of their working lives in the timber industry. The House will, I am sure, protect those long-established interests, dating back almost for generations, so far as ever may be compatible with the general interests of the State. In a sense, permanent interests have been created; and I feel sure the House would not dream of ruthlessly destroying those interests.

Hon. P. Collier: But, of course, national interests must come first every time.

Mr. NAIRN: I always endeavour to realise that which should be an inviolable principle, that national interests must come first; but there are other established interests, established in good faith, which must not be overlooked. The member for Forrest spoke of the timber worker as one who has been bred in the timber districts of Australia.

Hon. P. Collier: The member for Forrest was reared amongst the cockies.

Mr. NAIRN: I recognise that a man who has spent most of his life working in the timber areas of Australia will not care to be forced into another walk of life. In Committee I shall endeavour to keep the interests of the timber workers in view. As regards the Conservator of Forests, I recognise, as do all who have come closely in contact with that gentleman, that he is possessed with a keen

and intelligent desire to do that which he considers proper in the interests of his department. That is a highly desirable departmental view; but a danger I anticipate is that the Conservator's extreme desire to protect at all times the departmental interests may cause him occasionally to overlook other interests. It is only from that aspect that I experience a desire to curtail the powers, at present practically unlimited, of the Forestry Department. There are one or two principles of the Bill which do not meet with my approval. In respect of the first of these, I have no intention of laying blame at the door of the present Government or at that of the Conservator of Forests. I refer to the registration of timber workers and the incidental payment of registration fees. To the registration itself of the men so employed I have no objection, but I do strenuously object to the compulsory payment of registration fees. With all due respect to those who have exercised that policy in the past, I say the principle is entirely wrong. No matter what the industry may be, no man engaging in it should be called upon to register himself and pay for the registration before he can obtain employment. If for the proper administration of the department it is necessary that timber workers should be registered, in order that the department may know their movements and may be in a position to hold them accountable for their conduct, I do not oppose registration. But that a man should be compelled to pay a special fee for registration is utterly wrong. Even a wood cutter is compelled to pay a fee of £1 per annum, the amount of which fee the man frequently has not available. In Committee I hope hon. members will delete the registration fee. I do not know how much revenue those fees bring to the Treasurer, but I should say, not very much; the difficulty of collecting the fees from men scattered over enormous areas must render impracticable the collecting of anything like the full amount.

Mr. O'Loughlen: About £500 a year is collected.

Mr. NAIRN: If the amount were twice £500, I would still contend that the charge for registration must go. Another aspect of the question to be borne in mind is that of the disposal of the timber on forest areas for conversion into the marketable commodity. At present the position is inconsistent right through; indeed, I am not sure that the department know exactly where they stand. I believe that to some extent the principle has already been adopted of disposing of cutting permits by public tender, the area being granted to the highest bidder. That system places many men at a very unfair disadvantage. I have in mind the case—it is only one of many similar cases—where a small contract is to be let, and a number of wood cutters or sleeper cutters are desirous of competing for the contract. But before they can put in a tender they must be possessed of a forest area on which to cut. That is all very well for men with means, who can hold forest country so to speak in reserve, in the sure and certain expectation of getting their share of any contracts that may be offering. They can afford to hold areas in reserve.

But all are not so fortunately situated, and many of them are practically put out of the market. No man would be so foolish as to contract to deliver certain goods unless he had reasonable expectation of becoming possessed of the goods.

The Attorney General: Are you speaking of firewood cutters now?

Mr. NAIRN: No; of sleeper cutters. I recognise that the Conservator has made some attempt—and I appreciate his effort—to provide for that class by allowing a certain quantity of timber to be removed without a given area being taken up. But the quantity so fixed, on which a royalty not exceeding £10 is payable, does not represent a workable proposition. However, I believe the problem will be solved along the lines suggested in this Bill. The trouble is a very serious one, for there are many scores of men engaged in the timber industry who for the greater part of their lives have been executing small contracts. They are not men of considerable means, but they like to be independent; they do not care to go to work for others; they prefer to take small contracts on their own account, as opportunities arise. In many cases they are men who engage temporarily in other industries. Such a man may have an orchard at his home, or may have a homestead farm, and he frequently is occupied in developing for himself a permanent home with good surroundings. And it might be his wish to make contracts to supply timber from the forest areas. My desire is to see that these people are reasonably protected. I do not want to see them pushed on one side so that those who are in a financial position to secure large areas of country and to hold them can thus establish a monopoly.

The Minister for Works: The small men cannot do an export trade.

Mr. NAIRN: I am not suggesting any particular trade. I know of an instance where the Midland Company required a few thousand sleepers and a man who had cut sleepers for them for many years was invited to tender. He was not in a position to do so because he did not hold any land on which he could cut the sleepers and he could not take up an area of 9,000 or 10,000 acres because he was not sure of getting the contract. Therefore he was obliged to turn the whole thing down.

The Attorney General: What would you suggest in that case?

Mr. NAIRN: I do not know that I should be called upon to suggest anything at this particular moment. I have on many occasions placed this aspect of the question before those in authority, during the regime of the present and previous Governments. Some measure of protection should certainly be afforded to the class of man I have described. At the right time, however, I will make what appears to me to be a reasonable and sensible suggestion. There are other matters of more or less importance that might be referred to; as a matter of fact they are all of great importance so far as the industry is concerned. One matter is the protection of this great national asset against devastating fires. There may be a divided opinion as to how much damage is

done by fires and as to the best means for curtailing the possibility of that damage. The question is a debatable one, both here and elsewhere. I have known other parts of Australia where bush fires were never seen until the timber was ringbarked or more or less cut out or destroyed. I have seen the devastating effect of fires and I know what it means. There are many suggestions so far as fires are concerned, but as I have stated all are debatable. Indeed, some of them are more or less—

Mr. O'Loughlen: Faddy.

Mr. NAIRN: I was going to use that word. I venture to say that if a man were to camp in the bush he would do so in fear and trepidation because of the proposals contained in the Bill. The man would imagine that he was breaking the law in some way by merely camping there. We propose to go too far. We should of course as far as possible preserve this great national asset without going into the aspects of the question which are immaterial. A matter of importance is the bringing of these various areas within what might be described as township areas. We cannot have a township and a forest reserve on the one piece of land; it must be either one or the other. If we are going to interfere with legitimate settlement, we will do a great deal of harm. I believe it is possible and feasible to take certain large and definite areas and treat them as timber areas, but if we are going to carry that principle right up to the back door, and the front door in some places, of every township in the State, we will make ourselves look ridiculous. When the Bill is in Committee we must do what we can to preserve the value of this great asset, but we must take care that we do not introduce regulations which will be calculated to do harm rather than good. I desire to give the main principle of the Bill my support. The problem, however, will always arise as to which is of the greater value, timber or the man. If we have any defined areas in the State which can be permanently dealt with as timber areas, and on which it might reasonably be supposed that no other industry is likely to prove as valuable to the State as timber getting, I shall be prepared to give it my assistance. There are, however in this State big areas in the South-West which are better adapted for the development of other industries, and if it comes to the question of whether it is to be trees or the man, I will vote for the man every time. We have read a great deal of poetry about the Australian bush, but as one who has lived for a good many years of his life in the forests of Australia, I want to say that that life knocks a great deal of the poetry out of one's existence. It is a hard and a trying life, and one which in many respects presses more heavily on a man's temperament and character than any other we know of. Only in those areas where we can reasonably see that the timber industry is likely to become a permanently prosperous undertaking, shall I be prepared to say that others must stand aside. With all due respect to the industry—if one may pay any respect to an industry—there are others which offer better inducements

and opportunities and greater happiness to those engaged in them than the timber industry.

Hon. P. Collier: There are also the national requirements to be considered besides happiness and pleasurable surroundings.

Mr. NAIRN: I admit that, but I believe that the national requirements of the State will be amply provided for without engaging in the industry on areas where other and more profitable industries are capable of being established. I have held that opinion for a long time and I still hold it. Many parts of the well-watered South-West of this State, which has no superior in any part of the Commonwealth, can be developed and made to more profitably support many people by engaging them in industries other than that of timber cutting, industries too which will be of greater benefit to the State as well.

Hon. P. Collier: We have not been very successful so far in those areas which are not required for timber purposes; I mean in the direction of dairying.

Mr. NAIRN: I was not thinking of dairying only; I look upon it as a part of the State which in the course of time must be developed and which will carry a great population. With regard to the dairying industry, my opinion is that it has not been established on a large scale here because people have found it possible to do better out of other industries where the surroundings and the conditions have been more congenial than those associated with dairying.

Mr. Pickering: And they have had better treatment from the Agricultural Bank.

Mr. NAIRN: Probably, but I have no desire to make any charge against the bank. I am merely expressing an opinion, as one who has had considerable experience in that direction. We know that dairying is a trying and a difficult industry to engage in. All this, however, is by the way. I introduced the subject for the reason that however much I approve of the general principle of the Bill, and desire that the Government should protect this great national asset, I do not want it to be thought that it is the only asset which can be developed in the south-western portion of the State. I know the country well. I have travelled through a great deal of it.

The Attorney General: Have you ever been in the karri forests?

Mr. NAIRN: I have. I was born in the forests of Gippsland and I give way to no man so far as knowledge of the value of the forests is concerned. I desire to emphasise this fact again that whilst I appreciate the value of the timber, there are other industries in which people can engage and from which they can derive better results. It is not my desire to discourage those who want to develop the areas of the South-West.

Mr. HARRISON (Avon) [8.57]: Although an agriculturist, I am somewhat interested in this matter of timber. I feel as far as Western Australia is concerned, that we have lost many pounds of value by the forests of our State being devastated by people not understanding the wealth contained on the areas which they first selected. I have travelled

through the south-western portion of this State and I have noticed that where our lands are good and more valuable for agricultural purposes they are intersected by large areas of inferior land running into ironstone ridges and so forth, which I am told carry the best quality of our jarrah timber. I am also led to believe by men of experience that some of these areas nearer to the gullies have been quite sufficient for men to successfully carry on their avocations as farmers, graziers or dairymen, and they have been encumbered by conditions under the Act with large areas of forest country. The Land Act also demands that they shall fence all their boundaries. They have gone in for cutting timber, and there has followed a growth of suckers which has proved a drawback rather than anything else. The Minister for Industries in taking up this matter of reafforestation is doing good work for Western Australia, and we as hon. members should support him in his efforts to preserve the timber wealth. If we are to save this important asset it is necessary that our timber experts should have proper surveys made and so locate the timber as to be able to see at a glance what has been done and what is going on. Without those working plans and surveys nothing of value can be done to preserve the timber. In the South-Western agricultural areas in the past a great deal of vandalism has gone on in the shape of ring-barking. The timber thus destroyed would be of great value to the settlers themselves. I am convinced that with the aid of the Conservator of Forests a great deal can be done to assist farming in the South-West. We require to preserve the natural assets of the State. Throughout our wheat belt large areas of timber have been destroyed, and in consequence many settlers to-day have no shade whatever for their stock and no breakwinds to shelter the sheep. If I were in the Lands Department and had the instruction of new settlers I would advise them to clear only one chain around their boundaries to preclude the possibility of trees falling on their fences, and I would strongly urge them to leave an area of timber four or five chains wide on the west and north for shade purposes, fire breaks, and future use on the farm. York gum is a most serviceable timber, yet to-day it is rare to find any that is sound. The jam timber also has been destroyed, with the result that there is already a scarcity of jam posts. It is in points like these that the Lands officers should instruct new settlers. Along the Great Southern our lands have been denuded of mallet. No regulations were in force to protect it. The bark was all stripped off and sold away. One firm, I understand, cleared £70,000 in three years by the export of mallet bark. I am fully persuaded that if the young growth now showing on those mallet ridges were allowed to develop, the farmer, or at all events his son, would reap considerable benefit from the re-afforestation. It is not alone in the great forests of the South-West that we require to preserve the timber, for right through the State the timber is of greater value than is generally recognised. The Minister, in his

second reading speech, referred to the measures that might be taken to check forest fires, and he told us what had been done in South Australia. Whatever regulations may be framed for preventing bush fires or in any other way preserving our timber, I will support them. I do not agree with the member for Swan. I say that the national asset should stand first. Most certainly I would not go so far as to abolish the timber hewer, but the national asset should be made the first consideration. All over the world timber is going to play a more important part than many of us imagine. Several of our minerals can be done without, and we can make substitutes for a number of other materials, but there is no real substitute for good timber. When we regard the jarrah to be seen in this Chamber, and recall the exhibit of local timbers at the Royal Agricultural Show, we begin to realise the value of our local woods for decorative purposes. I trust that members will support the Minister and do their duty in preserving our timber asset for future generations.

**THE ATTORNEY GENERAL AND MINISTER FOR WOODS AND FORESTS** (Hon. R. T. Robinson—(Canning—in reply) [8.55]): I have to thank hon. members for the way in which they have received this measure and for the careful attention that has been given to it. To me there is nothing in the session of more value than this Bill, although to others it may be said there are other measures more interesting. But I cannot agree with the man, whether sitting on this side or the other, who prefers, as he puts it, men to trees. Without trees we can have no men. Do away with the timber in Western Australia and you can do away with the country, for it would be impossible to live here. I wonder if it is fully realised that the South-West timber country has turned into Western Australia £25,000,000. It is of no use my saying these things, it is of no use these facts standing out in Western Australia's history if they pass idly by minds that one looks upon as the intelligent members of the House. Tell me another industry that has done as well as timber! I gave the figures for the year before the war, showing that Western Australia had exported about £1,120,000 worth of timber. And it hardly affected the forests. Then again, some people have an idea that the whole of our South-West is one vast timber country. I would it were. We have something like 20,000,000 acres in the South-West, and only 3,000,000 acres of that is what is called prime timber country. You could have the whole of the rest to put your men on, to establish your dairy farms and your orchards, and grow your turnips and the other things you want to grow. And what is grown there in that South-West on that 17,000,000 acres?

Mr. O'Lochlen: Nestle's milk tins.

**THE ATTORNEY GENERAL:** Here is an industry producing £25,000,000.

Mr. Pickering: Well, we produced that in the South-West.

**THE ATTORNEY GENERAL:** You produced it! The thousands of acres I see in the South-West, surrounding Busselton, which might be turned to profitable use, which have

not a tree on them—the laziness of the people who live there is astounding. On the first occasion that I visited Busselton I saw these huge stretches of arable land, upon which the people could grow anything.

Mr. Pickering: Are you a judge of arable land?

**THE ATTORNEY GENERAL:** I spoke to one of the oldest residents there, and said, "Why do you not put in potatoes or onions?" Potatoes then were something like £15 a ton, and onions stood at a great price. One only needs to tickle the soil down there, but the people are so lazy they will not do it. This resident replied to me, "Why, we cannot get the manure to make these things grow." And yet these people who go to that part of the State continue to cut down more trees, and ringbark more trees, whose limbs are left to reach up to the heavens and form such a monument as that referred to by the member for Forrest. I have no patience with those people who come from the South-West, who want to hack down my trees. I want to preserve what is left of them from these barbarians.

Mr. Pickering: How far outside Busselton have you been?

**THE ATTORNEY GENERAL:** Let us produce from that 17 million acres as many cab-hages, fruit-trees, turnips, potatoes, onions, and other produce as the district is capable of producing, but to tell me that the only place upon which such things can be produced is where the karri tree grows, is to tell me something to which I refuse to listen. A statement of that kind only betokens a lack of knowledge, and indicates that the man who makes it is not able to take things in. It is quite evident that there is room in the South-West for any man who wants to make butter, establish dairy farms, or grow pigs or potatoes, as well as room for the man who wants to grow timber. There is room in the South-West for hundreds of thousands more settlers to open up and develop the country without touching a single tree. To argue that we are not to preserve the forests, that we are not to place a State ring fence round them in order to save them from devastation, and that we must consider whether potatoes will not grow better on that land which now produces our karri trees, seems to me to be almost beyond argument.

Mr. Pickering: We will give you argument in Committee.

Mr. SPEAKER: Order! The hon. member is not in order in threatening the House.

**THE ATTORNEY GENERAL:** I know of no industry in the South-West, of no combination of industries in the South-West, and I know nothing at all in the South-West, which is a tithe of the value of our timber. We will want all our timber. We have altogether too little timber in the State. The world wants timber. We talk of there being a famine in wheat, or food. After this war there will be a greater demand for timber than for any other commodity which exists, or ever has existed. Those who have visited the South-West, and seen the work of the settler who has taken up his thousand acres, and has

fenced in one little corner of say 100 acres of it which is capable of production—

Mr. Pickering: Were you calculating to produce from that area?

The ATTORNEY GENERAL: Will find that he is adopting the usual South-West methods.

Mr. Pickering: What are they?

Hon. P. Collier: Sitting down.

The ATTORNEY GENERAL: He ring-barks the trees and destroys the only value there was in the property. He then fences the area round, and applies to the Agricultural Bank to give him half a crown an acre after having destroyed all that there was of value upon the land.

Mr. O'Loughlen: I think you are unduly hard upon them.

Hon. P. Collier: The country has been waiting for this for a long while.

The ATTORNEY GENERAL: In these timber areas there are many places, even in the least studded timber belts, where the agriculturist will be welcomed, not welcomed to take a thousand acres from the prime timber belt but welcomed to take that land which is, by nature, suitable for agricultural pursuits. It abounds in gullies and in streams and flats.

Hon. P. Collier: The flats especially.

The ATTORNEY GENERAL: It also contains numbers of rich valleys. These things, however, do not satisfy the land hungry man down there.

Mr. O'Loughlen: There are too few of them.

The ATTORNEY GENERAL: He is not satisfied with five, ten, or twenty acres, but wants 1,000 acres.

Mr. O'Loughlen: You cannot get a thousand acres of rich flats down there.

The ATTORNEY GENERAL: I am aware of that, but there are many places which provide an acreage for men and women, where they could develop the country without interfering with its timber.

Mr. Pickering: Do you not know that it was the policy of the Government to send out men with land guides to induce them to take up as much land as they could?

The ATTORNEY GENERAL: I have told the House already what I thought of those politicians who were guilty of conduct of that description, and there is no occasion for me to repeat my remarks on that score.

Mr. Pickering: There was no occasion to remark it.

The ATTORNEY GENERAL: I say there was occasion to remark it. Any politician who would adopt a role, such as the politician I have named in this House, ought to have his name bruited abroad, and the world ought to know it.

Mr. Pickering: You are condemning the victims of that policy.

The ATTORNEY GENERAL: I am not doing so.

Mr. Pickering: Yes, you are.

The ATTORNEY GENERAL: If people are foolish enough to think they are going to do anything by ringbarking the trees, and then sitting down to wait for prosperity to come to them, they will find they are very much mistaken. The member for Swan (Mr. Nairn)

has told us that there are other industries that offer more happiness to the persons engaged in them than the timber industry offers to timber getters.

Hon. P. Collier: Would you mind coming down with me to open the Busselton show?

The ATTORNEY GENERAL: I do not know of any industry from which men can get greater joy and happiness than they can from the timber industry.

Mr. O'Loughlen: There is a great amount of happiness in a bush-shack, the people in which have not enough money to live on.

The ATTORNEY GENERAL: There is misery in shacks, and possibly poverty in every industry. I know of no industry in which there is more pleasure and true happiness than in the timber industry.

Mr. O'Loughlen: The people would be glad to exchange with you.

The ATTORNEY GENERAL: I do not know what industries the member for Swan had in mind in the South-West, in which there is more happiness for those engaged than in the timber industry. There has been some discussion on the question of damage by fire. I am told that in Committee the fire clauses will be discussed. I am quite willing that they should be discussed. I want hon. members to understand that there is no greater enemy to a forest than fire, and than the careless people who may set the fire going.

Mr. O'Loughlen: It is even worse than the hewers.

The ATTORNEY GENERAL: The hewer damages or destroys one tree at the time, and to give him his due will recover 20 per cent., or 25 per cent. at most, of a tree, but a fire will destroy not only one tree but 1,000 acres of trees, or a whole forest.

Mr. O'Loughlen: And sometimes a mill fire will do that, too.

The ATTORNEY GENERAL: Yes. The member for Forrest (Mr. O'Loughlen), who has been talking on the subject of forest work in this State for many years past, has never failed to point out how great an enemy fire is to the forests. Anyone who has taken the trouble even to superficially study forestry, or read anything about it, must have learnt that the first thing a forester wants is to be able to conquer fire, and to control fire. The growth of a forest is simple and easy, but to control a fire in a forest is difficult. Very great powers must be given to the Forestry Department to control and help to keep under these fires. The member for Swan spoke of the case of a man who, having no timber country of his own, was yet desirous of tendering for, say, a sleeper contract. He is in a difficulty, however. He cannot make an offer to compete for the contract unless he first of all takes out a permit. If he takes out a permit he may not get the contract. But the man is in the same difficulty as one who wants to go mining, or as one who wants to grow wheat or wool, and is exactly in the same difficulty as many an aspirant for political honours, who has not a seat from which he can air his views on the matters of the hour. If, however, the member for Swan will explain more fully to what he refers, the Forestry Department is willing enough to

say that they want to meet the wishes of everyone engaged in the industry, within reason. On the subject of townships in forest areas, the only places that I know of where townships have taken the place of timber mills are in those parts of the ranges which have already been cut over. In those places there has been a certain amount of regrowth of timber. In the Darling Ranges, north of Perth, there are townships which have grown up in what once were forest areas. I quite admit that, in cases of that description, the whole forest policy requires to be recast, just as the whole face of the country there requires to be recast in the regrowth and regeneration of the timber. Much of the timber there has already been so cut over that there are no more milling logs, or milling timber, available. In such a case the area can be dealt with as a firewood area, and will be so dealt with, cut on the face, and regenerated. Where that attempt has been made there will be provision to ensure that these places which have sprung up as townships are thoroughly protected as such. The Forestry Department has no desire or wish to come into conflict with townships, any more than it has to come into conflict with the agriculturist. There are one or two matters which have come to my notice whilst the Bill has been before the House. Some members were inclined to be sceptical regarding the yields to be had in cultivating eucalyptus forests: one member was the representative of North-East Fremantle and another sits on this side of the House. I have here in my hand the Indian forest reports, giving the actual increment per acre of those forests in cubic feet; that is to say, the actual number of cubic feet per acre which the Indian forests put on in growth in one year. These Indian eucalyptus forests have been growing for between 30 and 40 years in a cultivated state, and therefore the records of those forests are of the greatest value in comparing the growth in the cultivated or regenerated area with the growth in what we in Western Australia know as the wild or natural area. The total volume of timber per acre grown in the 30 to 40-year forests is between 10,000 and 15,000 cubic feet, or between 200 and 300 loads; and the yearly increment ranges from 300 to 500 cubic feet per acre, or equal to six to ten loads per acre. Just let hon. members think of that, recollecting that in our wild forests here it is accounted good if there is produced after 80 to 100 years' growth, in jarrah country 16 loads to the acre and in karri country 40 loads to the acre. And here in these Indian forests we find a growth of six to ten loads per acre per annum. I have given the House the Indian records, now let me quote what Hutchins says in his work on Australian Forestry, of which I think every member has a copy. The remarks I propose to quote will be found on page 110.

MR. SPEAKER: Is the hon. member now replying to some argument?

THE ATTORNEY GENERAL: Yes, Sir. One or two hon. members were, in fact, sceptical regarding the value of the cultivated forest as against the wild forest.

MR. SPEAKER: In that case the Minister is in order.

The ATTORNEY GENERAL. The member for North-East Fremantle asked what proof I had of the statement which I made that in cultivated forests 140 loads to the acre was an ordinary occurrence as against the 15 or 16 loads per acre in our wild jarrah forests. I will now quote Hutchins—

Four years of "Cultivated forest" growth equals a century of virgin forest growth.—It will be useful to quote an illustration of the differences that may exist between the yield of a cultivated and that of a wild forest, taking not extreme cases but good forest of each class, growing side by side, under the same conditions. South Africa, yields of "wild" and "cultivated" forests. In South Africa Eucalypt plantations, Hogsback, etc., worked at a rotation of 12 to 18 years, yielded 600 cubic feet per acre per year; the Nilgiris maximum, we have seen, was 700 cubic feet. This is about the quantity of timber obtained, when all the mature material is worked, on an average acre of indigenous virgin forest at the Cape of Good Hope (Amatolas). We do not know how long it has taken to produce the stand of timber in the indigenous forest—not less than 100 years, perhaps 200. If we take the mature timber as half the gross yield—and the special eucalypt yields as half average yields—that would show a yearly yield from the cultivated as about one-quarter the "stand" of timber in the wild forest; or, in other words, the cultivated forest makes in four years what the wild forest does in from 100 to 200 years. Mr. O'Loghlen; No one will believe that. I will not, at any rate.

The ATTORNEY GENERAL: I am quoting the official report.

MR. O'Loghlen: Mr. Hutchins is a very fine officer, but it will not work out at that.

The ATTORNEY GENERAL: This has nothing to do with Mr. Hutchins. The figures are taken from the official Indian forests records, published in the year 1913.

MR. O'Loghlen: The figures are absolutely absurd.

The ATTORNEY GENERAL: Mr. Hutchins continues—

Australia's choice.—This illustration is a good indication of the profits to be looked for in the future, with systematic conservation and cultivation of the wild forests of Australia. There is this prospect on one side, and on the other side, the loss that Australia has now to face through the bad forestry of the past 100 years, which it is shown will probably total not less than £588,500,000 sterling 30 years hence. The forests of the world show three classes of forest. (1) the wild virgin forest; (2) the cultivated forest (practically all the European forests are in this class); (3) regular forest plantations. Australia has a rapidly dwindling area of wild virgin forest, no cultivated forest, and very small beginnings of regular forest plantations. For the great bulk of Australian forests, now is the critical time. Will it become the valuable cultivated forest, or worthless scrub and

bush? There is no medium course. Fire makes the dividing line sharp and unmistakable.

Another member raised a question as to the value of the pine plantations, which I made use of in my second reading speech, stating that South Australian pine plantations showed a profit of £10 16s. per acre. The hon. member questioned whether that figure was not for the whole lot, instead of for a year. I have here the final report of the Reconstruction Committee of the British Ministry, the Forestry Subsection, published in April of this year, and just arrived in this State. As is well known, England has used practically all her timber, and has lost no time in getting a very voluminous report on the best method of dealing with the question of timber supplies in her own country. The report deals with not only the question of pine growing, but also the question of how a country should set about its forest policy. In addition to criticising the figures relative to pine plantations, one or two hon. members said they thought we were giving the Conservator of Forests too much power.

Mr. O'Loughlen: Not one member said anything against the pine plantations.

The ATTORNEY GENERAL: No. They only expressed scepticism as to the profits. It has been said that the Conservator ought to be under the control of the Minister or a board. But this English report says—

The afforestation policy of this State, once embarked upon, should be as little as possible liable to be disturbed by political changes or moulded by political pressure. We cannot and we do not claim that it should be independent of parliamentary control; but when Parliament has once adopted a policy of afforestation the positions that have to be taken, as that policy develops, should not be taken by politicians. They should be adjusted in an atmosphere in which forest policy, and not political expediency, is the deciding factor.

Mr. Nairn: Who said that?

The ATTORNEY GENERAL: That has been said by the Forestry sub-committee of the British Ministry of Reconstruction. One would almost think it was an extract from the speech of the Western Australian Minister for Woods and Forests. I used almost similar words. But this report came to hand only by the last mail, to show that the people of England are thinking of the forestry question.

Hon. P. Collier: It almost looks as if the people of England had been studying our past doings.

Mr. O'Loughlen: That kind of expression is common to forestry experts.

The ATTORNEY GENERAL: In England they know to-day that they have no timber, and that they have to set to work to grow it; and they want to see that their Forestry Department is independent of politics. The report continues—

The last respect in which independence is important is with regard to funds. An element of control is, of course, essential, and it may well be strictly enforced. Parliament must be informed of the cost and result of each year's work. The public, in

fact, will want to know, and will have the right to know, that they are likely to get value for their money. This, however, ought not to be incompatible with an arrangement under which the authority will have, during its early years at any rate, a greater degree of certainty as to the funds which it will administer than is generally produced under the system of submitting annual votes to Parliament. If there were a power to pull up the Authority by the roots to see how it was getting on, the results might be almost as serious as if a similar process were performed upon the trees that it had planted. The Authority, like the trees, must have a chance of striking deep root, and must therefore be able to plan its work for some years ahead with the certainty that it will have funds to carry it out.

Just one word about the sand dunes of Gascony, a matter to which I have already referred. It is well known that the Gascony district of France years ago suffered from the inroads of the sea, and had come to be simply a mass of sand dunes on which nothing could exist. But there has been made to grow on those sand dunes a system of trees which now covers close on two million acres. This process has been going on year after year until in 1904 the value of those forests was estimated at over 20 millions sterling. The report contrasts that value with the sterility of a century before. In the year 1915 the Landes supplied just short of a million loads of timber to the United Kingdom, almost all of it going to South Wales. In 1913 the quantity supplied was about 300,000 loads. Since the war these forests have tided the South Wales mines over critical periods, supplying from September 1914, to September 1915, no less than 895,000 loads.

Mr. O'Loughlen: You will agree that our wandoos and other timbers would have been valuable in England if they had been growing in France.

The ATTORNEY GENERAL: True, but we know that in Australia immediately before the war we were importing softwoods to the tune of £1,000 a day.

Mr. O'Loughlen: And during the past nine months we have imported £31,000 worth from Japan.

The ATTORNEY GENERAL: It is also worth noting that that timber comprises only the thinnings and that these forests also supplied the whole of the turpentine demand of France as well as the timber required in the southern part of France equal to another million loads. I have quoted this information to show what can be obtained from sterile coastal land, and who will say that we do not possess from away north of Perth down our coast line to the south, thousands of acres of similar country which in time to come might be made to grow some kind of timber.

Mr. O'Loughlen: Does the report state when those forests were planted?

The ATTORNEY GENERAL: They started planting them 100 years ago but they have been planting them ever since, year after year, until the trees finally covered the whole district. My friend the member for Forrest, whilst generally commending the Bill has taken



exception to two points, one the power of the conservator which I have partly answered by my English references, and the other the question of hewing. I take it that the only vital question is that of hewing, but I cannot help thinking that when the member for Forrest speaks from his head and not from his heart, he views the Bill as a whole in its correct shape, but with that great broad sympathy he has for the hewers who have gone to the Front, he allows his heart to have full sway and he says that he must forget that which his head has taught him and that we must recompense those men on their return. I do not think we can look at the matter from that point of view; we must look at it from the point of view of that which is best for the State. We have a huge asset, an asset that not only belongs to us, but which belongs to those who are to follow us. It is our duty as custodians and as the owners of that timber to realise that important fact. There is no doubt whatever about it that we get the best value out of a tree which is cut by a mill. The timber hewer has his uses; he is of great value to the State, in that he can take his axe to the tree when that tree cannot be taken to the mill. That there are many areas where he may cut goes without saying, but he is not to operate any longer in the area of about three million acres which we will know as State forests.

Mr. O'Loughlen: Where will he operate?

The ATTORNEY GENERAL: On the timber reserves, on the fringe of the forests, and on many private lands where there is some fine timber which has not been rung. There will be ample work for the hewer, but if we are to legislate simply for the hewer and forget the main asset of Western Australia, and give the hewer power to get in through the political side, then the quickest way to end it is to let him into the remainder of the prime forests.

Mr. O'Loughlen: That is the conservator's view, but it is not fair.

The ATTORNEY GENERAL: If we are to let 2,000 hewers in—

Mr. O'Loughlen: No one said 2,000.

The ATTORNEY GENERAL: The hon. member, I think, said that 2,000 hewers had gone to the Front, and if we sent that number into our prime forests, those forests would not last long. Western Australia would be denuded of its timber and would only get a third of its value, and apart from that there would be losses in revenue, rail carriage, wharfage and other State dues. But just like the agriculturists of the South-West, just like the townsmen on the Darling Ranges, each one has his proper place. The Forest Department recognises that it must account to each; it recognises that it must live and let live. There is ample room, as I have shown, in the South-West for our great agricultural industry to be developed to the full side by side with our forests, and there is ample room in our forests to make full use of the timber hewer, a use which will be to his advantage as well as to the advantage of the State and without letting him into the main belt of what we know as our prime forests themselves.

Mr. O'Loughlen: Can you outline where those areas are?

The ATTORNEY GENERAL: I was asked that question before, and to give an exact honest answer I can say that for the past 18 months there have been several parties of surveyors and foresters demarcating the forests. Hon. members will see the classification as far as it has gone on the map on the wall of the Chamber. The Conservator hopes that the demarcation will be finished in about another 12 months' time. When that work is done we will know what forest area we possess which is worth keeping, and we will know how much of it here and there is suitable for agricultural work. When we know that, I will be able to answer the hon. member's question. The Conservator of Forests will not have it in his power to say that this area or that area or the other area must be set apart as a State forest. He will have to make a recommendation. The classification when it is completed will speak for itself, and it will show that part of the State which should be reserved as a State forest.

Mr. Pickering: Will the Conservator's decision be final?

The ATTORNEY GENERAL: The decision will be that of the Government of the day. It is impossible in almost every case to completely tear asunder the Ministerial control from the forest control but it is desired as far as possible to make the Department of Forests and the Conservator himself independent of that which is known as political influence or political control. If by any chance we pass an amendment, as suggested by some hon. members, to allow hewing in the State forests under certain conditions, and say there is a Conservator of Forests who however virile he may be will resist the irresistible political pressure that may be brought to bear on him to make him do this—

Mr. O'Loughlen: You are exaggerating the position greatly.

The ATTORNEY GENERAL: No; I want the forests placed in such a position that no political pressure great or small can be brought to bear on the Conservator in relation to his duties.

Mr. O'Loughlen: What is the reason for Clause 22a—the latter portion of it dealing with permits.

The ATTORNEY GENERAL: I will answer that in Committee.

Mr. O'Loughlen: Why drive the hewer off permit concessions?

The ATTORNEY GENERAL: The clause the hon. member speaks of merely states that hewing shall not be permitted within the area of a State forest. That is the area to which I have been referring. The words are "on the area of any timber concession, lease, or permit granted before or after the commencement of this Act."

Mr. Money: Within the boundaries of a State forest.

The ATTORNEY GENERAL: The boundaries of a State forest will probably include every concession we possess and every lease we possess and most of the permits we possess. I have given the figures, in fact hon. members

will see them in the memorandum at the beginning of the Bill. The aggregate area of forests now held under concessions, leases, and saw mill permits, is about a million and a half acres. Therefore it is estimated that at the most there cannot be more than another million and a half acres that can be included in that which will be called the State forest. All told, there is only 3,000,000 acres of prime timber country in Western Australia. Time was, 20 years ago, when even the Forests Department reckoned they had 20,000,000 acres of forest country to work on. It is not that it has been cut out, it is rather that we never possessed that area of forest country. The 3,000,000 acres covers the forest country which has been granted under various titles and that which has been kept untouched. It renders all the stronger the argument that that which is left should be so preserved as to give us the best value. We have not had the best value in days that have gone.

Mr. O'Loughlen: Do not blame one section of the industry alone. The hewer is not the only one.

The ATTORNEY GENERAL: I would not do that. I have been arguing the question of the hewers because practically that is the only fault—barring the Conservator's powers—which the hon. member had to charge against the Bill. In my opening address I in unmeasured terms blamed the saw-miller to the full for the devastation he has caused and will necessarily continue to cause. That is very clearly set out. But that is not now in question, and I do not wish to get away from the discussion. The arguments put forward, particularly by the member for Forrest, show that the only fault to be found with the Bill is the cutting out of the hewers. No one wants to cut them out; but they should be prevented from cutting into the State forests. There is any quantity of country for them outside the State forests.

Mr. O'Loughlen: You may declare it all State forests.

The ATTORNEY GENERAL: No, only the prime timber belt, and I am sorry to say that it will be less than 3,000,000 acres. Outside of that, there is plenty of country where the hewer may ply his calling.

Mr. O'Loughlen: And starve.

The ATTORNEY GENERAL: No. There was the illustration given by the hon. member, that hewers in a particular locality were working where they could barely make a living. The country had been twice worked over by a mill, had been hewn over by Britishers, hewn over by Bulgarians, and, lastly, Austrians were making a living on that patch of country. It serves to show that that which the other day was classed as poor country can to-day afford men a living.

Mr. O'Loughlen: That also may go into State forest.

The ATTORNEY GENERAL: That very country has in fact been applied for for spot milling purposes, whilst the last portion of it to be thrown open for hewing was applied for by a neighbouring sawmill, and was only granted to the hewers on the written under-

standing that when this one was cut out no further areas would be granted in that district.

Mr. O'Loughlen: You are going to wipe them right out.

The ATTORNEY GENERAL: How much better would it have been to hold up the whole country capable of being operated on by milling, so as not only to save 50 per cent. of the timber being wasted, but also to establish small milling businesses.

Mr. O'Loughlen: The last miller there went broke.

The ATTORNEY GENERAL: The hon. member has told us that the men working in that neighbourhood have taken out thousands of loads of sleepers. For every thousand loads thus taken out the State has lost over £1,000 of wealth.

Mr. O'Loughlen: That is absolutely wrong. I would like either the Minister or the Conservator to demonstrate it.

The ATTORNEY GENERAL: It has been demonstrated already. I have read the reports—they are available here to all hon. members—of the Royal Commission, showing the tests made in good bush between a party of hewers and a sawmill. However, I do not think it is of much avail to continue discussing this question now, because it is sure to be discussed again in Committee. Once more I thank hon. members for their indulgence in listening to me and for the intelligent interest they have displayed in the discussion which has taken place on the second reading.

Question put and passed.

Bill read a second time.

#### In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clauses 1, 2, 3—agreed to.

On motion by Attorney General, Clauses 4 and 5 postponed.

Clause 6—Forests Department:

Mr. PICKERING: I fully realise the importance of the industry. I am concerned, not only in the South-West, but in the industry itself, and I desire that the Bill controlling the forests should be complete, so long as it does not unduly interfere with other industries. I do not like the vesting of the sole control of the forests in the Conservator. I have endeavoured to find some amendment which would vest the control in a less autocratic way, but I confess that I have been unsuccessful. The experience arrived at in New South Wales after experiments is altogether in support of the attitude taken up by the Minister in introducing this measure.

The CHAIRMAN: What has all this to do with the clause?

Mr. PICKERING: It has to do with the control of the forests, and I think I am in order.

The CHAIRMAN: The hon. member is not in order in making second reading speeches at this stage.

Mr. PICKERING: I propose to give a reason why I am going to support the clause.

Hon. P. Collier: Nobody is opposing it.

The CHAIRMAN: I have no desire to burke discussion. I thought the hon. member was going to move an amendment.

Mr. PICKERING: I indicated in my second reading speech that I would in Committee endeavour to find some way out of the difficulty, because I am opposed to the sole control being vested in the Conservator of Forests.

The ATTORNEY GENERAL: This clause contains practically no more powers than are already vested in the Minister, or the department, under the Land Act. The powers that now come to the Forestry Department are all under various sections of the Land Act. For many years they were administered in the Department of Lands, and were then transferred in a sub-department to the Mines Department. This clause only takes these powers en bloc from the Mines Department, and creates a separate Department of Forests.

Mr. O'LOGHLEN: Is it the intention of the department to enforce the conditions that apply to the various concessionaires and permit holders, who have taken up areas in the past? Many of these conditions have been allowed to remain dead letters and have never been enforced. It would have been unwise at times for the State to enforce some of them, and of benefit at other times if they had been enforced. Is it the intention to make a drastic change and get the department's activities to work, and perhaps harass some of the people who have been accustomed to going along in an easy fashion? I suppose that politicians in the past have been responsible for the non-enforcement of the conditions. Is it the intention of the department to adopt a new policy and, to use a well-known expression, "put the boot into" the permit holder?

The Minister for Works: What will you do with the concessions which are nearly out?

Mr. O'LOGHLEN: In those cases it may be impossible to enforce the conditions. I feel a little afraid of the whole business. What will the department's policy be?

The ATTORNEY GENERAL: The existing rights of concessionaires and permit holders are respected. Nothing is being done inconsistent with their rights except where it is expressly stated. The Crown has many rights as against the private individual which perhaps, in the past have not been exercised to the full. These rights are largely held by the Crown at the discretion of the officers administering the department. During this time of war there will be no drastic changes made. Every sympathy has been shown in administering the affairs of the Forestry Department from the highest to the lowest class of tenure. There will come a time when timber will be in great demand, and every concession, lease, and permit in the State will, I hope, be worked to the fullest capacity. When that time comes, and we are all busily engaged in the production of timber, the full terms of the permit leases and licenses will have to be strictly carried out. Each case will be decided on its merits during this time of war. I have heard of no particular group or section which feels that it has been unjustly treated. Wherever any such case has arisen the department has at once attempted to put matters right.

Clause put and passed.

Clause 7—Conservator of Forests:

Mr. O'LOGHLEN: I realise there is a difficulty in making any alterations here. I understand it is necessary, in the interests of continuity, to have the appointment of a conservator made for a lengthy period. Perhaps I am biased in connection with the present conservator because I know his policy. He may be out in respect to this policy, particularly on the hewing question. Whoever the officer is to assume this position, he must have fairly big powers in order to bring about that continuity, and a term of seven years is probably not too long for the right man. I see no way of amending this clause so as to make it any better. Whilst a man holds strong views on the forest policy, and seeks to enforce them, he may do a great deal of damage. We have to gamble on that.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Salary of Conservator:

Mr. O'LOGHLEN: Why should not the salary of the conservator appear on the Estimates, as is the case with other public officials? What special feature is there about it to make it necessary to have it specially dealt with in the Bill and fixed from time to time by the Governor? I do not see why the conservator should not appear on the general Estimates, so that the salary can be reviewed from year to year by Parliament. As this official demonstrates his work Parliament can exercise its judgment as to the payment which should be made to him.

The ATTORNEY GENERAL: It has been deemed advisable by the Government to engage the conservator for a period of seven years. A man cannot be engaged for seven years and be under the terms of the Public Service Act.

Hon. P. Collier: Was he engaged at the outset?

The ATTORNEY GENERAL: No, he has been engaged under a special agreement. A neighbouring State envied our possession of the Conservator of Forests and made him an offer of a higher salary than he was getting here. This offer was declined. A still better offer was then made to him, and I thought it time to take a hand myself. This seven years agreement was then made. The main object of the Bill is to get a continuity of policy, but if we are unable to be sure of the services of our conservator for a definite period, we cannot get that continuity.

Hon. W. C. ANGWIN: To say it is necessary to have the clause as it stands to ensure continuity is ridiculous.

The Attorney General: The seven years?

Hon. W. C. ANGWIN: Even if the seven years is not there. There is no agreement in the Bill. The Conservator of Forests is not the only officer who has been engaged under agreement. If we pass the clause the salary will come under a special Act and we cannot discuss it every year. At a time like the present when there are financial difficulties, every member should be in possession of all details as to the various departments, but a tendency is creeping in of preventing members from knowing what salaries are paid. We have

only to look at this year's Estimates to see that. If the salary is named here members will have no say in it.

The ATTORNEY GENERAL: The clause is exactly the same as that in the New South Wales Act.

Mr. O'Loughlin: There are too many special Acts providing for salaries.

Hon. W. C. ANGWIN: I shall move that the words "is hereby permanently appropriated" be struck out, so that the salary may be put on the Estimates in the usual way. On one occasion members insisted on the Estimates being sent back, so that they might be reprinted to give members information. This was when Mr. Wilson was acting Treasurer.

Mr. DRAPER: Before that amendment is put I move an amendment—

That in line 2 of Subclause 1 the words "from time to time" be struck out. If continuity of policy is desired and the officer appointed for a term of seven years, he must be appointed at a salary which is fixed in the agreement for seven years. According to the clause it is contemplated that the salary one year shall be so much, and next year another figure. The words "from time to time" only tend to confuse the issue. If we desire to appoint a man for seven years and the salary is to be fixed by the Governor, it will be quite sufficient to say so.

Mr. Lambert: The clause implies a progressive increase.

Mr. DRAPER: If the Government desire to fix the salary for seven years the words "from time to time" are unnecessary and misleading.

The ATTORNEY GENERAL: There is no intention to mislead.

Mr. Draper: No intention, quite so.

The ATTORNEY GENERAL: Conservators of Forests should be found every day, like doctors or lawyers. New South Wales was for 17 years trying to find an officer, and those States that are finding it necessary to pursue a forest policy are on the look-out for forest officers, that is why we want an agreement for seven years. If we cut out "from time to time" and the Governor fixes the salary, can he alter that salary? Is it desirable that the Conservator of Forests, as the forest revenue grows and the importance of the industry grows, should receive the salary which he receives now?

Mr. Troy: Could not that be arranged on the Estimates?

The ATTORNEY GENERAL: The Conservator is appointed for a period of seven years on an agreement; there is such an agreement now, and at the end of seven years a fresh agreement will have to be made and the Governor will want to fix the salary during that period. If we cut out "from time to time" and the Governor once fixes the salary, can he do it again?

Mr. Draper: At the end of seven years you can fix it again.

The ATTORNEY GENERAL: We can if we leave "from time to time" in, but if we cut it out I question whether the Governor can fix a different salary.

Hon. W. C. ANGWIN: Could you not increase it on the Estimates?

The ATTORNEY GENERAL: The salary is provided on a certain sliding scale during the seven years, and this clause will come into play at the end of six years from now. On the fourteenth year, if the same officer is still with us, which I hope he will be, some constitutional lawyer may say, "You have already fixed the salary; you cannot give the officer more." The words "from time to time" can do no harm, because there is an agreement fixed for seven years. Members cannot tinker with it every year.

Mr. Lambert: The agreement would allow us to try whether we are suited or not.

The ATTORNEY GENERAL: The agreement is made with the Conservator for seven years and then is finished. The Governor would not during the seven years tinker with that agreement again, but he would have power, at the end of seven years, to make a fresh agreement, and conservators are not easily obtainable.

Mr. Draper: He can say, "I will leave unless you give me an agreement."

The ATTORNEY GENERAL: One reason for the agreement is that not only shall the Conservator be satisfied, but that the State shall be satisfied. We are trying the Conservator during that period.

Mr. LAMBERT: The Attorney General will be well advised in agreeing to the deletion of these words. If he is seeking power beyond the seven years—

The Attorney General: I do not want power beyond any term of seven years.

Mr. LAMBERT: I do not think there should be any implied provision for an increase other than provided by the agreement with the Conservator.

Mr. NAIRN: The Government have made an agreement with the Conservator extending over six years from now, and the intention of the words "from time to time" is that this measure will, or we hope it will, exist longer than the remaining period of the agreement with the Conservator. Upon the termination of the agreement, the words "from time to time" can operate.

Hon. W. C. ANGWIN: They can operate at any time.

Mr. NAIRN: If that is so, what purpose can be served by striking out those words? We do not wish to give power to increase the salary during the seven years.

Hon. W. C. ANGWIN: The Government have power, subject to Parliamentary approval, to raise the salary at any time, quite irrespective of the agreement. This clause, however, gives the Government power to raise the salary without Parliamentary approval.

Mr. Troy: That is so.

Hon. P. Collier: Any Government can increase the salary, so long as Parliament backs them up.

Mr. DRAPER: My language and my motives have been misunderstood. To my mind,

the words "from time to time" mean, at any time during the period of the agreement or otherwise. If we strike out the words "from time to time," and then insert after the word "Governor" the words "for the term of his appointment or re-appointment," that makes it quite clear. I object to the Government having power during the currency of the agreement to fix the salary from time to time.

Mr. Smith: Seven years is a long period, and we are giving the Conservator extra work.

Mr. DRAPER: I do not know that we are bound to fix a definite salary for the whole term of seven years. But the man ought not to have power to throw up his agreement without the consent of the Governor.

Hon. W. C. Angwin: How can we enforce the agreement on the Conservator? We cannot enforce it.

Mr. TROY: I am inclined to agree with the member for West Perth. Unless those words are struck out, the Government would have power to alter the salary every year if they desired to do so. However, Parliament can at any time over-ride the agreement as regards the Conservator's salary; that is, in the matter of raising, though not of reducing, the salary. The matter would be made clear if we carried the amendment.

Mr. MONEY: In addition to the words proposed to be struck out by the amendment. I would like the words "by the Governor" to be deleted with a view to the insertion of "as may be provided by the terms of his appointment." I take it the object of the clause is that the Conservator's salary, whatever that salary may be, shall be paid.

Mr. SMITH: I agree with what the member for West Perth says as to those words seeming to indicate that the Government can at any time alter the current agreement. Still, it is undesirable that we should so word the measure that the Government will be unable to fix the Conservator's salary. At the time of the Conservator's appointment this measure may have been contemplated, but the provision was not put into force. The passing of this Bill will greatly increase the volume of the Conservator's work, and to-day he is drawing a comparatively small salary. Therefore, at the end of six years, if the industry progresses as we hope it will, we shall be in a position to pay the Conservator a much higher salary; and the hands of the Government should not be tied so as to prevent the payment of an adequate salary to the Conservator. At the same time, I consider that the words referred to by the member for West Perth should be eliminated.

Mr. PICKERING: Is it not possible to include in the agreement annual increments? Or has provision for such already been made?

The CHAIRMAN: We are now dealing only with the amendment moved by the member for West Perth.

Mr. PICKERING: I ask these questions in order to enable me to decide which way I should vote. As regards the possible increasing of the Conservator's salary, I agree with the member for North Perth. Has the Minister made provision for annual increments?

The Attorney General: The agreement provides for annual increments.

Mr. O'Loughlen: What is his salary now?

The Attorney General: It started at £750.

Mr. O'Loughlen: The Estimates this year provide for £825. What will it be at the end of the seven years?

The Attorney General: It will then be £1,000. The sole object of the words in the clause is to give the Governor power to recast the agreement.

Hon. W. C. Angwin: You have that power now.

Mr. FOLEY: If the deletion of these words means that we shall not have the right to criticise any appointment that may be made or salary that may be fixed, I am going to vote against the amendment.

Mr. LAMBERT: The agreement contemplates an increase, and I do not think the House would be wise to give the power that any Government may at any time take the matter out of the hands of Parliament itself. If there is to be a variation of the agreement it should be left to Parliament.

Hon. W. C. ANGWIN: I want the clause to remain as it is so that Parliament shall have a say in the matter. As the clause stands now the Governor can fix the salary under a special Act and once the salary has been fixed the money is appropriated. We want Parliament to have the power to express an opinion on the matter.

Mr. PICKERING: Why has not the same principle been followed as in the case of the Commissioner of Railways whose salary is £1,500, and is charged to Consolidated Revenue, and is permanently appropriated.

The ATTORNEY GENERAL: The salary of the Commissioner of Railways is a fixed one. The salary of the Conservator started at a comparatively small figure and is advanced by annual increments until it reaches £1,000.

Mr. Pickering: I find I have made a mistake. The Railways Act has been amended.

Amendment put and negatived.

Hon. W. C. ANGWIN: I move an amendment—

That in line 3 of Subclause 2 the words "is hereby permanently appropriated" be struck out.

If it is desired to increase the salary at any time Parliament will then have an opportunity of reviewing the matter.

Amendment put and a division taken with the following result.—

Ayes	..	..	..	..	10
Noes	..	..	..	..	20
					—
Majority against					10
					—

# AYES.

Mr. Angwin  
Mr. Brown  
Mr. Collier  
Mr. Green  
Mr. Holman  
Mr. Lambert

Mr. Lutey  
Mr. Smith  
Mr. Troy  
Mr. O'Loughlen  
(Teller.)

## Noss.

Mr. Angelo  
Mr. Broun  
Mr. Draper  
Mr. Duff  
Mr. Foley  
Mr. George  
Mr. Harrison  
Mr. Hickmott  
Mr. Hudson  
Mr. Johnston  
Mr. Letroy

Mr. Money  
Mr. Mullany  
Mr. Nairn  
Mr. Pickering  
Mr. Plesse  
Mr. R. T. Robinson  
Mr. Stubbs  
Mr. Teesdale  
Mr. Hardwick  
(Teller.)

Amendment thus negatived.

Clause put and passed.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 10.55 p.m.

## Legislative Council,

Tuesday, 15th October, 1918.

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

[For "Questions on Notice" and "Papers Presented," see "Minutes of Proceedings."]

### BILL—CRIMINAL CODE ACT AMENDMENT.

Received from the Assembly and read a first time.

### BILL—PRESTON ROAD DISTRICT SOLDIERS' MEMORIAL.

On motion by Hon. J. Ewing, read a third time and *passed*.

### BILL—INTERPRETATION.

#### Second Reading.

Debate resumed from the 2nd October.

Hon. J. NICHOLSON (Metropolitan) [4.35]: The debate on the second reading should be very limited indeed, because there is nothing in the Bill which is of a controversial character, except perhaps one clause. In fact, I think it is a Bill in reference to which we may congratulate the Government on seeking to adopt a course which might be followed with advantage in regard to many other Bills. An effort is here made to codify the law and, instead of bringing in amendments to Acts, as is usually done, we are now to get a consolidated measure. The ex-

ample set in this case might well be followed in future. The Colonial Secretary in moving the second reading referred to Clause 31. I take it that his reference was made under a misapprehension, that he overlooked the fact that Clause 31, as it appeared when the Bill was originally introduced, was deleted in another place. The chief clause upon which debate centred in another place was Clause 32, in which an effort is made to get over what has been a legal difficulty in the construction of many Acts of Parliament, not only here but in other parts of the Empire; that is to say, in regard to the use of the words "may" and "shall." The interpretations of these words have varied. For example, the word "may," although in ordinary language we would regard it as permissive, has been held by the courts in many cases to be obligatory, whereas on the contrary "shall," which ordinarily is regarded as mandatory, has been held in certain cases to be permissive. I believe that the clause to which I refer has been taken from an Act in force in South Australia, and I understand that that Act has not worked any hardship. It is not intended that this particular clause should be retrospective, and it will not affect Acts which are already in force. We might, therefore, follow the example set and see whether the difficulty which has been experienced in other Acts may not be overcome by this clause, when these words are employed in future Acts. Whilst, generally, I support the second reading, I may have certain observations and suggestions to make when in Committee.

Question put and passed.

Bill read a second time.

#### In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Meanings of certain terms:

Hon. A. SANDERSON: The definition of "Minister" here given is "a Minister of the Crown." Does that mean an Honorary Minister?

The Colonial Secretary: No.

Hon. J. NICHOLSON: On the definition of "sitting days." In various clauses in the Bill reference is made to sitting days. I had heard of sitting hens, but not previously of sitting days. In the definition which is supplied, "sitting days," used in reference to either House of Parliament, means days on which such House actually sits. I move an amendment—

That in line 3 "sits" be struck out and "meets for the despatch of business" inserted in lieu.

Standing Order 48 uses the expression "meets for the despatch of business."

The COLONIAL SECRETARY: I fail to see any good purpose which would be served by the amendment. "Sitting days" seems to me to express exactly what is wanted.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 30—agreed to.

Clause 31—Meaning of service of a notice or document: