

2. The diocesan trustees of the Church of England were originally incorporated by Act of Parliament. At that time there was only one diocese in Western Australia, and consequently only one body of trustees managing the property in connection with the whole of Western Australia so far as the Church of England was concerned. Owing, however, to the creation of three dioceses in this State it was necessary to give the power to each diocese that was given to the whole of Western Australia when it formed one diocese.

Hon. P. Collier: That is to appoint trustees?

The PREMIER: Yes. The Roman Catholic Church, the Congregationalists, the Presbyterians, and the Wesleyan Methodists are all incorporated by separate Acts of Parliament. When, however, the dioceses of Bunbury and Kalgoorlie were constituted the Associations Incorporation Act of 1895 was availed of, and they were incorporated under that Act. The Church of England are doubtful as to whether that is entirely legal, and wish to place the matter upon secure grounds. It is very doubtful whether the Associations Incorporation Act was ever intended to authorise the incorporation under its provisions of dioceses of the Church of England as separate dioceses, and the object of this Bill is to put the dioceses of Bunbury and Kalgoorlie on a legal footing, and also to incorporate the Northern diocese. It is only a doubt, and the whole thing may prove to be quite legal, but naturally the Church of England desire that the matter should be perfectly clear, and that there should be no room for doubt.

Hon. T. Walker: Is this a private Bill?

The PREMIER: No.

Hon. T. Walker: Why should it be a Government Bill?

The PREMIER: It is introduced by me on behalf of the Government.

Hon. P. Collier: Should it not be a private Bill?

The PREMIER: Not necessarily. When the hon. member's party was in power it introduced a Bill of this kind.

Hon. P. Collier: It ought to be a private Bill.

The PREMIER: It has always been customary for the Government to put forward these Bills. One of the kind was passed on behalf of the Roman Catholic Church when the Opposition were in power.

Hon. P. Collier: Is this Bill entirely approved of by the Church of England authorities?

The PREMIER: Yes, and by Mr. Burt, their legal adviser. I have his notes here. So far as the Bill amends the Church Lands Act, I do not think any exception could be taken to the provision. No powers are conferred which will not be found in the Acts relating to the Roman Catholic and other churches. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 11.12 p.m.

Legislative Council,

Thursday, 5th December, 1918.

The PRESIDENT took the Chair at 3.0 p.m. and read prayers.

BILL—EARLY CLOSING ACT AMENDMENT.

Introduced by the Colonial Secretary, and read a first time.

THE WAR—PEACE ARMISTICE—LETTER IN REPLY.

The PRESIDENT [3.4]: I have received from the Commonwealth of Australia the following letters:—

Department of Defence, Melbourne, 28th November, 1918. Dear Sir, I desire to acknowledge the receipt of your letter of the 14th instant, embodying a resolution carried by your Legislative Council conveying the thanks of the people of Western Australia for the magnificent services rendered by Australian sailors and soldiers during the war, and expressing congratulations upon the victory which their efforts have helped to achieve. I shall gladly convey this resolution, as requested, to the General Officer Commanding the Australian Imperial Force. I have also sent a copy of your letter to the acting Minister for the Navy, who will doubtless despatch a similar message to the Admiral in Command of the Australian Fleet. Yours faithfully, (signed) G. F. Pearce.

Department of the Navy, Melbourne, 22nd November, 1918. Sir, I have the honour to acknowledge with thanks the receipt of your letter of 14th instant, transmitting a resolution passed by the Legislative Council of Western Australia, conveying the thanks of the people of that State for the services rendered by the Australian Navy and Army in the defence of the Empire, and in reply to inform you that a copy of the resolution will be transmitted to H.M.A. ships. I have the honour to be, Sir, your obedient servant, (signed) A. Poynton, acting Minister for the Navy.

MOTION—AUSTRALIAN IMPERIAL FORCES, RAILWAY CORPS.

Debate resumed from the 26th November on the motion by the Hon. J. Cornell—"That in the opinion of this House it is unjust that railway employees who have enlisted, or who may enlist, in the Railway Corps should be made forfeit what-

over holidays may accrue to them whilst serving in the Australian Imperial Forces; and, further, this House is of the opinion that the Government should without delay annul any regulation or by-law imposing such forfeiture, from the date of its coming into force."

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [3-6]: In tabling this motion Mr. Cornell said that he would be prepared to withdraw it if I could give him an assurance that the men who enlisted in the Railway Corps would be given the same treatment as those enlisting in other branches of the A.I.F. I was not able to give Mr. Cornell that assurance at the time; but, since then, the whole matter has received very careful consideration, and I can now give him the assurance he desires, namely, that men enlisting in the Railway Corps will receive the same treatment as those enlisting in other branches of the A.I.F.

Hon. J. Cornell: That is to say, that the rule imposing the differentiation will be abrogated as from the day on which it was passed?

The COLONIAL SECRETARY: That is so.

Hon. J. CORNELL (South—in reply) [3-7]: I am grateful to the Colonial Secretary for the reply he has given, and I am also grateful to the Government. In introducing the motion I indulged in no heroics or high-falutin; I tried to confine myself to the facts. I was then under the impression, which has been confirmed by the action of the Government, that if any matters appertaining to the treatment of State employees who enlisted as soldiers were brought forward, fair and reasonable consideration would be given to them by the Government, and that if undue differentiation were proved the Government would right the injustice. I can truthfully say that this action of the Government will have the full approval and commendation of every Western Australian soldier, whatsoever arm he may have enlisted in from Western Australia. On behalf of the railway men I say this is something above party. I can confidently declare that the railway men, who have rendered good and loyal service to the State and the Empire during the four long years of war, will not be unmindful of the consideration extended to them by the Western Australian Government. I ask leave to withdraw my motion.

Motion by leave withdrawn.

BILL—FORESTS.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 8—Conservator of Forests:

The CHAIRMAN: An amendment has been moved by the Hon. J. Cornell to strike out, in Subclause 2, paragraph (b), line 1, the word "seven" with the view of inserting "five" in lieu.

Amendment put and negatived.

Hon. J. CORNELL: I have an amendment to move in Subclause 3, to bring it into conformity with the corresponding provision in the Railways Act.

The CHAIRMAN: Is the amendment on the Notice Paper?

Hon. J. CORNELL: No. I unfortunately omitted to put it on the Notice Paper last evening.

I propose to add to Subclause 3 words which will provide a safeguard, so that when the present Conservator's term expires, or when a successor is appointed, such re-appointment or new appointment shall be subject to the ratification of Parliament. Section 7 of the Railways Act, after providing for the appointment of the Commissioner of Railways, proceeds—

On the occurrence of a vacancy in the office of Commissioner, the Governor may appoint a person to be Commissioner, who, subject as hereinafter provided, shall hold the office for the term of five years from his appointment; but any such appointment shall be subject to the approval of Parliament.

It is those words "any such appointment shall be subject to the approval of Parliament" I desire to have added to Subclause 3. There are no valid reasons why they should not be inserted; on the reverse side, there are valid reasons why they should. We know that the present Conservator of Forests is to be the Conservator under this measure. Therefore we are free, in this connection, to discuss that gentleman's merits or demerits. Much has been said in praise of the Conservator, and if he is all that we hear about him, unless he receives a big increase in his salary, we are likely to lose his services, and he would be foolish not to go, even before his term expires. The amendment I propose is not loaded; it is only a reasonable precaution. I move an amendment—

That at the end of Subclause 3 the following words be added:—"But his reappointment, or the appointment of a successor, shall be subject to the approval of Parliament."

The COLONIAL SECRETARY: No useful purpose will be served by adding the proposed words. As a matter of fact they will create a difficult position. The present Conservator is bound by his agreement for a term, just as much as the Government are bound to employ him for a term. Suppose the necessity arose to appoint a new Conservator. These men are not to be obtained in Western Australia, and probably not in Australia. I fail to see, therefore, how it would be possible for the Government to carry out negotiations with a prominent forester in some other part of the world and tell him that all we could do would be to appoint him subject to the approval of Parliament. It would be a difficult matter for the Government to fill the office, if the present Conservator had to leave, and the difficulty would be tremendously increased by the amendment.

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

Ayes ...	...	...	...	...	10
Noes ...	...	...	...	...	14
					—
Majority against					4
					—

AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. R. G. Ardagh	Hon. J. Mills
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. J. Ewing
Hon. V. Hamersley	(Teller.)
Hon. J. W. Kirwan	

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. H. Carson	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. H. J. Saunders
Hon. J. Cunningham	Hon. H. Stewart
Hon. J. Duffell	Hon. Sir E. H. Wittenoom
Hon. J. A. Greig	Hon. E. Rose
Hon. C. McKenzie	(Teller.)
Hon. G. W. Miles	

Amendment thus negatived.

Hon. A. SANDERSON: With regard to the amendment, notice of which I have given, will it be taken at the end of the Bill, and as my desire is that it shall take the place of Clause 8, will the proper procedure be for me to vote against that clause now?

The CHAIRMAN: The hon. member can vote against the clause. All new clauses must be taken at the end of a Bill. If the clause is struck out, the hon. member will have an opportunity of moving his new clause at a later stage.

Hon. A. SANDERSON: I do not wish to debate this clause unless I have an opportunity of putting forward my amendment. If clause 8 is passed, what will the position be so far as my amendment is concerned? Shall I have an opportunity of putting it before the Committee?

The CHAIRMAN: I cannot refuse the hon. member that opportunity. The hon. member can move his amendment at the end of the Committee stage and if that amendment is carried it will be necessary to recommit the Bill for the purpose of striking out Clause 8.

Hon. A. SANDERSON: This clause is taken from the Victorian Act. I have not had an opportunity of looking up the New South Wales Act, but we extracted from the leader of the House the valuable information that the New South Wales Act provides for a board, as against the Victorian procedure, which hon. members can see on the Notice Paper. Which is the better, is for hon. members to decide. The statement which the leader of the House made last night to the effect that an amendment to the Victorian Act had been brought forward is interesting. I have here the Victorian "Hansards" of this session, but I can find in them no reference to it.

The Colonial Secretary: Probably it was only last week. Certainly it was only last week that we learnt of it.

Hon. A. SANDERSON: It would simplify the whole system if we were to strike out this clause and insert the section from the Victorian Act. The only other clause in the Bill which I shall follow with great interest is the cash clause, under which the cash is to be handed over to the Conservator. The clause under review is an important one, and the cash clause is the most important of all.

The COLONIAL SECRETARY: I trust the Committee will not strike out the clause. We have gone beyond this stage. The clause which the hon. member proposes to insert provides that the Governor may, subject to the provisions of the Public Service Act, appoint an officer of the department as Conservator of Forests. As a matter of fact the Government have appointed for seven years a Conservator, and the clause is in accordance with that appointment. During the discussion last night Mr. Stewart said it might help hon. members if the personal file of the Conservator were placed on the Table. I now have it here for the information of hon. members. The Victorian Act is being amended because the powers

contained in it have been found to be insufficient for the purpose. The powers in the New South Wales Act are much greater than those in the Bill.

Hon. A. SANDERSON: From what the Minister says it would seem that this has all been arranged, and that we can now register our approval of the Government's action in engaging this officer without our consent. All arrangements have been made, and nothing remains but for us to put the clause through.

The COLONIAL SECRETARY: I do not think that is a fair statement to make. It is not a matter of the Government having arranged everything. The agreement with the Conservator was entered into long before the Bill came down, so far back as two years ago.

Hon. H. J. SAUNDERS: I understand that the subclause which I desire to add cannot be taken until we reach the end of the Bill.

The CHAIRMAN: Apparently there has been a misunderstanding. I understood that it was a new clause which the hon. member desired to move. If it is only a subclause, the hon. member will be in order in moving it now.

Hon. H. J. SAUNDERS: Then I move an amendment—

That the following be added to stand as sub-clause 4, "There shall be a board appointed by the Governor whose duty it shall be to act in conjunction with the Conservator in all questions of policy which are vested in him under this Act. The board shall consist of the Conservator or his deputy and the under secretaries of Mines and of Agriculture."

We are giving the Conservator a great deal of responsibility, and if he could have two permanent officers connected with mining and with agriculture acting in conjunction with him on all questions of policy, it would relieve him of some of that responsibility. I understand the Conservator has been here only two years, and, therefore, in consultation with two permanent officers he should be able to gain a great deal of useful information which he cannot have at present.

The COLONIAL SECRETARY: I hope the Committee will not agree to this. I can see no good purpose to be served by appointing two laymen to act with the expert. In New South Wales, where provision is made for three officers, they are all expert foresters; and even there the difficulty arising from having three officers working in conjunction is recognised, because the Act takes the rather unusual course of making the chief conservator dominant over the other two. If we put two laymen to work in conjunction with the expert the result can only be undesirable.

Hon. H. STEWART: I suggest to the mover of the amendment that, instead of the Under Secretary of Mines, a more suitable officer would be the State Mining Engineer, who has had a technical training, and therefore knows something of the questions which the Conservator will have to deal with. It does not matter whether an officer be a trained forester, a trained mining engineer, or a trained civil engineer, for in the basic sciences all these men go through the same training. Again, in connection with the establishment of the forest products laboratory, the State Mining Engineer, as well as the Conservator, is one of the members of the council. One of the fields covered by the Conservator is the construction of tramways in State forests. Here

again the State Mining Engineer would probably have as much knowledge as the Conservator. The State Mining Engineer may be a layman in regard to forestry, but his department is intimately associated with the Forest Department because the latter department deals with such forest products as stones and earth, which may be regarded as minerals. Geological matters also have a bearing on forestry. If instead of the Under Secretary for Agriculture the Conservator had the Under Secretary for Lands with him, he would have an officer who is closely in touch with the Forest Department. That Under Secretary also has under him officers who are associated with the Conservator in the survey and classification which are already going on. The Under Secretary for Lands is, in his way, a professional man and a trained surveyor. The present Under Secretary for Lands and the State Mining Engineer would constitute an advisory body which might prove very useful.

Hon. Sir E. H. WITTENOOM: I am opposed to the principle of a board. I consider it would be unnecessary, expensive, and would to a large extent hamper the work of the Conservator. I find that the Conservator has been working in this State for between two and three years. During the debate we have heard nothing but satisfactory references to what he has done. In the circumstances, it is only fair that we should give him an adequate trial.

Hon. J. Mills: He has already proved himself.

Hon. Sir E. H. WITTENOOM: He should not be hampered in any way in his work of developing the forests. It is a mistake to think that he possesses such autocratic powers as has been suggested. He is to be directly responsible to the Minister for the management and control of State forests, timber reserves, plantations, nurseries, and the administration of the department generally. He cannot do exactly as he likes, and every one of the regulations mentioned in clause 43 has to be approved by the Governor-in-Council. We are, therefore, protected against any drastic measures which might be taken by the Conservator, and which might not be in the best interests of the department. There must be something exceptional about the Conservator, else why make these unusual conditions surrounding his appointment? The Government must consider they have a prize in this officer and do not wish him to be easily removed. The point that I see is most dangerous is that the Conservator may sacrifice the commercial point of view to his conservation of the forests. He may be enthusiastic in bringing the forests up to a high state of development, and may forget there is a commercial aspect connected with them.

Hon. J. W. Kirwan: This clause safeguards that.

Hon. Sir E. H. WITTENOOM: The powers given to the Conservator are of such a nature that he can conserve and develop the timber and trees in the forests of the State. He may, to some extent hamper the commercial side of the business. I would point out that one firm alone pays £120,000 a year in railway fees, and there is, in addition, the bringing of money into the State from the sale of exported timber. I hope the Conservator will not overlook the fact that there is a commercial side to this question, and will do the best he can for the State in that way. If I thought there was any chance of a board being appointed, I would support Mr. Sanderson's

amendment, because it would put the Conservator directly under the Minister without any other controlling influences.

Hon. A. Sanderson: It is not my amendment.

Hon. Sir E. H. WITTENOOM: It is on the Notice Paper in the hon member's name. I cannot support the amendment moved by Mr. Saunders.

Hon. J. W. KIRWAN: I agree that there is a danger with regard to the commercial interests being overlooked. There is also the question of the other industries, which may be affected by the work of the Conservator. There has been a complaint from Greenbushes that the tin industry is in danger of being extinguished, if the Conservator insists upon the order he has given with regard to the question of firewood. It is possible the Conservator may not have a due sense of proportion as to the value of the different industries, and the amendment moved by Mr. Saunders is, therefore, worthy of support. I think it is right that the heads of the Mines and Agricultural Departments should be consulted upon the forest policy of the State, and that the Conservator should have the assistance of these gentlemen as a board.

Hon. J. E. DODD: From the remarks of Sir Edward Wittenoom it might be thought that some members might have a certain amount of animus against the Conservator. I intend to support Mr. Saunders' amendment, and also that given notice of by Mr. Sanderson. I am pleased, as a member of the late Government which appointed the Conservator, to hear the eulogiums which have been passed concerning him. Apparently we did the right thing in appointing him, and secured the right man. I agree with Mr. Kirwan that there are many other industries affected by the Bill, and that we must be careful in giving immense power to the Conservator such as is indicated in the Bill.

Hon. J. F. ALLEN: I support the amendment. If we were only entering into an agreement for the appointment of a Conservator, the arguments raised by Sir Edward Wittenoom would apply, but we are creating a new department and proposing to give wide powers to the head of that department. If these powers are exercised injudiciously, they will conflict very much with the interests of other departments. In saying this, I am not actuated by any animus against the Conservator, but I do realise that the Forest Department cannot be separated in its interests from other departments of State. I am not sure how far the Vermin Bill, if it becomes law, can apply should this clause pass as printed. Under this Bill the Conservator could refuse permission to anyone to enter a State forest for the purpose of killing rabbits. Again, the Conservator will have the ear of the Minister in recommending the reservation of large areas for forestry purposes; and in many instances the action of Ministers is based entirely on the recommendations of the permanent heads, without Ministers giving those recommendations much consideration. The Conservator's powers under this Bill would be far too great.

Hon. H. MILLINGTON: I do not feel disposed to support the amendment, because, since these powers are to be given, I want a man to be responsible who has some experience of boards and even of Cabinets. We find Ministers objecting to take responsibility for the acts of other Ministers; and if we divide the responsibility under this Bill into three parts, so to speak, we shall never know where we are. I do not think the Conservator

will be above taking advice from the State Mining Engineer and other experts. If the powers under this Bill are to be delegated to the Conservator, let him accept the responsibility for their exercise. We shall see whether the Conservator will have the support of his present eulogists here when he does exercise those powers. Should he delegate powers to other officials, those officials might not be prepared to accept responsibility for their acts. I have even stronger objections to conferring these powers on a board than to granting them to the Conservator.

Hon. H. STEWART: Perhaps I did not make it clear that I do not object to voting for the amendment. Certainly, I consider it would be a mistake to put on the board two laymen to act in conjunction with the Conservator. What I desired to convey was that I conceived it might be beneficial to appoint an advisory board comprising men of technical knowledge in other directions than forestry, but directions bordering on the Conservator's work. I shall not vote for the clause, particularly because it stipulates that two laymen shall act in conjunction with the Conservator.

Hon. J. NICHOLSON: This clause is generally recognised as the most important of the Bill. Yesterday I took occasion to refer to that very aspect which has been alluded to by Sir Edward Wittenoom and other hon. members—the relationship of the timber industry to that commercial aspect which must always be kept in view in connection with the management and control of our forests. I recognise the necessity for the Conservator's having as free a hand as possible in the control of the forests. But there is another important consideration, and that is the commercial aspect. The timber industry has meant a very great deal to this State—for instance, to the revenue of the Railway Department—and if the Conservator should fail to recognise the importance of maintaining the revenue from the industry as far as possible, having regard to the restricted output which will follow upon the enactment of this Bill, the result would be serious. If there is undue restriction of output, the State's revenue must suffer considerably. I have procured a copy of the New South Wales Forests Act, and on reading it I do not entirely concur in the wording of the sections of that Act, nor in the New South Wales methods of constituting the advisory board. Neither can I give my whole concurrence to the amendment moved by Mr. Saunders. If a board is to be appointed, it should be such a board as will be helpful to the Conservator in the largest possible measure; and therefore it should consist of men possessing knowledge of such a nature as will enable them to safeguard the interests dependent on and intimately associated with the timber industry. The Under Secretaries for Mines and Agriculture, though possessing high qualifications in their respective departments, would not be suitable for sitting on this board. The men to be associated with the Conservator on such a board are a man possessed of commercial knowledge of the timber trade and another man conversant with the practical working of the timber industry. The latter, in particular, should be able to afford the Conservator helpful guidance in the administration of this measure. I do not suggest that the members of the board should give their services gratuitously; they should be remunerated, as is done in New South Wales. I also agree with the proposal that the Conservator should be paid a salary commensurate with his abilities and responsibilities.

The CHAIRMAN: At this stage members must discuss the amendment only.

Hon. J. NICHOLSON: This clause might have been held over. My strong sympathies are in favour of a board properly constituted, but not a board constituted as proposed by the subclause. Therefore I shall have to vote against this particular subclause.

Hon. G. J. G. W. MILES: I intend to oppose the proposed subclause. I believe in one head of a department and, after what we have heard of the Conservator, he seems to be the right man in the right place. The responsibility should therefore be placed on his shoulders. I would oppose a board of three. It is better to have one head and pay him a decent salary.

Amendment put and negatived.

Hon. J. CORNELL: I intend to vote against the clause. In the various departments of the State, with the exception of the Railways, officers are appointed under the Public Service Act and now we are going to depart from that course. Now is the time to say whether or not we shall go any further than has been done in the past. It has taken 15 years to find out that it is necessary in another department to confer upon it the same powers as are conferred upon the Railway Department. If it is the policy of the Government to further extend the functions and control of the departments of the State, I shall probably know where I am. The step we are taking is a negation of Government and governmental institutions as we know them, and we cannot have in any well ordered community departments performing functions of State on two totally different bases. The issue is clear. If we vote for the deletion of the clause the Committee will be of the opinion that it is not necessary to re-enact a procedure that was tried in the Railway Department 14 or 15 years ago, but that it is necessary to continue governmental control under lines which have been laid down for so long. Let us strike out the clause and insert Mr. Sanderson's amendment, and in that way stick to the old order of things. If we leave the clause as it stands, we embark on an innovation. What I want to know is whether the Government are of the opinion that the system of departmental control, as we know it, has outlived its usefulness, and whether we must depart from it and embark on a policy of less Ministerial control and more government by Commissioner.

The COLONIAL SECRETARY: It is not correct to say that only in the Railway Act is the course which is proposed followed. The provisions of the Public Service Act are almost identical with those put forward in the Bill before hon. members. The term of the appointment, the conditions of reappointment, and the same appropriation of salary appear in that Statute.

Hon. J. CORNELL: I do not think it can be said that there is any analogy whatever between the Public Service Act and a measure like the one we have before us.

Clause, as amended, put and passed.

Clause 9—agreed to.

Clause 10—Salary of Conservator:

Hon. J. CORNELL: I move an amendment—

That in line 1 of Subclause 2 the words "is hereby charged" be struck out and "shall be an annual charge" inserted in lieu.

The Conservator will be appointed for seven years and if his salary is permanently appropriated Parliament will have very little say. Wherever possible the salaries of our public servants should be open to review by Parliament. The clause

as it stands would prevent that. It is a question of whether or not the salary of the Conservator shall be debated on the annual Estimates in another place. In the interests of all concerned I think it should be.

THE COLONIAL SECRETARY: There is no innovation whatever in the clause as it stands. It follows the usual course when appointments are made covering a period of years. Not only is it in the Railway Act, but it is in the Public Service Act also. In the New South Wales Forestry Act the provision is of a similar nature. Amendment put and negatived.

Hon. H. STEWART: We have heard a good deal about the Conservator and his salary. Should I be in order in offering some remarks?

THE CHAIRMAN: Any remarks relevant to the clause will be in order.

Hon. H. STEWART: When members talk of largely increasing the salary of an officer who has not been long in the service they should bear in mind that we have many other valuable officers, and that it would not be right to unduly increase the salary of one without considering the claims of others. Having looked through the Conservator's file, I may say I have found nothing whatever against that officer. It speaks well for the Conservator that, coming here 21 months ago without any knowledge of local conditions, he has carried on up to the present without giving rise to adverse criticism. The Conservator was appointed at £576, rising to £756. He took up his duties on the 25th March, 1916. His age is only 33, and to-day he is drawing £802, rising to £1,020. Considering his successful record and the opportunities he has in the Government service, I do not see any occasion for making recommendations that his salary shall be largely increased. I think it is sufficient to leave it in the hands of the Government, trusting that they will not lose the services of a promising officer.

THE COLONIAL SECRETARY: It is only right that I should correct a statement which the hon. member has made, and which would lead one to believe that the Conservator had been very rapidly advanced in salary. As a matter of fact, the Conservator was appointed in the first instance at £756.

Hon. H. STEWART: The mistake was mine. In a rapid perusal of the file I overlooked the correct version. I still wish to point out that the maximum of this officer's salary has been raised to £1,020.

Clause put and passed.

Clause 11—Suspension and removal of Conservator:

Hon. J. CORNELL: I move an amendment—

That Subclauses 2, 3, 4, and 5 be struck out.

In the event of Cabinet deciding to suspend this officer it is preposterous that Cabinet should afterwards have to submit to Parliament the question of his suspension.

THE COLONIAL SECRETARY: I can see no objection to giving the Conservator the small amount of protection provided in these sub-clauses. The same protection is given to the Public Service Commissioner. The New South Wales Act, in regard to the Conservator, requires a resolution to be passed by both Houses of Parliament before he can be suspended.

Hon. H. CARSON: I hope the hon. member will withdraw his amendment. The subclauses constitute a very good provision. Only a short time ago we lost one of the most valuable officers of the public service by the action of a Minister—I refer to Dr. Steward.

Hon. J. CORNELL: I am not too keen on the amendment myself. But I say that if this provision is good for the Conservator and for the Public Service Commissioner it is good also for other responsible officers of the public service. The differentiation is not justified. I hope that the Committee will either strike out the subclauses, or else obtain the Colonial Secretary's assurance that other officers will receive similar protection.

Hon. R. J. LYNN: I hope the subclauses will be struck out, if only to save time in the future. Suppose a Conservator was suspended and the suspension approved by another place; then a resolution of this House disapproving of the suspension would have no effect whatever. A demand for the reinstatement of a suspended Conservator would amount to a vote of want of confidence in the Government.

Amendment put and negatived.

Clause put and passed.

Clauses 12, 13, 14—agreed to.

Clause 15—Qualification of officers of the general division:

Hon. J. CORNELL: On behalf of Mr. Kirwan, I move an amendment—

That the words "unless such person is an applicant for promotion" be struck out.

Clause 15 is governed by Clause 14, and the effect of Clause 15 is that no person now in the employ of the Forestry Department, unless he holds a diploma, shall be eligible for promotion to the professional division of the department. If suitable facilities were extended to those non-professional officers, they could probably qualify as professional officers but such facilities do not exist in Western Australia to-day. Until the institution of such facilities, therefore, the non-professional officers would be absolutely debarred from promotion to the professional division.

THE COLONIAL SECRETARY: I fail to connect the hon. member's remarks with the amendment. The clause under discussion relates to the general division, and not to the professional division. I think it would be very undesirable to adopt the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 16, 17, 18—agreed to.

Clause 19—Classification of forest lands:

Hon. J. CORNELL: I move an amendment—

That in subclause 1, line 1, after the word "shall" there be inserted "with the approval of the Minister."

I feel that the powers of the Conservator right through the piece are to be very great, and the object of my amendment is that there shall be in Parliament somebody whom we can call to account for the acts of the Conservator.

THE COLONIAL SECRETARY: I see no objection to the amendment.

Hon. J. J. Holmes: Does the amendment mean anything? If it means nothing, I do not object to it.

THE COLONIAL SECRETARY: The Minister has already approved of the classification being done, and the work is almost completed.

Hon. H. MILLINGTON: Although the Minister takes no exception to the amendment, it occurs to me that if we insert these words "with the approval of the Minister" in certain clauses, it might be implied that where they are not inserted the Conservator has an entirely free hand. Under Clause 8 the Conservator is directly responsible to the Minister, and I should say that

everything the Conservator does must be with the approval of the Minister.

Amendment put and passed.

Hon. A. SANDERSON: What is the object of inserting this clause at all? There is nothing to prevent the Minister, or to prevent me or anybody else, from making a classification of the lands of this country. The clause is quite unnecessary. The Minister tells us that the classification is already done.

The Colonial Secretary: Not done, but in hand.

Hon. A. SANDERSON: The Government know they can make the classification without this clause at all.

The COLONIAL SECRETARY: The object of the clause is that the following clause gives power of dedication of Crown lands to State forests. Clause 19 provides the conditions which must obtain before the dedication is made.

Hon. A. SANDERSON: The matter is not worth going into, but I do not think that is the position at all.

Clause, as amended, agreed to.

Clause 20—Dedication of State forests:

Hon. A. SANDERSON: Undoubtedly this is an important clause. I am now seeking to look after the interests of the settlers and the roads boards; and as regards State forests on Crown lands I wish to know whether an opportunity will be given to the public and to members of Parliament, before anything definite is done, to say whether an area is going to be reserved or not. I would like to instance a case which has occurred in my district. After 17 or 18 years of ceaseless agitation we have at last had thrown open a block of land which was reserved by the Water Supply Department. This blocking up of the land has kept back the district by at least 25 per cent. of its settlers, and a corresponding amount of development. I object to officials and Ministers, when members of Parliament have no idea of what they are doing, blocking up these lands, for when they are blocked up we cannot have them reopened. It will be under this clause that this danger will occur.

The COLONIAL SECRETARY: Under the processes provided for in this Bill it was found that the land referred to by the hon. member need not be blocked up further, and it was therefore thrown open. It is this very process therefore which has got him out of his trouble. In the following clause it is provided that a resolution of both Houses of Parliament may cancel the dedication of a reserve.

Hon. A. SANDERSON: I am not satisfied with the answer. I am told that I have to thank this process of classification for removing the embargo on the land I have mentioned. The explanation is not quite a full and accurate one. Let anyone attempt to get a resolution through both houses of Parliament. I have been trying the whole session to get through this House, one motion which the Colonial Secretary refers to as an abstract motion. Country members will, I think, have reason to regret it if this clause is allowed to go through.

Hon. E. ROSE: In the South-West there are many gulleys which contain good agricultural land, and which the settlers desire to take up for agricultural purposes. There should be some proviso in the Bill to allow land, that is suitable for agriculture but which has no timber upon it, to be thrown open.

The COLONIAL SECRETARY: This clause is intended to make provision that no agricultural

land shall be included in a State forest. Even if a block is dedicated as a State forest, and there is agricultural land in it, it can still be excluded.

Clause put and passed.

Clause 21—Revocation of dedication:

Hon. A. SANDERSON: I move an amendment—

That in paragraph (b) the word "both" be struck out and "either" be inserted in lieu.

I am not satisfied with what the Colonial Secretary has told us. I think this enthusiastic Minister, and this enthusiastic expert, will provide some fun for the people in connection with this forestry business. Unless we have something like this in, the power that these people have will be enormous. Instead of attending to law, why is the Attorney General dabbling in tiles and trees, and other things, about which he knows practically nothing? The Colonial Secretary himself once pointed out how important it was that, as both Houses of Parliament have to pass a Bill, it should require both Houses of Parliament to interfere with it subsequently in any way.

The COLONIAL SECRETARY: The procedure proposed in this clause is the same as that which applies to all reserves. For instance, both Houses of Parliament must alter the purposes of a Class "A" reserve.

Hon. R. J. LYNN: I hope the Committee will pass the amendment. A year or two ago the leader of the House would have taken grave exception to this, had it been introduced by the late Colonial Secretary. It absolutely destroys the powers of this Chamber. We have a cynical few who are only too pleased when it suits them to allow a clause like this to be passed. I am of opinion that either House should be able to object to the revocation of the dedication of these lands.

The COLONIAL SECRETARY: It would be less surprising to me if the amendment of Mr. Sanderson had been introduced in another place. Both the New South Wales and Victorian Acts provide that both Houses of Parliament shall pass any resolution in this respect. The intention in every case is to protect forest reserves.

Hon. A. SANDERSON: My purpose is to protect the people. What is the good of trees if we have not the population to use them? We want people in this country and not a lot of trees sticking out of the ground. The essence of the contract is people. Look at the position the country is in? Here is a clause cunningly drafted which states "both Houses of Parliament" and "may." I want to see "either House of Parliament" and "shall." This is one of the results of the war. The officials who have been in power see what a magnificent thing it is to have regulations and be able to run the country, and we have stood it without a murmur. But if they think we are going to stand this tomfoolery for a moment longer they are wrong. I am here to protect the interests of certain people and I am going to do so. If we are going to have experts and an incompetent Government, we will have in Australia what we see in Europe now. We cannot take away from Australia, without dangerous explosions from the people, the power which all men and women know they have.

Hon. J. DUFFELL: I almost have to pinch myself to realise that I am awake after listening to the remarks of my colleague in regard to the question of both Houses. The idea has always been that we should retain at least some say so far as vital matters pertaining to the government of the State are concerned. But here it seems

to me, unless I have not heard aright, that hon. members are prepared now to do away with the power of this House. Suppose, for argument's sake, that another House was in favour of a revocation, and we said we were not in favour of it. Because the other House was in favour of it, it would be carried. I am in favour of retaining a say in such a matter as that and of retaining the principle involved in this question that both Houses shall have a say as to whether a matter shall be revoked or otherwise.

Hon. H. CARSON: What would be the position if one House passed a resolution to revoke a dedication and the other did not permit the revocation?

The COLONIAL SECRETARY: The position would be under the Bill that the reserve would stand. Under the amendment as proposed by Mr. Sanderson, if one House said that the reserve should stand and the other House said it should be revoked, then the reserve would be revoked.

Hon. J. E. DODD: I really think it is inadvisable to do anything further until Mr. Sanderson can get the Bill recommitment and propose the amendment which stands in his name on the Notice Paper.

Hon. J. J. HOLMES: This Bill will have to be passed by both Houses. Surely it should follow that if we want to repeal anything both Houses should approve, and so far as I am concerned, I think that in passing legislation or repealing legislation both Houses should approve. With regard to the word "shall" I will admit that the Governor means Governor-in-Council, but I have yet to learn that the Governor not only has to sign the document but that anyone has the power to tell the Governor that he shall do this or that. "May" in this instance, in my opinion, means "shall."

Amendment put and negatived.

Hon. A. SANDERSON: I would suggest that "shall" should be inserted in lieu of "may," and I therefore move an amendment—

That in line 4 of paragraph (b) the word "may" be struck out and "shall" inserted in lieu.

Hon. J. NICHOLSON: I support the amendment. In the Interpretation Act a certain definition was given to the words "may" and "shall." It is an innovation so far as our State is concerned and we must not forget that where we insert in a clause such as this a word which is clearly permissive, and which by the Interpretation Act is permissive, then we must safeguard our rights. Our rights would not be safeguarded because, although both Houses passed this resolution, the result would be that it would be permissible for the Governor-in-Council either to revoke or not to revoke the dedication.

The COLONIAL SECRETARY: I am a good deal impressed by the contention of Mr. Nicholson. Only a few weeks ago it was competent to contend that "may" meant "shall" and a great deal of confusion arose in consequence. In the Interpretation Act we removed any possibility of confusion by saying that "may" meant that power might or might not be exercised, whereas "shall" meant that it should be exercised. I would agree to this amendment if it were not for the fact that I think it is rather unusual to say that the Governor shall do certain things, but I notice in another paragraph it is provided that the Governor shall do certain things, so that really I do not see any harm in the amendment.

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

Clause 22—Purchase or resumption of land:

Hon. R. J. LYNN: I propose to ask the Committee to amend this clause so as to provide, in connection with the purchase or resumption of land, that it should be done subject to the consent of Parliament. I move an amendment—

That in the first line the words "under the Public Works Act" be struck out and "subject to the consent of Parliament" be inserted in lieu.

In asking that this amendment be agreed to, I do so in order that Parliament may have an opportunity of having a say respecting the purchase, the acquiring or the resumption of any land or property for the purposes of the Bill. It was intended under the Public Works Act, 1902, that where authority is given for the purchase or resumption, that such purchases or resumptions, and apply only to water supplies, catchment areas, the construction of railways, or for the resumption of land in connection with harbour works. In this Clause we give the Government power to commit the State to a very large expenditure in any direction respecting the purchase or acquiring of any land. I do not think we should agree to that. It should be subject to the consent of Parliament.

The COLONIAL SECRETARY: I should prefer the amendment if the words were inserted in addition to those which it is proposed to strike out. There is no desire to do anything in the way of purchase without the consent of Parliament, but I think the machinery provided under the Public Works Act might very well be allowed to remain. In the financial clauses it is contemplated that purchase or resumption shall be approved by Parliament.

Hon. R. J. LYNN: That meets with my wishes. I will withdraw my amendment.

Amendment by leave withdrawn.

Hon. R. J. LYNN: I move an amendment—

That after "Governor" in line 1, the words "subject to the consent of Parliament" be inserted.

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

Clause 23—Exchange of land:

Hon. R. J. LYNN: I have the same objection to this. I move an amendment—

That after "Governor" in line 1, the words "subject to the consent of Parliament" be inserted.

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

Clause 24—Howing of railway sleepers within State forests prohibited:

Hon. H. MILLINGTON: I move an amendment—

That all words after "after" in line 1 of paragraph (a) be struck out, and "such area has been cut over for sawmilling purposes or" be inserted in lieu.

Briefly my reason for the amendment is that there appears to have been consent on the part of another place that provision should be made for at least those hewers who enlisted in the A.I.F. and have returned, or will return, to resume their avocation. This provision was inserted with that object. My contention is that it does not achieve that object. The Conservator himself, if he strictly carried out the terms of the provision, would not have power to grant the permit until all the timber on the area suitable for sawmilling purposes had been felled. The amendment is a reasonable one.

The COLONIAL SECRETARY: A moment's consideration will show the great danger of the amendment. Who is to decide when the area has been cut over for sawmilling purposes? Only last evening I gave an illustration. At present there are approximately 1½ million acres of forest cut over by the large mills, and practically the whole of that area is sought after by the small mills. After the big mill has cut out and abandoned an area, a small mill, as I showed last night, can get off that area supplies to keep it going for eight years. If the amendment is carried, who is to say when the area has been cut over?

Hon. J. F. ALLEN: On the second reading the Minister, in answer to my query, said that this question of hewing applied only to State forests, and not to timber reserves. That is clear in the Bill. The Colonial Secretary told us there are three million acres of forest lands covered by the Bill, and that something like half of that area is alienated by the concessions and permits. If that is so, I should like to know whether the three million acres referred to covers only the State forests or whether it includes both State forests and timber reserves. Also I should like to know whether the restriction on the hewers applies to timber reserves, or does it apply only to State forests?

The COLONIAL SECRETARY: The three million acres include both State forests and timber reserves.

Hon. J. F. Allen: About what proportion is there in each?

The COLONIAL SECRETARY: I cannot answer that, because the classification is not yet complete. Hewing will be permitted in timber reserves, but, if the amendment is carried, not in State forests, except under the conditions set out.

Hon. A. SANDERSON: Will the amendment sufficiently protect the interests of the hewers? That is the point in which I am concerned. It is unquestionable that hewing operations must be brought under regulation. Will the hewers be satisfied if they get this amendment? I for one should like to put their position on a satisfactory basis. Has the mover of the amendment consulted with the hewers, and is he able to state that they will be satisfied with the amendment? I hope the Colonial Secretary and Mr. Millington will be able to agree in this matter. Certainly, we must prevent the shameful waste which in the past has occurred in the forests. But if we seriously interfere with the people, they do not talk—they simply clear out of the country.

Hon. J. EWING: I am not at all clear as to what area of timber country exists in Western Australia to-day. Is it a fact that we have 3,000,000 acres of timber lands all told, including concessions, leases and permits, and also forests now under the jurisdiction of the department? I understand that 1,480,000 acres of timber lands is already alienated; so that the Conservator has only about 1½ million acres to control. I realise the seriousness of the position; but, though I wish to protect the forests, there is no use in giving the hewer something that is of no value whatever. This subclause, if passed, is going to make the hewer's calling an impracticable one to follow. We know that the present Conservator is utterly against any hewing operations whatever. He says it is injudicious to permit any hewing at all. Most assuredly, under this clause there will be very little remunerative work for the hewer returning from the war. I agree with the Minister that there must be some supervision in the forest.

The whole matter is one for consultation between the Government and the Conservator, and to permit of that this clause might be postponed. Otherwise, I feel inclined to support Mr. Millington's somewhat bald amendment. I agree with Mr. Sanderson that these men have largely assisted to build up the timber industry, and that they are splendid men.

Hon. J. CORNELL: This Bill brings the hewer to the parting of the ways. The Conservator regards hewing as a wasteful method of timber conversion, and as one that does not tend towards the most effective conservation of our timber reserves. In the interests of forestry, he considers the hewer must go. This clause really gives the hewer nothing, and if he is to go, it would be manlier and more honest to tell him straight out to go at once, than to let him die a lingering death. Unquestionably, the hewers section of this community deserves consideration. If the Committee agree that the present status of the timber hewer should be maintained, my vote will go in that direction, irrespective of the Conservator's views; and in that case there will be no need to provide in this Bill special consideration for the hewer returning from active service.

Hon. H. MILLINGTON: In reply to Mr. Sanderson, I have to say that I have consulted the representatives of the hewers, and that I learn from them that the hewers consider their interests are not sufficiently protected by the Bill. Indeed, after careful perusal of this particular provision, the representatives of the hewers are satisfied that those interests are not protected in any way whatever. I defy anybody to read into this clause any guarantee that a hewer, even if he has followed that calling prior to the war, is to be allowed to continue in that avocation. The Colonial Secretary wants to know the object of the amendment. I admit it is difficult to grasp the meaning of the words standing by themselves, but they represent only a proviso. For their full meaning, I refer the Colonial Secretary to the preceding clause. If my amendment is carried, hewing would still be subject to that clause, and also subject to regulations. At present, it is practically mandatory on the Conservator not to permit the hewing of sleepers on an area until he has definitely satisfied himself that all millable timber has been removed from it. It would be easy to provide by regulation under what conditions the hewer should be allowed to cut. However, if my amendment is carried there will be a possibility of the hewer getting some timber. Knowing the Conservator's views on the subject of hewing, I say that under the clause as it stands the hewer will certainly not be allowed to cut at all. The Conservator has said that the hewer must go; and, if the Conservator is to be allowed to carry out that policy, I hope no hewer will be allowed to remain under the impression that he is to have an opportunity of hewing in this State. I desire to emphasise that if there is one man we should not play fast and loose with, it is the returned soldier. I will not agree to anything which will lead returned soldiers to believe that provision is being made for them, when the provision on which they relied distinctly states they will not be allowed to follow their avocation.

Hon. J. J. HOLMES: It is necessary to carefully consider this clause. I am not prepared to give the Conservator power to exclude returned soldiers who were hewers before going to the war. It is generally agreed that the men who went to

the war to protect our interests here should come back to their old callings, if they so desire. The Conservator should be compelled to allow these men to come back into the forests which have been cut out, and resume their work where they left it off. I should make this apply to hewers who had joined the A.I.F. and had gone to the war.

Hon. J. Ewing: And to rejects.

Hon. J. J. HOLMES: That might be so, too. If the clause is not amended these men will be in the hands of the Conservator, who has only to say that there is no area suitable and these men will have to take on some other occupation.

Hon. H. STEWART: The amendment proposed will not safeguard the position. There is no doubt as to the opinion of the Committee, namely, that any man who has served in the A.I.F. should be able to follow hewing again if he wants to, if connected with that occupation before. The only hewing provided here is hewing in the State forests. Until there is some land dedicated as a State forest, there is no place where a hewer can operate. Is a hewer to be allowed to operate in the State forest, apart from leases or concessions? How are the Government going to find a place which has already been milled over in a State forest, upon which under the permission of the Conservator the hewers will be allowed to operate? If the Conservator, as the clause reads, cannot give the hewers we refer to an opportunity of cutting, he is not properly filling his position. If it is for the Conservator to define what timber is suitable for milling purposes. The amendment is, therefore, unnecessary. I do not see that the hewer is adequately provided for.

The COLONIAL SECRETARY: I appreciate the difficulty of the position. If it were easy to reconcile the interests of the hewer with the interests of the forest, we should have no trouble at all, but the dual interests cannot be reconciled. There seems to be an impression that the objection to hewing is simply an objection on the part of the Conservator. I have a letter here, written by the Acting Inspector General of Forests in 1914. Although he was not a forest expert, he had a good deal of experience in his office and no doubt knew more than the ordinary layman of what had been going on. He says—

There is still a very large body of hewers cutting on Crown lands for Millars, Lewis & Reid, the Hewers' Society, the Timber Corporation, The Kauri Co., etc., etc., these companies having too much regard for the timber on their leases or permit areas to allow hewers on to them in virgin bush to destroy 75 per cent. of the timber. I may mention in this connection that for the last 15 years I have been trying not to prohibit hewers but to keep them out of the virgin bush, and restrict them to the so-called "cut out" bush. Influence of one kind or another has, however, been too much for me, and to-day, next to the selector, more injury is caused to our forests by hewers than by anyone else. As regards the block system, this was tried years ago on the so-called Lucknow Concession and proved an utter failure. As soon as the hewers had cut the pick of the timber on the first block, they said it was cut out and brought such influence to bear, political and otherwise, that block after block was thrown open to them, in spite of all my efforts, and the block system became a perfect farce. Later on, even within the last 18 months, the block system was again tried along the Marradong Road, amongst the Government

hewers, but there it was even a greater failure than at Lucknow, as the hewers, knowing the Public Works Department was pushed for sleepers, had hardly started on a block before they said it was cut out and insisted that they could not get the sleepers on the block for the price given, and clamoured for fresh bush, which they got in every instance, in spite of my protests. Hewers as a body have an insatiable desire for new bush, as they can make better money in it with less labour, and it seems impossible to keep them out of it.

The hewer is perhaps in the greatest danger. Under a previous clause it has been arranged that an extension of leases and concessions may be granted. The clause says—

The Governor may extend the term of a concession or lease subject to payment, during the period of such extension, in lieu of the rent thereby reserved, of a royalty on all timber acquired at the prescribed rate of royalty under this Act for timber acquired under permits.

If the holders of concessions take advantage of this extension during the period of the extension, they will be paying in royalties a very much greater sum than under ordinary circumstances. Unless some provision is made to protect, as is proposed here, these forests against being cut out by the hewer, it will be to the advantage of a holder of a concession to abandon all idea of extending his concession, and rush as many men as possible into the virgin forest and cut it out within the period of his lease, greatly to the loss of the State. Men who left this occupation to go to the war must not, when they come back, find themselves in a worse position in regard to their industry than when they went away. I do not see a way out of the difficulty. In a situation like this, it is for us to think the matter over, and I should be glad, therefore, if some member would move that this clause be considered after Clause 74.

Hon. G. J. G. W. MILES: I move—

That consideration of Clause 24 be postponed.

Motion put and passed.

Sitting suspended from 6.15 till 7.30 p.m.

Clauses 25 to 28—agreed to.

Clause 29—Existing holdings in State forests and timber reserves:

The COLONIAL SECRETARY: I move an amendment—

That in line 3, after the word "any," the words "concession, permit" be inserted.

The clause will then read "the dedication of land as a State forest or the reservation of land as a timber reserve shall not, except as in this Act provided, affect any concession, permit, lease or license, etc." The object is to make it quite clear that permits and concessions are included.

Amendment put and passed; the Clause as amended agreed to.

Clause 30—agreed to.

Clause 31—Working plans:

Hon. J. CORNELL: On behalf of Mr. Kirwan I move an amendment—

That in Subclause 4 the words "and shall not be altered except on the recommendation of the Conservator" be struck out.

The subclause as it stands goes too far. If the Conservator has submitted plans, those plans are to have the approval of the Governor-in-Council, and if the Governor-in-Council does not agree with them, the Conservator shall be called

in and the Governor-in-Council can confer with him.

The COLONIAL SECRETARY: I hope the amendment will not be agreed to, because it is one of the essential features of the Bill for the purpose of preserving a continuity of forest policy. The working plan referred to is a definite written scheme laying down all the operations necessary in a given area of forest. Every detail of the work of a given area of forest is supposed to be set out in these plans. These plans, it is intended, shall have the whole force of law behind them and shall be altered only on the recommendation of the Conservator. It is important that that in future should be preserved. If such plans are to be chopped and changed about without reference to the Conservator, we will entirely destroy the continuity of the forest policy.

Hon. R. J. LYNN: I hope the amendment will be carried. It appears to me that the Conservator will have absolute power to hold up the work of the forests altogether under this clause. If the Governor refuses to approve of a working plan, and between the Minister controlling the department and the Conservator a difference of opinion exists, this clause is mandatory and there shall not be an alteration except on the recommendation of the Conservator. That gives him absolute power to control the Governor in Council.

Hon. H. STEWART: May I ask the Colonial Secretary whether a deadlock would arise if the Governor would not approve of the working plan submitted, and the Conservator was not prepared to recommend an alteration that the Governor might think necessary?

Hon. J. CORNELL: I am prepared to meet the leader of the House half way by altering my amendment and moving another to merely strike out the words "except on the recommendation" and insert "without reference." That would preserve the power of the Conservator.

Amendment put and a division taken with the following result—

Ayes	4
Noes	10
Majority against ...	6

AYES.

Hon. J. P. Allen	Hon. J. Cunningham
Hon. J. Cornell	(Teller.)
Hon. R. J. Lynn	

NOES.

Hon. H. Carson	Hon. E. Rose
Hon. H. P. Colebatch	Hon. H. J. Saunders
Hon. J. Ewing	Hon. H. Stewart
Hon. V. Hamersley	Hon. C. McKenzie
Hon. J. Mills	(Teller.)
Hon. J. Nicholson	

Amendment thus negatived.

Hon. R. J. LYNN: I move an amendment—

That in line 3 of Subclause 4 the words "except on the recommendation of" be struck out with a view to inserting "without reference to." If this is agreed to it will mean that in the event of any conflict of opinion the Conservator will have referred to him any suggestions of the Government. Under the clause as it stands, if any such conflicts should arise between the Conservator and the Government on a question of policy, the Conservator would have absolute control. It is not in the interests of good govern-

ment that the Conservator should have such power. It is placing the administration of the Act exclusively in the hands of the Conservator without any reference to the Government.

The COLONIAL SECRETARY: I submit that in effect the amendment now proposed is the same as that which the Committee has just negatived. Obviously nothing would be done without reference to the Conservator. So seriously is this matter of the working plans regarded that recently, in France, when because of war conditions it became necessary to disturb the working plans of the forests, it could only be done by Act of Parliament. To set up a condition of affairs under which the working plans can be lightly altered would be to destroy the purpose of the Bill.

Hon. J. F. ALLEN: I should like to remind the Colonial Secretary that we are not in France. We are not in a country of a small area held by a large population. We are a handful of people holding one-third of a continent. Our forests are estimated at three million acres, but that probably refers to the prime forest, for in my opinion we have much more than three million acres of forest country. There is a danger in the clause as it stands. Certain concessions are granted to large companies which will not be affected by the Bill for many years to come. Those companies can turn out their products in the future at the old price, but any new companies can be hampered by conditions laid down by the Conservator, conditions which would make it impossible for them to live alongside the old corporations. I admit that the old corporations have done good work for the State; but it has paid them to do it, and they are to-day in a position to supply the markets of the world at prices with which no new company could compete. The provisions of the Bill make it possible for the Conservator to assist the big companies to exploit the public even more than has been done in the past. The existing corporations have an honourable understanding to fix the price of their commodities, and I have seen our timbers sold abroad at prices less than those charged within the State. The powers given in the clause are truly remarkable. The Conservator can control all the output of forest products. The regulations will be framed by him, and in the hands of an unscrupulous man these regulations could be turned to great advantage. It is probable that we are over-estimating the value of the industry. One would imagine that this is the most vitally important measure ever placed before us. We are preparing a Bill to give the Conservator power to produce crops which will arrive at fruition in 80 years' time. How is it possible for us to estimate the value of those crops? Under the Bill the Consolidated Revenue will be materially affected for many years to come, and the question is, can we afford it? I will support the amendment.

The COLONIAL SECRETARY: I have no doubt the hon. member's arguments, which could be more appropriately used in a second reading speech directed against the Bill, are largely founded on his estimate of the forest area, which he has suggested is far in excess of three million acres. The chances are it will be found that the area is far less than three million acres. The classification of the jarrah area is nearly complete, and it shows that there is only 1½ million acres of this timber.

Hon. R. J. LYNN: The leader of the House says the area of our timber lands will come down

to 10 acres unless we take steps to conserve. But that is my very point, that we are not taking steps to conserve. We are merely giving full powers to the Conservator.

Hon. J. EWING : With the leader of the House, I realise that there is but a comparatively small area of timber lands in Western Australia. Three million acres may be a considerable over-estimate. Although I am prepared to grant these powers to the Conservator, I consider Mr. Lynn's amendment very fair, since under this Bill the Conservator will have full control of the timber trade of Western Australia. I want the Government to impress upon the Conservator the necessity for maintaining our timber trade. He ought not to stress the factor of conservation too much. The Bill makes the Conservator the absolute dictator of the quantity of timber to be cut annually outside concessions, leaseholds, and permits already granted. But the timber people of the South-West are looking forward to exporting large quantities of their products for structural purposes to the countries devastated by the war. We should extend our timber trade as much as possible in the interests of the present generation.

Hon. J. F. ALLEN : I should like to remove any impression which may possibly have been created that I discount the value of an expert's opinion. Apart from forestry, however, there are people who know more about certain matters than the Conservator knows. The question before us is, which is best in the interests of the State—not in those of the forests or in those of the timber trade—to utilise our forests now, or to conserve them? That is not a question for the Conservator's decision. Yet this clause leaves it in a large measure to his discretion.

Hon. A. SANDERSON : I am in some doubt whether to support the amendment, because I remember—though what Mr. Lynn said is good so far as it goes—Mr. Dodd's suggestion made before tea that, as we are going to hand over the whole industry to the Conservator, why quibble about comparative trifles? We have already decided to postpone one clause, and I understand from Mr. Kirwan that another clause is to be postponed. I shall always support the leader of the House as regards the conduct of business; but if we are going to discuss this Bill thoroughly, what is to become of all the other measures on the Notice Paper? In order that the Committee should come to a wise decision on this amendment, I should like to listen to a much longer discussion on it. Should the amendment go to a division I shall, though with some hesitation, feel inclined to support the leader of the House.

Hon. J. CORNELL : In supporting the amendment, I desire to further one object only, and that is the limiting of another innovation. The main objection of the leader of the House to the amendment is that it will interfere with continuity of policy. But Mr. Allen has pointed out that the clause may possibly militate against the State's trade in timber. Czar-like powers have not been conferred on any official in respect of the coal mining industry. I would just as ardently oppose the granting of such powers in respect of that industry, or of the gold-mining industry. I hope the Colonial Secretary will agree that the proposal is a reasonable one. I trust I shall not be thought to be infringing the rights of the Chamber.

The CHAIRMAN : The hon. member seems to be in doubt as to the Standing Orders on the subject, and I will read to him Standing Order No. 398—

The President or the Chairman of Committees may call the attention of the Council or the Committee, as the case may be, to continued irrelevance or tedious repetition on the part of any member, and may direct such member to discontinue his speech : Provided that such member shall have the right to require that the Question whether he be further heard be put, and thereupon such Question shall be put without debate.

Hon. J. CORNELL : Will you be good enough, Sir, having reminded me of the Standing Order, to place an interpretation upon it and apply it to me?

Amendment put and negatived.

Clause put and passed.

Clause 32—Permits and licenses :

The COLONIAL SECRETARY : I move an amendment—

That Subclause 3 be struck out.

There is no doubt this subclause was inserted in error. There was apparently a confusion in the mind of the member in another place who proposed it and in the mind of the Minister who accepted it. This confusion was in regard to the distinction between license and registration certificates. In those parts of the country where the Forestry Department has officers to control the cutting, the licensing system has been done away with, and an annual registration certificate is all that is required. This is obviously a sound system, for it is inequitable to charge a royalty and at the same time charge a license fee. The department should get its revenue from the royalties, and all it requires is a knowledge of the names and addresses of the men working in the bush. In those parts of the country where the Forestry Department has no rangers, or perhaps one covering a vast area, it is quite impossible to control the cutting or collect the revenue on a royalty basis, and all the State can do in the way of obtaining some compensation for the value of the timber cut is to charge a license fee. The scale of charges for licenses under the present regulations is as follows:—Firewood license 1s. per month per man, mining timber 2s. 6d., sandalwood 1s., charcoal burners 1s., mallet bark strippers 5s., kingia grass 5s., grass tree 5s., blackboy 5s., zamia 5s. With the exception of sandalwood, there is no royalty collected on any of these forest products. To limit the fee to 2s. 6d. per annum will result in a loss of revenue to the State of probably some £500, and there is no occasion for it at all: hence my amendment.

Hon. J. Cornell : How far will the elimination of this clause be likely to interfere with the hewers?

The COLONIAL SECRETARY : Not at all; the hewers fee is 2s. 6d. a year.

Hon. J. Cornell : And that will be maintained?

The COLONIAL SECRETARY : Yes.

Hon. R. J. LYNN : We have heard a good deal respecting the value of the timber assets. I notice that the license fee which is charged is 1s. for the sandalwood getter, whereas it is 5s. for mallet bark, the most expensive wood we have.

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

Clauses 33 to 39—agreed to.

Clause 40—Grant of forest leases :

Hon. J. F. ALLEN : I move—

That in Subclause 2 the words "or sooner determination" be struck out.

Before dealing with this, I should like to refer to the Colonial Secretary having twitted me with making a second reading speech in Committee.

The CHAIRMAN: Does the hon. member wish to make a personal explanation?

Hon. J. F. ALLEN: Yes. I have always endeavoured to spare my words as much as possible. I do not think I can be accused of wasting the time of hon. members by speaking unduly on any question. I always feel that the proper place to speak on the clauses of a Bill is in Committee. If I desired to get a certain amount of kudos for my actions in Parliament I should probably make second reading speeches, have them recorded in "Hansard" and repeat them in Committee, and so get myself well advertised, like some members in this Chamber do. I did not express myself on the various clauses of the Bill on the second reading, but reserved to myself the right to speak upon them in Committee. The reason why I have moved the deletion of these words is, that we have always held in this Chamber that a certain amount of permanency of tenure should be given to those who take up any settlement in this State. This clause deals with the granting of forest leases. Those people who took them up have incurred certain expenditure, and have done certain works which may be of a more or less permanent nature. If a man knows that he can get no compensation he will not do anything like as substantial a job as he would do if he knew that he had a certain length of tenure. If a lessee is suddenly removed from his lease he should be entitled to a certain amount of compensation. In the interests of the class of improvements that would be made by the lessees. I think these words should be struck out.

The COLONIAL SECRETARY: I have no objection to the amendment. In my remarks concerning Mr. Allen I did not refer to the length of his speech, but to the fact that the speech seemed to be so hostile to the Bill.

Hon. J. NICHOLSON: I think that the words are of some importance. On the expiration of a lease, if these words are struck out, the clause will provide that no compensation shall be payable to the lessee, on the expiration thereof, for any of his improvements. Leases sometimes are terminated before the ordinary term of expiration. I am sure Mr. Allen would be the first to recognise the importance of the words. In the event of the lessee failing to carry out the covenants of the lease, or the lease being determined, then the effect of the words would be that if no improvements had been effected on the land no compensation would be payable, which is only right. I think it would be unwise to strike out the words.

The COLONIAL SECRETARY: I hesitate to venture an opinion contrary to that of our legal advisor, but after having gone into the matter thoroughly it seems to me that if a lease is given, and the party holding the lease fails to carry out his part of the obligation, such as to pay rent, no clause in the Bill is needed to say that he shall not be compensated for the improvements. I take it this is what is meant. There is justice in Mr. Allen's contention, that if for any reason we desired to step in before the determination of the period fixed for a lease and dispossess a man, then it is right we should give compensation.

Hon. J. F. ALLEN: The conditions of the lease would be carried out in reference to the land itself. If the conditions of the lease were not maintained the lessee would pay the penalty without compensation. I read it as the Colonial Secretary interprets it. Under the circumstances it would be wise to delete the words.

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

Clause 41—Revenue to be paid into Treasury: The COLONIAL SECRETARY: I agreed with Mr. Kirwan to postpone the consideration of this clause until after postponed Clause 24 had been dealt with. I move —

That the consideration of the clause be postponed.

Motion put and passed.

Clause 42—Annual report:

Hon. A. SANDERSON: Can we put in some stipulation in this clause which will ensure that the report is presented. The importance of this seems to me to be very considerable and without wearying hon. members I would refer them to several pages in Hutchins' work dealing with the question of annual reports. Can anything be suggested by which we can assure the presentation of these reports? We are handing over the whole bag of tricks to the Conservator, just as we have handed over the wheat business to the Wheat Board and the trading concerns to the Government. If we are going to understand the position of affairs, then something should be put in the clause by which there will be a hook on the salary of the Conservator or even of the Minister, if we do not get the report presented in the proper time. I want a penalty to be imposed so as to ensure the presentation of the report. I regard these reports as just as vital as I regard reports which I get from the societies to which I belong or the companies in which I may have capital invested. The date mentioned in the clause is the 30th September, but let us make it the 31st December and be sure that we get it on that date. Then I can enter in my diary "report of the Conservator due." If the report is not presented on that date the Minister or the Conservator should be fined.

The COLONIAL SECRETARY: I sympathise with the object of the hon. member, and the imposition of a penalty appeals to me since I am not the Minister concerned. I am anxious that these reports should be prepared promptly and that they should be a little less lengthy than they have been in the past.

Hon. A. SANDERSON: I just want to read a few lines from Hutchins' work on the importance of the presentation of annual reports of forestry—

The yearly forest report is to the Forest Department of more importance than to most Government Departments, since most forest work runs on, continuously, for many years before its value can be gauged and a record of its progress made. The annual forest report should contain a clear record of all forest work. And we are told now that although we are handing over these enormous powers to the Conservator that even the leader of the House with his knowledge and experience of Government matters cannot suggest how we who are going to pay the bill can have any control over the report.

Clause put and passed.

Clauses 43, 44, 45—agreed to.

Clause 46—Penalty for unlawfully lighting fires:

Hon. A. SANDERSON: I have just made a most interesting discovery. This provision is taken from New South Wales. Let me inform the Committee that in the New South Wales Parliament the Standing Orders were suspended and the whole of this part of the Bill was put through in about seven minutes.

Hon. J. CORNELL: We have now come to a part of the Bill which may be likened to a vene-

mous insect with a sting in its tail. We already have an Act relating to bush fires and the period during which they may be lighted. I commend this particular clause to members representing agricultural districts. This provision prohibits the lighting of a fire on which to boil a billy in a State forest or timber reserve. The clause should go no farther than prohibiting the lighting of fires at certain periods of the year.

The COLONIAL SECRETARY: The hon. member is needlessly alarmed. The offence does not lie in doing either of the things mentioned in paragraphs (a) and (b). The offence is not created unless there is a result. All that a person lighting a fire needs to do is to take proper precautions to see that no damage to the forest results.

Hon. H. MILLINGTON: In view of what the Minister has said, I do not see any objection to the clause.

The COLONIAL SECRETARY: Members must understand that it is not an offence to light a fire or even to leave a fire alight without due precautions. It only becomes an offence when the forest is injured or in danger of being injured as the result of the fire.

Clause put and passed.

Clause 47—A forest officer may call for assistance to extinguish fires:

Hon. J. CORNELL: I agree with Subclauses 1 and 2, but I object to Subclause 3, which provides that any person failing without reasonable excuse to respond to a call shall be guilty of a forest offence. For this, presumably, the offender will be liable to arrest. It is a power open to abuse.

The COLONIAL SECRETARY: There is no question of arrest in connection with this. All that could happen to the offender would be that he be prosecuted before a justice of the peace.

Hon. A. SANDERSON: What kind of tomfoolery is this?

The CHAIRMAN: The hon. member must not allude to the proceedings of the Committee as tomfoolery.

Hon. A. SANDERSON: I am not referring to the proceedings of the Committee, but to this tomfool proposal. We are to authorise a forest officer to call upon some person to assist in putting out a fire! Of course, the forest officer can call upon anybody to do anything; he can call the spirits from the vasty deep; but will they come when he calls? It means that we are to have in an Act of Parliament a clause which will permit of an officer calling upon someone to help him put out a fire. Whoever drafted this provision does not understand the spirit of the people in the bush. The only thing that would prevent them from rendering assistance would be the existence of a provision like this. The clause is an insult to the people living in the timber districts.

Hon. H. Stewart: Move for its deletion, and I will support it.

Hon. A. SANDERSON: What is the use? We have financial Bills coming on and that is where I am going to spread myself. I only want to get this old Bill out of the way. No one is going to take any notice of it; everybody will go on just as before.

Hon. R. J. LYNN: Clause 59 gives the solace that no person shall be punished twice for the same offence.

Hon. H. STEWART: I move an amendment—

That Subclass 3 be struck out.

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

Clause 48—agreed to.

Clause 49—Unlawful occupation of forest land:
Hon. J. F. ALLEN: Would this clause prevent the shooting of wild dogs for instance in forest lands? Would a permit be necessary for that purpose?

The COLONIAL SECRETARY: I do not think any permit would be required for such a purpose.

Clause put and passed.

Clause 50—agreed to.

Clause 51—Unlawful possession of forest produce:

Hon. A. SANDERSON: The term "forest produce" includes practically all our flora, and also, bees, honey, and beeswax. If one comes along a road in the vicinity of a State forest with honey or creepers or blackboy gum in one's hand, one is guilty of another forest offence. Trees are frequently cut down in the bush for the purpose of obtaining honey. Probably not the slightest notice will ever be taken of this clause, which is in some respects, utterly ridiculous.

Clause put and passed.

Clause 52—agreed to.

Clause 53—General penalty:

The COLONIAL SECRETARY: I move an amendment—

That the following subclause be added:—

"(2) The minimum pecuniary penalty for any forest offence shall be one-twentieth of the maximum, and no court shall have power to reduce such minimum."

The subclause was in the Bill as originally introduced. One-twentieth represents a very small proportion of the maximum. The object is to prevent courts from imposing utterly nominal penalties.

Amendment put and passed.

The COLONIAL SECRETARY: I move a further amendment—

That the following subclause be added:—

"(3) In any proceedings taken against any person for a forest offence, an averment contained in the complaint that the act complained of was done without lawful authority shall be deemed to be proved in the absence of proof to the contrary."

This subclause embodies a principle to which I object very strongly unless there is good reason for it, namely, placing the onus of proof on the defendant. However, any person setting up as a defence that he had authority to do a thing, should be called upon to produce that authority.

Hon. J. EWING: Suppose a license is lost, and the defendant is unable to produce it? Is a record of all licenses kept by the department? I consider the clause rather objectionable.

Hon. A. SANDERSON: The sponsor of this Bill, the Attorney General, knows mighty little about forestry, but presumably knows something about law. He is using his legal knowledge to protect his pet subject. He is a very enthusiastic but ignorant person, a very dangerous person to have about the place. He does know, however, how to put in these legal clauses which are going to help him. Undoubtedly, the Attorney General understands how to get the utmost out of an Act of Parliament in order to protect his hobby. I hope the Committee will reject the clause, because it is quite unnecessary. To import into this Bill a legal principle like this, which the Chief Justice of the High Court says is most objectionable, is ridiculous.

Hon. H. MILLINGTON: I also object to the making of this measure more stringent than it is. If appears that we shall have thousands of bush

lawyers, and it will not be safe for a man to go into the bush without a copy of the Bill in his pocket. It is most objectionable to place the onus on the accused person in this way.

Hon. J. NICHOLSON: I am opposed to the amendment. I do not think any offences under the Forestry Bill are of sufficient importance to justify the inclusion of such a power as this, and I hope it will be rejected.

Amendment put and negatived.

Clause as previously amended, put and passed.

Clauses 54, 55—agreed to.

Clause 56—Forest officers may arrest persons:

Hon. A. SANDERSON: I hope this clause will be rejected. To fight these unsophisticated people in this forest country is a perfect outrage. They are not frightened of tackling the country, but they are frightened of these Government officials who are making the position intolerable. I am not going to allow my neighbours to be frightened. We must not make a fetish of the forestry business. Our primary object should be to look after the people, and if we pass a clause like this we shall only frighten them.

The COLONIAL SECRETARY: Some members are under the impression that this is a new proposal. It is nothing of the kind. The existing law is stronger than this. The forest officers have power to arrest under the present Land Act—not the limited power given under this clause. Under the Land Act any officer of the department of Lands and Surveys may, without warrant, apprehend any person found committing any breach of the Act or the regulations under it, and any such person shall be taken before a justice of the peace to be dealt with according to the law. This clause only gives power to arrest in the case of a person refusing to give his name, and so forth.

Hon. J. EWING: The Act quoted by the Minister refers, I think, to the removal of survey marks. I support Mr. Sanderson. It is improper that these indignities should be placed upon the people. If they do commit these acts it is easy for the forest officer to trace them and bring them to court in the proper way.

Hon. H. MILLINGTON: I think the Bill constitutes a record for manufacturing offences. This is a most obnoxious clause. We hardly realise the number of offences we have provided for already. A great many of these offences will be committed in ignorance, and I fail to see why the forest officers should have greater powers than even a policeman, and, indeed, should be clothed with the power of a magistrate.

Hon. H. STEWART: People who are dealt with under these circumstances are people who may offend unintentionally. I once cut out a number of fruit trees, when it appeared afterwards that I could not have been called upon to pay the license fee upon them.

Hon. J. CORNELL: I move an amendment—

That in line 4 of Subclause 1, all the words after "residence" be struck out.

It may be that the Committee will not decide to delete the whole of the clause, but it may decide to make it less drastic.

The COLONIAL SECRETARY: I have no objection to the amendment.

Amendment put and passed.

Hon. J. CORNELL: I move a further amendment—

That in line 2 of Subclause 2 the words "without unnecessary delay" be struck out, and

"within 48 hours of such arrest" be inserted in lieu.

The COLONIAL SECRETARY: It is very improbable that the forest officer would keep a person longer than he could help, and in any case it might be impossible to get to the nearest justice within that period.

Amendment put and passed.

Clause as amended put and negatived.

Clauses 57 to 64—agreed to.

Clause 65—Unbranded cattle the property of the Crown:

Hon. J. MILLS: I cannot see the necessity for this clause, because the Brands Act provides for cases of this kind. It provides that all cattle above the age of six months are the property of the Crown if they are unbranded.

Clause put and negatived.

Clause 66—Protection of officers:

Hon. H. MILLINGTON: This is an objectionable clause also.

The Colonial Secretary: Surely not, now that you have struck out the other?

Hon. H. MILLINGTON: I want to know why the officers should not be made to feel their responsibility? If they are not to take the responsibility, who is? Will the department take it?

Hon. A. SANDERSON: Why should these officers be put into a specially protected position? We are all liable if we commit an offence. Why not these officers?

The COLONIAL SECRETARY: It is necessary to afford the officers protection in carrying out their duties. This is not a novel provision. It is contained in the Plant Diseases Act, 1914.

Hon. A. SANDERSON: If that is a justification for the clause, it is an extra reason for throwing it out.

Clause put and negatived.

Clause 67—Export of certain timber prohibited except under permit:

Hon. A. SANDERSON: I am sorry that Mr. Kirwan is not here, because he drew attention to this clause. The points raised were in connection with the Commonwealth powers. It is a matter of some importance, but I am not able to tell the Committee with any authority what the position of affairs would be.

The COLONIAL SECRETARY: I referred at some length to this matter when replying last evening.

Clause put and passed.

Clauses 68, 69—agreed to.

Clause 70—Timber on roads:

Hon. A. SANDERSON: I am opposed to this clause and I feel convinced I will have the support of all the roads boards in the country. I shall see that nothing is done, without a protest, to interfere with the powers of the roads boards, who have been very scurvily treated and who, speaking generally, are doing most admirable work without fee or reward, except the satisfaction they have that the roads in their districts are a credit to their areas. An attempt was made on a previous occasion to bring forward legislation which would hand over to the Forestry Department all powers which roads boards have at present over their rights. Under this Bill the roads within the State forests and timber reserves and other roads shall be deemed to be Crown lands. Notwithstanding Section 145 of the Roads Act the timber thereon shall not vest in the part of the road district in which such roads are situated. I have been informed that there are certain boards in this country that are taking advantage of the powers

and privileges they possess in order to get a certain amount of revenues. Let me put it this way: Certain boards are using their powers to obtain revenue from people who want timber. I do not say that it is a legitimate use of their powers, but in view of their deplorable financial position it is not surprising. I trust the Committee will reject the clause, for we do not want this dual control over the roads.

Hon. E. ROSE: I support the remarks of the hon. member. The clause will fall heavily on the roads boards of the South-West. Those boards are very short of funds, are, in fact, scarcely able to keep their roads in repair, and if they can dispose of the timber along the roads, they should be permitted to do so.

The COLONIAL SECRETARY: The sole object of the clause is to prevent the wanton destruction of trees along the roadside.

Hon. A. SANDERSON: The roads boards can look after that.

The COLONIAL SECRETARY: But do they? Is it not a fact that some of them have ringbarked the trees along the roadsides? Many of the roads boards have, in this way, destroyed the trees on the roads. A proviso gives ample opportunity for the roads boards to get all the timber they want for their own purposes. The clause has been introduced because in certain cases roads boards have not looked after the trees on the roadsides, but have permitted them to be destroyed.

Hon. A. SANDERSON: The roads boards are doing uncommonly good work. The board in my district have planted trees on practically bare rock. It is a credit to them. The work of the roads board in Kalamunda compares very favourably with that of the Railway Department and also of the Federal Post Office authorities. Apparently, the idea underlying the clause is to make roads boards picturesque and æsthetic. The clause should be struck out.

Hon. H. STEWART: I cannot agree with the hon. member. I think that with the proviso the clause is deserving of support. The position is fully safeguarded. In many instances the roads boards have failed to look ahead and conserve timber for their future requirements.

Clause put and a division taken with the following result:—

Ayes	...	...	...	10
Noes	...	...	...	7
Majority for	...	...	...	3

AYES.

Hon. J. F. Allen	Hon. C. McKenzie
Hon. H. Briggs	Hon. H. Millington
Hon. H. P. Colebatch	Hon. H. Stewart
Hon. J. Cornell	Hon. H. J. Saunders
Hon. J. Cunningham	(Teller.)
Hon. J. J. Holmes	

NOES.

Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Sanderson
Hon. R. J. Lynn	Hon. J. Mills
Hon. N. Nicholson	(Teller.)

Clause thus passed.

Clause 71—Rights-of-way over alienated land within forests:

Hon. J. EWING: Does this clause apply to land alienated subsequent to the passing of the measure, or only to land alienated prior to the passing of the measure?

The COLONIAL SECRETARY: The clause cannot possibly apply to land alienated before the passing of this Bill.

Hon. V. HAMERSLEY: Would the holders of conditional purchase leases now in process of alienation come under this clause?

The COLONIAL SECRETARY: No. There are C.P. leases which have been granted in those areas, and which specifically state that they are subject to these conditions. But in the case of other conditional purchase leases this clause would not apply.

Hon. J. EWING: In the original grant one-twentieth of the area is reserved to the Crown for the purpose of making roads, but this clause provides for many other purposes, none of which obtains under the Land Act. Would these other conditions apply to land already alienated or now in process of alienation?

The Colonial Secretary: Absolutely not.

Hon. H. STEWART: But how are conditional purchase holders protected whose holdings are in process of alienation?

The COLONIAL SECRETARY: It is not necessary to protect them. Their rights cannot be taken away without its being done specifically.

Hon. J. J. HOLMES: The words "conditional purchase" in themselves are sufficient protection. The purchase is conditional upon certain conditions, and the conditions in this clause do not form part of those conditions, and cannot be made to form part of them.

Hon. R. J. LYNN: But an Act of Parliament can do anything.

The COLONIAL SECRETARY: I quite agree that Parliament might do anything, but we are not now doing what is here suggested.

Clause put and passed.

Clause 72—Increased value of areas of land planted with forest trees shall not be taxed:

Hon. A. SANDERSON: This is rather an interesting clause. A similar provision is contained in the Victorian Act, standing as Section 54. It certainly takes away the rights of local governing bodies.

The Colonial Secretary: But do not all the roads boards rate on the unimproved value?

Hon. A. SANDERSON: No; and the question of rating on unimproved values is a very vexed question indeed in the Darling Range district. The clause seems a kind of bonus for the planting of trees, and in that respect I consider it very good.

Clause put and passed.

Clause 73—Arbor Day:

Hon. R. J. LYNN: Will arbor day be proclaimed a public holiday?

The COLONIAL SECRETARY: No. The Bill as originally drafted provided that arbor day should be a holiday in all public schools. That provision was very properly struck out in the Assembly, because to make the day a public holiday would be to defeat its purpose. Now the children will assemble on arbor day as usual, and spend half the day in the planting of trees.

Hon. A. SANDERSON: This may become a highly advantageous provision by inducing the people to take an interest in the planting and growth of trees. However, the clause is not of the slightest value in this Bill. It is entirely unnecessary. The matter should be left to the Education Department; or possibly it is a matter for the Forest League. We shall have different arbor days in different parts of the country.

The Colonial Secretary: Quite so.

Hon. A. SANDERSON: Then the clause is stupid as well as unnecessary. I suppose the Colonial Secretary thinks there must be different arbor days in different parts of the State.

The Colonial Secretary: Not that there must be, but that there will be.

Hon. A. SANDERSON: If the clause passes, I intend to see that the Minister does set apart a day and enforces planting on that day. The less the department has to do with arbor day the better under present conditions.

The COLONIAL SECRETARY: I hope the Committee will not strike out the clause. The trees are all provided by the Forestry Department, and surely it is wise that the department should set apart a day in the season of the year best suited to the district.

Hon. A. Sanderson: What if the trees do not arrive at their destination?

The COLONIAL SECRETARY: That will be the fault of the Forestry Department.

Hon. A. Sanderson: It will be the fault of the Railway Department.

Clause put and passed.

Clause 74—agreed to.

[The Deputy President resumed the Chair.]

Progress reported.

BILLS (3)—RECEIVED FROM THE ASSEMBLY.

1, Discharged Soldiers Settlement.

2, Agricultural Lands Purchase Act Amendment.

3, Church of England Diocesan Trustees and Lands.

Read a first time.

BILL—VERMIN.

Assembly's Message.

Message received from the Legislative Assembly notifying that it had agreed to amendments Nos. 6, 9 to 18, 20 to 31, 33, 36, and 41 made by the Legislative Council, but had not agreed to amendments Nos. 1 to 4, 7, 8, 19, 32, 34 and 35, for the reasons set forth in the schedule.

House adjourned at 10:22 p.m.

Legislative Assembly,

Thursday, 5th December, 1918.

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

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

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Message.

Message from the Governor received and read recommending the Bill.

BILL—WATER BOARDS ACT AMENDMENT.

Introduced by the Minister for Works and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. BROUN (for Mr. Thomson), leave of absence for one month granted to the member for Albany (Mr. H. Robinson) on the ground of ill health.

BILLS (3)—THIRD READING.

1, Discharged Soldiers Settlement.

2, Agricultural Lands Purchase Act Amendment.

3, Church of England Diocesan Trustees and Lands.

Transmitted to the Legislative Council.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Report of Committee adopted.

BILL—NAVIGATION ACT AMENDMENT.

Second Reading.

Hon. R. H. UNDERWOOD (Honorary Minister—Pilbara) [4.45]: In moving the second reading said: This is a small Bill. It has been found necessary to amend the Act of 1904, because in certain cases it did not apply as it was intended it should apply. It was about 14 years before we were faced with a case similar to that of the stranding of the schooner "Geraldton." The practice has been to hold preliminary inquiries. In fact it is almost always necessary to hold an inquiry in case of any accident to a vessel and for the harbour master to go aboard such vessel. In the case of the "Geraldton," objection was taken to this and, when the legal position was inquired into, it was found that there was no power under the Act to allow him to go aboard. This Bill is merely to remove that fault in the previous Act. The other clauses are in operation in other countries and it is that any officer or engineer, whose certificate is to be questioned, or who is called upon to show cause why his certificate should not be cancelled or suspended, has to be supplied with the evidence taken at the preliminary inquiry. It is not necessary to say anything further in regard to the Bill. I move—

That the Bill be now read a second time.

Hon. P. COLLIER (Boulder) [4.47]: For a period of 14 years in the Eastern States it has not been even necessary to hold a preliminary inquiry.

Hon. R. H. Underwood (Honorary Minister): They have never struck any objection before.

Hon. P. COLLIER: Then they have been holding preliminary inquiries.