

experiment. We are very short of softwoods, and if there is one place on earth where a well behaved prisoner can be given a chance, it is in the open country, where he would be engaged planting trees. I notice that a number of softwood trees have been planted in King's Park, and when a member of the board I was informed that they are likely to become very profitable. We might make such an experiment on the prisoners, and the experiment might prove to be of some use to the State as well as to the prisoners themselves. In regard to the appointment of a woman on the council, I believe the Government will see their way clear to agreeing to such appointment, or, if not to the appointment of a woman for general purposes, that they will agree to the appointment of a woman to the council when the council is dealing with women prisoners. There is another point upon which I would like to be clear, namely, the provision in 64L, which says that this part of the Act shall apply to persons undergoing preventive detention. I would like to be certain whether or not that can be construed into meaning that persons who may be under detention because they are suffering from venereal diseases—

The Colonial Secretary: No.

Hon. J. E. DODD: I am glad to have that assurance. I do not know that there is much else in the Bill to be dealt with, except in Committee. I trust that some good will result from the passing of the Bill.

Hon. J. W. KIRWAN (South) [5.52]: The Government are to be congratulated upon the Bill. It is an attempt to achieve what has been the ideal of prison reformers, namely, that a prison should be not so much a place of punishment as a place of improvement for the individual imprisoned.

Hon. Sir E. H. Wittenoom: You mean a pleasure resort?

Hon. J. W. KIRWAN: No, I mean a place from which a man emerges a better man than when he was interned, a place of reformation, in which a man will learn to become a better citizen. I think that is the object the Government have in view in introducing the Bill, and it is unquestionably a very worthy object. There are, of course, many details in connection with the Bill which might be discussed on the second reading. As with most other Bills it is entirely a question of administration. Mr. Duffell seemed to find fault with the formation of a board. To my mind the success of the proposed board will entirely depend upon its personnel. There is one aspect of the present system which I think is worthy of attention—it has been referred to by Mr. Dodd—namely setting the prisoners at some useful work. According to the report of the Prisons Department for 1917, the total amount expended on the upkeep of prisoners was £19,854. Against that expenditure may be set off the value of the remunerative work performed by the prisoners, namely, £4,023. That means that the average value of remunerative work performed by each prisoner was £15 5s. But the cost of maintaining each prisoner is £75 12s. 2d. It seems to me that some work could be provided for the prisoners which would result in a higher average value of remunerative work than £15 5s. Of course

some prisoners are in for only a short time, while others are in for a long time; but no matter how the figures for 1917 may be examined, even when the figures for individual prisons be taken into account, prisons at Fremantle, Rottneest, Roebourne, Broome, and other centres, still the average value of the remunerative work done by each prisoner is very low indeed and forms but a very small percentage of the cost of maintenance. It would not be too much to ask that the prison system should be so altered that at any rate each prisoner would be able to maintain himself, and perhaps earn a little over and above, so that when he leaves the prison he should have something with which to make a fresh start in life.

Hon. Sir E. H. Wittenoom: That is the reformatory business.

Hon. J. W. KIRWAN: I do hope that under the Bill prisoners will be put to useful work to a much larger extent than is evidently now being done. Mr. Dodd has made a suggestion regarding tree planting. I am sure it must occur to all hon. members that there is a number of other directions in which prisoners might be employed without interference with the work of persons engaged in industries outside of prisons. This would not only help to reduce the cost of prisons—I consider that the prisons ought to be made self-supporting—but it would be beneficial to the prisoners themselves. There is nothing so beneficial as industry in the making of a useful citizen. I do not think it would call for any hard work, or any slave-driving, if we required a prisoner to earn at least £75 per annum, and a little over and above that, so that he might not leave the prison empty-handed.

On motion by Hon. Sir E. H. Wittenoom, debate adjourned.

House adjourned at 5.59 p.m.

Legislative Assembly,

Wednesday, 23rd October, 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—FORESTS.

In Committee.

Resumed from the 10th October; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Clause 10—Suspension and removal of Conservators:

Hon. W. C. ANGWIN: With regard to Sub-clause 2, it can be seen that the Conservator of Forests may be suspended from office by the Governor for certain offences. If he becomes bankrupt the Minister shall cause to be forthwith laid before Parliament a full statement of the grounds of suspension if Parliament is sitting, and if Parliament is not sitting, within seven days after the commencement of the next session, and he shall not be restored to office until Parliament has first dealt with the question. I cannot understand the necessity for a Minister inviting discussion on any action he may take if the Conservator is suspended on any of the grounds laid down in the clause. If any officer in the civil service has been suspended or dismissed, and we think he has been dealt with wrongly, there is no difficulty in getting a member of Parliament to take his case up. Indeed, there is no difficulty where a man has been dismissed on a serious charge laid against him, of getting this done. The difficulty we have to contend with is the protection of the Minister in a case of this description. The Minister will have difficulties enough without those that will be imposed upon him by these subclauses. I move an amendment—

That Subclauses 2 to 5 be struck out.

I move the amendment, as I have already stated, for the protection of the Minister, and for the purpose of giving the Minister a freer hand in dealing with the Conservator.

The ATTORNEY GENERAL: The Conservator of Forests is in a different position from that of the ordinary civil servant. The civil servant is hedged around with all kinds of rules and regulations and safeguards and appeals, and there is provision for having his case tried and re-tried until it may be said that the civil servant is thoroughly well entrenched in his position. With regard to an officer like the Commissioner of Railways or the Conservator of Forests, who has to decide in the event of the services of either being dispensed with at the whim of the Minister? The Minister may say that the officer has been guilty of misbehaviour, or that he is incompetent, whereas such would not be the case. Consequently these subclauses are placed in the Bill more for the protection of the officer than anything else. The officer would submit his grievance to the House and the matter could be debated. These provisions are not new; they are taken from the Railways Act of 1904.

Hon. W. C. Angwin: And they are in the Audit Act. But you should not make them apply to every tin-pot officer.

The ATTORNEY GENERAL: The hon. member is not right in referring to the Conservator of Forests as a tin-pot officer. The officer controlling the Forestry Department from a scientific point of view, is not a tin-pot officer.

Hon. W. C. Angwin: I did not refer to him; I said every tin-pot officer.

The ATTORNEY GENERAL: The subclauses amount to the fact that the officer can only be dismissed from his office for a

Hon. W. C. ANGWIN: There are other ways by which the Conservator or any other officer can bring his grievance before Parliament without the Minister inviting that officer to do so. It is becoming too common to bind a Minister hand and foot in regard to matters of this description. If the Minister has done an injury to an officer we can rest assured that the matter will not be allowed to drop because there is no special reference to it in an Act of Parliament. We have heard of inquiries and Royal Commissions in connection with dismissals of officers.

Mr. Nairn: They do not always do justice.

Hon. W. C. ANGWIN: Why should the Minister invite Parliament to take action? If an officer thinks he has a grievance he will readily enough bring it before Parliament, and there are any number of members who will be foolish enough to take up the matter. These subclauses are wrong, and should certainly not find a place in the Bill.

The Attorney General: Do you object to similar provisions in the Railways Act?

Hon. W. C. Angwin: I object to these provisions being in any Act.

THE MINISTER FOR WORKS: I am not so much concerned about the Minister in this matter, but I am concerned about the officer. Whoever is the officer concerned in this or any other Act who is to be at the mercy of the Minister and then at the mercy of Parliament, will have to consider very well what steps are taken. Suppose a position is vacant, are we going to get the best man, remembering as we do the history of the State in connection with public appointments, and particularly in connection with appointments in the Railway Department? The clause in question will stand in the way of our getting the best man. If such a clause is to be inserted it will require some provision to enable an officer to have his case properly dealt with. I contend the clause as it is does not give that power. It protects the Minister and Parliament, but the man assailed is left without protection. Except the Commissioner, there is not a man in the Railway Department who has not his right of appeal if charged with misbehaviour or incompetence. He goes to the appeal board, and from the appeal board he generally comes to members of Parliament; but the man responsible for the whole of this department, if charged with misbehaviour or incompetence has no appeal board except that of Parliament. Any man who takes this position will have to come into conflict with members of Parliament. If hon. members wish to be fair, they should refrain from interfering with this officer or any other officer of the same class. If at the present time the office of Conservator of Forests or any other similar position were vacant, and if the existence of this provision, together with the history of Western Australia, were known, we should not be likely to get the best man for the position. In any of the Australian States it will be found the same thing has occurred which occurred in this State. In one particular industry the name of Australia stinks, not only in America and

Mr. Nairn: How do you propose to protect the position?

The MINISTER FOR WORKS: I want hon. members to consider it. The Minister in charge of the Bill is quite as honest and as earnest as am I, and he knows better than I how to put this thing in legal form.

Hon. J. MITCHELL: The Conservator should have some protection. Under the clause he will get very little protection. Still, the clause provides some protection, because in face of it the Minister will hesitate to remove the Conservator. Most certainly there ought to be some tangible protection for that officer.

Hon. P. Collier: Could not we give him power to dismiss the Minister?

The Minister for Works: It might be better for the country at times.

Hon. J. MITCHELL: Certainly the Conservator should have the right of appeal.

Mr. NAIRN: I hope the subclauses will not be struck out unless others are provided to carry into effect the expressed view that the Conservator should have some protection. There is some protection in the subclauses, because the Minister who dismisses this officer will be criticised in Parliament. It is a more direct way of doing what the member for North-East Fremantle suggests should be done. This is an automatic method of bringing the matter before the House. In my opinion, where the Conservator is likely to strike trouble with his Minister is, not so much on a question of misbehaviour or incompetence, as in not carrying out the policy of the department; because there are so many varying interests particularly affecting members of Parliament. I am convinced that the majority of members will do what is right.

Hon. W. C. Angwin: The majority will always support the Minister.

Mr. NAIRN: Not necessarily. The Minister is likely to meet with most pressure from his own supporters, and for that reason he might reasonably expect to have the impartial judgment of the House. The member for North-East Fremantle referred to this office as a tin-pot one. In my view this is a very important office. In the course of time it will be second in importance to very few others in the State. This officer will control interests of the value of millions of pounds.

The Minister for Works: Can you see how the Conservator is to bring his case before Parliament?

Mr. NAIRN: I have said that if the subclauses be struck out we must have others in their place. Beyond the amendment to strike them out, nothing has been put forward.

Mr. TEESDALE: I do not think there is anything particularly objectionable in having precautions against the State being saddled with an officer who has misbehaved himself or who is incompetent. We should have ordinary precautions. In regard to his assigning of his salary or compounding with his creditors, I do not see what that has to do with either the Government or the House. If that officer, through unforeseen circumstances, has to compound with his creditors, is there anything disgraceful about that? Many a good man has done the same.

The CHAIRMAN: We are no longer dealing with that provision. We have passed it.

Mr. TEESDALE: But the Minister for Works dealt with it.

Hon. P. Collier: He is privileged.

Hon. W. C. ANGWIN: Hon. members fail to realise that the Conservator is working under an agreement, and that if he be unjustly dealt with he will have the protection of the courts of the State. Why should the Minister be compelled to lay his reasons on the Table of the House?

Mr. Nairn: Because it is a question of public policy.

Hon. W. C. ANGWIN: But that public policy always comes out, even in this House. Here is an invitation to the Minister to ask the House to discuss his actions. In my opinion it is wrong. We should have confidence in the Minister or, alternatively, should remove him. If the officer does something wrong, he must go out, and if he be unjustly dealt with he can appeal to the courts for damages.

The Minister for Works: The clause does not even provide for an inquiry.

Hon. W. C. ANGWIN: No, it means that the Minister must put his cards on the Table, and if Parliament decides that the officer must not be suspended, the Premier will rise and announce that he accepts it as a motion of want of confidence. What will be the result? The majority of members will say, "In that case we will support the action of the Minister." These subclauses are not required.

The MINISTER FOR WORKS: It is provided that the Conservator may be suspended from his office, but until the matter is brought before Parliament, the officer will know nothing more than that he has been suspended on a charge of misbehaviour or incompetence.

Mr. Teesdale: On a point of order. The Minister is again dealing with a phase of the subject which you would not allow me to address myself to.

The CHAIRMAN: That is quite right. We have already passed those provisions.

The MINISTER FOR WORKS: For the purpose of illustration I am quite justified in referring to any part of the clause.

Hon. T. Walker: You could not speak on these subclauses without making reference to the whole of the clause.

The MINISTER FOR WORKS: That is so. I am not concerned about the suspension of the officer. What I am concerned about is that when he is suspended he should have the ordinary rights of an ordinary officer, namely an inquiry, and should be given an opportunity of putting in his evidence. The provisions simply give power to suspend him, and the Minister shall forthwith lay before Parliament a full statement of the grounds of suspension. What comfort would that be to the officer suspended? Assume, for the sake of example, that we had—we never have had—a Minister who was a liar, saying one thing to the Conservator and quite another thing to Cabinet: such things have been known to occur in Utopia. Parliament is not doing right if it passes this clause without ensuring

that common justice shall be done to the officer occupying the position. The Bill provides that the Conservator, when suspended, shall not be restored to office unless Parliament within 40 days of the suspension declares that he shall be restored. A nice provision to make for the officer holding the position, and then to leave him to fight in the law courts for his rights. That was just how the late Richard Speight was ruined—through taking the word of members of the Victorian Parliament, who, later, all sold him. The probabilities are that, as the years go by, the operation of this clause may place some poor devil of a Conservator in an extremely awkward position.

The ATTORNEY GENERAL: The Minister in charge of the Bill, who now addresses the Committee, will say what the Government want. I recognise, of course, the value of what my colleague has said speaking from a railway point of view. It is all very well to say that these clauses referring to the Conservator are not good enough, but no better clauses have been suggested. I should be glad to have these provisions deleted if better ones were submitted, and am willing to recommit the clauses for that purpose. During the six years of the Conservator's term political pressure may so weigh on him that he may be induced to consider his wife and children rather than the policy of the high office he fills. I want the holder of that office to feel that he need consider nothing except the welfare of our forests and, generally, that of the State.

Mr. Pilkington: There must be power of restoration with the power of suspension.

The ATTORNEY GENERAL: Quite so. Let the clauses stand as they are, and, if necessary, they can be recommitted. As for the Minister, he can always take care of himself; he appeals in this Chamber to his masters.

Hon. W. C. Angwin: To his supporters.

The ATTORNEY GENERAL: The Conservator, however, can only look upon Parliament as an august tribunal to which he may appeal for justice, quite irrespective of party.

Hon. W. C. ANGWIN: The Attorney General has a knack of reading into Bills things that are not in them. If no member of Parliament takes up the case of a Conservator who has been suspended, that officer has no right of appeal, and can do nothing. Hon. members know very well that Government supporters are never going to turn down Ministers for the sake of such an officer. Government supporters will simply accept the statements of the Minister, which, no doubt, nine times out of ten will be correct. The Minister would hardly take the drastic step of suspension unless he had good grounds for doing so; since otherwise the Conservator could proceed in the law courts. I consider this a wrong clause to include in the measure.

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

Ayes	12
Noes	18

Majority against	..	6
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AYES.

Mr. Davies
Mr. Draper
Mr. Duff
Mr. Gardiner
Mr. Griffiths
Mr. Harrison
Mr. Hudson
Mr. Johnston
Mr. Lefroy
Mr. Maley

Mr. Mitchell
Mr. Money
Mr. Nairn
Mr. Pickering
Mr. Pilkington
Mr. R. T. Robinson
Mr. Underwood
Mr. Hardwick
(Teller.)

NOES.

Mr. Angwin
Mr. Brown
Mr. Chesson
Mr. Collier
Mr. Mullany
Mr. H. Robinson
Mr. Roche

Mr. Teesdale
Mr. Varyard
Mr. Walker
Mr. Wilcock
Mr. O'Loughlin
(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 11—agreed to.

Clause 12—Other Officer:

Hon. W. C. ANGWIN: According to paragraph (b), the Conservator may engage and dismiss casual employees.

The Attorney General: He does that now.

Hon. W. C. ANGWIN: The Governor may exempt from the provisions of the Bill any officer or class of officers. If it is necessary to repeal the Public Service Act, we should do it properly so that it may apply to all departments; it would give members an opportunity of discussing the matter. There are officers employed by the Government to-day who in 1906 were exempted under the Public Service Act, who have been suffering an injustice ever since. They were promised benefits under the Public Service Act which they have not received. The Minister can, if he so desires, take any officer and place him under the Conservator of Forests by this clause. I move—

That paragraph (b) be struck out.

The ATTORNEY GENERAL: This deals with exemption from the provisions of the Public Service Act any officer or class of officers. Forestry work differs from any other work and it may be necessary to take officers or a class of officers from outside the service and make separate rules, regulations and definitions in regard to their position, work and emoluments. The forestry service requires skilled men in some positions. Suppose the work of the department grew so that in years to come we might require an assistant conservator, a skilled assistant. If the Governor, acting on the advice of the Minister, thinks that an officer should be excluded from the Public Service Act, then this will enable such an officer to be so excluded. Forestry officers do not grow. It was 17 years before a skilled forestry officer was obtained by my friends opposite. It is a difficult matter to find skilled men. It is proposed in Western Australia to attempt to grow some of these men, to apprentice boys and train them so that in Western Australia we can fill these positions. I hope these boys will grow by the time they are required so that no outsiders will have to be asked to come in. We must provide for such cases in the Bill. If we find it necessary to

put officers such as the assistant Conservator, outside the Public Service Act, that can then be done. If the assistant Conservator came under the public service regulations and the Public Service Commissioner came to the conclusion that "X" employed in the Colonial Secretary's office, was a fit person to fill the position, the Commissioner could put him there.

Hon. P. COLLIER: But you would not agree.

The ATTORNEY GENERAL: No, but the Public Service Commissioner is pretty supreme. I want the Bill to say that that officer shall not come under the Public Service Commissioner.

Hon. J. MITCHELL: The Public Service Commissioner cannot appoint against the wishes of the Minister. The Attorney General has asked members to believe that the Public Service Commissioner can take an officer from any department and make him assistant to Mr. Lane-Poole. Nothing of the kind can be done. The Attorney General is deliberately attempting to mislead members; he will have complete control of the appointment. I think all civil servants should be under the Public Service Commissioner. The Education Department, and the Railway Department are exempted; it is wrong. There can be no possible reason for the inclusion of this clause. If the Minister wishes to exempt the Conservator or assistant Conservator, let him say so, but there is no reason to place the officers of the Forestry Department in a different position from officers of other departments. The Public Service Commissioner at present deals with engineers, medical men and especially skilled persons.

The Attorney General: I know, but we wish to keep the best men.

Hon. J. MITCHELL: I hope the Committee will not agree to the proposal. The Public Service Act ought to be respected. It is a very good Act both for the State and for the service.

Amendment put and negatived.

Clause put and passed.

Clause 13—Qualification of officers of the professional division:

Mr. PICKERING: What provision is to be made for qualifying in this State? There is no forestry college in Western Australia, and the clause says distinctly that no person shall be appointed or promoted to an office in the professional division unless he has obtained a degree or diploma of a forestry school. Does that mean that the Minister will provide a sum of money to allow officers to go elsewhere to qualify?

The ATTORNEY GENERAL: There are certain officers in the Forestry Department, in the professional division, which can only be filled by foresters. There are no properly qualified foresters who have been trained in a school, unfortunately. Up to the present time in Western Australia there has been no means of giving technical education to foresters, but there is a school of that class being established in New South Wales and Western Australian boys will be provided by the department with means, if they wish, to be trained professionally there. I am a thorough believer in Western Australians filling Western Australian appointments, and in our own boys filling the

jobs in the Forestry Department which will come along in the future. In the meantime, until either we have a forestry school of our own here or we train the men in New South Wales, we shall have to be content, if we want an assistant Conservator, to receive one trained in a forest school in another country.

Clause put and passed.

Clause 14—Qualifications of officers of the general division:

Hon. J. MITCHELL: How many men are permanently employed in the department, who would not have to pass an examination? I understand that most of them are temporary officers. Would this clause refer to inspectors?

The ATTORNEY GENERAL: All the present inspectors are permanent men, and are not being interfered with.

Clause put and passed.

Clause 15—Training of forest officers:

Mr. PICKERING: Is the Minister prepared to insert a clause providing for the establishment of scholarships for those persons included in Clause 13?

The ATTORNEY GENERAL: I do not like to answer the question in the affirmative at the moment. The department has in contemplation the formation of scholarships, which will enable these boys to proceed to the forest school in New South Wales. Boys can get a certain amount of training here, but the technical side of it can only be given in a school of forestry, and if the boys cannot go to New South Wales all our other training would be unavailing. I hope to be able to introduce such scholarships.

Clause put and passed.

Clause 16—Forest officers not to trade in timber:

Mr. PICKERING: I move an amendment—

That the following proviso be added:—

"Provided that any officer, being the holder of a pastoral lease at the commencement of this Act, may acquire and hold a forest lease in lieu thereof under Section 27."

It is quite possible for a forest ranger to have an interest in a grazing lease. Such a grazing lease would be of great importance to him. It seems to me that a forest ranger holding a pastoral lease in this territory must give it up at once under this Bill. If that is so, it will be an injustice.

The ATTORNEY GENERAL: I would not be inclined to object to this if there were any officers in the department holding such leases, but I am assured there are none. If any officer has such a holding it will be protected for him. It is desirable that for the future no forest officer should have any commercial interests in either timber or a forest lease. He cannot do his duty if he is going to be mixed up in the concern himself. There is no intention of doing an injustice to any member of the department.

Mr. PICKERING: I certainly think we should have the assurance of the Minister that any officer holding such a lease will be protected. Quite recently an officer of the department held a lease which he obtained from his grandfather.

The Attorney General: He transferred it to one of his brothers.

Mr. PICKERING: I think I must persist in the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 17—agreed to.

Clause 18—Classification of forest lands:

Mr. O'LOGHLEN: I realise that a classification of forest lands is necessary in order to obtain accurate stocktaking of our timber resources. How is the money being provided for the classification that is now going on, and from what vote is it proposed to take it for the more extensive classification which will take place in the future? I understand from the department that the classification will be completed in 12 months. This will cost a fairly large amount of money. The Bill provides that half the revenue from the department is to be allocated for the purpose of reforestation, and I understand that is entirely distinct from the classification. Money therefore has to be found for this classification. From what source will it come?

Hon. W. C. Angwin: Do you think there will be any revenue when the Bill is passed? There will be no one to cut timber under it.

Mr. O'LOGHLEN: I do not think many people will desire to take up timber areas under the Bill, but the existing concerns will provide the stream of revenue which they provided in years past.

The ATTORNEY GENERAL: The classification is for the purpose of the demarcation of State forests, and the money being used is loan money. It has always been so. The classification of the forests is proceeding, and the greater part of the jarrah belt has now been classified. When the work is finished there will be a conference between the permanent head of the Lands Department and the permanent head of the Forests Department, and the officers who have been doing the classification. A plan will then be drawn up, upon which it will be definitely laid down what land may be dedicated to State forests and what land may be sold and dealt with in the ordinary way.

Mr. O'LOGHLEN: What is the approximate cost of the classification, and the estimated cost of completing it?

The ATTORNEY GENERAL: I will give the information to the hon. member before the Bill passes.

Hon. J. MITCHELL: What is the area to which this clause is likely to apply? We have heard that this measure applies to jarrah, karri, tuart, and wandoo or white gum and other timbers. As a matter of fact it refers to the whole State, and puts the Conservator in control of all lands of the State.

The Attorney General: Where there is forest land.

Hon. J. MITCHELL: What does "forest land" mean?

Mr. O'LOGHLEN: Virgin forest.

Hon. J. MITCHELL: If this clause passes, the Conservator, with the Minister, will be

able to shut up any portion of the State where there is any growing timber.

Mr. O'LOGHLEN: The Conservator would hardly make himself ridiculous by issuing regulations covering areas where there is no marketable timber.

Hon. J. MITCHELL: What does the clause mean?

The Attorney General: Forest lands only are classified.

Hon. J. MITCHELL: But what are "forest lands"?

The Attorney General: The karri and jarrah lands only.

Mr. O'LOGHLEN: That is understood.

Hon. J. MITCHELL: Would sandalwood be included?

Mr. O'LOGHLEN: No.

The Attorney General: The clause has a plain English meaning.

Hon. J. MITCHELL: The Minister should let the Committee know exactly what is intended to be done under the clause.

The ATTORNEY GENERAL: Most of the white gum, we know, grows on land other than the forest lands. The best of the wandoo, I understand, grows on land belonging to the Midland Railway Company, which land is not the property of the State. The forest lands of Western Australia are mainly situated in the South-West, and consist principally of karri and jarrah. There is a little tuart on the coast, near the Preston River, and some more on a reserve. Most of the remainder of the tuart is on private holdings. I have no intention of saying, and it would be ludicrous to say, that private lands can be forest lands of the State. I am quite willing to give the Committee the whole of the information in my possession, and also time to digest that information.

Mr. Lambert: What about sandalwood?

The ATTORNEY GENERAL: Sandalwood can be dealt with only as individual trees. The sandalwood might be reserved as a tree. Discussion on that will arise under Clause 18. The word "forest" does not connote a tree, or a few trees; it means many trees. Under Subclause 2, the Conservator will have plans prepared of the land which is classified, and the plans are to show the quantity of timber growing, and those areas which produce marketable timber, and those that do not.

Hon. J. Mitchell: To show the quantity of timber on each acre will cost a good deal of money.

The ATTORNEY GENERAL: It is not shown in that way, but in the way exhibited by the plan hanging on the wall of this Chamber. The classification is not an expensive matter, being done pretty rapidly; but without the classification and demarcation of our timber area we should simply go on in the same haphazard manner as in previous years, with a continuance of the endless haggle between the Lands Department and the Forestry Department as to whether certain areas do or do not carry marketable timber, and whether certain areas are or are not suitable for agriculture. So far as I have heard, there has been no dispute between the Lands officers and the Forestry officers regarding demarcation of the

areas, because those areas speak for themselves.

Hon. J. MITCHELL: It is important that our timber lands should be dealt with properly, but it is also important that areas not carrying marketable timber should be open for selection. Some day we might see a plan reserving large areas of country for pine plantations. As a fact, not an acre of jarrah land in the South-West has been destroyed; it is all being regenerated. But under this measure it is not necessary that land should carry timber before it can be reserved and declared a State forest. The report of the Conservator says simply that all karri country must be reserved, and that there is very little good agricultural land inside the karri areas. But that is not so. If the Conservator proceeds on that assumption, he will be absolutely wrong.

The Attorney General: The Conservator is not making the classification.

Hon. J. MITCHELL: But he is having the classification made.

The Attorney General: No. The Conservator has appointed his officers, and the Minister for Lands has appointed his officers, to carry out that work.

Mr. O'Loughlen: The Conservator has the final decision, though.

Sitting suspended from 6.15 to 7.30 p.m.

Clause put and passed.

Clause 19—Dedication of State Forests:

Mr. DRAPER: I would like to have a definite assurance from the Minister with regard to the definition of "Crown lands." The way the Act stands at present, on an ordinary interpretation of it, any land, whether owned by the Crown or owned by a private individual in fee simple, can be declared to be a State forest. That is owing to the manner in which the definition of "Crown lands" has been drafted. That definition is most misleading. The Attorney General has postponed the consideration of the clause relating to definitions and he has proposed an amendment to this definition which does not in any way make clear the point I desire to emphasise. If the Attorney General will make it clear that "Crown lands" does not include any land that has been granted in fee simple, then my objection will have no force. It only requires the insertion of a few simple words when dealing with the clause relating to definitions. But I am entitled to ask for some assurance because the clause we are now considering is far-reaching; it is extremely important, having regard to the general scope of the Bill. One of the main things is to declare what is a State forest and to give the Conservator power over it. I am certain the House desires there shall be no doubt that the Conservator shall not have power to declare as part of a State forest, any land granted in fee simple to a private individual. When we are considering the construction of an Act of Parliament, stops, brackets, and marginal notes are of no importance. Therefore, it is vital when we are dealing with a Bill, that definitions should be couched in the plainest

possible language so that there may be no mistake.

Mr. O'LOUGHLIN: I am not quite satisfied that even the assurance of the Minister on this subject will satisfy the hon. member. I think it should be provided that before any action such as is proposed, is taken, Parliament should have an opportunity of considering the question. I realise that the greatest danger of the whole Bill is in this one clause because we are setting up the Conservator with great powers, and that officer, no matter how placed he may be to introduce innovations, this power to dedicate forests will be far reaching. It will hinge largely on Clause 22 referring to the exchange of land, but which at the present moment, I am not permitted to discuss. So far as it affects an important branch of the timber industry, it is possible in this case to absolutely deprive that branch of their calling, for the reason that it is set out in the first paragraph of the clause, "The Governor may by Order in Council dedicate as a State Forest any Crown land, including any area which may have been theretofore a timber reserve." We have discussed this matter for several hours already on other clauses, and I asked for an indication from the Conservator and the Minister as to what areas would constitute a State forest, and what areas would constitute State reserves. I realise that the Minister is not able to give that information until the classification is complete. When it is complete, it should be the duty of the department to inform Parliament what it is proposed to do, and let Parliament take the responsibility of giving effect to a recommendation which may include the whole of the wooded area. The Minister may give me his assurance to-night—he has given it to me before—that there is no desire to eliminate from the industry that very important section of it who have played a big part in building it up to its present proportions. But there are more ways of killing a dog than choking it with butter. If we give the Conservator power to dedicate any area which, before that period, was a timber reserve, the Conservator's object will be to put three million acres of prime forests into one circumscribed area. The Minister knows that outside that there is an ample area containing a poor quality of bush, and it will be in that, that the man with the axe will have to ply his calling. There is nothing in the clause to prevent the Conservator dedicating as a State forest, practically all the areas which contain any timber at all, with the result that not one man in a thousand will be able to go on what is left and make a living. If under this clause, we are going to deprive that section to which I have referred from following their calling, it will be better to do so straight out. Unless the Conservator is compelled to come before Parliament with his proposals for dedication, then Parliament will lose control of the future conduct of the industry. Rather than place in jeopardy the existence of the calling of a great number of people, the utmost resistance should be offered to Clause 19. At any time, without

the sanction of Parliament or direction from the Minister, the Conservator may take the whole of the remaining area that carries any timber at all, and include it in the dedication of State forests. We are largely in the hands of this officer. I have, however, the utmost confidence in him with regard to the general application of his knowledge to the industry, but I hold the opinion that he is biased against a certain section of the industry. If he possessed local knowledge he would not be so dogmatic with regard to certain proposals which he is fathering, and which he states are absolutely necessary.

The Minister for Works: They can be combated.

Mr. O'LOGHLEN: Once the Bill becomes law, once a dedication is made the Minister for Works has sufficient experience of Parliament and the Executive Council decisions to know that it is difficult for a Government or party or individual member of Parliament to have the regulations which have been made revoked. Parliament should have the right to say what area of country should constitute our prime forests, and what area should constitute our timber reserves. I trust the clause will be improved by an amendment which an hon. member proposes to move. If that amendment is supported by the Government it will be an additional safeguard, because it will provide before any sweeping alterations are made, that Parliament shall have the opportunity of reviewing the position and saying whether it is wise that the additional area shall be brought within the Scheme.

The ATTORNEY GENERAL: With regard to the definition of "Crown lands" referred to by the member for West Perth, Crown lands cannot possibly include any lands granted in fee simple and the definition of "Crown lands" is sufficiently clear on that subject. I do not want to combat that now. When the proper time comes I shall be prepared to argue that the clause is perfectly fair and does not contemplate what the hon. member is afraid of. If the Committee want an express provision that Crown lands do not include private lands, and lands contracted to be sold, I shall not raise an objection to any amendment to make that abundantly clear. As to the remark of the member for Forrest and his fear that by the reservation of certain areas as State forests certain persons will lose their means of livelihood, we are in the measure interpreting Clause 22a which provides that hewers shall not hew railway sleepers within the State forests. I hope the hon. member will not confuse the two clauses and render necessary a double discussion on the question of hewers. With regard to the other remarks of the member for Forrest, the Conservator has no such power as he indicates.

Mr. O'Loghlen: It is done on his recommendation.

The ATTORNEY GENERAL: Under a classification. There are two sets of officers, the Lands officers and the Forest officers. They are proceeding in harmony. No dis-

putes have arisen so far as to which land is agricultural land and which is forest land. They are only classifying the jarrah forests up to the present time. When that is completed it will be dealt with. The method of dealing with it will be this: two sets of officers, the Lands and Forests, will confer together. If they can agree as to which may be prime timber land and that which may be left for agricultural purposes, well and good. If they differ the head of the Lands Department, that is the Surveyor General, and the head of the Forests Department, the Conservator, will themselves take a hand in it and endeavour to settle the question. Then next the Ministers will have a say in it and I do not anticipate for a moment that the Minister for Lands will ever consent to anything that will place the agricultural lands in any sense of jeopardy by reason of his colleague's anxiety to pass a forest Bill. Therefore, I do not anticipate that the agriculturists, or would-be settlers, will lose anything by having an advocate in the Minister for Lands. After these two Ministers have agreed that certain portions may be dedicated as State forests, the matter has to come before Cabinet.

Mr. O'Loghlen: You are aware that a lot of regulations go through that Ministers are not aware of?

The ATTORNEY GENERAL: They do not, but sometimes Ministers do not examine regulations as closely as they might do. But whether that is so on other subjects, this is a serious matter. It is not that any old forest land will do; it is the prime timber land of Western Australia that requires to be dedicated. Only that portion sought to be dedicated, that is the prime forest land that can be conserved for all time unless Parliament chooses to alter it. If that is the state of affairs Parliament has nothing to be afraid of in regard to the land that is so dedicated. The dedication cannot be revoked or altered except under the authority of the Bill and later that dedication, once passed, becomes almost the same as a class A reserve. No political pressure can grant parts of it that ought to be used for any other purposes than for the getting of timber and the growth of timber. It would be wrong otherwise. It vests in the House its own right to control the State forests. I do not want to answer at this stage the amendment which the hon. member has foreshadowed, I will deal with that when it arises but I want members to understand that the forests said to be dealt with under this Bill is the main jarrah belt and the main karri belt and at a later stage a little tuart. A little tuart is now being dealt with which we have lying between the Bunbury-road and Lake Preston. There is some fine tuart in that. Then there is some tuart land further south which is privately occupied, and that is all the tuart land which we possess. As members know, there is York gum, morrell, salmon gum, and others of our eucalypt, particularly York gum, which is one of the best timbers we possess for wagon building, naves, and spokes.

That may be dealt with at a later stage, but the bulk is growing on private lands and cannot be interfered with. It is not sought to interfere with that. I know of no land the property of the Crown that has a large quantity of York gum that will constitute a forest; or land which contains wandoo. It is nearly all privately owned. We want wandoo for shipping purposes and Western Australia has been searched from one end to the other for wandoo and the best we have in the State is on private land. Therefore, all this House need concern itself about is the jarrah and karri. These must be conserved as State forests. I need not argue that point. When I say further that the State forests themselves, instead of containing, as it was at one time thought, 20 years ago, by Mr. Edney Brown, that there was some 20 million acres, the classification and observation of officers shows that the total of State forests falls short of that quantity by three million acres. Our jarrah and karri have become national woods. Their markets are not so much the markets of Western Australia but the markets of the world, and in the last few years, particularly in the last few months, our timbers have found satisfactory markets in the Eastern States, not to any extent, but to-day we could sell as much jarrah in the Eastern States as we liked if we could find ships to convey it. This shows the necessity for conserving the wood, and that we should use it to its utmost extent as a State asset. It must not be forgotten, in viewing this, that whilst the soil is Crown land, so the trees growing on that soil are the property of the State, and unless they are conserved and utilised for timber purposes in an economical fashion, so as the greatest value can be obtained from them, we are whittling away that asset. I ask the Committee to support the clause as drawn. If, as suggested by the member for Forrest, it is possible for the House as a Committee, or as the House itself, to deal with the question, all I have to say is then it would be a little matter. There are the conflicting opinions of members but they should not be the tribunal that the delegation of prime forests should rest with. The way the clause is drawn, giving the Governor-in-Council power, is surely the best method of arriving at the conclusion as to what are prime timber lands and should be dedicated as State forests. The member for Forrest drew a distinction between timber reserves and State forests. There is a very marked distinction. Members will see timber reserves referred to in Clause 23 and State forests referred to in Clause 19. The difference is that in reservation of timber, reserves may be revoked by Order-in-Council. The Government of the day may dispose of, or part with, timber reserves, but not with State forests. State forests so declared can only be dealt with by a vote of the Houses of Parliament.

Mr. O'Loughlin: This gives power to turn reserves into State forests.

The ATTORNEY GENERAL: There are areas known as timber reserves. If members look at the Government maps they will see "reserved for timber," "timber reserves."

They will see only a few acres reserved in Western Australia. There are to-day only 3,000 acres reserved all told for timber purposes—that is absolutely reserved. The others are mere timber reserves or may be set aside at the will of the Minister. We want to get away from that "will of the Minister." In respect of land dedicated as a State forest there should be no power for a Minister to come along and, to please one of his constituents, throw that land open for the timber to be ringbarked for some purpose contrary to the laws of economy, contrary to the best utilisation of the assets of the State, as has been done in the past. There is only one way to prevent it, and that is by putting a ring fence round a certain portion of our timber, and saying "that is a State forest."

Mr. Smith: Many of the timber reserves are reserved for the use of settlers. How do you propose to take those away?

The ATTORNEY GENERAL: I do not think it is proposed to interfere with any of those.

Mr. PILKINGTON: The clause is an important one, and it would be well if the Committee had a little time in which to consider it. It depends for its meaning on the proper interpretation of the words "any Crown lands." The clause treats of the method in which Crown lands may be dealt with. Until we know what is meant by the term "Crown land" we shall be legislating in the dark if we pass the clause. I submit to the Minister that it would be reasonable if he allowed this clause to stand over, as Clause 4 is now standing over, until Clause 4 has been dealt with. When we know what is meant by "Crown land" we shall be in a position to deal with the clause now under consideration.

Hon. J. MITCHELL: I hope the Minister will agree to the postponement of the clause, because it appears that the definition includes conditional purchase leases. The clause will give the Conservator very wide powers. It will be seen that "State forests" may include any land now in reserve. The Minister referred to the small area in reserve. Let me say that in 1910 I had reserved for Government requirements 647,000 acres, and so far as I now this large area is still reserved to-day. If it is not so, I would like to be quite certain that a sufficient area of conveniently situated land will be reserved for Government requirements. The State's own requirements should come first. If we pass the clause as printed, the Conservator may sell or do anything he pleases with those lands. Our timber to-day is readily selling in the Eastern States, which is an additional reason why we should carefully conserve our forests. I am told that our jarrah sells more cheaply in Adelaide than in Perth, and that it is because it there comes into sharp competition with the timbers of Eastern Australia. I understand that notice of an amendment has been given by the member for Swan. I myself had intended to move the same amendment. I hope, however, the clause will be postponed. The Bill is very cleverly drafted. It is the only decently drafted Bill the Government have brought down. The Conservator is to be congratulated

on the wording of the clause, from his point of view, but the duty of the Committee is to see that the Bill is reasonable in all its provisions.

The ATTORNEY GENERAL: In order to meet the wishes of hon members I propose to move that the clause be postponed, and that postponed Clause 4 be now proceeded with.

The CHAIRMAN: The Minister had better move the postponement of all the remaining clauses, including Clause 19. That will bring us to postponed Clause 4.

The ATTORNEY GENERAL: I move—

That Clauses 19 to 74 inclusive be postponed.

Motion put and passed.

Postponed Clause 4—Interpretation:

Mr. DRAPER: I desire to move an amendment to the definition of "Crown lands," which includes land granted or contracted to be granted to private individuals. I move an amendment—

That in line 2 the words "not dedicated to any public purpose except as commons or" be struck out, and "neither dedicated to any public purpose other than a common nor" be inserted in lieu.

If the amendment is agreed to it will make that portion of the definition perfectly clear.

The ATTORNEY GENERAL: I have no objection to the amendment, and agree that it makes the clause read more clearly. In justice to the draftsman of the clause, I am prepared to say that it is perfectly good grammar and written in good English, and is taken from a clause of a similar character in the Land Act framed by Dr. Smith.

Amendment put and passed.

Mr. DRAPER: Will the Attorney General explain the meaning of the concluding portion of the clause, which is—

The term includes land of which pastoral leases are held under the Land Act, 1898, subject to the grazing rights of lessees, and land held as mining tenements under the Mining Act, 1904, and the regulations thereunder, subject to the mining rights of the holders.

What is the meaning of "the grazing rights of lessees"?

The ATTORNEY GENERAL: I propose, dealing with forest produce, to strike out certain words in this interpretation. Neither of these classes of leases grants any rights as to trees, and those persons holding such leases hold them as Crown lands. They have no right to the timber on them. At the same time, the rights of these persons are sought to be conserved.

Mr. Draper: What is the effect of "subject to the grazing rights of lessees." They have no business there at all.

The ATTORNEY GENERAL: Possibly so, but these words are expressive of the right to the land.

Mr. Pilkington: They are not part of the definition at all.

The ATTORNEY GENERAL: The draftsman had in mind that these lands were Crown lands, but subject to the grazing rights of the lessee. I am not particular as to whether these words are there or not. They were sought to be inserted by the Lands Department.

Hon. R. H. Underwood (Honorary Minister): We want them there, too.

Mr. Pilkington: The intention is excellent, but they ought to be in a separate clause.

The ATTORNEY GENERAL: Members will see, under Clause 5, that the preservation of rights of pastoral lessees and holders of mining rights is dealt with. This was added at the request of the Minister for Lands and the Hon. R. H. Underwood (Honorary Minister) after the Bill was intact. They wished to conserve the rights of mining holders, and those acquired by pastoral lessees. I contended that the term "Crown land" sufficiently protected them, but they wanted this in another way. If Clause 5 is allowed to stand, there is no reason why the words should appear "subject to the grazing rights of lessees," or, "subject to the mining rights of the holders." I move an amendment—

That the words "or leased with the right to the forest produce thereon" be struck out, and that the following be added to the paragraph:—"The term also includes land the subject of any timber concession, timber lease, or sawmill permit, but subject to the second paragraph of Section 5 of this Act."

Amendment put and passed.

Mr. PICKERING: I move an amendment—

That in the interpretation of "State forests" the words "or under any Act hereby repealed" be struck out.

The Attorney General: I agree to that.

Amendment put and passed.

Clause, as amended, agreed to.

Postponed Clause 5—Preservation of rights of pastoral lessees and holders of mining rights:

Mr. PILKINGTON: I do not understand the meaning of the clause. It appears to me it would be much better to preserve all rights, but that has not been done. The clause says that the rights conferred by the Land Act are subject to the regulations hereby preserved. Does this mean that we confer rights under the Bill, but that they are to be affected by regulations? If the regulations referred to are regulations to which these holdings have been previously subject, these words have no meaning.

The ATTORNEY GENERAL: Pastoral lessees have had the right to cut such timber as may be required for domestic purposes, improvements and so forth. This clause preserves that right to the holder of such lease, so that it shall not be thought that by any clause under the Bill the rights under these leases regarding timber shall be infringed. Under the Land Act, 1898, and its amendments, there are certain timber regulations.

Mr. Draper: But these are regulations under this Bill.

The ATTORNEY GENERAL: When this Bill becomes law, these regulations go by the board. Therefore, these rights that are being preserved are subject to the timber regulations which will be declared under this

Bill, and must be in accordance with its provisions.

Hon. W. C. Angwin: How are the rights to be preserved if new regulations are to be made affecting those rights?

The ATTORNEY GENERAL: When we go out of our way to say in this clause that everybody shall have his rights preserved, those rights cannot be taken away by regulation. Those rights are subject to the existing regulations under the Land Act, and they will be subject to the regulations to be framed under this measure.

Mr. Pilkington: Existing rights are preserved absolutely.

The ATTORNEY GENERAL: Existing rights are preserved, but they will be subject to the new regulations, just as now they are subject to the existing regulations.

Hon. P. Collier: Existing rights are in some instances created by the existing regulations.

Mr. Pilkington: We can say that existing rights are to be preserved subject to the existing regulations.

The ATTORNEY GENERAL: No regulation made under this statute either is intended to, or can, alter existing rights. Like other members, I object to making a statute by regulation. The existing rights of the hewer are not affected at all but the existing rights of the leaseholder may be affected as regards hewing. We do not desire to touch the rights of the pastoral or mining leaseholder at all; the only leaseholder who will be affected is the timber leaseholder.

Mr. PILKINGTON: One of the points of the Bill which seems to me extraordinary is the immense confusion it shows in regard to the preservation of existing rights. I should have thought it quite simple to introduce a clause saying, "All existing rights are preserved subject to a, b, c" and so forth. To interfere with existing rights is a very serious thing, and should be done only in the plainest fashion. Why Clause 5 does not say simply that all existing rights are preserved, I do not know. Moreover, this long statement of rights to be preserved is made subject to regulations under this measure. The clause means, in effect, that existing rights are preserved subject to the power of the Governor in Council, which means the Government of the day, to take them away. In fact, existing rights are not preserved at all. There is no reason why, if those rights are preserved, the power of the Governor to make regulations should not also be preserved. What is attempted here now is to say that rights granted by the Crown under previous legislation shall be altered by regulations to be made under a new measure. That is absolutely indefensible, and nothing of the kind can be shown in our previous legislation. I move an amendment—

That in line 7, the words, "subject to the regulations" be struck out.

Mr. DRAPER: I support the amendment. The clause, if its intention is what the Attorney General has told us, is merely one

of the numerous instances we have had of clauses drafted in such a manner that they do not express what is the intention of the Government. It is idle to say, "All rights shall be preserved," and then add, "but subject to the regulations." "Regulations" under this measure I define to be "regulations made under the measure." On reference to the power to make regulations, it will be seen that all kinds of interference might take place with pastoral lessees' rights if the clause passes as printed. Under a pastoral lease the lessee has the right at all times during his lease, on any part of the leasehold, to fell, cut, and use any timber for his domestic and farm purposes. That right is not touched by regulation as the matter stands; but if we pass this clause as printed, and then pass the clause giving power to make regulations as it is printed, that right will be interfered with, undoubtedly. The regulations will deal with all sorts of matters, and in fact any matter which concerns timber products. I strongly object to interference with existing rights. The clause certainly represents an infringement of the rights of the private individual.

Hon. R. H. UNDERWOOD (Honorary Minister): The member for West Perth has got the shadow without the substance. This clause will not affect the pastoralist or the mining leaseholder. On the goldfields there are forests which are held as parks, and not for the value of the timber. But in the Greenbushes and Collie districts mining leases are on fairly rich timber country, and I claim that it is right to make, in a Forests Bill, regulations for what the mining lessees may cut in the way of timber. The mining companies in the districts I refer to have the right to the coal or the tin, and also a right to cut timber; but that right should be subject to regulations in the same way as is a timber lease. No regulation can defeat the object of an Act. The regulations must be in accordance with the Act. In this instance the regulations are absolutely necessary for the preservation of our South-Western forests. The desire is to prevent, if possible, the Conservator of Forests from indulging in petty interferences where interference is not required. But as regards commercial timbers, he should have power to make certain regulations.

Mr. HOLMAN: The hon. member's argument bears out the argument of the members for Perth and West Perth. Those hon. members claim that Clause 5 is liable to take away certain rights which now exist. The regulations under this measure will touch everything; and it is quite possible for the Conservator of Forests, whoever he may be, to make regulations which will hamper both the pastoral and the mining industries. On the leases at Greenbushes, for instance, every facility should be given to them to use the timber which is there, and which may be required. The Minister knows that if the regulations are to be carried out and that if the timber is to be cut to a certain size it will then be quite useless.

Hon. R. H. Underwood (Honorary Minister): I do not know anything of the sort.

Mr. HOLMAN: Then the Honorary Minister does not know much. The Minister thinks that the Bill will not hamper the timber and the pastoral industries. I declare that it will, and that it will take away all the existing rights of both those industries.

The Attorney General: Impossible.

Mr. HOLMAN: Then let us make it clear. When we find the learned members of the Assembly disagreeing, the laymen should take steps to see that something is done which can be understood. I contend that the rights conferred in connection with mining and pastoral leases are only preserved subject to any regulation that may be framed under the measure.

The Minister for Mines: Then strike out those words.

Mr. HOLMAN: If the words are struck out the position will be met. I intend to support the amendment moved by the member for Perth because I do not think that either a mining proposition or a pastoral lease should be subject to regulations which may be framed by the Conservator. We know that the Minister intends to deal in a drastic manner with a certain section of the timber workers; he intends to do away with hewing and will prevent the hewing of timber for mining purposes.

The Attorney General: I did not say that; I said in State forests.

Mr. HOLMAN: It is possible to proclaim them all State forests.

Hon. W. C. Angwin: It will not be possible to cut a tree anywhere without getting the permission of the Conservator.

Mr. HOLMAN: We know that the clause is very far-reaching. An effort is being made to foist on to Western Australia a Bill which has been copied from Acts which have existed in older countries for generations.

Amendment put and passed.

The ATTORNEY GENERAL: I move an amendment—

That the following paragraph be added—
“The rights conferred by all existing timber concessions, timber leases, and sawmill permits are hereby preserved, and the provisions of this Act, so far as they are inconsistent with such rights, shall not, except as hereinafter expressly provided, apply.”

Mr. PILKINGTON: Can the Minister point out the places where these rights are? Can he give us some indication of the rights that are interfered with? The words that I suggest should go in will protect the rights of those who have rights.

The ATTORNEY GENERAL: So far as I know there is no interference with the rights of the concession holder and the leaseholder save in Clause 22A. This clause is to protect the existing rights of those persons who possess them to-day. I have said it repeatedly that the existing rights are the rights of those who possess them under our tenures, whether concession tenures, sawmill permits, or sawmill leases. We want the right to make regulations, and so long as those

regulations are not inconsistent with those rights, we may make them. The words are very reasonable as they are. I have no desire to interfere with rights and I have used perfectly plain words. They are well known words and I do not propose to alter them unless the House rules that they are to be altered. The clause is one that has had a great deal of discussion and has been thought out for weeks past. It is also one that is consistent with the policy of the Government and consistent with the policy of the Bill, and preserves rights absolutely, and leaves no loopholes.

Hon. W. C. Angwin: Have not they the right to hew?

The ATTORNEY GENERAL: There is no express provision in any lease or concession that they have the right to hew. They have the right to cut and to fell, but the word “hew” is not used.

The Minister for Works: It does not matter. The word “cutting” is used.

The ATTORNEY GENERAL: I am answering the hon. member.

The Minister for Works: You might give a proper definition.

The ATTORNEY GENERAL: I am giving a proper definition, and, moreover, I am in control of the Bill.

Hon. W. C. Angwin: A bad job, too. You do not give us the facts.

The ATTORNEY GENERAL: I am giving the facts. I am endeavouring to answer the member for Murchison. I have here all the concessions, all the leases, and all the permits. Whatever rights exist, we desire to preserve them.

Mr. Money: Then this provision is not necessary.

The ATTORNEY GENERAL: Where has the hon. member been during the last quarter of an hour?

Mr. Money: Clearly. Clause 22a is not necessary.

The ATTORNEY GENERAL: We are not discussing Clause 22a; we are discussing the addition of a subclause to Clause 5.

Hon. W. C. ANGWIN: I agree that we have no right to take away any rights granted under any Act.

The Minister for Works: But we are taking them away.

Hon. W. C. ANGWIN: No provision under any concession, lease, or permit, should be taken away by the Bill. I move an amendment on the amendment—

That all the words after “preserved” in line 3 be struck out.

There is no necessity for the words. If we have granted a right we should maintain it. We should abide by the contract entered into with those people. Anything we have given to those people holding concessions or leases we should maintain to the very letter.

The ATTORNEY GENERAL: This raises the question of Clause 22a, which deals with hewing. I do not wish to divert discussion from that subject; rather do I propose to give every facility to hon. members to debate it. Clause 22a is, possibly, an invasion of the rights of the hewer. Therefore I suggest to the member for North-East Fremantle to allow the Bill to go on in the ordinary

way, deal with Clause 5 on its merits, and let us afterwards have the discussion on hewing. I ask the hon. member to withdraw his amendment and allow it to come in its proper place.

Hon. W. C. ANGWIN: In moving my amendment I did not touch upon hewing, because the question of hewing, as embodied in Clause 22a, affects the whole of the forests in the State, whereas in Clause 5 it deals only with portions of concessions and leases already granted. Therefore, there is no necessity to postpone the amendment until we reach Clause 22a. The question is whether we should annul what we have granted, whether we should agree to confiscation.

The ATTORNEY GENERAL: No confiscation is intended.

Hon. W. C. ANGWIN: It is nothing else. It is proposed to limit the concessions and leases already in existence.

The ATTORNEY GENERAL: If the hon. member will not withdraw his amendment, I shall have to deal with concessions. It is questionable whether Clause 22a infringes a particle of the rights of the concessionaire or leaseholder. It might if it were a settled proposition. But the ordinary timber lease is a lease to cut, remove, and prepare for sale timber shown in the first schedule of the Land Act, subject to the regulations made under that Act. It is questionable whether, by regulation, one can specify the method of cutting, or specify that a wasteful method of cutting shall be abandoned.

Mr. O'Loughlen: You cannot impose new conditions on the concession.

The ATTORNEY GENERAL: I do not wish to. In the Jarrahdale concession there is the right to cut, prepare and sell certain timber. The right is granted subject to the general regulations in reference to the waste lands of the Crown. At Canning it is different. There the right is to cut and remove timber subject to any regulations for the better working or the conservation of the timber forests. Then there is a special concession known as Karridale. There the right is to fell, cut, stack, and prepare for market certain timber. In that case the concession people are to observe regulations in reference to the waste lands of the Crown, and for the conservation of forests, provided the regulations do not impede the proper working of the forests. So, in each case of existing concessions and existing leases, we have quite a different state of affairs.

Mr. O'Loughlen: What is the difference between prime forests and waste lands of the Crown?

The ATTORNEY GENERAL: "Waste lands" in those days was synonymous with "Crown lands." All these concessions go on until 1924 up to 1927.

Mr. Holman: Are you not going to put five or six years on?

The ATTORNEY GENERAL: It is proposed to increase everyone's term for the period of the war if there has been full cutting. In respect to these leases, it is open to argument as to whether regulations cannot be made as to the right to hew on leases or

concessions. I do not know that any of the concessionaires or leaseholders would object. The principal leaseholders or concessionaires do not object.

Mr. O'Loughlen: They may not object so long as they are not affected.

The ATTORNEY GENERAL: Clause 22a is that at which the member for North-East Fremantle is aiming when he wishes to preserve intact the leases, concessions and permits.

Hon. W. C. Angwin: Clause 22a is much wider in scope.

The ATTORNEY GENERAL: It applies to all State forests. Of the State forests two-thirds will be composed of concessions leases and permits. There is about a million acres outside of that not dealt with at present, and the amendment suggested, allowing hewing without limitation in those areas will affect two-thirds of the State forests. Some 20 years ago Mr. Ednie Brown, who was the first Conservator of Forests, pointed out the wasteful methods of hewing. Then came the Royal Commission, some 13 years ago.

Mr. O'Loughlen: You are anticipating discussion now.

The ATTORNEY GENERAL: If I allow this to go, the hon. member will get in two thirds of his hewing.

Mr. Holman: You put the side stroke in when you brought in this Bill.

The ATTORNEY GENERAL: The Royal Commission inquired into the matter. It comprised Sir Newton Moore, Mr. Hastie, Mr. Fitzgerald, Mr. Harper, and another gentleman, all men of standing. They came to the conclusion that hewing was a wasteful method of timber conversion. In order that a test might be made, a certain portion of the Mornington forest was set apart for the purpose. It was found that there was a difference of about 20 per cent. between the two methods used. From that time on, the hewer has been put in to follow the mill. The hewer does not take his trees on the face. He is at liberty to pick and choose. When he does fell a tree, the general effect is that of the timber in it he recovers 20 to 25 per cent., whereas the mill recovers from 28 to 44 and 45 per cent.

Mr. O'Loughlen: In the test a higher percentage was recovered than that.

The ATTORNEY GENERAL: Yes, because the bush was good, and also because every inch of the timber was put to use. In actual practice neither the mill nor the hewer put the whole of the timber to use.

Mr. O'Loughlen: The percentage you quote in regard to the hewer applies to very poor bush.

The ATTORNEY GENERAL: Spot mills can average 65 per cent. This shows that the small mill is conserving the asset of this State.

Mr. Holman: Your comparison is absolutely unfair.

The ATTORNEY GENERAL: That is generally admitted to be the result.

Mr. Holman: Deal with the forest itself.

The ATTORNEY GENERAL: It is an objectionable form of attack upon the Conservator to suggest that he will give due weight to

political pressure, which may be brought to bear upon him. We have had instances in which virgin bush has been thrown open to the hewer.

Hon. P. Collier: There was any amount of political pressure.

Mr. O'Loughlen: I think you are exaggerating the pressure right through the piece.

The ATTORNEY GENERAL: I do not think this concession was obtained without pressure.

Mr. O'Loughlen: There was a demand for timber at the time.

Mr. Holman: The Public Works Department was responsible.

The ATTORNEY GENERAL: I know that no one would justify that sort of thing; it should not be allowed to happen again.

Mr. O'Loughlen: I agree with you there.

Hon. W. C. Angwin: You have great faith in the Conservator when you suggest that no pressure would be brought to bear upon him. Everyone is a child compared to him.

The ATTORNEY GENERAL: If the Conservator is subjected to political pressure he can no more withstand it than anyone else.

Hon. W. C. Angwin: This Bill will not rectify that.

The ATTORNEY GENERAL: It will, if I carry Clause 22a.

Hon. W. C. Angwin: These concessions are already granted.

The ATTORNEY GENERAL: This provides that in all the area contained within an imaginary ring fence there shall be no hewing, and in that there may be concessions, permits and leases.

Mr. Nairn: That is an interference.

The ATTORNEY GENERAL: It is not an interference in the slightest degree.

Hon. W. C. Angwin: It is annulling the conditions under which the land is granted. I thought only the Labour party agreed to confiscation.

The ATTORNEY GENERAL: There is to be no undue interference with the Conservator. The only way to prevent that is to say in the statute that this cannot be done. The Conservator will then be able to say that Parliament has laid it down that the forests shall not be converted by the method known as hewing. It must not be thought that any attempt is being made to limit or exclude hewing from the State forests, that the hewer is being personally attacked, or that he is being prevented from carrying on his business. That is not the case. All round the edges of the State forests there will be timber reserves.

Mr. O'Loughlen: And those edges may be put inside the ring fence.

The ATTORNEY GENERAL: In those timber reserves the hewer will be at liberty to operate as he pleases.

Mr. O'Loughlen: Until the Governor-in-Council stops him.

The ATTORNEY GENERAL: In such country the rule will be adopted, "Which is the more economical, to take the axe to the tree or the tree to the mill." It can be argued that the advantage of working over cut-over country by small mills is so great that an endeavour will be made to induce

timber hewers to operate small mills. No part of this Bill relating to the hewing of timber can apply except after a State forest has been declared. No State forest can be declared in the jarrah area for another 12 or 18 months, until the reports come in, and no forest can be completely declared in the karri area for probably three or five years.

Mr. O'Loughlen: The regulations now in force give the Conservator power to say where they should operate.

The ATTORNEY GENERAL: True, but that cannot be exercised in the way that the amendment seeks to exclude him from, and will not be exercised in that way. In practice it cannot be done. Classification of the jarrah forests is going on now, and will not be completed for 18 months; and during that period, therefore, hewing cannot be interfered with. As for karri, the Conservator has told the hewers, and I myself have told them, that the same remarks do not apply as in the case of jarrah. There is no reason why in the karri forests the hewers should not be permitted to follow up the mill fallers, because the fallers will say, "That tree is hollow; that tree is damaged"; and then there will be trees felled leaving an 18 feet stump.

Mr. Holman: It is the same in the jarrah country.

The ATTORNEY GENERAL: In the karri country, consequently, the hewers' industry will not be affected.

Mr. O'Loughlen: We have not yet had it demonstrated that it will be profitable for the hewers to follow the fallers in the karri country.

The ATTORNEY GENERAL: In this respect I am with the hewers to a very large extent.

Mr. Holman: You do not meet them at all.

The ATTORNEY GENERAL: Unless the ship-building proposal is stopped, which I hope will not be the case, there will be a great deal of hewn karri required.

Mr. O'Loughlen: The object of the hewers was to prevent the waste of a great deal of timber.

The ATTORNEY GENERAL: There is no intention on the part of the Government, or of those behind the Bill, to say, "You men have fought for the country; you men who have earned your livelihood by hewing shall not hew any longer." All we do is to say that in the State forests, when these are declared, the hewers shall not operate. I hope that further discussion of this matter will be allowed to stand over until Clause 22a is reached.

Mr. DRAPER: I shall support the amendment of the member for North-East Fremantle. The words he proposes to strike out appear to me quite unnecessary. Having listened to the Attorney General, I think his argument shows that there is no advantage in retaining those words, and that certainly it would be fairer to eliminate them. The Attorney General has put forward the argument that the timber concessions and leases and permits are all subject to regulations. That of course is so, and when dealing with timber concessions the Attorney General seemed to lay some stress on the difference of wording; but they all amount to the same thing. The words used in the karri

concession, although not in the same form, I think really indicate the manner in which these concessions should be interpreted. That is to say, in the karri concession the lessee covenants to abide by the regulations in force with reference to waste lands of the Crown, and the regulations for the conservation of forests and for the inspection of timber thereon, "provided that such regulations do not impede the proper working of the said timber forest." Of course that is a fair and honest way to interpret regulations. No regulations should be made under an Act of Parliament impeding the proper and ordinary working that a business man might be expected to perform when he takes up a timber concession. The same common sense principle also applies to timber leases and timber permits. It appears to me that in all three tenures the amendment will really not prevent regulations from being made so long as they are made in a fair and proper way. To my mind Clause 22a, which is of a most questionable nature, stands entirely upon its own merits. Directly or indirectly, Clause 22a is affected by regulations. But the objections to Clause 22a go further than that. They depend not alone on regulations, but upon other conditions which I hope will be advanced in this Chamber so that a fair decision may be arrived at.

Mr. MONEY: It is only right, if we are going to carry out what we say we mean to carry out and preserve existing rights, that we simply do so, and leave nothing indefinite as to what regulations may be made under this measure. Having heard the Attorney General inform the Committee that it is questionable whether the existing regulations do not already give power to control the hewing of timber on existing leases and concessions, I think it would be well for the Minister to refer to the repealed Acts, wherein he reserves rights obtained under them and under the regulations made thereunder. Let the regulations as well as the existing Acts remain in force.

The Attorney General: An amendment is coming along. It is on the Notice Paper.

Mr. MONEY: If the regulations are preserved for the purposes of existing rights—

The Attorney General: No. The new regulations shall not be inconsistent with existing rights.

Mr. MONEY: It would be better if we do not repeal existing sections so far as they concern existing rights. Under the present Bill the power to make regulations is very much wider than was that power under the provision proposed to be repealed.

The Attorney General: That is necessary.

Mr. MONEY: The rights under both sets of regulations, therefore, cannot be the same. It is not proposed to make one set of regulations affecting existing lessees, and another set for future lessees. That would be troublesome, and lead to confusion. I shall certainly support the amendment.

Mr. HOLMAN: I intend to support the amendment, which should receive the unanimous support of the Committee. It merely preserves existing rights. To my mind it is a great pity that the Minister for Works, when he spoke here, did not give the Committee the benefit of some of his knowledge of the timber in-

dustry, in which he had a good deal of experience during the early days of the industry, when the industry had not reached nearly its present dimensions. From the Attorney General we heard a good deal concerning the hewers' position. After he had built up his whole case for hewing with the present amendment, he said, "We will not deal with the matter now, but leave it until we reach Clause 22a; however, I have shot my bolt."

The Attorney General: I asked for that before I started.

Mr. HOLMAN: But why deal so fully with the question, and state it so unfairly from the hewers' point of view? That may influence members of the Committee when Clause 22a is being discussed. There are portions of our forests which will never be touched by any mill, but can be worked by hewers. If the proposal of the Attorney General is carried into effect, they will never be touched at all. There are trees in our forests to-day that can never be operated on by the average mill, and they can be utilised by the hewers. The Minister has stated that there are trees which are damaged when being felled, and which are thus rendered useless for milling purposes. These trees can be worked by the hewers. The amendment will protect those who hold sawmill permits which have been granted recently, and in consequence of the war it has not been possible to fully man the areas. All the consideration is going to be shown in that direction, but the men who went away to fight for their country have not been thought of, and when they return they will find that their occupation has been taken from them. That is very unfair. The innovation will prevent a great deal of timber being placed on the market, and if it is not placed on the market by the hewers it will go to waste. Those who have a practical knowledge of the timber industry are aware that there are vast areas of timber that can never be utilised unless they are dealt with by axemen. These timbers can never be brought to the mills, nor can the mills be taken to operate in some parts of our forests. The amendment moved by the member for North-East Fremantle is a fair and reasonable one, and anyone can tell by the manner in which the Attorney General has endeavoured to combat it, that it is quite possible there are some matters in the Bill which have not been fully explained. Although it has been said that considerable time was devoted to the framing of the Bill, we now find the Attorney General submitting many amendments. He has moved on behalf of those who are feeling the pinch, but, unfortunately, the hewers who are not here have not been thought of. It will not be right to take away the livelihood of those men who have done so much for the country, and who have left its shores to take part in the great war.

Mr. PICKERING: I would like to know whether the Minister in charge of the Bill construes into it all that has been interpreted into it by the member for Murchison, namely, that by eliminating the portion sug-

gested by the member for North-East Fre-mantle, we shall bring about a state which I desire to effect by my proposed amendment to Clause 22a.

The ATTORNEY GENERAL: It is sought on this clause to bring in some of the arguments for and against Clause 22a. This Clause 5 is introduced solely for the protection of those who have rights. It preserves those rights, but limits the intention of the Bill as contained in Clause 22a. The words, as they are in the proposed Subclause 2 of Clause 5, are perfectly consistent with Clause 22a. The member for Sussex has an amendment to Clause 22a, which will receive the attention of the Committee when we come to that clause.

Hon. W. C. ANGWIN: My amendment is designed to preserve the rights embodied under the concessions, leases, or permits already granted. The Attorney General proposes to preserve some of those rights, but not all of them. We are not justified in taking away any of those rights already granted. The concessionaires expect the Government to honour those rights, and my amendment will do this.

Mr. PICKERING: Whilst I am prepared to preserve the rights of the hewers, I do not wish to leave the impression that I desire to persist in hewing as a general practice.

The CHAIRMAN: There is no question of hewing in this amendment.

Amendment (Hon. W. C. Angwin's) put and a division taken with the following result:—

Ayes	15
Noes	11

Majority for	4
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AYES.

Mr. Angwin	Mr. Mitchell
Mr. Chesson	Mr. Money
Mr. Davies	Mr. Pickering
Mr. Draper	Mr. Pilkington
Mr. Duff	Mr. Rocko
Mr. Griffiths	Mr. Willcock
Mr. Holman	Mr. O'Loughlin
Mr. Lambert	(Teller.)

NOES.

Mr. Angelo	Mr. Nairn
Mr. Brown	Mr. R. T. Robinson
Mr. Hudson	Mr. Smith
Mr. Johnston	Mr. Teesdale
Mr. Lefroy	Mr. Hardwick
Mr. Maley	(Teller.)

Amendment on the amendment thus passed.
Amendment (new Subclause 2), as amended, put and passed.

The ATTORNEY GENERAL: In regard to the remaining amendments which I propose to move to Clause 5, I wish to have consideration of them postponed until after consideration of Clause 22a.

The CHAIRMAN: It cannot be done at this stage. The clause, having been amended, cannot now be postponed.

The ATTORNEY GENERAL: I am not

to postpone my further amendments to the clause.

The CHAIRMAN: We must now finish with the clause. Of course the Minister can move to recommit the Bill for the purpose of further consideration of Clause 5.

The ATTORNEY GENERAL: Well, I will not move the further amendments just now. Clause as amended put and passed.

Postponed Clause 19—Dedication of State forests:

Mr. NAIRN: I move an amendment—

That the following be added to stand as Subclause (2):—"Such Order-in-Council shall be laid before both Houses of Parliament within thirty days of the making thereof, if Parliament is in session, and if not, then within thirty days after the next sitting of Parliament. If either House of Parliament, within thirty days next after such Order-in-Council has been so laid before it resolves that such Order-in-Council ought to be annulled the same shall, after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the same."

My intention is, in the first place, to bring the clause into conformity with another clause to be considered later on. We are about to introduce in the Bill legislation of an entirely new character, which is going to have very far-reaching effects. Under the clause the simple act of dedication will give unlimited power to the Conservator of Forests, who will be untrammelled in his authority. I do not think this would be in the interests of the State. In a question of public policy of so great importance, much as we may respect the knowledge and intelligence of the Conservator, it would be unwise to give him unlimited power, to leave him to control untrammelled an enormous State asset. The principle has been recognised in a future clause of the Bill. Before the State forest can be changed from other than a State forest, this power should be given effect to. Before the dedication can be removed, the proposals made should be laid before Parliament. My amendment means in brief that any part of the State which is to be determined as a State forest--which if the amendment is not carried, at the direction of the Conservator will be here-in set forth as a State forest--should be reviewed by Parliament. Before the area can be dedicated, Parliament should be approached and have an opportunity of reviewing it. I want to see the same method adopted as in regard to regulations. We are about to embark on a policy which, if not fully safeguarded, is calculated to bring into this department a great amount of friction, and the surest and safest way to avoid that is to have the power of Parliament interpreted and not leave it to the will of any one or two men. I realise the keen enthusiasm of the Minister for a forest department, but much as I appreciate that, I cannot follow him to the extreme which he would go.

when there became a conflict between a tree and a man, the tree will have his assistance all the time. That may have been a very excellent pre-historic sentiment when our forefathers looked on trees as their habitation, but when we now say that a man shall give place to trees, I cannot subscribe to that policy. We must not give unlimited and uncontrolled power to the Conservator. A little delay may occur, but I claim that in the interests of the State and the department it should occur. Where interests clash between townsite areas and forest areas there must be some line drawn. It has been laid down in the past by someone controlling the forest areas, that any part of the State having been once set apart as jarrah country that view is always considered first. We cannot have a forest and a township on one piece of land. I had a great deal of trouble to get the department to realise this on one occasion. If we have a department which is going to force itself into every activity of trade, there will be a great deal of friction.

The ATTORNEY GENERAL: The Land Act of 1904 provides that the Governor may from time to time by proclamation published in the "Government Gazette" declare any town land to be a State forest or timber reserve within the meaning or for the purposes of the Act. I am aware that under the Land Act previously the Governor made and unmade. That is where the political influence came in. Under this proposal the Governor makes and declares a timber reserve and it can only be unmade by Parliament. The member for Swan seeks to provide that Parliament should have the control of this instead of the Governor-in-Council. That is to say, he seeks to take out of the hands of the Government of the day the control of the dedication of State forests. I think the hon. member does not understand the clause; he has not grasped it. This dedication can only be made by the Governor-in-Council. The hon. member continually stated that untrammelled power was given to the Conservator of Forests. That is not in the clause at all. It is the Governor, and the Governor in this case means the Governor-in-Council, which is the Ministry for the time being. The Government do not conceive anything amongst themselves. It must be conceived by someone, and we go right back to the demarcation of the forest itself. So that there is a very long, conservative and complicated process that has to be gone through; it is not the untrammelled power of one man. I would never agree to the untrammelled power of one man to say which shall be a forest and which shall not. I agree with the hon. member in that, but it is not in the clause.

Hon. J. Mitchell: Parliament is to have no say.

The ATTORNEY GENERAL: Parliament has no say now under the Land Act which has been in force since 1904. This clause merely says the same thing but we go a step

further. The proposal is that once land is called a State forest, it shall not be struck out at the whim of anyone; it shall not be touched by one individual. It practically becomes a class A reserve.

Mr. O'Loughlen: That is what the amendment seeks to establish.

The ATTORNEY GENERAL: No, the member for Swan seeks to eliminate the Conservator and the members of the Ministry and the Governor.

Mr. Nairn: Treat it as a regulation would be treated.

The ATTORNEY GENERAL: The amendment goes a great deal further than the hon. member himself intends. It is not a matter of amending the clause, but it is a matter of giving full power and control to this House. This House is not the proper body to deal with the minutæ of State forests. This is not a regulation but a mere dedication of certain lands as State forests.

Hon. J. Mitchell: You are asking Parliament to sign a blank cheque.

The ATTORNEY GENERAL: Nothing of the kind. I am proposing that, whilst Ministers may make a forest a State forest, Parliament only can unmake it.

Mr. O'Loughlen: Suppose the Governor in Council dedicated the whole of the timber areas of the State as a State forest?

The ATTORNEY GENERAL: Parliament could revoke it, and would do so in two minutes. It cannot be assumed that the Government would do such a foolish thing. We must have townships and farm lands and so on, just as we must have forests, and it is desired to assemble all these things together, so that there shall be no friction and the rights of all people may be conserved for the best interests of the State. I am sure members will not give Parliament power to go in for the minute of the demarcation of the forests. The proposal of the hon. member is too cumbersome.

Hon. J. MITCHELL: I do not think anyone could imagine a more ridiculous objection to the proposal than that put forward by the Minister. In effect he says it is not safe to trust Parliament—

The Attorney General: It is too cumbersome a method.

Hon. J. MITCHELL: But we must trust the Government. The Conservator will suggest what is to be done to the Minister, who will in turn suggest it to Cabinet. There may be only two or three Ministers present in Cabinet, and the thing will be through Executive Council before anyone knows about it. We are not going to make these dedications piecemeal. If the Conservator prepares an accurate plan showing the land that he desires to conserve, Parliament can then easily be consulted, and can agree as to whether the reservations should be made or not. I think the clause should go out altogether. Notwithstanding anything the Minister has said, this matter is of great importance. Parliament ought to say where the division is to be made between the Lands Department and the Forestry Department. The Minister for Lands, as a member of Cabinet, will be consulted on the sub-

ject; but he will have no hand in preparing the classification, and the Minister for Woods and Forests will get his way. I do not know why these extraordinary powers are asked for on behalf of the Conservator of Forests. Naturally he wants to preserve his trees, and no one objects to that so long as he does not obtain undue powers in regard to the reservation of land. As a fact, all the jarrah country which has been cut over is being regenerated; and the karri forests have in the main been too far distant from settlement to be worked. I hope the Committee will insist that when the classification and working plans have been prepared by the Conservator, as they must be prepared before the dedication can be made—

The Attorney General: There are no working plans.

Hon. J. MITCHELL: I mean that the classification of the forests will have to be followed by a survey of the lands; and then the Minister can easily consult Parliament. I warn hon. members that in passing this clause they will hamper land settlement without benefiting the timber industry.

The PREMIER: The Conservator of Forests does not administer the affairs of the Lands Department, and he does not come in here at all except that he has something to do in regard to the classification of lands. It is not for the Conservator to say whether any land shall be dedicated to the Government. The Governor-in-Council will go into the matter with the Minister for Woods and Forests after consultation with the officers of the Lands Department; and when the matter is referred to Cabinet by the Minister in charge, Cabinet will discuss it.

Mr. O'Loghlen: But Cabinet will not take any step without the recommendation of the Conservator.

The PREMIER: The Minister for Lands will have a great deal to say on the matter, more than the Conservator of Forests will have to say on it. I have always found the Minister for Woods and Forests very amenable to reason. He does not want all the land in the South-West. I have never had any difficulty at all with him on questions of land settlement. The member for Northam seems to regard the Conservator as all-powerful, or as having power to dedicate any land for forestry purposes. The Conservator may have a certain amount of power over land, if this measure passes, when the land has been dedicated; but he will have no power in the first place. After it has been dedicated then it comes under the control of the Conservator of Forests. This clause deals with the dedication of land in the first instance. The land can only be dedicated with the approval of Cabinet. If Parliament decides that the land or a portion of it shall be released, the Government will release it. I do not want to see the land dedicated for all time for the purpose of forestry if it is required for agricultural purposes, but I do not see where the danger lies in this case.

Mr. JOHNSTON: The member for Swan has made out a good case, and it appears to

me that the Attorney General has proved the hon. member's case right up to the hilt. The Minister has pointed out that it is necessary for the two Houses to pass resolutions to interfere with class A reserves, and if this proposal is carried, in order to free a piece of karri land we would require not only a resolution of both Houses, but the proposal would have to emanate from the Governor. The Minister has told us that since he has been in control of this department he has never objected to applications which have been made for the use of the land on timber areas, and we may take it that these applications will come in repeatedly in the future under this provision, and without the amendment of the member for Swan it will be necessary to have a proposal from the Governor and a resolution for each Chamber. We also have the position that if an enthusiastic Minister for Forests were disposed to proclaim large areas of the South-West as a forest reserve, which might easily happen, the House cannot alter it unless we get a proposal from the Governor. I hope the Committee will uphold the power of Parliament in this respect just as is done in the case of regulations.

Mr. MONEY: I do not think the amendment is quite consistent in this respect that it is possible that either House may revoke the dedication. That would be wrong. In order to be consistent it would be better to have the same formalities to apply to a dedication as those which apply to a regulation. I notice that although a regulation may not be so important under the Bill as a dedication, yet it is proposed that a regulation shall automatically appear on the Table of both Houses and that it may be disallowed. A dedication as mentioned in Clause 19 is far more important than a regulation; it emanates quite rightly from the Governor-in-Council and it is only the Governor-in-Council who can revoke it inasmuch as he has to take the initial steps for the revocation. I mentioned to the member for Swan an improvement which might be made in reference to his amendment, and probably he may consent to its substitution for the one he has submitted. This is what I would suggest—

Any dedication made under or by virtue of this Act, shall (a) be published in the "Government Gazette," (b) take effect from the date of publication or from a later date to be specified therein, (c) be judicially noticed unless and until disallowed as hereinafter provided. 2. Such dedication shall be laid before both Houses of Parliament within 14 days after publication if Parliament is in session, and if not then within 14 days after the commencement of the next session. 3. If both Houses of Parliament pass a resolution disallowing such dedication, then the same shall thereupon cease to have effect subject, however, to such and the like savings as apply in the case of the repeal of a statute.

Mr. Johnston: Why not either House?

Mr. MONEY: I think that would be wrong. It is equally important to revoke a dedication as to revoke a regulation if the dedication is wrong, and an important matter such as the revocation of a dedication should require to be done by a resolution of both Houses.

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

Ayes	9
Noes	19

Majority against	10
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AYES.

Mr. Angwin	Mr. Mitchell
Mr. Chesson	Mr. Nairn
Mr. Draper	Mr. Willcock
Mr. Holman	Mr. O'Loughlin
Mr. Johnston	(Teller.)

NOES.

Mr. Angelo	Mr. Mullany
Mr. Brown	Mr. Pickering
Mr. Collier	Mr. Pilkington
Mr. Duff	Mr. R. T. Robinson
Mr. George	Mr. Smith
Mr. Griffiths	Mr. Teesdale
Mr. Harrison	Mr. Underwood
Mr. Hudson	Mr. Willmott
Mr. Lefroy	Mr. Hardwick
Mr. Money	(Teller.)

Amendment thus negatived.

Mr. MONEY: I move an amendment—

That the following be added:—"Any dedication made under or by virtue of this Act, shall (a) be published in the 'Government Gazette,' (b) take effect from the date of publication or from a later date to be specified therein, (c) be judicially noticed unless and until disallowed as hereinafter provided. 2. Such dedication shall be laid before both Houses of Parliament within 14 days after publication if Parliament is in session and if not then within 14 days after the commencement of the next session. 3. If both Houses of Parliament pass a resolution disallowing such dedication, then the same shall thereupon cease to have effect, subject however to such and the like savings as apply in the case of the repeal of a statute."

The CHAIRMAN: What is the difference between this amendment and the one just negatived?

Mr. MONEY: The previous amendment referred to but one House of Parliament; this refers to both Houses. Again, the one just negatived made no provision for publication in the "Government Gazette," whereas this does.

Hon. P. Collier: All Orders in Council have to be published in the "Government Gazette."

The CHAIRMAN: I will accept the amendment.

Mr. MONEY: A revocation can be disallowed by resolution of both Houses of Parliament, and I think a dedication is equally as important as a revocation. Hence my amendment.

Amendment put and negatived.

Clause put and passed.

Clause 20—Revocation of dedication:

Mr. JOHNSTON: I move an amendment—

That paragraph (a) be struck out.

Any member of the House should have the right to bring forward a proposal of this kind if he so wishes. It can only come into effect if passed by both Houses of Parliament, and I do not see why Parliament should be prevented from expressing an opinion on the point unless the Governor first lays the proposal on the Table. It is a new departure.

Amendment put and negatived.

Clause put and passed.

Clauses 21, 22—agreed to.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 11.10 p.m.

Legislative Council,

Thursday, 24th October, 1918.

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

[For "Papers Presented" see "Minutes of Proceedings."]]

PAPERS — POLICE QUARTERS AND TEACHERS' QUARTERS, MANDURAH.

Hon. J. J. HOLMES (North) [4.34]: I move—

That all papers in connection with the destruction of the old police quarters and the erection of teachers' quarters at Mandurah be laid on the table of the House.

I understand from the leader of the House that there is no objection to these papers being laid on the Table.

Hon. G. J. G. W. MILES (North) [4.35]: I second the motion.

Question put and passed.

The Colonial Secretary laid the papers on the Table.

BILL—VERMIN.

In Committee.

Hon. W. Kingsmill in the Chair; the Hon. C. F. Baxter (Honorary Minister) in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation: