

## AYES.

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

Mr. Mullany  
Mr. Munsie  
Mr. Roche  
Mr. Smith  
Mr. Teesdale  
Mr. Willcock  
Mr. O'Loghlen

(Teller.)

## NOES.

Mr. Angelo  
Mr. Broun  
Mr. Draper  
Mr. Duff  
Mr. George  
Mr. Harrison  
Mr. Hickmott  
Mr. Hudson  
Mr. Lefroy  
Mr. Maley

Mr. Mitchell  
Mr. Money  
Mr. Plesse  
Mr. Pilkington  
Mr. R. T. Robinson  
Mr. Stubbs  
Mr. Underwood  
Mr. Willmott  
Mr. Hardwick

(Teller.)

Amendment thus negatived.

Clauses put and passed.

Clauses 16 to 25—agreed to.

Title—agreed to.

[The Speaker resumed the Chair.]

Bill reported with amendments.

House adjourned at 10.30 p.m.

## Legislative Council,

Wednesday 4th December, 1918.

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

[For "Question on Notice" and "Paper Presented" see "Minutes of Proceedings."]

### PAPERS—MILLING WHEAT.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.35]: I move—

That all papers in relation to the disposal of wheat below milling quality be laid upon the Table of the House.

My reasons for moving this motion spring from an interjection made by Mr. Baxter when I was speaking on this question a few days ago. On that occasion the Honorary Minister stated that the sale of wheat below milling quality was entirely outside the Wheat Scheme which he controls. With a view to showing hon. members what part the Wheat Scheme were playing in this connection, I now move for the papers; and I am quite satisfied that the result of the carrying of the motion

will be to enable me to prove to hon. members that the action of the Honorary Minister controlling the Wheat Scheme in this connection has had a grave effect on the poultry raising industry of this State.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.36]: I second the motion.

Question put and passed.

### BILL—CRIMINAL CODE AMENDMENT.

#### Assembly's Message.

The Council having made an amendment which was not agreed to by the Assembly, the reasons for such disagreement now considered.

#### In Committee.

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

No. 2—Clause 7, Subclause 3, strike out this subclause and insert the following in lieu thereof: "(3) A prosecution under this section must be begun within three months after the offence has been committed—Reasons of the Assembly for not agreeing to amendment made by the Council: 1, That evidence of the offence frequently consists, in the first instance, of the condition of the girl, which would not be apparent until three months had elapsed. 2, That six months is the period adopted by the English Statute of 1904".

The COLONIAL SECRETARY: I move—

That the amendment be not insisted upon. There is, I know, considerable difference of opinion in this Chamber on the matter. The amendment was first made here and then reversed, and then again adopted. The reasons set out by the Assembly are, in my opinion, very strong reasons. In addition to the fact that the English Act of 1904 makes the period six months, the English Bill of 1918, which, when the last mail left England, had passed its second reading, still further extended the term to 12 months; so that in making the amendment we are certainly not going beyond what is being done in English legislation. I know of at least two cases which have occurred in the metropolitan area alone within the last three months in which prosecution has been prevented because the condition of the girl was not known until after the period of three months had expired. I am aware that arguments may be raised on the other side, but I consider the arguments in favour of extending the time to six months are the stronger. It must be borne in mind that under this section of the Criminal Code no person can be convicted upon the uncorroborated evidence of any one witness, so that no jury are likely to convict unless the evidence is absolutely convincing. It does seem to me necessary to extend the time during which prosecution may be taken beyond the three months at present provided.

The CHAIRMAN: For the information of hon. members, I may state that if the amendment is not insisted upon the subclause will resume its original form.

Hon. Sir E. H. WITTENOOM: I must enter my protest against the Colonial Secretary's motion because I have held all along, and hold now, that the innovation of allowing

a prosecution to hang over people's heads for six months instead of three months is a highly dangerous one. The Colonial Secretary instances the case of English legislation, which proposes to extend the period from six months to 12 months. But one cannot compare English girls with Australian girls. In England girls do not mature so quickly as here, and, moreover, here girls know a good deal more. Very few of them would not know what is the matter with them at the end of three months; and on that ground there is nothing to prevent a prosecution if necessary. It may happen, and will happen, that the provision of the lengthened period would be used for blackmailing purposes. I am in accord with the Colonial Secretary that there may be exceptional cases which are hard and severe, but exceptional cases occur in every phase of life. To legislate in this direction for just one or two cases would be going too far.

Question put and passed; the Council's amendment not insisted upon.

[The President resumed the Chair.]

Resolution reported, and the report adopted, and a Message accordingly returned to the Assembly.

#### BILL—FORESTS.

##### Second Reading.

Debate resumed from the previous day.

Hon. J. E. DODD (South) [4.43]: I have listened with a great deal of interest to several speeches delivered on this Bill, and particularly those of Mr. Kingsmill, Mr. Kirwan, and Mr. Ewing. I am sorry I had not the opportunity of hearing Sir Edward Wittenoom's speech; I am sure that his knowledge of forestry and of the timber industry would have made his speech well worth listening to. I believe this Bill has not been brought in before it was required. In fact, I for one am sorry that we have not had more control of the forests for several years. Like many other members, however, I am not satisfied as to the powers which the measure proposes to confer on the Conservator of Forests. In fact, I am of opinion that if the same powers were given to every commissioner and every under secretary, there would be no need for any Ministers at all, except perhaps to come and tell Parliament what the officials were doing. The Conservator is to be an absolute king. When we consider the importance of the forests and the extent of the powers to be placed in the hands of the Forestry Department, we must regard those powers as unjustifiable. It is all very well to say that it is to be under the direction of the Minister controlling the department; but the Minister cannot shift the Conservator without first coming before Parliament and stating his reasons. I am convinced that in the discussion of the capabilities of the Conservator which would ensue, more political influence would be used than on any other occasion. We should find every sort of political influence and every kind of political dodge used if the Commissioner were suspended. So I do not think it will serve to

lift him from the sphere of politics to agree that he can only be removed by Parliament. Another aspect of the Bill to which sufficient attention has not been directed is the power to be given by regulation. Scores of times have I heard from hon. members opposition to proposals to give power to the Government to deal with Acts of Parliament by regulation. Only last session I was in charge of a small measure, the Employment Brokers' Bill. It proposed to fix certain fees by regulation. We found very strong opposition to that proposal. Yet the powers to be given by regulation under this Bill are absolutely unlimited. Mr. Kirwan rightly pointed out that to have all those powers the Conservator should be something more than a forester and a scientist. It is proposed here to give him judicial powers. He is to be invested with almost supreme powers of administration and he is to have the powers of a judge, power to inflict a fine of £50. That is going altogether too far. Again, in the definition of "forest reserves" I find the term applies even to minerals except those reserved under the Mining Act. When we consider the possibilities of the discovery of minerals we realise how great are the powers being placed in the hands of one man. It is remarkable that all Governments during recent years have shown a tendency to hand over autocratic powers to their servants. The Government of which I was a member were in this respect equally guilty with Governments that have followed them. When we think of what has been done in connection with the Health Bill, when we remember some of the clauses included in the State Children Bill now before us, and some of the clauses in the Forests Bill illustrative of the power we are handing over, not only to the Conservator but even to forest rangers and, in connection with other Bills, to inspectors, it is seen that we are investing those officers with almost unlimited powers. Under the Health Act the Commissioner can invade the personal rights of any person; in this Bill it is the civil rights, and in the State Children Bill the family rights, that are invaded. I do not know where it is going to end. I am interested in this Bill, not because I know very much of the details of the forestry work, but because I believe that if something is not done in the near future in the way of protecting our forests, we shall land ourselves in the position of some of the other States and the other countries of the world. In South Australia, in the district where I came from, in my time as a boy I suppose there were millions of tons of timber. There is a big mining centre there as well as a farming centre, and I remember splendid forests of mallee which should have lasted the mines for all time and still have left thousands and thousands of acres for agriculture. To-day one can go around that district for miles and not see a tree except those on the roads. Every particle of timber has been removed and burnt to make room for wheat. The price of firewood in that district is now from 30s. to £2 per ton, whereas in my day it was 4s. or 5s. per ton. I believe I am

right in saying that the officials of one of the mining companies in that district have been in Western Australia trying to secure timber here for the mines there. Although we have an immense belt of forest timber, the same difficulty is likely to arise here in the future. Because of that, I am glad the Government are trying to preserve our timber resources. I only wish the powers of the department were extended in some directions without giving autocratic power to the Conservator. I should like to see more power given to the department in regard to timber in agricultural areas, and along our roads. There is nothing more painful than to go over some of the roads around Perth and see the timber being ruthlessly cut down. I do not think there is any road in the vicinity of Perth along which year by year one cannot see a marked decrease in the timber. The beauty of the country side is being destroyed. Along the North Beach road one can see big trees cut down to make room for a telephone wire which could have been equally well carried upon the tree as upon the post specially erected for the purpose. It is sheer vandalism to cut down timber along the roadsides, and it is due largely to the fact that no power is given to the department to protect that timber. Again, I entirely favour the provision in the Bill wherein it is made a condition that the selector of conditional purchase land shall plant or at least reserve a certain belt of timber for shade. That is as much for the benefit of the State as for the benefit of the agriculturist himself. I am of opinion that the rights of the hewers who have gone to the war should be preserved, and I intend to support the amendment, standing in the name of Mr. Cornell, which will make it absolutely certain that the hewers who enlisted in the A.I.F. shall have their rights preserved. There are several other matters in the Bill which, no doubt, we can deal with in Committee. I notice that parks and reserves are to be placed under the control of the Conservator. It is provided that regulations may be made for the protection of trees in parks and reserves under the control and management of a board under the Parks and Reserves Act, 1895; and for regulating, restricting, or prohibiting the cutting or removal of such trees and other forest produce. I think we are going rather far in that direction. In King's Park a certain area has been reserved for the planting of pines in order to make the park to a certain extent self-supporting. There is in that enclosure an area of six acres where the pines have grown fairly extensively. When I was a member of the board we thought we were going to get some £1,500 from those pines. Now we find that they are to be placed under the control of the Conservator, and he is to have the regulating of their cutting and removal, and may even prohibit that cutting and removal. I hope something will be done in Committee to restrict this power. Again, it is provided that regulations may be made regulating or prohibiting the destruction, shooting, hunting, etc., of indigenous animals and birds, subject to the provisions of the Game Act, 1912-13, in State forests or timber reserves. I

agree with that. I think we might go a little farther and make an effort in accordance with the Bill introduced by Mr. Kingsmill dealing with the flora of the State. It is a cruel shame to see the wanton destruction of the flora every year when the flower trains go out and thousands of persons gather wild flowers by the roots. It is time some steps were taken to protect our flora. I believe that question might well be placed in the hands of the Conservator. There are times when we require to give certain powers to individuals, but when we give to the forest rangers power to arrest without warrant, we are going beyond the bounds of wisdom. It must be remembered that the average forest ranger is a civilian without any training whatever in judicial affairs or in the law; yet under the Bill he is to have power to arrest without warrant. Surely that is going too far altogether. If any hon. member can bring forward a satisfactory scheme for the limitation of the powers of the Conservator without destroying his usefulness, I will support it. I know the difficulties the Government have in framing a Bill of this nature, but I certainly will not vote to give unlimited power to any individual, as proposed in the Bill.

Hon. J. NICHOLSON (Metropolitan) [4.59]: I regret exceedingly that I was not present at an earlier stage in the debate. From what I can learn of the discussion, it has been as thorough as the importance of the measure deserves. The great European war has revealed many things, amongst others the fact that no industry is of greater importance than that of timber. For that reason the Government and the Minister responsible for the introduction of the measure are to be congratulated. The Bill will have the effect of promoting the best interests of the industry. It is probably not recalled by everyone that the first movement which took place in connection with the timber industry in this State was when steps were taken so far back as 1870 or thereabouts by the late Governor Weld to induce a company to embark on the work of establishing sawmills here. At that date there were no railways and it was with some difficulty that the original company which embarked on the industry was induced to undertake the task. They had actually then to do what was possible in the way of connecting up their mills with the seaboard, and they encountered many difficulties which do not present themselves today. Therefore, in the consideration of this Bill, I submit that we must have regard to the difficulties met with by those who originally embarked in the industry. They were then confronted with difficulties which we at the present time know nothing about. I have noted with a certain amount of pleasure that an effort has been made to conserve so far as possible the rights of existing lessees, etc. In the memorandum which accompanies the Bill reference is made to the fact that these rights are conserved, but in the Bill there are certain modifications which I may be allowed to refer to in Committee. During that portion of the debate to which I listened, I noticed that various speakers were apparently under a misapprehension

with regard to the position taken up by saw-millers. I inferred from what was said that hon. members believed that a certain waste was being permitted by the sawmillers. A fuller knowledge on the part of hon. members as to the details and difficulties of those engaged in the industry would remove misunderstanding, but it is not my intention to enter into details which I have no doubt have been supplied in the earlier part of the discussion. I would like, however, to say that it is the desire of the sawmillers—and I speak from personal knowledge, because I have been associated with this industry for many years past—to maintain the continuity of the timber trade. Any other desire on their part would be foolish in the extreme. They do not wish to see the forests wiped out, and their industries cease to exist, and although it has been hinted and suggested that waste has taken place, I am sure that this has arisen from a lack of knowledge of the circumstances of the trade and the conditions under which it is worked, because so far as sawmillers are concerned it would be the height of folly on their part to do anything which would amount to waste. It is their desire, and it is to their benefit to do everything that is possible to eliminate waste. There is nothing which is manufactured—it does not matter what the article may be—in which there does not occur a certain amount of waste. One may go into the realms of all the various activities and industries which exist. We even find in regard to crops, fruits, etc., that there is waste. To give a simple instance. Take an orange. We cannot eat an orange without having a certain amount of waste. We have the skin and the pips, and other parts of the orange which cannot be eaten. So it is with timber or any other article. We cannot manufacture a log in the round into a commercial article, an article which may be sold and made fit for the market without a certain amount of waste taking place. We are not in the position here which the mills situated in Northern Europe are. With them the softwood blocks can be utilised almost to the smallest fraction, even down to matchwood. We must cut the logs when they come from the bush into the article for which they are required, and which will fit them for the market. It has been stated that the best use has not been made of the timber, but the best use has been made of timber so far as it has been possible to do so. In the early days the first use which was suggested by Governor Weld for this hardwood was for sleeper purposes in India, and he himself communicated with the authorities in India with a view of getting a market opened up in that direction. From that time the use of jarrah and karri sleepers abroad has been quite a recognised thing. We have in addition sought to utilise the timber to open up other markets, but as everyone can fully appreciate, it is an impossibility to get markets, or to create a demand for the timber when other timbers are in the market at a lower price. Reference has been made to the hewer. I would like to say that he has certainly been an important factor in the opening up of the industry. At various times tests have

been made as to whether hewing was a more wasteful method than sawing, and it has been agreed that hewing has been found to be more wasteful for certain reasons. At the same time the hewer is a man whose activities can still be maintained with great benefit to the State. I hope that the clauses which are included in the Bill will not only be maintained, but that it will be possible to find some way to increase the activities of the hewer without allowing undue waste to take place in the forests. I should like further to say, when dealing with this question of waste, that no greater offenders in connection with the hewing of sleepers has existed in the State than the Government themselves. The Government in the past regularly employed hewers for the purpose of furnishing sleepers for the requirements of the State, and they have hewed wherever possible without that discrimination or care which the ordinary sawmiller would exercise. In the case of concessions or leases, sawmillers seldom if ever allow hewers to enter their forests until they have gone over a particular area to get the best logs cut for the saw. The Government themselves are not free from blame in having encouraged and built up so to speak, a hewing industry in this State, and it will be unfair, I contend, for that reason to seek to deprive the hewer of his calling and the right of living. Another very objectionable method which was adopted, and which was permitted in earlier years, though not in later years, was the alienation of Crown lands upon which timber grew. In subsequent years under the care of our late Conservator, that was abandoned, and no such land was permitted to be alienated without reference to the department. I come now to one of the most important parts of the Bill, that dealing with the powers of the Conservator. We as a State should feel proud that we have a man of the high qualifications and attainments that Mr. Lane-Poole possesses, and I feel sure that, despite what has been said, it will be his desire to administer the Act in a proper and reasonable manner. At the same time I cannot but feel sympathy for the remarks which have been made by many hon. members with regard to the question of establishing a board. I feel that the powers which are sought to be conferred would establish a very serious principle, and looking at it from that standpoint it is questionable, notwithstanding the high opinion which I am sure everyone has of the Conservator, whether, if this principle is introduced, the result will be that it will be followed by something of the same sort later on.

Hon. Sir E. H. Wittenoom: You will have an opportunity of voting on it.

Hon. J. NICHOLSON: Precisely. At the same time I question whether it is wise in the interests of the State and in the interests of legislation that wholesale powers such as are suggested here should be given to one person. I am looking at it from a further standpoint. Whilst I have every confidence in Mr. Lane-Poole's management under this Bill we must bear in mind, having regard to the risks of life, that something might intervene to prevent Mr. Lane-Poole continuing here, and the Government would then have it in their power to appoint someone without reference to Par-

liament. If hon. members give that power here they are giving it with reference to one particular individual, namely Mr. Lane-Poole, in whom they have confidence, and he will be charged with the administration of this Bill; but if something should intervene to prevent Mr. Lane-Poole from continuing in this office, the Government alone will have the power to appoint a successor, and the House might say, if the Bill were then to come before us, "We are not prepared to give these wholesale powers to the successor." The principle is an important one. For that reason I feel that it would be desirable, not only in the interests of Parliament itself, but also in the interests of the Conservator, that he should have with him a capable board to advise and assist him in carrying out a very important piece of legislation. I look at the matter also from another point of view. The present Conservator is highly trained in forestry, but we do not expect from him that large commercial experience which a man trained in commerce would have, and we must carry on this industry in such a way that we will not damage the general commerce of the State. For that reason it would be advisable that a trained man and one possessed of sound commercial experience should be there to assist and advise upon the many subjects which would naturally arise. Let us take, for example, the effect which the curtailment of the output of timber may have upon our railways. For years past the timber trade has been one of the largest customers of the Government, and has been one of the best sources of revenue. If an unwise step were taken in regard to this industry, and if one did not apply certain commercial principles in the administration of the Act, it is possible that the Railway Department might suffer most seriously in revenue, and the Consolidated Revenue of the State would also suffer. For that reason I argue that it is of the greatest importance for us, as a House, to consider that phase of the subject. I am sure the Conservator will not regard this suggestion in the light of any lack of confidence in him, but that he will rather regard it as a support to him and an effort on the part of members to do all they can to enable him to make this Bill a thorough success. Mr. Kirwan alluded to Clause 67, which states—

(1) The Governor may, by notification in the "Gazette," declare that certain species or classes of timber to be therein specified shall not be exported until after such timber has been inspected and the permission of the Conservator to the exportation thereof has been obtained. (2) Any person who exports any such timber which does not bear a mark or brand, to be affixed by a forest officer, indicating that such permission has been given, shall be liable to a fine of £10 per load of fifty cubic feet of timber exported.

I agree with what Mr. Kirwan has said. It is also questionable, I think, whether the Governor can give his assent to such an Act, but certainly the Federal Act would apply. The Federal authorities have full power in regard to regulating the export of commodities.

Hon. G. J. G. W. Miles: They have that power now.

Hon. J. NICHOLSON: I do not think it comes within the functions of the State, but did not notice it when I first looked at the Bill. We are indebted to Mr. Kirwan for pointing this out to the House. His suggestion regarding the revenue clauses of the Bill that is, practically to devote the net revenue to the industry, after deducting the expenditure, is such as should meet with the approbation of hon. members. It would be better, I believe, for the Conservator and generally for the country, that the revenue of the department should be devoted in the way he suggests. I observe that he has given notice of an amendment to carry out that idea. Such further observations as I may have to make on other clauses of the Bill I will leave until we reach the Committee stage. Subject to my right to make certain suggestions with regard to the Bill when in Committee, I intend to support the second reading.

Hon. A. SANDERSON (Metropolitan-Suburban) [5.22]: In order to save time I wish to associate myself with the remarks which have been made as to the importance of this matter. I also wish to associate myself with some of the comments and criticisms which have been put forward. If the amendments which have been foreshadowed are carried, the Government and the Conservator will not know their own Bill when they get it back. I ask the leader of the House, in quite a dispassionate manner, how we are going to put this business through the House? We have about a fortnight in which to get on with the work that is now before us, and we know there is a great deal of important financial legislation still to come through. It is very evident that every member of this Chamber is interested in this Bill on purely public grounds. There is not even a suggestion of any party or personal matter being connected with it. After listening carefully to the debate, as I have done, it seems to me evident that members are not going to permit this Bill to go through without giving to it the most careful consideration and dealing with it in Committee clause by clause. My contribution to the work of the Committee will consist to a large extent of looking up these references. The new system which has been adopted in regard to these Bills, of prefacing them with a synopsis or memorandum of contents, is very valuable in its way, especially if it is properly carried out. I do not suggest that the draftsman would wish to mislead members, in fact he wishes to help us, but at the same time it is important very often to look up these references for ourselves, see what the original Act meant, and if possible why the reference was put in. The argument has been put forward, and it is a good one so far as it goes, that such and such a thing is done in New South Wales, for instance, or in some other place, but unless we know the circumstances of the case it may be very misleading to take that into account. In addition to the work we already have before us, other measures are coming to us, and if we are to do our work properly how

are we to do it within a fortnight, unless the leader of the House will tell us which of the Bills the Government desire to put through and how they desire that they should be put through? I should be sorry to say off hand the amount of time that will be devoted in Committee to the Bill now under consideration, but one can see from what has been brought forward that the discussion upon it will be a long one. I ask the leader of the House to give members an outline of the business that it is desired shall be done, so that we may devote our attention to that business only. I have spent five or six hours over the Fruit Cases Bill, which I now understand is going to be dropped. If the Government intend that the Bill now before us shall be dropped, it is not unreasonable that we should be taken into their confidence, so that we can devote our attention to those Bills which it is intended shall be gone on with. I wish to make a brief reference to Clause 42 of the Bill dealing with the annual report of the Conservator. The clause says—

The Conservator shall prepare for the Minister, not later than the 30th day of September in each year, an annual report to the preceding 30th day of June of all proceedings under this Act. (2) Such annual report shall contain a statement in detail of the revenue and expenditure of the department, and shall be laid before both Houses of Parliament.

Possibly such a clause would go through Committee without discussion. As the point I wish to make might possibly be ruled out of order in Committee, I take this opportunity of bringing it before the Colonial Secretary and members. It is all very well to pass this kind of clause, but I want to see, if possible, some penalty provided. I can give two very good illustrations of what I mean. Let us take the Agricultural Bank, for instance. That is a very important institution from the financial and agronomic point of view. In the Acts governing that institution we put in a section to say that the annual report shall be presented on a certain date to Parliament. For the last two years no report has been presented by the Agricultural Bank, to my knowledge.

The Colonial Secretary: Is that so?

Hon. A. SANDERSON: My remark certainly applies to one year, and I am almost positive no report has been presented for two years. Let me take a more recent illustration, the State Trading Concerns Act. Section 21 of that Act says—

The accounts shall be balanced every year on the 30th June.

Then Section 22 provides—

Copies of such accounts, together with the Auditor General's report thereon, shall be laid before both Houses of Parliament on or before the 30th September in each year, if then sitting, or at the next ensuing session thereof.

Now, we were sitting on the 30th September. I am following up the State trading concerns with close attention, and I cannot get either

the balance sheet audited by the Auditor General, or, what is something very different and even more important, the Auditor General's report on the balance sheet. If we pass this legislation, it sounds all right and looks all right, and should be all right; but when we come to the practical working of the matter we find that no report is presented, or else that the report is presented so late as to be practically valueless. If the report is brought up 12 months late, what opportunity is there of bringing before the Minister, or Parliament, or the public, matters contained in it? That is the only point I refer to now because, as the preceding speaker has said, we can deal with a great part of this Bill in Committee. I hope that the Minister, who cannot possibly deal with the matter off-hand, will take a note of it. Approaching as we are the end of the session, and being told, as we have been, by the highest authority that it is proposed to close up before Christmas, and realising that we have not touched the financial question, and that we still have to consider, in Committee, this Bill which half a dozen members have described as the most important Bill brought forward, though I do not recognise it as such, while I acknowledge its importance, I trust the leader of the House will take the earliest opportunity of telling us quite fairly and freely and frankly what the Government propose to do in connection with these matters, so that we can assist him to save the time of the House and of the country, and to turn out our legislative work in a satisfactory condition to go on the statute-book.

Hon. J. CORNELL (South) [5.33]: I desire to offer some remarks on the merits of this Bill. The operation of the measure will affect only in a very minor degree the province which I represent. I have arrived at that basis of reasoning from the fact that those who are interested in the great mining industry have not in any way communicated to me any hostile or other opinion regarding this Bill. Though I do not represent a province where this measure will operate largely, still I think it is permissible, when an endeavour is being made to evolve order from chaos, for me to offer an opinion on the mode of procedure. It needs but a casual glance at the Bill to ascertain that it is a measure of some moment and that the powers proposed to be taken by it are very large indeed. So also are the powers proposed to be granted to the official who will administer the measure. After reading the Bill I have come to the conclusion, which may be wrong, that if the measure is not a negation of responsible Government, it is a negation of Ministerial control. I say, and I say it advisedly, that during the last few years there has been in the various Australian Parliaments too much negation of parliamentary privilege and too much negation of Cabinet control of government as we know it. Reading the Bill carefully, one must come to the conclusion—at all events I have come to the conclusion—that if the measure is allowed to pass as it now stands, we may in the near future have the spectacle of

a responsible Minister of the Crown in a subordinate position to the Conservator of Forests, while Parliament itself will have no say or control. We can reach out too far, we can go too far, in handing over the functions of government to officials. I do not wish to say a single disparaging word of our Conservator, in whom I believe we have a good man. But it is a well accepted axiom in biological life, and also in the life of mankind, that the more power is given to an individual, the greater autocrat he is likely to become. He is liable to become an autocrat, even against his own inclination. Power can be given to a man only for a certain purpose, and that purpose is to use the power. If we hand over the functions of government to an individual, he is perfectly justified in exercising those functions to the fullest measure. I am not desirous that too large powers should be given to any individual, nor do I think it desirable that the Conservator should get powers that are too large. Personally, I do not think he requires such powers. Having said so much on that aspect of the Bill, I now come to the position of the Conservator of Forests and the term of his appointment. He is appointed for seven years under this Bill, and, by the way, the same clause which fixes the term also provides that the present Conservator shall be the new Conservator upon the coming into force of this measure. Seven years is a very long time. I would not in any way object to the tenure, were it not for the fact that this Bill is so cunningly worded, or so cunningly drafted that it practically absolves the Conservator from criticism, inasmuch as the Bill provides regarding his salary, though no specific amount is fixed, that he is to draw the salary he is now drawing, or such salary as may be fixed by the Government from time to time. But, further, the Bill provides—and I think this is almost an absolute innovation—that the Conservator's salary shall be a charge upon the Consolidated Revenue and shall be permanently appropriated. That is to say, his salary, whatever it may be, when he is appointed, will be permanently appropriated until such time as it may be increased. In those circumstances I say another place cannot have a chance of discussing or controlling the actions of the Conservator through the Estimates, as is the case with many other high officers of this State. As Mr. Dodd has reminded us, the Conservator's actions can be called in question only upon specific motion in either House. And we know what specific motions are. I desire, in this connection, to extend my full commendation to the attitude of the leader of this House in affording opportunities for the discussion of motions. I hope that whoever may follow the hon. gentleman in the leadership of this House will continue the tradition which the present Colonial Secretary has established.

Hon. A. Sanderson: Hear, hear!

Hon. J. CORNELL: That attitude has not been the attitude of all leaders. The Standing Orders of this Chamber provide only a limited time for the discussion of motions. In another place they can be discussed only on

certain days; and after their introduction there they can be shelved practically for all time. A motion once introduced in another place becomes the property of the leader of the House, who can decide whether any opportunity shall be afforded for its further discussion. In my opinion, if we appoint the Conservator for seven years, for Heaven's sake let us pay him a decent salary. We cannot get the best brains unless we do that. We may have in our Conservator one of the finest brains in the Commonwealth in his own particular sphere. Unless we pay him an adequate salary we shall not keep him; he will leave us and go to someone who will pay him a proper salary. By all means let us pay him the salary he should have, but do not let us obscure the position as to payment of his salary in such a way as to preclude his actions being discussed in another place upon the consideration of the Estimates. I hope that that provision will come out of the Bill. I do not think its presence there can in any way assist the Conservator. The man who is doing his best will offer no objection to logical and decent criticism, from whatsoever source it may come. If the Conservator is going to carry out his duties and bestow upon the country what it needs from a forestry point of view, he is going to stir up criticism. He who never does anything, never succeeds. But the consideration of the Estimates is the proper time for criticism, which should be a factor for good. I again express the hope that this provision will come out of the Bill.

Hon. Sir E. H. Wittenoom: How did the provision pass another place?

Hon. J. CORNELL: I was under the impression that this Chamber had sovereign powers within its own ambit, and that it is just as logical for this place to discuss a Bill as it is for another place. If that is not so, then the long expressed wish of various people is now capable of consummation—that is, that this Chamber shall go out of existence as being unnecessary. Sir Edward Wittenoom is only buttressing that argument.

Hon. Sir E. H. Wittenoom: I merely asked the question.

Hon. J. CORNELL: The hon. member has his answer to that question. Another point calling for consideration as regards the Conservator is the matter of his suspension. The Bill provides that he may be suspended by the Governor for specific reasons, which are set out in the Bill and with a repetition of which I shall not weary hon. members. The Minister may suspend the Conservator for certain offences. But after it has been decided to suspend the Conservator, the matter does not cease there. A report has to come along to both Houses of Parliament, and if each House agrees with the action of the Minister, or the Governor, in suspending the Conservator, then the Conservator goes; but if both Houses do not agree, he does not go. And be it noted, he cannot be removed by any other means. At least, that is my reading of the Bill. I have said frequently that in the bad old days politicians, in making appointments to the public service, considered their relatives and their political friends.

They do not do such things now. But in order to stop that practice Public Service Acts were introduced. The object of those Acts is to prevent the exploitation of the public service by politicians for the purpose of putting their friends in good places. Parliament set out to destroy a man, and there arose a giant. To-day the real governors, not only of the State but of the Commonwealth, are to be found in the public service. The pay of that service is inadequate in many respects. Until such time as the Government decide to pay good wages and reserve to themselves the order of the sack, they will never get out of the slough they are in to-day. It is a ridiculous process of reasoning for the Government to appoint a man and, for certain misdemeanours, suspend him, and, after suspending him, come and ask Parliament whether he is to get the sack. If it is logical in regard to the Conservator, it is logical in regard to every other public official. I hope this provision will go out of the Bill. It will be of no use to the Conservator. Assume that a Minister decided to suspend the Conservator and the question then came to Parliament: I have seen in Parliament doings not creditable to Parliament. I have known Ministers to retire certain heads of the public service, and as a result this House has appointed a select committee to inquire into the reasons. I have sat on one or two such committees and I found their minds were made up before they started. My task was an easy one, namely, to disagree with the majority report. I do not want a repetition of that. And there is this feature: if Parliament decided that the Minister was wrong, the Minister would have to go, while the Conservator remained.

Hon. J. F. Allen: They do not do it that way in our day.

Hon. J. CORNELL: I have a better opinion of them.

Hon. W. Kingsmill: In one particular case the Minister did not go.

Hon. J. CORNELL: I have not met him; he is in obscurity. The Minister or the Conservator would have to go. I have already said that the powers reposed in the Conservator are too great. It is not good for a community to give to individuals unbridled power. When the Bill is in Committee, I will endeavour to so amend it as to make come of the vital provisions regarding the powers of the Conservator subject to the approval of the Minister. We are to have a Minister controlling the forests, but if the Conservator is going to do all the work, we might as well throw overboard the Minister. On the other hand, if we make the Minister responsible for the Conservator, then we can constitutionally discuss the acts of the Conservator. I hope hon. members will help me shear off a little of the arbitrary powers proposed to be given to the Conservator. It is necessary that he should have considerable power, but if we give him unbridled power it can only lead to disastrous results. I was given to understand that the Bill made adequate proposals for the hewers who have enlisted and will re-

that any person who prior to the passing of the Act followed the avocation of hewing may do so again only on one condition, namely, that the Conservator allows him to do so. When the Bill was introduced in another place there was no provision that a person who followed the avocation of hewing prior to the passing of the Bill could resume operations afterwards. We are told that a compromise was agreed upon. I can see very little compromise. The power still rests with the Conservator. I take it that in the drafting of the Bill this phase of the question appealed to the Conservator: As a factor in the forests the hewer is not an economic asset to the State; in the national interests he would be better out of the forests. If that is the view of the Conservator, will it be seriously said that the inclusion of this compromise has altered the opinion of the Conservator? I say it has not. The clause provides that this class of worker may hew where there is no timber suitable for sawmilling purposes or where it is impracticable to draw timber for sawmilling purposes. Candidly I am not much concerned in regard to the hewers that remain in the forest to-day. We are told that the hewer must go. That being so, I believe it is better to be shot dead than to be repeatedly wounded until death ensues. High and lofty patriots who take the public platform say that we promised the boys that their jobs should be waiting for them when they came back. But there is a large number of hewers who responded to their country's call and went away to fight and who, when they come back, will find that the status quo has not been maintained, that they can no longer follow their occupation of hewing. It will be left for the Conservator to say whether or not they are free to resume hewing. There are not as many hewers as some people think. If the Government are to be consistent they should extend to hewers that went overseas exactly that preference which the Government expect a private individual to display, namely, to re-instate the men in the employment which they left. Unless that is put specifically in the Bill, it will not be done. I am not going to say that hewers who hold active service discharges should go into virgin forest, but I think it would be a graceful recognition of their services to the nation if we inserted a provision to the effect that any hewer holding an active service discharge should be allowed to resume his avocation, except in virgin forest. I intend to move in that direction, and I will divide the House on the point as to whether or not Parliament shall lay down what concession is to be extended to the hewer with an active service discharge, or whether it shall be left to the Conservator. Parliament and Parliament alone should decide that question. I wish to refer to the two clauses mentioned by Mr. Millington. It seems that we are getting back to what this country was in years gone by, in that a man will have to report wherever he goes. The powers vested in forest rangers are too great. I fully recognise that their duties will be hard and that some persons may give them wrong names; but unless the forest ranger be a policeman he should go no further than taking a man's name and hew-



ing him summoned. I have gone carefully through the Bill and if hon. members will turn to the marginal notes they will find that no reference is given to this provision dealing with the power of arrest vested in a forest ranger. I cannot discover where it has been taken from, and therefore I conclude that it has been invented within the State. I hope hon. members will make that provision a little more democratic, a little more in keeping with the times. We should not carry into our civil legislation the vindictiveness of war conditions. More drastic legislation than this would not be applied in a country under martial law. It is advisable that this provision should come out. I will support the second reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [5.59]: I am very grateful to hon. members for the generally favourable reception they have given the Bill, and I hope they will show during the discussion in Committee that they really mean what they say when they commend the Government for introducing it and when they express their appreciation of the necessity for legislation of this kind. Because it will avail us very little if hon. members are to commend the Government for doing this and to express their appreciation of its necessity, and then to so whittle away the powers conferred by the Bill as to leave us in no better position than we were before the measure was introduced. I purpose referring first of all to certain remarks made by Mr. Dodd with regard to the supposed great powers which have been given to the Conservator of Forests under the Bill. I would have preferred that these great powers—powers in excess of what we ought to give—should have been enumerated, and not simply loosely referred to as “these great powers.” I do not know that they are any greater with regard to this matter than the powers which have been conferred upon the Commissioner of Railways in connection with the Railway Department, and I do not know that they are any greater—Mr. Dodd does not suggest that they are any greater—than the powers conferred on the Commissioner of Health. There is a strong analogy between the two, in that in each case the gentleman at the head of the department is a trained expert.

Hon. W. Kingsmill: More so with the Forestry Department.

The COLONIAL SECRETARY: Yes; to this extent, that we have a great many men who are trained experts in the medical profession, but there are very few who are trained experts in connection with forestry. Is it suggested that the powers that have been conferred by the Health Act of this State on the Commissioner of Health are wrong? Is it suggested that they are not in the best interests of the community? I make bold to say that if Parliament had refused to confer those powers on the Commissioner of Health there would be a great deal more anxiety in the public mind in regard to the epidemic which has broken out in Australia, and which we cannot say that we are entirely free from at the present time. It is because of the power

which is placed in the hands of the trained expert that the public have reason to believe that things will be done thoroughly. It is said that if we give this power to every commissioner and to every under secretary, then there will be no necessity for Ministers or for Parliament. It is not contemplated to give powers of this kind to everyone. They will only be conferred in cases where it is considered that the trained expert at the head of a department should have such powers. After all, I think the hon. member exaggerated the nature of the powers which have been conferred on the Conservator under the Bill. Mr. Dodd and Mr. Cornell have misread the clause relating to the removal of the Conservator. They both seem to be under the impression that it is only by both Houses agreeing to his removal that that removal can be effected. The power of suspension rests with the Minister, and the Minister having suspended the officer he places his report before both Houses of Parliament and the suspension stands good, unless both Houses of Parliament disallow it and decide to reinstate the Conservator.

Hon. J. Ewing: Therefore it is in the hands of Parliament.

The COLONIAL SECRETARY: Precisely. It is quite the opposite to what Mr. Dodd and Mr. Cornell suggest. They suggest that it is only by both Houses of Parliament approving of the suspension that the Conservator can be removed. That is not the case. The position is that both Houses of Parliament must disagree with the suspension before the Conservator can be reinstated. If they do not move at all, then the suspension stands, and it is followed by dismissal.

Hon. J. Cornell: What is the necessity for it?

The COLONIAL SECRETARY: The necessity is that if both Houses of Parliament think the Minister has done wrong they can take up the cudgels on behalf of the Conservator and save the position. With regard to judges of the Supreme Court the position is different. There we must have both Houses agreeing to their removal. In the present case, if the Minister presents a report and one House of Parliament takes the view of the Minister or takes no action, and the other House takes the view of the Conservator and carries a resolution that the suspension should be removed, the suspension will stand and the officer will be dismissed from his post. It is only when both Houses agree that the Minister is wrong that the suspension can be removed. Therefore, both hon. members are under a misapprehension. In other respects also they have exaggerated the powers which it is proposed to confer on the Conservator. I do not know that it strengthens his position very much, because if the Minister suspended him it must be assumed that the Minister would have the backing of his Cabinet and the backing of his party, and only by both Houses of Parliament going against the Minister can the suspension be removed. The same point has been raised in connection with Clause 41. I admit it is not the fault of hon. members that this has been slightly misunderstood. Mr.

Allen saw the mistake that was made, and it will be noticed there is an amendment on the Notice Paper to rectify it. Subclause 2 of that clause provides that—

One half of the revenue of the department, to be certified by the Under Treasurer, shall in every financial year be placed to the credit of a special account at the Treasury, and shall form a fund for the improvement and reforestation of State forests and the development of forestry, and such fund may be expended by the Conservator with the approval of the Minister without any other authority than this Act.

Had it been left in that form it might have been contended that it gave exceptionally large powers to the Conservator, but a proviso was included in another place, and by an inadvertence that proviso found a place after Subclause 5 instead of after Subclause 2. The amendment on the Notice Paper will have the effect of rectifying the error. If there was any feeling in the minds of hon. members that this might mean that the scheme, after it has been carried into effect, and after the money has been spent had to be submitted to Parliament, no objection would be offered to the insertion of a word in that proviso which would make it clear that it should first be subject to the approval of Parliament, because the intention is that it shall first be approved by Parliament.

Hon. A. Sanderson: We have no time to discuss this question.

The COLONIAL SECRETARY: We have all the time there is. It has been suggested that the powers of the Conservator in the matter of framing regulations are very large indeed, but is that the case? First of all the regulations that the Conservator frames must be approved by the Minister. It does not say so here. The clause reads, "The Governor, on the recommendation of the Conservator, etc." The Governor means the Executive Council. It does not mean that the Conservator shall trot down to Government House and put down the regulations for the Governor to sign, and that then they shall have the force of law. The only manner in which the Governor-in-Council can be approached is by the Conservator first satisfying his Minister that the regulations are in order; then the Minister has to satisfy Cabinet, and then the regulations are submitted to the Governor-in-Council.

Hon. R. J. Lynn: Why should not Parliament have a say?

The COLONIAL SECRETARY: I am coming to that. After they have been drawn up by the Conservator, who must be assumed to have a certain amount of common sense, and to be endeavouring to do right, and then, when the regulations are approved by the Minister and by Cabinet and passed by Executive Council, they must be laid on the Table of both Houses of Parliament. It is competent for either House of Parliament to disallow them. I do not know whether that is expressed in the Bill before us, but hon. members are aware that this provision is contained in the Interpretation Act and applies to measures which have been passed and those to be passed. Mr. Dodd

referred to Regulation No. 8, which is contained in the Bill. This will have to be read in conjunction with Clause 69, which reads—

Notwithstanding anything contained in the Parks and Reserves Act, 1895, to the contrary, no license to cut or remove forest produce in any park or reserve to which the Governor may by notice in the "Gazette" apply this section. . . . .

Unless something was done improperly, done by the board or by some public authority in control of one of these parks and reserves, there would be no suggestion of applying the provisions of this measure to any parks or reserves now conducted by the different boards. The same hon. member made reference to paragraph 35 of the regulations, which reads—

Regulating or prohibiting the destruction, shooting, hunting, pursuing, or snaring of indigenous animals and birds (subject to the provisions of the Game Act, 1912-13) in State forests or timber reserves.

For some reason Mr. Dodd jumped to the conclusion that the Game Act was to be handed over to the Conservator of Forests to administer. That is not the intention at all. The intention is really that in any State forest and timber reserves the Conservator shall have the powers that are conferred by the Game Act. This will be a great help to those who are in charge of the administration of the Game Act. It simply means that on State forests or timber reserves the Conservator shall have the powers which are included in the Game Act. I fail to see how any objection can be taken to such a clause. Reference was made by Mr. Nicholson to the question of waste. It is generally admitted there must be a certain amount of waste in connection with the timber industry, and that waste will always be greater in a sparsely populated country like ours. No doubt if we had ten times the number of people means would be devised for making use of many products which are at present wasted. But the fact that there must be some waste is no justification for unnecessary waste. The Bill does not contemplate that all waste will be eliminated. All that is desired is that in the future the waste shall be less than it has been in the past. Surely that is an entirely commendable proposition.

Hon. J. Nicholson: That is what the mill owners desire.

The COLONIAL SECRETARY: Quite so. And I understand the mill owners are enthusiastically supporting this Bill. Sir Edward Wittenoom goes much further than the Conservator, who says that our timber will be depleted in 25 years. Sir Edward says that in ten years the forests will be cut out, and the industry will disappear. I understand there are certain clauses in the Bill which those interested in the exploitation of timber will desire to see amended, but the Government are certainly under the impression that the Bill generally has their warm approval. They recognise that unless something of this kind is done the permanency of the industry will be threatened. The question has been raised that the present Conservator may not be with

us long. I do not know whether he is not looking too well or that he may be leaving us shortly, but I do know that exactly the same things were said in connection with the Health Bill when it was before Parliament. It was contended that if anything happened to the Commissioner of Health the powers which it was proposed to give to him would fall into the hands of some despotic person.

Sitting suspended from 6.15 to 7.30 p.m.

The COLONIAL SECRETARY: It was suggested that it was quite safe to entrust the present Commissioner for Health with large powers, but I was asked what would happen if the present Commissioner had to be replaced by some other officer. The same contention is raised in connection with this Bill. Members seem to think that it would be safe to entrust the present Conservator of Forests with these powers, but they ask, if he left his office, what would happen? Exactly the same answer applies in each case: if the Commissioner for Health retired the Government would have to find some other suitable man to carry on his work, and if the Conservator of Forests retires the Government will have to find another suitable man to carry on his duties. That is not an argument upon which to build the suggestion that some improper person may be entrusted with the task. The question is what are the proper powers of the Conservator? It is the office rather than the individual which should be considered. It is said by some members that the powers given to forest rangers are excessive, and Clause 56 is referred to in this connection. Mr. Millington and Mr. Cornell both referred to this. Mr. Cornell made the extraordinary statement that it would be quite sufficient for a forest ranger to demand the name and address of the offender.

Hon. W. Kingsmill: And let him go on offending.

The COLONIAL SECRETARY: This is all that is desired. The forest ranger demands the name and address of the offender, and if he gives it the forest ranger has no power to arrest such person. The power to arrest without warrant as stated in the clause is applied only in cases where the accused person refuses to give his name and residence, or gives such name and residence which there is reason to believe are false, or unless there is reason to believe that the person will abscond. That is quite reasonable. A reference has been made to Clause 66 which says—

• No matter or thing done by any forest officer bona fide in the exercise of his powers or in the performance of his duties under this Act shall subject such officer to any personal liability in respect thereof.

I think Mr. Millington brought this argument forward as being something quite extraordinary. In an Act passed during 1914, when the Government, of which Mr. Millington was a supporter, were in power, we had almost an identical section. That is in connection with the Plants Diseases Act. Section 26 is as follows:—

No inspector or assistant shall be deemed to be a trespasser by reason of any entry or removal under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act.

There is nothing at all extraordinary in the protection which is sought to be extended to forest rangers in this particular. I somewhat sympathise with the arguments raised by Mr. Sanderson. I regret, as I am sure every member in this House regrets, that we are so near the time at which we all desire the session to close, but we still have so much important business to do. The hon. member asked me specific questions. He wanted to know what Bills the Government desired to proceed with and those which we are willing to drop. I shall be prepared in the course of a day or two to give a definite answer to that question. I suggest in the meantime, however, that he will be quite safe in suspending his study of the Fruit Cases Bill, and devoting himself instead to the measure now before the House. I take it it will be necessary to ask the House to sit probably an extra day in the week, after the present week, if we are to get through by Christmas. I am sure it is the desire of hon. members, notwithstanding the fact that the more important legislation of the session comes before us at a late hour, that we should do all we can to get it through. I am also in sympathy with Mr. Sanderson in his reference to Clause 42 with regard to the annual report. As a matter of fact, I think that the time allowed under the State Trading Concerns Act for the presentation of the balance sheet with the Auditor's report attached, is insufficient. These are supposed to be presented by 30th September. I am afraid the hon. member is right in saying that this is not done. The Auditor's report in regard to the State steamships, for instance, only reached me to-day, which is a good deal later than 30th September. I do not see how we can put a penalty on the clause. I do not know to whom this penalty would apply.

Hon. A. Sanderson: It would be on the Ministerial salary.

The COLONIAL SECRETARY: If that could be done perhaps it would be a good procedure to adopt.

Hon. W. Kingsmill: The Minister is suffering agonies already.

The COLONIAL SECRETARY: Mr. Cornell said that seven years was too long a period for the Conservator to be assured of his office. I do not think that is the case at all. I think that seven years is a very short period, in which to do anything in the nature of establishing and carrying out a complete forest policy. The hon. member also suggested that the Bill was cunningly drafted. There is nothing cunning at all about the Bill, and the provision that the salary should be permanently appropriated is a natural corollary to the position being secured for a term of seven years. How can a man be appointed for seven years unless some provision is made for his salary for that term? Exactly the same provision operates under the

Railway Act with regard to the Commissioner of Railways.

Hon. J. J. Holmes: What is the Conservator's salary?

The COLONIAL SECRETARY: It is somewhere about £1,000 a year. I am sure it is not exorbitant for the position and responsibility of the office. Under the Railway Act the Commissioner is appointed for a fixed period.

Hon. J. J. Holmes: Five years.

The COLONIAL SECRETARY: And his salary is permanently appropriated for that period.

Hon. W. Kingsmill: It is a whacking big salary, too.

Hon. J. J. Holmes: It is not half enough.

The COLONIAL SECRETARY: Mr. Cornell has suggested that this permanent appropriation of salary will prevent Parliament, on the Estimates, from criticising the work of the Conservator. I venture to think there are times when the Minister for Railways wishes that the permanent appropriation of the Commissioner's salary on the Estimates interfered with the criticism of the railway policy on the part of hon. members of another place. Sometimes I have been inclined to wish that it interfered with the criticism of hon. members here. That, however, is beside the point. It will not, I say, interfere in the slightest degree with any proper criticism of the work of the Conservator.

Hon. J. Cornell: It is hard to criticise the Commissioner of Railways unless by a specific motion.

The COLONIAL SECRETARY: I think on the Estimates the Commissioner of Railways is generously criticised, not only here but in another place. The Commissioner of Railways seems to come in for criticism in this House on almost any motion that may be brought forward. He was criticised the other day on the motion dealing with the question of the appointment of Honorary Ministers: a very abstract constitutional question.

Hon. A. Sanderson: An abstract question?

The COLONIAL SECRETARY: I have dealt with the points raised during this afternoon's debate, and I hope I shall not weary the House if I now deal at some length with the points raised by other speakers. I am not doing this because I think there is any danger of the second reading of the Bill being defeated, but the number of questions raised suggests to me that there is a good deal of misunderstanding on the part of hon. members as to what certain clauses mean. If I can remove some of those misunderstandings before the Committee stage is reached, perhaps it will shorten our proceedings. Sir Edward Wittenoom claimed that the Bill was inconsistent, because on the one hand it definitely protects the existing rights, as in Clause 5, and as definitely takes them away, in Clause 24. That is not a right conclusion to form on the clauses. Two arguments may be advanced against such a contention. In the first place, if we assume that it does take away existing rights, the Bill as

originally introduced contained this provision—

The provisions of this Act, so far as they are inconsistent with such rights, shall not, except as hereinafter expressly provided, apply.

It was contemplated that there might be an argument as to whether the Bill interfered with existing rights or not. It was set out in the Bill as originally introduced that the provisions of the Bill should not interfere with the existing rights except where it was expressly stated.

Hon. Sir E. H. Wittenoom: You were going to interfere with them.

The COLONIAL SECRETARY: There was no inconsistency in the Bill as originally introduced. If there is any inconsistency now it results from the omission of certain words from the Bill before it left another place, and these words I propose to restore. It is open to contention that the Bill does not, so far as Clause 24 is concerned, take away any existing rights. I have here a copy of the whole of the agreements covering the concessions to which Sir Edward Wittenoom refers. In every one of these agreements it is expressly provided that they hold their rights subject to regulation.

Hon. W. Kingsmill: Hear, hear!

The COLONIAL SECRETARY: No regulation may be promulgated which is contrary to the spirit of the agreement, or of the Act under which the agreement is framed, and I do not think it is a tenable argument to say that the regulation, which merely insists that the concessionaire shall carry out his work in a manner which is not wasteful or destructive of the assets of the State, is inconsistent, nor do I see how such a regulation could be attacked. It seems to me an entirely proper regulation, even if the Bill is not passed. I do not profess to argue the matter from a legal point of view, but I think it would be difficult. If a regulation were put up, as contemplated by the existing agreements, insisting that the holders of these concessions should operate them not in a way to avoid all waste, as suggested by Mr. Nicholson, but should operate them in a way that shall be unduly wasteful and not absolutely destructive of the State's assets, I think such a regulation could be justified. It may be said that Clause 24 does not take away any existing rights so far as the concessionaire is concerned.

Hon. Sir E. H. Wittenoom: Suppose you take away milling?

The COLONIAL SECRETARY: That would be unreasonable and could not be done. A regulation, in order to stand, must be in accordance with the spirit of the agreement and of the Act upon which it is based. If a regulation is passed to do away with milling, it would not be in accordance with the principle of the agreement or the Act under which the agreement was entered into.

Hon. Sir E. H. Wittenoom: Hewing is the same as milling, only a different style.

The COLONIAL SECRETARY: At the time the agreements were entered into they

were entered into for milling purposes. Hewing as since practiced was never contemplated by the agreements entered into. I have two strings to my bow. I say we are not taking away any existing rights. If we are doing so, then the Bill clearly sets out what these rights are that we are removing. I have some sympathy with the contention of Mr. Cornell that, if we set out to protect the rights of those men who have gone away on active service, there must be no doubt that their rights are properly protected. I do not say I am going to support Mr. Cornell's amendment, but I will have the matter seriously considered so that if Parliament sets out, as apparently members of another place have endeavoured to do, to protect the interests of those hewers who have gone on active service, that protection must be real and not visionary and must not mislead them. Sir Edward Wittenoom has placed an amendment on the Notice Paper regarding the matter of rents during the period of the war. The Government introduced a clause in very much the same form as the amendment which the hon. member now desires should be inserted in the Bill. That clause was cut out by another place. Therefore I am not going to enter any argument whatever against Sir Edward Wittenoom's proposal. It has the support of the Government, and the Government will be quite willing to see the clause restored to the Bill. But I would point out that the leaseholder has no absolute right to the extension of his lease, nor has the concessionaire any right to the extension of his concession. It may be argued, of course, that it is a very hard thing for people who have concessions extending over a certain number of years, if the war comes along and they are not able to make any use of those concessions. It may be argued that they are badly treated; but, generally speaking, they are fortunate to be tenants of the Government, who come forward and say to them, "Yes, we recognise you have been badly treated and we are prepared to give you an extension of your term." But a person holding a lease from some private individual may find his business practically suspended during the period of the war. That person does not expect the owner or landlord, or whatever he may be, to come along and say to him, "I recognise that you have had a bad time, and therefore I am prepared to give you an extension of your lease." So that the holders of these leases and concessions are fortunate in having the Government as the person with whom they have to deal. They have no absolute right to the extension, and the granting of the extension is not incumbent on the Government. I may say at once that I consider it would be wrong of the Government not to grant extensions in view of the fact that the companies have been under very heavy expense during the whole period of the war. Still, the granting of the extensions is a fairly liberal concession. Unless most of us are very much misled, the opportunities for the sawmilling companies during the five or six years after the termination of the war will be great opportunities, and the extension of the concessions is something that should be very valuable. Sir Edward Wittenoom also suggested that it constituted

another inconsistency that under Section 6, paragraph (b2), payments were credited to the concessionaire or the leaseholder. He suggested that if it was done under one section it must in consistency be done under the other. But that is not so. Under Section 6, paragraph (b2), the lease money is credited because the leaseholder would be working under permit regulations. That is to say, the Forestry Department could have control of his operations. It would be possible to lay down cutting plans and to lay down sylvicultural conditions, which could not be imposed otherwise. So that, from the point of view of the Government, it is much more to the advantage of the State that permit holders should come under Section 6, paragraph (b2); and therefore it is quite consistent to say that the Government will credit the rent in the one case and not in the other, although the Government were quite prepared and still are prepared, if Parliament is agreeable, to credit it in both cases. I am not quite clear what is the exact nature of Sir Edward Wittenoom's objection to regulation 43 as regards giving the Governor power to extend the term of sawmill permits subject to a revision of royalties. It is quite true that a number of permits are being granted in respect of areas of much greater extent than could be cut out in the period of ten years; and Sir Edward Wittenoom is right in saying that the State sawmills hold the largest permit areas in the State, and that it would be quite impossible for the State sawmills to cut out those areas in the time laid down. But it is necessary to take power to extend the term of those permits, and the Government will be safeguarded in the matter of the royalty, for the reason that whenever an extension of the period of these permits is made there may be a re-assessment of the royalty.

Hon. Sir E. H. Wittenoom: I do not think I took exception to that. I merely drew attention to it.

The COLONIAL SECRETARY: I see. The question of the suspension of the Conservator of Forests was also raised by Sir Edward Wittenoom, but I think I have already fully dealt with that matter. As to Mr. Kingsmill's remarks, I do not think that he offered any criticism of the Bill to which it is necessary for me to reply, and I have to thank him very heartily for his most cordial support of the measure. I am sure his speech was a valuable contribution to the debate, and I have no doubt that it influenced a great many members to give this measure their most sympathetic consideration. Mr. Hamersley also supported the Bill in the main, but he seemed to be dubious on one point, regarding which I should like to reassure him. He questioned the wisdom of handing over pastoral leaseholds to the Forestry Department. I think Mr. Hamersley probably has an exaggerated idea of the extent and value of the pastoral leases in the timber areas which are likely to be affected by this measure. The total area of pastoral leases within the timber belt, according to the estimate of the Lands Department, is only 200,000 acres; and it is very doubtful whether

the whole of this area of pastoral leases will be included in the three million acres which it is hoped will be reserved for the State forests. In the old days, I understand, the Brockman family near the Warren ran a very large herd of cattle, but according to Mr. William Brockman they soon had to give it up owing to the cattle eating out all the suckers and creepers with which the forest floor was covered. It is questionable whether the destruction of those suckers and creepers was not due quite as much to the fires as to the eating off by the stock. In other countries it has been found that when the Forestry Department take proper control of the forests, make fire breaks, and generally improve the forests, the grazing value increases. In those countries the graziers, so far from objecting to control by the Forestry Department, recognise that it enhances the feeding value of the country on which their stock is dependent. This is not merely the case with places outside Australia, but I believe it applies also in the Riverina country along the Murray River, where the large station holders are all lessees of the Forestry Department. Along the Murray River there runs a belt of red gum timber which is of great value to the graziers during the summer months of the year. Not only do the lessees of that red gum country welcome the control of the Forestry Department, owing to the minimising of the risk of fire, but they actually assist the Forestry Department, so that the bulk of the improvements in the red gum forest are carried out by the lessees themselves. The comparatively slight value of the grazing in the jarrah and karri belts is indicated by the fact that the Lands Department, who are most jealous of parting with the control of anything of this nature, are quite ready and willing to hand over, and indeed recognise the wisdom of handing over, these areas to the Forestry Department. So that I think the hon. member's objection on this head does not amount to very much. Mr. Ewing desired to know what powers the Forestry Department would have over leases. The rights of the concessionaires and lessees and permit holders are, as I have already explained, protected under the Bill, and the Forestry Department will have no power to restrict the output of timber from these areas—no power whatever. Under Clause 24 the Forestry Department will, to a certain extent, restrict the output of hewn timber from these areas; but the hewn timber forms only a very small proportion of the total quantity of timber that is cut. In the concessions, leases, and permits, provision is made forcing the silvicultural work to be undertaken, so that the Forestry Department may initiate such work on any of these areas, provided the work does not impede the cutting of the timber on those portions which are still being exploited by the holders of these leases, concessions, and permits. Then there was the question of the cutting of fuel at Greenbushes. I understand that the tin mining leases at Greenbushes have no right whatever to the green timber for fuel purposes. The regulations are per-

fectly clear in this regard, and from the very beginning of the tin mining industry the Forestry Department have controlled the cutting of green timber in the district. So there is really nothing new contemplated in this present Bill so far as it affects the lessees at Greenbushes. No objection whatever is raised to the tin miners using unmarketable jarrah for fuel, and the department have never stopped them from doing that. But it has been decided on several occasions in the past, without any authority under this Bill, that marketable, straight-grained jarrah fit for the sawmill or the hewer must not be used for fuel purposes. The tin miner apparently objects to any restrictions whatever. I understand from that memorandum which Mr. Ewing read that the tin miner objects to hasty and ill-conceived legislation—referring to this Bill, which has taken, I think, some 20 years to come before Parliament. I do not know whether in that circumstance there is any great evidence of haste. But, as a fact, the tin miner's present position is not affected by this Bill. He claims now that the area of five miles square has been reserved for mining purposes, and that therefore he can cut whatever timber he likes on that area and put such timber to any use he likes. But the State Mining Engineer, looking at the matter from a mining point of view, and not from the point of view of a forestry enthusiast, has reported on this question; and he advises that there should be no alteration in the system which has been in vogue, but that the Forestry Department should be supported in their attempt to preserve the marketable jarrah. The Forestry Department are of opinion that there is ample dead wood lying on the ground, and also useless green wood, to supply the fuel requirements of the dredges for many years to come. No doubt it would be simpler and easier for these tin lessees to cut down straight jarrah, marketable jarrah, than to use the crooked jarrah. But surely we have to pay some regard to the value of the timber for different purposes. In the one case, if used for fuel, I suppose the value of it would be about 13s. per load, whereas in the other case the estimated value of a load of sawn or hewn jarrah would be £4. So that nobody wishes to interfere with the tin mining industry of Greenbushes; but whilst the tin lessees can get their fuel amongst the dead timber and amongst the timber which is unmarketable, it would seem a wrong process altogether to use timber worth £4 per load for a purpose for which it is worth only 13s. per load.

Hon. J. Ewing: But the tin miners say they cannot get fuel.

The COLONIAL SECRETARY: Two of the principal tin mining lessees recently waited on the Minister for Woods and Forests, and it was then decided to send representatives from the Mines Department and from the Forestry Department to Greenbushes to go into the whole question again. Now, what has been done in the past has been done with the concurrence and the approval of those interested in the mining industry, looking at the matter from a mining point of

view; and I can assure the hon. member that the Government are just as jealous for the future of the tin mining industry as for the future of any other industry. The Government do not want to sacrifice any one industry to another, and whatever is done in this connection will be done as the result of conferences between the representatives of the mining point of view and representatives of the forestry point of view, with the object of conserving the best interests of both industries. Mr. Saunders, I think, has received the support of one or two other members in his advocacy of the appointment of a board to control the Conservator of Forests. This advocacy was based on the assumption that too much power was being given under this Bill to the Conservator of Forests. I have endeavoured at an earlier stage to controvert that idea. I think the idea of Mr. Saunders was that the board should work with the Conservator. Mr. Allen's remarks rather indicated that he desired the board to control the Conservator. Now, of whom is this board to be composed? Is it to be a board of laymen to control the expert? I find, as a matter of fact, that in the remarks I made regarding the trained expert's salary, I gave him a rise of £200 a year, which was quite unpardonable on my part. I understand his salary is only about £800 per annum. However, the question is whether this trained expert is to be controlled by a board of laymen. If so, what is the use of the expert? He becomes merely an adviser.

Hon. J. F. Allen: I said, in conjunction with the board.

Hon. R. J. Lynn: Well, what is the use of the Minister?

The COLONIAL SECRETARY: I am afraid that the arrangement of the expert working in conjunction with the board would be found very difficult. If we had a number of trained foresters in this State, no doubt we should all feel that there was wisdom in numbers, and that perhaps two or three men might do the work better than one would do it. But personally I do not like the idea of placing a trained expert under the control of laymen; and I do not know, either, that there would be any particular advantage in having laymen associated with him. The Conservator has a department, and in that department, I entertain no doubt, he has officers with considerable knowledge of finance. He will have no lack of advisers. I do not think any good purpose would be served by the suggested board. However, that can be discussed in Committee. Mr. Millington devoted himself chiefly to Clause 24. He objected to the clause on the ground that to all intents and purposes it prohibited hewing. But that is not the intention of the clause, and I think the hon. member did not pay sufficient attention to the wording of the second paragraph, as follows:—

But it shall be lawful, subject to the provisions of this Act and the regulations, to fell and hew for railway sleepers such timber as may be standing on any such area or portion thereof.

So it is not necessary that all timber suitable for sawmilling purposes should have been cut out of the particular area before the hewer can go in. If any portion of the area has been cut out it will be open to the Conservator to grant a permit for hewing. The two sub-clauses of Clause 24 should be read together. In the course of cutting out an area there comes a time when the timber left is so scattered that it does not pay to haul it to the mill. Then the hewer rightly steps in. The proper test is, I think, whether it pays better to take the axe to the log or the log to the mill. Mr. Millington overlooked the fact that there will be a very large area of forest excluded from the operation of Clause 24. His proposed amendment to the subclause would be, I think, a very dangerous one. The experience of the past has shown that there is no entirely cut-out jarrah forest. The large sawmill goes over the ground and picks the eyes out of the forest. Then there is room for the small mill to operate and, after that, the hewer. Later on it is possible for still smaller mills to operate with profit. There are within the timber areas  $1\frac{1}{2}$  million acres of country cut over by the larger mills in the early days of the industry, and this country is eagerly sought after by the small mills. Mr. Millington's amendment would mean unrestricted hewing over the whole of that area. Let me give two examples. One is that of a sawmill permit north of Collie, situated on Millars' old Worsley lease. The big firm cut out the best of the timber and abandoned the lease. The small mill has since taken out 61,296 loads in round logs, yielding 27,197 loads of sawn timber, and has been working since June of 1910. That seems to be a proper and reasonable course to pursue, a course which it might be impossible to pursue if the amendment were carried. In the same district and close to the area referred to, the hewers have been working since the war started. The country is of the same type and was abandoned by the same big mill. The hewers have practically cut it out since 1914. For every load of hewing sleepers produced, there has been a direct loss of national wealth to the extent of £1 as compared with the sawn timber produced at the adjacent sawmill. The sawmill owner wanted this particular country, but it was decided that the hewer should be allowed to continue his operations, very greatly to the disadvantage of the State, and ultimately of the hewer himself, because he is not going to profit by destroying the industry. The test made at Mornington in 1914 proved conclusively that the hewer should not be allowed to cut anything that can be milled, and the decision as to whether country should be milled or hewn should be left to the Conservator. Clause 67 was objected to by Mr. Kirwan and others. Mr. Kirwan objected on the grounds that under the clause the Conservator might recommend the total prohibition of the export of timber.

Hon. J. W. Kirwan: I did not say anything of the kind.

The COLONIAL SECRETARY: Clause 67 was inserted after consulting with the Secy.

millers' Association, and with their approval. The object of the clause is not to prevent the export of jarrah and karri, but to prevent the export of timber under a false name or the export of timber below specification; in other words, to protect the reputation of the timbers of Western Australia in the interests not only of the State, but also of the milling companies and of everybody engaged in the industry.

Hon. J. W. Kirwan: I merely doubted whether it was constitutional.

The COLONIAL SECRETARY: I will come to that aspect presently. In the past the jarrah trade has suffered enormously through unprincipled firms having sent abroad karri for jarrah. Karri in many ways is superior to jarrah, but in one direction it is notably inferior: except when subjected to powellising treatment it is not durable in the ground. Our export trade has been mainly a sleeper trade, and the export of karri for jarrah has caused infinite trouble at the port of destination; so much so that even to-day the authorities at Capetown and in India maintain a staff of inspectors to inspect our jarrah, and to see that it all bears the Forestry Department's brand. This inspection and branding system was initiated when the mixture of jarrah and karri first occurred, and has been in force ever since. The Conservator gives a certificate to the exporter that the timber he is sending abroad has been inspected by an officer of the Forestry Department and bears a brand. For instance, the jarrah is branded W.A.J. and the karri W.A.K. In spite of this inspection system firms have exported timber which has not been passed by the inspector. It has been shipped in the same steamer with passed timber, with the result that confusion has occurred at the other end, and in one case a very large consignment was condemned. After consultation with the Sawmillers' Association it was decided to insert a clause making any person exporting timber, unbranded, liable to a fine of £10 per load. It is hoped by this means to restore the confidence of the buyers in South Africa and elsewhere. It will be seen therefore that the clause is not intended to interfere with the trade, but to assist it. There are two timbers in Western Australia the cutting of which for export is prohibited under the Land Act. I refer to wandoo and tuart. Both those timbers are of exceeding value for railway rolling stock construction, and the supplies are so scarce that it was found necessary many years ago to prohibit their cutting on Crown lands for export. Under the clause it will be possible to continue this necessary prohibition. In regard to the constitutional aspect, we have been doing this in the past. It is necessary for the protection of the industry that we should do it, and I think we shall be wise to continue to do it, unless the Federal Parliament demonstrates that there is power to prevent us from doing it. If we are going to lie down and make no effort to protect our industry, I think we shall be acting very unwisely in-

deed. I do not suppose for a moment that the Federal Parliament would take exception to this or any other State effecting reasonable measures for the protection of its industries. Then Mr. Kirwan objected to the financial clauses on the ground that they would result in the Forestry Department seizing all the revenue and the Government getting none. I do not know but what in the long run it would be a wise thing. But I admit at once that the present financial position of the State will not justify it. There is a great deal to be said against utilising for revenue purposes all royalties obtained from virgin uncultivated forests. It amounts to the imposition of a tax on a primary industry, to eating up the asset; and surely it would be far wiser that the whole of the royalties derived from virgin uncultivated forest should be applied to recreating the same class of wealth for use in future.

Hon. W. Kingsmill: It would be putting them into a good bank.

The COLONIAL SECRETARY: Undoubtedly. Since the inception of the Forestry Department close on half a million pounds has been paid into Consolidated Revenue, while very insignificant sums have been spent by the Forestry Department. All these have been employed in the collection of revenue, no money whatever having been spent on forestry. The Forestry Department recognise that the present condition of the finances will not permit of the whole of the revenue being devoted to this purpose, and therefore the department recognises that the position would not permit of any considerable depletion of the revenue at present obtained by the Treasury from the Forestry Department. Consequently the royalties were increased from 1s. to 2s. per load, so that, without taking anything from the Treasury, there might be some money for forestry purposes. The Bill provides that one half of the gross revenue of the department shall be placed to the credit of a special account at the Treasury. It was in order to create that half without decreasing the amount at present received by the Treasury that the royalties were doubled. Half the gross revenue will be devoted to forestry, and the administrative charges of the department will be borne by the other half. If the revenue were actually doubled one might take half the gross revenue for forestry purposes and deduct from the other half the administrative expenses and still have the same revenue as at present. That will scarcely be the case because, although the royalty is doubled, the rents are not doubled. The revenue from rents is at present about £10,000 per annum. It is a diminishing quantity, because each year the lessee surrenders the country he has cut over. It is anticipated that the actual loss to the Treasury by the carrying out of this proposal will not be more than £4,000 per annum. That is to say that the doubling of the royalties will almost double the revenue, and the administrative expenditure will not be increased.



Hon. J. W. Kirwan: It is not the first time that Parliament has been promised that the expenditure will not be increased.

Hon. H. Stewart: When was the royalty doubled?

The COLONIAL SECRETARY: Within the last 12 months. I think Mr. Kirwan also suggested that it would be possible for the Conservator to dedicate the whole of the State as a State forest for timber reserve. Of course that is not so. In the first place a classification has to be made, and this will show what land is forest land and what is agricultural land. The classification is not made by the Conservator. It is being carried out at present by joint parties of foresters and of Lands Department officers, the contention being that the interests of agriculture and of forestry shall be equally conserved. When the classification is complete a conference will be called between the Lands Department officers and the Forestry Department officers, and the demarcation of the State forest and the agricultural land will be laid down. It will then be for Cabinet, not the Conservator, to decide whether or not the forest lands shall be dedicated as State forests. The Conservator anticipates that at the very most three million acres will be devoted to forestry as State forests and timber reserves. So that the large powers suggested are to be exercised over a comparatively limited area of country. I hesitate to take an opposite view to that expressed by Mr. Mills on the question of forest fires as he knows a great deal about those matters, and I do not know anything. I can only quote the opinions of those who do know, opinions which are not confined to this State but all the world over, and those opinions seem to be against the contention put forward by Mr. Mills. If the foresters in the South of France who are in charge of pine forests in districts where the fire danger is greater than in any other part of the world can manage to keep the fires out of the forests, how much easier will it be for us to do so in Western Australia?

Hon. J. Mills: Do not they propose to clean up the forests by burning the country?

The COLONIAL SECRETARY: In every country in the world where they have a forest policy the contention has been advanced from time to time that there must be a burning off every year. But according to the best opinions it is quite an erroneous idea. In every country where a forestry department has taken control, fires have been checked. The reason why foresters are so averse to destroying the leaves and rubbish, as suggested by Mr. Mills, is that those leaves and rubbish form the most important part of the soil covering. The reason why forests grow on for ever on the same country without manure is that they give back to the soil in their leaves, twigs, etc., what they take out of the soil, and the result is that a forest crop can be continuously grown on the same piece of country in perpetuity. I want hon. members to understand that I am not posing as an expert. In this instance I am quoting the opinions of people who are entitled to express opinions. The greater proportion of the mineral substances

taken from the soil goes into the leaves, while the wood requires only a very insignificant amount of organic matter. The remedy that Mr. Mills suggests, namely that of burning the forest litter, can only result in time in the entire destruction of the forest. It has been suggested to me that we do not need to go far afield to see how this applies. Over a large part of the Mundaring catchment area an initial blunder was made there in ringbarking the trees. I think I am correct in saying that shortly after the weir was constructed the fear was expressed that there would be a difficulty in filling it. We had one or two seasons in which there was a scanty rainfall and the weir did not fill as was expected. To the best of my recollection the opinion was expressed that the trees on the area absorbed such an enormous quantity of water that it was necessary to ringbark them and kill them. I have no doubt that those who were responsible for that acted according to their lights, and best judgment, but I think there can be little doubt that it was a great blunder. The weir would have filled just as well, and perhaps the water would have been purer, and the surrounding districts would certainly have looked better than they do at the present time, if the trees had been permitted to remain. After the ringbarking had taken place there came up a magnificent regrowth of jarrah saplings, and what followed was the policy Mr. Mills now suggests. A great proportion of those saplings have been killed through the policy of burning. The whole of the forest floor has been burnt up and in many places the forest conditions have been so destroyed that there is no possibility of another natural growth.

Hon. J. Mills: That was caused through the ringbarking.

The COLONIAL SECRETARY: It is attributed to the loss of what would have formed into manure and food for the young trees. The Forest Department has now to resort to planting in that area in order to restore the previous conditions. Mr. Allen seemed to think it possible that, under the Bill, the export of timber would be prohibited. There will be no prohibition of the export of karri and jarrah as it is impossible to interfere, even if one wished to do so, with the rights of the concessionaire and the permit holder. The export will naturally decline as the forests are exploited, but we have been overcutting at a tremendous rate in the past and the time will shortly come when there will be no timber for export. But if the Bill is passed that period will be extended. Mr. Allen was quite correct in his reading of the Bill in regard to the difference between State forests and timber reserves. A State forest is land permanently dedicated for forestry purposes. The dedication of such a reserve can only be altered by Parliament. The reservation of land as a timber reserve, however, may be altered at any time by the Governor. There were two other points Mr. Allen referred to. One was the matter of certain concessions granted to Mr. Rowley for cutting blackboys. His concession rights are entirely preserved under the Bill. Then the question was raised as to what powers it gave the Conservator over oil. The land

within a State forest is subject to the Mining Act, 1904, but the exercise of any right thereunder shall be subject to such conditions and restrictions relating to forestry as may be prescribed according to Clause 30 of the Bill. So many members have contributed interesting speeches to this Bill that it is more than probable I have overlooked some of the comments which have been made. If I have done so I can assure hon. members that it was not wilful on my part. I have endeavoured to traverse the different points raised and I trust that in Committee the Bill will receive the same sympathetic treatment as it has received up to now.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Interpretation:

Hon. J. W. KIRWAN: There is an amendment on the Notice Paper regarding the interpretation of forest produce. The interpretation in the Bill is very wide. While it includes various produce of all kinds, it certainly excludes gold and other minerals. But it includes stones and carlins, shells, indigenous animals and birds, not being game within the meaning of the Game Act, and honey and beeswax. I am not quite sure what is the interpretation of stones in the Mining Act but certainly earth would include a good deal of clay as used for industrial purposes, and also sand for brickworks and so on, while stones would include quarries. There are many reasons why these matters should be left outside the jurisdiction of the Forestry Department. I move an amendment—

That all the words after "charecoal" in line 6 be struck out.

The COLONIAL SECRETARY: I do not think the hon. member has given sufficient attention to the first words he proposed to strike out. The general definition of these other matters applies only in a State forest or a timber reserve. I think the larger definition is required because without it we will not give the department effective control over those comparatively small areas.

Hon. A. SANDERSON: The mover of the amendment is to be thanked for drawing attention to this matter. I propose to assist the Committee in the direction I have already indicated, namely by looking up carefully those references which have been given to the Victorian and New South Wales Acts. This reference, which is given in this particular clause, to the Victorian Act is most misleading. If members will look up that Victorian Act they will find that it is entirely different from the clause in this Bill. With regard to the New South Wales Act I asked the officers of the House to bring it to me, but they informed me that it is not obtainable. I shall probably be able to get a copy of the Act elsewhere, but this shows how impossible it is to understand these references without the other Acts which have been referred to, and we are told by officers

of the House that they are unable to bring these Acts before hon. members. There are two definitions of forest produce appearing in the Victorian Act. In one case it refers to the forest produce in reserve forests, and in another case it refers to forest produce in a protective forest. I do not know the difference between a reserve forest and a protective forest. Until members have had an opportunity of looking at these Acts carefully, and comparing them with the Bill now before us, they will be unable to say whether the Victorian proposal is better or worse than that which we have under discussion. Possibly it may be advisable to postpone the Interpretation clause until later.

The COLONIAL SECRETARY: I fail to understand why Mr. Sanderson should suggest that the reference is misleading. It only refers to the Victorian Act number so and so. It is clear that the clause is not taken from the Victorian Act, and that it is not a re-print from it. It is only intended to intimate that it is not the same as the Victorian Act. I have no objection to the postponement of the Interpretation clause until the end of the Bill.

Hon. Sir E. H. WITTENOOM: Why should we slavishly follow another Act? If members are satisfied with the Bill as set before them why should they follow the New South Wales Act, or that of any other State?

Hon. J. W. KIRWAN: I hope the Committee will agree to my amendment. The Colonial Secretary seemed to think that I had not noticed the reference to State forests or timber reserves, but I particularly mentioned that, and therefore proposed the amendment. There is no reason to accept the statement as to what the area of a State forest or timber reserve may be, because it not only may include the particular area covered by timber, but it will be found that the Conservator shall cause plans to be prepared showing the quantity of timber growing thereon, and indicating those portions which are not likely to produce marketable timber. We do not know how wide may be the area of a State forest or timber reserve. Clauses 51, 54, 55 and 59 make special reference to forest products. Excessive power is given not only over what is below the earth but what is on the earth, and, we may say, above the earth. I urge the Committee to support me in limiting the interpretation of forest products.

The COLONIAL SECRETARY: Why should anyone want to be in a State forest in possession of these forest products without lawful authority? Surely he must get permission from the Crown, and if found in possession of any of these things should be deemed to have committed an offence.

Hon. G. J. G. W. Miles: What about the prospector holding a miners' right?

The COLONIAL SECRETARY: He is exempt.

Hon. V. HAMERSLEY: It seems to me that the boundaries of these forest areas will run for the most part along the roads. Surely the local authorities have power to

instruct their men to take away stone or gravel for the maintenance of the roads. It has been suggested that they can get permission from the Conservator of Forests. Local authorities do not ask for permission to go on to my private land in order to get road material. It would be a menace to the people if they had to apply for a permit to remove stone or gravel for this purpose. I hardly see the necessity for this being included in the clause. I do not see why a State forest should not be subject to the same conditions as any other private holder of land in this State.

Hon. A. SANDERSON: With regard to roads boards and their powers, I have a recollection that it was proposed a short time ago to give the Forest Department power over the roads of the country.

Hon. V. Hamersley: That is so.

Hon. A. SANDERSON: Does this clause operate in that direction?

Hon. J. Nicholson: That refers only to timber on the roads, not to the roads themselves.

Hon. A. SANDERSON: Here we have a conflict of testimony between Mr. Hamersley and Mr. Nicholson. I believe a previous attempt to place the timber on roads under the control of the Forestry Department was defeated, though I do not wish to speak too positively on the point.

The COLONIAL SECRETARY: The proposal referred to by Mr. Sanderson I do not think ever reached either this Chamber or the other. The present provisions regarding roads boards are clearly set out in Clause 70.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: The interpretation of "owner" includes "any person holding land under any lease or license." Is the word "concession" omitted from that definition purposely, and if so, for what reason?

The COLONIAL SECRETARY: The holder of a concession will be included in the holder of a lease or license from the Crown.

Hon. Sir E. H. WITTENOOM: But in the explanatory memorandum concessionaires are distinguished from leaseholders and permit holders.

Hon. A. SANDERSON: As regards reserved trees, could not the names of the trees be inserted? Surely the department know the names, and can let the public know them through the Bill, instead of deferring the matter to notification through the "Government Gazette," which many people never see. This is another instance of the practice frequently commented upon by hon. members of legislation by regulation and notification.

Hon. Sir E. H. WITTENOOM: I have not had the completion of the reply to my question regarding the omission of the word "concession."

The COLONIAL SECRETARY: Does Sir Edward Wittenoom question the fact that the holder of a lease includes the holder of a concession? A concession is a lease from the Crown.

Hon. Sir E. H. WITTENOOM: We have no evidence that this definition includes the concessionaire. However, so long as I have the

Colonial Secretary's assurance that it is so, I shall be satisfied.

The COLONIAL SECRETARY: I will make a note of the matter and look into it. Regarding preserved trees, those at present preserved are the kurrajong, the quondong, and the Christmas tree. The reason for not inserting those names in the Bill is that it may be desirable at some future time to preserve other trees, and we do not wish to have to come to Parliament for authority to do it.

Clause as amended put and passed.

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

Hon. J. EWING: I wish again to refer to the Greenbushes mineral field. Clause 5 confirms the rights of those who have rights prior to the passing of this measure. It has been understood by the Greenbushes tin miners for the last 30 years that the rights to the timber on the area known as the Greenbushes mineral field are absolutely theirs. Men who have spent thousands of pounds on the industry for very little return, and who have been on the Greenbushes field for the last 25 years, state that the timber position is very serious, that the dead timber and the crooked timber are not suitable for fuel for dredges, and that for many years it has been the custom to use green timber for that purpose. If the tin field is of more importance to Western Australia than the timber on that area—and the wages paid by the tin mining industry in connection with dredging amount to £54,000 per annum—it should be recognised that there is not timber to that value in the prescribed area. In the circumstances, is it not reasonable to respect the wishes of the tin miners? I desire to move an amendment inserting the words "including the Greenbushes mineral area" after the figures "1904" in line 5 of the clause. The Collie people are fully protected in this respect, and so should the Greenbushes people be.

The CHAIRMAN: I do not think the amendment would be in order, because it does not make sense.

Hon. A. SANDERSON: I have an earlier amendment, which, however, I shall not move if a satisfactory answer is obtained from the Colonial Secretary. Pastoral lessees now have the right to take what timber they want. But what about the conditional purchase holder? I have had dealings with the Lands Department and the Forestry Department on this point, and the conditional purchase holder can, subject to certain regulations, go on Crown lands and cut timber for private purposes, not for sale. Why is special reference made here to the pastoral lessee and no reference to the conditional purchase lessee? Under present conditions, the conditional purchase lessee has certain rights.

The Colonial Secretary: No; he has not.

Hon. A. SANDERSON: I accept the assurance of the Minister, although it is not in accord with my experience gained in the Lands Department and the Forestry Department.

The COLONIAL SECRETARY: Speaking in a general way, the C.P. holder has no timber rights over Crown lands except where the Minister has included a special right. The practice has been to charge royalty to the conditional purchase holder taking timber from Crown lands, although permits have been freely issued to those not able to pay the royalty. It is not intended by this Bill to alter the practice of the past regarding the conditional purchase holder at all. He is not referred to in this clause because he has no timber rights.

Hon. A. SANDERSON: As we have the assurance of the Minister that the agricultural or conditional purchase man has had no timber rights in the past, I am satisfied. From my own personal experience I am under the impression that if he has not any rights, he has been given certain concessions which have hardened into rights, and it may be a serious matter if those rights or privileges are taken away.

Hon. J. NICHOLSON: The position of the pastoral lessee and of the conditional purchase holder are quite distinct. The conditional purchase holder has a right to the timber on the land within the boundaries of his lease. It is no longer Crown land. The position of the pastoral lessee is that he has no right beyond the grazing rights conferred under the pastoral lease, and with the exception of the rights granted by Act of Parliament to take timber, he would have no right to remove timber from the land.

Hon. A. SANDERSON: At present the conditional purchase man is permitted to go off his own land for the purpose of cutting timber for building or for fencing. It may be that it is under a permit from the Lands Department. However, he has no difficulty in getting that concession. If we have a hostile administration of the Forestry Department it probably will mean that a hardship will be thrust on the settler. In the looking after of the interests of the trees, the interests of the men might suffer.

The COLONIAL SECRETARY: I can only assure the hon. member again that at present the conditional purchase holder who wants to go on to Crown lands to cut timber does so under a permit from the Forestry Department, and that the Bill will not alter that position in any respect whatever.

Hon. V. HAMERSLEY: Every word that has fallen from Mr. Sanderson reminds us of what might happen to some unfortunate settlers on conditional purchase land. They have found it necessary in the past to go to Crown lands to obtain timber, and I say those settlers should receive sympathetic treatment at the hands of the department.

The COLONIAL SECRETARY: I move an amendment—

That the following be added at the end of the clause, "and the provisions of this Act, so far as they are inconsistent with such rights, shall not, except as hereinafter expressly provided, apply."

Hon. Sir E. H. WITTENOOM: Unless I get some satisfactory explanation I intend to

oppose this. It is distinctly laid down in Clause 3, and again in Clause 5, that it is intended to preserve the rights of those who hold leases, licenses, and concessions. The amendment gives the department power to take those away. We have in Clause 24 all that is required. I understood the hon. member to say that he did not intend to interfere with the rights of concessionaires, beyond the hewing rights. The Government are fully protected under Clause 24, and unless they intend to take away some other rights the amendment is superfluous.

The COLONIAL SECRETARY: The first clause referred to by Sir Edward Wittenoom is a repeal clause which provides that although we are repealing existing Acts we are not taking away rights acquired under those Acts. In respect of Clause 5, I have already dealt with it. If it stands as it does it might be contended that Clause 24 is inconsistent with it; because it would be argued that by limiting the power of holders of timber concessions to carry on hewing, we were interfering with their rights. Therefore the amendment is necessary to make it clear that all rights are hereby preserved, with the one exception.

Hon. Sir E. H. WITTENOOM: Are you going to leave in the first words of Clause 24?

The COLONIAL SECRETARY: Yes.

Hon. Sir E. H. WITTENOOM: Then you are making a double provision.

Hon. A. SANDERSON: Is there any necessity to put this in at all? It stands to reason that all rights conferred on existing companies will be preserved. Cannot we assume that the rights of any parties or companies will be preserved?

The COLONIAL SECRETARY: It is the wish of the Crown Law authorities that this should be done, in order to avoid inconsistency which may lead to litigation. It might be said in one clause that we preserve these rights and it might be argued under Clause 24 that we take them away.

Hon. A. SANDERSON: It stands to reason that existing rights are preserved. We cannot take them away because those concerned have their agreements.

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

Clause 6:

Hon. Sir E. H. WITTENOOM: There are two interests in connection with this Bill that require careful consideration. They are the interests of those who are doing their best to conserve the forests to make them reproductive, and there are the interests of those who are engaged on the industrial side. Whilst one will try to increase the forest, the natural tendency of the other is practically to reduce the forest by making use of the marketable timber that exists there at the present time. The Government recognise that those who have held leases during the time of the war have lost by them. In a previous Bill in another place it was proposed to add the period of the war to the leases in the future. There was also a provision that the amount of rents paid by the leaseholders, permit holders, and concessionaires during the time of enforced idle-

ness should be placed to their credit during the four years of the extension, always remembering that during that time they would be paying the same rate as permits, which would be double rate. I could bring forward a Bill which was presented in another place in which the amendment I intend to move was embodied. I could also show that the Government recognise the fairness of this. I have a Notice Paper in my possession which shows that the Minister for Forests had given notice of the amendment that I intend to move. Therefore, I need go no further to show that the Government realise the justice of the proposal I intend to submit. If I wanted anything more it would be the statement of the leader of the House that if the House carried the amendment the Government would be prepared to adopt it and would give effect to it. I ask hon. members to support me in this matter. In doing so, whilst I am not prepared to make statements and give details regarding those who own concessions, leases, and permits, I can give one instance, to show what losses have been sustained during the four years of the war, in which time the company in question were precluded from carrying on their operations. The company had at one time 10 mills in operation and during the war period they had only two. Before the war began they employed 3,000 men, but latterly the number was under 1,000. The amount of wages distributed was £500,000 a year or more before the war. Latterly it has been considerably less. But the trouble and expense of those who owned permits and leases was in connection with keeping up a satisfactory state of affairs on the mills. In the case to which I have referred there were 350 miles of standard railway which had to be maintained.

Hon. J. Cornell: To which company are you referring?

Hon. Sir E. H. WITTENOOM: Millar's. That is the one company that I know the details of, though I am certain many others are in the same position. It was necessary during all that time to maintain an office staff; it was also necessary to keep in hand capable and experienced supervisors, managers, and men who understood the business, and the men who have been kept are exceptionally good men. Unfortunately they were unable to go to the war, although they were capable of carrying on this business. There have also been various establishments to keep up and there have been agencies all over the world to maintain and interest has been going on all the time, interest on the improvements and interest on the capital, paid up to £1,750,000. All this expenditure amounted to something like £20,000 a year and the closing down expenses amounted to something like £68,000. Out of that, 25 per cent. represented rents to be paid in connection with the leases. It is in connection with those that the owners of leases think the Government should recognise that that money should be placed to their credit in the future, as well as recognise that they ought to extend the leases, because it will be seen that by paying this money in the past, and having to pay

it again in the future, would amount to paying it twice over. During the past four years they have had no consideration and they were not able to make use of their leases. Mr. Kingsmill stated that it was not the fault of the Government that the war took place. That is quite true, but it was not the fault of the company. After this expenditure of something like £70,000 for upkeep, and in connection with the closing down of the mills during this term, they are in such a position that they can be of great service to the men who are coming back. When the eight mills are set to work again, for which there are all the preliminary necessities, the men for supervision and the railways, many of our returned soldiers can be absorbed.

Hon. J. Cornell: What is the approximate amount involved?

Hon. Sir E. H. WITTENOOM: It is £27,000, and for this very little consideration is given. The position is now favourable to those who have gone to the war, and this business is prepared to take these men back again. In the case of those who, unfortunately, would not come back, openings will be available for others. I ask hon. members to agree to my amendment. Having recognised the fact that these leaseholders are entitled to an extension of their leases, owing to the stoppage of their work during this time, it seems to me that they are equally entitled to the credit of these rents that were paid during the time when they could not make use of their leases.

Hon. A. Sanderson: What is the amount involved in the rents?

Hon. Sir E. H. WITTENOOM: It is £27,000, which it is desired should be spread over the four years of extension and credited against the double amount of rents. It may be asked, why keep up this establishment during war time? It was done in order that these companies might be prepared to go on with their work again when the war was over. It would have been of no use allowing their improvements, their railways and engines, to go to ruin for want of being looked after. I move an amendment—

That the following proviso be added to paragraph (i.), after the words "forty-three":—"Provided that the rents paid during the period of temporary suspension from operations shall be credited to the lessee and apportioned over the period of such extension."

The CHAIRMAN: As this amendment is most undoubtedly an appropriation of revenue, it is quite improper that it should be moved in this House, and, indeed, it could not be moved in another place by a private member. I, therefore, rule that it is out of order. The only way in which it could be moved in this House is by taking advantage of Standing Orders 235 and 236. Standing Order 235, which deals with amendments proposed by the Governor, says—

Whenever the Governor shall return to the Council any Bill presented to him and transmit therewith any amendments which he may recommend, such amendment shall be

considered and dealt with in the same manner as amendments proposed by the Assembly to a Bill originated in the Council.

Standing Order 286 goes on to say—

When the Council shall have agreed to any amendment proposed by the Governor, with or without amendment, such amendment, together with any alterations rendered necessary to be made in the Bill in consequence of such amendment, shall be sent to the Assembly for its concurrence, and any amendment made by the Assembly thereto shall be dealt with in the same manner as amendments made by the Assembly to Bills originated in the Council.

The amendment, therefore, cannot be considered.

Hon. H. J. SAUNDERS: Paragraph (ii.) of Subclause (b) contains the words "within 12 months of the termination of the war." I should like to know from the leader of the House whether the day on which the armistice was signed, or the day on which peace will be signed, will be taken as the date of the termination of the war.

The COLONIAL SECRETARY: This point has arisen in England in connection with a number of Acts and provisions. I believe an Act has been put forward there defining what the termination of the war means. I have no doubt, as soon as the Act is passed, it will be adopted by the different Parliaments throughout the British Dominion. Otherwise, I take it, the time would be when peace is actually declared.

Hon. J. NICHOLSON: Admiral Beatty the other day, when asked by a German officer to be allowed to fly the German flag, remarked that a state of war still existed between England and Germany. Although the armistice has been signed peace has not been declared, and the termination of the war has not been determined.

Clause put and passed.

Clause 7—Forests Department:

Hon. A. SANDERSON: Here we have a reference to the Victorian Act. It is regrettable that it is not possible to let members see Section 8 of that Act. I understood that something of a similar nature to the Victorian Act was incorporated in this Bill. This clause has a reference to Victorian No. 2655, Sections 5 and 8, but I would point out that the Victorian Act is very much more simple than this Bill, and that there would not have been necessity in connection with that Act for all the discussion we have had here with regard to this question. I wish to draw attention to the question of the distribution of trees from the nurseries, as mentioned in paragraph (c) of Subclause 2. This has already been brought under the notice of the Minister, but I have not seen that he has given a clear and satisfactory answer to the nurserymen. We have State nurseries here which grow many varieties of trees. The question to be decided is whether the State is to distribute without any charge, or sell at a low rate, these trees in competition with the nurserymen engaged in the work on commercial lines. I should like a definite statement from the Colonial Secretary as to the policy that will be pursued. The nurserymen do not understand the position.

There are many good reasons why the State should distribute trees, especially when we have regard to the clause of the Bill connected with Harbour Day. There is also the question of distribution of trees to public bodies. The nurserymen are entitled to know whether it is to be the policy of the Government to distribute, and if so what particular trees they are going to distribute, and how they are going to distribute them—distribute them into roads boards, or are private people to be permitted to send 25s. or 30s. to the State nursery and obtain a large number of trees, excellently prepared for planting, at a price much less than that at which such trees could be obtained from private nurseries?

The COLONIAL SECRETARY: It is the practice, and a practice which it is intended to continue, to distribute the trees at cost price outside the metropolitan area. These trees are raised in the State forests, and it is necessary to get rid of them, and it is very desirable that roads boards and settlers should have the benefit of them. Not wishing to interfere with the private nurserymen, the Government do not distribute the trees in the metropolitan area.

Hon. A. Sanderson: What does "metropolitan area" mean?

The COLONIAL SECRETARY: Fremantle to Midland Junction, and Fremantle to Gosnells.

Hon. A. SANDERSON: Does that mean that the Colonial Secretary takes the Fremantle town hall and the Midland Junction town hall and the Gosnells agricultural hall and draws a line between those three points? This is a matter of great importance to the nurserymen from a cash point of view, and also a matter of considerable importance to many other people.

The COLONIAL SECRETARY: The trees are all consigned to railway stations, and they would not be consigned to any station beyond those points. Of course, there is no station to consign them to beyond Fremantle.

Hon. A. SANDERSON: Will the Government stand by that? The nurserymen are entitled to a definite decision. There are many obvious absurdities in connection with the arrangement, because the trees can be consigned to Bellevue, and what about the branch lines?

The CHAIRMAN: In my opinion, the discussion on the clause should be confined to the powers of the department, and not extend to details.

Clause put and passed.

Clause 8—Conservator of Forests:

Hon. H. STEWART: I move an amendment—

That in Subclause 2, paragraph (a), after "be" there be inserted "and a professional officer and."

I move the amendment because in so many instances we have clerical officers as departmental heads. In this case particularly, a professional officer is necessary. We are given to understand that the gentleman likely to be appointed Conservator of Forests is a professional officer; but at any time there might be another Conservator appointed, and for that eventuality I wish to safeguard the posi-

tion. My amendment will ensure that the Conservator shall be a properly trained forestry officer.

The Colonial Secretary: The amendment only makes clear what is undoubtedly the intention of the Bill, and I have no objection to it.

Hon. A. SANDERSON: Has Mr. Stewart's amendment appeared on the Notice Paper? The CHAIRMAN: I think not.

Hon. A. SANDERSON: More than once we have had a ruling from you, Mr. Chairman, on the importance of placing amendments on the Notice Paper. Clause 8 is in some respects the kernel of the Bill. Having read that clause to-day, I handed to the clerk a notice of an amendment in it, namely, to strike out the clause and insert in lieu the Victorian section. Listening carefully to Mr. Stewart, I derived the impression that his amendment was practically on all fours with mine. Therefore judge of my astonishment when I heard the leader of the House say he would accept Mr. Stewart's amendment. The Conservator is going to be placed in quite an exceptional position.

The CHAIRMAN: The hon. member's remarks would apply to the whole clause, but they have no bearing on the subject matter of the amendment, which is whether the Conservator shall be a professional or a non-professional officer.

Hon. A. SANDERSON: Will the Minister explain to us what he thinks the effect of the amendment will be?

The COLONIAL SECRETARY: The object of Mr. Stewart in moving the amendment is, probably, that no layman should be appointed Conservator of Forests. If the amendment is carried it will be clear that a layman cannot be appointed Conservator.

Hon. H. STEWART: The amendment is to safeguard the position and ensure that only a properly trained and qualified forest officer layman cannot be appointed Conservator.

Hon. J. NICHOLSON: Does the Colonial Secretary think the amendment will be sufficient to meet the object of the mover? I agree with the idea underlying the amendment, but I am doubtful whether the words of the amendment are sufficient to attain the object. As the clause is of very great importance, I ask the Colonial Secretary to agree to its postponement.

The CHAIRMAN: The hon. member is not speaking to the amendment. His remarks will be more in order when the amendment is disposed of.

The COLONIAL SECRETARY: In answer to the hon. member, I think the amendment, taken in conjunction with Clause 14, will do all that is required.

Hon. J. W. KIRWAN: To remove any possibility of doubt as to the meaning of the amendment I suggest that paragraph (a) would carry out the idea if framed in this way: "And a professional officer with the degree or diploma of a forestry school recognised by the Governor."

Hon. H. STEWART: I think the position is fully safeguarded, and in this I am fortified by the opinion of the Colonial Secretary.

The amendment, in conjunction with Clause 14, will do all that is required.

Hon. J. CORNELL: The hon. member is very cocksure of what his amendment will do. If Clause 14 is going to apply, under this provision there is no need for the amendment.

Hon. J. EWING: I think Clause 14 does not apply at all, and therefore I hold that Mr. Kirwan's proposal is right and proper.

Hon. H. STEWART: With the permission of the Committee I will withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. A. SANDERSON: Now I have an opportunity of finding out if the Committee are prepared to put the Bill through as it stands. We are establishing the Conservator in an unique position. I have no hostility to the Bill, but I deprecate hurry. I want to see that the work we do will stand the test of practice. Clause 8 is probably the most important in the Bill. I will vote against it. I wish to see the substitution of Section 7 of the Victorian Act. Under the Victorian Act a forest ranger and an assistant forest ranger and others are engaged on exactly the same terms as the Conservator of Forests. The Conservator is directly responsible to the Minister. It is most regrettable that the New South Wales Act cannot be obtained, so that we may refer to that as well. It is more than misleading when we have a reference made to an Act and we are not able to look at it. Are we now going to put the Conservator in the extraordinary position that he will occupy if Clauses 8, 9, and 10 are passed? Are we going to consider the Victorian procedure, and will the Minister tell us, if he can, what the New South Wales procedure is? I can only hope, if we decide to put this concern in the position in which it unquestionably will occupy, that the department will come up to the standard of the Woods and Forests Department in India.

Hon. H. STEWART: I move an amendment—

That the following words be added to paragraph (a):—"and a provisional officer who has obtained a degree or diploma of a forest school recognised by the Senate of the University of Western Australia."

Clause 14 provides that the qualification of officers of the professional division shall be recognised by the Governor, and when that clause is reached an amendment will be moved to that also on lines similar to that which I have just proposed. It is thought that the Senate of the University will be better able to determine the status of the forest school.

Hon. A. Sanderson: Does the Senate of the University recognise any school?

Hon. J. W. Kirwan: Does the Governor recognise any school?

Hon. H. STEWART: The Senate are in the position to get expert information. The graduate of one university may not be admitted to another.

Hon. A. SANDERSON: Does the Senate of the University of Western Australia recognise certain schools? That is what I would like to know. I know that so far as degrees are con-

cerned, if I took the trouble to look the matter up, I could find what universities and what degrees the university will recognise. But there is a great difference between recognising a diploma and passing such an amendment as the hon. members proposes. I question very much whether there is a list or a reference by which we can find out whether a forestry school is recognised.

Amendment put and passed.

The COLONIAL SECRETARY: I have not had an opportunity of seeing the New South Wales Act, but I think I am correct in saying that it confers powers similar to those contained in this and the succeeding clauses, but it does not confer them on one officer. It confers them on a board of three officers in that State, and they are not a mixed board, as has been suggested here. They are a board of three foresters, the chairman receiving a salary of £1,300 a year and the other two £1,000 a year each. That board has not, however, been constituted, for the reason that the Government in New South Wales have found a difficulty in obtaining the third officer with the necessary qualifications. They have obtained two and now they are looking for the third. If Western Australia could afford a board of three it would be an advantage.

Hon. A. SANDERSON: I am positive that what we have done is likely to lead to difficulty and trouble in connection with the recognition of diplomas, but it is not worth while fighting about. This matter is of vital importance, and the leader of the House has helped me materially. But I am not satisfied. We ought to have an opportunity of looking up the New South Wales Act. I am becoming suspicious of the way in which we are doing our work. I want to have an opportunity of looking up these things for myself, and satisfying myself that we are doing the right thing in connection with the important principles of the Bill. This is one of the most important clauses of the Bill. We have the question put forward that a board of three Commissioners is the system in New South Wales, and the admission of the Colonial Secretary is that a board of three members would have been tried here but for our financial limitations. That is a very important admission. There should be some provision, should our finances improve, whereby we should be able to have that board.

Hon. G. J. G. W. MILES: That is only his opinion.

Hon. A. SANDERSON: Once the Bill is out of our hands it will be difficult to deal with it again.

Hon. J. J. Holmes: What would happen if we struck this out?

Hon. A. SANDERSON: I would put in the Victorian section.

Hon. J. J. Holmes: This clause is good enough for me.

Hon. A. SANDERSON: It is not good enough for the leader of the House.

The Colonial Secretary: I said the board might be worth considering.

Hon. A. SANDERSON: This is the most important clause in the Bill.

Hon. J. Cornell: It requires seasoned consideration.

Hon. A. SANDERSON: If members have made up their minds, I have nothing further to say inside the House, but I shall say a good deal outside, when I am dealing with the question of the constitutional revision of the Legislative Council. To pass this clause as it is would not be doing the best we should do in the interests of Western Australia.

Hon. J. J. Holmes: Would you not sooner have the department run by an expert than by an Honorary Minister?

Hon. A. SANDERSON: I wish to deal with the Bill in that moderate and careful spirit which has characterised the whole debate.

Hon. H. STEWART: Will the Colonial Secretary lay on the Table of the House the file dealing with the Conservator, because it has a bearing on this clause?

The CHAIRMAN: The hon. member had better ask that at some other stage.

Hon. J. CORNELL: I move an amendment—

That in paragraph (b) of Subclause 2 the word "seven" be struck out and "five" inserted in lieu.

I move this amendment with the object of bringing the Bill into line in this respect with the Act which appoints the Commissioner of Railways for a term of five years. In my opinion the work of the Conservator cannot be compared with that of the Commissioner of Railways, and the Conservator should not enjoy an appointment for a term of seven years when the Commissioner of Railways is only given the appointment for five years.

Hon. J. EWING: I move—

That progress be reported.

Motion put and a division taken with the following result—

Ayes .. .. .	5
Noes .. .. .	10
Majority against ..	5

#### AYES.

Hon. J. Cornell	Hon. H. J. Saunders
Hon. J. Ewing	Hon. J. Nicholson
Hon. G. W. Miles	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. H. Carson	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. H. Stewart
Hon. J. W. Kirwan	Hon. J. J. Holmes
Hon. R. J. Lynn	(Teller.)
Hon. C. McKenzie	

Motion thus negatived.

The COLONIAL SECRETARY: I hope the amendment will not be carried. The period has been taken from the New South Wales Forestry Act.

Hon. J. W. KIRWAN: In my opinion, it would be an improvement if the Committee carried the amendment. The point is that if at the end of five years the Conservator is found to have carried out his duties satisfactorily, there would not be the slightest question as to his continuance in office. Five years is



ite long enough, being the term of a Railway Commissioner, who has greater responsibilities than the Conservator of Forests. If Mr. Cornell divides the Committee on his amendment, I shall vote with him.

Hon. J. CORNELL: I have failed to gather on the Colonial Secretary's remarks any satisfactory reason for this clause. He has made out a case for seven years as against me. I intend to use my full powers to ensure that this clause shall not be passed to-night.

The CHAIRMAN: The hon. member must not use threats.

Hon. J. CORNELL: I withdraw that remark, Sir. My intention is to endeavour to get my amendment embodied in the clause, and then to endeavour to get the clause struck out with a view to the insertion of a better provision. Just consider the number of men, and the quantity of material, and the amount of money, controlled by the Commissioner of Railways as against the Conservator of Forests.

Hon. J. J. Holmes: That is why we curtail the Railway Commissioner's term of office.

Hon. J. CORNELL: By no stretch of comparison can the powers and responsibilities of the two officers be likened to each other. Since 1904 no legislative attempt has been made to detail important departments of State such as this; but now the attempt is made, and, moreover, there is an attempt to extend the term of office.

Hon. A. SANDERSON: I have no desire to use threats, but I regard this clause as highly important. On the question whether the engagement is to be for a term of five years or for a term of seven, we might consult the Conservator; and, again, the Government might not wish to tie themselves for seven years.

Hon. J. EWING: This is the most important clause of the Bill, and I should like it to be decided by a very full Committee. Personally I am in favour of the seven years term. No fair comparison is possible between the Railway Department and the Forestry Department, which latter requires continuity of policy. I hope, indeed, that we shall have the present Conservator for his lifetime. But we ought to get from him some undertaking that he will remain in the service of Western Australia for the full term of seven years; though I have no doubt he intends to remain for the term of his engagement. As regards salary, if the Conservator does all we expect of him his remuneration should be increased so as to make it worth his while to remain here for life. The clause should not be passed to-night, and so far as lies in me I will see that it does not go through to-night but is further considered to-morrow.

The COLONIAL SECRETARY: It appears to me that one or two hon. members are adopting rather an extraordinary attitude. First, let me deal with the question of the Conservator's salary, because in closing the second reading discussion to-night, I said I understood the salary was about £1,000 a year. The fact is that the present Conservator is en-

gaged under an agreement for a term of seven years. That agreement is binding on both the Conservator and the Government. The Conservator entered office at a salary of £756; and, the agreement providing for annual increments, he is at present receiving £802. The salary will increase in accordance with the terms of his agreement until finally reaching the amount of £1,006. That is the position in respect of the Conservator.

Hon. J. J. Holmes: It will take him seven years to get the work in hand.

The COLONIAL SECRETARY: Mr. Cornell has referred to the Commissioner of Railways. The necessity for having an officer for a considerable period in the position of Conservator is that, if we are to have a consecutive forest policy, we must have an agreement. We do not need to know what is done in New South Wales or Victoria to make up our minds which is the right period, whether five years or seven years. Mr. Ewing desires that the matter shall be settled by a full House. I share in that desire. But the Council, through no fault of its own, has not been holding long sittings, and I do not think it is unreasonable in the closing days of the session to expect that hon. members should devote a certain amount of time to their work. Early in the evening it was suggested that I intended to sit all night to put the Bill through. I at once repudiated that idea, and said I would report progress at about 11 o'clock. A little while ago one hon. member moved to report progress, without in any way consulting my wishes. It is only reasonable to expect that members shall attend up to about 11 o'clock. It is not reasonable to say that because certain members have gone home we should not go on with the business.

Hon. J. EWING: I moved to report progress, at the request of Mr. Allen, who had to catch his train, and who is very much interested in the Bill. I apologise to the leader of the House for not having consulted him: I thought he had been consulted by Mr. Allen. I am prepared to sit all night and assist the Minister.

[The Deputy President resumed the Chair.]

Progress reported.

House adjourned at 11.5 p.m.