

# Legislative Assembly,

Thursday, 26th September, 1918.

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

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

## QUESTIONS (2)—RABBIT PEST.

### Poison available.

Mr. HARRISON (without notice) asked the Premier: 1, Seeing that the dry season is near at hand, and that it is the best period for the destruction of rabbits, how much poison have we on hand in the State? 2, What quantity is on order? 3, When is it expected to arrive? 4, Will sufficient be available to carry on an active campaign immediately?

The PREMIER replied: 1, There are 9,308 lbs. of rabbit poison in the State at the present time, or 203 cases of phosphorous poison, and 150 ozs. of strychnine. 2, There are 100,000 lbs. of phosphorous poison and 1,000 ozs. of strychnine on order. 3, A ship arrived at Sydney from England a fortnight ago and the process of manufacturing poison is in hand at the present time. Space has been secured on the next boat and as much poison as can be manufactured up to that time will be sent over by that vessel. The rest will follow later. 4, Not until the arrival of this shipment will the Rabbit Department be in a position to carry out what one might call an active campaign. Mr. Crawford is at the present time in the eastern areas inspecting the country and ascertaining where the first poison carts are most required.

### Poison carts.

Mr. HARRISON (without notice) asked the Minister for Works: 1, How many poison carts have been sold to date? 2, What are the stocks now held?

The MINISTER FOR WORKS replied: There have been 201 carts delivered and on order and in stock 60. We propose to continue manufacturing the carts.

## BILL—CONSTITUTION ACT AMENDMENT.

Introduced by Hon. P. Collier and read a first time.

### LEAVE OF ABSENCE.

On motion by Mr. HARDWICK, leave of absence for two weeks granted to the member for Kimberley (Mr. Durack) on the ground of urgent private business.

## BILL—PRESTON ROAD DISTRICT SOLDIERS' MEMORIAL.

Read a third time and transmitted to the Legislative Council.

## BILL—CRIMINAL CODE AMENDMENT.

### In Committee.

Resumed from the 24th September; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

### Clause 16—Amendment of Section 427:

The ATTORNEY GENERAL: It will be remembered that at the last sitting of the Committee the suggestion was made on paragraph (a) of Clause 3 that the provision be passed over. I was not prepared to accept that. It was then suggested that we should provide the necessary machinery for trying all those cases in the Children's Court, or alternatively, that we should give to the Supreme Court the power which is now possessed by the Children's Court in respect of prohibiting publication. I have since discussed the matter with the Crown Law officers, and I am prepared to submit a clause on the lines of the latter suggestion, a clause which will enable the Supreme Court to withhold or direct publication of children's cases on the lines of Section 22 of the State Children Act.

Hon. P. COLLIER: Coming to Clause 16, I should like the Minister to explain its object. What is sought by giving this power to a lower court to commit an offender to a higher court for sentence?

The ATTORNEY GENERAL: The offences set out in Sections 426 and 427 of the Code come under the head of summary convictions for stealing, and like offences. When the value of the property stolen does not exceed £50 the justices may deal with the charge summarily, and in that case the offender is liable to imprisonment with hard labour for six months. Suppose the lower court hears a case and finds the offender guilty, or perhaps the offender admits his guilt; at that stage, and no other, the court is entitled to look at the police record of the prisoner. If they find that he is an old offender, it may seem to them that six months would not be a proper term of imprisonment to give him.

Hon. W. C. Angwin: If it were merely his first offence they could still send him on.

The ATTORNEY GENERAL: No, not if the value of the property stolen did not exceed £50. It is now proposed that, in cases in which the magistrates find themselves in the dilemma I have described, we should empower them to commit the convicted person to a higher court for sentence.

Hon. P. COLLIER: I think it would be very unwise to give this extended power to the lower court. Under such a provision an accused person might not obtain a fair deal. In addition to the instance cited by the Attorney General, it would be possible for the lower court to send on to the higher court for sentence an accused convicted of his first offence. It would not be so dangerous if in all cases the accused had pleaded guilty, and was then sent along, together with the depositions, for the judge would then be able to justly apportion sentence. But in cases where the accused pleads not guilty, the magistrates, after hearing a great deal of evidence, might decide that the accused is guilty and is due for a heavier sentence than they are empowered to impose, and so they send

him on for sentence. But the judge who is called upon to sentence the accused has not himself heard the evidence; and we know that in all these cases a determining factor in the apportionment of sentence is the evidence which the judge has heard. It amounts to usurping the functions of a jury. Whenever the offence is so serious as to merit punishment of more than six months imprisonment the case ought to be committed to the higher court for trial. The accused, if pleading not guilty, would then have an opportunity of being tried by a jury, and the judge called upon to impose sentence, having heard the evidence, would be in much better position to deal justly by the accused. The innovation appears to me to be highly dangerous. I think the powers already possessed by the lower courts are ample.

**THE ATTORNEY GENERAL:** If the hon. member will turn up Section 618 of the Code he will see that the very point he has made is provided for. It provides first of all, that when a person has been committed by a justice for an offence, he is called upon to plead in the higher court just the same as any other accused. Generally speaking, he has power to plead not guilty, and therefore he has to be tried again.

**Hon. P. Collier:** But if he had pleaded guilty in the lower court?

**The ATTORNEY GENERAL:** It is provided that although he admitted his guilt in the lower court, a plea of not guilty may be entered in the higher court. There was not the general power to send up persons for sentence. The paragraph (b) that we struck out of Clause 3 was a general section giving the same powers as are proposed here. This proposed section can only be applied to stealing offences which have been enumerated.

**Mr. PILKINGTON:** I would draw the attention of the Attorney General to these words in the paragraph we are now dealing with, "The sentence which they are empowered by this section to pass." Does this not mean the preceding section?

**The ATTORNEY GENERAL:** I am glad the hon. member has called attention to this, because I think the word should be "chapter." I move an amendment—

That the word "section" be struck out and "chapter" inserted in lieu.

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

Clauses 17 to 25—agreed to.

Clause 26—Insertion of new section after Section 660:

**Hon. P. COLLIER:** Paragraphs 661 and 662 contained in this clause seem to me to be contradictory. In the one paragraph it states that a person can only be sentenced to an indeterminate sentence after having been convicted on at least two occasions, and the other paragraph says that such a sentence can be imposed even if the accused is standing his trial for a first offence.

**The ATTORNEY GENERAL:** When I was studying the Bill I had much the same idea as the leader of the Opposition. The reason in the mind of the draughtsman in separating paragraph 661 from 662 was that two differ-

ent classes of persons were being dealt with. On the one hand the person is an habitual criminal, who is now being brought up for the third time, but the other class of persons is that in which we seek to make the reform operate before they become habitual criminals. If the judge thinks fit, having regard to the antecedents character, age, mental condition and so on of the accused, he may direct that the accused be detained at the Governor's pleasure and sent to a reformatory prison.

**Hon. P. Collier:** Would not the lesser be contained in the greater?

**The ATTORNEY GENERAL:** I argued this matter out, but the explanation afforded to me was that in the one case an habitual criminal was being dealt with, and in the other case it was a person who had not yet become one. It was, therefore, though desirable to separate the two paragraphs in order to make a great deal of difference between the two classes of cases. The second paragraph is more of a reformatory one. I may say that it did not appeal to me as a lawyer.

**Hon. P. COLLIER:** The distinction is a subtle one. One would think there were ample powers in the one paragraph to do that which is sought to be done by the other. In an case it is merely giving a power which, I hold is already given. Paragraph 662 gives very wide powers to the court, and a vindictive judge may commit an offender, even though it may be his first offence, to imprisonment for life. There are times when even the judgment of a Supreme Court judge becomes somewhat unbalanced and biased. It might be well to confine the powers of the court in regard to indeterminate sentences to those given in paragraph 661. In the case of a man who is convicted for the third time, we know that he is, at all events, on the way to becoming a habitual criminal, if he has not already done so. In such a case an indeterminate sentence might well apply. In 999 cases out of 1,000 the judge would no doubt exercise a wise and just discrimination as to sentencing a person under this provision; but we must guard against the thousandth case, in which a judge by reason of abnormal conditions may decide to send a first offender away indefinitely. In the past, very extensive powers have been given to legal tribunals and other institutions in the belief that those powers would be exercised wisely; but experience shows that on many occasions the discretion which had been hoped for was not exercised, with resultant injustice; that applies both here and in other States of the Commonwealth. This provision represents a step backwards. As to the treatment of habitual criminals, I am quite in accord with the Government; and I believe that the Prisons Act Amending Bill, which is really supplementary to this measure, represents a step forward. Events of the past few years have made me cautious as to extending the power of any tribunal, even of our highest court.

**The ATTORNEY GENERAL:** I have some further information to give to hon. member by way of enabling them to form a correct estimate of the advisability of including this

provision in our Criminal Code. The difficulty with which we are faced is that it is impracticable to incorporate in the Code all the provisions of prison legislation. Under the Code, a man comes before the court, and is sentenced; and that is finished. The man then enters prison, where he is dealt with under prisons legislation. Even suppose the judge makes a mistake, imposing an indeterminate sentence on a person who should not receive that sentence: then the Prisons Act comes in. Under the Prisons Act Amending Bill a board will be constituted with power to recommend the Governor to do all kinds of things, one of them being the release of prisoners on probation. Again, the board may recommend the transfer of a prisoner to a hospital, or that he be allowed to leave the prison for any purpose. They may recommend a prisoner's release under surveillance, whereupon the prisoner would be watched, and, in the event of his misbehaving himself, would be sent back to prison. In this connection I should like to quote a minute penned by the Comptroller General of Prisons in 1916, and to be found on page 4 of the report of the Gaols Department—

The Hon. the Colonial Secretary has approved of the introduction of amending legislation during the approaching session of Parliament to repeal the existing sections of the Criminal Code dealing with preventive detention and the substitution thereof of provisions similar to those of the Victorian Crimes Act, 1915. This decision was resultant from the following memorandum addressed by me to the Minister on the 17th August, 1917, as follows:—"The introduction of the preventive detention principle, as provided for in the Criminal Code Amendment Act, 1911, has been practically barren of result. In the six years it has been law, only six cases have come under it. The principle is good, and its application should be extended. At present it is too hard to qualify as an 'habitual criminal' within the meaning of the existing law, and in one case after conviction the indeterminate sentence was remitted, as it was found the prisoner was not fully qualified as an 'habitual criminal.' Our law prescribes that anyone summarily convicted of an indictable offence shall be deemed guilty only of a simple offence. Hence such a person, though convicted a hundred times, can never become an 'habitual criminal.' The 'habitual offender' takes the fullest advantage of this, and elects on all possible occasions to be dealt with summarily. From statistics carefully prepared by Captain Hann, Superintendent of the Fremantle Prison, we find within a period of three years 347 men have committed 1,337 offences, or an average of nearly four each. (See Table 'A' annexed.)

Hon. W. C. Angwin: How many of those cases are just drunkenness?

The ATTORNEY GENERAL: Thirty-five cases.

Hon. W. C. Angwin: Drunkenness is not a serious crime.

The ATTORNEY GENERAL: The minute proceeds—

They may be said to have a fair average, and it is time they were brought up under preventive detention. But mark the tale told by Table 'B' (also annexed). Under our short sentence method 30 men have been sentenced 880 times, an average of 29.3—

Hon. P. Collier: That would be mostly for drunkenness.

The ATTORNEY GENERAL: The minute goes on to say—

an average of 29.3, and only two of these have come under the preventive detention sections of the Criminal Code. The arrest, court proceedings, and transport, and escort charges amount to not less than £5 per prisoner. Thus the State has had to pay 28 X say 25 times more, viz., £4,100, in respect of these 28 men than had a more enlightened law of preventive detention been in existence. The 'habitual criminal' is recruited from the ranks of the 'habitual offender.' If we nip the latter in the bud, we destroy the bloom of the former. The preventive detention method achieves four advantages—economic, deterrent, reformatory, and protective. Economic, because the cost of repeatedly imprisoning an offender is saved. Deterrent, because with the 'Kathleen Mavourneen' sentence in sight the offender will think twice before rendering himself liable to its verdict. Reformatory, because the treatment under preventive detention is based upon reformation. Until reformation is shown, i.e., until a moral effort is made and a moral progress evinced, there is no hope of release. Every regulation is made to conduce to moral reform, and the prisoners are under the special vigilance and influence of a specially selected committee . . .

Then the minute proceeds to deal with the law in the State of Victoria, and how certain suggestions have come along in connection with police court cases.

Hon. P. Collier: Was that minute written by Mr. Hann?

The ATTORNEY GENERAL: No; by Mr. North, the Comptroller General of Prisons. The last paragraph of the minute, though it has nothing to do with what we are now discussing, answers a question which I was asked the other day by an hon. member in regard to reformatory prisons. The Prisons Act Amendment Bill now before the Assembly does not provide that habitual criminals shall be kept separate from, or treated differently from, other persons sentenced to indeterminate imprisonment; but it enables separate treatment to be brought about. Under this amending legislation, if Parliament pleases to pass it, a separate establishment may be provided, perhaps not at once, but as soon as may be. In judging the proposed Sections 661 and 662, hon. members should give consideration also to proposed Section 663, which provides that any question as to whether a person is or is not an habitual criminal shall be decided by the court. Therefore, it will not be necessary, if this amending legislation passes, to mention the matter in the indictment, as must be done now: the matter will not have to be submitted to the jury.

Hon. P. Collier: An offender need not be an habitual criminal in order to receive a sentence under proposed Section 662.

The ATTORNEY GENERAL: No.

Hon. P. Collier: That is the point.

Mr. PILKINGTON: This clause seems to be a curious one. It provides that an indeterminate sentence may be ordered by the judge having regard to five things, the antecedents, the character, the age, the health, and the mental condition of the accused. The judge has power to do one of two things, to add to the ordinary sentence a period in a reformatory prison, or to impose no ordinary sentence but order the man to be detained in a reformatory prison during the Governor's pleasure. One clause empowers the judge to add something to the ordinary sentence and the other is intended to enable the judge to deal somewhat gently with the prisoner who may be in bad health or suffering some mental infirmity. Having regard to the antecedents and the character of the accused person, or the age, health, or mental condition, the judge may order the person to be detained in a reformatory. Having regard to the bad antecedents or bad character of the accused, the judge may impose an additional sentence under proposed new Sub-section 1, whereas, if it is found the accused person is of old age, or very young, or suffering bad health, or is in a weak mental condition, the intention is to reduce the sentence and order the person to be retained in a reformatory prison. It seems that the two things should be separated. Because a person is in bad health power should not be given to add something to his sentence; or because a person is of old age he should not have an ordinary sentence but be placed in a reformatory. It seems a strange thing. Has this provision been in force anywhere?

The Attorney General: It has been in force in Victoria since 1915, but the clauses are not the same word for word.

Mr. PILKINGTON: The judge has to have regard to a man's character, good or bad. It appears strange that a judge should have regard to a man's character—and he must have regard to his bad character as well as his good—how is a judge to know of his character? Is evidence to be called by the prosecution as to a man's bad character? It is not usual. At the present time, if a man is of good character, or has been previously convicted, after his conviction by a jury, the judge looks at the previous convictions. But there appears to be an innovation here that evidence may be called as to the bad character of the person after conviction so that the judge may add something to the sentence. Has this law operated anywhere and how has it operated?

Hon. W. C. ANGIN: I hope the proposed new Section 662 will be struck out altogether. Of the 627 convictions in 1917—that is first offenders—507 were convicted of minor offences, and a large proportion are first offenders. Then I find that in all 1,779 offences were recorded; 680 were cases of drunkenness. The other principal offences were stealing (petty offences) 216, maritime offences (refusing duty and desertion) 142,

disorderly conduct 121, idle and disorderly 65, obscene language 46, unlawful possession 44, common assault 41. The whole of them seem to be minor offences and under the clause we are now considering a person could be committed to prison for life. Many persons at times make mistakes and there should not be power given to a judge to place a person in prison indeterminate. The intention is to place a person in a reformatory prison, but it is necessary to build that prison first, because we cannot place persons in goal with criminals if we want to reform them. There is no provision at Fremantle at the present time. I am afraid we are inclined to run a little bit wild, as far as these convictions are concerned, in sending persons to prison. I do not think sending persons to prison does much good. We should be very careful in giving power which would not have any effect on the person convicted. It not only affects the person but the whole of his relatives. Take a boy of 18 years of age sent to goal for a first offence. His sisters and brothers and relations suffer and this boy is kept in goal until he shows some good reason why he should be let out. It all depends on how the boy conducts himself, and a boy might give a sharp answer, having been ordered, perhaps abruptly, to do something. In that case the boy might be kept in goal for another two or three years.

The ATTORNEY GENERAL: The Victorian section, which we are following, reads as follows:—

(1.) Where any person apparently of the age of 17 years or upwards is convicted of an indictable offence, whether such person has been previously convicted of any offence or not, the judge of the Supreme Court, or the Chairman of the Court of General Sessions, before which such person is convicted, may, if he thinks fit, having regard to the antecedents, character, associates, age, health or mental condition of the person convicted, the nature of the offence, or any special circumstances of the case, (a) Direct as part of his sentence that, on the expiration of the term of imprisonment then imposed upon him, he be detained during the Governor's pleasure in a reformatory prison, or (b) without imposing any term of imprisonment upon him, sentence him to be forthwith committed to a reformatory prison to be there detained during the Governor's pleasure. (2) Before passing any such sentence the judge or chairman may, if he thinks fit, hear evidence to enable him to determine whether such person should, or should not, be so detained.

That is the point raised by the member for Perth and this law was passed in Victoria in 1915.

Mr. Pilkington: That gives the power to hear this curious evidence.

The ATTORNEY GENERAL: The idea underlying this clause is this: we frequently see a man who comes before the court for the first time and is going to be sentenced. He may be let off under the First Offenders' Act, if the court thinks fit, having regard to

the circumstances of the case, and the surroundings. To-day that man has to be sent to herd with criminals. Obviously that man will come across associates in gaol which will not tend to make him better and he is given the first step in a career to become an habitual criminal. In the hearing of a case all a man's life is frequently disclosed and the judge may think that the man is guilty of the offence and should be punished. But in sentencing him the judge may think that the accused is one of those who has had unfortunate surroundings or is mentally deranged, or has come from a bad lot, and would give him a chance. The judge has power, under (a) or (b) to direct that at the expiration of his term of sentence, which may be a day or a month, to have the prisoner detained in a reformatory prison during the Governor's pleasure. Or the judge may, without imposing a term of imprisonment at all, commit the prisoner to a reformatory prison to be detained during the Governor's pleasure.

Hon. W. C. Angwin: We only have one gaol here; it is all the same.

**The ATTORNEY GENERAL:** If this Bill is passed I am assured by the Colonial Secretary's department that they are prepared to deal with this matter without additional cost to the State. They have the machinery for doing it. It has to be started by degrees, and the Colonial Secretary has assured me that it can be done. There is accommodation there to carry this out, and the object is to clean a man up, to reform him; and send him out again into the world a new man on a fresh career. It is not a punitive clause. There are cases where it is fit and proper that a man should be given, say, seven years; there are other cases where a broad-minded judge will see at once that a case may not be one for seven years of herding with criminals, and in such a case the youth will be given an opportunity to reform. He will be put in a safe place where he can be taught a trade and set upon his feet. The clause provides for reformatory power, and I ask the Committee not to strike it out of the Bill.

Hon. P. COLLIER: Hon. members will agree with the Attorney General in all that he has said with regard to the wisdom of having reformatory prisons, places where first offenders, such as he has described, can be sent for separate treatment, and where they will not mingle with hardened criminals. But that is entirely beside the point. The Government can provide these reformatory prisons where first or second offenders, or offenders with innumerable convictions, may be sent, but still without giving the court the extreme power we propose to confer by this clause.

Mr. Nairn: As it exists now a man has to go to prison on a definite sentence.

Hon. P. COLLIER: And I think that is right. A court should not have the power to send a first offender to any prison, reformatory or otherwise, for an indefinite period. In the Prisons Bill there is provision whereby such persons may be released, but in that

Bill, while it is an excellent measure, I strongly object to the power it is proposed to confer on the board which it is intended to appoint. Invariably many of the people who constitute these boards are unfitted by training, knowledge, and equipment to deal with cases of this kind. I am not saying, however, that such board will be appointed.

The Attorney General: I have not heard of anyone being suggested.

Hon. P. COLLIER: I do not suppose the Attorney General has the slightest idea who will be appointed, but, after all, the choice in this State is somewhat limited, that is, so far as persons who have given deep study to the subject are concerned. Hon. members will realise how important it is that such a board should be composed of people who know something of the subject.

Mr. Teesdale: I hope there will not be any women on it.

Hon. P. COLLIER: I hope not, because we do not want these things dealt with from a sentimental point of view.

Mr. Teesdale: Women with kinks.

Hon. P. COLLIER: Without reflecting on the sex and their usefulness in many walks of life, I am with the hon. member so far as women on a board of this kind are concerned. The law is in force in Victoria, but it has not had an extended trial there, having been passed only in 1915. I have not seen any report from the authorities in Victoria as to how it is operating, but the more I examine the clause before us the more I am convinced that we are giving to the court a dangerous power. We cannot be too careful about giving such power where the liberty of an individual is concerned. The court is empowered to consider the antecedents of an accused person. What is meant by that? I take it that antecedents might refer to the ancestors of an accused, and he may be sentenced because of his bad family connections. Then there is his character, which is everything. In these times the people in Australia hold different views upon political and national questions, and particularly the questions affecting the war. And when a person holds what may be thought to be extreme views he has no character at all in the eyes of some people. I stand in this country without a shred of character in the eyes of hundreds of thousands of people.

The Premier: Oh, no.

Hon. P. COLLIER: Well, tens of thousands of people, and merely because I hold certain views with regard to the war. I am quite certain that if I had to depend for my character upon some of these courts I would be in for a bad time in the reformatory prisons. The clause provides that the court may have regard to the antecedents, character, age, health, or mental condition of the person convicted. That covers everything from head to foot and body and soul, everything in fact that makes up the human being.

Mr. Teesdale: What about religion?

Hon. P. COLLIER: That, too, is part of our mental condition, or perhaps antecedents.

The Attorney General: This will be applied to a young fellow who has fallen for the first time.

Hon. P. COLLIER: I agree that such a person should not be sent to herd with criminals, and that there should be a reformatory prison such as it is intended to establish under the Prisons Bill to which to send him. But I think there should be a definitely fixed sentence, so that the individual may look forward to being released at a stated time. The sentencing of a person to a term, the duration of which he does not know, will have a detrimental effect, in fact a heart-breaking effect.

Mr. Davies: Do you suggest a maximum?

Hon. P. COLLIER: The term of imprisonment should be fixed. Notwithstanding the optimism of those who think otherwise, I see no hope whatever of establishing any effective reformatory prison in this State for some time to come. It is sheer hypocrisy to talk about establishing reformatory prisons when we remember that the Government have already closed up one, in the inebriates' home at Whitby Falls, in consequence of which we had the spectacle the other day of a woman being sentenced for the 235th time for drunkenness. We have nowhere to send that woman except to the Fremantle gaol. In these circumstances it savours a good deal of playing with the game to talk about establishing reformatory prisons.

Mr. Foley: There is a separate place now to which such women can be sent.

Hon. P. COLLIER: If there is, I do not know what the court meant by sending that woman to prison. Reverting to the clause, may I ask what is the lowest court before which an indictable offence may be taken?

The Attorney General: Some of these indictable cases may be treated summarily by justices.

Hon. P. COLLIER: That increases my opposition to the clause.

The Attorney General: But they will not have power to do this; they can imprison only for six months.

Hon. P. COLLIER: But the clause does not state with which court or courts the power is to be left. There is no limitation in the clause. Apparently the power is to be given to any court capable of convicting a person of an indictable offence. Even honorary justices may have the power.

The Attorney General: You can accept that view until I have looked into the question. I will let you know presently how it really stands.

Hon. P. COLLIER: It would be outrageous to confer such a power upon honorary justices, for day by day we have instances showing that some at least among them are not fit to be entrusted with the most petty cases.

The Attorney General: I may say that the advisableness of bringing in a similar provision relating to minor offences in the police court was considered. However, that is only being thought of as yet.

Hon. P. COLLIER: If the Attorney General, on looking up the matter, finds that there is no limitation, will he agree to provide such limitation?

The Attorney General: Yes; if I cannot find the limitation in the Code, we shall have to put one in.

Hon. P. COLLIER: I do not think that proposed paragraph (b) should be agreed to. I am against giving any court power to send a first offender to prison for an unlimited period.

Mr. Davies: Proposed paragraph (a) is just as bad.

Hon. P. COLLIER: It is. The proposed Section 661 provides that, before being sent to a reformatory prison, a hardened offender shall have been at least twice previously convicted. But in the proposed Section 662 it is provided that a first offender may be sent to a reformatory prison for an indefinite period, perhaps for life. The hardened criminal has at least the protection that he cannot be sent away for an indefinite period unless there are two previous convictions against him, but the first offender has no such protection. Without desiring to reflect in any way on the police officers or those administering the Act, we ought not to overlook the fact that most, if not all of them live in an atmosphere of punishment, and that when a person is brought before the court for the first time and is convicted, the whole machinery of the Police Department may be utilised to prove that he is of really bad character in order that he may be imprisoned for an indefinite period. The idea is widely held that the more effective an officer is in securing judgment, the more efficient is he in the discharge of his duty. The clause is altogether too drastic.

Mr. Davies: Why not control the indeterminate sentence by providing a maximum of, say, five years?

Hon. P. COLLIER: We certainly ought not to give the court unlimited power.

The Attorney General: You mean that the prisoner should be detained for a period not exceeding five years?

Hon. P. COLLIER: That would hamper the judge, for he might consider five years insufficient. In the Prisons Bill, now before the House, power is taken to deal with any person in gaol under the indeterminate sentence.

Mr. Nairn: But that would be only in the interests of leniency, would it not?

Hon. P. COLLIER: Yes. A man, even though serving a life sentence, may be transferred from the gaol to the reformatory prison, and may be released on probation and, later on, may be released entirely. I think we ought to put a limit on the power sought to be taken in the clause under discussion.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. PILKINGTON: The object which the Attorney General has in view would be attained by an entirely different clause. I agree that it is desirable there should be some means of dealing leniently with an offender who, the court thinks, ought not to be allowed to go free under the First Offenders' Act, and yet

whom the court thinks ought not to be sent to an ordinary gaol. A provision could be put into the Bill which would enable the court to sentence such a person to a term of detention in a reformatory prison. Such a provision would be wise and intelligent, but would deal wholly and solely with enabling the court to be lenient in meting out punishment to the offender. It would be a clause which would give the court power to mitigate the punishment. The clause as it stands enables the court to increase the punishment. There is no objection to allowing the court to mitigate the punishment by reason of the previous good character of the offender, but there is the greatest objection to giving the court power to increase the punishment because of the previous bad character of the offender. This is unjust to the offender. It appears to me this clause ought not to pass. I should, however, be glad to vote for a clause embodying the views put forward by the Attorney General. This clause would be extremely dangerous. I move an amendment—

That the proposed new Section 662 be struck out.

Hon. P. COLLIER: I agree largely with what the member for Perth has said, but should not like to see the amendment dealt with in an off-hand way. If the amendment goes to a division the Attorney General will probably carry his clause, even though there may be a doubt in the minds of some hon. members voting for it. His desire is probably to get a clause which will meet his views.

The Attorney General: I want a workable clause.

Hon. P. COLLIER: I appeal to the Attorney General to postpone consideration of this clause until next Tuesday, by which time he may be able to evolve something which will meet the wishes of hon. members.

The ATTORNEY GENERAL: I am quite agreeable to adopting that course.

The CHAIRMAN: If the member for Perth will withdraw his amendment it will then be possible for the Attorney General to move for the postponement of the consideration of the clause.

Mr. PILKINGTON: I desire to withdraw my amendment.

Amendment by leave withdrawn.

The ATTORNEY GENERAL: I move—

That the further consideration of the clause be postponed.

Motion put and passed, the clause postponed.

Clause 27—Amendment of Section 678:

Hon. P. COLLIER: I think the last sentence in Subclause (1) of this clause, regarding the presence of certain persons at executions, might be deleted. My view is that the fewest number of persons should be present at any execution, and that the affair should not be open to morbid minded persons who may want to view a spectacle of this kind. I do not know why provision is made for military troops being present.

The ATTORNEY GENERAL: That portion of the clause is merely expressive of the custom of the law at present. I have no particular wishes on the subject.

Hon. P. COLLIER: Will the Press be included under this clause? I believe in allowing the Press to be present.

The ATTORNEY GENERAL: If the words referred to by the leader of the Opposition are struck out there will then only be present at an execution the superintendent, the gaoler, the proper officials and the medical officer. If these words are omitted it may mean the closing of the door to persons who may wish to be present as a right.

Mr. MONEY: This matter might be dealt with in the same way as the right of the public to be present at a trial, for the execution is the end of the trial. There might be occasions when it would be necessary, for the disclosing of an abuse, that members of the public should attend an execution. I think it would be wrong to cut away that safeguard.

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

That in Subclause 1, lines 13 and 14, the words "justices who may think fit, and such police officers, military troops, and" be struck out.

Mr. ROCKE: That would exclude the Press.

Hon. W. C. ANGWIN: Representatives of the Press might be present with the consent of the Attorney General. The others also attend with the consent of the Attorney General.

Mr. MONEY: I object to this amendment for the same reason as I took exception to the curtailment previously proposed. We are leaving it entirely to the discretion of one man to say who is to be present, and who is not to be present, at an execution.

Hon. R. H. Underwood (Honorary Minister): What do you want to be there for, anyhow?

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

Clauses 28 to 33—agreed to.

New clause:

Mr. ROCKE: I move—

That the following be added, to stand as clause 32.—"The following section is hereby inserted in the Code after Section 737 thereof:—737a. The averment in any complaint or indictment charging the commission by any person of any offence against a female that she was of or under any particular age, shall be deemed to be proved in the absence of proof to the contrary."

My desire is to make effective the law for the protection of girls which is proposed by this measure. If loopholes are allowed for guilty persons to escape, certain provisions of this Bill will amount to no more than mere pretence. The intention to protect is nullified by the provision that a mere statement of the accused of his having believed the girl to be of a certain age shall suffice. The onus of proof of age should be placed on the accused. The insertion of this new clause may prevent a good deal of what is going on now.

Hon. P. COLLIER: There is not so much of it going on as some people imagine.

Mr. ROCKE: There is more going on than some of us here realise.

The ATTORNEY GENERAL: I object to this new clause. If the indictment says that an offence has been committed on a girl of,

say, 13 years, and then the indictment goes on to describe the offence, the statement as to age would, under this new clause, be accepted as correct unless the accused proved the contrary. At present the onus is on the Crown to establish the age of the alleged victim. I think it would be dangerous to alter the law in this respect.

New clause put and negatived.

[The Speaker resumed the Chair.]

Progress reported.

## BILL—FORESTS.

### Second Reading.

Debate resumed from the 17th September.

Mr. O'LOUGHLIN (Forrest) [7.57]: In resuming the debate on this important Bill, I wish at the outset to say that it is rather a difficult task to follow in detail the very lengthy and carefully prepared speech of the Minister. It took the hon. gentleman about three hours to introduce the Bill; and, leaving aside perhaps a little periodical posing, he certainly paid a compliment to Parliament by elaborating the great volume of technical detail associated with the timber industry. I think Parliament should show appreciation when any Minister devotes so much time to the introduction of a Bill, as has been shown in connection with the measure now being discussed. The Bill seeks to bring about in Western Australia a condition of affairs that for a long time has been hoped for by a few people here. In his introduction the Minister pointed to the very important part which the timber industry plays in our national life. He also dealt with the vicissitudes of that industry during many decades back, and he brought under the notice of the House the findings of the Royal Commission on Forestry appointed in 1903. The report of that Royal Commission went minutely into the whole question, and the Commissioners placed on record their findings; and one would have thought that the findings of those men would have gripped public attention to a greater extent. However, it was not until a later date that a successful effort was set afoot for the creation of the separate Forestry Department which this Bill seeks to establish on a proper basis, distinct from the Lands Department. While the Forestry and Lands Departments were dovetailed into one another, there was continual clashing of interests, and at times it was very difficult to discover which department got priority, and whether one department was not anxious to push settlement at the expense of the primary industry which it was the duty of the other department to foster. Since that period, also, there has visited Western Australia, as mentioned by the Minister, an expert with a world-wide knowledge of forestry—Mr. Hutches. That gentleman made exhaustive inquiries in Western Australia, and travelled extensively over this State; and as the result he has placed in print his impressions. While those impressions and findings are not altogether applicable to our State—many of them being erroneous con-

clusions—at the same time, if one is looking for a guide, there is nothing more valuable to be found on paper than the report prepared and presented by Mr. Hutches. In every country it has been recognised that forests are Nature's gifts, and that they should be cultivated in the same way as any other crop. Fortunately, Nature has been so lavish in her gifts of forests to Western Australia, that it is not necessary for us to cultivate our hardwood supplies. We have here an industry, as outlined by the Minister, that is well worthy of our attention; and this Bill, which seeks to control the industry and to make better provision for its future, has my support generally. The measure contains two or three clauses which will receive my strenuous opposition, and I shall deal with those clauses in detail as I proceed. But I should be false to my past professions in this House, professions made during a period of 10 years, if I offered opposition to a Bill of this character, which seeks to establish on a proper business footing the interests of posterity, and which seeks to give permanency to an industry that under a continuance of present methods would be but a fleeting one. For that reason I consider that the Bill, apart from the clauses to which I have alluded, must have the support of every hon. member. The Minister pointed out that the policy of drift so characteristic of the past is no new thing in Australia. For this Sir Alexander Peacock has advanced a reason—that this dry subject of forestry, which is generally shunned by the average taxpayer, is so treated because trees have no votes. And the Minister, in the presentation of his case, was at some pains to condemn the apathy and neglect of prominent men in the past history of this country. This Bill proposes to give continuity, and in seeking to do so to a forestry policy the Minister, I think, is going a little too far. I fear he is disparaging to an extent the good effect that sometimes follows in the wake of Ministerial control, and is seeking to set up an autocracy which may not be for the benefit of the industry. I am not going to join in the Minister's optimistic view that by giving a conservator of forests exhaustive powers we will achieve good results, neither am I going to join with him in condemning, as he did so strenuously and vigorously, the part played by politicians in the past. I admit politicians as a class have shown very little interest in this industry, and the measure now seeks to protect that, but we have to be guided by our environment and our circumstances, and in the dark days of this country, when the industry was in its swaddling clothes, so to speak, it was a difficult matter for politicians to give that proper attention to this industry, when Western Australia wanted all the advertisement it could get, and the industry was trying to get on its feet. I doubt whether it is right for the Minister to take up the role of the prodigal son and say that we have not done our duty. If one reads the history of the operations of the early companies in Western Australia, and the desperate struggles that some people had



in trying to open up an export trade—and it is only in an export trade that this industry will live—in giving a measure of condemnation, we should also give a little charity. The pioneers in the past had great struggles. To-day there are men in the industry who four decades ago worked very hard to open up this timber industry, under the desperate conditions which Western Australia was in in those days, when the timber failed to attract the outside world. Obviously, to everyone in the world Western Australia was not known until the magnet of the gold brought the adventurous spirits from every part of the globe. Gold has been the magnet that attracted to every country, and the best brains and the best physique will always follow that gleam. The timber, which I may say is the second important industry in the State, did not have those attractive features. The industry must be built up to such a state, for on it depends the commercial and industrial stability of the south-west corner of this State. Through the instrumentality of this industry Bunbury, prior to the war, had reached the proud position of being the fourth important port in this State in regard to our shipping tonnage. I think Bunbury had reached the high water mark, and the exports which were outlined by the Attorney General the other night indicated that of the few premier industries of Western Australia the timber industry did not require spoon-feeding at the hands of the Colonial Treasurer. The timber industry plays a very creditable part in the progress of this country, if we look into the necessities of the people and take a world grasp, as well as a Commonwealth grasp, of the situation. For a considerable time past there has been a growing dearth of timber supplies in the whole world, and in those countries that have harnessed the scientific machinery to the problem, such countries as Japan and Germany, which have made an object lesson to the world, we must be guided by, and for the future we must travel in their footsteps. We are able, having these examples, to avoid the pitfalls and errors of older countries, and to tread new ground, and consequently we must be on a safer footing in putting into operation a policy which we hope will bring magnificent results to this country. The Minister dealt exhaustively with the position as it exists in other countries, and laid down a table which must be applicable here, or he contended it should be—according to the area of the country. A certain proportion of country must be allocated for the purpose of supplying the timber needs of the country. I do not know that it will work out mathematically correct, because it must depend also on the population and the uses to which the timber is put. The interesting figures given in regard to Germany can be verified by seeking in any library the production from that country prior to the war. In Germany they made it a very serious business. Forestry has been an important public industry in Germany since the time of Frederick the Great. The German Governments, Imperial and State, take the utmost precaution to prevent tree destruction, where-

ever the trees may grow. Neither the communes nor the private landowners deforest the land at their own sweet will. Private lands, which it is considered necessary in the public interest to keep under forest cover, are jealously guarded. The State believes itself bound in the administration of the forests to keep in view the common good of the people. It holds fast the duty to treat the public woodlands as a trust for the nation as a whole. In all forest work, this policy predominates. Yet the present generation does not bear any burden for the sake of posterity. There are cases where the whole of the communal taxes are paid by forest produce. In one year the Prussian forests, covering about 6,000,000 acres, yielded a gross revenue of nearly £3,000,000, and a net profit of about £1,250,000. The Bavarian forests gave a profit of over £500,000; the Wurtemberg more than £250,000; those of Saxony £350,000; and those of Baden about £140,000. These figures were supplied to the British Commission of 1908, and, if anything, the returns were showing an annual improvement. Those figures, supplied by the British Commissioner in 1908, are quite true as to Germany, and equally true of France. In France the Commune and other public reserves are estimated to give an annual value from their timber of £1,250,000. It may be contended, of course, that whilst that may be applicable to other countries it cannot be applied here. But I agree with a great deal of that contention. I say that the experience of those older countries is a valuable guide, not only to Western Australia, but to the other States of the Commonwealth. In proceeding, as we are now, to lay down working plans and to bring our old customs and habits into treatment in this industry, we must not overlook the valuable experience that has been gleaned from America. Not so long ago that mighty republic saw the prospect of a timber famine and it was so pronounced that the Conservator there, Mr. Gifford Pinchett, said that it would affect every household in the land. He pointed out that at the rate of destruction which was then going on in 16 years there would not be a stick of timber standing east of the Rockies. Another gentleman who has played a prominent part in trying to create a permanent industry in Western Australia, Mr. Ellwood Meade, says this—

One reason for my interest in forest conservation is that I was born in the largest, and perhaps the most valuable, area of hardwood timber on this planet, and saw it disappear like a morning's mist within the lifetime of one generation. From the Alleghany Mountains to beyond the Mississippi River, a distance of nearly 1,000 miles, and from the Canadian border on the north, to the Gulf of Mexico on the south, a distance of more than 500 miles, there was originally an almost unbroken forest. It was the home of the oak, hickory, ash, walnut, cherry, maple, beech, and poplar.

Mr. Meade points out that there is great devastation going on in the American forests. During the last 15 or 16 years in America, Mr. Pinchett, who holds a position in the American

Cabinet and is a most capable gentleman, points out that the policy of the Government has been to push the timber industry in every direction. While there was and is at the present time a dearth of timber, they are now endeavouring to make provision for the future. Australia is a country that has been blessed by Providence with a magnificence of wooded wealth, and while a great deal of that wealth to-day is capable of being placed on the market as a commercial proposition, still, in the light of scientific achievement, there is no one in this Chamber who can forecast what value it will be in the future. Every day we begin to find out something more. Every day experiments are being made in the laboratories of the world as to the best means of dealing with the by-products, not only in regard to timber, but in regard to other products of the world. Time alone will tell what advance will be made in the profitable utilisation of this product. The intellects of scientific and public men and our professional officers are being turned towards this industry, with the result that to-day they are looking for improvement and doing what they can to aid and achieve success. In dealing with the problem of the proper utilisation of the growing timber, in a short time when the dove of peace again flaps its wings over a wounded world there will be such advances made that the best possible results will be secured from the forests of this country. The position in Australia is simply this, that in some of the Eastern States at the present time there is a timber famine, and I venture to say if machinery could be procured, and men procured to man the mills, every sawmill in Western Australia would be working full time and supplying the needs of the Eastern States in regard to timber. That has never been the position in the past, because in the past the companies have had to undergo considerable expense in opening up inter-national depots, in getting their timbers popularised in the great markets of the world, especially in India and Africa, with the object of obtaining sales. That position has been altered as a result of the war. It has brought about a decrease in the heavy importations of timber into Australia, and brightened up the work for the mills in the Eastern States. I was in the Eastern States recently, and I was surprised at the popularity of the timber which has been brought about by stern necessity. It is pronounced, and it is only the lack of ships which prevents a big revival in our industry. That popularity has been brought about by reason of the fact that in Broken Hill, where formerly they used oregon timber, they are using Western Australian timber to-day. In South Australia the big railway sheds were built of iron, and it has been found that the smoke and atmospheric conditions are ruining the iron. These conditions will preserve the life of wood rather than allow it to deteriorate; consequently a move is on foot for re-erecting the whole of the running sheds with wooden roofing. Apart from that, it is a good few years ago since the export of timber was prohibited in Victoria, and when any country prohibits the

export of a staple commodity it is a serious matter indeed. It seems not to have had the effect of making them mind their needs, because it is not until during the last couple of years that active energy has been demonstrated in this question in the Eastern States. New South Wales has had a fair area of timber country to draw upon, but the ravages made there not only by the saw-miller and the axeman, but also by the settlers, reached such gigantic proportions that the Forestry Department in that State had in consequence some life infused into it. In Queensland they have one of the best forest services in Australia, a service which is controlled by a highly capable officer, Mr. Jolly. That State, which is one of the richest in the Commonwealth, is perhaps more fortunately placed in regard to timber than any other so far as variety is concerned. Queensland in the future should be able to supply the whole of the softwood requirements of Australia, but that fact should not prevent Western Australia or any other State from making provision for the growth of softwoods. Under the Queensland Forestry Act, there is power to auction timber and recently in that State by the method of auctioneering they secured 7s. 7d. per 100 feet for hoop pine, which in New South Wales had been selling for 9d. Australia imported softwoods to the tune of £10,000 a day just prior to the war. Unfortunately we have got the idea into our minds that we are able to grow wheat and chop down trees and perhaps follow some other calling, but we have never copied the American plan of booming our own products to the extent that we should do, and it seems to me that a country that wishes to become self-reliant should scotch the idea that it should import timber to the extent of £10,000 a day when the timber is growing in its own borders. Queensland has an immense variety of timbers. We in Western Australia, have a big variety of hardwoods. Queensland has the silky oak, the maple, and the red cedar, and since the war started there has been quite a boom in these particular timbers, with the result that they are furnishing many of the homes in the Commonwealth to-day. As an outcome of the forestry policy in Queensland, and I take it that we will follow a similar policy here, they are utilising timber to-day for various purposes which were not thought of before. Their timber is being used to make tool handles, cases, and butter kegs. The timber is taking the place of tinware which to-day is as scarce a commodity as we can find in connection with any of our Australian industries. Queensland has allocated £1,500 for the purpose of establishing a forest experiment station and a forestry school near Gympie. Under the Bill which we are now considering the Minister asks us to support a proposal for the training of various officers, and later on, I suppose, under the control of the department or its sympathetic supervision, there will be a laboratory to deal with the various forest products. We have the examples set by Queensland and New South

Wales to guide us. Bulletins are issued frequently by those States, giving detailed results of the progress being made in popularising the art of forestry. It is such a dry subject that very few have interested themselves in it in the past. I take it, however, that the establishment of various schools will have the effect of appealing to the enthusiasm of the youth of the Commonwealth. That is the time when such an appeal will be successful; if we leave it to a later age, it is difficult to get people to grasp the first principles of what is, after all, a necessary factor in the progress of any country. As pointed out in Queensland, the difficulty is to get suitable men, and the school which has been established in that State is aiming in that direction. Since getting their service established, Queensland has been able to find uses for many of their woods, and if we can get experts here we will find that we have enormous quantities of wooded wealth which also can be put to use. In Queensland they had a useless scrub which since the war started has been substituted for the Quillaia bark, formerly imported from South America at a cost of £100 a ton. I do not know that much of that Quillaia bark will be used in the future. It was used formerly for putting froth on beer. The bark will not now be imported into Australia because Queensland has solved the problem of the froth. That State has reserved a quarter of a million acres, mostly sandy area, and the blackbutt seed which was planted three years ago is now showing a remarkable growth. The immense resources of Queensland, particularly so far as softwoods are concerned, will do much more in the future than has been done in the past. At the same time it is necessary for people to devote their attention not only to the preservation of the hardwoods, but also to bringing into existence as soon as possible softwood plantations as well. Our special problem is the hardwoods, and we should consider to what uses they can be put. There may be a prejudice on the part of the carpenter against working up jarrah instead of oregon, or the belief that our timber is not as good as the other fellow's. But let me point out that during the year 1912 five million pounds worth of timber was imported into the Commonwealth, and the amount paid to shipowners for carrying that timber was £665,000. From 1909 to 1912 the imports of timber increased by 70 per cent. That appears to me to be a damning indictment against the patriotism of our own people. If we have these forests, and we have demonstrated that we have them, and that the timber can be applied to many uses, it seems an extraordinary policy that so much money should be sent out of Australia for the timber supplies which are required here. The position is that there is growing up in Australia in connection with the various industries a demand for our timbers which did not exist before. The butter industry, which has reached large proportions in Australia, uses every year 25 million feet of timber for the cases that are required. Jones & Co., the jam manufacturers of Hobart, use five million feet of timber, which is one-

tenth of the total production of timber in Victoria. One has only to dwell for a moment on the magnitude of those figures and ask oneself whether we are doing the right thing in allowing the industry to drift in the way we have been doing throughout Australia. The position is that we can follow the experience of other countries. I need not deal with the figures quoted by the Minister as to the value of this great primary industry. A great percentage of the money spent in the industry has gone in wages and in freights. I do not think that the timber companies operating in our belt have reaped the colossal fortunes which has been the lot of the merchants in America, because the great waterways in that country have assisted to build up the profits. But in America, as in Japan and Germany, and every other country which seeks to move ahead, they have grasped the idea that as an adjunct to a country's prosperity timber occupies a premier position. I do not hold that it is better than oil or gold, but let me state what Dr. James has to say in his report presented to the United States Department of Agriculture. When commenting on the serious position to which America was fast drifting, he urged the value of forest culture, more especially in districts near mining centres. Forests, he stated, not only constitute the large proportion of the wealth of the nation, but also form an independent basis of flourishing agricultural, manufacturing and commercial industries, that the value of forests is greater than all the metals, coal, petroleum, stones, and all the steamers, vessels, etc., plying in American waters and belonging to the United States. That might be a little bit overdrawn. At the same time, we look at the revenue which has been derived from our forests in Western Australia over a long period of years, and we look at the paltry amount which has been voted for the regeneration of those forests. We have to admit that without the timber areas we would be in rather a parlous plight in Western Australia. The Minister pointed out that the administration of the Forestry Department had been lax. It is quite true that owing to the stupidity of Ministers in the past and the apathy of the general public, as well as the vandalism which is prompted by human nature in almost every walk of life, our forests have not had a fair deal. But in seeking to remedy a wrong, it is possible in my opinion to go too far at one stage. If we are seeking to bring about reform, we must do that gradually. We are harnessed to custom and if we are going to alter that custom, if we are going to initiate new schemes, we have first of all to educate the people to understand them and not thrust our ideas on them by rude shocks nor by precipitate action and in that way drive confidence out of a venture where every confidence should be placed. The Minister has spoken about the disastrous policy of ringbarking in the South-West. That is evident not only in the South-West, where valuable timber has been destroyed, but perhaps it was most pronounced there because the most magnificent forests a man could feast his eyes upon were ringbarked there in the interests of land settlement. Everyone knows that that policy

has been condemned. It is not much use, perhaps, crying over spilt milk, but I want to say that I strongly opposed it at the time, and I believe I perpetrated a bull in doing so. While at Bridgetown I was condemning the Minister responsible for ringbarking that big area, and in one of my periods of fervour I said, "You can go to that area and see great deal giants, living monuments of a Minister's folly." They are there to-day and they have not come back to life. The position is that under the Bill nothing of that kind will happen in the future. In fact the Bill is so rigid and some of the clauses seek to confer so much power on the Conservator that it would be impossible for even a little boy with his tomahawk to amuse himself on some of our wooded areas. I have raised objection to the unlimited power sought to be given to the Conservator. I have every admiration for that officer's ability, and I have every confidence that he understands his work, but he has gained all his experience outside Australia. He has not been here for any lengthy period, and the drastic changes proposed to be brought about will not be acceptable to the people who are making their living in the forests to-day, and representing those people I have the right to voice my objection to some of the clauses of the Bill. We propose under the Bill to put the Conservator in the same position as a judge of the Supreme Court, to appoint him for a period of seven years, to be removed only by a vote of both Houses of Parliament. That, in my opinion, is a very dangerous thing to do even for the best man on God's earth, because, after all, it only gives an individual power to become autocratic. Give a group of individuals power, human nature prompts them to become independent.

The Minister for Works: To become a Czar.

Mr. O'LOGHLEN: If we create a Czar under the Bill we give that Czar the right to make regulations. I grant that those regulations have to go before Executive Council, but we know that very often Executive Council meetings are made up of only two Ministers.

The Attorney General: They would have to go before Cabinet.

Mr. O'LOGHLEN: That is quite true, but I am afraid to trust the best man going with unlimited powers. Even although the regulation has to go before Cabinet, it must be remembered that many things slip through Cabinet without serious consideration, and once the regulation comes to this House it is difficult to make out a case against it, because we are still saturated with party politics.

The Minister for Works: But we must have regulations.

Mr. O'LOGHLEN: That is so, but they should have a general supervision by the Minister concerned.

The Attorney General: That is provided for in the Bill.

Mr. O'LOGHLEN: But you are proceeding to set up the Conservator as all-powerful. I am not saying that he would abuse his power, but there is always that danger when any individual, even though it were myself, is placed in such a position. I want to raise my objection to the provision in the Bill which seeks to confer this enormous power on the Con-

servator. The Minister pointed to the waste in the industry as between the saw millers and the hewers, and apparently he made out a strong case against the hewers. I have been in communication with the biggest group of hewers still in the State. The industry has had a severe knock, and the men who once plied their axes in our forests are at the other side of the world to-day. However, the men with whom I have been in communication point out that the Minister was not correct in the analysis which he made. In the big camp operating on the two reserves at Worsley, they have issued a challenge to the Forestry Department. The cry has been going up that the axemen waste the timber. Those men are not the only culprits. I want to say in extenuation of the axeman that he is admitted to be necessary in any forest, to follow up and take out the timber left by the sawmill, to go into inaccessible places not open to the mill. In general he has been an important factor in the development of the industry. To-day in Western Australia the hewers are operating on poverty stricken bush which has been cut over many times. In consequence, the hewer finds it almost impossible to make decent wages; but he is so wrapped up in his calling that he will not take on other employment, preferring to stick to the work in the open bush.

The Minister for Works: Do not they get a price according to the bush?

Mr. O'LOGHLEN: No. It is very difficult to classify bush. You have maiden bush to-day, but after a couple of men have taken what are known as the "melons" out of it, it is no longer maiden bush.

The Minister for Works: They have no right to go into maiden bush.

Mr. O'LOGHLEN: But it is very difficult to say what is maiden bush. The bush has been cut over by the mill, cut over by two gangs of sleeper getters, a spot mill has been through it, the Bulgarians have been there, and now, last of all, the British are trying to make a living out of it. The Minister suggested that the hewers should take on co-operative spot mills. But they object that the bush which they are operating on to-day is poor, that it has been cut over by the mills and by them given up as being unprofitable. Yet the hewers are getting thousands of sleepers off it. The Conservator proposes to put up spot mills to cut out those areas. A big percentage of the timber on those areas consists of old butts—that is, short trees of from one to three lengths and from 2ft. 6in. to 6ft. in diameter. A spot mill could not handle logs of this description. It would not have the power to deal with them. A further percentage of the bush consists of windy trees with a shake. A mill cannot deal effectively with those logs, as it does not matter how they work them, they are bound to cross the shake, and the timber will be of no use. Then we come to crooked trees. A hewer gets a big percentage of marketable timber. Then we come to crooked trees. A hewer sometimes cuts in as many as three or four false cuts. It is not payable for a spot mill to do this. The hewers have challenged the department to mark out two areas of approximately the same number of loads in

the round, and of, say, 1,000 acres each, the Conservator to put up a spot mill on one, and the hewers to take the other. The hewers undertake to beat the spot mill out of sight.

The Minister for Works: It is easy enough to issue a challenge.

Mr. O'LOGHLEN: That is true, but is there any great difficulty in the way of the department accepting it? If the departmental authorities are not prepared to accept it, they might admit the strength of the contentions advanced by those men whose calling is in jeopardy. The Minister, the other night, advanced the claims of spot mills. In answer to this the hewers write as follows:—

The Minister states that the hewer, if he operated on a four-load sound log would only get one quarter of the cubic contents. This is not correct. Take a log 50ft. long, 8ft. girth at the centre. We will get 41 7ft. sleepers out of it. Take another log 23ft. long, 12ft. girth, approximately four loads. The hewer would get 26 7fts. and 12 9fts. I am speaking of sound timber. From an extra good log we would get more. This is very different from the quarter referred to by the Minister. Take the last two hewing areas, No. 45 and No. 48 at Worsley. First they cut beams out of it, then the fallers were through it, then the first lot of hewers, then a team of Bulgarians cut through it and received 41s. per load cutting rate, and now we are cutting over it at 34s. per load, and getting about 25 per cent. out of it, when only the faulty timber is left. If they put a spot mill on those areas they would get some practical experience, which is better than tons of theory. To successfully work a spot mill here we would want 70s. or 80s. per load.

My objection to the spot mill is not a very strong one, further than that in the first place the hewer will not take it on, and, secondly, it is not going to produce the results anticipated by the Conservator and the Minister.

The Minister for Works: Do you not admit that a spot mill gets a lot of scantlings, which the hewer would not attempt to get?

Mr. O'LOGHLEN: That may be true, but the Minister knows that the Commissioner of Railways is selling scantlings at less than cost price in order to get them out of the road.

The Attorney General: That will be altered after the war.

Mr. O'LOGHLEN: I hope it will be altered. At the same time I want to know why, if it is good for the forest policy of New South Wales to allow the hewer to ply his calling, it should be radically wrong in this State?

The Minister for Works: It is not wrong in the proper place.

Mr. O'LOGHLEN: But I see nothing in the Bill to prevent the Conservator proclaiming almost any area a State forest. It is said that the hewer shall not operate on any saw-milling permit, any concession or any State forest—that is, if we give this power to the Conservator. There is no State in Australia in which the axeman has not had

the right to ply his calling in the past, and I say that under proper supervision he should have the same right in the future. I could take hon. members to a union office in which there is an honour board comprising some 2,000 names. Of those men 1,300 were axemen working in our forests. Prompted by various impulses they went to the Front, and I say that if they come back again they should have the right to resume their calling. Those men have been a big factor in building up Western Australia. They are accustomed to the life in the bush, and they will not work under an employer in a mill at 9s. 7d. per day, because they prefer their own calling in the bush. Yet the Bill proposes to wipe out the hewer. Surely the hewer has as much right to follow his calling as has the lawyer or the carpenter or the merchant, or any other man in our community. When we come to the clauses in Committee, I will strenuously oppose any attempt being made to abolish the hewer. I am prepared to assist the department to control the hewer, to see that there shall not be any avoidable waste. The member for Sussex (Mr. Pickering) has drafted an amendment which may go some way towards remedying the position. Not only does the Bill provide that the hewer is not to work in a State forest, but it provides also that he must not go on any existing permit. All practical men know that on those permits there are to-day spots from which only the hewer can get the finished product at an economical rate. In justice to those men who left Western Australia under the impression that their jobs would be here for them when they came back, who believe that they have a right to work in the forests, no drastic alterations should be made while they are away. They themselves will probably have something to say on their return if they find that during their absence power has been taken to deprive them of their calling.

Mr. Teesdale: It does not say that they are to go out altogether.

Mr. O'LOGHLEN: But they are going out, so far at least as the saw mill permits are concerned.

The Attorney General: Only those included within the boundaries of a State forest.

Mr. O'LOGHLEN: Can the Minister tell me where the limitations of a State forest will be?

The Attorney General: They have not yet been declared. The prime timber belt will be the State forest.

Mr. O'LOGHLEN: I know that the Conservator has it in the back of his head that the hewer ought not to be tolerated, because of his wasteful methods. Candidly I am not in favour of giving undue power to any officer to bring about a dislocation of the industry. As for the boundaries of the State forest, we have but very little prime timber, and it is only a matter of a relatively brief time when the hewer will have to look out for some other means of livelihood. Although there are not many hewers in the State at present, yet we hope to see the

absent ones return, and when they come back we ought to be able to say to them, "The job you left is there for you to-day."

The Attorney General: They can cut on timber reserves anywhere outside the State forests.

Mr. O'LOGHLEN: But what area will there be in those timber reserves, and how many such reserves will they find? I venture to say that in the desire to put out the hewer, there will be very little reserve for the hewer to operate on. The experience of the last 12 months has demonstrated that. Those men cutting sleepers to-day would not be so engaged if they had any possible chance of getting better bush. They are earning lower wages than the men in the mills, but they prefer to work in the bush at the only calling they know. Australia will be much the poorer if these primary producers are not able to again take their place in the industry.

The Minister for Works: That must come about if the forests are not conserved.

Mr. O'LOGHLEN: Yes. By means of education and preaching the doctrine of carefulness, and by a close supervision of the departmental officers we should be able to prevent the waste that has occurred not only with the hewers but with the mills, because the hewers are not alone responsible for this waste. The position to-day in the timber industry is that the waste of the mill goes up in smoke, whereas the waste of the hewer is left upon the ground for the observant eye. Possibly, a man who saw the waste that had been left behind by the hewer would lift up his hands in holy horror at this mark of vandalism, but if he saw the waste that comes direct from the mills, where in many cases they get but a small percentage, and goes up in the fire chute to the extent of millions of tons of timber, he would see which side was the more wasteful. There is no case made out against the mill owner because the waste is not there actually in sight. The hewer, on the other hand, leaves his tracks behind him. He does not burn his waste, and if he sought to light a fire would probably get into trouble. To-day this will be used in evidence against him.

The Minister for Works: Is it not a fact that the miller will not waste any timber that he can get anything out of? He cannot afford to waste it.

Mr. O'LOGHLEN: The Minister knows that at every mill in years gone by valuable timber was wasted and burnt to the extent of millions of tons.

The Minister for Works: I have burnt a lot of it myself.

Mr. O'LOGHLEN: Because the Minister could not get a market for it. It would not pay to put this timber, although most of it excellent stuff, upon trucks and send it to the City. It is, however, required in different parts of the State.

The Minister for Works: There was no city in my time.

Mr. O'LOGHLEN: Evidently the Minister lived in the stone age. Timber to-day that cannot profitably be put upon the market is wasted in the fire chutes. Why make such a song about the hewer? If the hewer were

given full possession to run amok in virgin bush, no doubt he would destroy timber.

The Minister for Works: He has done so in the past.

Mr. O'LOGHLEN: And he would do it again if he were given the opportunity. It is the duty of the department to act as policemen, and lay down such conditions that will ensure that there will not be an undue percentage of waste. If the department is going to police the hewer, it should also police the mills.

The Attorney General: Would not the hewers still go into the virgin bush?

Mr. O'LOGHLEN: I will give this pledge on behalf of the timber hewers of this country, that never will my voice be raised in Parliament to allow any hewer, even if he were my own brother, to go into virgin bush in Western Australia in future. I am prepared to assist the Minister in making such provision as will ensure the effectual policing of our forests and prevent waste. The outlook for the hewer is a dismal one. His calling is, like the Mohicans, gone. It is not a fair position for these men, who are fairly skilled in their trade, to come back here and find that they are not able to follow it in the future. Many of them will be physically unfit to do so, and such men are most deserving of our consideration. One of these men to-day holds the proud position of being the finest soldier in the Australian army. He was a sleeper cutter at Dwellingup when the war broke out, but to-day he is a colonel. He has won the Victoria Cross, the Military Cross, the Distinguished Service Order and three bars in addition. Out of this one sleeper cutter's camp there are now one colonel, one major, and five lieutenants.

The Minister for Works: No doubt he has accounted for a lot of Turks.

Mr. O'LOGHLEN: I am referring to Colonel Murray, who is now in France. He graduated from a private to his present rank. I hope after his great distinction he will never be obliged to go back to sleeper cutting again. Should he desire to do so, however, is this Bill going to stop him, and prevent him from earning his livelihood in the way that he did before he took on these bigger exploits? These men were the very cream of Western Australia when they left the timber industry. When they come back Parliament should not stand in the way, and no new law should stand in the way, of their going back to their former occupations, if they so desire, under proper supervision if necessary.

Hon. W. C. Angwin: If this Parliament did another Parliament would alter it.

Mr. O'LOGHLEN: These men should be allowed to ply their old calling. There seems to me to be some methods here akin to those employed by Shylock. The men have to pay to-day for the right to work. The registration fees are altogether too high for many of the men in that industry. Many of them also only get work in a spasmodic way. They are trying at the same time to carry out the instructions of the Government, to produce, and form part of that great army which we are told it is necessary to have in order to build up a young country. These men have taken

up blocks in the more fertile areas of the State, and have devoted as much time as they could to bring them to a productive stage. In their spare time they have earned money in order to pay for the necessities of life by the use of the axe, either in sleeper cutting or in wood cutting. The penalty will fall very hardly upon these men, and these unnecessary provisions will make it very difficult for them to carry on.

The Attorney General: What is the license, 30s. a year?

Mr. O'LOGHLEN: It is to be reduced to £1, but that is altogether excessive for people with families.

The Minister for Works: They are not all married.

Mr. O'LOGHLEN: All the single men are away and only the married men are left, and these have a desperate struggle to live. If we cripple them by precipitate action through the agency of this Bill we shall be doing a great wrong.

Member: Thirty shillings a year will not help them very much.

Mr. O'LOGHLEN: It will go some way towards assisting them. They are getting a little bread and butter to-day, and hope in the future to get some jam. If this Bill goes through I do not think they will get any jam. The co-operative spot mill outlined by the Minister does not appeal to these men. Men with practical knowledge of the subject are of opinion that much of the denuded area is not profitable to work. For my part I believe the spot mill will be a big factor in Western Australia in the future, but the hewer will not have it to-day after following the calling he has followed for so long. I agree with the proposal to allocate part of the revenue from the industry for the needs of that industry, and am somewhat surprised that the Minister has induced his colleagues in these parlous times to divert revenue from the Treasury back to this particular industry.

The Attorney General: It was put on for that purpose.

Mr. O'LOGHLEN: I realise that, but nevertheless I am surprised, especially when we have an impecunious Treasurer looking for shakels.

Hon. W. C. Angwin: They might have waited a year or two, until after the war.

Mr. O'LOGHLEN: This is certainly gratifying to note. Another provision is that any person to be appointed to a professional position must have a diploma from a forest school. That will be a difficult matter to arrange, but it is one entirely for the Conservator. It is difficult to obtain men with experience in order to equip and man this department in the first place. I see that there is provision for training youths and that a supply of competent men—

The Attorney General: We will grow.

Mr. O'LOGHLEN: Will be available later on. The classification which is proposed by marking the trees is going to be a cause of endless trouble and expense. The system of marking trees has not worked out too satisfactorily. On the denuded timber areas to-day it is almost impossible to see a dozen

good trees. The ranger has power to mark out trees which should be cut. There has been a good deal of objection and opposition to the proposal. It rests with the department to say whether it is going to be a success in the future.

Hon. W. C. Angwin: They will cut a marked tree down if they want to.

The Minister for Works: That is for mill use.

Mr. O'LOGHLEN: No, entirely for the hewers. It is necessary to have confidence in the officers employed.

The Minister for Works: They want a good man to mark the trees.

Mr. O'LOGHLEN: Sometimes these officers are not infallible. We have heard a great deal about waste. I see no provision in the Bill to force companies operating in our timber areas to be more careful of the timber. Apart from the loss through fires and other causes, there is a tremendous quantity of magnificent timber destroyed every year in getting the timber into the mills. I have destroyed timber myself, but I probably would not do the same thing to-day. It is very natural on the part of the miller to endeavour to get the best results with a minimum amount of effort. Down there we find that trees falling will strip the bark from another tree. That tree, in most cases, becomes valueless because it gets pin holes in it as a result of the borer. Scores of logs are brought into the mill which are condemned because, owing to these pin holes, it is impossible to get a fair percentage out of them. Pin holes cannot be avoided, but the companies must make it incumbent upon the employees, and adopt the same procedure themselves, to be as careful as possible. If this were done much good would result. I have had experience of this on a dozen occasions in the bush. I have worked for my living for years in the bush, although the Minister did not show much courtesy when he said that when I went to the South-West I confined myself to the whim tracks. That was ungenerous, coming from a man who had only been there himself on picnics and per medium of a motor car.

The Attorney General: That was only said in a jocular way.

Mr. O'LOGHLEN: One does not know when the Minister is jocular and when he is serious. I hope in regard to this hewing question he is jocular. If I wanted to swamp a log, I might have two courses open to me. On one side there might be a useless and immature tree, perhaps only a few feet high, and with a big stump, and perhaps not worth anything for commercial or any other purposes except for firewood, if it had been growing near the City. By getting that stump out of the road one would be able to get the log out in a certain direction. On the other side of the log there might be a dozen juicy young jarrah with nice straight barrels. If these were removed it would be possible to get the log out much easier in that way. In 99 cases out of 100 the men would destroy the young jarrah straight trees in order to swamp a log out in that direction.

**The Minister for Works:** What is the bush boss doing to allow that?

**Mr. O'LOGHLEN:** The bush boss approves of that method which gets the log to the mill in the quickest time. He will always approve of that method, and one cannot blame him or the swamper for moving his log out in the easiest possible way. The department should have some arrangement whereby the mill owners, and everyone connected with the industry, should be forced to be careful, and avoid as much as possible the destruction of young growing timber, whether it be for the purpose of swamping a log, or even erecting yards for the horses with the finest timber of the country, when inferior timber would do quite well for the purpose. There is nothing so destructive to a forest as to cut the promising young timber out of it, such as is used for poles and piles.

**Hon. F. E. S. Willmott (Honorary Minister):** The miller works in the round and the hewer in the square. That is considered to be a waste to a certain extent upon the fire chute.

**Mr. O' LOGHLEN:** That waste cannot be avoided. We must have some waste, because we have not the population to take the timber, or the market to which to send it. Waste, however, is not confined to any one section of persons engaged in the industry.

**Hon. F. E. S. Willmott (Honorary Minister):** Quite right.

**Mr. O'LOGHLEN:** I believe that if steps were taken in that direction something practicable would result. The conditions laid down in the working plans under the Bill are so drastic that I do not think anyone will take up any area of country, unless prices soar to the heavens and it is possible to mill timber profitably. If they are going to compete against the existing firms they have not Buckley's chance. Many of the firms established to-day have done well, but they have had to open up their own markets and hunt for their own trade. It is only during recent years that the trade has been fostered and built up. Africa and India have taken all the sleepers that could be turned out by our mills. Owing to the lack of shipping, however, they are now compelled to use inferior timber as a makeshift, but it will not last. Even to South America our sleepers have gone; in fact they have gone all through the world. One descriptive writer has put it, that progress in the form of the iron horse was racing its way through five continents along a thoroughfare made of Western Australian sleepers. Those sleepers have won for themselves a reputation, but there will be difficulty if we are to compete in the future under these working conditions. The grading of timber for export is provided for, and I do not know that we need worry much about that matter, since the employer to-day is at least cautious enough to see that nothing is shipped to the overseas market which will lead to trouble on delivery. In the past a good deal of timber shipped overseas from Western Australia has been condemned at the port of delivery. That is an unfortunate fact, and I believe, the Conservator proposes to overcome the difficulty by estab-

lishing a uniform brand, without which no timber will be able to leave Western Australia, and which will therefore ensure that all timber exported will be up to standard specification. The matter, however, is one largely within the purview of the companies themselves, because they are principally concerned.

**Hon. F. E. S. Willmott (Honorary Minister):** The companies themselves have been to blame in the past, because they brought pressure to bear on the inspectors to pass rubbish.

**Mr. O'LOGHLEN:** I do not know that pressure was applied. It may have been something else that was applied. Or perhaps the pressure had the King's head on it. I do not know. I am not making any charge against the inspectors, but I do say that faulty timber goes through at times. The sleeper cutter, as well as the mill owner, will "give it a fly." If it goes through, well and good. The Honorary Minister knows more than many members of this House know about the timber industry, and the timber country, and therefore I shall claim his vote in support of the life of the timber hewer; if the Honorary Minister does not vote with me, I hope he will at least abstain from voting. The preservation of trees is a matter very hard to carry into effect. However, many provisions that go into Bills remain dead letters. In every law Parliament carries such provisions are included at the instance of some people who desire to impress their gravity on the public. If the police, for example, exercised the whole of the powers they possess, there would be a revolution.

**Hon. W. C. Angwin:** Then why grant so much power?

**Mr. O'LOGHLEN:** I am against it. Even the member for North-East Fremantle (**Hon. W. C. Angwin**), when a Minister, brought down Bill after Bill embodying powers which were never intended to be used, and the use of which might have resulted in a revolution.

**Hon. W. C. Angwin:** No. Justice guided all my actions.

**Mr. O'LOGHLEN:** I hope the hon. member's justice will assist me in the passing of the proposals which I intend to bring forward later. Suspension or cancellation of leases is a matter not requiring much attention from us. Of course, there has been a question of too much Government interference in the past. The regulation forbidding the carrying of wax matches seems to me slightly ridiculous. Similarly, the provision against carrying a gun in the forest, which provision conflicts with the Game Act. Wax matches may be bad, but do not let us be alarmists altogether. I am going to agree with the Conservator regarding the provisions for the prevention of ravages by fire. The other night the Minister went out of his way to say that I had supported the idea that fires did good to the forests. I believe the Minister has since corrected that statement. In 1910 and also in 1916 I spoke in this House, pointing out that the fires raging through the forests could not do anything but harm.



The Attorney General: I have read the hon. member's words, and I accept his assurance.

Mr. O'LOGHLEN: No one could do anything else. The Minister has pointed out that very often a first fire is beneficial. I am not going to pit my knowledge against his, and say the opposite. I believe the bush would be better if the fires did not reach that intensity which they do attain during the summer months. The trouble is that there is so much undergrowth, particularly in the heavy karri country. The bracken fern and the hazel undergrowth form a regular thicket. If the debris from fallen timber dries there, fuel is added to the flames, which race over the tops of the trees. The best of the timber is found along the ironstone ridges—the straight barrelled, sound trees are over the ridges which are bare of undergrowth.

Hon. F. E. S. Willmott (Honorary Minister): You are now referring to jarrah.

Mr. O'LOGHLEN: Yes. In the heavy soils the karri grows to magnificent heights, but the undergrowth in that country feeds the fires which, unfortunately, break out. I did say in 1916 that a creeping fire travelling through of its own accord was, in the opinion of many people interested in the timber industry, no more harmful than a fire created from the burning of tree tops. While I am prepared to join the Minister, in many respects, in worshipping at the shrine of the expert, I am not going to say that the expert—whether it be our present Conservator or anyone else—is infallible. I claim that the regulation as to stacking tree tops is a ridiculous one. I do not know who is responsible for that regulation, but I suppose the department will accept the responsibility. The stacking of tree tops within an extremely limited area around the stump is demonstrably foolish. Once a sleeper cutter did a day's work at cutting sleepers, and then had to put in two days stacking the tops together. The thing is obviously absurd. It is contended by many men in the bush, who have a right to be heard, that the stacking of the tops within a narrow area merely serves to intensify the fire, and thus to cause more harm to the trees than ever is done by fires merely creeping through as is now the case during the summer months. At the same time, I am prepared to assist in putting down fires wherever it may be possible to do so.

Mr. Harrison: What is the average rate of a fire creeping through?

Mr. O'LOGHLEN: It all depends on the feed the fire gets as it goes along. In some country fire travels very slowly, because the undergrowth is not there to feed it; but in other localities the fire attains a great velocity. If a gale happens to be behind the fire, its velocity becomes so terrific that conditions ensue as disclosed by the photographs on the walls of this Chamber, showing trees absolutely destroyed by the scorching heat.

Mr. Harrison: Was that due to the use of wax matches?

Mr. O'LOGHLEN: I believe there would be fires in the timber country if there were

never a match manufactured. Fires start in every variety of Austalian country, from a variety of causes.

The Attorney General: We hope there will be no more fires when all the country is cleared.

Mr. O'LOGHLEN: I, too, hope we shall not have any more fires, and if forbidding the carrying of wax matches is going to prevent fires, all right. I understand, however, that we have already enacted a law forbidding the use of wax matches. Why are not the Government enforcing that law? What is the use of having a law and not enforcing it, and then passing another law to the same effect, presumably likewise to be left a dead letter? If the Minister cannot carry out an existing law which he is charged with administering, what is the use of our passing another law to the same effect?

The Minister for Works: The Conservator will carry it out.

Mr. O'LOGHLEN: All right. I am willing to give the Conservator a lot of support. Still, I do not think we should give him all the powers sought by this Bill. As time goes on and the Conservator demonstrates by results the uniform correctness of his contentions, I shall be the most ardent supporter he will have in the country. But if the Conservator is responsible for the regulation as to the stacking of tree tops, I must say that an officer, or a department, capable of passing a regulation of that description for Western Australian forests is likely to be astray in many other theories.

The Minister for Works: Did not you make a few mistakes when you first went into the bush?

Mr. O'LOGHLEN: I made a lot of mistakes, and no doubt I shall continue to make mistakes all my life. But I do not ask the Government to make me an autocrat. I say there is a danger of a first class expert who has gained a great reputation in a country where conditions are entirely dissimilar from those obtaining here, making mistakes in this country. Some objection will be raised, I suppose, to the burning off of private lands. The system of fire breaks varies in different countries according, I take it, to the density of growth of timber. I do not think the land owners affected will act according to the dictation of the forestry officer. If the Forestry Department are to be a beneficial factor in the State's progress, they should take the responsibility of doing the work themselves.

The Attorney General: Even on country outside the marked boundaries?

Mr. O'LOGHLEN: Yes. I can quite understand that an officer a little officious might, with the powers under this Bill, cause a good deal of trouble.

Hon. F. E. S. Willmott (Honorary Minister): He would catch some trouble, too.

Mr. O'LOGHLEN: Still, the law is there, and it is no use for the farmer to get on his hind legs and say that he will send a wire to the Honorary Minister. That would be no good. The forest ranger may give an order to the farmer, and that order would have to be complied with. There is provision for the forest rangers' doing the work of police officers.

or rather for their being placed in the position of policemen. That I regard as a most extraordinary proposal. I do not think that in the South-West there are a lot of rebels who cannot be held in check without this provision. I fail to see where such a condition of affairs exists as to necessitate the forest ranger arresting a man and being freed from any liability for so doing. Surely the State is not so hard up for police to bring offenders to justice.

The Attorney General: But if the forest ranger saw you cutting down a sapling?

Mr. O'LOGHLEN: The whole country is honeycombed with officers of the law; and if the forest ranger saw me cutting down a tree that I had no right to cut down he would have ample legal scope for bringing me before a court and having me convicted, without his being vested with the power to "pinch" anyone who possibly incurs his displeasure. I do not like conferring the power of arrest on anyone except the police, and I think this country has enough policemen to do all the arresting that is required here. Forestry officers may be like politicians—one officer may be good in one calling, and another in another calling. For example, the Minister for Works might make an excellent forestry officer—and I would give him all these powers. But another man might prove vicious, and abuse his powers. Let me mention that the Minister for Works was for a long term of years the manager of one of the largest timber stations in Western Australia, and that the only charge made against him while holding that position was that he once shot a widow's pig. Talking about pigs, I think the Minister for Works must have had a hand in the framing of this Bill, which provides that the Forestry Department are to claim all unbranded cattle in the South-West. I do not know whether all unbranded cattle in the South-West should or should not be the property of the Crown. It is a moot point.

Hon. F. E. S. Willmott (Honorary Minister): They are now, if over a year old.

Mr. O'LOGHLEN: That is so; but I do not know that the provision is altogether one which should be enforced rigidly. The Bill provides that the Governor may prohibit the export of timber. That provision, I take it, would apply to some of our scarcer commodities, such as tuart, for instance, enabling us, when necessary, to conserve our supplies. On the question of pine plantations, the Minister put up rather a good case; I might say, a case that cannot be combated. There is one thing that experience has taught us, and it is the necessity for being prepared for the future. I am not going to claim that the pine forests at Ludlow and Hamel have been planted on the best soil. It was rather difficult for me to follow the Minister as to the rotation test, because pines on certain soil come to maturity where on other soils they would never become a commercial asset. In South Australia some of the plantations are on the finest soil in the country. In the vicinity of the town in which I was born pines were planted, and after 27 years I visited the locality and noticed there a saw-mill operating on them and learned that the forest was realising £200 an acre. I am referring to Bundaleer. Recently in South

Australia they cut up the Bundaleer forest for their own use and sold out another forest to the fruitgrowers who wanted the product. Recently Lewis & Reid bought up practically the whole of the softwood plantations of South Australia. I believe that Lewis & Reid paid a good price for the plantations they bought. South Australia has gone in extensively for the cultivation of this timber. That State had to do so because it is generally speaking a treeless country. There is such a timber famine there that scrub paddocks are being bought up by the Broken Hill Proprietary, paddocks that would not be looked at in Western Australia.

The Attorney General: We will come to that stage in our jarrah country one day if this Bill does not pass.

Mr. O'LOGHLEN: I am not opposing the Bill, only some of the provisions of it. In South Australia one can travel over an enormous area without seeing a tree. In the wild rush for settlement there the country was completely denuded of timber. One writer broke into jingle on this subject—

They might have left one pine tree stand  
Where warbling birds could sing,  
A resting place for that bright throng,  
When weary on the wing.

Not having that one pine tree, the South Australian Government had to put their cash into pine-growing propositions and to-day they are reaping the benefit. It is only the State that can do this kind of thing. Hon. members opposite who worship at the shrine of private enterprise and say that the department should not interfere, must come back to earth on this question and declare that the State alone can embark on pine cultivation. No private individual will put money into a pine plantation for the simple reason that he has to wait so long for a return, and private individuals do not like waiting. I approve of the proposal of the Minister to plant areas with pines, provided the soil is suitable and the expense is not too great. The Kalgan river, in the Albany district, has always appealed to me as a suitable place for the cultivation of pines. Mt. Barker, too, is another place where there is evidence of very fine growth.

Mr. H. Robinson: The Conservator says those places are no good.

Mr. O'LOGHLEN: He may be right; I am not going to say that I am always wrong; I am judging by my observations. I have seen some very fine specimens of trees in those places, and I can take the Conservator down there and show him trees which no others can equal. I am not going to say that they grow on the sand dunes in close proximity to the port, but there are certainly some magnificent pine trees down that way, and I think that all parts of the State should be tested, so that a profitable result might follow. The planting of hardwoods of course, is out of the question; no one has seriously advocated that. In some Continental countries when a tree is cut down another has to be planted in its place, but in Western Aus-

tralia nature has been lavish in her wooded gifts. The wind and the birds carry the seed along and we have a considerable part of our landscape dotted with commercial timber. Of course we also have an enormous area of timber of no commercial value, but time will tell whether it can be treated as a business proposition. The by-products now being dealt with in the wood distillation process at Warburton, Victoria, have shown wonderful results, and it only requires a laboratory where tests can be made to prove the value of the by-products in this State. In other countries paper pulp is obtained from wood, but here we have not been successful in that respect. There are, however, various products that can be obtained from our timber. In New South Wales they are getting good results from the by-products, but possibly when the war is over the market for them will ead. We have in this State the sandalwood industry. Experts prophesied some years ago that it was a dying industry owing to the enlightenment of the Eastern nations, and it was claimed that the market would not exist much longer. There is evidence, however, that someone is making use of sandalwood, because it is still being exported by all available steamers. We may find use for it ourselves, but I regret to say that we shall not be able to get it in big quantities, because we have been cutting it for the past 50 years and very little has grown to take the place of that which has been removed. The other timbers which we have, have played a big part in the building up of Western Australia, but I believe that the Bill should contain provisions that even in our rural areas, where agriculturists have to get clearing done, there should not be a complete denuding of the timber. There should also be a provision in the Land Act that on every farm, the timber on a certain area should be reserved.

The Minister for Works: What trees are you talking about?

Mr. O'LOGHLEN: Native trees, morrel, salmon gum, and gimlet. Patches should be left for shade purposes.

The Minister for Works: They do that now.

Mr. O'LOGHLEN: But it was not done in the past, and unless this is made mandatory it will not be done in the future. I know many farmers in South Australia who would give £100 if they had a couple of good trees around their homesteads. We are living in a prodigal style, and while to-day we have an abundance, we are making no provision for the future, which the Conservator looks forward to. We must not start our change policy in too drastic a fashion; we must move gradually. I am going to give general support to the Bill, but I realise that caution has to be exercised in putting it into operation. Let me quote wattle. Australia is the home of the wattle tree, but in Natal the seed which was taken there from Australia has produced forests of this timber. We find that in 1912 tannic acid was exported from that country to the tune of £108,000 and some of it came back to Australia where the wattle has its home. I realise

that in Natal they have native labour and they can establish wattle farms much more cheaply than we could do, but surely Australia's national bloom should be encouraged, not only for its scenic beauty, but from the point of view that the bark which is so necessary to-day might be used to build up our other industries. There is no finer sight on a spring morning, particularly in the Eastern States, than to see the wattle bloom in its golden glory. If there is anything that should stir the patriotism of the people, it should be the love for their national flower, and the desire on the part of the department controlling the wooded wealth of the country to cultivate it to the fullest possible extent should meet with every encouragement. I have no desire to say much more. I have on many occasions talked for hours on this subject and with perhaps more effect. It is my intention to support the Bill and when we reach the Committee stage I will move amendments which I hope will be acceptable to the House. I want to express appreciation of the energy applied to this subject by the Conservator of Forests. I was instrumental in bringing about the establishment of an up-to-date department. I have been advocating this in the House for the past 10 years. The department as it existed was an eye-sore. We had no exhibits and we had no museum. There were a few paltry exhibits which were kept in a back room, and anyone coming to Western Australia and who saw them would arrive at the conclusion that we had no forestry policy.

Hon. W. C. Angwin: That was through the want of officers.

Mr. O'LOGHLEN: No matter who was to blame, let the past bury its dead. We are starting now like the proverbial drunk, with good resolutions, and it remains to be seen whether these resolutions are going to be very drastic, whether they will inflict an injury on the industry or whether they will be helpful to the men engaged in it. I am not unmindful of the fact that whilst much neglect has been shown in the past, even those companies which the Minister says are out to exploit the country and cut as much as they can, have been an important factor in the State's progress. They have had their battles, their pioneering difficulties and their dark days. I do not know that many have reaped much profit, but I realise that they are going to reap a profit when brighter days come, and when Australia will recuperate quicker than any belligerent country owing to the magnitude of her resources and the climate. If there is one industry that will show a pronounced revival it is the timber industry. Europe will require to be reconstructed. There is a timber famine in every civilised country and Australia will have the goods to put on the market. Prices have increased already and timber merchants will reap the profit. Some of them have been reaping too much profit, but I am not concerned with the companies' profits. All I am concerned about is that the people shall make a livelihood in that industry. For 30 years many of them have been in the timber areas and I hope they will remain there, and I also hope that the indus-

try will prove such that their children will be able to eke out a living as well in the same locality. In the development of the South-West there has been no more powerful factor than the settlement of the families to whom I have referred. Men have been induced to take up small holdings in these districts and the Labour Government did much in that direction. To-day we find that there are hundreds who apply their spare time to growing their own commodities and keeping well under way. It is only by such system of communal help that we can hope to develop the South-West, which is a fearfully big problem for any Government to tackle. Consequently I ask members not to forget the very important part the industry has played in building up that South-West and the important part it is destined to play in future, provided that it is not strangled in order to please the whims and fancies of an expert. Whoever that expert may be he is not infallible, and he may introduce a certain policy which he thinks sound, but which will not work out in practice. I have a great deal of respect for the Conservator, believing that he is honestly desirous of building up this industry to an important position, but I say that he can fail, and that in some of his theories he has failed, if he was responsible for that regulation which was afterwards dropped. If he could fail in that, he can fail in other directions, and I am reluctant to place in his hands, or indeed in the hands of any man, power to make regulations which may have the effect of seriously hampering the industry, and of giving a real blow to the fortunes of many men who have made their homes in Western Australia, and who have the right to continue to work out their destiny. For that reason I hope that, while the Bill may be carried in its main provisions, those other provisions to which I take exception will be reviewed by the House. We should take into consideration the whole of the industry and view the part it has played in its various vicissitudes; and when we come to those clauses which are objectionable to so many engaged in the industry, we should treat them as the famous scrap of paper was treated which we have heard so much about. For, as I have said, those provisions seek to place in jeopardy the calling of large numbers of men who sometimes are referred to as nomads, but who in working up the industry have spent their money in building up the development of the State. And then, when the martial music sounded and the drums were banged, those men went to take up another calling. They had made their living by the axe, but they dropped the axe and took up the rifle. And when they return we should see to it that they are in a position to resume their original calling in the bush, and not be faced with the necessity for working in a mill at 9s. 7d. per day under a boss. In the past those men were able to earn from £5 to £6 per week, and they earned every penny of it. Are we going to meet them on the wharf and tell them that during their absence we have passed a Bill in Parliament depriving them of their livelihood, that we cannot agree to allow them to follow their calling any longer, because it has been said that they waste their timber? It would be a poor welcome to

them, and it would be but a fitting reply if they told us that in our interests they had wasted their lives fighting a battle that was not appreciated.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [9.34]: I enjoyed the hon. member's speech. It was refreshing to me to find that in connection with the industry in which I was engaged 30 years ago the young men of to-day have the enthusiasm to study what is best to be done for that industry. Also, I very much appreciated, although I did not agree with the whole of it, the speech made by the Attorney General. I think the House is to be congratulated, and the country itself should be rejoiced to think that we have two men, one on either side of the House, who have the ability and the enthusiasm to tackle a very difficult problem. The hon. member who has just sat down had a good deal to say in favour of the Conservator of Forests, although at the same time I think he was somewhat severe on that officer. In my opinion the regulation dealing with the tops of the timber, which was brought out some 20 months ago, might be regarded, not as a heinous offence, but as a mistake which any young man, coming freshly to a country with new conditions of forests and timber, might easily fall into. Seeing that the matter was rectified at once, I do not think it requires to be brought up again.

Mr. O'Loughlin: Presently he will not be making those mistakes.

The MINISTER FOR WORKS: The record of the Conservator of Forests, a young man, was sufficiently good to warrant his appointment. That record should be a guarantee that he is likely to improve in his knowledge as he becomes better acquainted with our forests and the local conditions. There is no doubt it is time that our timber should be more highly regarded, and treated very differently from the practice of the last 20 years. We do not require to lay the blame on any particular Minister, because no one can judge what was in the mind of the Minister at the time; but those who have been connected with the timber trade can be satisfied that had action of this sort been taken 20 years ago the forests of Western Australia would be in a far better condition than they are to-day. Not even the millers or the hewers themselves would deny that the forests have been exploited; I mean they have not been dealt with as they should have been if their full importance had been recognised. The hon. member referred to the Jarrahdale station, which I knew 30 years ago, and where, I believe, if I returned to-day, the old men there would not be ashamed to shake hands with me.

Hon. P. Collier: Notwithstanding the pig.

The MINISTER FOR WORKS: Notwithstanding the pig. That is a perennial jest in Jarrahdale and a jest which I enjoy thoroughly. That station was started in 1872. One, Wanliss, came from Ballarat, Victoria, to that spot. He must have had the heart of a lion, when we consider the difficulties in front of him. It shows the character of the Australians of that day. And apparently the Australians with whom the member for Forrest is associated are no unworthy followers of the

men who started the industry in this State. No money was made out of that concession from 1872 till about 1893, no money that could be disbursed as dividends among those who had put their capital into the venture. I believe the company was re-constructed four times before the firm by whom I was employed took it over. All the capital was gone, we could not get any money. The main market that we were looking to was the provision of paving blocks for London. But we were exploited with our timber in London, just as are the fruitgrowers here to-day. We were robbed in every way. And yet against all those difficulties the men who had to deal with the industry kept to their work, and now, at last, there is some chance of those who stuck getting a return for their labour. I have always held the view that, great as have been the benefits to the big timber companies in this State, the benefits which they as pioneers brought to the young country, were even greater. And those benefits would have been greater still if there had been a number of small mills instead of one or two big ones. You cannot get the same personal influence throughout the community from the paid managers of big mills as from those who manage mills on their own account and have to be their own financiers, etcetera. But while that is a fact there was this also, that none but a big company with ramifications throughout the world could have developed the trade to the position in which it is to-day. Although on some matters I do not agree with firms like Millars Timber and Trading Company, yet I am convinced that but for the organisation of that big company, West Australian timber would not have been in the position in which it was before the war and will be again. They had means by which they could penetrate to every market in the world. Their organisation enabled them to get shipping freights that no small mill could have got. Therefore, when dealing with the Bill, we have not only to consider the hewers, but to see that whatever regulations may be framed they shall not hamper the operations of the big companies, that while the State gets from those companies what it has a right to take, it shall not permit anything to be done which will interfere with the progress of their trade.

Hon. W. C. Angwin: Is there anything in the Bill which will do that?

The MINISTER FOR WORKS: We shall see when in Committee. In regard to the hewer, I freely acknowledge the plea the member for Forrest has put forward. Thirty years ago I brought over half a dozen timber hewers from Victoria, and although there had been some hewing done here before that, I think they were the nucleus of the hewing community.

Hon. P. Collier: Was that the beginning of the hewer invasion of the State?

The MINISTER FOR WORKS: I think so, although there had been a few others here. I did not allow those men to go into any bush in Jarrahdale until we had been at least three times over it, and until I had gone through the land and marked trees which they were not to touch. The mistaken policy of a few years ago which threw open to the hewers what was

practically virgin forest, was one of the biggest blows ever struck at the timber industry. I think the Bill will prevent any possibility of that happening again. One has only to go through the forest to see where the hewer has tapped the tree and, if the grain did not suit him, has left it. I could take hon. members to parts, close to my own place at Brunswick, and show them beautiful trees dropped, simply a sleeper length taken off, and 40 or 50 feet of splendid timber left there.

Hon. W. C. Angwin: That happened years ago.

The MINISTER FOR WORKS: Within the last few years. Millars Company had a large area of timber country adjoining my own place. There are trees lying on my boundary, beautiful sticks of timber, but the grain did not run as freely as the hewer likes, and consequently the hewer simply took a couple of sleeper lengths and left the rest. The object of the Bill and the regulations which will be framed under it will be to ensure that each in his own particular way shall play his part in connection with our forests. In the first place we shall have the big mills getting their milling timber through. They will have to deal with it under the regulations, and the Conservator will have to be satisfied that all the milling timber has been taken out. Afterwards, he will deal with it at the spot mill, or through the hewers, as he may think fit. If hewers can get young trees, which are most suitable for piles such as are required for bridges, wharves, and jetties, straight free grown trees, they would sooner have these than any other. They can get a bigger output out of these trees than they can out of the general run of trees that they cut. When the hon. member was speaking I interjected "What price were they getting for hewing?" and I was informed that at one time it was 41s., and that now it is 34s. per load. It is only a few years ago that the bush was cut out at Chidlow's Wells. It was recently gone over again by the sleeper hewers for the purpose of cutting sleepers. Undoubtedly they had a bigger price paid for the sleepers than they had formerly. The man who wanted the sleepers could afford to pay a little more, because the sleepers were coming from a district which was fairly close to that area in which he was engaged in building a railway. These hewers cut these sleepers by means of the broad axe. Because they were getting a little bit more for their sleepers, it paid them to do this work and it enabled them to get a fair day's wages out of their work. This is where the broad axe comes in. It enables the hewer to cut sleepers out of timber which the millman would not be able to get. The hewer makes use of his skill and cuts timber which would otherwise be wasted. Although possibly in Committee some alteration may be necessary, I think it will be found that the clause will be of service to the State, although not altogether of service to the hewer. There is, I fear, not as much possibility of there being employment for so many hewers in this State as there was a few years back.

We have not the forests into which to put them. I hope hon. members will see that it is unwise to sacrifice a lot of our first class forest for hewing purposes, when that hewing will not give us as much good timber as if it was treated in a proper manner, that is to say, milled first and handed over to the hewer after. Provision is made for regulations to be framed in regard to fires. These regulations apply to the forests of the State, which will be under the control of the Conservator. There is a clause which deals with the owners of land which is contiguous to the forests. I think one of the provisions is that the Conservator can call upon the owner to clear away the timber within two chains of his fence, such timber as the Conservator may think would feed or be the source of a fire. It may be well for the Minister and the Conservator to consider whether some similar obligation should not be imposed upon the forest people and whether they, in turn, should not be obliged to clear two chains on their side of the fence. Possibly this matter will be considered of sufficient importance to discuss in Committee. The member for Forrest referred to political influence. I do not wish to refer to any particular Government myself, but there is no doubt political influence was used very considerably during the last few years in connection with forest matters. Many years ago it seemed to me that the forest industry would grow. It has not grown quite as much as I anticipated it would, but still it has grown very largely. At that time I interviewed the late Sir John Forrest, who was Premier at the time, and pointed out that in the farming areas around the Murray River, and in some portions of the Wellington district, it was desirable that there should be reserves put on one side, from which the farmers could get what posts they required for fencing, and also what timber they required for the construction of their outbuildings. The Premier, with that great and broad view which he always took on such matters, and with his knowledge of local conditions, agreed to the proposition. He set apart areas at Dandalup, Coolup, Wagerup, and I believe also at Wokalup. These were set aside for the farmers for this particular purpose. No one was allowed to cut timber from these reserves. They were preserved to the farmer as affording him an opportunity of getting that which he must have in order to successfully carry on his business. Owing to influence which was brought to bear by someone, or some persons, these farmers were robbed of their reserves.

Mr. O'Loughlen: That is not true. What was taken away from them?

The MINISTER FOR WORKS: A reserve at Dandalup, and the agitator was a Mr. Moffat, or a name like that, I believe, and I think Sexton's benefited.

Mr. O'Loughlen: In any case in which the farmer said he required the area, it was not taken away.

The MINISTER FOR WORKS: I know that the areas were taken away from Danda-

lup and Coolup, for I presented petitions in each case.

Mr. O'Loughlen: There was ample timber left for all their requirements.

The MINISTER FOR WORKS: I am giving instances to show how necessary it is that there should be no possibility of political influence being brought to bear on a matter of such importance.

Mr. O'Loughlen: I have not seen much evidence of it.

The MINISTER FOR WORKS: The hon. member was a little too pessimistic in his view that the Bill would wipe out the hewer. There can be no such intention.

Mr. O'Loughlen: You wait and see.

The MINISTER FOR WORKS: There can be no intention of depriving a man of his employment. I hope it will be possible to so regulate the industry that the products from it will give us the utmost that can be got from the trees. I do not think it is possible for forests to be found in which to repatriate the whole of our hewers that have gone to the Front. I should rejoice if it was possible to do so, but I do not think the forests exist.

Mr. O'Loughlen: Yes, they do.

The MINISTER FOR WORKS: The hon. member will acquit me of any desire to do any man out of his employment.

Mr. O'Loughlen: If I can prove that, will you support me? You do not answer the question.

The MINISTER FOR WORKS: The hon. member objects to a Conservator of Forests being appointed for a term of seven years. If we are in earnest in this matter I would sooner see that term made 10 years than seven. Whoever has to carry out that work will have a very anxious job. He has not merely to consider the points, which his professional education must bring before him as being worthy of consideration, but if he carries out his duties thoroughly he must feel that there will be no undermining of his authority or power in any shape or form. In a big thing like this, tackling the organisation of this great industry, which unfortunately has been allowed to get into a state of disorganisation, there should be nothing that will distract the organiser from the great breadth of duty and the scope of views that he must take in dealing with it. I do not know whether the term of seven years will allow a man to do justice to the industry. Whoever occupies the position of Conservator and puts into it seven years of his life without being impeached, as he can be impeached under this Bill, will be a man that the State ought to be proud to keep. He will have to hold his banner out and keep it flying under great difficulties.

Mr. O'Loughlen: There should be no necessity for that.

The MINISTER FOR WORKS: This gentleman will have to carry out his duties when it will almost appear as if he had his hand against every man, and certainly every man's hand will be against him.

Mr. O'Loughlen: It should not be.

The MINISTER FOR WORKS: Some hands will possibly be harder against him than others.

Mr. O'Loghlen: I think he will have a good time.

The MINISTER FOR WORKS: If he is to carry out his duties successfully he must have a stiff jaw, a strong will, and a broad mind. He must be given the power, or he will only be frittering away his time instead of conferring the benefits upon the State which he would otherwise do.

Hon. W. C. Angwin: Does not Parliament carry the power? It is all bunkum to talk like that.

The MINISTER FOR WORKS: It is not bunkum. Under this Bill the Conservator of Forests can be impeached before Parliament, and suspended if he is incompetent. If his incompetency can be shown to the Ministry he will be suspended and be given a proper trial. There should be no possibility of any underground and insidious engineering, which it is sometimes possible to bring to bear upon a post of this nature.

Mr. O'Loghlen: That is magnifying the position a lot.

The MINISTER FOR WORKS: I know what was done at the time I was Commissioner of Railways. I am certain that the Conservator will not be any less exposed to underground engineering than I was or than any future Commissioner of Railways would be.

Hon. W. C. Angwin: He must be subject to the decision of Parliament just as anyone else is.

The MINISTER FOR WORKS: We know all about that.

Mr. O'Loghlen: You dealt with them all right.

The MINISTER FOR WORKS: I do not know about that. If a member of Parliament desires to put a matter forward and is persistent enough to keep on putting it forward, constant dripping will wear away a stone. Constant complaints and worries, and statements which cannot be examined, give a man endless trouble and distract him from his ordinary duties, and tend to bring about results that are not as pleasing as they should be.

Hon. W. C. Angwin: I do not know why. That shows the kind of temperament you have to deal with.

The MINISTER FOR WORKS: The member for Forrest threw out a challenge so far as the hewers were concerned in regard to the Conservator having spot mills. I interjected that the hewer would not cut scantling. If we could get the ships to take the scantling to the Eastern States, we could sell every stick of scantling we could cut in this country.

Hon. P. Collier: Let us build the ships.

The MINISTER FOR WORKS: We are doing so. If we had the ships we could get the scantling from the spot mills or the big mills but not from the hewer, because they do not produce that class of timber. I happen to own a couple of thousand acres of good jarrah country and it was my intention to put up a mill upon it. Part of the plant necessary is already lying on my farm. I intended to cut a very much larger percentage from the log than is obtained at present. I am satisfied

that, with a small mill, it is possible to get many classes of timber out of a tree above the crown and from the big limbs.

Mr. O'Loghlen: Then Western Australia has lost considerably through your not remaining in charge of a timber station.

The MINISTER FOR WORKS: I would rather the hon. member did not put it in that way.

Mr. O'Loghlen: But that is the point.

The MINISTER FOR WORKS: I intended to get fruit cases and laths out of the big limbs, and I was sufficiently satisfied that it could be done, and I was prepared to put down the money to back my opinion. Perhaps the member for Forrest remembers Charlie Baker of Jarrahdale. Charlie Baker had a large family, including a number of sons, and was a good worker himself. I said to him, "No more fire chutes. Out of every bit of timber get a fencing post if you can, or failing that get a picket, or failing that a lath, or failing that a shingle, or failing that firewood." This was done, and the man made a good thing out of it, and I also made a good thing out of it, because I got the converted timber and saved the wages of two men on the fire chute.

Mr. O'Loghlen: But Jarrahdale was favourably situated for that from the geographical aspect.

The MINISTER FOR WORKS: A year ago the following occurred at the Big Brook State sawmill. There we are making fruit cases, as no doubt everybody knows from the row about the prices. At all events, I was there with Mr. Properjohn; and as we passed the gantry taking the stuff over the fire chute, Mr. Properjohn ordered it back again and we saw a defective sleeper passing to the chute. The two dockers stopped work and said he could run the mill himself. What is one to do in a case like that?

Mr. O'Loghlen: What happened?

The MINISTER FOR WORKS: The men went away. In my time we got our work done as we ordered it. If a man slung his job, we got another man in his place.

Mr. O'Loghlen: But that did not affect the saving of the timber.

The MINISTER FOR WORKS: No. I am merely referring to the view of the cutting.

Mr. O'Loghlen: What would you do with the surplus timber for which you have no stacking room?

The MINISTER FOR WORKS: With that we cannot do anything until the Attorney General gets his laboratory going. Until then, at most mills, that timber must go into the fire chute. I am satisfied, however, that the Attorney General's efforts will result in something payable being got out of the waste timber. I enjoyed the speech of the member for Forrest very much indeed, and I am satisfied that whatever criticism may be offered on this Bill will be such as the Attorney General cannot but regard as animated by a sincere desire for the placing on our statute-book of a Forestry Act commensurate with the timber industry's value and importance to Western Australia.

Mr. PICKERING (Sussex) [10.6]: I speak on this measure with a good deal of diffidence.

because I have not had that experience of the timber industry which belongs to the member for Forrest and the member for Murray-Wellington. But I have at heart the interests of the timber industry, and the interests of those men whose lives are concerned therein. I desire to congratulate the Minister in charge of the Bill on the able speech with which he introduced the measure and also to congratulate the present leader of the Opposition on the excellent appointment he made when choosing Mr. Lane-Poole for the post of Conservator of Forests. Like the member for Forrest, however, I view with concern the suggested change in the control of the industry. There are three points on which I desire mainly to speak—the change in control of the industry, the cessation of hewing, and the cessation of pile getting. Some change in control is evidently necessary, having regard to that past maladministration which has reduced our forests to the condition so ably described by the Minister. It must be borne in mind, however, that the proposal for one-man control emanates from a forester; and although we may be content to concede that the present Conservator of Forests is a very desirable man, with a wide knowledge of his profession, and highly suitable for the position in which he is placed—

Hon. W. C. Angwin: Why do not you say what you would have said if the Conservator had not been here?

Mr. PICKERING: It is not proper to vest too much control in one man's hands, and I am at one with the member for Forrest in offering strong objection to the Bill in that regard. Much stress has been laid by the member for Forrest on the question of hewing. Of the various amendments I have placed on the Notice Paper, I feel that the one relative to hewing will go a long way towards solving the difficulty. The figures given by the Minister, whom we must regard as speaking with authority, relative to the waste in hewing, are impressive. They go to show that a time must come when hewing will have to be done away with altogether; but I consider that we owe a duty and an obligation to those men who left the hewer's occupation in order to fight in our defence. The member for Forrest has pointed out that some 1,300 men have left the hewing industry of Western Australia in order to go to the Front. Those men went away in the belief that they would be able to return to their original calling here; and if my amendment is carried sufficient provision will be made for them. Even if we concede that hewing should be done away with, we must proceed on equitable lines. Of the many hewers who left Western Australia in order to go to the Front, a great many, unfortunately, will not come back—we all regret that sad circumstance—and a considerable proportion of those who do return will not be physically fitted to resume hewing. The small number thus remaining cannot, I submit, do any serious damage to our forests. On the question of fires, the Bill is framed entirely in the interests of the Forestry Department. The onus of preserving the forests should rest on the department. It is well known

that in order that proper benefit may be derived from south-western pastures, these pastures must be burnt. Experience of bush fires in my district tells me that the longer the interval between the fires the greater the danger from them, according to the grazier's point of view. I remember a bush fire passing through my property, which for three nights prevented me from going to bed, on account of the fear that the fire would go through my farm buildings and haystacks. There had been no fire through that bush for six or seven years; and when a fire did come it ran all over my rung country and my cleared paddocks. There have been serious fires within the last four years in the Upper Capel district, and I will quote an illustration of the ridiculousness of the two-chain or four-chain clearing. A valley between two hills had been burnt out as a break, the distance between the hills being 40 chains; and yet fire was carried from one hill to the other, with the result that some farmers lost several hundreds of sheep, and all their farm buildings and farm machinery, and other live stock besides. About the same time a fire went through the Karridale district, destroying nine or ten valuable draught horses and fences and buildings at Karridale itself. That fire also had been delayed for some years. These facts go to show that if we concede to the Conservator of Forests the suppressing of fires, the time will come when the undergrowth in the forests will be so dense that a matter of four chains by way of break would be absolutely absurd as a precaution against the spread of fire. I shall strongly oppose the provision in the Bill under this head, and shall press my amendment, which is to the effect that the onus of preserving the country from fire should rest entirely on the Forestry Department, and that they should keep 20 chains clear. I am interested not so much in the forests as in the people who live in the neighbourhood of the forests, and who, should fires occur, as no doubt they will, would find themselves and their properties very seriously endangered. There are several minor clauses of the Bill to which I take exception. For instance, the registration of all hands on a mill would be absurd. Again, there is the provision that the companies shall submit all their books of account to the Conservator. I suggest that only those books necessary for furnishing the particulars required under this Bill should be made available by the companies to the Conservator. Then there is the clause dealing with forfeiture of licenses, which makes no provision for appeal.

The Attorney General: There is no appeal now.

Mr. PICKERING: Well, I seek to insert the right of appeal. In the clauses dealing with minor offences, the word "knowingly" should be inserted. The amendments which I have placed on the Notice Paper I shall endeavour to pilot through Committee, with a view especially to rendering justice to those members of the sleeper hewing community who are to-day fighting our battles, and also with a view to ensuring that the onus of preserv-



ing the forests from bush fires shall rest on the Forestry Department as against the public. There are other minor points which have been illustrated by the member for Forrest, and the question of the control by the Conservator which I trust will be met in some way when dealing with the Bill in Committee.

On motion by Mr. Nairn debate adjourned.

House adjourned at 10.16 p.m.

## Legislative Council,

Tuesday, 1st October, 1918.

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

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

### SWEARING-IN.

The Hon. James Cornell, who was not present when members were sworn in after the biennial elections, took and subscribed the oath and signed the roll.

### BILLS (3)—FIRST READING.

#### (1.) State Children Act Amendment.

Introduced by the Colonial Secretary.

#### (2.) Interpretation.

#### (3.) Preston Road District Soldiers' Memorial.

Received from the Assembly.

### BILL—NAVIGATION ACT AMENDMENT.

#### Second Reading.

Debate resumed from the 24th September.

Hon. W. KINGSMILL (Metropolitan) [4.40]: At the last sitting I moved the adjournment of the debate on this Bill in order to satisfy myself about a point which arose as to what extent the administration of the Navigation Act had been taken over by the Federal Parliament, and to what extent it was still within the jurisdiction of the State. I do not know whether I am right in supposing that whereas the direct control of navigation does lie within the purview of the Federal authorities, a court of inquiry into maritime disasters is a matter for the State to deal with. If that explanation is right, I presume the Bill is quite in order, but may I suggest, so as to avoid any little misunderstanding which may arise in this connection, that the title of those Bills which deal purely with inquiries into maritime disasters and

which are still under State control, should be altered to such an extent that people would not be misled by the difference in this jurisdiction. I await with interest the explanation of the Colonial Secretary, who I understand has looked into this point, and who will no doubt be able to give a perfectly satisfactory explanation to the House when he replies to the debate. I support the Bill which I think is a very necessary, and a very admirable one, and which I understand has been introduced with the object of placing the maritime legislation on a uniform basis.

Hon. A. SANDERSON (Metropolitan-Suburban [4.58]): I too, await with interest the remarks of the leader of the House on this Bill. I should have thought it a singularly unfortunate time—

The Colonial Secretary: Has not the hon. member spoken already?

The PRESIDENT: Has the hon. member spoken before on this Bill?

Hon. A. SANDERSON: Not to the best of my recollection.

The PRESIDENT: I have no note of the fact.

Hon. A. SANDERSON: I believe such a thing has been done, but I hope I shall never be guilty of adopting such a procedure.

The PRESIDENT: I understand then that the hon. member has not spoken before on this Bill?

Hon. A. SANDERSON: To the best of my recollection I have not. I do not like to be too positive on anything. I have no record of having spoken on this Bill.

The PRESIDENT: Then the hon. member may proceed.

Hon. A. SANDERSON: I will not detain hon. members more than a few minutes. It seems to me a matter of importance that we should know at a time like this, when unquestionably the Federal Government have taken control of this matter, who is to inquire into any shipping disaster which may occur off our coast. It would possibly mean the Imperial Government or the Commonwealth Government. I hope the leader of the House has been able to fortify himself with official information. To communicate with Melbourne, especially when the railway strike is on, is not easy; therefore, some of the information I hoped to obtain I have not been able to obtain and put before this Chamber. The memorandum which appears here—

The PRESIDENT: I must ask the hon. member to make his remarks brief, because I have just heard that he has spoken before on the question.

Hon. A. SANDERSON: I do not wish to trespass. If I have been guilty of speaking again it is through sheer inadvertence.

The PRESIDENT: I am assured by "Hansard" that this is so.

Hon. A. SANDERSON: I accept that assurance.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [4.47]: My impression that the hon. member had already spoken arose from the fact—

The PRESIDENT: I heard this from "Hansard."