**FORESTRY BILL 1950**

**Legislative Council, 26 September 1950, Page 726**

Second reading

The Hon. R. J. RUDALL (Midland—Attorney-General)—The Bill, as its long title indicates, will make further and better provision for the creation and management of State forests and matters incidental thereto. For some time, the Government has been considering the need for a more adequate statutory basis for the important forestry and milling operations which are now being conducted. Its legal advisers have pointed out the inadequacy of the present law, which is contained in the Woods and Forests Act, 1882-1935. Almost the whole of this Act was enacted in 1882 when forestry was in its infancy and no question of operating saw mills or marketing sawn timber had to be considered.

The Act contains a number of provisions relating to the establishment and leasing of forest reserves and encouraging the planting of forest trees, but little or nothing to authorise the milling and commercial undertakings now connected with forestry. Further, there is no statutory authority for the Forestry Board, which has been in existence for some years and performs an important function in connection with milling operations.

In saying that the present law is inadequate I do not wish it to be thought that the Government has in any respect acted without the approval of Parliament. All the money which has been expended, both on the planting and management of forests and on the establishment and operation of mills, has been voted by Parliament and full explanations of the Government's operations have been made. It may therefore be said that while Parliament has given its approval to everything that has been done, that approval has not been conferred by clear statutory provisions which can at all times be referred to in support of any transaction entered into by the Government in connection with its forestry undertaking. By this Bill, therefore, it is proposed to repeal the Woods and Forests Act, to omit those provisions which are unnecessary and to enact other provisions which clearly cover the present arrangements.

Turning now to the details of the Bill, the first group of provisions deals with administration. They provide first of all that, except as otherwise provided, the Act is to be administered by the Minister. The exception is mentioned in order to prevent any conflict between this provision and subsequent provisions of the Bill which provide that in certain matters the recommendation of the Forestry Board is required in connection with the exercise of certain powers by the Minister. Next there is provision for the appointment of the Forestry Board which is to consist of three members. The Conservator of Forests is one member, and the other two members are to be appointed by the Governor on the nomination of the Minister for such term of office and such other terms and conditions as are determined by the Governor. Pending the making of other appointments, the existing Forestry Board consisting of the conservator, Mr. L. C. Hunks and Mr. N. Jolly, will remain in office.

The Bill also, provides for the appointment of a Conservator of Forests and such other officers as are required for the administration of the Act. These appointments will be made under the Public Service Act. The Minister is empowered to delegate to the board or to the Conservator any of his powers and functions and to revoke any delegation at will. The fact that he has delegated any particular function will not prevent him from exercising the function himself.

The next group of clauses contains provisions relating to the management of forests and the disposal of forest products. The general principle is that the control and management of every forest reserve will be under the Minister. If any part of a forest reserve should not be required for forestry operations the Minister is empowered to grant a lease of it on the recommendation of the board. In addition to this power it may be mentioned that under the Crown Lands Act any proclamation by which a forest reserve is created can be revoked by the Governor if conditions should require it, and the reserve will then become ordinary Crown lands.

The Minister is also empowered by the Bill on the recommendation of the board, to grant licences, easements and other rights and interests in or over any part of a forest reserve. In the case of a licence for grazing or agriculture the recommendation is to be that of Conservator of Forests.

The rights in question may include the rights to take timber from the land. The clauses also authorise the Minister to plant forests and do everything necessary to ensure their proper growth and, on the recommendation of the board, to establish, maintain and operate mills, plant, and machinery for the milling and treatment of trees and timber. Any timber produced in the forests and any timber or by-products produced by milling may be sold or otherwise disposed of by the Minister acting on the recommendation of the board, but it is provided that any such sale is not to be made unless the Conservator has certified that the timber is available or can properly be made available from the forests.

A further power conferred on the Minister, which is of importance in conditions of today, is a power to build, take on lease, or purchase dwelling and sell or let them to officers and employees engaged m forestry, or to others whom it is expedient to house in order to facilitate operations carried on under The Act. He may also make other arrangements for providing living accommodation for officers and employees and for developing residential and shopping areas in the localities where the employees reside.

Another important power conferred on the Minister by the Bill is that of selling electricity generated at any mill established or maintained under the Bill. In the course of the milling operations it has been found convenient for the mills to supply light and power not only to employees' residences but also to some of the industries which have been established near the mills and which utilize timber and other products from the forests and mills. The supply of electricity to these industries relieves them from the need to generate their own power by steam engines, and thus reduces the fire risk to the forests. Ancillary powers conferred on the Minister for the purpose of carrying the Bill into operation are to buy, sell, or let property and to enter into contracts and other transactions.

Powers for the prevention of fire, somewhat similar to those in the Woods and Forests Act, are conferred by the Bill. The Minister or any person authorised by him is given authority to cut down, destroy, or remove trees, scrub, or inflammable material of any kind on a road adjoining a forest reserve. Before taking any such action, however, the Minister or authorised person must give the local council notice and must consider any representations made by the council within one month after the receipt of the notice. If any trees or scrub are removed from a road, the Minister or the authorised person must afterwards clear away all debris. Another provision makes it an offence to injure, destroy, or interfere with property belonging to the Minister.

Clause 19 is an important clause which carries out the Government’s announced policy that the Forestry Board and the Conservator will make their services and other local bodies, and to persons engaged in production or commerce, for the purpose of assisting them with technical problems arising from forestry operations either being undertaken or about to be undertaken by them.

The only other provision to which special attention need be drawn is the power of the Governor to make regulations for the control, management, and protection of forest reserves and all property of the Minister, and for the general administration of the Act, and to prescribe penalties up to£50. It will be noted that the somewhat elaborate provisions of the Woods and Forests Act relating to the creation of forest reserves are not reproduced in the Bill. The reason is that sufficient provisions on this subject already exist in the Crown Lands Act.

A further point which may be mentioned is that the Government has not by this Bill sought any power of compulsory acquisition of land for forestry purposes. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.