Progress

Progress reported and leave given to sit again, on motion by Mr. Nalder (Minister for Agriculture).

House adjourned at 12.23 a.m.
(Wednesday)

Legislative Council

Wednesday, the 9th November, 1966

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2): ON NOTICE

RUTLAND AVENUE

Widening

1. The Hon. C. E. GRIFFITHS asked the Minister for Town Planning:

   (1) Is it the intention of the Government to widen Rutland Avenue between Welshpool and Rivervale in the near future?

   (2) If so, when will the work be effected?

   (3) If not, will urgent consideration be given to this matter in view of the increase of traffic in recent months?

   The Hon. L. A. LOGAN replied:

   (1) to (3) Rutland Avenue between Welshpool and Rivervale was scheduled as an important regional road in the Metropolitan Region Scheme of 1963, but no immediate plans have been formulated for its improvement. The Main Roads Department has instructed consulting engineers to consider the phasing and programming of the inner ring freeway and the first three miles of radial freeways. When this assignment is completed it will be possible to consider relevant important regional roads, including Rutland Avenue, in this context.

ROAD MAINTENANCE TAX

Collections and Matching Grant

2. The Hon. J. M. THOMSON asked the Minister for Local Government:

   (1) What amount of tax has been collected pursuant to the Road Maintenance (Contribution) Tax Act to the 31st October, 1966?

   (2) What will the matching money amount to relative to the amount stated in reply to (1)?

   (3) (a) Is there a fixed amount of receipts from road maintenance (contribution) tax at which matching money ceases to apply; and

   (b) if so, what is this amount?

   The Hon. L. A. LOGAN replied:

   (1) $1,252,976.

   (2) and (3) Revenue from road maintenance charges forms part of the State pool of road funds. Although the cost of administration of the Road Maintenance (Contribution) Act cannot be deducted from the amounts collected under that Act this cost must be met from the general pool of road funds, and the net amount of those funds attracts matching moneys. The total amount available as matching moneys under the Commonwealth Aid Roads Act for the four years to the 30th June, 1969, will be $14,840,000.

FINANCIAL AGREEMENT (AMENDMENT) BILL

Second Reading

Debate resumed from the 8th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.41 p.m.]: This Bill is simplicity in itself, for it merely seeks to convert amounts in pounds, shillings, and pence into decimal currency. The very name of the Act which the Bill seeks to amend was so intriguing to me that I thought it worth while to make some effort to find out why the Act was introduced in the first place, and why the Bill is now before us for conversion of the agreement into decimal currency.

From inquiries of a learned friend of mine I find that it is one of the most important Acts of Parliament ever to be

introduced in the history of Western Australia. The original Bill was introduced by the late Mr. Philip Collier, as Premier, on the 12th June, 1928. The Bill was dealt with in that special session of Parliament which lasted until the 12th July of that year.

The late Sir James Mitchell, in speaking to the measure, said, "It must be regarded as being one of the most important questions to be dealt with by Western Australia since the referendum that brought us into Federation. The effect will be to limit State borrowing and State expenditure."

In the time available to me it has not been possible to do justice to all the ramifications that are involved in this legislation, but I thought it worth while to outline what did happen on that occasion and what has happened since, in the light of Federal association with State finances, and I can do that by reading the final remarks of the then Chief Secretary (The Hon. J. M. Drew) which are recorded on page 433 of the 1928 *Hansard*—

> I wish, Mr. President, with your permission, to take this opportunity to say a few words regarding the discussions which have just been concluded. These discussions have no doubt been as educational to every other member as they have been to me. Never before have I been forced to apply myself to the acquisition of knowledge concerning the intricacies of State finances as I have been in connection with the Bill that has just been passed. We have had able speeches from every standpoint, and in no Australian Parliament has the measure received such a probing and such thoughtful consideration as that to which it has been subjected in this Chamber. The points raised have rendered it necessary for me to unfold to public view almost the whole of the ramifications of State finance in Western Australia. I think all of us will benefit in consequence. Nor need the opponents of the Bill, though they failed in their object, as Mr. Holmes has just indicated, feel that their labour has been in vain.
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> I do not think it has been, nor will be, labour in vain. The case put up by the opponents is a valuable contribution from the standpoint of the disabilities which the State is suffering and may continue to suffer, through entering the Federation. Their audience has been a widespread one. During the last few weeks the whole of the Commonwealth has been listening intently to the proceedings of this House. Never before has there been opened up such a channel for the communication of our grievances as has been provided by the introduction of this Bill for the ratification of the Financial Agreement. In many ways outside the agreement, and in keeping with the Federal Constitution, the present Commonwealth Government and successive Commonwealth Governments can render material help in stimulating the great resources of this State. By reason of the speeches in this House those Governments will be in a better position than ever to realise the difficulties we have had to encounter, and probably will have to encounter in the future, through having entered the Federation, at a time when we were scarcely equal to the financial strain involved, and before we had commenced to establish secondary industries on a scale which would enable us to become more self-contained than we are today. The discussion has been of much value, and should have more than temporary effect.

Obviously that measure was of the utmost importance to Western Australia at the time, but today the basic principles are just as important. Whilst on this occasion I can do no more than support the measure, I thought it worth while during the debate on the conversion of the values into decimal currency to pass some views on the legislation.

THE HON. H. K. WATSON (Metropolitan) [4.47 p.m.]: This Bill is designed to amend the Financial Agreement which was forced upon the States in 1927.

The Hon. F. J. S. Wise: That is the right word, "forced."

The Hon. H. K. WATSON: That is the correct word. It was on this particular agreement, and on the referendum for the alteration of the Constitution, upon which it was dependent, that I cut my political teeth. In those days there was no fluoride, and the result of my efforts, and those of the people with whom I was associated in fighting the Financial Agreement and in advocating a "No" vote at the referendum, were of little avail.

The Financial Agreement was, as we called it in those days, a financial ultimatum. As I have just indicated, and as Mr. Wise with his lengthy knowledge of the events aptly interjected, this was really an ultimatum, because in 1926 the Bruce-Page Government had brought down a Bill entitled the State Grants Bill. It was really designed to abolish the *per capita* payments which had hitherto been made to the States, in much the same way as we see at the Premiers' Conferences in these days the Federal Government simply saying to the State, "It is this or nothing."

It was in that manner that the agreement was, in fact, forced upon the States. The requisite alteration of the Constitution was one of the very few alterations that have, since the inception of Federation, been effected by the requisite major-

ity; that is, a majority of the whole of the people of Australia, and a majority of the States.

In addition to reorganising the system for the distribution of Commonwealth revenue among the States, the Financial Agreement provided for the establishment of a body, to be known as the Australian Loan Council, to co-ordinate the future borrowings of the Commonwealth and the States; but, in practice, in the light of 30 years' experience, we have seen that it was not so much a question of financial co-ordination as financial unification and domination.

When the members of the Loan Council are unable to arrive at a unanimous decision, the agreement provides that the matter is to be decided by a majority of votes of the members, and when a question is decided by a majority of votes, the position is this: The member representing the Commonwealth has two votes and a casting vote, while each member representing the States is entitled to one vote; thus the Commonwealth and any two States voting together can outvote the other States.

Under the agreement, as Mr. Willesee has already indicated, as a general rule all borrowings after the 1st July, 1927, whether Commonwealth or State, have to be arranged by the Commonwealth under direction of the Loan Council and that, as Sir James Mitchell indicated in a speech quoted to us by Mr. Willesee, was a profound alteration in the system which had hitherto existed in Western Australia.

Ever since this State was granted responsible government in 1890, it had—and had successfully—raised loans on the strength and credit of Western Australia. The usual procedure in those days was to have an overdraft account with one of the banks, run it up to £2,000,000, and then float off a loan for £2,000,000; but since 1927 we have, as I have indicated, been under the control of the Loan Council.

Another point of interest in the agreement is that it provides that if members are not unanimous as to the allocation of the loan money to be made available a formula is required to be applied.

This formula is as follows: Firstly, the Commonwealth, if it so desires is entitled to one-fifth or any less proportion of the amount to be borrowed, and the balance of the sum to be borrowed is distributed amongst the States in the proportion in which the net loan expenditure of each State in the preceding five years bears to the net loan expenditure of all States during the same period. Therefore we find that the State is seriously retarded and impeded in its operations by the provisions of the Financial Agreement which places obstacles in the way of the State Government to obtain itself, or through the Loan Council, adequate funds necessary for public works and development of the State.

I would like the House to bear in mind the one very peculiar and unfair result to Western Australia arising out of the provision that when there is no unanimous agreement, the decision is bound by the proportionate borrowing for the previous five years. It so happens that during the war the Loan Council felt that for the successful prosecution of the war, all States should borrow the smallest possible amount for any purposes other than defence, and Western Australia, with its reputation for adhering to agreements whether they be gentlemen's agreements or otherwise, faithfully carried out that understanding and kept its loan expenditure during the war down to an absolute minimum.

Some of the other States did not pay the same regard to that undertaking and they spent considerable sums of loan money and it had the extraordinary result, although that was 20 years ago, that because Western Australia had a very small proportion of the pool during the war, that has, by virtue of this provision, followed right through to this day.

The Hon. F. J. S. Wise: And it is still a threat that they apply the formula.

The Hon. H. K. WATSON: Yes. The formula is automatic. That is the point.

The Hon. F. J. S. Wise: Yes.

The Hon. H. K. WATSON: The formula automatically applies with the result that today when we have such developmental projects in all parts of the State, we are severely hamstrung through that very unfortunate provision.

On the general question of limitations, we find that on the one hand we are restricted to the amount which we can raise through the Loan Council, and, on the other hand, we are denied the opportunity to raise the money ourselves. If there were no Financial Agreement, I entertain no doubt that the unfortunate position in which we find ourselves in respect of the Ord could be overcome. In just the same way as John Forrest, before Federation, raised a few million pounds for the Kalgoorlie water supply, so today this State would have no difficulty in raising £10,000,000 to £50,000,000 on the security of the State itself, if it had the right to do so. There again, we find two very serious disabilities suffered by Western Australia as a result of the Financial Agreement.

On a personal note I would recall that in fighting the referendum in 1928 I was associated with Mr. Arthur Lovekin, and Mr. John Nicholson who were then members of this House representing the Metropolitan Province. We also had with us on that occasion, Sir Hal Colebach, who subsequently became a member for the Metropolitan Province. It may be that my successor in the Metropolitan Province, in addition to interesting himself in other matters, may take a particular interest in

the final relationship between the Commonwealth and the States.

Mr. Willesee read to us some very interesting quotations from the speeches by the Leader of the Opposition and the Chief Secretary when the validating Bill was passed in 1928. Equally interesting—and I would commend them for study by every member of this House—are the speeches by the then Premier (The Hon. Philip Collier) and the Leader of the Opposition (Sir James Mitchell) in 1926. These are contained in Vol. 74 of *Hansard*. These speeches were made when the agreement was being debated but before it had, in fact been signed. The speeches of those two gentlemen on that occasion were made during the course of the Address-in-Reply debate in 1926. As I have said, they are contained in Vol. 74 and Mr. Collier's speech is to be found at pages 116 to 119. Sir James Mitchell's speech is to be found on page 39 and the following pages.

In my speech on the Supply Bill (No. 2) I referred to this question and last night I read to the House an extract or two from a speech which was recently delivered on the Budget in New South Wales by the Leader of the Opposition (Mr. Renshaw).

It is a really remarkable thing, because we can almost say that what Collier and Mitchell said in 1926, Renshaw and, for that matter, Askin and Bolte are saying in 1966.

I would like the House to bear with me for a few minutes while I read another extract or two from the speech delivered a few weeks ago by Mr. Renshaw. In this speech, he made particular reference to the Financial Agreement and the effect of the Financial Agreement upon the States. At page 1707 of the New South Wales *Hansard*, on the 11th October last, Mr. Renshaw had this to say—

> In the prevailing circumstances, the Commonwealth is able to and does finance its public works programme from tax revenue, at the same time demanding that the States finance essential services such as schools, hospitals, roads, sewerage, water conservation and power generation from loan funds. As a result, over the past twenty years the total capital debts of the States has grown from $2,019,000,000 to $8,767,000,000, but, in the same period the capital debt of the Commonwealth has been reduced from about $3,656,000,000 to $1,872,000,000. In fact, today, the capital debt of New South Wales is more than 40 per cent. above that of the Commonwealth. A further analysis shows that although at the end of the war, in 1946-47, the State's debt charges amounted to $80,000,000 and the Commonwealth's $125,000,000, in 1963-64 the Commonwealth figure was $137,600,000—an increase of only $12,600,000, whereas the States' figure had reached $320,400,000—an increase of $240,400,000.
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> Much of the enormous increase in the States' debts—in fact about $1,600,000,000—is money raised by the Commonwealth Government in the States in the form of income tax and lent to the States at market rates of interest. An amount almost equivalent to the total capital debt of the Commonwealth has been raised by revenue and lent to the States in this way.

Later on, he said—

> These unchallengeable facts emphasize the pressing need for an overhaul of the financial and perhaps other relationships between the Commonwealth and the States. As unfortunately has been the case for too long, while the initiative for bringing about such a review or recasting of the constitutional relationship is left with the federal sectors of the various parliamentary parties or groups, little or nothing will be done. All federal departments are only too anxious to further or accelerate the present treacherous tendency, for they have a heavily vested interest in this situation. It therefore behoves the State branches of the various political parties to do some thinking and create popular opinion within State boundaries from which a demand will be created for a reconstruction or return to what was obviously the Federation fathers' conception of the Commonwealth-State relationships. It should not be forgotten that federation evolved from State-based political action.

Then, after quoting figures and making points which are virtually parallel with what I made in my remarks on the Supply Bill (No. 2), Mr. Renshaw proceeds in this way—

> It is time the States took a united stand. They must either speak up or see themselves swallowed up by the Commonwealth, because of its financial grip. It is time for some very straight talking in the field of national politics and finance. An end must be called to the annual farce or, as an economic writer recently called it, the annual June charade of the Loan Council and Premiers' Conference. It is time the people were frankly told and made aware of what is happening at an accelerating pace.

Later on, he says—

> It is now time—and there is very little time left—for the people of this nation to decree what form of national government they wish to live under; a federation of States or a centralized, unified system in which what were sovereign States are reduced to the status of agencies, or even departments, of the Commonwealth. I have dealt at great length with this problem, but I make no apologies for having done so. To me there are very few matters of equal importance in our political life today.

The Hon. F. J. S. Wise: Does he suggest how the States can combine to take action?

The Hon. H. K. WATSON: No, he does not; but at the same time he certainly does say that the time has arrived for some action to be taken in one way or another. Of course, that will be a problem for our State Premiers to deal with, but in my humble opinion that time has arrived. Only the other day, we heard some talk of the abolition of this Legislative Council.

If the present trend continues, in my opinion we will reach the stage where we will not be able to deny a proposition, not merely for the abolition of this Council, but for the abolition of this Parliament; because the apparatus of the Parliament in Perth, as we know it today, will not be required simply to determine inconsequential questions, such as whether the arch shall remain or whether it shall disappear. We have much more important questions than that to decide. Nevertheless, under the Financial Agreement and the way it has developed and, also, because of the way the financial relationship between the Commonwealth and the States has developed, I would repeat that the time has arrived when, unless something is done, we could well find ourselves completely under the control of a Commonwealth Parliament. In my opinion that would be a sorry day for Western Australia.

In his speech to the Address-in-Reply, in 1926, Sir James Mitchell said this—

> The Commonwealth reaps the harvest and the States are the gleaners.

I would suggest that when one considers the Commonwealth revenue, as I quoted it a few weeks ago, and when one compares that revenue with the State Budget proposals which have recently been circulated, one has both a very graphic idea and an illustration of the remark which was made by Sir James Mitchell. If the time does come when the people, and the Governments, have to make up their minds on this major question, I will take my stand with the remarks which were made by Sir James Mitchell and Mr. Philip Collier in those speeches to which I have already made mention.

For example, on page 44 of Vol. 74 of *Hansard*, 1926, Sir James Mitchell said, during the course of a speech which lasted several hours—

> In my opinion there are two countries in the world suffering today—China and Australia. China is suffering because there is no government at all, and apparently the country cannot be governed. On the other hand, Australia has too much government. Why the devil do we want to set up another king over us? The State Parliament is enough. With our population we can attend to our development, yet 250,000 people were foolish enough to say they wanted another lord.

At page 119 in the same volume on the 5th August, 1926, Mr. Collier, the Premier, had this to say—

> In the whole of our dealings with the Federal Government and our attitude to the Federation, our first duty is to this State and to the people of this State, whether it be the matter of the transfer of the North-West, the abolition of the per capita payments or any other question we are called upon to decide.

Later on, he said—

> We could not get the same freedom and opportunities to develop our resources in our own way when controlled from Canberra or from Melbourne as we could if controlled by our own people through the Parliament of Western Australia.

As I have said, the Financial Agreement was my first connection with politics; that was 40 years ago, and adds some point to my wife's opinion that it is about time I took a rest from matters political, whether they be on the Financial Agreement or otherwise—I am myself, fast reaching that same opinion.

THE HON. F. J. S. WISE (North) [5.14 p.m.]: I think the ability to debate the principles in this Bill and, in particular, to refer to its history, highlights an opinion I have expressed in this Chamber on many an occasion: how important it would be for this House to have a direct opportunity each year to discuss the finances of the State and the relationship between Commonwealth and State finances.

In my opinion, for many years this House has been indebted to Mr. Keith Watson for keeping the subject alive, and this Bill in its own history, and because of the perpetuation of the Act of 1928 involves the finances of all the States. I think it is quite true to say that this is one of the most important Acts that the Commonwealth and State Parliaments have ever had to consider. References may be found for members who should be interested—and who I hope are interested—in the trends which I think Mr. Watson has in no way exaggerated.

In the volumes of Federal *Hansard* for the 1927 and 1928 sessions, the Prime Minister of Australia at that time made it very clear that the Commonwealth had as its idea a harmonious settlement of one of the most difficult questions that has existed since Federation. I quote from page 1837 of the Federal *Hansard* of December, 1927, when the Rt. Hon. S. M. Bruce, as he then was, said—

> It will mean the consolidation and the mobilisation of the credit of Australia, in which direction it will be increasingly beneficial to the whole of the people. It should also ensure our being able to make any arrange-

> ments upon more favourable terms than have hitherto obtained. It makes provision for the establishment of a proper system with respect to the redemption of Australia's national debt. This Parliament already has the power to make provision for the Commonwealth debt, including the war debt. That power will be extended in such a way as to cover the whole of the indebtedness of both the Commonwealth and the States, past, present, and future. The States will be assured of a permanent arrangement under which they will have financial stability.

I would like members to note that.

> The lack of stability, I suggest, has been one of the greatest dangers that has confronted Australia.

If those words were true in 1928—that the lack of stability is one of the greatest dangers confronting Australia—they are much more intensified and much more true today. One of the greatest speeches made on that subject—and I think it would be well known to Mr. Watson—was that made at the time by the Rt. Hon. J. H. Scullin. He made it very clear that the States were not entering into this agreement voluntarily; they were entering into it anxiously; they were entering into it, in his words, "as willingly as a man agrees to something with a revolver pointed at him."

That being the background of the introduction of the parent Act to the Australian public through the Federal Parliament, together with the background as outlined by Mr. Watson, when the surplus revenues of the Commonwealth were in dispute—when action had been taken to remove from the right of the States any benefit from surplus revenues and to replace those rights in those days—other measures were introduced.

The amendment to the Constitution which the Commonwealth Act proposed—and it was ratified by the States, and will be found as Act No. 1 in the 1928 bound volumes—will show very clearly how far-reaching is the question with which we are greatly concerned—it does not matter whether or not that was the intention at the time. This agreement was made in 1928 to meet the circumstances of 1928; not to meet the circumstances of 1966.

It certainly disregards in almost every respect the needs of the nation through the States in 1966. The economy of the States has materially altered, surely, since that time, and indeed since Federation. But there is no provision in the agreement for any altering of the provisions, because of altering circumstances, or because of the progress of the States.

I suggest that all of the States of Australia—every one of them—have been very enterprising; they have all inspired development of their own States. The Commonwealth has not merely benefited greatly from State enterprise, from State activity, and from State expenditure in so many of those cases; it has benefited a great deal more than is generally known in as many other ways.

There have been many writers and political thinkers of note who have commented not only on the Financial Agreement, but also on its impact on the States in today's political scene, which was never intended when the Australian Constitution was written in the past. Just as all States entered this agreement under duress; just as many of its complicated pressures have prejudiced the States, so do the interpretations by the Commonwealth, of very many sections of the Constitution Act, militate prejudicially against the States.

Those members who have read any of the works of that remarkable man, Sir Robert Garran—who died at a very ripe old age after making great contributions to Australia, not merely in a legal and constitutional sense, but as a great citizen—will find much to inspire them in his writings.

One Premier of an Australian State, now retired—and I refer to Sir Thomas Playford—made a great study of this subject. On many occasions I was privileged as a member of the Australian Loan Council to fight a State battle together with such men as Sir Thomas Playford. As outlined by Mr. Watson, it is perfectly true that the provisions of this agreement enable the Commonwealth Government — any Commonwealth Government—to get out from under when the States appear to be demanding, or requiring, sources of revenue to meet their needs.

I recall very clearly when Western Australia on more than one occasion was seriously embarrassed because the Premiers could not agree to the very restrictive sums offered by the Commonwealth Treasurer to meet State borrowings; to meet State loan programmes. The attitude of the Commonwealth was one of smugness, knowing full well that the State Premiers could not agree to allow the matter to be in dispute, because if they did the formula would be applied; and the formula acted so detrimentally to Western Australia that this State, on more than one occasion, and under more than one Premier, has been in the unsatisfactory position of having to agree to the sums offered, rather than have the formula applied.

That is a very serious situation. The States formulate a programme of capital expenditure from loan borrowings, but find after the most careful examinations of the programmes that sums have to be erased around the Loan Council table.

It is very interesting indeed to read some of the comments of the late Sir Robert Garran, long years after he had had so much to do with the framing of the

Federal Constitution, and upon which in anticipation of the Constitution he wrote some rather remarkable works. The following is written in one of those works:—

> In any consideration of the establishment of the Federal Constitution, it is important to remember that, prior to federation, the people in each State had achieved complete self-government under a freely elected Parliament. Within the boundary of each State, its Parliament had complete sovereign power and was answerable only to the people. The system of administration was direct; it was close to the people, and many landmarks still stand to bear witness to the progress achieved by the colonies under the Parliaments set up by the early pioneers, modelled closely on the House of Commons and following its practice and procedure.

There are very many quotations I could make from the works of that gentleman, but during the time he was reviewing the Commonwealth Constitution, and the commission set up to review such Constitution, he pointed this out—

> that almost every section of the Australian Constitution proclaims that what was to be established was a Federation; and, indeed, what was established was a Federation.

That is very aptly shown in almost every section of the Australian Constitution. The references to the Federal Commonwealth show that the Federal Commonwealth would be a united Commonwealth provided Western Australia came in at that time. That is in the Constitution itself; because as members know Western Australia was the last to agree to come in, and it only agreed to enter the Federation because of several promises that were made.

Mention is made in the Constitution of the legislative power of a Federal Parliament; of a Federal Executive Council; of a Federal Supreme Court; and Federal Courts under Federal jurisdiction. So it can be seen that it was specifically intended to be an absolute Federation, quite away from and distinct from unification.

That has been the consistent attitude of the Australian people ever since. Every attempt that has been made by the Commonwealth to secure a new power which could possibly be used to curtail liberty has been decisively rejected by the people of Australia. Even in times of war, when many strong appeals were made by the Commonwealth, the public remained adamant that it would not agree to an extension of Federal power. Even the most alluring propositions put forward by the Commonwealth were turned down by the people of Australia.

There was not the slightest doubt about it so far as I can determine in my thinking that the people of Australia, before Federation and since, desired that certain matters would be undertaken by a Federal Commonwealth Parliament, but they desired to preserve the right to have their State Legislatures keep control of their more important and personal affairs; and that by a Federation of the legislative functions, Commonwealth and State, the States would be safeguarded.

However, in the 65 years that have now passed, during the period in which the Constitution has been working, all of us who have been associated with Parliaments know that the Commonwealth has desired, on every occasion where it had a possibility, to extend its functions. I think it is interesting to examine how those functions have, in fact, been extended.

The endeavours to build up the powers of the central Government have been almost continuous; and, there is no doubt that at this moment Australia is in the process of ceasing to be a Federation of independent groups of people and is being changed to a unitary State. That is how fast this matter is moving. There are two causes; and this viewpoint was strongly held by Sir Thomas Playford. One is political, and the other is legal.

The political cause has arisen out of the desire for more power on the part of Commonwealth members of Parliament; and the legal course lies in the judicial interpretation which has been given to the Federal powers set out in the Constitution. It is unfortunate that when the Commonwealth sets out at any stage to make a grant to the State, the Commonwealth assumes—as though it had the right—the right to dictate the terms under which the State must accept such payments, and the conditions under which the money must be applied.

Such was never intended when the Constitution was framed, but such is the continuing effect of the control by the Commonwealth in intimate detail, not merely because of the operations of the Financial Agreement of 1928, but because of the interpretation of section 96 of the Constitution. Section 96 of the Constitution is very clear in that the Commonwealth may make grants to the State; and, in more recent years, the Grants Commission has functioned to do that. But those of us who have taken the opportunity to attend the meetings of the Grants Commission held in this State will have found that the Under-Treasurer of the State and, indeed, the Premier and his Ministers are subjected to what I consider to be unfair castigation and pressures to explain what their intentions are in regard to this, that, or the other service of State.

I heard last year, in almost brutal fashion, the Under-Treasurer of the State being told just how far he must go to reduce the expenditures in regard to certain matters. Such decisions and direc-

tions are coming from an entity like the Commonwealth Grants Commission which was appointed under section 96 of the Constitution. The Grants Commission has certainly made available many millions of pounds to this State, but surely it is going outside its province when it dictates to a Treasurer or Under-Treasurer just how much expenditure he shall be limited to on a certain matter.

The comparisons that are made between claimant States and standard States are something that has developed through the years. There is no formula. I suggest if it is logical to impose a lessening grant on Western Australia because it has not charged as much for transport fees as New South Wales, it is just as logical to insist that Western Australia introduce one-armed bandits and penalise the State for not doing so because of the great revenue in New South Wales from that source!

The Hon. A. F. Griffith: We won't be doing that.

The Hon. F. J. S. WISE: I suggest that unless the States are prepared to combine to buck the Commonwealth in its attitude towards State expenditures it is not an idle forecast to say that unification will come about and States and State Parliaments must disappear.

As long ago as 1929—37 years ago—there was a Royal Commission to inquire into aspects of the Commonwealth Constitution. I now quote one of the points not assigned to the Commonwealth by virtue of the Constitution. The first listed is as follows:—

> by virtue of its control of posts, telegraphs and telephones, the Commonwealth Parliament has legislated so as to prevent letters being delivered to the addresses of persons engaged in carrying on a lottery, although it has no specific power to legislate in respect to lotteries.

There are many listed interpretations of that kind by the Commonwealth which show, within Commonwealth spheres, how far the Commonwealth can go under constitutional privilege. I do not wish to weary the House by reading more of these conclusions.

How much could be said of today in regard to the prejudicial effects the interpretations of the Commonwealth Constitution and the actions of Commonwealth public servants under those interpretations are having upon the States. I think there is, at this moment, a very strong reason for some move to develop such as that outlined by Mr. Renshaw, and quoted by Mr. Watson. The States should get together urgently and organise some sort of convention, with Commonwealth knowledge, but even without its sanction. The States should hold the highest sort of authoritative inquiry into the trends of State finance, because of the encroachment of the Commonwealth.

As far back as 1927, in a volume I have with me, Sir Robert Garran, in evidence before a Royal Commission, submitted a list of 17 Acts of doubtful validity. Whilst I am not saying we as a State have not benefited from the many actions of the Commonwealth, I raise the point to show that for political, as well as for other reasons, Commonwealth legislators have gone beyond their admitted powers.

That is the position as it exists today. I am not sure in my own mind how this matter should be approached, but I think all State Premiers, irrespective of politics, have something very urgent to face. I would go so far as to say that the Premiers of claimant States should be prepared to buck the Grants Commission if it interferes in State Government policy. Let the State go into deficit. If the State grant is reduced by millions of pounds, let a crisis arise; because otherwise we will have a form of Government which could be tyrannical in its approach to its citizens, who would be governed entirely, not from a spot close to the people, but from a spot far removed from those people and their interests.

One of the most important decisions made since the advent of the Financial Agreement and, indeed, since the framing of the Constitution, would be the incidence of uniform taxation. I was not present when Mr. Watson spoke, but I read his speech and agree entirely with his proposition that the Commonwealth is filching hundreds of millions of pounds from the States—money which is paid by people within the State through State enterprises and undertakings, businesses, and as individual taxpayers.

They pay into Commonwealth revenues through road taxes and petrol tax. This money was initially intended to be reimbursed to the States, but it is handed out as if it were largesse. Unless a revaluation is commenced somewhere within the States I can see a serious diminution of the ability of States to be enterprising in their endeavours, and visionary in looking forward to see how their latent resources of any kind may be developed. That is the trend.

The acceptance of uniform taxation gave to the Commonwealth the right to collect Commonwealth tax long after a person should be entitled to pay such tax, or be responsible for its payment. On that point I mentioned the difference between political opinion, the constitutional angles, and the legal angles. A very interesting point in the challenge that the States made to the High Court of Australia on uniform tax—a most interesting point in my view—was that if the opinions of Mr. Justice Starke had been accepted we would not have been subjected to the difficult situation which uniform tax has imposed. I am not say-

ing it would be a good thing at this point for the taxation reimbursement Acts to be wiped out, but I am saying there is a very wide divergence between what a State is entitled to get and what it receives.

There are many points which one could introduce into this debate on Commonwealth-State relations, but I do not wish to weary members in any way with what they might regard as a sort of hobby-horse. Those matters are very realistic, and there is urgent need for restoring the balance in the Federal system; the balance which was originally envisaged under the Commonwealth Constitution.

I repeat that every extension of Commonwealth power in defiance of the expressed will of the people, either insidiously or otherwise, is a bad thing to be happening to this nation. We should have a highly placed constitutional authority appointed by all the States—with Commonwealth acknowledgment, or even without its concurrence—to try to examine the seriousness of the trends, and make recommendations to the States how to overcome the problems involved justly. I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [5.46 p.m.]: I feel like a very small fish swimming among the trout, when I follow Mr. Frank Wise and Mr. Keith Watson. I am astonished at recent events regarding taxation. It does not appear to be a worry to the Grants Commission that we as a people refuse to contemplate having one-armed bandits in this State. I think it is descending very low to regard income received from the one-armed bandits as being just the same as money received from any other source. I cannot see why it should be, and I doubt very much whether that sort of money will be of real benefit to the nation.

Having been in New South Wales fairly frequently during the last few years, I know quite well there have been considerable discussions amongst people who count, as to whether this form of activity within the State will be for the State's good. Because we have decided, as a State, not to contemplate receiving taxation from such a source, we find ourselves in difficulties. In reaching that decision several further difficulties have arisen within this State, and they must be considered very seriously.

I can see quite well that the Treasurer is faced with a serious problem in trying to work out how to make up funds. The Government is sorely pressed, as one can see from newspaper articles, and from measures we have received in this House, and it is facing difficulties in formulating taxation. There is difficulty in bringing such taxation before the people, and in altering some of the existing taxation. This serious feature has to be brought to light by the Government, and taxes imposed, but those taxes may well prove to be of benefit in the future. I know quite well it is extremely difficult at the moment, under the Commonwealth-State financial arrangements—particularly relating to this State—to find some new avenue of taxation.

A great deal of the extra taxation has fallen upon the sick persons in our State. We have been forced to raise hospital charges by about 50 per cent. As I pointed out recently in this House, this will be a sectional tax. It will not affect the pensioner; and it will not greatly affect the upper crust; but it will seriously affect the working man—the man on the basic wage—and the man whose superannuation is fast diminishing. I am very pleased to see the Australian Medical Association has taken this matter up with the central body, to look at the problem from a Commonwealth point of view.

Certain things have become clear and obvious since the introduction of this taxation. For instance, we now realise something which had not been apparent to everyone previously; that is, attendance at the outpatient department of a Government hospital does not entitle the patient to any rebate from the Hospital Benefit Fund. So we have now, by compulsion I should say, raised the cost of attendance at the outpatient department to $2. The fee used to be $1. This can be a severe tax upon those persons who are compelled, because of their status in life, to attend outpatient departments.

I hope when the public begins to realise that we have to face this additional taxation simply because another State has raised money by a method which we deplore, they will make themselves felt in discussions in regard to the powers of the Commonwealth in relation to providing the State with funds. It is a situation which calls for very serious consideration.

I agree with, and I applaud, the speeches made by Mr. Frank Wise and Mr. Keith Watson. Those members placed before the citizens of this State something in which they can really become interested and actively concerned. I support the measure.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.54 p.m.]: May I reply but briefly to this interesting debate. This is a Bill which, as I explained in a very simple way, merely authorises, by way of agreement between the Commonwealth and the States, the ratification of the change from one currency to the other.

Fortunately, this afternoon, this measure has given opportunity for some members in this House to go into the history of the agreements between the Commonwealth and the States in a way which I am sure we all appreciate. There are members in this House to whom we have listened this afternoon who have been here for a long time and who have been through the diffi-

cult times which Western Australia has faced over the years. There have been good times and bad times, and it is interesting for all of us to be able to listen to speeches of the kind made this afternoon.

I feel compelled to say that the originators of our Constitution had the right idea when they originally provided for biennial retirement of members from this Chamber. Such a provision has meant that we are never left without experienced members. Some of the members who have spent a long period in this Chamber are able to give us the benefit of their advice and experiences.

I would sincerely commend to all the other members of this Chamber a study of the agreement which exists between the Commonwealth and the States. Perhaps it would be more appropriate if I were to say what I am going to say at some later stage in the session. However, I say it now at the risk of having to repeat it. A study of the agreement, and an appreciation of the difficulties which have been outlined to us this afternoon by those people who know of them, will give everybody in this House a better appreciation of the difficulties which face Western Australia and every other State in the Commonwealth in relation to the Financial Agreement which exists between the Commonwealth and the States.

The only point in Mr. Wise's speech with which I cannot find myself in agreement is the remark he made when he suggested that we, as a claimant State, should perhaps let a crisis arise. I could not agree with that. We are going ahead with industrial projects and making progress in many ways, and I do not think the people of Western Australia would be very grateful to the Government of the State if it allowed a crisis to occur in order to highlight this matter and perhaps bring about some remedy.

On the other hand, I believe we have to face the task of keeping the finances of the State in as level and as good a position as we possibly can. I say again that a study of the agreement and an understanding of the difficulties which we encounter, from time to time, would be of benefit to all members. Such a study would reveal what the Grants Commission means to us and what the Grants Commission—rightly or wrongly—is able to say to us. It all adds up to the fact that we, as one of the six States, must have the necessary money to provide the services which the country requires.

Therefore, without getting to the point of having a crisis, which may arise in any shape or form, we have to carry on in the best way possible in the meantime. From time to time, until these matters are brought to a head we will face difficulties.

It will probably be my task in this Chamber in the next two or three weeks, to describe measures associated with this Bill and this agreement and relating to Commonwealth-State financial relations. The measures are necessary in order to keep Western Australia going in the direction in which it is heading.

I am sure we are all very grateful to the members who have spoken to the debate this afternoon, and for the interesting dissertations we have heard. I thank members for their assistance and the remarks they have made.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

BILL (2): RECEIPT AND FIRST READING

1. West Australian Trustee Executor and Agency Company Limited Act Amendment Bill (Private).
2. Perpetual Executors Trustees and Agency Company (W.A.) Limited Act Amendment Bill (Private).

Bills received from the Assembly; and, on motions by The Hon. H. K. Watson, read a first time.

Sitting suspended from 6.5 to 7.30 p.m.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. E. M. HEENAN (Lower North) [7.33 p.m.]: The long title of this Bill is—

> An Act to revise the Statute law by repealing spent unnecessary or superseded enactments and for other purposes.

The Bill has been brought forward on recommendations contained in a further progress report on Statute law revision dated the 31st January, 1966.

The explanatory memorandum which accompanies this Bill is of great assistance and makes it almost unnecessary for anything else to be added or said. The memorandum points out that under the Statute Law Revision Acts of 1964 and 1965, over 1,100 enactments which were considered to be spent, unnecessary, or superseded, were repealed. This Bill proposes to repeal a further 121 enactments for similar reasons.

The enactments proposed for repeal are set out in a schedule composed of two parts; the first consisting of miscellaneous money Acts, and the second consisting of a number of enactments which are considered no longer effective. In the course of his remarks the Minister pointed out

that the enactments now proposed for repeal were first referred to the particular department, organisation, or authority thought to be affected in any way. I was pleased to hear this because it indicates that every precaution was taken before any enactment was included in the list. Added to this precaution, of course, is the exacting research and care which obviously has been devoted to the matter by Mr. Gresley Clarkson, and his assistant, Miss Shirley Offer. In this connection I would like to join with the Minister in paying tribute to them for their research and the work they have performed.

I would also like to join the Minister in the congratulations he extended to Mr. Clarkson on his appointment to the bench of New Guinea. Whilst on this point I think I should also add my commendation to the Minister himself for his efforts over the past three years in having our Statute list revised in the manner in which it has been done. It is interesting to note that up to 1964 over 5,200 enactments were passed by the Parliament of Western Australia which were, of course, contained in the various volumes extending over the years. As a result of the revision programme, this number will have been reduced to about 2,800, and this tidying-up process will have many beneficial effects.

One could, after reading the memorandum which accompanies this Bill, reminisce and recall past history, but I see no great purpose being achieved by doing so. However, it might be *apropos* to refer to one or two briefly. The first one that struck me as being of some interest is the repeal of an Act passed in 1902—2 Edw. VII No. 5. This Act granted an annuity of £250 sterling for the term of her life to Susan Letitia O'Connor, the widow of Charles Yelverton O'Connor, C.M.G. Another Act that has some interest for me personally, is the repeal of an Act passed in 1904. This was No. 55 of 1904 and it was called the Distress for Rent Restriction Act. The note in the memorandum relating to this Act is—

> This Act exempted certain goods from distress. It was repealed in general terms by the Distress for Rent Abolition Act, 1936 (No. 38 of 1936) which provides that no distress for rent shall be levied or made.

Older members may recall that the late Charles Cross introduced that Act in another place. It had the effect of abolishing the age-long law which enabled landlords to sell the furniture of tenants to recover arrears of rent. I personally handled it in this Chamber when it was passed in 1936, the first year I entered this House.

The Hon. H. K. Watson: That is a long time ago

The Hon. E. M. HEENAN: Another Act of interest, especially after hearing the entertaining and inspiring speeches made tonight by Messrs. Keith Watson and Frank Wise, is Bill No. 2 of 1934. This was called the Secession Act, 1934. If members have not read the note, it might be interesting for me to read it now. It is as follows:—

> As a consequence of the vote in favour of secession at the referendum authorised by No. 47 of 1932, *supra*, this Act authorised the printing and publication of the Case for Secession which had been prepared by a Committee appointed for that purpose by both Houses of the Western Australian Parliament and the presentation of an Address to His Majesty and Applications by way of petitions to both Houses of the Imperial Parliament in forms prescribed by the Act in furtherance of the desire of the people of Western Australia to withdraw from the Commonwealth of Australia. The Consolidated Revenue Fund was appropriated accordingly.

The Hon. H. K. Watson: It does not say whether there was a Message, does it?

The Hon. E. M. HEENAN: Continuing—

> In 1934 a delegation charged with the duty of presenting the Address and petition was sent to London where the matter of the petition was referred to a Joint Select Committee of the House of Lords and House of Commons, which Committee in May, 1935, after hearing argument by counsel for the State of Western Australia and the Commonwealth of Australia respectively, found, that the petitions were not proper to be received.

The Hon. L. A. Logan: It does not tell you that Mr. Watson was over there, does it?

The Hon. E. M. HEENAN: I hope to hear Mr. Watson later addressing himself to this small measure, and we may then hear some further comments. Another couple of Acts that are to be repealed are No. 50 of 1941, Legislative Council (Postponement of Election) Act, 1941, and No. 19 of 1942, Legislative Council (Postponement of Election) Act, 1942. The note relating to the first one reads as follows:—

> Because of the national emergency then existing and in particular the recent entry of Japan into the war this Act postponed for a period not exceeding twelve months from 21st May, 1942 the general election of members of the Legislative Council which would otherwise have been necessary by the retirement of the senior member for each of the ten Provinces by effluxion of time on that date. The terms of such members were extended accordingly.

Owing to the emergency which still existed, it was found necessary, in 1942, to postpone the elections for a further 12 months. I was one of the 10 who should

have stood for re-election in 1942, but the elections were not held till 1946. Those were grim days. I recall we had lights in this Chamber, but outside everything was dim. When members left this House they found the shops barricaded and the city was unlit.

The Hon. J. G. Hislop: You and I are the only two members who were here at that time.

The Hon. E. M. HEENAN: Dr. Hislop and I are the only members who were in this House in those days. The Bill before us is a tidying-up measure. It is eminently the right thing to do—to get rid of the dead wood from the Statute book, and to include in it Acts which are still operative. Obviously, I have pleasure in supporting the measure.

THE HON. J. DOLAN (South-East Metropolitan) [7.47 p.m.]: A couple of the Acts to be repealed have struck a chord in my memory, and I wish to say a few words on them. One is No. 7 of 1940, the Kalgoorlie Health Authority Loan Act. It appears that in 1938 the Kalgoorlie Municipal Council borrowed £34,500 from the Australasian Temperance and General Mutual Life Assurance Society Limited for the purpose of installing and constructing certain sewerage works.

I pass the comment that it must have been a most unusual purpose for which the loan was to be raised. I doubt whether there is another town in Australia so far removed from a permanent water supply which has a sewerage installation. Kalgoorlie had no natural water supply of its own, and the water used for the purposes for which the legislation was passed had to come from Mundaring Weir. It is a sign of the progressive thinking of the Kalgoorlie Municipal Council to borrow money for those installations. It was the first local authority to introduce a sewerage system so far away from a permanent water supply.

This local authority was also the first to use the same water source in building the first Olympic swimming pool in Western Australia. Even though the legislation described in the memorandum is being repealed, no harm is done to reflect on the initiative and courage shown by the people who lived in the earlier days.

The other Act to which I make reference is No. 22 of 1907, the Fremantle Dock Act. In these days we often hear the comment that a dock is required at Fremantle, but not many of us are aware that an effort was made in 1907 to have one established. It amazes me to find out that although considerable work had been done, there were engineering difficulties. I cannot imagine that the engineers of that period would find difficulties which would prevent them from carrying out the work.

The real reason for the abandonment of the work is the second reason given in the comments; that is, greatly increased costs estimates. In these days we can overcome the engineering difficulties, and there are many engineers available to carry out the work, so I hope the difficulty of greatly increased costs estimates will be resolved to enable this work to be done. Perhaps the money will come from the Commonwealth Government and will be used for the establishment of the proposed naval base in Cockburn Sound.

Although I am a comparatively new member of Parliament, I suggest that the Acts to be repealed by the Bill before us provide an opportunity for debating practice to some of the newer members of this House.

THE HON. N. E. BAXTER (Central) [7.50 p.m.]: In addressing myself to this Bill which seeks to repeal Acts passed many years ago I find much interesting history in the memorandum attached to the measure. My mind is taken back to the time when I was a boy. Two acts to be repealed are of special interest to me. The first is No. 14 of 1914, the Kingia Grass Tree Concession Confirmation Act, under which exclusive right was given to a certain gentleman to remove and treat the kingia grass tree on certain Crown lands. Later Act No. 21 of 1915, the Blackboy and Zamia Palm Licence Act, was passed, under which exclusive right to remove and use blackboy and zamia palms for commercial purposes was given to another gentleman. The gum from the blackboy trees was used for the making of varnish and stain, which in those days was applied to the floors of houses. Gradually the varnish would build up, and eventually it had to be chipped away with a tomahawk.

Some wheat marketing legislation is to be repealed, and this takes my mind back to the 1914-18 war. At that time my father was Minister for Agriculture in Western Australia and, with the Ministers of the other States, he handled the wheat marketing scheme for Australia. This scheme was continued from 1916 till 1922 before the relevant Acts expired. There was no power to extend that legislation, owing to the acute shortage of shipping space to enable wheat to be transported. During that period there was competition between the States in the sale of wheat, and at one stage Western Australia had to pay a high price to New South Wales for wheat, but when New South Wales experienced a serious drought Western Australia retaliated by charging a high price for the wheat it sold.

This also takes my mind back to the days when the wheat silos at Spencers Brook were built. Initially when bagged wheat was stored trouble was experienced with mice getting into the wheat. Some device had to be found to keep the mice under control, and this was done by sinking

the galvanised iron walls of the silos into the ground, to make the silos mice-proof. That prevented the mice from eating the wheat or from making a mess of it.

I intended to speak on the legislation in respect of secession. This brings back memories to many of us, especially to Mr. Watson who was mixed up with this question up to his neck.

One act to be repealed is the Companies Act (Litchfields Liquidation) Amendment Act. This takes us back to the days of Mr. C. O. Barker, a very fluent and persuasive speaker. Many of us heard him over the air, and he subsequently won an election. But he did not remain in office for very long because moves were made to ensure that he did not assume his seat, on account of certain events in his past life.

Subsequently he bobbed up as an officer holding a prominent post in the Eastern States during the last World War. This brings to mind a story concerning Mr. Corrigan, who was the manager of a butter factory in this State. He went East to make inquiries about certain machinery, and he walked into a big hall, at the end of which was a table. As he walked up to it the gentleman seated on the desk said, "Mr. Corrigan," and Mr. Corrigan replied, "Mr. Barker." That was where Mr. Barker ended up in the last World War; he was in charge of the permits for the purchase of machinery.

Another Act to be repealed is the Local Authorities (Reserve Funds) Act of 1942. I do not personally remember it, but the comments in the memorandum are interesting. It is stated that the war caused shortages of materials and manpower, and that prevented local authorities from carrying out essential works. Under the Road Districts Act the local authorities had to reduce their rates if they had a surplus, but the Local Authorities (Reserve Funds) Act enabled them to establish reserve funds.

When Acts are repealed, it is the intention to retain copies of them in the archives of the State so that in later years reference can be made to them to learn of the history of the legislation of Western Australia. Naturally, all the legislation contained in the memorandum is out of date, and it would be ridiculous to retain these Acts on the Statute book. It has been decided to repeal them, and therefore I support the measure.

THE HON. G. E. D. BRAND (Lower North) [7.55 p.m.]: I rise to support the measure, and I desire to make a few comments on the legislation that is to be repealed. I thank Mr. Dolan for the remarks he made about the Kalgoorlie Municipal Council. He mentioned the Kalgoorlie Health Authority Loan Act of 1940, and said that the Olympic pool which was built in 1937—one year after Mr. Heenan became a member of this House—used water from Mundaring Weir.

When preparations were being made for the holding of the Commonwealth Games in Perth, it was not certain whether an Olympic pool would be available here, or, if one was to be provided, where it would be built. At that time I was a member of the Kalgoorlie Municipal Council, and the councillors had fiendish delight in offering the Commonwealth Games Committee the Kalgoorlie Olympic Pool. The offer was not accepted, and eventually one was built in Perth. However, I think the pool should have been built in King's Park.

I pay a tribute to the Kalgoorlie Municipal Council of those days, because it was forward and positive enough in its thinking to borrow money to introduce deep sewerage, and later on septic sewerage, to Kalgoorlie. By that method the council got rid of the flies which were a health menace. Now that deep sewerage and septic installations have been introduced, Kalgoorlie does not experience the same trouble with flies as other country centres experience.

The Hon. L. A. Logan: No flies on you!

The Hon. G. E. D. BRAND: One wonders how much hard work and debate went into the passage of that particular Act of 1940. Another Act to be repealed is No. 5 of 1902. This Act granted an annuity of £250 sterling for the term of her life to Susan Letitia O'Connor, the widow of Charles Yelverton O'Connor. It was hoped by some of us down here that a nice water fountain would be established instead of a certain building close to Parliament House. Charles O'Connor was responsible to a large degree for water being conveyed from Mundaring to Kalgoorlie, and it would only be fitting to establish a garden, or something of that nature, to commemorate his wonderful work.

The Hon. L. A. Logan: That would have been better than it is now.

The Hon. G. E. D. BRAND: Yes it would have been nice. The Trans.-Australian Railway Enabling Act brings back memories to me. I was a lad at the time and was on the platform when the first trans. train came in. It was a wonderful achievement and the people were very happy about it.

The Hon. C. R. Abbey: What year was that?

The Hon. J. Dolan: 1917!

The Hon. G. E. D. BRAND: I was pretty young at the time. I do not remember the exact date. The Act to which I am referring was the one which authorised Parliament to make laws in regard to maintenance. I was about six years of age.

A brief mention should be made of section 4 of the Municipal Institutions Act Amendment Act which refers to Broad Arrow and Paddington. Mr. Garrigan and I both know those places very well. Paddington was a siding a couple of miles

from Broad Arrow, but there is nothing there now except a platform and an old building. Broad Arrow itself has been taken over by the Kalgoorlie Shire. The West Australian Club Act indicates how rough and ready some businesses were run in those days. I am very happy to know that matters have been taken over and put on an orderly basis.

I support the Bill and am glad that I have had a chance to say something about it. I notice that the Royal Visit, 1954, Special Holiday Act is mentioned. I was told last night on one of the best authorities that Her Majesty would be coming out here next year, but I would not take that information as being gospel. As I say, I support the Bill.

Debate adjourned, on motion by The Hon. H. K. Watson.

STATUTE LAW REVISION BILL (No. 2)

Second Reading

Debate resumed from the 3rd November.

THE HON. E. M. HEENAN (Lower North) [8.2 p.m.]: Although this is a separate Bill, its objective is similar to that of the Bill with which we have just dealt. The Minister, in the course of his remarks, mentioned that although the nine enactments covered by this measure are apparently ineffective, there may still be some life in them, although the necessary executive action has not been taken to implement them. It is not now intended that such action will be taken. If members will look at the schedule they will realise the aptness of that statement.

The first part of the schedule deals with nine railway Acts. These were passed to enable the construction of railways, but for various reasons the railways were not built. The first one is the Ajana-Geraldine Railway Act of 1919, and that is followed by eight others. These railways were never constructed and it is therefore proposed to repeal the Acts which are still on the Statute book.

In part II there is the Vaccination Act of 1878. Apparently this was passed at a time when smallpox was a scourge in Western Australia and vaccination was compulsory. It appears the Public Health Department now feels that the compulsory provisions contained in this Act are no longer necessary. The public is far more sophisticated and the department has many other ways whereby it can deal with smallpox.

It seems obvious that we should pass this Bill also, and I support the second reading.

THE HON. V. J. FERRY (South-West) [8.6 p.m.]: I rise to support the Bill because, simple though it is, it is deserving of comment as it deals with the development of the State as a whole. We realise, of course, that in the early days of the development of Western Australia we relied very largely in our transport system on the efficiency and the spread of our railways. In this Bill before us we have redundant Acts which were passed in connection with railways which never eventuated.

I propose in a short while to pass comment on an area of the State in particular which would have been concerned with two railways had they been built. I refer to the year 1926 when Act No. 40 of that year was described in the short title as the Boyup Brook-Cranbrook Railway Act, 1926, and the other one is No. 51 of 1926 described as the Manjimup-Mount Barker Railway Act.

This refers to an area of country the middle section of which in those days was scarcely touched—I refer to the area between Manjimup and the great southern. Each of the two railways proposed to be built under the two Acts I have mentioned would have been approximately 107 miles in length, one, of course, connecting Boyup Brook with Cranbrook on the great southern line, and the other, further south, connecting Manjimup with Mount Barker.

I have referred to the *Hansard* of that year, which is 40 years ago, and it would be interesting if I were to quote some of the events leading to the enactment of those particular pieces of legislation. The Government of the day was desirous of opening up as much of Western Australia as possible and, of course, the railways played their part.

The Railways Advisory Board of that day made an inspection of the country bounded in the west by a line between Bridgetown and Manjimup, these two towns being approximately 22 miles apart, and eastward to the great southern railway line section between Cranbrook and Mount Barker. This was a 100-odd mile stretch of country and it was recommended that these two railways be constructed.

The interesting part is that when the advisory board referred to this area it said it was favourably impressed with the class of country to be found there, particularly in the centre section between the two points to which I have referred. There had been some settlement a few miles east of the Bridgetown-Manjimup area and also a few miles west of the Cranbrook-Mount Barker area. However, in between was comparatively undeveloped country and it is reported in *Hansard* of 40 years ago that there was an area of some 1,000,000 acres of first-class and second-class land which might be suitable for agricultural purposes.

When we think these days of agricultural pursuits, we realise that the trend is for bigger and more economic holdings to cope with the rising production costs and all that goes with them. The advisory board in those days suggested that the area between the points to which I have referred

would probably provide for 2,500 farms, the average area of each property being 400 acres. In those days 400 acres would have been quite a sizeable undertaking for any one man to develop because they were only the horse-and-dray days. Now, of course, we have bulldozers and other mechanical aids to develop the country.

I have taken the trouble to study the area as it is today and take out a few statistics on this tract of country. We all know, of course, that following World War II, quite a large sector of country was opened up under the war service land settlement scheme. One of the areas was in the Rocky Gully district and today Rocky Gully has 61 farms embracing a total area of approximately 62,000 acres. The average area per farm is 1,018 acres, against the advisory board's suggestion 40 years ago that 400 acres would be an economic farm unit. Even though the farms in the Rocky Gully area average something of the order of 1,000 acres, I feel that even that is probably insufficient as a thoroughly economic unit. With the trend of agriculture as it is, I feel greater scope is needed. Bigger acreages should be involved together with greater utilisation of pasture for stocking purposes. Stocking rates must increase, and I feel these farms could well prove to be a little inadequate unless the capacity to increase the stocking rate is stepped up. However, that is the position there.

Another area developed under the war service land settlement scheme was Bokerup and that area now has 15 farms, totalling 23,228 acres. The average area of each farm is 1,548 acres. At Phillips Estate there are nine farms, with a total area of 13,252 acres. In this case the average unit is 1,472 acres.

At the Hadley Estate there are also nine farms with a total area of 13,940 acres, and the average farm is 1,548 acres. There are 54 locations set aside for agricultural purposes at Unicup, which is some 45 to 55 miles east of Manjimup. The area involved at Unicup is approximately 70,000 acres, each farm being about 1,300 acres.

All this land is between Manjimup-Bridgetown and Cranbrook-Mount Barker, and I well remember as a lad—because I was brought up in the Cranbrook district—the opinions expressed about the proposed railways. Everyone thought what a wonderful thing it would be when the two railway lines were constructed through these areas to open up the country. I remember the excitement when the survey teams went through pegging out the proposed railway routes.

The railways were never constructed, but the information I have just given members is proof positive that the land is being opened up without the aid of the railways. This indicates that modern mechanisation and road transport can achieve this development more efficiently and much quicker.

I am sure this is a trend which is nationwide and, although I appreciate the railway system and what it has done for the State of Western Australia, the road system is here to stay and our rail system must be adjusted accordingly.

From the figures I have just quoted, there are a total of 148 farm properties in an area of something like 200,000 acres. In addition to what I have mentioned, I am sure there are many more farms which have been established throughout this tract of country. I have not quoted other figures, because I have not had time to research them. Furthermore, I do not think it is necessary, because I consider the figures I have quoted serve to show the value of this country and the wisdom of the advisory committee of 40 years ago which recommended the opening up of this land. Although we are saying goodbye to the prospects of having a railway through there, I feel it is a good thing that we have done this in order to make way for a more efficient road system. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

STATUTE LAW REVISION (SHORT TITLES) BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. E. M. HEENAN (Lower North) [8.18 p.m.]: This is another interesting short Bill for an Act to give short titles to certain Acts of Parliament. Members will probably be interested to learn that it was not until 1871 that the practice of conferring short titles on Acts became regular. At that time, the original enactment was passed, but even after 1871, many enactments were not given short titles. However, although some enactments did not contain a short title, by practice the short titles were given to them.

No alteration is being made to the substance of the law through this measure. I have counted some 46 Acts which are involved and these commence way back in 1832 and continue till the year 1911. I would like to read a couple of the titles so that members will appreciate the purpose of this measure. In 1845 there was an Act passed which was 9 Victorae No. 2, The name of it was—

> An Ordinance to provide for the Maintenance and Relief of Deserted

Wives and Children, and other Destitute Persons, and to make the property of Husbands and near Relatives, to whose assistance they have a natural claim, in certain circumstances, available for support.

In citing that Act, it is necessary to go through all of that title. It is now proposed in this Bill to add a section after section 18 as follows:—

19. This Ordinance may be cited as the Destitute Persons Relief Ordinance, 1845.

I would like to quote another one which is 19 Victorae No. 3 of 1856. This is called—

An Ordinance for declaring valid certain Instruments and Transactions affecting Titles to Lands in Western Australia, and for amending the Ordinance 2 William IV, No. 7.

This Bill proposes that a section will be added after section 5 as follows:—

6. This Ordinance may be cited as the Real Property Transfer Act Amendment Ordinance, 1856.

And so it goes on!

It seems that this measure is another worth-while effort to make improvements to our list of Statutes and to authenticate short titles for a number of Acts which, at the present time, have titles of great length.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2—

The Hon. L. A. LOGAN: There are some amendments on the notice paper and, accordingly, I move an amendment—

Page 1, lines 9 and 10—Delete the passage "first, second and third" and substitute the words "first and second."

There is a simple explanation for this amendment; that is, when the Bill was originally drafted the schedule contained four columns thus—

Year	Act or Ordinance	Long Title	Amendment

When the final draft of the Bill came to be typed for submission to Cabinet it was realised that the width of paper of both the typescript and the printed Bill would not permit of four columns without making each column very narrow and difficult to read. It was therefore decided to combine the first two columns into one, making three in all, as they now appear in the schedule to the Bill.

Unfortunately at that time the consequential amendments to clause 2 made necessary by this change in the setting out of the schedule were overlooked.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 1, line 11—Delete the word "fourth" and substitute the word "third."

Amendment put and passed.

Clause, as amended, put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

AMENDMENTS INCORPORATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. E. M. HEENAN (Lower North) [8.28 p.m.]: This measure is a short amendment to the Amendments Incorporation Act, 1938-62. The parent Act authorises the making of certain formal amendments to Statutes before they are reprinted. This little Bill proposes to take the process a little further by providing that the words of enactment be curtailed greatly. Members will see that the words of enactment in the Bill at clause 2 are in the form—

Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that . . .

Then there is the alternative form in the same clause as follows:—

Be it enacted by the King's (or Queen's) Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows . . .

Now it is proposed to do away with that rather lengthy form of enactment and to amend it by substituting the words, "Be it enacted." It will obviously save a good deal of printing. In his remarks the Minister pointed out that in some rare instances the words of enactment have some relevance to clauses that follow, and this form will not necessarily be applied in every instance; although it seems to me that in the great majority of Bills that are passed in future it will no longer be necessary to adopt the long formula previously adopted. It seems a good idea to me, and I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 4 amended—

The Hon. L. A. LOGAN: I move an amendment—

> Page 2, line 2—Delete the word "subsection" when twice appearing, and subsitute the word "paragraph."

I have a fairly lengthy explanation of this but it is not necessary to read it to the Committee. The amendment is considered necessary from the draftsman's point of view.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

AERIAL SPRAYING CONTROL BILL

Second Reading

Debate resumed from the 8th November.

THE HON J. DOLAN (South-East Metropolitan) [8.35 p.m.]: It may appear paradoxical that I should say I recognise a Bill of this nature is a necessity, and yet at the same time I should say I oppose the measure as it is presented to the House. I do so, however, because I feel there are so many aspects in the Bill which do very little to solve the problem associated with the spraying of agricultural chemicals.

Might I start by saying that the question of aerial spraying has reached the stage now where over 1,000,000 acres approximately of land in Western Australia are sprayed annually. Of course all the methods of agricultural spraying are potentially dangerous, and accordingly I agree with the principle that some action for their control must be taken.

To give the House an example of how serious this matter can be, I will point out that in this morning's paper there is a heading entitled, "Two Brushes with Death." It deals with a crop duster in Queensland who not only survived a crash in his plane, but also survived the possibility of being poisoned by the mixture he was carrying in the plane.

It is quite possible that this particular poison not only could be inhaled, but it could also have been absorbed through the pores of the skin. It was a particularly dangerous type of chemical which was being used, and it constituted a terrific risk. There is a very valuable article which I could recommend to any member, prepared by G. R. W. Meadley, officer in charge of the Weeds and Seeds Branch, Department of Agriculture. The article is entitled, "Damage Caused by Hormone-like Herbicides." He starts his article by saying—

> The discovery of the selective action of herbicides such as 2, 4-D and MCPA resulted in a rapid expansion in the use of these chemicals for agricultural purposes, particularly in the control of weeds in cereal crops.

He goes on to say that in 1964 more than 1,000,000 acres of cereal were sprayed in Western Australia with 2, 4-D and, as a result, both the quality and the yield were improved. Accordingly farmers will realise the value of these chemicals.

The next important thing is that so far as hormone-like herbicides are concerned they apparently have a big advantage over other weed-killing chemicals, because they are relatively non-toxic to animals and, consequently, stock can graze in paddocks almost immediately after these chemicals have been applied. In Western Australia 2,4-D is applied mainly to cereals which are relatively resistant, but instances of injury to crops do occur.

Wheat is a cereal which is more tolerant to the use of these chemicals than is oats. After detailing the dangers associated with these crops Mr. Meadley suggests various precautions that should be taken. First of all he suggests that spraying should be done under calm conditions, especially when there are susceptible crops in the vicinity where these chemicals are being used; and he makes certain recommendations to people who use such chemicals.

This applies not only to farmers but also to the ordinary householder who might use these sprays. It could apply to city gardeners who are spraying in the streets. There are examples in suburbs like Victoria Park where these chemicals have been used and the spray has gone into neighbouring gardens and has done considerable damage to plants and trees. Mr. Meadley gives the following recommendations, and I pass them on because I feel they are worthy of being recorded:—

1. Only spray with 2,4-D and 2,4,5-T under calm conditions.
2. Do not use a higher pressure than is necessary.
3. Take added precautions with sensitive crops such as tomatoes, vines, and lupins, if they are in the vicinity of the spray.
4. Avoid using the volatile ester when it presents additional hazards.
5. Retain spraying equipment used to apply 2,4-D for that purpose only.
6. Do not store 2,4-D along with other pesticides or fertilisers.
7. Destroy all empty containers.
8. Do not leave vehicles or equipment used for spraying in the vicinity of gardens or sensitive crops particularly when the temperature is high.

One of the first reasons I have for opposing the Bill—although I repeat I feel there is a necessity for this control—is that it must be remembered that there are two forms of spraying—one is aerial spraying and the other is ground spraying. I contend that ground spraying from every aspect, is far more dangerous than aerial spraying, not only in its use, but also in the effect it may have on crops.

The reason for this being so is that in the case of aerial spraying the pilots are very often trained men with a class 1 certificate. They also have a certificate for their knowledge of chemicals. I will come to that later on, and I use that term generally. When aerial spraying is being done relatively large drops of chemical are used, and by virtue of the fact that the plane is going forward the spray is projected downward onto the crop which is to be sprayed. The normal aerodynamic action of the plane forces the spray downwards.

In the case of ground spraying, however, the men are very often not trained, as are the pilots in aerial spraying, nor do they have the necessary knowledge, very often, of the chemicals that are being used. Frequently farmers decide that their crops need spraying and accordingly they get on with the job. In order to obtain the maximum results they spray with fine drops, the idea being to get more spray into the air and allow the wind to carry it over the crop or whatever it is that is being sprayed.

The difference between the two methods of spraying must be obvious. In the one case we have experienced men with a knowledge of chemicals, and the downward action of the chemicals; whereas in the case of ground spraying we have the reverse effect. So I think it is obvious and logical that aerial spraying is safer than ground spraying.

It is not only aerial spraying that the Bill should set out to control; it should seek to control the spraying of agricultural chemicals on a large scale by whatever means are used. In my opinion that is where the measure falls down. I feel that until both aerial spraying and ground spraying are considered and controlled together, the Bill will not be of much value.

Research has shown that it appears quite obvious, because of its simplicity, that the tendency will be for ground spraying to increase by comparison with aerial spraying. I feel in the particular circumstances that we should proceed very cautiously; that the two aspects are so associated that a Bill for one without a Bill for the other is a very poor solution of the problem which exists. There are so many aspects to which I intend to refer that I feel when I am finished members will have a broad picture of the case I am trying to present.

I feel that spraying control is an absolute necessity, so I hope members will not misunderstand me when I give the reasons why I am opposed to the Bill as it stands at present. There is the question of insurance. When the aerial operators realised this Bill was coming forward, they made inquiries from the various insurance companies to find out just what possibilities there were in insuring to cover themselves. Under the provisions of the Bill it is necessary for them to get a cover of $30,000. To show what the position is I intend to quote a letter from Stenhouse (W.A.) Limited, insurance brokers. In each case, it was found that $250 had to be paid for each aircraft in order to obtain cover for the $30,000 required.

The Hon. H. K. Watson: Is that per annum?

The Hon. J. DOLAN: Yes; $250 per aircraft, per annum. Of course, some companies may have quite a number of planes operating in various parts. To show how unrealistic this insurance is, ever since aerial spraying operations have been carried on in Western Australia, the claims for damage against all the operating companies have not exceeded $2,000; and many of the claims that were made were accepted by those companies because they wished to retain good public relations and did not want to do anything that might detract from an appreciation of their operations.

I might digress here and say that this Bill was introduced in another place on the 18th August. Since it had its first reading on that date it has been down on the notice paper, then up, and then down again. There has been a lot of shilly-shallying around with it. This was because the Government was not sure of it.

The Hon. G. C. MacKinnon: You are not sure of that.

The Hon. J. DOLAN: I do not know what the reason was; but when a Bill of this nature keeps going up and down on the notice paper, I feel inquiries are being made into various aspects, and perhaps interviews are being carried on with various operators. The letter from Stenhouse (W.A.) Limited, dated the 26th July, 1966, reads as follows:—

> We confirm our verbal advice that the best Quotation we could get for this Liability was $250 per Aircraft for a limit of Liability of $30,000 any one occurrence with an aggregate liability of $50,000 for the period of the Policy.

So any claim could be $30,000 and all the claims under that particular policy could amount only to $50,000. Continuing:—

> This Quotation covered only drift Liability and would not cover any damage to the property being sprayed. We have noted that at this stage you are not interested in effecting this insurance.
>
> In view of the possibility that the proposed Aerial Spraying Control Act may come into force we asked our London Office to prospect the market to see if there was any possibility of obtaining the cover which would be required under the Act. We are advised that no Underwriter will quote for the cover required and only drift liability cover is obtainable in any substantial amount. It is possible to

obtain cover for small limits up to say $5,000 to cover damage to property being sprayed, but this cover is most expensive and not readily available. Even this limited cover would not give protection against liability for damage to crops or pastures which are sprayed in error. It is possible that this picture might change if similar Acts are passed in each State and there is a considerable demand for the cover. Even if it does become available it would be expensive and we suggest that your Association make every endeavour to have the Conditions of the proposed Act amended.

I now wish to refer to uniformity. The original intention was that this legislation should be uniform in each State, if possible. With that end in view, I understand the Directors of Agriculture met and discussed the question. It was anticipated legislation would be introduced by all States, as well as by the Commonwealth Parliament to cover the Australian Capital Territory and other Commonwealth territory. Later on I will give examples which will show there is the widest discrepancy between the Victorian Act and this measure; and if uniformity is sought, I think I can convince any member of the House that it will not be obtained by this Bill. Not only that, but this measure will react to the detriment of operators, and the people using their services.

Both Victoria and Tasmania have introduced Bills and instituted a mode of control which differs from that suggested in this measure. Queensland is in a different position and is introducing very comprehensive legislation because of the possible effect spraying might have on its sugarcane industry. There, of course, the sugarcane farmers are engaged in intense culture and conditions are such that the legislation in that State is bound to be much more comprehensive than that which is proposed here. South Australia is playing safe and has decided to shelve the legislation for the time being. It feels that although this is something which is not new, its use will expand and that State wishes to be perfectly sure before it makes a move. There seems to be no clear indication that New South Wales or the Commonwealth is making any move to institute legislation of this kind.

So far as insurance damage is concerned, assuming the operators take out the insurance which they will have to do if the measure becomes an Act, there are many difficulties which immediately arise. I will show later, by comparison with the Victorian Act, that the provisions will operate to the disadvantage of the operators here.

If an operator does a spraying job and the drifting spray causes damage to a neighbouring farm, the farmer whose property is supposed to have been damaged will have 14 days from the time he notices the damage before he reports it to the department. That, in itself, presents dangerous possibilities. It is quite possible the farmer who makes the claim may have had his crop damaged by the aerial operator, but perhaps two or three weeks later—I say that deliberately—a spray operator on a farm, perhaps on the other side, and not working under conditions which are observed by aerial sprayers, would use his ground sprays and that drift would cause the damage. So I say: Why impose no restriction on the fellow whose crop is damaged? He has a choice. He can make a claim against the aerial operator, who has insurance coverage for $30,000 or against the ground sprayer who has no insurance cover.

There is the task of trying to prove a case. The insurer is not permitted to go and inspect the damage for a start. I would have thought that when damage is associated with insurance the insuring company would want to go and look at the damage. That seems to be logical justice. If one has to pay out, one wants to have a look at the damage; but there is no provision in the Bill for that to take place. The Director of Agriculture can send an officer to make an examination, but there is no obligation under the Bill that the report from that officer has to be given to the insurance company.

I have the feeling that no worth-while thought has been put into the provisions of this Bill. I would say those two particular clauses—the one permitting the insurer to inspect the damage and the one to make the director's report available to the insuring company—should have been included in the measure, just as they have been in the Victorian Act. If uniformity is desired, I suggest they be put into the Bill.

The next provision deals with a *Chemical Rating Manual* which is worth inspecting, especially by people who have a chemical bias. This manual is the syllabus for the operators. They have to be familiar with its contents; and they have to know the effects of the various chemicals, the best way to use them, and so on, before they can operate. That obligation does not apply to the ground sprayer. He can go ahead and spray.

I have mentioned the main provisions of the Bill. There are other provisions with which I have no quarrel whatsoever. Certain records have to be kept. They are already kept. Perhaps members would like to know what records are kept now by operating companies. This is one example: Job No.; Nearest Town; Type of Crop or Vegetation; Type of Fertiliser, Insecticide, or Herbicide; Acres Treated; Tons Spread; Seed Type; Total Seed Used; No. of Hours Flown; Stage Flights; Pilot; Driver; Client; Strip; Strip Class; Application Rate; Date Commence; Date Finish; Price; Surcharge; Invoice No.; Remarks.

The Hon. J. Heitman: It tells you everything bar whether they have completed the job satisfactorily.

The Hon. J. DOLAN: There is provision in those circumstances. A claim can be taken against the company. There are all kinds of documents which give every protection to the person who employs these operators; and this is the case with documents provided for under the Bill. Anyhow, this will make no difference, because the operators are quite accustomed to the position.

I propose, for a moment, to make some comparisons between our Bill and the Victorian legislation to emphasise further my point that there is no uniformity between the two particular States. I also mention that if I had been able to get copies of any other similar Bills, we would have found just as many discrepancies. First of all, let us start with the interpretations. The very first interpretation refers to "aerial spraying."

Our Bill states as follows:—

> "aerial spraying" means the spraying, spreading or dispersing of any agricultural chemical from an aircraft in flight;

That definition was not good enough for Victoria, because the definition in that State reads as follows:—

> "aerial spraying" means the spraying, spreading or dispersing of any agricultural chemical from an aircraft in flight; but does not include the jettisoning of agricultural chemicals from an aircraft in flight in an emergency in an attempt to prevent damage to that aircraft or injury to the pilot thereof.

It can be seen that that is a wise provision in the Victorian Act. It is possible for the aerial-spraying operator to find himself in the position where he has to jettison his cargo and tremendous damage could be done. There is no provision in our Act to cover that situation. The next interpretation is also troublesome.

I think the connection between the Victorian Act and this Bill can be seen, because the first part of our definition is the same as the first part of the Victorian definition, but ours does not cover the jettisoning of agricultural chemicals from an aircraft in flight in an emergency in an attempt to prevent damage to that aircraft or injury to the pilot thereof. In Victoria that responsibility has to be accepted.

The second interpretation deals with agricultural chemicals. As will be seen by members the definition in our Bill includes the words "or fertiliser" in line 9. There are no words "or fertiliser" in the Victorian Act and I would say they were deliberately omitted. A terrific number of acres of land are spread with super by aircraft. Farmers are spreading superphosphate, or some other mixture containing fertiliser.

Farmers will need to have a very close look at this interpretation because by the inclusion of those two words in the interpretation, the spreading of fertiliser by aircraft will be brought under the provisions of the Bill.

The Hon. G. C. MacKinnon: The end result of the Victorian and Western Australian Bills, in regard to fertilisers, is identical. If you read all the provisions in the Bill, one can be excluded and another included.

The Hon. J. DOLAN: I will read the Victorian interpretation. The intention in Victoria was to leave no possible doubt of what the interpretation of "agricultural chemical" meant. It reads as follows:—

> "agricultural chemical" means any substance defined as a fungicide, insecticide or weed destroyer under the Pesticides Act 1958 or any substance which is by proclamation declared to be an agricultural chemical for the purposes of this Act.

There is no mention whatsoever of fertiliser, and I would say that omission was deliberate.

Another interpretation relates to "hazardous area." In Victoria there is an advisory committee which advises the Minister when an area is declared hazardous. One can imagine that a pilot in a low-flying plane, spreading chemical, could be operating in an area declared hazardous. It would be difficult for him to observe the boundaries. In our Bill no attempt is made, as is the case in Victoria, to prove that an advisory committee can fix the natural and topographical landmarks. For instance, a landmark could be a stream, a hill, or a range of mountains, and a hazardous area could be defined in such a way that an operator would know he was keeping within certain boundaries.

I would refer to the fact that a Minister in another place agreed to certain amendments to the Bill. The first one he agreed to was to clause 12. When the Bill was introduced in another place, clause 12 stated that the pilot in command of an aircraft from which aerial spraying was carried out shall keep a record of particulars for a period of two years, and so on. Very often, when a pilot completes one job, he is immediately sent to another job. An aeroplane involves a high capital cost and the pilot, who is usually on high wages, cannot be kept idle. The fact that he is moving from job to job means there could be some difficulty associated with the keeping of records. The Minister in another place said that instead of the pilot in command of the aircraft being responsible for keeping the records the owner of the aircraft should be responsible.

When the Bill reached this House, clause 12 was changed so that the owner of the

aircraft would be responsible. However, if one looks at the notation alongside clause 12, it will be seen that it reads "pilot in command to keep records." I would think it should read that the owner should keep records.

The Hon. G. C. MacKinnon: The marginal note is not a part of the Bill.

The Hon. J. DOLAN: I agree; it can easily be corrected by the clerk. I appreciate that point, Mr. Minister. I will now turn to the provisions dealing with regulations, at the end of the Bill. Paragraph (g) of subclause (1) of clause 19 reads as follows:—

> the keeping by the pilot in command of an aircraft carrying out aerial spraying, or the person in charge of the spraying, of proper records—

I would say that paragraph is confirmation that the records must be kept by the pilot in command and doing the job, instead of the owner. Perhaps that could be remedied by amendment.

The Hon. H. K. Watson: Have you any amendments on the notice paper?

The Hon. J. DOLAN: None at all, as yet. I would like members to look at clause 17. This clause gave me some trouble and eventually I had to rewrite it and put in a few a's, b's, and c's so that I could understand it. I will read it slowly and members may be able to follow it. There are three subclauses to clause 17. I found each one of them, except perhaps the second one—which consists of only a few lines—very difficult to understand. I do not know if the purpose of the Bill is to confuse the reader, but if members of this House are not confused they are brighter than I am.

The Hon. H. K. Watson: That is the ordinary power of delegation.

The Hon. J. DOLAN: I know, but I feel that if a few a's, b's, and c's were used the clause could be improved. I would suggest that Mr. Watson would be more expert than most of us in following a clause of this nature. The clause reads as follows:—

> 17. (1) The Director may with the consent of the Minister, by writing under his hand, delegate any of his powers and functions under this Act, except the power of delegation, in relation to any matter or class of matters so that the delegated powers or functions may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation as fully and effectually as by the Director.

There are six lines in that clause without any punctuation marks of any kind. Subclauses (2) and (3) read as follows:—

> (2) A delegation under this section is revocable, in writing, at will and no such delegation prevents the exercise of any power or function by the Director.
>
> (3) Where the exercise of any power or function of the Director under, or the operation of any provision of this Act, is dependent upon the opinion, belief or state of mind of the Director in relation to any matter, and that power or function has been delegated by the Director, in pursuance of this section, that power or function may be exercised or that provision may operate, upon the opinion, belief or state of mind of the delegate.

With reference to this business of "state of mind" I do not know whether a person has to take a psychiatrist with him to find out the state of mind of the director or the delegate. I often wonder how Bills are drawn up. I make no criticism of the draftsmen, although it strikes me they do not set out to use language which the ordinary layman or politician can understand.

The Hon. F. J. S. Wise: It could be their state of mind at the time.

The Hon. J. DOLAN: It could be. I feel I have said enough to indicate I have very grave doubts whether this Bill will be effective. There is an associated problem, and that is the problem of ground sprayers and I believe the two Bills should have been presented together so that both operations were brought under control. I realise how important it is that this legislation be finally passed. It is necessary legislation and I have no quibble whatever with the principle of it. It must come but it has to be just and fair to everybody and I feel, in the light of the problems I have disclosed to the House, it is not fair. It is legislation which has been hurriedly conceived and it should not be brought into operation.

Amendment to Motion

Referring to the motion that the Bill be now read a second time, I move an amendment—

> That the word "now" be deleted and the words "this day six months" be inserted after the word "time."

Amendment put and negatived.

Debate (on Motion) Resumed

THE HON. J. HEITMAN (Upper West) [9.15 p.m.]: I rise to support the Bill. I feel it is long overdue and that a great deal more damage is being caused through aerial and ground spraying than one would imagine from the number of cases that have come before the courts, or from the publicity that has been given to this matter.

I would like to comment on one or two points mentioned by Mr. Dolan. The first point was in regard to the fact that large droplets are discharged from crop-spraying aircraft. That was Mr. Dolan's statement; but, I should imagine, as the planes are flying at 80 to 100 miles an hour, even though the droplets may be

large when they leave the plane, by the time they reach the ground they are nothing more than a mist. Mention was also made of the spray from ground sprays being very fine droplets. But that depends on the type of spray used because there are several different types of ground sprays.

One new type of ground spray which has been developed and which is now being used is known as a "mister." This equipment emits a very fine mist spray as is evidenced by the fact it uses 2½ gallons of water to the acre, and the spray is used from about 70 feet away from the area to be sprayed. However, we must realise that with a plane the spray must be in mist form otherwise the operators would not be able to cover the width they do cover on each run. A plane is not very wide but I think it would be able to cover three times the width of the ground spray to which I have just referred.

Then we have the boom sprays with which quite a lot of ground spraying is done. With that type of outfit a person would use 10 gallons of water to the acre, which is much more than a plane would use when spraying crops.

As regards the crops to which Mr. Dolan referred—tomatoes and lupins—I have seen a crop of lupins, 10 chains from where spraying was being carried out, affected by that spray. On certain days certain plants will die just from the fumes of a herbicide.

The Hon. J. Dolan: They can cause damage up to a mile away.

The Hon. J. HEITMAN: That is so. At Geraldton, when the tomato plants were damaged, I saw a crop that had wilted badly and no spraying was being carried out within half a mile of that crop.

The Hon. R. Thompson: Was that aerial or ground spraying?

The Hon. J. HEITMAN: It could not be proved that it was aerial or ground spraying. An operator was ground spraying within half a mile of the area and a plane was flying into the airport, which was within a certain distance of this property. However, nobody could say whether the pilot had flown over that property or not.

When spraying aircraft are flying out in the country areas the regulations do not seem to worry the operators and the pilots blow out the containers before they land. The pilots open up the jets of the containers and give them a burst, quite often over a town, and this kills a tremendous number of gardens in the area. That is not possible with ground spraying and therefore the position would not arise in cases where ground spraying was used. I could show members some gum trees the leaves of which have completely shrivelled because of the fumes from spraying. However, by the time one tells the pilots that they must not fly over a town, but they must fly around it the damage has been done.

Also, with spraying aircraft the operators use trucks which carry the herbicides, and so on. Quite often these trucks will be driven into the middle of a town with a truckful of spray, the drivers will fill up the tanks with water, and then claim that no damage has been caused. But the fumes from the spray are sufficient to cause damage to the town gardens.

The Hon. N. E. Baxter: The fumes would be sufficient.

The Hon. J. HEITMAN: Yes. The fumes kill the plants in the gardens. It is these actions which need to be regulated and we must have some control.

Actually, I do not think the Bill goes far enough, but at least it is a start and we are getting onto the right track. If we find it does not go far enough, next session we can amend the legislation to provide for stricter control. There is a definite need for some protection from spraying aircraft which fly over towns and cause damage to gardens, and even to gardens on farms. Some of the pilots clean out their weedicide containers irrespective of where they may be.

The Hon. J. Dolan: You are not suggesting they are irresponsible?

The Hon. J. HEITMAN: Many of them are.

The Hon. J. Dolan: That is more likely with the ground sprayers.

The Hon. J. HEITMAN: If a farmer engages a private contractor, who flies his own plane, his job can be guaranteed. One could guarantee that that type of person would do a 100 per cent. job. These operators are careful and they know what they are doing. However, if one engages a big company to do spraying work such is not the case. Very often these companies engage long-haired lads to do the marking in the paddocks and the companies pick up other people to work on the trucks. These companies have three or four different pilots and very often they are not responsible.

I have known some of them to say, "Tip more water into the tank. I want to finish this paddock on this run." They would not dream of putting a drop more herbicide in the tank to make sure they did a satisfactory job; that would not enter their minds. If people like that can save weedicides or herbicides, to use on the next man's paddocks, and so save themselves or their companies a few bob, they will do it, as I have seen them do it in the past. As a result, I do not think the Bill goes quite far enough, and there is no doubt it could go a lot further. I hope some amendments will be made to it in the near future.

Mr. Dolan said that only $2,000 had been paid out for claims for damages. I do not know whether the honourable member has seen the contracts or agreements which one has to sign before a job is started. Under these agreements even if the companies do not do a good job no action can

be taken against them. They could put water in the tanks and once one had signed the form one would have no claim against the companies concerned; these agreements are all their way.

The Bill should go further to provide that every one of these spraying contractors should guarantee the job that he does. Many of them will guarantee a 90 per cent. coverage but none of them will guarantee a 50 per cent. kill. If one engages an operator who owns his own plane his job can usually be guaranteed. Very often this type of operator will come back in a fortnight's time; he will fly over the crop to have a look at it to ensure that the job has been done properly. He will even contact the farmer to ask him if he is satisfied. But the bigger firms will not come back.

The Hon. R. F. Hutchison: They have the same trouble in New Zealand.

The Hon. J. HEITMAN: One can even write to them and tell them the job has not been done properly and they will write back and say, "Wait for another month and see how it looks then." But a farmer can carry out spraying only at a certain time; there is a correct and an incorrect time to spray and it is of no use spraying a wheat or a cereal crop at the wrong time.

Therefore, I think a good deal has to be cleaned up in the aerial-spraying business, but I am pleased to see that we are making a start. This Bill will at least make it safe for people with gardens; they will not have the same fears they now have about damage from weedicides.

The Hon. F. R. H. Lavery: You did not think that the other night with fluoride.

The Hon. J. HEITMAN: Mr. Dolan mentioned the question of uniformity. A pilot who is registered or licensed in the Eastern States can also be registered here. Our Bill may not be exactly the same as the Bills of the other States, but the provisions of all of them are such that in every State pilots will have to know exactly what they are doing, and they will not be able to play around and do the wrong thing, as they are doing now, and as they have done in the past.

There is one thing with which I do agree with Mr. Dolan and that is in regard to fertilisers being mixed. I do not think there is any need for that. If Tom Brown, next door to me, collects some of my fertiliser when the operators are spraying, I do not think he would object.

The Hon. L. A. Logan: It depends on the fertiliser.

The Hon. J. HEITMAN: I would not mind some of it! I am very pleased to support the Bill which deals with a very important subject.

THE HON. N. McNEILL (Lower West) [9.24 p.m.]: I support the Bill, and in doing so I would like firstly to make one or two comments on the speeches that have already been made, but without going into them in great detail. I think in some cases, particularly in regard to the remarks made by Mr. Dolan, these matters could be referred to during the Committee stage. However, I rather fancy he made, or attempted to make some point in relation to the lack of uniformity between the States.

I think if we go back to the second reading speech of the Minister we will see he gave the origin of this piece of legislation. Western Australia, possibly because of its greater experience with this matter—an experience greater than that of the other States—was virtually given the responsibility of preparing the draft provisions for an Australia-wide Bill. Under the circumstances the Chief Parliamentary Draftsman and officers of the Department of Agriculture in Western Australia, having drawn up the draft Bill, it was sent to the various States and the Commonwealth so that they could make such alterations as would suit their particular circumstances. Therefore to say that we in this State had departed from the uniform legislation is not quite right because—

The Hon. J. Dolan: I said that uniformity had not been achieved and you are saying the same thing, only perhaps in different words.

The Hon. N. McNEILL: That is so. I say that because it is contended this Bill does not contribute to uniformity and that perhaps we may be the party at fault. As Mr. Dolan has just recently attempted to have the Bill deferred, I would say that he believes we are at fault. However, I do not want to quibble about the point; the fact is that Western Australia did accept the responsibility of drawing up the legislation.

Like Mr. Heitman I agree it is essential that there should be some measure of control over this industry. I agree likewise that perhaps the measure does not go far enough; but I think we must bear in mind that this is virtually a new activity in the agricultural world—it is new in the term that previously there has been no legislation pertaining to it.

The Hon. F. R. H. Lavery: It is new to Western Australia.

The Hon. N. McNEILL: It is new in terms of, say, the last 10 to 15 years. I have been using this form of agriculture on my property for at least eight years now and so, under those circumstances, perhaps the Bill is long overdue.

In supporting the Bill I would say that its main provisions are, firstly, designed to maintain a high degree of safety in conformity with the overall requirements of the Department of Civil Aviation. The second major point is to ensure that the persons handling the chemicals have an adequate knowledge of the nature of the

materials being used; and, thirdly, there is the introduction of an insurance cover, or what virtually amounts to third party insurance. At the same time, in the Bill there is an attempt to define or locate the responsibility in the event of damage being done, or where claims are made against operators.

I think those are the three essentials and if damage has occurred I think the crux of the problem is to find ways and means of sheeting home the responsibility for this damage. I believe it is perhaps as a result of this, and the activities associated with aerial spraying, the legislation has been introduced.

I would for a moment like to digress and discuss some philosophical aspects of this industry. The use of light aircraft to such a large extent has caused the light aircraft industry in Australia to expand its activities considerably. It is not only because of agricultural aviation but also because of a number of other associated activities. First of all there is the light aircraft industry itself. As a result of the popularity of light aircraft in recent years, and the benefits which have resulted from their use, we have seen the industry become properly established and consolidated.

This gives rise, of course, to a great many other implications, not the least of which is the measure of protection which may or may not be given to the further advancement of the light aircraft industry. I am referring, of course, to the need for tariff protection in its operations. This is important in the overall activity of the use of aircraft in agriculture; that is, it is a question of whether this protection shall be afforded.

As a result of the usefulness of aircraft in this field there has been an increase in the use of fertilisers, herbicides, and weedicides. There has been a most significant increase in the tonnages of fertilisers applied, and certainly an enormous increase in the production and use of chemicals, irrespective of whether they be herbicides, or weedicides, or chemicals used in conjunction with fertilisers. Therefore I would say—and this is not unimportant—as a result of the great increase in the use of fertilisers, and the greater application of them when used in conjunction with these various chemicals, this in itself has given an incentive to the search for sources of fertilisers in Australia.

This, as we all appreciate, is a very important aspect of the development of agricultural aviation. It very largely results from the impetus which has been given to it. Then there is the essential, practical form of benefit: That is the expedition given to the development of our agricultural lands; the availability of land for spraying and fertiliser spreading, which enables greater and more improved pasturing of land, and particularly land which previously was considered as unsuitable for agriculture.

All of these activities have been directed towards an increase in agricultural production, and not only an increase but also an improvement. The activities have been directed towards the ultimate objective, which is the per acre yield of the farm and last, but by no means least, and probably the most important aspect as far as the farmer is concerned, is the improvement in the net return per farm.

I have said that these remarks are philosophical, but I hope it may be recognised I am endeavouring to paint a picture for the benefit of members; namely, that the purpose of this legislation is the improvement of the farmer's net return. I hope the purpose of legislation of this sort is designed to bring about conditions which certainly would not detract from, but I would hope would give added protection to, the possibility of a farmer increasing his net return.

Here we have a positive new industry. In our situation we are able to watch this industry grow, and in observing its progress, we have the responsibility to ensure that safety is recognised and operational precautions are well and truly maintained. I also believe we have to apply very carefully to the industry the legislation which is introduced. We have to ensure, firstly, that it shall not be restrictive. This is new legislation applying to a new industry. We do not have a precedent for this legislation and so it must not be too restrictive and certainly, and most importantly, it should not involve a cost factor which would lessen the advantages which today are available as a result of the use of aircraft in agriculture.

I believe any legislation which endeavours to protect the innocent against the action of the careless or irresponsible can easily become a burden on those the legislation is designed to protect. One can impose certain restrictions and conditions for which somebody will have to pay. I see some danger of that sort in the Bill. I believe the additional requirements for operators in meeting all the necessary qualifications could, quite foreseeably, increase the cost of the operations. Obviously, the high qualifications of the pilot and those in charge of these activities will be tantamount to paying a premium for the price of their labour, and they would be well justified in placing some sort of premium on it.

Then in the Bill—and I have indicated it is necessary in the circumstances—we have the controversial provision of the right of entry for inspection purposes. These conditions are accepted as part of the price one will pay for perhaps the greater sophistication of our agricultural methods. However, I repeat, there must be some compensations. I will cite a hypothetical instance of, shall we say, an aircraft operator who has been engaged by a farmer to conduct aerial spraying on

his property. When I use the word "spraying" this also is in line with the definition applying to the use and provision of fertilisers.

The property owner may instruct the pilot, or owner of the aircraft concerned to be careful in the aerial spraying operation. One might well imagine the operator saying, "I have my certificate of competency and, of course, you will pay for it in due course in your account. However, even if I am careless, you need not worry, because I have an insurance cover for which you will also pay in your account."

The Hon. J. Dolan: You are assuming that the pilot is also the owner of the aircraft.

The Hon. N. McNEILL: I used the word "operator."

The Hon. J. Dolan: The first sentence referred to the fact that he is licensed to fly, so it must be the pilot you are talking about.

The Hon. N. McNEILL: Without wishing to identify the pilot as the person who flies the aircraft, I am referring particularly to the person who is engaged to carry out the operation of spreading the chemical or fertiliser, as the case may be. I am using a purely hypothetical case for the purpose of my illustration. This person, because of his certificate of competency requires a premium on his labour from the person engaging him and perhaps, in the circumstances, that is a justifiable charge. He also may say to the person engaging him that he may be careless, or inadvertently cause some damage, and therefore he has to take out some insurance cover for which a premium has to be paid. Who will pay that premium? It will be the person who engages this firm to do the spreading who will pay.

The Hon. J. Dolan: It will be part of the charges.

The Hon. N. McNEILL: Yes, that is correct. We then pass to the consideration of the neighbour. The operator of the plane may say to the person hiring him, "If I do all these things and your neighbour suffers you need not worry, because the neighbour will only suffer some inconvenience, but I suppose we can ignore this. He will certainly be involved in some sort of litigation in order to prove damage; and lastly, because he happens to be in the unfortunate position of being your neighbour and has suffered some damage you have no need to worry because of the right-of-entry clause in the Bill."

I have cited this as a hypothetical discussion following the introduction of a new type of legislation. I make it quite clear that I have not worked out any satisfactory alternatives that may be applied to this type of case, but perhaps the alternatives lie in the preparation of what may be regarded as an adequate code of ethics, similar to that which is observed by the medical or legal profession, and when these ethics are offended against the penalty shall be borne not by the innocent party, but by the offending party.

I make these suggestions, because I cannot always agree with the trend of legislation. I believe that legislation should be enacted to restrain the guilty and protect the innocent. In this instance, because I believe there is a strong chance of the costs being increased—that is, to the person who wishes to take advantage of the advent of aerial agriculture—those people who are the innocents will once again be called upon to pay for this privilege. I repeat that I do not know how we can overcome this problem. While there is the necessity—and I agree with it—for some measure of control and protection, if it is to be provided that certain penalties should be introduced, somebody will have to pay. I make no apology for this statement, because it is quite obvious to me who, in the long run, will pay.

The Hon. F. R. H. Lavery: The consumer, of course.

The Hon. N. McNEILL: Not in the primary production industry; not under free marketing conditions. However, I take the opportunity to throw this purely philosophical discussion into the debate. I believe this is an aspect of legislation which we should consider not infrequently. I will cite quickly an illustration which comes to my mind. In another field altogether there is a regulation which provides it is an offence for one to leave one's ignition keys in an unattended motorcar. The reason for this regulation is that somebody else may come along and steal the motorcar and I, as the owner of the vehicle, have contributed to the offence by leaving the keys in the car. I am innocent, but I am liable for committing this act, whereas I believe the emphasis for the guilt should be placed where it rightfully belongs; namely, on the person who, in fact, steals the motorcar.

Reverting to the present case under discussion, I will make a few comments on two aspects to which reference has been made. Firstly, I believe that the definition of "agricultural chemical" includes a fertiliser. I can visualise the possibility of it being extremely difficult, if not impossible, to differentiate between a true fertiliser, as such, and a fertiliser that could include a small proportion of a chemical which may come under the heading of D.D.T., or some other insecticide. The use of a substance, such as urea, could well figure in such a proposition when it is used as a fertiliser, but it also has use as stock feed.

The use of potash, for instance, can cause damage to crops at certain stages. Could those who wish to see the definition

deleted from the Bill really particularise at this stage with this legislation if it is as important as it is made out to be?

Finally, I now refer to the term "all spraying." This highly complicated question covers, in the main—if not completely—aerial spraying which is carried out by firms, or certain private operators who operate planes for this particular purpose. Ground spraying is carried out all over the State by farmers themselves or with the assistance of hired labour. It is also performed by contractors. To delay this legislation—when obviously there is need for it in the field of aerial spraying alone—for the purpose of drafting more suitable legislation to include all ground spraying, would, I believe, be an injustice on those who could suffer in the meantime by being denied the advantages to be gained in the more simple field of aerial spraying.

I think it would be creating difficulties and complications unnecessarily to include ground spraying in this particular Bill. I would hope that before very long legislation will be brought in to do no more in relation to ground spraying than to provide some sort of protection; perhaps even some sort of indemnity in the event of damage being caused.

With the introduction of that legislation care would have to be exercised that too much restriction was not placed on what is an ordinary agricultural activity carried out on virtually thousands of farms throughout the countryside. I hate to think that people would suffer as a result of the apparent necessity for the restrictions which could well be imposed under legislation of this nature.

I support the Bill.

THE HON. V. J. FERRY (South-West) [9.47]: I support this Bill, but I do not intend to speak at great length. I shall confine my remarks to aerial spraying as against ground spraying. I agree with Mr. McNeill that there is no necessity to control ground spraying in some instances. The greater need, however, is to control the form of aerial spraying which we are accustomed to witnessing in the countryside.

Perhaps I will be excused if I say that I have had personal knowledge of flying aircraft in my earlier life, and in having had control of various types—from single-engine to multi-engine aircraft of the old propeller type, but not the jets. From my experience of controlling aircraft I have come to realise the difficulties which pilots of aerial-spraying machines face. Having been in charge of aircraft flying at high and low levels I appreciate their problems. We know they operate at exceedingly low altitudes, and that in itself is a hazardous undertaking.

Members will agree that aerial-spraying pilots are experts in handling their aircraft; if they were not they would not be alive. Nevertheless there is the human element in the handling of aircraft, the same as there is in the handling of other machines, such as motorcars. In an aircraft the margin for error through the human element is very narrow. Many things can go wrong and even experts cannot prevent these from happening—varying weather conditions, cross and eddying air currents, and that sort of thing.

This brings me to the spray materials that are used. No matter how good a pilot is in handling his aircraft, under some circumstances—as mentioned by Mr. Heitman—the spray material could be released inadvertently. An aerial-spraying aircraft might be coming to the end of its scheduled run, the pilot might be temporarily distracted, and he might delay switching off the flow of the spray material. This spray material would float over to neighbouring properties, in some cases a mile or two away.

There are the rare occurrences when mechanical failures in the operation of the spray take place. In some instances it is impossible to switch off the device, because the unexpected can sometimes happen in the use of mechanical devices.

I have endeavoured to point out some of the hazards of aerial spraying, as compared with the operations of the ground-operated spraying units. We all realise that the ground-spraying units are comparatively slow moving. They are operated at a slow pace and with deliberation from the ground; therefore the risk of contamination to neighbouring properties is minimised to a large degree. The average operator of a ground-spraying unit is aware the prevailing wind conditions might change and carry the spray to an adjoining area. The operator is in command of the situation, and he has time to think. He can correct the position. He does not have to dodge hills, trees, fences, power lines, and other objects to go about his work. He can do the spraying under much more comfortable conditions and control the unit with greater surety.

Although there is need to look into the operations of ground-operated spraying units, the need to control aerial spraying is greater. I appreciate the need for the introduction of the Bill, and when it is implemented weaknesses might be shown here and there. I hope that in due course when the weaknesses are found amendments will be introduced. I support the measure.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.52 p.m.]: I wish to refer to a few points which are of great interest to me. I agree with the comments of previous speakers that this is a new type of legislation, required for the control of aerial spraying. Of course aerial spraying is not new in other countries, and farmers will agree with me that in Western Australia it is only in its infancy. The potential in the future is fantastic.

I am concerned with the definition of "agricultural chemical" in clause 3 of the Bill. It is—

> Any chemical prescribed as an insecticide, fungicide or herbicide, or as an agricultural chemical or fertilizer or any preparation containing a chemical so prescribed;

Whilst I agree with the remarks of Mr. Dolan that the Bill contains many weaknesses, at some stage of the development of Western Australia this legislation must come before Parliament. I am concerned with the use of chemicals, and in this respect I refer to the book *Silent Spring* by Rachel Carson, who is also the author of *The Sea Around Us* and *The Edge of The Sea*. She is a biologist, and I think also a biochemist. She issues a warning in this book that man has lost the capacity to foresee and to forestall, and that he will end by destroying the earth. I commend this book to all farmers.

The Hon. E. C. House: Most of them have read it.

The Hon. F. R. H. LAVERY: Congratulations to them. If they have read it then they will agree with the point I am about to make. In aerial spraying in the U.S.A. and in England terrific damage to bird and animal life has been caused. One could say that the areas treated by aerial spraying in those countries are smaller; whereas in Australia we work on 500 to 700-acre paddocks. In the introduction to the book I have just mentioned the following is stated:—

> Miss Rachel Carson brings her training as a biologist and her skill as a writer to bear with great force on a significant and even sinister aspect of man's technological progress . . .
>
> We in Britain have not yet been exposed to the same intensity of attack as in America, but here to there is a grim side to the story. There have been, for example, the reports of a mysterious illness affecting foxes. The first substantial records of the 'fox death' were in November 1959 from near Oundle, in Northamptonshire, and soon reports were coming in from all over the country until it was estimated that 1,300 foxes had been found dead. There was much speculation as to the cause. It was suggested that death was due to a virus disease. The symptoms were striking. Foxes appeared dazed, partially blind, hyper-sensitive to noise, almost dying of thirst, and then death came. One odd symptom, as Nature Conservancy reported, was that sick foxes appeared to lose their fear of mankind and were even to be found in such unlikely localities as the yard belonging to the Master of the Heythrop Hunt.

Further on the following is stated:—

> . . . and already in 1960 voices were raised in Parliament and elsewhere demanding restriction and even a ban on chemicals such as dieldrin, aldrin, and heptachlor. It was clear that control over their use was quite inadequate and appeals were made by official bodies for more care. Then came the spring of 1961, when tens of thousands of birds were found littering the countryside, dead or dying in agony. The story from one estate alone reveals the nature of the tragedy. In the spring of 1960 at Tumby in Lincolnshire heavy losses of birds were reported. In 1961 over 6,000 dead birds were counted.

This type of insecticide spraying causes great destruction of bird and animal life. In another part of the book it is stated—

> The Michigan spraying was one of the first large-scale attacks on the Japanese beetle from the air. The choice of aldrin, one of the deadliest of all chemicals, was not determined by any peculiar suitability for Japanese beetle control, but simply by the wish to save money—aldrin was the cheapest of the compounds available. While the state in its official release to the press acknowledged that aldrin is a 'poison', it implied that no harm could come to human beings in the heavily populated areas to which the chemical was applied. (The official answer to the query 'What precautions should I take?' was 'For you, none.')
>
> An official of the Federal Aviation Agency was later quoted in the local press to the effect that 'this is a safe operation and a representative of the Detroit Department of Parks and Recreation added his assurance that 'the dust is harmless to humans and will not hurt plants or pets'. One must assume that none of these officials had consulted the published and readily available reports of the United States Public Health Service, the Fish and Wildlife Service, and other evidence of the extremely poisonous nature of aldrin.

This then goes on to state the damage that can be created by spraying ordinary D.D.T. My point is that the Bill does not contain any stipulation as to the type of poisonous sprays to be used by those people who are spraying, the farmers who engage the sprayers, or the manufacturers of the sprays.

I know that what I am saying will not affect this Bill, but we must remember that this legislation is new and, as I said before, millions of gallons of spray will be spread around Australia in the next 10 years.

The Hon. G. C. MacKinnon: This would not be the correct measure in which to place any restrictions.

The Hon. F. R. H. LAVERY: I know that. I am merely using this measure because I have no other means of drawing

the attention of the department to this situation.

The Hon. G. C. MacKinnon: That is fair enough.

The Hon. F. R. H. LAVERY: Serious consideration will have to be given to this aspect in the future, not only in connection with crops and trees, but also in connection with certain animals. We know that although certain birds and animals are a great nuisance, they do a tremendous amount of good by cleaning up insects and, in the case of crows, eating dead meat which would otherwise attract blowflies.

I am merely using this opportunity to draw the attention of the department to the fact that it will have to give consideration to the type, quantity, and quality of sprays, and the damage they cause.

THE HON. H. K. WATSON (Metropolitan) [10.3 p.m.]: This Bill, as I understand it, is more or less a copy of the Victorian Act, and the desire for uniformity has been stressed on more than one occasion.

The Hon. G. C. MacKinnon: It is the reverse. The Victorian Act is more or less a copy of this one. We originated the Bill.

The Hon. H. K. WATSON: I see. I have a couple of suggestions to make. As Mr. Dolan has mentioned, the words "or fertiliser" have been omitted from the definition of "agricultural chemical" in the Victorian legislation. Concerning the report which the director is required or permitted to make, subclause (2) of clause 14 reads—

> (2) Where a person authorised by the Director under subsection (1) of this section enters on any land pursuant to paragraph (a) of that subsection that person shall make a written report to the Director of his findings in connection with the crops, trees, pastures or other growth or the animal life reported to have been injuriously affected by aerial spraying.

But the clause stops there and does not indicate what the director shall do with the report after he has prepared it. In my opinion the Victorian provision rounds off the clause as follows:—

> The Director shall make available to the owner of the aircraft concerned and the owner or occupier of such land a statement as to whether in his opinion such growth or animal life has been injuriously affected by aerial spraying.

In my opinion the provision in our Bill could well contain a provision along the lines I have just read out with a view to rounding it off. I would have thought that the director's report would be the logical basis to guide both parties in the event of a dispute or legal action between them.

Clause 6 is a rather unusual one. It reads—

> 6. (1) Subject to subsection (2) of this section, a person shall not, on or after a date three months from the coming into operation of this Act, knowingly and wilfully carry out or cause or permit to be carried out any aerial spraying unless the pilot in command of the aircraft from which the spraying is carried out is the holder of a certificate.

I do not think anyone can quarrel with that subclause, but subclause (2) contains a rather extraordinary provision. It reads—

> (2) Where the person charged with an offence against subsection (1) of this section is the owner of the aircraft from which the aerial spraying to which the offence relates was carried out, that person may be convicted of that offence notwithstanding that the aerial spraying was carried out without his knowledge or consent.

That seems to be a negation of ordinary principles of equity and justice, and I would suggest to the Minister that he be good enough to have a look at the subclause to see whether it is really necessary. At the moment I am inclined to think it is not.

Subject to those remarks I support the Bill.

THE HON. S. T. J. THOMPSON (Lower Central) [10.8 p.m.]: I rise to support the Bill although I am somewhat reluctant to do so because, although there is a need for some protection to be provided against the effects of spraying in general, only aerial spraying has been dealt with on this occasion. Contrary to the beliefs of at least one member, I believe that aerial spraying has done a wonderful job for agriculture, particularly in the area I represent. At the time when we need to spray, the ground is usually too wet to undertake ground spraying and therefore we must rely on aerial spraying to protect our crops.

I have found aerial spraying to be a great success and it has been carried out very conscientiously. Admittedly it is possible to do an enormous amount of damage with any of these hormone sprays. We can buy ordinary sprays and use them to kill weeds, and it is amazing the effect such sprays have on some of the flowers not only in our own garden, but also in the garden next door.

The Hon. J. Dolan: It also affects the person spraying, and has caused death.

The Hon. S. T. J. THOMPSON: It does, but I rose particularly to refute one of the statements made by Mr. Dolan earlier. He said that the aerial sprayers were men of experience whilst most of the ground sprayers were inexperienced. By and

large, I have found that the average ground sprayers are men who are spraying for themselves and they are fairly well experienced in this kind of thing. Not only that, they are also careful because they are dealing with their own particular property.

Spraying is of varying degrees of importance in different areas. By and large, in the agricultural areas, it is not such a great risk because at the normal time for spraying the crops are at the stage where not very much damage can occur. The effectiveness, of course, is another matter. It is possible to do just as much damage with ground spraying as with aerial spraying.

My reluctance to support this measure arises from the fact that the charge involved will have to be borne by the landowner. Mr. McNeill mentioned this point also. There is no doubt that this charge will not be passed on to the consumer. It must stay with the land owners.

I know the importance of aerial spraying to the agricultural industry and therefore I am reluctant to add any further cost to the spraying because some farmers will not then be able to afford to make use of it. Of course, the farmers should realise that in the long run aerial spraying does pay. I have seen many hundreds of acres which should have been sprayed but which have not been because the farmers concerned have felt the cost would be too much.

I believe that at some future stage we will have to do something regarding ground spraying. With the present machine which is being used, it is possible for the spray to drift quite a distance. Again this is not so important in the agricultural areas.

The Hon. L. A. Logan: It will affect the grape vines.

The Hon. S. T. J. THOMPSON: That is what I say. The effect of the sprays is more important in the market garden areas and the tomato-growing areas. As a matter of fact, I feel this legislation has been rushed as a result of the stir which occurred at Geraldton a couple of seasons ago.

Admittedly the legislation had to come and I am prepared to go along with it, but I feel we should be very careful that we do not place too many restrictions on the use of these materials either on the land or from the air, because they do play a very important part in farming operations today.

This year in my area the caterpillars, or army worms as we call them, were so thick that they made the road look as though it was moving. There were thousands of acres of them. They pile up against a railway line until they fall over, and then they pile up again, and on some occasions the roads look as though they are literally moving with these worms. The only thing which is effective in connection with these worms is the spraying. It is some years since my area suffered so much from them, but this year every acre had to be sprayed because of these worms. It is for these reasons that I am reluctant to place too many restrictions on the use of sprays, so long as we can provide some safeguard in connection with any damage caused.

I think that should be the deciding factor. If we could make the sprayer responsible for the damage he causes and leave out a lot of the restrictions, I think we would find that we would not have too much trouble with this legislation. I admit that possibly Mr. Lavery has a point. Nowadays we are using a great many chemicals about which, perhaps, we do not know a great deal. Some dangerous chemicals can be used in the wrong manner but I do not think it is the purpose of this measure to deal with that particular aspect.

The Hon. E. C. House: Why support a Bill when you think these restrictions should not be included?

The Hon. S. T. J. THOMPSON: I consider we have to start somewhere and this is certainly a start. However, in addition to aerial spraying, I am certain we will have to deal with the other aspect—that is ground spraying—before we go very far. With those few remarks, I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [10.16 p.m.]: There are one or two comments I would like to make about this measure. I wonder whether the Minister in the shorter definition of "aerial spraying" in the Bill feels we should include a few words to the effect that the jettisoning of the pilot's load would be pardoned, as it were, if there were an actual emergency and it became necessary for him to jettison?

I also agree with the thought which has been expressed that fertilisers have little to do with the provisions in this measure; and I wonder whether, if it were added to the duties of the advisory committees to define hazardous areas, this would take away a lot of the extra work which would be placed upon the Minister if he had to do it?

The portion of the Bill which does interest me—and possibly my interest is in the verbiage—is subclause (4) of clause 14 on page 9 of the Bill which reads as follows:—

> Where a person alleges that crops, trees, pastures or other growth or animal life on his land or land under his control have been injuriously affected by spray drift or aerial spraying, he shall notify the Director in writing to that effect—
>
> (a) within fourteen days of observing the damage; and

The next paragraph sounds curious to me. It reads—

> (b) at least fourteen days before the crops are harvested or picked or before he destroys or causes to be destroyed the trees, pastures or other growth or animal life that he alleges have been so affected.

Putting that together, it looks as though at least 14 days have to pass after spraying before the owner destroys any animal life which has been affected.

The Hon. F. J. S. Wise: He might have been harvesting the crop at the time of the spraying; what then?

The Hon. J. G. HISLOP: I just feel that, if at least 14 days had to elapse before he destroyed any animal life which is affected by the spraying, a great deal of disability, pain, and suffering would be caused to the animal life.

The Hon. G. C. MacKinnon: There is an amendment on the notice paper in this respect.

The Hon. J. G. HISLOP: If this point can be satisfactorily clarified, I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [10.20 p.m.]: I thank members for their contribution to the debate on this measure. As they would be aware, I intend to answer the points which have been made. If the second reading is agreed to, I intend to ask the permission of the House to take the Committee stage tomorrow, in order that I may obtain answers to some of the queries which, obviously, are going to come up in Committee. With the permission of the House, I will also deal with many of the matters which have been raised tonight during the Committee stage. These are fairly detailed matters with reference to one clause or another and, accordingly, perhaps members will pardon me if, in the second reading debate, I deal in more general terms with the contents of the Bill, rather than the details of it.

Some comment has been made in respect of costs being passed on to the farmer. I would say that there has been no rush associated with the presentation of this Bill, but it is before us at the request of the agricultural community. On the question of insurance or no insurance, in the ultimate it does not matter whether the cost of the insurance policy is loaded on to the farmer in order to ensure that the operator, the owner, the pilot, or whoever it may happen to be, is not a man of straw —in other words, to ensure that he has the wherewithal somewhere at his disposal to pay. It does not matter whether this is done or whether he is left without any protection, because the operator will have to include the risk in his charges and, ultimately, of course, the charge must come back on the man who pays for the aerial spraying to be done; otherwise no-one would do aerial spraying.

The Hon. E. C. House: When you mentioned the agricultural community, should you not have said the Agricultural Department?

The Hon. G. C. MacKINNON: No; this Bill has come forward at the request of the agricultural community. I will come back to that point in a moment. Firstly, I would like to finish making my previous point and, that is, whatever costs are incurred in the operating of an aerial-spraying business, these costs plus the wages, must be made out of the operation—the aircraft must be paid for and all these other costs must be met.

If one is going to demand that the operator shall be liable for damage, then it does not matter whether this is made a specific allowance by virtue of demanding that an insurance policy be taken out, or whether it is left general. Ultimately, these costs must form part of the cost of the operator and will, of course, have to be met. As Mr. McNeill pointed out, the important thing is to ensure that these demands are not inordinate, and that they are realistic. The only way this can really be determined is through the effluxion of time; and, if necessary, it will be adjusted as time goes on.

The Minister for Agriculture has already said that there is a desire and a need to cover ground spraying. As one or two members have pointed out, this does present some difficulties, because one has to decide whether it includes all ground spraying, which would, of course, include backyards, and so forth. A Bill for ground spraying will probably follow in due course. I do not know whether or not it will be introduced next year, but certainly it is considered necessary.

However, from experience, the damage caused to farmers is not as great from ground spraying as it is from aerial spraying, because as one member pointed out, an aircraft can overshoot its mark and thereby cause a considerable amount of damage. In addition, if the plane is at a high altitude, quite a large area can be covered. Therefore, the risk of damage from an aircraft is greater than one would expect from ground spraying; indeed, this has been proved.

Remarks have been made that a pilot would have a greater knowledge of chemicals than a ground operator, but I do not think this necessarily follows. I have known fellows working ground sprays in the Bridgetown district who were very knowledgeable in regard to chemicals. With the passing of this Bill, the statutory demands on the pilot will be greater, because he will have to keep a manual. This, of course, will be corrected when the ground-spraying Bill is brought forward.

A query was raised with respect to the right to enter. If there is going to be insurance cover and two parties to a claim, then, I suppose, this kind of consideration follows.

There is just one matter with which I would like to deal in some detail; and this is the definition of fertiliser as a chemical. When Mr. Dolan was speaking I interjected to say that the effect of the Victorian Act and that of the Act which will go on our Statute book with the passing of this Bill will be the same. In one Act fertiliser is included, but can be excluded at the discretion of the Minister; in the other Act it is excluded but can be included at the discretion of the Minister. Consequently, the net effect is the same, because both are at the discretion of the Minister. The definition as stated in the Bill reads—

> "agricultural chemical" means any chemical prescribed as an insecticide, fungicide or herbicide, or as an agricultural chemical or fertiliser or any preparation containing a chemical so prescribed;

and this comes down to the discretion of the Minister.

The reason why I wanted to mention this in particular is that by this measure a fertiliser does not become an agricultural chemical until prescribed. On the other hand, under the Victorian Act, a fertiliser can be proclaimed an agricultural chemical, thus bringing it within the scope of the legislation.

As I have said, the net result is the same and I wanted to mention it, because I do not see anything wrong with variations in order to suit local requirements —or local whims if one likes to call them that—provided the fundamentals of different pieces of legislation are uniform to the extent it is desired they should be; namely, that pilots can transfer; that their certificates are interchangeable from one State to the other; and that the fundamentals of the Act are the same.

I cannot quite recall what the chemical brochure is called.

The Hon. J. Dolan: The Manual.

The Hon. G. C. MacKINNON: Yes, The Manual. Provided these matters are uniform, I do not think it really matters that there may be a variation with regard to the definition of chemical between one Act and another. I do not think this is a problem of any great moment.

Mr. Lavery reminded us of a book which has become quite popular—in fact, it is almost obligatory reading. It is Rachael Carson's book and it may be of interest to members of this House to learn that Mr. Shugg, who is the chief of the Fauna Department in this State, has recently returned from an overseas trip. He told me of some of the measures which had been taken overseas.

Only a certain number of poisons cause some difficulty and these are currently receiving a considerable amount of attention.

These are residual poisons. An animal which eats such poisoned grass will store a certain amount of the poison in its fatty tissue; and if a bird of prey ate the animal it is likely that this would have a most devastating effect in lowering its reproductive rate. To use a figure; the bird may have a reproductive rate of 73, which might drop to 30. The birds which are so affected are the magnificent eagles, the hawks, the falcons, and so on. These are already in short supply as a result of the gradual encroachment of man, and certain action has been taken to safeguard against this sort of thing happening.

But there are a number of very effective sprays which, from careful experiment, it has been found, do not have this effect. I feel the rest of the comments made could perhaps be more properly and effectively answered when we reach the Committee stage of the Bill.

The Hon. R. Thompson: Mr. House asked you which agricultural community requested this?

The Hon. G. C. MacKINNON: I thought I made that point clear. This matter has been brought about as a result of general complaints which have been received with regard to every spray; it is the result of the general run of complaints which the departments collect over several years, until there is a gradual appreciation that little or nothing can be done about the matter without legislation being introduced to control the position. I think we all recall the complaints made in the Geraldton area concerning the tomato crops.

The Hon. E. C. House: That was ground spraying.

The Hon. G. C. MacKINNON: The honourable member can argue that point in Committee.

The Hon. F. R. H. Lavery: Has your department consulted with the spraying people about this?

The Hon. G. C. MacKINNON: According to the Minister for Agriculture the aerial sprayers and the makers of the chemicals have been consulted very extensively.

Question put and passed.

Bill read a second time.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Debate resumed, from the 8th November, on the following motion by the Hon. G. C. MacKinnon (Minister for Health):—

> That the proposal for the partial revocation of State Forests Nos. 2, 7, 14, 18, 20, 37, 38, 58 and 64, laid on the Table of this House by command of His Excellency the Governor on Wednesday, the 26th October, 1966, be carried out.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [10.35 p.m.]: The motion before us is one which is taken upon the advice of the Conservator of Forests to his Minister, in which he has decided to recommend that many areas of the State be lifted from the control of the Forests Department, and be taken up where necessary by either an adjoining lessee, or owner of land; or that they be moved into some further area of a municipality for a town commonage or something similar.

Those who are interested in any particular area in the list submitted would be concerned on an individual basis. In the total list there are many areas of land which have never really been of any use and by being released—as they will be now—from the control of the Forests Department, they will be of greater use in the nature of grazing rights, than would have been the case heretofore.

I do not think there is any necessity for concern that the Conservator of Forests should release from his control land which is of no value to him under the responsibility entrusted to him in this matter. In many cases the land is just not good enough for reforestation purposes, and in other cases, with the effluxion of time, the original purposes for which the areas were preserved have been found unnecessary, and thus this action is taken.

This is the formal type of resolution we receive towards the end of the session of Parliament—it is similar to the Road Closure Bill, and the like. I see nothing in the motion to which we can take exception. The move is a logical one, and reasoned explanations are given for the move in the papers tabled in Parliament. Those provide an explanation of what is being done in each case and a description of the areas concerned.

THE HON. V. J. FERRY (South-West) [10.38 p.m.]: This motion refers to State Forests and, as such, it concerns a very vital industry in Western Australia. At present the timber industry is the fourth largest primary industry in the State. From my perusal of the various areas to be released—a list of which has been presented to us—and the situation as it affects each one, it seems reasonable that the motion should be supported.

I am aware that there are many areas of State forests that could well be looked at quite closely. I am sure most of them are looked at very closely, because the vital timber industry of this State must be preserved. We should therefore take steps to preserve for all time the natural hardwood forests in this part of the continent.

The industry is dependent on timber production, and I am aware of many areas of State forests which, in my opinion, could well be released for other purposes. This is a field in which a great deal of discussion and argument can take place. At the present time many areas with very little vegetation on them are included in the State forests.

I realise the Forests Department is carrying out a vigorous research programme with a view to reforestation with pines and also with other species. I am the first to commend the department for the programme it is implementing, because that is most necessary.

Apart from preserving the hardwoods we need to grow sufficient softwoods for our own needs and for export. Many of the State forest areas carry little vegetation and little marketable timber, and in many instances a good case can be made out for the release of land for agricultural purposes.

I want to refer again to the timber industry, which is related to our State forests and to the workers employed in it. I understand the timber industry employs 8,000 men and women at the present time. It might have been only last year when women for the first time were employed on timber mill sites. This was brought about through the lack of male labour to man the equipment and the mills, and in particular to stack the timber in the yards. Many of these jobs can be performed quite satisfactorily by women, and they are jobs which do not require great physical strength. The number of people employed in the industry gives an indication of the employment opportunity not only for men but also for women.

In referring to the Forests Department it is prudent to reflect on the size of the work force. I think the department employs no fewer than 1,000 persons. The milling section would employ 4,000, and the remainder would be engaged in milling and production at the various marketing stages. This is a vital medium of employment not only for the country, but also for the metropolitan area, because much of the timber is processed in the metropolitan area where there is a work force available. In the metropolitan area the work force has available modern amenities, but in many country centres although the workers are provided with improved working conditions it is still a problem to fill many positions in the industry.

I have taken out a few figures to show the value of the timber cut in the 1964-65 period. The value of timber on skids at the timber mills throughout the State was $25,076,700, and there are 200 mills of varying sizes throughout Western Australia. During the same period the value of all other forest products totalled $6,507,000.

Some people think it is peculiar that Western Australia should have timber worth a certain figure at the mill sites and have other forest products as well. The answer is a fairly simple one. The miscel-

laneous section of forest products include mallee bark, timber used as props in mining, licenses from State forest areas, sandalwood, and many other items, including gravel which is a controversial question.

The figures I have given are considerably less than the final market price received for the timber products. We all realise that timber goes through varying manufacturing processes, and the value of the timber at the manufactured stage is considerably greater than the figure I have given. I will not hazard a guess as to the amount.

The motion deals with State forests, and seeks to release certain areas—small though they may be. The areas to be excised will not make a great difference to the overall picture of the State forests, because on the 30th June, 1965, the area of State forests totalled 4,461,264 acres.

Although we have over 4,000,000 acres under State forests in Western Australia, the acreage is still less than that reserved for timber in each of the States of Victoria, New South Wales, and Queensland. I am acutely aware of the conflict between private landowners and the Forests Department in my electorate, but we still have smaller forest reserves than the other three States I have mentioned.

Of the State forests more than 70 per cent. consists of jarrah, and jarrah accounted for 72 per cent. of the log volume cut during 1964-65. Karri made up 17 per cent. of the total, wandoo five per cent.; pine five per cent., and other woods one per cent. So jarrah is by far the most profitable of our timbers.

Of the total timber production during 1964-65 one-quarter comprised railway sleepers, and about 30 per cent. of these sleepers were exported either interstate or overseas. The rest were used in railway construction and on major projects in the State, particularly in the north-west. So the development of the north-west has helped the southern sector of the State to no mean degree in the development of the timber industry. It is due to this factor that the timber industry today is enjoying the prosperity that it does.

I mentioned a while ago the labour force is not sufficient to fill the positions available and, as a result, women have had to be employed. Timber exports have been declining over recent years, and this brings me to the point where we need to carry out a vigorous programme to capture new markets. I understand that during the next 10 years, several long-term export contracts are due to expire and this, unless those contracts are replaced by new overseas contracts, will affect the timber industry considerably. I realise that part of this situation might be offset by trade with New Zealand. At the commencement of this year the Australian-New Zealand Free Trade Agreement came into operation and this is bound to provide a potential market for Western Australian timber.

A rise in local demand has offset the loss of some of the overseas trading. I refer, of course, to the great volume of timber used in major projects in the north and in connection with the standard gauge railway. Timber is also being used in increasing quantities for domestic buildings. Quite a number of mills in the State pre-cut enough buildings to build a township. The mills pre-cut the timber which is transported to the townsite and the buildings are erected. Some of the towns to which I refer are Koolan Island, Mt. Goldsworthy, and North West Cape. We hope this type of construction will continue with the development of more towns in the north and the extension of existing towns.

When I speak of timber production and State forests I immediately think of the karri timber belt in the lower south-west. I mentioned that jarrah is our major forest product, but karri plays an important part. Very recently a new mill was completed at Pemberton. I know this will provoke some comment, because it is a direct result of the Government's selling the State trading concern, which was formerly the State Building Supplies.

The Hon. F. R. H. Lavery: Did you say "selling"? I thought it was given away.

The Hon. V. J. FERRY: That is my opinion. At Pemberton today we have one of the most modern mills in the southern hemisphere. This mill is going through trial production at the moment; and its cost was something of the order of $500,000. Its estimated weekly production when it is in full flow, will be something of the order of 216,000 super feet of timber. This is approximately double the production of the old mill, but produced with approximately the same work force used prior to the old mill closing down. So we have a greater output, greater efficiency, and a greater stability of the area of Pemberton which is essentially a mill town. It has an agricultural district surrounding it; I realise it has some trout for the fisherman, but it is primarily a mill town.

This new mill, which is very modern, will give stability to the area for many years—a greater stability than was the case with the old mill. The conditions at this mill are vastly improved on the old set-up.

The Hon. S. T. J. Thompson: How many men are employed now?

The Hon. V. J. FERRY: Approximately 110; and that will be a fairly static figure from now on. I have been through many old mills; and when one goes through an old mill such as the one we had at Pemberton, one realises that it is a highly dangerous operation as there are bits of timber and all sorts of things flying around. The workmen operate under the most

appalling conditions in my view. I emphasise that, because that is how I feel about it.

In this modern mill the men will have added protection. The work will be lighter because of electrification; and there will be a lot of automation as a result of the use of electricity, and the dust nuisance will be greatly controlled. All in all, it is a much better and happier mill than the old one.

As I mentioned before, the town will stabilise. There has been some uncertainty, but I am quite sure that the men employed in the mill will appreciate the effort of this company in putting the industry on a sound footing and giving them decent conditions under which to work. That is something which did not occur under the old system. Another facet of this particular mill is the desire—

The PRESIDENT: Order! Will the honourable member please connect his remarks to the motion before the Chair.

The Hon. W. F. Willesee: Hear, hear!

The Hon. V. J. FERRY: Certainly. We are dealing with State forests, and the mills use timber from those forests. Therefore it is appropriate I should mention that it is necessary to preserve the timber in our State forests and to utilise that timber in the best way we can. From time to time the State forest area is extended as a result of the Forests Department buying land on the open market. On occasions people agree to sell freehold properties to the Forests Department.

I would point out that wood is one of the natural resources of the world and, in 1961, statistics show that industries using wood accounted for 6.2 per cent. of the total value of materials produced and 8.6 per cent. of industrial employment in the world.

I support the measure because it is correcting anomalies in certain areas where there are narrow necks of land protruding possibly into freehold territory. The number of blocks to be adjusted is quite sensible; and in some cases, they create a hazard in regard to protective burning and vermin. I have pleasure in supporting the motion.

THE HON. N. McNEILL (Lower West) [10.58 p.m.]: I take the opportunity to speak to this proposal and assure the House I will do it briefly. I have a special reason for speaking to this motion because one part of the State forest to be revoked adjoins an area in which I have a particular interest on behalf of a property owner.

Before dealing with that I would like to emphasise that while there are a number of areas referred to in this partial revocation of State forest, in actual fact the area is relatively small. Therefore, there is no need for members to be concerned about the retention of the existing area of State forest because the total area involved in this proposal is only 194 acres. One of the areas contains only 1 acre and is described as area No. 2, part State forest No. 7.

The area which particularly interests me—and this is an indication of how a certain piece of country can pop up several times in a person's life—is 28 acres bounded on one side by a gazetted road for which I was partly responsible some years ago. The settlers concerned were desirous of this road being accepted as a school bus route, and I was instrumental in achieving this.

Then in later years—in my capacity as chief fire officer in Waroona—I was involved with this area during the Dwellingup-Nanga Brook fire in January, 1961, which reached its critical stage in this vicinity. The fire almost broke out again several times in this area immediately adjoining that which is to be returned to this landholder. I say "returned" because previously it had been part of a private property in an historically interesting area. It subsequently reverted to the Forests Department and was incorporated in the dedicated State forest No. 14.

Therefore having made some considerable investigations in this area for the adjoining landholder it is with some pleasure I speak to this motion and give it my support. As I have said, it is not frequently that one meets with success in having any portion of a State forest revoked.

The Hon. G. C. MacKinnon: You can say that again!

The Hon. N. McNEILL: That is as it should be, I believe; but this was one of those rare occasions when it was possible, and in those circumstances, I am pleased to support the motion.

Question put and passed, and a message accordingly returned to the Assembly.

RURAL AND INDUSTRIES BANK ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

STATE FORESTS

Revocation of Inland Areas: Assembly's Resolution

Debate resumed, from the 8th November, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

> That the proposal for the revocation of State Forests declared under the Land Act Amendment Act, 1904, laid on the Table of this House by command of His Excellency the Governor on Thursday, the 27th October, 1966, be carried out.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [11.3 p.m.]: I agree with the motion.

THE HON. V. J. FERRY (South-West) [11.4 p.m.]: I support the motion.

The PRESIDENT: Order!

Question put and passed, and a message accordingly returned to the Assembly.

House adjourned at 11.5 p.m.

Legislative Assembly

Wednesday, the 9th November, 1966

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

DARRYL RAYMOND BEAMISH (NEW TRIAL) BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Hawke (Leader of the Opposition), and read a first time.

QUESTIONS (18): ON NOTICE

LAND

Exmouth Business Sites: Responsibility for Cost of Roads and Footpaths

1. Mr. NORTON asked the Minister for Lands:

   (1) When his department allocates land to private people for home building on leasehold terms, who is responsibile for the cost of putting down roads and footpaths?

   (2) Would any prepayment be required on such land as is the case with the leasehold business sites at Exmouth?

   Mr. BOVELL replied:

   (1) The local authority by arrangement with the Lands Department.

   (2) Proposals are given consideration at the appropriate time.

Carnarvon: Examination of Problems by Minister

2. Mr. NORTON asked the Minister for Lands:

   (1) Has he received a request from the Shire of Carnarvon to visit Carnarvon and make an on-the-spot survey of the problems confronting that town in respect of land for housing and industry?

   (2) If "Yes," when will he be making the trip?

   Mr. BOVELL replied:

   (1) Yes.

   (2) I am not able to indicate when it will be possible for me to visit Carnarvon.

IRON ORE

Mt. Newman Deposits: Submission of Consortium's Proposals

3. Mr. TONKIN asked the Minister for Industrial Development:

   (1) Has it been announced in Japan that the consortium of which B.H.P. has assumed the leading role and which proposes to develop Mt. Newman iron ore deposits will defer for two months submission of its plans to the Western Australian Government?

   (2) Has it been announced in Japan also that in the meantime the consortium will proceed to put its plans for Mt. Newman into operation?