

Legislative Council

Thursday, the 13th September, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE PARLIAMENT HOUSE CAR PARK

Defacement of Cars

The Hon. D. J. WORDSWORTH, to the President:

As President of the Joint House Committee are you aware, Sir, that cars parked in the members' car park are being defaced by Labor Party advertisements? Would you be good enough to make provision for the protection of the property of members?

The PRESIDENT replied:

I was not aware of any cars in the parking area being defaced. This is the first mention I have heard of the matter, but it is one which could have been raised with me privately. I shall attend to it as soon as possible.

The Hon. J. DOLAN: May I have a little more information? The honourable member mentioned in his question that these were Labor Party advertisements.

The Hon. A. F. Griffith: The question has not been directed to the Minister.

The Hon. J. DOLAN: I could raise this as a point of order. I take strong exception to the reference to Labor Party advertisements.

The PRESIDENT: I suggest that if the Leader of the House wishes to bring this matter up he, in turn, could ask a question of Mr. Wordsworth.

The Hon. J. Dolan: To ask him privately or through you, Sir?

The PRESIDENT: I think it would be preferable for us not to make too great an issue of a matter of this nature.

The Hon. J. Dolan: I did not even know anything about it.

WOOD CHIPPING INDUSTRY AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. V. J. FERRY (South-West) [2.43 p.m.]: I have in my hand at this moment a sample of a product which is

the subject matter under discussion in the Bill before us. The product is a sample of wood chips made from Western Australian hardwood. I understand these chips were chipped in Japan from logs sent to that country as a sample; of course, the hardwood has been returned to this State in this form. I would be happy to make this sample available to members for their examination, if they so desire, so that they may have some first-hand knowledge of the subject matter under discussion. I will make the sample available privately.

This is a unique industry. The timber industry of Western Australia has been operating along very traditional lines from the time we first became a colony. The prospects of establishing a wood chipping industry based on our natural, indigenous hardwood is seen as something which will augment an industry that is already with us.

The development of the wood chipping industry is unique in that it is designed to harvest and to replace a natural resource; and this is unlike mining operations which, in fact, take materials out of the ground without replacing them. The wood chipping industry will enable forestry to be conducted as a harvesting operation, with the idea of regeneration and so produce further crops, I hope, in perpetuity.

I wish to refer to the original agreement which was passed by this Parliament in 1969. For the sake of the record I refer members to volume 183 of the *Parliamentary Debates*, 1969-70.

Upon refreshing my memory after checking on the debates that took place it has become abundantly clear to me that at the time the original Bill passed through this Parliament it received mutual acclaim and mutual support from both sides of the House. Today we find before us a Bill to amend the original agreement. I hope that this will also have universal support from all sides.

Personally I can recall the events which took place several years ago leading up to the situation that exists today. I remember the endeavours made by the industry to use our hardwoods in a more advantageous way. This has been a problem right from the inception of forestry in Western Australia. I well recall early in 1968 being called on at Manjimup by representatives of the Bunnings Timber Company and representatives of the Japanese paper milling concerns.

On that occasion early in 1968 one of the Japanese representatives had great pleasure in presenting me with a small piece of paper which I now exhibit. This has been made from Western Australian hardwoods, as a trial sample. Printed on this piece of paper is a very pleasant photograph of what I take to be a young

Japanese lady. Perhaps this is of historical interest. I shall also make this piece of paper available to members for their examination, if they so desire.

This legislation is nothing new. It seeks to amend what has already been approved by this Parliament and by the previous Government. To its credit the present Government is carrying on the assistance to the industry. Modern technology has made the natural hardwoods of Western Australia a valuable source of material for paper making. According to a recent Swedish investigation, the pulp future for fine paper will be eucalypt kraft. I understand that "kraft" is the term used for a type of processing, and it has particular application to the making of strong paper.

Japanese interest in Australian eucalypt chips arose from her need of raw material for the manufacture of fine paper by the kraft sulphate method. Our chipping industries—I use the term "industries" although this is the first in Western Australia and, maybe, the only one in Western Australia, but there are wood chipping industries in other States—depend exclusively on exports. Let us therefore look at the world situation, if we are dependent upon the export market.

The world demand for wood-chip products—and this includes paper, paper board, fibre board, and particle board—is running at an all-time high. The demand is increasing. Of those particular categories I have mentioned it seems that paper has the greatest potential.

Under the terms of the agreement contained in this legislation the role of Japan is crucial in the development of the wood chipping industry in Australia, and particularly in Western Australia. The consumption of paper in Japan is increasing. I do not intend to quote the actual figures, but the increase is at a considerable rate each year. For that reason Japan has need to seek further supplies of raw materials from the Pacific region and from other parts of the world. The pulp mills in Japan cannot be supplied adequately from the natural resources in that country.

At the present time the Japanese mills are using a combination of domestic hardwoods and others, such as red and black pine, spruce, Douglas fir, hemlock, eucalypts, lauran, and rubber wood. Japan also relies upon imports from the United States of America and from Canada.

It is pertinent to the present agreement that Japan finds itself in the situation where its contracts with the United States of America and Canada will terminate in 1975. For that reason there is concern that imports from those countries may, in fact, be a little restricted in the future. It is no small wonder that Japan is seeking raw materials from a number of other countries in order to protect its paper pulp industry.

At the moment Japan does import a limited quantity of timber for paper production from such places as Malaysia and Alaska. Alaska is part of the United States but it is somewhat removed from the mainland. Imports are also made from the U.S.S.R. and New Zealand.

It is as well to remind ourselves that the U.S.S.R. has the largest area of forest of any country in the world. It has the largest reserve of standing timber. Of course, the U.S.S.R. does export a limited quantity of timber, but in the main it seems that that country is more involved with its own domestic industrial growth and its own internal needs. We would not normally expect the U.S.S.R. to export a considerable quantity of timber for wood chipping purposes in the near future.

Of course, other sources are available and I refer to countries such as the Philippines, Indonesia, South Africa, Brazil, India, and a number of the Pacific Islands. It may surprise members to know that the humble mangrove is, indeed, a material used in the wood chipping industry.

The Hon. I. G. Medcalf: Where does Canada fit into the scheme; it has a vast area of forest?

The Hon. V. J. FERRY: Yes, Canada does have a lot of forest country but I could not, at the moment, indicate the size of its operations. I have already mentioned Alaska, to the north of Canada. In the U.S.S.R. the heavy forest country is well towards the Arctic and a considerable problem is involved in getting the timber out from the northern regions because of distance, topography, climatic conditions, and the lack of ports in the main. It is known that the main ports in the northern region of the U.S.S.R. are open for only four months of the year.

The Hon. D. K. Dans: There are large stands of timber in Siberia, quite close to Japan.

The Hon. V. J. FERRY: Yes. Wood remains the most favoured raw material for the manufacture of paper at the moment, and competition from plastic paper is relatively small, as is the competition from other aspiring substitutes including fibres and waste from cane sugar, which is called magasse.

This State is availing itself of the market available in Japan and I hope that as time goes by that market will increase. I believe there is some prospect of this State taking advantage of the market which exists in such places as Korea, China, Singapore, the United Kingdom, and even Europe. That is not beyond the bounds of possibility in some limited way.

When talking of raw materials for paper making it is interesting to note the formation of the South-Sea Islands Afforestation Association which comprises a group of seven Japanese companies. The association is searching for areas suitable for

afforestation in the future. The group of seven mills has formed the association to examine ways and means of securing raw materials for its use.

One of the companies in the group, Oji Paper, has established a joint venture in Malaysia to test the afforestation of pines. I understand the area has been established on a trial basis and covers something like 500 hectares. If the experiment is successful over a five-year period an area of approximately 2,000 hectares will be planted. Of course, if that area is also successful one can imagine that a greater acreage will be planted.

Further joint ventures with other countries will have a marked effect on the wood chipping industry. If those countries are able to replace their forests with fast-growing species, of which there are quite a number, and based on a 15-year rotation, it would have a significant effect on the industry. One must recognise that forestry, and the growing of timber for wood purposes, is usually a long-term project. We, in Western Australia, have come to think of a long-term project as some time between 80 and 100 years. However, it is now recognised that certain species can be grown over a period of 15 years, which is not a particularly long time.

I can understand the concern felt by some people towards this industry and the effect it will have on the environment. However, I must say that some of the concern that has been expressed would appear to be ill-founded and seems to have arisen out of a lack of a full understanding and appreciation of what the wood chipping venture will involve. I am quite sure that when people thoroughly study the proposal and fully understand its implications, they will be less alarmed.

At this stage I could do no better than refer to an impact statement compiled by the Forests Department of Western Australia. The material contained in the statement is of extremely high quality and the department has done an outstanding job in presenting the results of its examination of the implications of the industry. I will refer to the statement again a little later but it would be remiss of me if I did not give credit to the dedication shown by the professional foresters of this State in compiling the document. I also commend the foresters for the work they have done over many years, and will continue to do in the future. They are dedicated people and they have the interests of the State at heart. Because of their occupation they are naturally inclined towards preservation of timber and trees, rather than their destruction. It is not surprising that they take extreme care to make sure that our forests are cared for so that they will remain with us for all time.

Forestry in Australia is governed to some extent and perhaps finally by legislation. It is of course also helped by parliament-

ary committees appointed from time to time, by commissions appointed from time to time, certainly by conferences both at the Commonwealth and State levels from time to time and, ultimately, as need arises there is legislation to cover the situation.

But one cannot go past a review of the project before us at the moment without reviewing what is the place of forestry in the Australian scene. It is necessary for one to go back to Federation in 1901 to find that at that time forestry was left in the hands of the States; it was left under their administration. The power for forestry purposes was not handed to the Commonwealth, although the Commonwealth does have wide powers to influence industries based on forest products. These powers include loans with conditions for certain purposes.

The Commonwealth also provides advice on matters relating to a particular industry and quite importantly of course there is a school of forestry based at Canberra. So the Commonwealth Government does play an important part in the overall situation of forestry and of course it does have power over all types of forestry in its own territories—and I refer to the Northern Territory and the Australian Capital Territory. But it does not possess power to the same extent within the States.

I wish now to refer to the report of the Department of Environmental Protection tabled in the Legislative Assembly last week.

The Hon. F. R. White: Has it been tabled here?

The Hon. V. J. FERRY: It may have been tabled here but I am not sure whether it has.

The Hon. J. Dolan: It was tabled today.

The Hon. V. J. FERRY: I obtained the copy I have from the Legislative Assembly. When considering the legislation before us it is as well to look at the environmental situation in some detail. We know this is a matter of great concern amongst a large sector of the community, and it is to the credit of the Western Australian E.P.A. that it should come up with an interim report on the wood chipping industry which is based at Manjimup.

On reading the report it seemed quite clear that the authority is experiencing difficulty in coming up with its findings. But before I get onto its findings proper I would refer to a covering letter which accompanied this report from Dr. Brian J. O'Brien to the Minister for Environmental Protection, dated the 24th August, 1973. I now quote the last paragraph of that letter which reads—

The query that comes to mind immediately is, of course, whether such a telegram from an Australian Senator who is not the Minister for

Environment and Conservation, can effectively overrule the W.A. Parliament should the Legislative Council approve the current Bill.

I will go back a little further and explain that confusion evidently exists as to the significance of the telegram Senator Wriedt sent to the Premier on the 20th August, 1973.

It seems that Senator Wriedt, as Minister for Primary Industries in the Commonwealth Parliament, sent a telegram to the Premier and there is apparently some confusion about the matter. I will deal with that aspect in a moment. But before dealing with it in greater detail I would like to make the comment that I find it incredible that the Director of the Department of Environmental Protection should have used the phraseology he did when he said, "should the Legislative Council approve the current Bill."

I should have thought it would have been more appropriate for the director to have said, "should the Western Australian Parliament approve the current Bill." I find it extremely interesting that the director should single out, whether intentionally or unintentionally, the Legislative Council in these circumstances.

The Hon. J. Dolan: What was the date of the letter?

The Hon. V. J. FERRY: It was dated the 24th August, 1973. As a member of this House I find it a little objectionable that the director should have written in the way he did, and I hope it was done inadvertently. I repeat that it is my belief that his expression would have been more correct had he said, "should the Western Australian Parliament approve the current Bill." It would have been far more correct had he said that rather than refer to one particular House, because as we well know all legislation if it is to become law requires the assent of both Houses of the Parliament.

The Hon. A. F. Griffith: That is the only correct way to state it.

The Hon. V. J. FERRY: I was merely trying to be kind.

The Hon. L. D. Elliott: The Government's attitude was known. It knew the Bill would pass the Assembly but it was not sure whether it would pass through this Chamber.

The Hon. V. J. FERRY: I think Miss Elliott would know that the Parliament in this State is comprised of two Houses.

The Hon. L. D. Elliott: It is made up of two Houses, one of which may well reject legislation coming from the other House.

The Hon. A. F. Griffith: Either of which may reject such legislation.

The Hon. V. J. FERRY: I think it is abundantly clear for those who wish to understand that both Houses of Parliament are required to pass legislation before it becomes law.

The Hon. A. F. Griffith: Of course. What would give the Director of Environmental Protection the idea that this House would not pass the legislation?

The PRESIDENT: If that is the correct context of the utterance it is a reflection on the Legislative Council. Would the honourable member please continue?

The Hon. V. J. FERRY: Thank you, Mr. President. I would like to quote from page 3 of the interim report of the E.P.A. The report reads—

Although those environmental impact statements are called for at the discretion of Dr. Moss Cass during the calendar year 1973 and will become mandatory from January 1st, 1974, in matters deemed to involve constitutional rights or financial commitments of the Australian Government, there is no specific enabling legislation, nor indeed any clear-cut guide as yet as to what may be required in such a statement.

It seems to me the E.P.A. is having great difficulty in trying to ascertain what is in fact the intention of the present Commonwealth Government. Until it comes up with some particular guidelines I do not know whether the E.P.A. will be able to carry out its correct function, willing though it may be to do so.

The Hon. L. A. Logan: Why should the Commonwealth interfere with the State problem?

The Hon. V. J. FERRY: I think this is a pertinent question. As I said earlier, we in this State are extremely fortunate in having professional and competent foresters who are jealous of their profession; who are jealous to maintain forests in perpetuity. I think they can be relied on to maintain the interests of the State.

The Hon. L. A. Logan: He should be told to mind his own business.

The Hon. V. J. FERRY: Until the E.P.A. settles down I think it will have difficulty in trying to ascertain the intention of the present Commonwealth Government.

The Hon. A. F. Griffith: The E.P.A. is not the only body that is finding difficulty with the Commonwealth Government.

The Hon. V. J. FERRY: I would like to quote from paragraph 7.3 of the E.P.A. report at page 9. This is very pertinent and it reads as follows—

7.3 The EPA does note with some concern the procedure adopted by the Australian Government where-in the telegram from Senator Wriedt to Hon. Premier stated that an export licence was granted

subject to resolution of any new environmental issues by a joint committee meeting in Canberra. The EPA notes that it has no terms of reference of the sub-committee, no indication of a date when they must report, no specifications as to their professional qualifications and no information as to what is envisaged at this point in time by the phrase "any new environmental issues". Contact with a senior departmental officer in Canberra revealed that he was unaware that the telegram had been dispatched by Senator Wriedt and even after making further inquiries and telephoning back to the Department of Environmental Protection he was unable to elucidate on the matter. In short the EPA is concerned that this method of approach by the Australian Government towards environmental management in the absence of any specific enabling Federal legislation has caused a great deal of confusion in the public domain and a great deal of uncertainty as to appropriate procedures to be followed in environmental management. The EPA looks forward to clarification on this matter at the earliest possible date.

Again on page 9 I would like to quote paragraph 8.1—

- 8.1 The EPA remains unconvinced that sufficient is known about environmental implications of the Woodchip proposal for it to be completely endorsed at this point in time. Equally well as outlined above the EPA is scarcely in a position to render at this stage a blanket disapproval of the project.

So we can see that the Environmental Protection Authority is operating under great difficulty. It would seem it is lacking guidance or suggested guidance from several sections of the Federal scene. I do not think I need say any more about this aspect.

Referring to the impact study again; it is quite apparent that a great deal of research and many operational studies have been carried out. Indeed, these have intensified over the last decade and even before this. The report was produced based on some 35 years' work carried out by professional officers. The Forests Department has a long-term field of endeavour in this regard. So although the findings were compiled in a very short space of time, they are in fact based on many years, practical experience in this field.

Over the last 10 years or so, we could sum up the department's priorities in these terms: It has concentrated on the regeneration of native eucalypts; it has given increasing consideration to protection from fires; it has placed a great deal of emphasis on problems relating to fauna and flora; it has encouraged recreation by the public in the forests; and it has carried out intensive inventories of forest resources. The result of this work is contained in the report.

Of course some disadvantages will occur with this industry, and no-one would deny this. Jarrah is subject to the disease jarrah dieback. Its correct name, of course, is *phytophthora cinnamomi*. The other disease is jarrah leaf miner, which is more correctly known as *penthida glyphapha*. With the advent of the wood chipping industry, it is reasonable to assume a real danger exists that the diseases may spread a little further. However, this problem is being tackled.

The present sawmilling operations in the forests are quite wasteful. It may not be generally known that only one-third of a tree felled for sawmilling purposes finally reaches the sawmill. Of that, no more than one-third may be recovered in the form of sawn timber. It is possible that 80 to 90 per cent. of the tree is wasted. This may surprise many people. We want to use every bit of timber that we possibly can.

It is important that we utilised the waste timber lying in forests and at sawmills. In this State there is as much as 1,000,000 tons of timber wasted every year as a result of timber-felling operations. This has been estimated by people who should know what they are talking about. The timber is left to rot on the ground or to be burnt by fire.

With the integrated operation of sawmilling and chipping. It is hoped to achieve a far healthier economy and use of the total timber. Despite automation—and there has been a great deal of automation implemented in the timber industry in recent years—the industry still maintains a relatively high labour component. It is in fact an excellent example of decentralisation using manpower and utilising resources where they are produced in the forests. However, in the past and up to this time, operations in the forests have been hindered somewhat by the species marri, commonly known as red gum. A number of people have regarded this as a troublesome species. In fact, over a long period of time it has been regarded as so troublesome that the Forests Department has engaged in thinning marri species by poisoning or by normal hewing methods. Marri has a special commercial value at the moment, and it has the facility to regenerate very quickly—it grows at a much faster rate than karri. I do not believe that marri is a nuisance timber,

and I base my thinking on my own experience and my discussions with people working in all facets of the industry. It is a very good timber, but at the present time it has only limited use for sawmilling. Because of overcrowding in the forests, it is a nuisance in harvesting other species. Therefore, it has to be thinned out.

Under the proposals of the wood chipping arrangements, we will be able to take most of the marri and the regeneration will be at an acceptable level from the stumps. The saplings from the regenerated timber coppice are most acceptable to the timber industry.

The Hon. D. K. Dans: Does it take very long to come back?

The Hon. V. J. FERRY: It grows very quickly indeed. I believe we could find that marri regeneration is acceptable to the industry in from five to 15 years depending on the area in which it is grown.

The Hon. D. K. Dans: Would the trees be fully grown again?

The Hon. V. J. FERRY: They would not be fully grown, but grown to an acceptable stage. It would be acceptable to the industry because it is regenerated timber from coppice and has a very sound heart. It is solid right through, and very easy to handle.

It is interesting to note that although it is possible to use jarrah, it is not acceptable to the pulping industry at the present time. It can be used, and in future it may be used, but at the moment the wood chipping industry, as far as this agreement is concerned, is concentrating on marri and karri.

With the silviculture method of regeneration, karri can be encouraged to dominate in mixed stands of timber. Karri, of course, is a prime timber.

I now come to the question of clear felling. This is an expression which has conveyed a most unfortunate picture to a number of people. I understand that, in Europe, clear felling, in forestry terms, is more commonly known as parkland clearing. Trees are cleared from the area, but the seed trees are left and when the seeds have fallen they remain on the ground for a period and they are subjected to a hot fire fueled by surface vegetation to provide an ashbed to aid regeneration. It may not be generally known that fire plays a most important part in the regeneration of most of our eucalypts and for good regeneration it is necessary to have a hot fire go over the area after the seed has been lying on the ground for a period. In some instances, to assist regeneration, the Forests Department does in fact scrub roll the ground to ensure a hot fire for the regeneration of the forest. For the information of members I think it is worth while to quote from the Forests Department environmental impact statement at page 16, paragraph 3.8 as follows—

As in all native Australian eucalypt forests, fire is an integral part of the

ecosystem. Not only have plants natural adaptation to survive fire, but many depend on it for their continued survival. Hard coated seed requiring fire to germinate, woody seed capsules, dramatic and permanent growth responses to ashbed, lignotubers and strong coppicing ability are all adaptations which testify to the long presence of fire in the vegetative community. The fauna likewise has adapted.

Therefore we are greatly concerned with wild fires in forests in contradistinction to those that are controlled and lit for the benefit of regeneration.

The Hon. N. E. Baxter: Do you say this is done under a selective felling programme?

The Hon. V. J. FERRY: Yes, this is done under a selective felling programme and what I am referring to is an extension of it. In a moment or two I will describe how selective felling will take place. Before I leave the question of regeneration, I point out that, at present, marri dominates with normal felling. It takes over to the detriment of other species such as karri. Another feature connected with the wood chipping area in the south-west is that it is envisaged that the soil in that area will not erode. Generally speaking the area is relatively flat. It is undulating without being steeply banked, and therefore there is not a great deal of water run-off. The water runs off gradually rather than rushing off.

In this type of country, after a clear felling operation, good cover could be obtained in one year, and good stands of trees which have been growing for nine, 13, 16, and 100 years in the south-west, are in fact available for people to study right now. These stands illustrate that cover can be obtained within a short time.

In speaking of clear felling, I think it will be appropriate to mention an area which could be considered a classic. This is featured in a pamphlet published by the Forests Department. This pamphlet relates to the Pemberton area and shows what is commonly referred to now as the 100 years forest. The area is a picnic spot and is situated at Lefroy Brook. One hundred years ago the area was completely cleared and a wheat crop was grown on it. This is not a wheat-growing area and as time went by the forest once again took over so that today there are some magnificent stands of karri growing there. The result is that the spot has become a very popular tourist attraction.

We know a great deal about this area. It is not a case of "hit-and-miss" regeneration of indigent forests. There are some other plantations there, such as

pine plantations. Regenerated karri and marri would be a little slower in growth compared with *pinus radiata* which does grow at a fairly fast rate.

The area to be cut over will be dealt with under a grid system. It will be selective felling, about which Mr. Baxter inquired earlier. It is intended that with the cutting of *coups* of varying sizes in the jarrah-marri area, the *coups* will be something of the nature of 800 hectares, or some 2,000 acres at any one time. In the karri-marri stands the area will be smaller—something in the nature of 200 hectares. This will be known as clear felling, but the area will not be completely cleared because the seedtrees will be left for regeneration purposes. This should be done in the short space of a year. A number of cutting *coups* will be carried out in a given section of the area under the guidance and direction of the Forests Department.

The whole region will not be cut on a face, but the work will be carried out as a patchwork quilt operation to ensure that no-one at any time is bereft of forest areas.

The Hon. N. E. Baxter: Where is that laid down?

The Hon. V. J. FERRY: Guidelines have been laid down and the environmental impact statement will show how this will be achieved and directed by the Environmental Protection Authority in association with the Forests Department and the company concerned. The company itself is extremely conscious of the need for these guidelines to be followed. I might add that the W.A. Chip & Pulp Co. Pty. Ltd. has as its guarantor company Bunnings Timber Holdings which recently has been joined by Millars Australia. Both these timber companies have had many years of experience in the milling business. Bunnings commenced its operations in 1886, but I am not sure when Millars commenced its operations in this State. However they are most experienced companies so far as timber is concerned and they do not wish to see the end of the timber industry, because they intend to stay in it for as long as possible.

The Hon. J. Dolan: The Forests Department will ensure that they do the right thing, anyhow.

The Hon. V. J. FERRY: Exactly. It is also interesting to note that the proposed area that is to be cut over under the wood chipping agreement is about the same area in total as that which is now being cut over for sawmilling requirements. Screening of the areas in question will be carried out to create roadsides and will keep rivers and streams free from any pollution. This is clearly set out in the environmental

impact statement and the maps of the area that have been prepared by the company. Corridors will be provided so that wild life may survive. These corridors will be spread among the various cutting *coups* as distinct from other areas that will be set aside for different purposes. Areas with the highest density of flora and fauna will be set aside and reserved for the preservation of special species of flora. These will be kept outside the cutting areas.

The same applies to our fauna. Special arrangements will be made for their preservation and welfare. I also draw attention to the environmental impact statement once again, which is very complete. I say that because it lists the many species of birds that are to be found in this area, their mode of living, and their seasonal habits when they are in the forest area.

Approximately 165 species of birds are found in the forest area the subject of the project. Of these, 127 frequent the dry forest area, while 74 frequent the wet forest area. It will be realised, of course, that some frequent both wet and dry forests. In addition, some 30 species of reptiles are to be found. I mention those facts to illustrate the detailed work which has been undertaken to establish and evaluate the effect of the project.

A very important aspect is salinity because it worries many people. It is abundantly clear, however, that the area most likely to be adversely affected by the cutting is the area north of Manjimup, and that area will not be cut. In the main the project will be concentrating on the area south and south-west of Manjimup which has a higher rainfall. In the area north of Manjimup the rainfall falls off a little and thus salinity creates a problem there. However that aspect has been recognised and is under control.

Over a period of years I have had quite a close association with the area and I have seen no sign of salt in the high rainfall belt where the main cutting will occur. A very close liaison has existed between the Western Australian Environmental Protection Authority, the Forests Department, the company, and all Government agencies, and the problem of salinity of the streams and the like will be closely monitored at all times and it will be regularly evaluated. If any adverse effect in any direction is detected we can be assured it will be dealt with in a satisfactory manner.

I wish to refer to the Bill itself and particularly the clause which deals with the protection of the environment. Proposed new clause 30A on page 14 reads—

30A. Nothing in this Agreement shall be construed to exempt the Company from compliance with any requirement in connection with the protection of the environment arising out

of or incidental to the operations of the Company hereunder that may be made by the State or any State agency or instrumentality or any local or other authority or statutory body of the State pursuant to any Act for the time being in force.

I believe that clause will provide adequate machinery to ensure the environment is protected.

Some people have raised the question of the difference between our wood chipping project and the projects in the Eastern States. I wish to refer to one in particular which has been established in the northern part of Tasmania. The bulk of the wood for that project is being taken from private land and not from land controlled by the Forests Department. This fact has caused some concern in Tasmania. However, because the wood chips in Western Australia will come mainly from State forests, a greater control of the environment will be exercised.

I would like to make it clear that a spokesman for the company said at a public meeting in Manjimup on the 30th August, this year, that his company would, in fact, take some timber from private property in the Manjimup area, but that the timber would be taken from such private property only if the landowner were in the course of clearing and developing his property in the normal course of his farming operations. The company would not be a party to the sale of timber as a commercial undertaking for quick money-making. However, if a farmer were clearing his property for farming purposes, the company would be glad to take the timber at a price to be arranged and worked out for delivery at the mill. He also made it clear—and I was glad to hear this—that any entrepreneur would be wasting his time if he bought private land carrying a lot of timber and then expected the company to buy the timber because such an arrangement just would not be on.

The company has a responsibility in this regard and it is not its intention to encourage any exploitation, which I was glad to hear. The company's spokesman is a man who has had a long milling experience in the State, and I respect the undertaking he gave.

Another matter of concern to the milling interests in this State is the situation of the milling companies not directly associated with the project, because there are quite a number of other private firms. Some, of course, have forestry concessions and their land does contain a lot of marri. Although the agreement does not say so—neither the original agreement nor the amendment—I hope that these companies will get together with the W.A. Chip and Pulp Co. in an endeavour to arrive at a reasonable and equitable price for the

marri in these other timber concessions; because surely this would bring about a full utilisation of our forestry products.

I mention this in passing because I hope that consideration will be given by the company to inviting and encouraging the companies in this regard and to establishing an equitable system under which the other companies can offer their produce at a fair and reasonable price. We must bear in mind that the other companies will have no other avenue for the sale of their chips, so a great responsibility will be placed upon the W.A. Chip & Pulp Co. which has been given the license in Western Australia. It behoves the Government of the day to encourage a mutual undertaking because of the goodwill that will flow from it.

Becoming a little more parochial, I wish to refer to Manjimup and the effect of the project on it. It is anticipated that the population of Manjimup will increase from the present 3,500 to 4,800. That is the forecast and if it proves correct, such an influx of population will consolidate an already very good town and district and establish it as a solid south-west regional centre. The project will involve additional housing, augmented educational facilities, an opportunity for existing engineering firms to expand and others to commence, and the transport industry servicing the wood chip industry will be well to the forefront. That industry will gain as much as any other associated with the project because of the necessity for so many heavy vehicles to transport the product from the forest to the chipping site. General commerce and tourism will benefit, to say nothing of cultural pursuits, and so on.

In respect of the operations at the other end when the product has been transferred from the Diamond area south of Manjimup to the outlet at the Port of Bunbury, that port will gain as a result of the necessary consolidation of facilities and the increased employment opportunities which will eventuate. Bunbury, of course, must gain as a regional centre because if the population is increased south of Bunbury the benefits must rub off on Bunbury itself to some extent. People do, in fact, travel into town.

The effect on the south-west region as a whole must be considered only one of consolidation of an area which is already very diverse by way of its industries and activities. I have not studied the economic value to the nth degree. I understand the Department of Development and Decentralisation has compiled an economic statement but I have not yet been able to have it made available to me. I would like to look at it because I think it would be quite interesting. However the economics of the area must obviously be improved by the injection of the money since it has been

stated that Manjimup alone will benefit by \$2,600,000 a year. These are not my figures and I am accepting them in good faith.

Already the south-west is a prime area for the tourist industry and, indeed, the wood chipping industry which is to be established will only augment the natural attractions it has. Such attractions are the climate, the karri forests, fishing, permanent streams and pools, wildflowers, the coastline, the landscape of coast, forest, and farms, the Forests Department tree top fire lookout towers, the rainbow trail at Pemberton, the cascades, and One Tree Bridge.

Under the original agreement there was provision for giving consideration to the establishment of a paper pulp industry as distinct from a wood chipping industry in the south-west. Paper pulp has peculiar difficulties and I believe it will be a number of years yet before we can seriously consider establishing a paper pulp industry in the south-west.

However, under the terms of the agreement and by means of the amending legislation these studies will continue and reports will be made from time to time to assess the possibilities of this.

The freight rates for the product from the project site south of Manjimup to the Port of Bunbury have been renegotiated in lieu of the capital payment originally requested of the licensee company for rolling stock. Similarly, harbour charges have been reassessed because the company has been allowed to forgo its obligations to provide funds for the creation of extra facilities at the Port of Bunbury and the deepening of the harbour. In return the wood chipping company will pay higher charges over a period of years.

According to my calculations, in both these areas of freight rates and harbour charges the Government will come out in front over a 15-year period as compared with the previous arrangements. The wood chipping industry may well continue for a period beyond 15 years. We certainly hope it will. It has been suggested it could last for 45 years because the resources available are known to be three times those provided for under the license to the company. Three times 15 gives a 45-year life, perhaps. As the years roll by, the Government of the day will benefit from these increased rates.

The rearrangements, of course, have enabled the licensee company to make final negotiations with the Japanese milling firms at competitive rates on the world market. These people are prepared to pay as they go by way of higher rates year by year rather than raise capital at a high interest rate at present, as was the case in the original agreement.

The company itself will undertake the construction of private roads in the licensed forests area over which the wood chips will be carried. In fact the roads

will be built in State forests. I would like the Leader of the House to tell me what the situation will be with regard to road maintenance tax on vehicles which use these private roads only. We must bear in mind that they will be special vehicles travelling on the roads for a special purpose. They will do nothing except shuttle to and from the building site.

The Hon. J. Dolan: I can give a simple explanation as to what a private road is. Road maintenance tax does not apply.

The Hon. V. J. FERRY: I am glad to receive that assurance because I feel road maintenance tax should not apply to vehicles which use private roads which a private company is expected to build. The company will bear the cost not only of establishing the roads but also of maintaining them and the vehicles will use only those roads and no others.

Sitting suspended from 3.45 to 4.04 p.m.

The Hon. V. J. FERRY: My concluding remarks on this measure will contain brief references to the right of the Conservator of Forests to exercise certain controls. I quote from paragraph (h) on page 15 of the amending Bill—

The right is reserved to the Conservator to excise from the license area at any time without compensation to the Company—

- (a) any area which the State may require for roads, railways, stream protection, wildlife maintenance, protection of scenic attraction, or any other works of public utility amenity or convenience;
- (b) any area that has been cut over by the Company for chipwood timber.

It seems to me that by way of legislation the Conservator of Forests has rights to protect the area in this manner.

I further believe the company and the department controlling the forests will be supported in their endeavours by knowledge of the experience of other wood chipping industries already in existence in the Eastern States. Much can be learnt from the experience in other States and we can profit from it.

I would like to express my personal good wishes to the W.A. Chip & Pulp Co. Pty. Ltd. in its endeavours to establish successfully in Western Australia this unique and historic industry. I believe that with goodwill on all sides the company and Western Australia will prosper.

THE HON. F. D. WILLMOTT (South-West) (4.06 p.m.): My colleague (Mr. Ferry) has dealt with this matter at considerable length and in considerable detail. I do not propose to take a great deal of

time but I would like to make a few remarks, mainly on the matter of conservation.

Before going any further I would like to read to the House a letter from the Wildflower Society. It is addressed to The Hon. A. F. Griffith, as Leader of the Opposition in this Chamber, and it reads—

We draw your attention to our concern about the proposed Woodchip Industry at Majimup.

We wish to see safeguards written into the Act:—

1. To ensure protection of flora and fauna where felling is taking place, so that species indigenous to the area are conserved.

2. To ensure that salinity does not increase to such a degree that flora and fauna in the whole South West area are threatened. Throughout the State it has been found that clearing of too much vegetation causes salinity problems. The Environmental Impact Statement asserts that "the scale of possible salinity increase is not known" (Page 21); hence our concern for safeguards so that there will be research and control during the development of the industry.

3. To control erosion that could lead to gullying and sedimentation in the water catchment areas.

4. For proper forest management of the cleared areas to promote regeneration of native forest species. We stress the need for careful consideration by the authorities concerned before cleared areas are permitted to be used for the development of softwood forests.

5. To retain sufficiently large areas of indigenous flora untouched for posterity.

We would be grateful if, as leader of your party, you would bring the points made in this letter to the attention of your members before the final legislation is enacted.

It is the undoubted right of the Wildflower Society and anyone else who desires to do so to draw to the attention of the Government and members of this Chamber the matters contained in that letter. Some of those matters have already been adequately dealt with by Mr. Ferry.

It seems that a considerable amount of concern is being felt in a number of areas about this matter of conservation. I believe a good deal of the concern arises from lack of knowledge or an incorrect assessment of what has been said and written. I think we must keep conservation in its true perspective.

Surely the first conservationists in Western Australia were those responsible for the writing of our 1918 Forests Act.

The Hon. J. Dolan: It is the best Act in Australia.

The Hon. F. D. WILLMOTT: I agree. They were the first conservationists in this State, and anyone who studies that Act must agree that it is entirely a matter of conservation. That is why the Act was written; that is the theme and intention of the Act; and that is the way in which our Forests Department has administered the Act.

Perhaps I can be boring at times when I speak about forestry but I would like to refer to the mistakes which I think can be made in the interests of conservation. We have already made those mistakes in this State in the past and we can easily do so again if we do not keep things in their correct perspective.

I think I have previously mentioned that after the enactment of the 1918 Forests Act wanton destruction of timber took place in certain areas of the south-west—mainly in karri areas—with the implementation of the group settlement scheme. This occurred early in the 1920s, and then many people began to realise that considerable areas of valuable timber were being destroyed. In my opinion, it would have been better had such places as Northcliffe and Pemberton never been opened up for agriculture at all.

The Hon. L. A. Logan: They did not have the ball and chain in those days.

The Hon. F. D. WILLMOTT: That is right, but even today one can see the remains of ringbarking throughout that area. Because of the concern which was expressed at that time, we made what I believe was our first mistake; and it was made in the interests of conservation.

I think this matter bears repeating in order to point out how mistakes can be made in the interests of conservation. I refer to the step taken in 1926, as a result of that destruction of timber, when on all land alienated from the Crown after 1926 the timber rights were reserved to the Crown. Members know that for years I campaigned to have that legislation altered, and only in 1971 was that eventually done. However, in my opinion it was at least 20 or 25 years too late.

What was the effect of reserving all timber rights to the Crown after 1926? Undoubtedly it was intended to conserve timber, but that was by no means the effect, particularly after the war when the bulldozer came on the scene. Thousands upon thousands of loads of timber were destroyed on farmers' land because the timber rights were reserved to the Crown. That is why the timber was destroyed: the farmers had no interest in it.

I have said before—and I say it again now—that had the original concept expressed in the 1918 Act been adhered to, this destruction would not have occurred. Section 93 of the Forests Act, 1918, which is still in existence, provides that with the approval of the Conservator of Forests indigenous forest on alienated land can be claimed as an improvement to assist the landholder in freeholding his land.

That section of the Act was never implemented, and because of the destruction of timber which had taken place in the early 1920s provision was made in 1926 for reserving the timber rights to the Crown. I say it was done in the interests of conservation but it failed dismally to achieve what was intended. The effect of it was the destruction of a great deal of timber. This is an instance in which the intention was right but the result was a complete failure, in my opinion.

I think anybody who has had dealings with foresters throughout the world would know that they appear to be a unique people. They are dedicated. If one has dealings with the foresters in our State department one would think that many of them feel they own every tree in the forests. That is their attitude, and I find no fault with it.

It has been said and written that there has been a lack of research into the effect of this wood chipping industry. A great deal of research has been carried out over the years by our Forests Department, and I have a great deal more faith in the officers of that department than have many people who criticise.

Mr. Ferry referred to the way the agreement will be implemented, and he mentioned the reservation of areas adjacent to streams, etc., to prevent erosion. I believe all this has been very well thought out, and it is the answer to the Wildflower Society's claim that the industry will lead to gully-ing in water catchment areas. I firmly believe that people need have no fear of that. Mr. Ferry explained the effect of the term "clear felling" in the minds of the public, and he pointed out what will in fact take place. However, when the public see or hear the term "clear felling" they visualise vast areas stripped of vegetation. That will not occur.

I noticed that Mr. Dans asked a question regarding the regeneration of marri timber. For his benefit and that of other members I would like to relate a personal experience. Just before the last war I poisoned with arsenic pentoxide an area of marri country, and I would say I achieved a 98 per cent. kill. Then came the war and I was unable to follow up the poisoning, and nothing was done. Five or six years later at the end of the war that country was reforested with marri of about 15 to 20 feet in height, and as

thick as the bristles on a hog's back. The rate of regeneration and the rate of growth was unbelievable.

Mr. Ferry was quite correct when he said that marri will take over everything else if allowed to do so. I believe the taking out of this marri, thus encouraging better types of timber—particularly karri—to regenerate, will have a vast effect on our forests. Undoubtedly the marri will regenerate, but to a lesser degree; and over a period of time our forests will be vastly improved because of the better type of timber growing in them.

The Hon. J. L. Hunt: What percentage of karri would there be in the marri forests?

The Hon. F. D. WILLMOTT: It varies. Some of the country is mainly marri with a little karri. It varies according to the area. If left alone the marri will take over everything, especially under our present conditions where the karri is taken out and no marri is used because up till now it has been of no commercial value. So the marri has been taking over. I believe that to commercialise that which was previously of very little value will be to the advantage of the forests of Western Australia.

I think we are indeed fortunate to have the opportunity to establish this industry, and it will allow us over the years to upgrade our forests. I believe that will be the ultimate result. So although people are entitled to be concerned about this industry, I think their concern is of little consequence when we consider the whole proposition. We must consider the whole concept of the industry. Mr. Ferry has already mentioned the tremendous wastage in our present milling operations. We must also bear in mind that many surveys have been conducted throughout the world in relation to the use of timber and the availability of timber products. In every case of which I am aware such surveys have produced the same answer; that it is anticipated a world shortage of wood will occur by the turn of the century. Bearing that in mind, it is imperative that we make greater use of our timber. A return of 25 per cent. from a tree is indeed a poor return when we consider that within 30 or 40 years we will face a shortage of wood products.

It is unfortunate that jarrah is not acceptable as a chipping wood. However, considerable use will be made of the waste products of the karri timber and the red gum timber which at present is taking over where the karri has been milled.

So I believe that although a great deal of fear has been expressed from various sources regarding the result of this industry, there are no grounds for fear. I think our Forests Department knows what it is doing in regard to this industry and will

ensure that it is beneficial rather than detrimental to our forests. In my opinion the long-term effect will be beneficial.

I welcome the establishment of the industry, but I say this: it is a great pity that it was not established previously. It would have been established previously had a Commonwealth Government kept its big feet and hands out of something about which it knew very little. As long as we have Commonwealth Governments which believe that all the know-how and all the brains are centred in Canberra—and the present Commonwealth Government is heading faster in that direction than any previous Government has—then God help Western Australia.

The Hon. J. Dolan: Which Commonwealth Government prevented this industry from being established previously?

The Hon. F. D. WILLMOTT: It was the previous Government, not the present one. However, all Commonwealth Governments have a tendency to feel that they know everything. The previous Commonwealth Government would not be told that Western Australian eucalypts do not compare favourably with Eastern States eucalypts when it comes to wood chipping. The previous Commonwealth Government said we would have to receive the same price as was received in the Eastern States before the industry could be established. That was unacceptable to the Japanese, and it still is. That is fair enough, because our timber is not as acceptable as the Eastern States timber from the economic point of view.

I mention that because the present Federal Government is not the only one which has offended. It seems that all Commonwealth Governments often offend in this direction, although the present Government is heading towards centralisation of control in Canberra more quickly than any previous Government. I repeat: if this continues, God help Western Australia. We will suffer the most, because the further away one is from a centralised situation, the more one suffers.

One final matter I would like to mention concerns the misconception of so many people regarding our fauna. The conservation of our forests has resulted in the conservation of much of our fauna. A great deal has been said and written about the destruction of our smaller fauna, and I would like to remind members that man was concerned in that destruction only indirectly. The fellow who introduced the fox to this State is the one who did more than anyone else to kill off our small fauna.

I have lived in the bush for most of my life, and I know full well that with the advent of the fox and the building up of the rabbit population our small fauna started to disappear and in some cases became almost extinct.

The Hon. G. C. MacKinnon: It was also the animal lovers who let cats loose.

The Hon. F. D. WILLMOTT: That is so, but the fox is the main offender. When we started to use the poison 1080 for rabbit destruction we largely wiped out the fox population, because 1080 is absolutely deadly to dogs and foxes. I know that to my cost; I have lost far too many good working dogs from that poison. I have never lost a dog in my life from the use of strychnine, arsenic, or phosphorus; but when using 1080 one can keep one's dog chained for weeks and weeks until there is nothing left, and when the dog is allowed out he might pick up a bit of rabbit skin and chew it, and he is a dead dog.

The result of 1080 poisoning is that now we can see in the south-west fauna that we have not seen for years. I firmly believe this is mainly due to the fact that foxes have been controlled. So man was only indirectly concerned with the destruction of most of our small fauna.

The Hon. I. G. Medcalf: Do you mean that the fox has been controlled by 1080?

The Hon. F. D. WILLMOTT: Yes. I will give the member an instance. Some years before 1080 came into use I purchased 300 stud ewes and placed them in a 170-acre paddock just behind my house, because they were due to lamb and they were early lambing sheep for my area.

However, as soon as the lambs were dropped they were taken by foxes. I poisoned the foxes, but still could not control them. On that 170 acres I destroyed to my knowledge 70 foxes, but still the lambs were going off. I took to getting up at 3.00 a.m. with a rifle, and one morning I caught the culprit. One dog fox was killed and that was the end of it. Foxes do not normally kill lambs; only a few killers will do that. The other foxes were living off the kills of the dog fox. When I killed that fox my troubles were gone, but so were my lambs. However, on that property where I destroyed within a couple of weeks some 70 foxes, I never see a fox today.

Now I do not lose a lamb in that paddock. That is what the use of the poison 1080 has meant to the foxes. Previously they were present in vast numbers, and they lived off the fauna such as possums and some ground-nesting birds. The plovers almost disappeared, because the foxes like eggs and they eat the eggs laid by the plovers. Whenever a tractor squashes eggs, the foxes will be around.

I feel I should say something on the question of conservation, because much that has been written and said has frightened people quite unnecessarily. As far as the wood chipping industry goes I am quite certain it will be beneficial to our forests and to the State. There is concern expressed about the problem of salinity on land cleared for farming. In this project it is not visualised that the

country will be left cleared. There will be a reforestation programme, and this will be a continuing process.

Because the term of the contract is 15 years some people think this is the life of the project, and that the forests will be wiped out after that time. The industry will extend much further than that and, I hope, continue in perpetuity. It is the intention to upgrade our forests so that they will stand exploitation. If the department is alive to its job I believe it will be able to ensure that the forests will be so upgraded.

THE HON. G. C. MacKINNON (Lower West) [4.32 p.m.]: I wish to indicate my support of the Bill before us. It is designed to amend the Wood Chipping Industry Agreement Act of 1969. I am not sure, but if my memory serves me right this is a slightly unusual way of amending an agreement by including an entire schedule in the Act. However, it seems to me to be an effective way.

In the main the amendments will ease the capital burden placed on the company by altering the basis to the payment of royalties and rental charges over a longer term. As Mr. Ferry pointed out, there is every indication the State will fare better in the long run under this new arrangement.

The other amendments follow from the easing of the capital expenditure requirements contained in the original agreement, and relate to a number of provisions which particularly impose greater care in so far as the safeguarding of the environment is concerned.

For instance, clause 30A in the second schedule to the Bill contains the following provision—

Nothing in this Agreement shall be construed to exempt the Company from compliance with any requirement in connection with the protection of the environment arising out of or incidental to the operations of the Company.

In his second reading speech the Minister referred to this provision. It is an example of the extra requirements that are to be placed on the company.

I have gone through the Bill, and I understand the purpose, but I have to admit that I cannot possibly work out the formula which fixes the freight.

The Hon. J. Dolan: The railway officers will be able to do that.

The Hon. G. C. MacKINNON: I am sure they will. This will be the means of injecting cash into Manjimup. This is highly desirable and will assist the town. The Forests Department and the forest management will benefit, as will the people in the south-west. Of course, the fundamental purpose is as stated in the objec-

tives of the Forests Department publication *Marri Wood Chip Project—Environmental Impact Statement*.

On page 2 under the heading of "Proposed Action" paragraph 2.1 relating to the objectives reads as follows—

Within an overall requirement for beneficial development and decentralisation in the South West portion of the State, the major land use objectives sought for the proposed action are:

- (i) To increase the productivity of southern forests.
- (ii) To realise on a wood resource which hitherto has only potential commercial value but whose presence has silvicultural disadvantages.
- (iii) To initiate development in the field of waste wood utilisation without which a fully integrated wood processing industry is impossible.

The wood chipping industry would appear to meet these requirements. The report points to the way in which these requirements will be met, and most of these points have been covered by my colleagues who spoke earlier in the debate.

To branch off on a slightly different angle, this report also sets out the reasons to justify the proposed action in agreeing to set up the wood chipping industry. The relevant portion appears on page 8 of the report. In paragraph 2.3.1 under the heading of "Justification of Proposed Action" the following appears—

Economics—To aid the process of development in Western Australia and to favour decentralisation within the forested south west proportion of the State, it is desirable to maximise the forest produce industry within acceptable limits for land use and environmental values.

There it talks about environmental values.

The report also discusses in great detail and in an excellent manner the various alternatives as to whether or not we accept the proposition. One of the alternatives is to have no wood chipping industry; this will result in an incomplete forestry operation in the south-west, and so it was discarded.

The report sets out the ways in which the views to balance environmental protection against exploitation of the forests can be reconciled. The agreement before us deals with the economic exploitation of a renewable resource. This is totally different from a mining operation. On page 30 of the report under the heading of "Reconciliation" the following appears—

Reconciliation of the implications of the above adverse effects with reasons for proceeding initially rests with the

belief that all adverse influences can be associated with continuance of the sawmilling industry—

In other words, that industry would be present in any case. To continue—

—established in this State, and that this industry is a necessary requirement for public welfare.

There is no doubt that farming has an adverse environmental influence, but no-one in his right mind would suggest the closure of our farm lands, or say they should be permitted to revert to the growth of marri. It is necessary to develop the farm land for the public welfare. The growing of wheat is justified. We should reconcile the differences between the views which are in favour of the wood chipping industry project and the views of the environmental protectionists.

As Mr. Ferry pointed out, the creek beds in that part of the State which are rich in fauna will be protected. Indeed, the Forests Department has laid down specifically that certain stands of pure marri will be retained so that the people will be able to see what pure stands look like. The regeneration process would appear to create no problems at this stage.

Some people say that the research which has been undertaken has not been deep enough. I have had some experience of this matter in the establishment of one or two industries involving renewable resources; I am talking about the fishing industry, in respect of which some accusations were levelled.

If we are to undertake research to the final and complete degree as required by some people, we will never get anything started because conditions change during the period of research. Sometimes a change in conditions demands a start all over again. So, it is impossible to say with absolute certainty that, based on research, something will transpire.

However, in this case I believe the research that has been undertaken has been very thorough. It has been done in an unbiased, fair, and sensible way. This has given us the groundwork to start the industry, and I am sure it will be watched by the Forests Department and other parties concerned. This industry will be able to progress; and the fauna, flora, and general welfare of the forests will be looked after.

Of course, benefits will be gained by the people of the south-west. For a long period the population in the forest areas of the State have suffered by a reduction in number. At times slight rises in the population have occurred, such as when the railways were being built in the northern part of the State and there was a need for sleepers.

The industry proposed in the measure will be an excellent shot in the arm for Manjimup. The town of Bunbury will also

benefit, and as a port it will go ahead. We still hope that some sense will prevail, and that the Federal Government will enable the Alwest project at Worsley to be proceeded with. This will mean that Bunbury will become the export point for the alumina and the wood chips.

As the accepted regional centre of the south-west portion of the State, Bunbury will benefit from the establishment of a wood chipping mill and the ancillary works that are established in the Warren district, because the people in this district tend to use Bunbury as the trade and commerce centre.

With the establishment of the industry we look forward to the enlargement of the harbour at Bunbury. When that is done the harbour will be able to accommodate much larger vessels. The town of Bunbury is growing, and it has a pleasant, salubrious climate. It has plenty of water, and provides facilities for all types of sports except snow sports. It has all the facilities to attract the people who work in that area.

I add my good wishes to the success of the project; and I sincerely trust that good management and good sense will prevail as the industry proceeds. Along with other members I commend the forestry authority for the care with which it has prepared reports and undertaken research.

From my examination of the project I can say that whilst there is always need for protection of the environment in general, it is a long time since we have had a project as carefully researched as the wood chipping industry. This has in fact become the pattern for the development of other industries. We must temper our needs with common sense. I wish the project well.

Debate adjourned, on motion by The Hon. N. E. Baxter.

QUESTIONS (9): ON NOTICE

1. FISHERIES

Settlement in Exmouth

The Hon. G. W. BERRY, to the Leader of the House:

Referring to a report in *The West Australian* on Tuesday, the 4th September, 1973, headed "N.W. Study by Evans", the first paragraph of which reads "The Minister for Lands, Mr. H. D. Evans, will inspect an area about 20 miles from Exmouth where local fishermen want to establish a settlement"—where is the area referred to situated, and if on a pastoral lease, what is the name of the station?

The Hon. J. DOLAN replied:

The area under consideration is between the prawning establishments south of Exmouth and is part of the Exmouth Station pastoral lease.

2. EDUCATION

Leaving Examination Venues

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) Will the Minister do all in his power to ensure that no Leaving students will have to take their examinations in the Robinson Pavilion at the Claremont Showgrounds this year?
- (2) Would the Minister instruct the Public Education Board to engage alternative venues immediately, as with current publicity, some students may already have been psychologically disadvantaged?

The Hon. J. DOLAN replied:

- (1) and (2) No.

The Robinson Pavilion is the best single hall in the Metropolitan area and it alone can accommodate the candidates in large entry subjects who cannot be accommodated in other examination centres.

The pavilion has been used for dances and other functions. Last year, of all the hundreds of candidates who sat for their examinations in the pavilion, only two complaints were received.

Last year, television, radio and newspaper representatives were invited to visit the pavilion under examination conditions. All reported favourably.

The Public Examinations Board takes seriously, criticism that is made of examination arrangements as it strives to offer candidates examination conditions which will enable them to perform to their best advantage. Particular attention is paid to ventilation, lighting, the level of noise from external sources and space.

In view of the publicity about the Robinson Pavilion, the Public Examinations Board intends writing to candidates sitting for their examinations at the Show Grounds, reassuring them that the conditions there are as good as will be found at other examination centres.

This year, in the company of Public Examination Board members, I will be visiting the pavilion under examination conditions to ensure that the candidates are not suffering any disadvantage.

3. KARAWARA HOUSING PROJECT

War Service Homes

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

- (1) Is it intended that any of the blocks in the State Housing Commission Karawara project will be available for War Service homes?
- (2) If so—
 - (a) how many blocks will there be;
 - (b) when is it anticipated that the first of these blocks will be available; and
 - (c) what is the anticipated price that will be charged for these blocks?

The Hon. J. DOLAN replied:

- (1) Yes. The Commission sold thirty (30) acres in broad acre form to the Director of Defence Service Homes. The residential equivalent of this is part of the total Karawara estate.
- (2) This is a matter for decision by the Director of Defence Service Homes and is outside the ambit of State administration.

4. TRANSPORT

Relocation of Bus Stop: Wanneroo Road

The Hon. R. F. CLAUGHTON, to the Leader of the House:

When is it expected that the bus stop at the corner of Lawley Street and Wanneroo Road will be re-located?

The Hon. J. DOLAN replied:

Relocation deferred pending the outcome of proposed road works in the area.

5. POLICE

Roebourne: Casual Arrests

The Hon. F. D. Willmott for the Hon. W. R. WITHERS, to the Minister for Police:

- (1) Was the Minister correctly quoted on page 6 of the *Daily News* dated the 12th September, 1973, where he is quoted as saying in relation to the Roebourne gaol, "I very much doubt that casual arrests are being made in order to collect the allowance", and he is further quoted as saying "I don't think an inquiry would achieve anything. I think that any problems will be solved if the Corrections department take over the gaol"?
- (2) If the answer is "Yes" and the Minister does have doubt about the ethics of police action, would it not be in the public interest to

investigate the situation so that any stigma of doubt could be removed from the police officers concerned?

- (3) Have any court proceedings produced evidence of casual arrests?
- (4) If so, what were the details?

The Hon. R. THOMPSON replied:

- (1) and (2) I consider the newspaper report of my comments to be basically correct. The passages quoted by the Hon. Member in his question have been taken out of context.

Never at any time have I had doubts about the ethics of the Police at Roebourne. As the Member well knows Judge Furnell is conducting a Royal Commission into Aborigines at the present time and it was as a result of a submission to him during that investigation that the articles referred to appeared in the *Daily News*.

I do not consider that a further inquiry is warranted, particularly in view of the evidence by Mr. Alfred Snell, and I quote: "One begins to wonder whether the casual arrests sometimes for no rhyme or reason are primarily to obtain the \$2.40 per head allotment".

- (3) and (4) To my knowledge no Court proceedings at Roebourne have produced evidence of irregular arrest.

6. WORKERS' COMPENSATION

Chiropractors' Fees

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) Will the Minister take steps to adjust an anomalous position that exists in the Workers' Compensation Act resulting in financial hardship to some workers; namely, that when being treated by a chiropractor the Board only reimburses \$3.20 per treatment whereas the average fee per treatment is \$6.00?
- (2) Will the Minister point out to the Board that different techniques are practised by chiropractors, and they bear no resemblance to those practised by physiotherapists on which this reimbursement seems to be based?

The Hon. J. DOLAN replied:

- (1) and (2) I am not aware of any anomaly concerning Chiropractors in the Workers' Compensation Act which provides full recognition. Allowances for chiropractic treat-

ment are currently under review and a revised scale can be expected very shortly.

They have never been based on those in respect to physiotherapy.

7.

SEWERAGE

Commonwealth Funds

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

Further to my question on Wednesday, the 28th March, 1973, in regard to allocation of funds by the Commonwealth Government for the purpose of extending sewerage works in Western Australia, would the Minister advise—

- (1) Have any additional funds been allocated, and if so, how much?
- (2) If the answer to (1) is "Yes" is it intended to spend any of the money in the Queens Park/East Cannington areas?
- (3) What progress has been made in regard to the provision of the major pumping station and rising main mentioned in his answer to question (3) on that occasion?

The Hon. J. DOLAN replied:

- (1) Yes. \$3.8 million.
- (2) The Commonwealth Funds will be allocated to complete current reticulation contracts entered into in 1972-73 and no money is available for the Queens Park/East Cannington areas.
- (3) Steel pipes for the rising main were purchased from the Commonwealth Grant in 1972-73 and are on site. It is proposed to lay the pipes in 1973-74 and commence the construction of the major pumping station.

8.

WATER SUPPLIES

Extensions from Mains

The Hon. N. E. BAXTER, to the Leader of the House:

Does the policy of the Metropolitan Water Board permit extension of water supply lines from a main or subsidiary main to private property, through property abutting a main or subsidiary main, which is owned by a separate owner or owners?

The Hon. J. DOLAN replied:

Yes, with certain conditions. The Hon. Member may have a specific example for referral.

9. KARAWARA HOUSING PROJECT

Roads

The Hon. CLIVE GRIFFITHS, to the Minister for Police:

Further to the reply to question 3 on the 12th September, 1973, wherein the Minister stated that the Commissioner of Police had further advised the South Perth City Council concerning the road system in the Karawara area—

- (1) Upon what basis was the information contained in the Commissioner's letter to the South Perth City Council on the 16th July, 1973, arrived at?
- (2) For what reason was this basis changed as evidenced by his further letter dated the 30th August, 1973?
- (3) Is it usual for information, issued by the Police Department, over the signature of the Commissioner of Police, to be not necessarily correct as indicated by his answer to part (2) of question 3?

The Hon. R. THOMPSON replied:

- (1) The opinion of a lower ranking Police Officer after studying a plan of the project. The letter was not signed by the Commissioner, but was under his name.
- (2) That it was not a matter on which any member of the Department should have expressed any opinion whatsoever.
- (3) No, but with the volume of correspondence dealt with by the Department, errors are possible.

AGE OF MAJORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. I. G. MEDCALF (Metropolitan) (4.51 p.m.): This is a fairly short Bill which has the effect of extending the time for bringing actions at law for people who had the right to bring such proceedings before the day when the parent Act came into force. Section 5 of the parent Act which was passed in 1972 sets out that persons of the age of 18 years shall have full legal capacity, and those not yet 18 years old, when they attain the age of 18 years, have full legal capacity from that date. However, if they were over the age of 18 when the Act commenced, in 1972, they would attain full age upon the commencement of the Act—which was the 1st November, 1972, when it was proclaimed and came into force.

So the position is, under the provisions of section 5 of the Act, that full age of capacity for all legal purposes applies upon the attainment of the age of 18 years. But if a person had attained 18 years before the 1st November, 1972—when the Act came into force—then automatically on the 1st November, 1972, he had full legal capacity.

The Act is expressly stated not to affect any other disability besides being under age, or the disability of infancy; infancy as known to the law. An infant cannot bring proceedings at law nor can an infant be sued. So an infant is in a preferential position, or in a position of protection in that one cannot bring proceedings directly against an infant, nor can an infant directly commence proceedings when under the age of, formerly, 21 years, and now, 18 years.

The rule which applied before the passage of the parent Act—and the rule which still applies—is that if an infant has a cause for action then the period within which he can bring proceedings does not commence or start until that infant attains full age. In other words, to take a concrete example, if a child of 17 years—a child in the legal sense—is injured in a motor vehicle accident and has a claim against the driver of the car which injured him then formerly he could wait until the age of 21 years before the period of limitation would start to commence.

I should have explained that there is a period of limitation—of which members will be aware—for bringing proceedings. So if one has the right to claim, the claim must be made within the period of time laid down under the Limitation Act. In the case of an ordinary motor vehicle accident the time is six years and that means if an adult person has a claim he must issue proceedings within six years of the accident.

In the case of an infant, the infant does not have to bring proceedings within six years, but he can wait until the age of 21 years and then the six-year period commences. A person of 17 years of age injured in a motor vehicle accident, instead of having to bring proceedings within a period of six years had a period of 10 years. That is, the period from 17 years to 21 years, and the additional six years. The purpose of that provision was to protect an infant.

With the passage of the Age of Majority Bill in 1972, we cut down the age of majority from 21 years to 18 years, so that a person of 17 years, instead of having 10 years during which to take action, now has only one year until he attains the age of 18 years and then an additional six years. In other words, he has a total of only seven years.

The purpose of this Bill, as set out in clause 2, is that nothing in the Age of Majority Act affects the time of bringing proceedings in respect of a cause of action that arose before the commencing day of the Act, which was the 1st November, 1972.

The amending Bill will have the effect of automatically preserving to a person under the age of 21 years all the rights he had before we changed the age of majority from 21 years back to 18 years. For all practical purposes a person will still have the right to bring proceedings as if the age of majority were still 21 years, and I think that is a very sensible provision.

I notice that the amendment arose as a result of representations made to the Attorney-General by the Law Society, and I believe it should receive the endorsement of the House. I support the Bill.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [4.57 p.m.]: I thank Mr. Medcalf for his contribution to the debate and his acceptance of the Bill. As he stated, it was introduced as a result of a recommendation from the Law Society. I think the Bill has been fully explained and I commend the second reading.

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.

PROPERTY LAW ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. I. G. MEDCALF (Metropolitan) [5.00 p.m.]: This Bill is devoted mainly to the protection of lessees where options of renewal or breaches under leases are concerned. The Bill copies some of the provisions which appear in the New South Wales property legislation and again it has been put forward as a result of recommendations made by the Law Society to the Attorney-General.

The law briefly is that a breach of one of the covenants or conditions of a lease which may be of a major or of a minor nature may cause that lease to be forfeited; or, on the other hand, a breach of a condition of the lease may be waived or approved, we might say, by the landlord or lessor. In other words, there may be a breach of a condition of the lease which the lessor or the owner may decide to accept and not take any action about.

Some breaches of lease conditions are of a major nature; for example, the failure to pay the rent, or the failure to observe some important requirement in the lease. But there could also be breaches of a minor

nature, such as, for example, the failure to trim the edges of a lawn or the failure to water the owner's favourite hyacinth. These breaches may be of a minor nature and the owner may be prepared to forego the opportunity to take action if the tenant made arrangements to supply him with another hyacinth or if he promised to trim the edges of the lawn in the future.

The significant thing is, however, that although the owner may waive the breach himself, nevertheless when it comes to exercising the option of renewal the owner could say, "That is all very well. I waived that breach but I will not let you exercise the option because you have not complied with the conditions of the lease. You have failed to trim the edges of the lawn, and so on."

This is the law at present and it could work to the hardship of the lessee when the owner takes advantage of a minor breach. Most leases contain a provision that before an option can be exercised all the terms and conditions of the lease must be fulfilled, and unless they are fulfilled one cannot exercise that portion.

This places tremendous power into the hands of the owner where there may be a technical breach of the lease. Sometimes a lease which is a simple lease of somebody's property contains an option that when the lease is concluded the lessee may be permitted to purchase the property, but with continuously rising property values the lessee should be permitted to exercise his option at the price which existed at the beginning of the lease. This, of course, is of some concern to the lessee. Likewise, it is a cause of concern to the owner when he sees property values rising and thinks that he did not fix a high enough price at the beginning and, because of this, he may look around for a reason to prevent the lessee from exercising his option. It would be unfair to prevent the exercise of the option if the parties had agreed at the beginning of the lease to certain terms and conditions which should take effect at the conclusion of the lease. That, I take it, is generally the object of the amending Bill.

As I have indicated, a minor breach may be sufficient to prevent a lessee from exercising an option and this clause, when it is strictly interpreted by a court—as it has been on occasions—may prevent a lessee from genuinely exercising an option which he should, in all fairness and equity, be permitted to exercise. The Bill before us seeks to do away with this unfair and inequitable state of affairs.

The Law Society pointed this out to the Attorney-General, who took the opinion of the Crown Solicitor and came to the conclusion that it was a good idea to put forward this legislation, which I support. The actual content of the legislation is that when the lessee seeks to exercise his option the Bill provides that

if the owner wishes to take advantage of a breach and say, "You cannot exercise your option because you have committed a breach of the lease", then the owner must within 14 days of the exercise of the option send notice to the lessee specifying the breach; after which the lessee has an opportunity within one month of applying to the court for relief. This is a right he never had before.

So the Bill gives the lessee a specific right to apply to the court for relief and the court will decide whether it is fair and proper that he should be permitted to continue to exercise this option or whether he should be bowled out of court because he had committed a technical breach of the lease.

According to the Bill the court has quite clear discretion as to the decision it makes. It may make any decision it sees fit. In other words, it has a full discretion, but it is required by the Bill to take into account the nature of the breach; that is, whether it is a minor or a major breach. Clearly the court will look at and consider the breach and decide whether it is one of the basic requirements which the lessee should have performed and whether he is carrying out his contract properly; or whether it is merely a minor breach.

Consequently where the owner has been prejudiced in any way by the lessee's breach of the conditions of the lease if the court finds the owner had suffered any prejudice whatsoever then clearly the court would endeavour to find in favour of the lessor. The court would also consider the conduct of both parties and the rights of anybody else, apart from the lessor or the lessee—for example there might be others who have rights over the property; there may be a mortgagee or a share farmer, or a person with grazing or agistment rights who may be concerned. The court may also consider any other matters it deems relevant.

Accordingly it is a pretty wide discretion which the court has and which it may exercise according to the Bill. The lease is artificially extended if its term is up, until the matters are heard in court and the court may give a decision absolutely in favour of the owner and say the lessee has no right to exercise the option. On the other hand it may give its decision in favour of the lessee and say that he may exercise his option. Again the court may give its decision in favour of one or other of the parties on terms and conditions and say to the lessee that he may exercise his option but that he had committed a breach which he must rectify before he exercises his option.

I support all this, but I wish to draw attention to a point which I notice was raised during the passage of the Bill in the Legislative Assembly. I was rather surprised because there was a considerable amount of debate on the question of this Bill being made retrospective and, in fact, the Bill

was amended in the Legislative Assembly by the omission of certain words in clause 3.

The object of the amendment which the Assembly was trying to achieve was from my understanding of the Minister's comments to provide that the benefits in the new amending Bill should apply only to leases executed after the date that this Bill comes into effect.

That is not what the original Bill provided; but that is what the Assembly thought would be the effect of its amendment. It seems to me that this is not the effect of its amendment, which is to create further doubt as to which particular leases would be affected as a result of the passage of this Bill.

I propose to deal with that further in the Committee stage and I will place an amendment on the notice paper affecting clause 3 as it relates to proposed new section 83B on page 3. I hope this will clarify the position and do what I believe the Legislative Assembly was trying to do but which it did not adequately succeed in doing. I believe that all it has done is to cast further doubt on a matter which should, I think, be left in a state of certainty.

So I propose to move a further amendment in the Committee stage and I will put the amendment on the notice paper. I may comment that the amendment is purely on the question of retrospectivity and it does not prevent my supporting the Bill and the general principles embodied in it.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.10 p.m.] : I would first like to express my thanks to the Law Society for drawing the attention of the Government to something which obviously needed rectification. Secondly I would like to thank Mr. Medcalf for his clear exposition of the matter. Mr. Medcalf seems to be able to indicate to the House the main arguments which require to be enunciated.

The Hon. A. F. Griffith: He is a good lawyer.

The Hon. J. DOLAN: I understand there are good lawyers, but they become good lawyers because they are able to screen and cloud an issue.

The Hon. A. F. Griffith: He is not that sort of lawyer.

The Hon. J. DOLAN: Evidently not. That is the trend of my remarks. There is one point I would like to clarify. I was going to interject but since I do not interject very often I thought I would mention it now.

The Hon. A. F. Griffith: You do not interject more than about 50 times a day!

The Hon. J. DOLAN: I thought I would draw some comment on that. Mr. Medcalf said there may be a provision relating

to a mortgage on the property. I was doubtful whether a lessee of a property could place a mortgage on such property; or is it that there was a mortgage on the property originally?

However, I thank the honourable member for his support of the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.13 p.m.]: I wish to thank Mr. Medcalf, Mr. Withers, and Mr. MacKinnon for speaking to the Bill. Mr. Medcalf and Mr. Withers signified their support for the measure but I am not sure whether or not Mr. MacKinnon did so. Perhaps I should say he did.

Again I thank Mr. Medcalf for summing up the situation so very well in the first paragraph of his second reading speech. For the benefit of the House perhaps I should read what he said. It is as follows—

This Bill is designed to stiffen the penalties and the law in respect of misleading advertising and false descriptions of the goods and services which are offered for sale. In general, it is a good Bill and I think it will have the support of all members of the House. I believe we are all interested in the cleansing, one might say, of bad practices in commerce—misleading advertising clearly being one of these.

I think that summed up the situation very well. As members know, I try to obtain a reply to every query that is raised on a Bill for which I am responsible. I would now like to refer to the speech made by Mr. Withers with reference to advertising of articles of humorous content.

In respect of the humorous content the views taken that before an offence could be committed the false or misleading statement must be shown to be false or misleading in a material particular. This includes advertisements shown to be false or misleading in the whole context of the advertisement. Accordingly, the nature of the goods concerned is relevant to determine whether the advertisement is misleading.

There is little doubt that in the case of humorous advertisements instanced by Mr. Withers, no offence is committed if the goods are advertised substantially by the same descriptions as those with which they are labelled and if the advertisement makes it plain that the goods are for fun

or are of a humorous class. I feel that Mr. Withers can expect the consumer protection authorities in this State to use reasonable discretion in enforcing this legislation and they will inevitably take the view that goods of the type described are not the ones with which they are concerned in the context of false or misleading advertisements.

In regard to Mr. Medcalf's remarks, the Government had good reason to present this amending legislation following the recommendation of the Molomby Committee in Victoria in 1972. In its report it emphasised the need to improve standards of advertising on fair consumer laws. The recommendation of that committee was supported by the Western Australian Honorary Royal Commission into Hire-purchase and Other Agreements. Grievances submitted to the Consumer Protection Bureau in more recent times have further accentuated some abuse to fair advertising principles.

The concern expressed by Mr. Medcalf would seem to be based mainly on his taking exception to or disagreeing with the provisions in respect of the word "inaccurate". His comments have been looked at by the Parliamentary Counsel, as have the comments made by Mr. Withers. It has been said that the inclusion of the term "inaccurate" casts the operation of the section so wide that its application in many instances would be ridiculous. Every simple inaccuracy must be in a material particular which, in this context, is one likely to deceive. It is agreed, on the other hand, that the deletion of the term "inaccurate" from line 27 in clause 9 and also again in line 35 and the substitution of the word "misleading", as proposed by the honourable member, will not materially affect the intention of the Bill. Accordingly these amendments will be accepted and supported.

I might say at this stage that I have spoken to the Minister concerned as well as to the Parliamentary Counsel. The Minister is quite happy to accept the amendments on the notice paper.

Mr. MacKinnon also spoke to the measure last night and I referred his remarks to the Minister so that I could reply to his comments. Mr. MacKinnon indicated his dissatisfaction seemingly with two points. Firstly, he said that the application of legislation to control unfair advertising seems to be directed against private interests which are not clearly informed as to what is or is not legally permissible, and secondly, the position of a Government department or its equivalent, if advertising for which it is responsible offends under the Act.

I suppose the false advertising provisions of this Act may appear to be directed more towards private business than Government departments because clause 9, which amends section 8 of the Act,

states that the reference to the publishing of statements are those which are intended or apparently intended to promote the sale, disposal, or the letting of any land or goods, or the supply to a person of services on payment of a fee.

This Act has been in operation for many years and the changes we seek to make are caused in the main by the reaction upon consumers of advertising principles, amongst other things, when they purchase goods which are the subject of an advertisement. From complaints which have been lodged with the Consumer Protection Bureau, the main source of irritation to aggrieved consumers in regard to unfair advertising is directed against the activities of the retail trade. The annual report of the Consumer Affairs Council, which was tabled in Parliament yesterday and received considerable publicity, further highlighted this aspect. It may therefore be said that the need for some tightening in these laws was initiated by those it most affects.

The assertion that business people are unable to determine where they stand in regard to advertising as expressed in the Bill is not completely acceptable. The legislation reasonably shows what constitutes an offence and draftsmen have acted to the best of their ability to present the amending Bill in a lucid form. Legislation, as we are all well aware, is subject to various interpretations, but the competency of draftsmen in this State is highly regarded, even though members may at times find reason to seek amendments when reviewing a Bill to better clarify, in their opinion, the expressions contained therein. The difficulties confronting private business are fully appreciated, and the need to set down legal requirements clearly is vital. It may be added that the policing of those requirements by a Government department is equally assisted if the directions in legalisation are reasonably understood.

The honourable member is stretching the purpose of the legislation if he associates it with a Government's advertising its Budget principles. In respect of this Act, it does not bind the Crown, and therefore a prosecution of a Government department or authority is not possible. However, it would not be inappropriate for officers of the Department of Labour to draw attention to a department which provides a service to consumers, if any, if its advertising savoured of misleading advertising.

The Hon. A. F. Griffith: It may be just as well the Bill does not bind the Crown!

The Hon. R. H. C. STUBBS: I might also mention that the officers of the department which controls the legislation have acted with much discretion in the past when applying its principles. They always act in a fair and co-operative man-

ner towards business people who are required to comply with its provisions. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.23 p.m.]: I move—

That the House do now adjourn.

THE HON. D. J. WORDSWORTH (South) [5.24 p.m.]: I wish to take this opportunity to comment on the apparent smallness of the police stock squad which has been established to apprehend people stealing livestock. Apparently a large increase in the number of livestock being stolen has occurred due to the sudden increase in the value of stock, and sheep in particular. Two years ago many irresponsible farmers were even turning out livestock onto the road after shearing because they were of virtually no value. However, the same livestock today, before shearing, are worth at least \$15 and sometimes up to \$25 a head. Certainly the temptation to steal livestock is much greater now than it has been over the past few years.

I believe something should be done immediately to endeavour to confine temptations of this kind. I do not believe that the police officers in the country towns are adequately equipped or trained to carry out the apprehension of these criminals. Nowadays a police officer's duties are very wide and varied. In fact, in a small country town a policeman may do everything from supervising the traffic, collecting money due to the Department of Agriculture, effecting insurance through the S.G.I.O., to administering the Mining Act. We need a large specialised squad to investigate stock thefts.

When a man steals a sheep for the pot it is regarded as a small affair, but it must be remembered that he is stealing something perhaps of a value of \$25. A man who takes four sheep in a utility has stolen something to the value of \$100, and a stolen truckload of sheep could be worth \$5,000.

Farmers in the Esperance district have suffered from such thefts, and we know they occur in many other parts of the State. The livestock industry is a very large and valuable one. The value of the livestock in Western Australia today could be in the vicinity of \$1,000,000,000. This is a very large sum of money, and livestock are considered a very volatile and mobile asset. I agree that it is often difficult to decide which stock has actually been stolen and which has died or broken through a fence. This has always been a difficulty. Whilst we have a few false alarms, obviously a lot more livestock is

stolen than is reported. It has always proved difficult to apprehend these criminals. Back in the early pioneering days in America, vigilante squads were set up and offenders were hanged from a tree. The penalty was made so severe because of the difficulty of apprehension. I saw a report in the Press the other day that an American is now carrying a firearm to protect his stock. The problem is increasing to such an extent that we may be forced to adopt similar measures in Australia.

I recommended to the Minister for Police that the stock squad—presently consisting of two men—should be increased considerably. A specialised squad should be built up to examine these offences and the men trained in methods to track down the offenders. Some people are making a business of it.

The Hon. D. K. Dans: Do they ever get a conviction?

The Hon. D. J. WORDSWORTH: I asked the Minister this question. I was informed that a conviction is obtained in about only 5 per cent. of the cases. The local police do not have the experience in this sphere nor the time available to make a full investigation of every theft. More particularly, they are not specially trained, as are the men in the C.I.B.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [5.28 p.m.]: I appreciate the honourable member's concern; it is a concern felt right throughout Australia at the present time. However, it is a difficult field to police. I am aware of the experience of a friend of mine who reported the loss of 17 head of cattle. They were found three days later locked up in a pound nine miles away. The police endeavour to do the best job they can, but unfortunately stock can stray from time to time and it is not always known whether or not they are stolen. I have known instances of cattle which have been impounded and even sold before their loss was reported to the police. Therefore, we cannot consider the problem in isolation. I realise that with the increasing value of livestock, the incidence of this crime is increasing.

The police do the best they can. Western Australia is a very large area—it represents approximately one-third of the whole of Australia—and in view of the number of policemen we have it must be realised that they give due attention to their duties when reports are made in regard to stolen stock. In the answer I gave to the question asked by Mr. Wordsworth, it was mentioned that the department has assigned an officer to special duty in order to co-ordinate the work of police in country areas and, in addition, recently a further officer has been appointed to the special squad which is assigned to carry out this work.

However, I repeat that in many instances it is difficult to deal with reports of stolen stock, because it is often found that the stock have strayed and have died either through natural or some other causes. Nevertheless, I can assure the honourable member that the Police Department is fully aware of the situation and if anything can be done to reduce the incidence of stock-stealing, it will be done.

Question put and passed.

House adjourned at 5.31 p.m.

Legislative Assembly

Thursday, the 13th September, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

JURIES ACT AMENDMENT BILL

Report

Report of Committee adopted.

DAIRY INDUSTRY BILL

Recommittal

Bill recommitted, on motion by Mr. H. D. Evans (Minister for Agriculture) for the further consideration of clauses 10, 12, and 32.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 10: Constitution of Authority—

Mr. H. D. EVANS: I move an amendment—

Page 10, line 6—Add after the passage "section," the words "each of".

This is purely a drafting requirement.

Amendment put and passed.

Mr. I. W. MANNING: I move an amendment—

Page 10, line 9—Insert after the word "Australia" the passage "The Western Australian Chamber of Manufactures (Incorporated)".

The purpose of the amendment is to allow the Western Australian Chamber of Manufactures to submit a nomination to the panel of names from which the authority will be selected. I think the effect of subclause (3) is quite clear.

Mr. H. D. EVANS: Regrettably I must oppose the amendment. The suggestion of the member for Wellington is unacceptable because the composition of the authority already includes representatives of butter, cheese, and dairy products manufacturers, as well as the milk treatment plants.