



SEVENTEENTH REPORT

OF THE

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS
AND STATUTES REVISION**

IN RELATION TO

**A PETITION REGARDING HARDSHIP DUE TO THE
FORMERLY RARE AND ENDANGERED PLANT
*ACACIA GUINETTI***

Presented by the Hon M D Nixon (Chairman)

17

November 1996

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS
AND STATUTES REVISION**

Date first appointed:

21 December 1989

Terms of Reference:

The functions of the Committee are to consider and report on -

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;
- (b) what amendments of a technical or drafting nature might be made to the Statute book;
- (c) the form and availability of written laws and their publication;
- (d) any petition;
- (e) any matter of a constitutional or legal nature referred to it by the House.

A petition stands referred to the Committee after presentation.

Members as at the date of this report:

Hon M D Nixon MLC (Chairman)

Hon A J G MacTiernan MLC

Hon B M Scott MLC

Staff as at the date of this report:

Mr Chris Richards, Advisory/Research Officer

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Previous reports:

See Appendix 2

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1. INTRODUCTION

The Standing Committee on Constitutional Affairs and Statutes Revision was first appointed on 21 December 1989. Under its Terms of Reference, the Committee is required, *inter alia*, to consider and report on any petition.

1.1 The Petition

On 19 September 1996, Hon Bruce Donaldson MLC tabled a petition (*TP #621 of 1996*) in the following terms

We, the undersigned Directors of Murphyl Pastoral Company, Mervan Edgar Heinrich, Phyllis Rowe Heinrich, Ross Mervan Heinrich and Bruce Phillip Heinrich, are claiming hardship over a period of ten years due to a so called rare plant i.e. Acacia Guinetti having been found on our farming property "Murphyl" located at Yetna, via Geraldton by a local Conservation and Land Management officer in 1982.

As a result, we were informed that we could no longer farm the area where the rare plant was found and this effectively prevented us from farming the said land for a period of ten years. The losses we have sustained are in the order of \$1.5 million.

Your petitioners, therefore humbly pray that the Legislative Council will investigate this matter.

2. REPORT

2.1 Overview

The petitioners represent the Murphyl Pastoral Company, which owns freehold farm lands at Chapman Valley known as "Murphyl Farm", 20 miles north-east of Geraldton.

The original property was purchased in 1965 for agricultural purposes with an area of 758 hectares. Two additional land purchases in 1978 and 1981 resulted in an expansion of the farm to its current size measuring 2442 hectares in size.

In 1982, the Department of Conservation and Land Management ("C.A.L.M.") advised the petitioners that the *Acacia Guinetti* wattle, at that time listed as rare and endangered under the *Wildlife Conservation Act 1950* ("the Act"), had been located on Murphyl Farm. Under the Act, the effect of this discovery was that any activity which might affect the plants, including clearing, cultivation and grazing, is prohibited without a permit from C.A.L.M. The penalty for contravention of the Act is a fine of \$10,000.

The petitioners claim that over 827 hectares, or one-third of their property, was at one time or another subject to a prohibition against cultivation and that they have suffered financial loss in excess of A\$1.5 million as a result.

Furthermore, the petitioners claim that this hardship has arisen unnecessarily as:

1. the wattle *Acacia Guinetti* has been removed from the rare and endangered list due to a reassessment of its rarity in 1992;
2. the petitioners have alleged that the plant may have been originally misidentified as *Acacia Guinetti* in 1982; and
3. the petitioner's applications for permits to take the *Acacia Guinetti* plants were mishandled to the extent that they were unable to take advantage of the permits granted and that they were not properly advised by the relevant authorities of their rights and obligations under the Act.

Accordingly, the petitioners contend that they are entitled to compensation arising from losses incurred due to the *Acacia Guinetti* plant and the actions of the relevant authorities from 1982 to 1992.

2.2 The Law Relating to Rare or Endangered Flora

The law relating to the conservation and protection of rare and endangered flora is governed by the provisions of the *Wildlife Conservation Act 1950* ("Act").

Under section 23F(4) of the Act, where a plant has been declared by the Minister to be rare or endangered flora, a person may not take (ie. remove or destroy) any of the rare flora without the written consent of the Minister, notwithstanding that the rare flora may be located on private land.

Any person who takes rare flora contrary to section 23F(4) is liable on conviction to a fine not exceeding \$10 000.

However, section 23F(7) also provides that where an owner/occupier of land, who has been refused consent by the minister to take the rare flora, has suffered loss of "use or enjoyment" of the land by "reason of that refusal", the Minister shall inform the Treasurer in writing and the owner/occupier "shall be paid compensation" for that loss at such rate per annum as:

- i. is agreed between the owner/occupier and the Treasurer; or
- ii. in default of agreement, is determined by the valuer appointed by agreement between the owner/occupier and Treasurer, or where no such appointment agreed, by the Treasurer alone.

Such payment only covers a period of continuing loss, not exceeding five years.

It should be noted that, under the terms of section 23F of the Act, compensation will only be available where an application to remove a rare plant has been **refused** by the Minister. It is not available where the Minister has granted the owner/occupier of land a permit to remove the rare flora.

3. BACKGROUND TO THE PETITION

3.1 The Discovery of “*Acacia Guinetti*”

As mentioned above, the petitioners were advised by a representative of C.A.L.M. in 1982 that the a rare and endangered plant had been found on their property and that, pursuant to the *Wildlife Conservation Act 1950*, they were not allowed to interfere with the plant in any manner. This plant was identified as the endangered wattle "*Acacia Guinetti*".

The petitioners claim that, at this time, they wrote to the Department of Fisheries and Wildlife (“Fisheries and Wildlife”) by letter dated 15 September 1982 regarding possible compensation due to the prohibition on use of the land where the wattle plants were found. However, it has subsequently been claimed by Fisheries and Wildlife, and the relevant Ministers of this period, that this letter was never received.

Initially, the petitioners were not overly concerned at the discovery of the *Acacia Guinetti* plant, as the plants appeared only to grow on a very small portion of their land and did not interfere with farming operations.

However, in 1983, the petitioners began to clear the rest of their property for cultivation. The area cleared amounted to three separate sections of 83 hectares, 62 hectares and 83 hectares respectively, all of which were located on a hilly area of the Farm. The petitioners claim that all areas were geographically distant from the area where the endangered *Acacia* plant had been discovered. One section was cropped twice, and another was cropped once.

Unfortunately, this process resulted in the germination of the *Acacia* wattle seeds and, due to its elevated position, widespread regrowth over the a large portion of Murphyl Farm, which occurred after the 1984-85 harvesting season.

The petitioners immediately contacted C.A.L.M., who sent five officers to count the number of plants. These officers warned the petitioners that removal of any endangered plant carried a \$10,000 penalty.

Accordingly, the petitioners did not interfere with the plants and waited until approval to remove the additional plants was received.

3.2 Application to Remove Flora

The petitioners’ first application to the Minister for Conservation and Land Management to clear the land subject to the endangered plant was made in November 1986.

The Minister’s reply by letter dated 11 February 1987 was that their initial application was “not within the spirit of the rare flora provisions of the Act”. By this, the Minister required the petitioners to supply a detailed submission which :

- i. documented the petitioners’ plans for the area to be cleared; and
- ii. provided a clear statement of how many plants were to be destroyed and which

populations of plants would be involved.

The Minister then promised to reconsider their application upon receipt of this submission.

Shortly after February 1987, the petitioners provided the Minister with the information required and received a one-year permit to take the endangered flora lasting from 18/3/87 to 17/3/88.

3.3 The Issue of Permits

The petitioners claim that the one year permit issued to them in March 1987 was of no practical use because:

- a. it was granted too late in the season to plant a crop given the need to clear the land;
- b. the petitioners could not incur the expenditure associated with cropping and harvesting on the basis of a limited, one year renewable licence; and
- c. the likely regrowth of the *Acacia* wattle would require another permit application and reclearing the following year.

As a result, the petitioners did not crop or harvest the land covered by the first permit.

The petitioners wrote to the Director of CALM to that effect on 9 April 1987 and requested compensation. This request was rejected on the basis that compensation was not available under the Act where a permit to take rare flora had been granted.

On 28 October 1988, the licence to take the rare flora was extended to a two year permit valid from 17 March 1988 until 16 March 1990. Again, the petitioners claim that the delay in granting the permit resulted in loss because it did not cover two full harvests. The Committee notes that the permit was valid from 17 March 1988, but that the petitioners did not receive this permit until October 1988, thereby reducing its impact by over seven (7) months. Thus, in effect, the permit was valid for only seventeen (17) months.

Again, allegedly due to the restrictions on the limited permit and the delay in receiving the permit, the petitioners did not crop and harvest the land covered by the second permit.

On 12 April 1990, after enlisting the aid of the Western Australian Farmer's Federation, the petitioners received a 10 year unrestricted licence on 12 April 1990 and recommenced farming operations over the affected land.

However, on 22 May 1992, following a reassessment of its rarity, *Acacia Guinetti* was taken off the rare and endangered list and the petitioners' need to have a permit to take the *Acacia* wattle was removed.

4. Petitioner's Concerns

The petitioners have argued that the discovery of the *Acacia Guinetti* plant and the subsequent actions by the relevant authorities resulted in a substantial and unnecessary disruption to their farming operations and losses exceeding \$1.5 million. Specifically, the petitioners have raised three major concerns regarding the effect of the discovery of the rare *Acacia* wattle on their property. These are detailed below.

i. Fencing

The petitioners have suggested that the failure of the Act to provide for the provision of fencing materials to help protect the rare flora has resulted in additional costs to private land owners and occupiers who must protect rare flora at their own expense and reduced their ability to farm adjacent farmland not affected by the rare flora.

ii. One year permits

The petitioners have also complained that a one year renewable permit to take rare flora is useless, as it does not provide sufficient inducement to justify the expenditure associated with a single harvest. The permit only allows the holder to take rare flora due to normal farming operations. Thus, the value of a one year permit is significantly reduced as it does not allow the permit holder to take the rare flora as regrowth in the following years.

Furthermore, the petitioners have suggested that such a permit is not considered by financial institutions to be sufficient security to support a loan or credit application.

iii. Compensation

The petitioners contend that they should be entitled to compensation arising from losses incurred due to the *Acacia Guinetti* plant and the actions of the relevant authorities between 1982 to 1992.

As mentioned above, section 23F(7) of the Act provides that where an owner/occupier of land, who has been refused consent by the Minister to take the rare flora, has suffered loss of "use or enjoyment" of the land by "reason of that refusal", the Minister shall inform the Treasurer in writing and the owner/occupier "shall be paid compensation" for that loss, except that such payment only covers a period of continuing loss, not exceeding five years.

Thus, compensation is not available where the Minister has granted the owner/occupier of land a permit to remove the rare flora.

Consequently, an examination of the petitioners' claims for compensation must be divided into two separate sections:

- i. compensation claims made for the period 1982-1986 before the granting of a permit to remove the rare flora; and

- ii. Compensation claims made after the granting of the first permit to take rare flora in 1987 to the Present Day.

1982-1986

The petitioners allege that they first inquired as to whether they were entitled to compensation by letter dated 15 September 1982.

However, the Department claims that they never received this letter and has subsequently denied any claims for compensation relating to this period.

The reasoning behind the denial of compensation for this period rests on the fact that, because the letter dated 15 September 1982 was allegedly never received, the petitioners did not technically “make an application” to the Minister for a permit to remove the rare flora. Thus, the Minister could not be said to have “refused” their application for a permit under section 23F of the Act. Accordingly, he was under no obligation to inform the Treasurer of any consequent right to compensation.

While the Committee accepts the consistency of this logic with the provisions of section 23F of the Act, the Committee notes that, since the first letter in 1982, the petitioners claim to have sent more than thirty (30) letters over an eight (8) year period to various Ministers and Departments. The majority of these letters have pressed for compensation or alluded to a desire to remove the rare flora, albeit without specific reference to section 23F(7) of the *Wildlife Conservation Act 1950*.

The petitioners claim that these letters must have been seen as an expression of concern over the losses suffered and as requests for financial compensation.

Thus, while the petitioners’ claim for compensation for hardship suffered between 1982 and 1986 may not be sustainable within the letter of the law, the Committee believes that their claim is within the spirit of the Act and that they deserve recompense of any hardship actually suffered during this period.

1987-Present Day

As a matter of law, the petitioners are not entitled to compensation for this period due to the operation of section 23F(7) which states that compensation may only be paid where the Minister has refused an application for a permit to take the rare flora.

Therefore, the Committee acknowledges that the Minister has rightly declined all claims for compensation relating to this period on the basis that the petitioners received permits to take the rare flora continuously from February 1987 to the eventual removal of *Acacia Guinetti* from the rare and endangered list in 1992. Thus, they are not entitled to compensation under the Wildlife Conservation legislation.

However, the Committee is also of the opinion that the short terms of the initial permits and

the delays in granting them may have contributed to the hardship suffered by the petitioners during this period.

Accordingly, the Committee believes that consideration should be given to determine whether any additional hardship attached to the petitioners on account of the procedures adopted in granting them permits to take the rare flora and whether they should be compensated for any such hardship.

5. CONCLUSIONS AND RECOMMENDATIONS

The Committee has been asked to investigate claims of hardship due to the discovery of a rare plant on the farming property owned by the petitioners. This plant, known as *Acacia Guinetti*, was protected as a rare and endangered flora under the *Wildlife Conservation Act 1950* ("Act") until May 1992.

The petitioners claim that the discovery of this plant effectively prevented them from farming the affected land, which comprised one-third of their property, for a period of ten years and resulted in losses in excess of \$1.5 million. Figures tabled before the Committee allegedly supporting the calculation of this loss are attached at Appendix 1.

However, it should be noted that the Committee has not been in a position to independently verify the extent of these losses.

The Department of Conservation and Land Management have consistently declined any claim for compensation by the petitioners on the basis that the Act does not provide for compensation in the present circumstances (see section 4 above).

The Committee acknowledges that the denials of compensation by the Department were in no way legally improper and are consistent with the provisions of section 23F(7) of the Act.

However, the Committee notes that its consideration of these issues is not limited purely to questions of law and statutory interpretation and that unwarranted hardship may have arisen in the case of the petitioners.

The Committee accepts the contention put forward by the petitioners that they have suffered financial loss due to circumstances beyond their control. These circumstances include:

- the letter dated 15 September 1982 claiming compensation sent to the Department of Fisheries and Wildlife but allegedly never received by that Department;
- the ultimate removal of the *Acacia Guinetti* wattle from the rare and endangered list in May 1992 after the discovery of extensive populations of the plant in south-west of the State;
- the permits to take the *Acacia Guinetti* plants were initially too short in duration and were granted too late in the agricultural season with the result that the petitioners were unable to take proper advantage of the permits granted; and

- that the petitioners may not have been properly advised by the relevant authorities of their rights and obligations under the Act.

Therefore, the Committee recommends that the Minister for the Environment should give consideration to requesting the Treasurer to approve an *ex gratia* payment to the petitioners pursuant to section 58B of the *Financial Administration and Audit Act 1985*.

APPENDIX 1

1. SUMMARY. Paddock: WEST/END 1982		685 ha	Soil : Medium/Gravel		
Income PRICE (Net On-Farm)		166	\$/t.		(\$180/t Gross)
Paddock					
YIELD		1.2	t/ha		
822t.					
Total Income		199	\$/ha.		
\$ 136477					
Costs FERTILIZER		43.1	\$/ha.	62%	\$ 29518
SPRAYS			\$/ha.		
\$ 0					
FUEL & OIL		2.4	\$/ha.	4%	\$ 1675
REPAIRS & MAINTENANCE		12.0	\$/ha.	17%	\$ 8232
SEED		10.0	\$/ha.	14%	
\$ 6850					
INSURANCE		1.8	\$/ha.	3%	\$ 1233
LABOUR			\$/ha.		
\$ 0					
.....			\$/ha.		\$ 0
INTEREST			\$/ha.		\$ 0
Total Costs		69.4	\$/ha.	100%	
\$ 47508					
DATE : 10/20/96	Gross Margin	130	\$/ha.	(\$187 /\$100)	\$ 88969
CROP: WHEAT ASW 9.7%	Breakeven Yld	0.42	t/ha.		286t.

1. SUMMARY. Paddock: WEST/END 1983		685 ha	Soil : Medium/Gravel		
Income PRICE (Net On-Farm)		147	\$/t.		(\$164/t Gross)
Paddock					
YIELD		1.5	t/ha.		1028t.
Total Income		221	\$/ha.		\$ 151043
Costs FERTILIZER		37.2	\$/ha.	54%	\$ 25482
SPRAYS			\$/ha.		\$ 0
FUEL & OIL		5.0	\$/ha.	7%	\$ 3425
REPAIRS & MAINTENANCE		15.3	\$/ha.	22%	\$ 10481
SEED		9.	\$/ha.	13%	\$ 6165
INSURANCE		2.3	\$/ha.	3%	\$ 1541
LABOUR			\$/ha.		\$ 0
.....			\$/ha.		\$ 0
INTEREST			\$/ha.		\$ 0
Total Costs		68.8	\$/ha.	100%	\$ 47094
DATE : 10/20/96	Gross Margin	152	\$/ha.	(\$221 /\$100)	\$ 103949
CROP:WHEAT ASW 9.7%	Breakeven Yld	0.47	t/ha.		320t.

1.SUMMARY. Paddock: WEST/END 1984 685 ha Soil : Medium/Gravel

Income PRICE (Net On-Farm)	147	\$/t.	(\$167/t Gross)	Paddock	
YIELD	1.6	t/ha.		1096t.	
Total Income	235	\$/ha.		\$ 161112	
Costs FERTILIZER	19.9	\$/ha.	38%	\$ 13632	
SPRAYS		\$/ha.		\$ 0	
FUEL & OIL	5.0	\$/ha.	10%	\$ 3425	
REPAIRS & MAINTENANCE	15.3	\$/ha.	30%	\$ 10481	
SEED	9.0	\$/ha.	17%	\$ 6165	
INSURANCE	2.4	\$/ha.	5%	\$ 1644	
LABOUR		\$/ha.		\$ 0	
.....		\$/ha.		\$ 0	
INTEREST		\$/ha.		\$ 0	
Total Costs	51.7	\$/ha.	100%	\$ 35415	
DATE : 10/20/96	Gross Margin	184	\$/ha.	(\$355 /\$100)	\$ 125698
CROP:WHEAT ASW 9.7%	Breakeven Yld	0.35	t/ha.		241t.

1.SUMMARY. Paddock: WEST/END 1985 685 ha Soil : Medium/Gravel

Income PRICE (Net On-Farm)	147	\$/t.	(\$162/t Gross)	Paddock	
YIELD	1.5	t/ha.		1028t.	
Total Income	221	\$/ha.		\$ 151043	
Costs FERTILIZER	19.9	\$/ha.	35%	\$ 13632	
SPRAYS	4.2	\$/ha.	7%	\$ 2877	
FUEL & OIL	4.3	\$/ha.	8%	\$ 2946	
REPAIRS & MAINTENANCE	13.8	\$/ha.	24%	\$ 9453	
SEED	12.9	\$/ha.	23%	\$ 8837	
INSURANCE	2.3	\$/ha.	4%	\$ 1576	
LABOUR		\$/ha.		\$ 0	
.....		\$/ha.		\$ 0	
INTEREST		\$/ha.		\$ 0	
Total Costs	57.3	\$/ha.	100%	\$ 39251	
DATE : 10/20/96	Gross Margin	163	\$/ha.	(\$285 /\$100)	\$ 111792
CROP:LUPINS	Breakeven Yld	0.39	t/ha.		267t.

1.SUMMARY. Paddock: WEST/END 1986		685 ha	Soil : Medium/Gravel		
Income PRICE (Net On-Farm)		122	\$/t.	(\$141/t Gross)	Paddock
YIELD		1.8	t/ha.		1233t.
Total Income		220	\$/ha.		\$ 150426
Costs FERTILIZER		44.2	\$/ha.	49%	\$ 30277
SPRAYS		11.6	\$/ha.	13%	\$ 7946
FUEL & OIL		6.6	\$/ha.	7%	\$ 4521
REPAIRS & MAINTENANCE		16.5	\$/ha.	18%	\$ 11303
SEED		7.7	\$/ha.	9%	\$ 5275
INSURANCE		2.7	\$/ha.	3%	\$ 1850
LABOUR			\$/ha.		\$ 0
.....			\$/ha.		\$ 0
INTEREST			\$/ha.		\$ 0
Total Costs		89.3	\$/ha.	100%	\$ 61171
DATE : 10/20/96	Gross Margin	130	\$/ha.	(\$146 /\$100)	\$ 89256
CROP:WHEAT ASW	9.7% Breakeven Yld	0.73	t/ha.		501t.

1.SUMMARY. Paddock: WEST/END 1987		685 ha	Soil : Medium/Gravel		
Income PRICE (Net On-Farm)		139	\$/t.	(\$159/t Gross)	Paddock
YIELD		1.8	t/ha.		1233t.
Total Income		250	\$/ha.		\$ 171387
Costs FERTILIZER		44.2	\$/ha.	50%	\$ 30277
SPRAYS		13.4	\$/ha.	15%	\$ 9179
FUEL & OIL		3.9	\$/ha.	4%	\$ 2672
REPAIRS & MAINTENANCE		14.8	\$/ha.	17%	\$ 10138
SEED		7.9	\$/ha.	9%	\$ 5412
INSURANCE		3.6	\$/ha.	4%	\$ 2466
LABOUR			\$/ha.		\$ 0
.....			\$/ha.		\$ 0
INTEREST			\$/ha.		\$ 0
Total Costs		87.7	\$/ha.	100%	\$ 60075
DATE : 10/20/96	Gross Margin	163	\$/ha.	(\$185 /\$100)	\$ 111313
CROP: WHEAT ASW	9.7% Breakeven Yld	0.63	t/ha.		432t.

1.SUMMARY. Paddock; WEST/END 1988 685 ha Soil : Medium/Gravel

Income PRICE (Net On-Farm)	192 \$/t.	(\$211/t Gross)	Paddock	
YIELD	1.6 t/ha.		1096t.	
Total Income	307 \$/ha.		\$ 210432	
Costs FERTILIZER	25.2 \$/ha.	36%	\$ 17262	
SPRAYS	7.9 \$/ha.	11%	\$ 5412	
FUEL & OIL	3.1 \$/ha.	4%	\$ 2124	
REPAIRS & MAINTENANCE	13.2 \$/ha.	19%	\$ 9042	
SEED	16.6 \$/ha.	24%	\$ 11371	
INSURANCE	3.2 \$/ha.	5%	\$ 2192	
LABOUR	\$/ha.		\$ 0	
.....			\$/ha.	
			\$ 0	
INTEREST	\$/ha.		\$ 0	
Total Costs	69.2 \$/ha.	100%	\$ 47402	
DATE : 10/20/96	Gross Margin	238 \$/ha.	(\$344 /\$100)	\$ 163030
CROP:LUPINS	Breakeven Yld	0.36 t/ha.		247t.

1.SUMMARY. Paddock: WEST/END 1989 685 ha Soil : Medium/Gravel

Income PRICE (Net On-Farm)	171 \$/t.	(\$193/t Gross)	Paddock	
YIELD	1.8 t/ha.		1233t.	
Total Income	308 \$/ha.		\$ 210843	
Costs FERTILIZER	51.7 \$/ha.	55%	\$ 35415	
SPRAYS	12.6 \$/ha.	13%	\$ 8631	
FUEL & OIL	2.9 \$/ha.	3%	\$ 1987	
REPAIRS & MAINTENANCE	14.2 \$/ha.	15%	\$ 9727	
SEED	9.3 \$/ha.	10%	\$ 6371	
INSURANCE	3.6 \$/ha.	4%	\$ 2466	
LABOUR	\$/ha.		\$ 0	
.....	\$/ha.		\$ 0	
INTEREST	\$/ha.		\$ 0	
Total Costs	94.3 \$/ha.	100%	\$ 64596	
DATE : 10/20/96	Gross Margin	214 \$/ha.	(\$226 /\$100)	\$ 146248
CROP:WHEAT ASW 9.7%	Breakeven Yld	0.55 t/ha.		378t.

1-SUMMARY. Paddock: WEST/END 1990		685 ha	Soil : Medium/Gravel	
Income PRICE (Net On-Farm)		105 \$/t.	(\$127/t Gross)	Paddock
YIELD		1.8 t/ha.		1233t.
Total Income		189 \$/ha.		\$ 129465
Costs FERTILIZER		46.7 \$/ha.	54%	\$ 31990
SPRAYS		12.3 \$/ha.	14%	\$ 8426
FUEL & OIL		4.9 \$/ha.	6%	\$ 3357
REPAIRS & MAINTENANCE		15.5 \$/ha.	18%	\$ 10618
SEED		6.0 \$/ha.	7%	\$ 4110
INSURANCE		1.8 \$/ha.	2%	\$ 1233
LABOUR		\$/ha.		\$ 0
.....		\$/ha.		\$ 0
INTEREST		\$/ha.		\$ 0
Total Costs		87.2 \$/ha.	100%	\$ 59732
DATE : 10/20/96	Gross Margin	102 \$/ha.	(\$117 /\$100)	\$ 69733
CROP:WHEAT ASW 9.7% Breakeven Yld		0.83 t/ha.		569t.

1.SUMMARY. Paddock: WEST/END 1991		685 ha	Soil : Medium/Gravel	
Income PRICE (Net On-Farm)		161 \$/t. (\$180/t Gross)		Paddock
YIELD		1.8 t/ha.		1233t.
Total Income		289 \$/ha.		\$ 198266
Costs FERTILIZER		25.4 \$/ha.	44%	\$ 17426
SPRAYS		8.7 \$/ha.	15%	\$ 5987
FUEL & OIL		5.6 \$/ha.	10%	\$ 3850
REPAIRS & MAINTENANCE		14.2 \$/ha.	24%	\$ 9710
SEED		\$/ha.		\$ 0
INSURANCE		4.5 \$/ha.	8%	\$ 3083
LABOUR		\$/ha.		\$ 0
.....		\$/ha.		\$ 0
INTEREST		\$/ha.		\$ 0
Total Costs		58.5 \$/ha.	100%	\$ 40056
DATE : 10/20/96	Gross Margin	231 \$/ha.	(\$395 /\$100)	\$ 158210
CROP:LUPINS	Breakeven Yld	0.36 t/ha.		249t.

MPC91 MURPHYL PASTORAL CO - 1991
LIVESTOCK SCHEDULE
82/91SHEEP

STOCK Dse CLASS /Hd.	AT START	Births	Buy	Sell	Deaths Ration	Transfer Out	Transfer In	AT END
91/SHEEP	2445	840		800	40		2445	1.0
90/SHEEP	2445	840		800	40		2445	
89/SHEEP	2445	840		800	40		2445	
88/SHEEP	2445	840		800	40		2445	
87/SHEEP	2445	840		800	40		2445	
86/SHEEP	2445	840		800	40		2445	
85/SHEEP	2445	840		800	40		2445	
84/SHEEP	2445	840		800	40		2445	
83/SHEEP	2445	840		800	40		2445	
TOTALS	22005	7560		7200	360		22005	3.6
							685 Ha. 2445 Dse	3.6 av.

MPC91 MURPHYL PASTORAL CO - 1991
LIVESTOCK SALES
82/91SHEEP

Stock Type	Sale Number	Est.Kg Per Hd	Price per Kg	Price Per Head	Receipts	Month	Code
91/SHEEP	800			\$12.00	\$9600		
90/SHEEP	800			\$9.50	\$7600		
89/SHEEP	800			\$16.50	\$13200		
88/SHEEP	800			\$20.00	\$16000		
87/SHEEP	800			\$16.50	\$13200		
86/SHEEP	800			\$12.50	\$10000		
85/SHEEP	800			\$23.50	\$18800		
84/SHEEP	800			\$23.50	\$18800		
83/SHEEP	800			\$21.00	\$16800		
TOTALS	7200			\$17.22	\$124000		

MPC91MURPHYL PASTORAL CO - 1991
SHEARING SCHEDULE
82/91SHEEP

STOCK TYPE	Shearing Number	Cut/Hd. Kg.	Total Kg.	\$/Kg Nett	Receipts	Month	Code
91/SHEEP	2445	4.000	9780	\$2.78	\$27188		
90/SHEEP	2445	4.000	9780	\$3.30	\$32274		
89/SHEEP	2445	4.000	9780	\$5.30	\$51834		
88/SHEEP	2445	4.000	9780	\$5.00	\$48900		
87/SHEEP	2445	4.000	9780	\$4.20	\$41076		
86/SHEEP	2445	4.000	9780	\$3.20	\$31296		
85/SHEEP	2445	4.000	9780	\$3.60	\$35208		
84/SHEEP	2445	4.000	9780	\$2.20	\$21516		
83/SHEEP	2445	4.000	9780	\$2.20	\$21516		
TOTALS	22005	4.000	88020	\$3.53	\$310808		

MPC91 MURPHYL PASTORAL CO - 1991
ENTERPRISE DIRECT COSTS
82/91SHEEP

ACTIVITY or INPUT	Number Hd:T:L:K	Unit Cost	Payments	Month	Code
91/SHEEP	2445	\$3.82	\$9340		
90/SHEEP	2445	\$4.70	\$11492		
89/SHEEP	2445	\$4.60	\$11247		
88/SHEEP	2445	\$4.10	\$10025		
87/SHEEP	2445	\$5.00	\$12225		
86/SHEEP	2445	\$2.90	\$7091		
85/SHEEP	2445	\$4.20	\$10269		
84/SHEEP	2445	\$4.10	\$10025		
83/SHEEP	2445	\$3.30	\$8069		
Total 82/91 SHEEP costs		\$89783			

DAMAGES IN PRODUCTION LOSSES

Losses incurred on an Annual basis:

Cropping Program from 1982 to 1991

1982	\$88969.00
1983	\$103949.00
1984	\$125698.00
1985	\$111792.00
1986	\$89256.00
1987	\$111313.00
1988	\$163030.00
1989	\$146248.00
1990	\$69733.00
1991	\$158210.00
Cropping Program Total	\$1168198.00

Livestock Program from 1987 to 1991:

Livestock Sales:

1982	\$14400.00
1983	\$16800.00
1984	\$18800.00
1985	\$18800.00
1986	\$10000.00
1987	\$13200.00
1988	\$16000.00
1989	\$13200.00
1990	\$7600.00
1991	\$9600.00
Livestock Sales Total:	\$138400.00

Shearing Schedule:

1982	\$21516.00
1983	\$21516.00
1984	\$21516.00
1985	\$35208.00
1986	\$31296.00
1987	\$41076.00
1988	\$48900.00
1989	\$51834.00
1990	\$32274.00
1991	\$27188.00
Shearing Schedule Total:	\$332324.00

Livestock Direct Costs:

1982	\$7335.00
1983	\$8069.00
1984	\$10025.00
1985	\$10269.00
1986	\$7091.00
1987	\$12225.00
1988	\$10025.00
1989	\$11247.00
1990	\$11492.00
1991	\$9340.00
Livestock Direct Costs Total:	\$97118.00

Livestock Sales Total	\$138400.00
Shearing Schedule Total +	\$332324.00

TOTAL:	\$470724.00
Livestock Direct Costs Total	\$97118.00
Livestock Program Total	\$373606.00
Cropping Program	\$1168198.00
Livestock Program +	\$373606.00
Total Production Loses [sic]	\$1541804.00

APPENDIX II**LIST OF REPORTS**

1. Report regarding a petition seeking legislation on various aspects of substantive law and procedural law relating to sex offences against children.
 2. Interim report into links between Government agencies and the failed Western Women Group.
 3. Second interim report into links between Government agencies and the failed Western Women Group.
 4. Report regarding a petition requesting the Legislative Council to investigate whether the proposed dissolution of the City of Perth contravenes the Constitution Act 1889 or any other Act or Statute.
 5. Report in relation to a petition requesting the ban on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing in the Pilbara region and the phasing out of certain professional licence endorsements.
 6. Report in relation to a petition concerning the export of iron ore through Esperance.
 7. Report in relation to a petition concerning the town of Wittenoom.
 8. Overview of Petitions: April 1993 - March 1994.
 9. Overview of Petitions: May 1994 - December 1994.
 10. Report in relation to a petition regarding the Port Kennedy Development.
 11. Report in relation to the Electronic Availability of Statutes.
 12. Report in relation to a petition regarding the Swan Valley and Whiteman Park.
 13. Report in relation to a petition regarding the Sewerage System.
 14. Report in relation to a petition objecting to the Government's decision to restrict the use by pensioners of their Free Westrail entitlement during holiday periods.
 15. Overview of Petitions: March 1995- March 1996.
 16. Report in relation to a petition regarding the effect of soil conservation policy on clearing controls and remnant vegetation management.
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