

# Legislative Assembly

Wednesday, the 8th November, 1978

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

## PORNOGRAPHY

### *Exploitation of Children: Petition*

MR CLARKO (Karrinyup) [4.32 p.m.]: I have a petition signed by 156 residents of Western Australia praying that this Parliament take action regarding child pornography.

The preamble is similar to the many petitions which have been brought to this House in recent weeks. It conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 45).

## QUESTIONS

Questions were taken at this stage.

## CLOSING DAYS OF SESSION: SECOND PART

### *Standing Orders Suspension*

SIR CHARLES COURT (Nedlands—Premier) [5.21 p.m.]: I move—

That so much of the Standing Orders be suspended as is necessary to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and Messages from the Legislative Council to be taken into consideration on the day they are received.

This motion is regularly moved. I had not moved it earlier because of the way the notice paper has been arranged, and the way the legislation has been introduced and handled. However, it is desirable to have this motion passed by the House so that in the next few weeks of the session we can take advantage of the ability under the suspension of the Standing Orders to proceed with the various stages of messages, Bills, and the like, particularly in the case of third readings. However, it does not appear that that will be necessary on many occasions in view of the state

of the notice paper and the way in which the business has been handled.

At the same time I will indicate a matter which I discussed with the Leader of the Opposition yesterday. I feel the time has been reached when we should extend the sittings a little. It is suggested that as a preliminary measure, to see how things go, as from and including Wednesday, the 15th November—that is, next Wednesday—the House meet at 2.15 p.m. instead of 4.30 p.m., and on Thursdays as from and including Thursday, the 16th November, the House continue after dinner.

It is suggested, and it will be the subject of consultation with the Leader of the Opposition, that we set aside some times in the weeks ahead for private members' business, rather than just taking items as they occur and as convenience dictates from time to time. It would be more appropriate for block times to be set aside so that the Opposition would know they have a reasonable amount of time to deal with the business. It may be that certain members may wish to change the priorities by mutual arrangement, and that would be within their competence.

I have also indicated to the Leader of the Opposition that if it is the desire of the Opposition to move a motion seeking to disallow regulation 8 made under the Aboriginal Affairs Planning Authority Act, the Government would facilitate the debate of that motion. I did not want any suggestion to be made that the regulation had been introduced and there was no opportunity for the Opposition to debate it. By mutual arrangement with the Leader of the Opposition, I will arrange some time so that the Opposition can move its motion and have it responded to by the Government. As I understand the position, the member for Maylands gave notice of such a motion today; so I wished to clarify that point.

This covers most of the points that I can, within the confines of the Standing Orders, legitimately deal with in moving this motion.

MR DAVIES (Victoria Park—Leader of the Opposition) [5.24 p.m.]: I am happy to confirm the details of the conversation between the Premier and myself as he has outlined them to the House.

We realise, of course, that when a session is approaching its end some moves are necessary to facilitate the flow of legislation into and out of this House, to another place and back again. Provided that there is nothing contentious, and we are able to deal with the matters immediately, we are only too happy to co-operate.

The Premier has indicated that in matters where some attention is required—a message or a Bill—time will be provided for that. I understand that most of the legislation, or all of the Bills that the Government now has, appear in some form or other on the notice paper, and that there will be no other Bills introduced during the rest of the session. I believe that was the Premier's indication when he spoke last Thursday afternoon in reply to a question.

Sir Charles Court: Unless there is anything of an urgent nature. I do not know of any at the moment.

Mr DAVIES: The Premier said he would hunt around to see if there was anything left in a drawer anywhere. Unless there is anything of an urgent nature, we have the legislative programme for this session before us, one way or another.

We are happy to support the motion.

Question put and passed.

## **CONTROL OF VEHICLES (OFF-ROAD AREAS) BILL**

### *Second Reading*

Debate resumed from the 1st November.

MR CARR (Geraldton) [5.26 p.m.]: The Control of Vehicles (Off-road areas) Bill proceeded to the second reading stage in this House barely a week ago, on Wednesday of last week. In fact, that stage was reached only three sitting days ago. During the very short time which has been made available to the Opposition to consider the Bill, we have considered our attitude to the Bill.

Our attitude is based on three main points. Firstly, it is based on the acknowledgment of a serious necessity for some type of legislation to control the activities of trail bikes and dune buggies, from the points of view of conservation of the environment and of noise. We have an appreciation of those problems, and we support in principle the introduction of legislation to control activities causing problems in these matters.

The second aspect in determining our attitude to the Bill is that we are most unhappy with the shoddy, bureaucratic, and in some cases repressive nature of the provisions of the Bill.

The third influence on the Opposition in determining our attitude is the most indecent haste with which the Government has proceeded to the resumption of the second reading debate. Apparently the government is anxious to proceed quickly to remaining stages.

We acknowledge that the problem of dealing with off-road vehicles is a most difficult and sensitive one. We acknowledge the need to prevent irresponsible people from despoiling the environment of this State, from making excessive noise, and from interfering with the rights of other people. We appreciate the difficulty of trying to steer a course between doing the right thing in stopping irresponsible people and, at the same time, allowing the majority of ordinary people seeking recreation to go about their normal leisure activities in a way which does not interfere with other members of the community.

To express our attitude in another way, I say that we recognise the need for legislation which allows freedom for people to do as they wish so long as they do not interfere with others. At the same time it is important to allow ordinary people to have freedom to go about their lives without being interfered with, or obstructed, or annoyed by other people.

The Australian Labor Party has waited very patiently over the last two or three years while this Government has proceeded to the point of introducing legislation to control off-road vehicles. For much of the time the Government appeared to be trying to reach consensus, to provide an opportunity for discussion, and to move to a stage where a Bill meeting the needs of various interests could be introduced.

The first Bill introduced two years ago was allowed to lapse after having been introduced as a discussion document. The second Bill, which was introduced in the first part of this session of Parliament, made a new approach in the sense that it provided that off-road vehicles could not operate anywhere other than in an area specifically permitted.

We were very concerned at that approach which appeared to impinge on the rights of ordinary citizens, but nevertheless we held our peace and watched while the problems in that Bill were exposed and while various organisations put forward their objections, various controversies started, and a number of reactions were forthcoming from shire councils and interested groups. We held our peace because we recognised the Government was dealing with a sensitive issue and there was a need for positive and constructive legislation to deal with the problem. We watched patiently as we heard a new draft Bill was being prepared and would be introduced into Parliament.

We did not have any major criticisms of the Government's performance with regard to off-road vehicles up to that point. However, a new

point has been reached and the Opposition finds itself faced with a very different ball game. After a considerably lengthy period of consultation we find the Government has now decided to stop consulting and rush this Bill through Parliament in the very shortest possible time. We have had one week's notice since the second reading was given, and this for a Bill with 48 pages containing 48 clauses.

I am sure all members will be familiar with the fact that while a minimum of a week's notice is the usual procedure, with a Bill of any real size generally a larger amount of time is allowed. Even with the smallest Bills with minor amendments a week is given, but with Bills of this size usually a much longer period is allowed.

The Opposition has found out this Bill has not been referred by the Government to local authorities. Last Thursday, in answer to a question from the member for Dianella, the Minister admitted the Bill now before us had not been submitted by the Government to the 138 local government authorities throughout the State.

Mrs Craig: Are you indicating it is normal practice to submit draft legislation to local authorities for their comments?

Mr H. D. Evans: The Minister should have.

Mr CARR: The previous Bill was sent to local authorities for their consideration. I take it the Minister is saying no draft was referred to the local authorities.

Mrs Craig: I made it clear the executive of the Local Government Association and the Country Shire Councils' Association had seen the draft and had been discussed by them.

Mr CARR: So apparently the executive of the Local Government Association has seen a draft of the Bill, but the local authorities throughout the State have not seen the Bill. They should have seen a copy—

Mr Nanovich: That is not right. You claim local authorities have not had an opportunity to see the Bill.

Mr CARR: I said the Government had not distributed copies of this Bill to local authorities. I will come to the point in a minute in respect of local authorities which have had a copy given to them by their local member.

We have a Bill before the House dealing with a sensitive area and which, for its success, must rely on the complete co-operation of local authorities throughout the State; yet they have not been provided with a copy of the Bill by the Government. Even those local authorities which

have been given a copy of the Bill by a local member have not had time to consider the Bill and prepare reactions to it; and they certainly have not had time to refer their reactions to the Opposition or the public.

Mr Nanovich: The previous Bill was introduced and circulated to local authorities.

Mr CARR: We are talking about this Bill.

Mr Nanovich: The recommendations came through the Local Government Association and the Country Shire Councils' Association to the Government which considered all the points raised.

Mr CARR: I thank the member for Whitford for his little history lesson. We were all aware the previous Bill was presented to local authorities and the Government had considered objections to it. That does not alter the fact we are now dealing with a new Bill containing 48 clauses.

The shires are entitled to inspect the Bill and see which clauses have been changed and which are the same so as to see which of their objections have been overcome and which are still present.

Today I arranged an exercise to see what proportion of shires had been contacted and given copies of the Bill. I arranged for one of our member's secretaries to phone 24 local government councils in this State to see which had received a copy of the Bill, and whether they had had time to peruse it and then refer their reactions to the council. To give an indication of how random the telephone calls were I shall list the 24 councils which were contacted today. They are as follows—

- Armadale-Kelmscott Shire Council
- Bassendean Town Council
- Bayswater Shire Council
- Belmont Shire Council
- Claremont Town Council
- Cockburn Town Council
- East Fremantle Town Council
- Fremantle City Council
- Gosnells City Council
- Mosman Park Town Council
- Kwinana Town Council
- Mundaring Shire Council
- Albany Shire Council
- Albany Town Council
- Augusta-Margaret River Shire Council
- Beverley Shire Council
- Boyup Brook Shire Council
- Brookton Shire Council
- Broome Shire Council
- Bunbury Town Council
- Carnarvon Shire Council
- Plantagenet Shire Council

Northam Shire Council  
Rockingham Shire Council

They were asked whether they had received a copy of the Bill which is before the House and we found that just 10 had received a copy, in most cases from a local member, and the other 14 had not.

Mr Nanovich: Who made the contact?

Mr CARR: I can see the member for Whitford is dying to make a speech and I am sure he will be able to do so later on. I am making the point for his benefit that the only way any shire councils received copies of the Bill was when it was given to them by a local member. If the member for Whitford gave one to his local authority I say, "Beauty". I make the point that only 10 of the 24 councils had received a copy.

Those 10 town and shire clerks were asked whether they had had time to study the Bill and form an attitude to it and, if so, had they had sufficient time to refer their attitude to the council. Some were in the position to say they had perused their copy of the Bill but none had had time to refer it to council for council attitude.

This Bill, dealing primarily with local authorities, has not been before local authorities. The Government has not given local authorities the time to consider it, learn how it relates to them, and submit their reactions.

Mr Hassell: How many times are you suggesting the Government should go through this process before it enacts a Bill? It has already been through the process twice.

Mr Skidmore: Back to your bunkhouse.

Mr CARR: At the risk of being extremely repetitious, I indicate to the member for Cottesloe that each time a Bill which is primarily concerned with local authorities comes before the Parliament, it should be referred to each local authority.

Mr Hassell: Even though it incorporates the previous representations of those authorities.

Mr CARR: Even more so if representations have been made, because councils are entitled to have a look at a Bill so that they can see whether all their representations have been considered; to see which problems have been attended to; and which are still there. Is the member for Cottesloe going to deny a local authority the right to look at the Bill and see which of its objections have or have not been considered by the Government? I hope not.

Several members interjected.

Mr CARR: It was particularly significant when the Minister made the second reading speech that

she went to great pains to try to soft sell this Bill. Anybody reading the second reading speech notes only, without reading the Bill, would be of the opinion that all of the problems had been solved; that all of the objections had been removed; and that there were no difficulties left. One would form the opinion that whilst there were a few complaints about the last Bill, everything was rosy and wonderful with this Bill. That might be all right for someone reading the second reading speech; but anybody who read the Bill would find that whilst some amendments have been made compared with the previous Bill, a considerable number of problems still remain.

I suggest there are approximately six to eight major queries which need answers, clarification, amendment, or, in some cases, removal from the Bill. I want to ask the Minister why there is this indecent haste to rush the Bill through, and there is indecent haste.

The Leader of the Opposition in the Legislative Council (the Hon. Des Dans) was told yesterday by the Leader of the Government in that House that this Bill would be before the Council tomorrow. It is not sitting today but it will be sitting tomorrow and it will deal with this Bill.

Mr Bryce: The old men's home wants something to do.

Mr CARR: In other words, we were told yesterday that the Legislative Assembly intended to pass this Bill through all stages tonight.

Mr Tonkin: It is nice to have the numbers.

Mr CARR: The honourable member is correct; it is nice to have the numbers.

The Premier has introduced the motion to suspend Standing Orders. This motion is normally introduced at this stage of the session. It makes it possible for the Government to proceed through the Committee stage to the third reading stage without the Opposition having the opportunity to consider whether or not leave should be granted.

Because the Bill will be railroaded through Parliament tonight, we will not have the opportunity to move amendments. When the Opposition met yesterday and considered this Bill, it was decided a number of amendments were necessary to try to improve it and to make it into the type of Bill of which this Parliament could be proud and which would deal with the problem constructively.

We find now there is no time to move these amendments, because the Bill is going through all stages tonight. So keen is the Government to rush this Bill through that it had to deal with it before the tea suspension tonight. The Government could

not even wait until after tea. The Minister for Local Government and I arranged to attend a seminar this afternoon at WAIT. The seminar was to last from 2.00 p.m. to 5.00 p.m. followed by biscuits and drinks until 6.30 p.m. I had arranged a pair. I understood the Minister would be present at the function all afternoon and this Bill would not be debated until after tea.

Mrs Craig: When I answered that invitation I indicated very clearly that the maximum time I would be able to stay there was from two o'clock until three o'clock. That was a month or six weeks ago. You assumed I would be there; you did not know.

Mr CARR: The Minister has misunderstood the point I am making. I was not criticising the Minister for not being at the seminar all afternoon. I made the point I expected to attend the seminar throughout all its stages including the drinks and biscuits. I expected to be there until 6.30 p.m. on the understanding that it would not cause any problems with the passage of this Bill.

Mrs Craig: I would have thought your first obligation was to the Parliament.

Mr B. T. Burke: "Can you straighten your tie?" We will bring him into line. Do not be silly. The Premier sought co-operation today and we gave it to him.

Several members interjected.

Mr Bryce: Up on your pedestal, madam.

Mr Laurance: You can have your biscuits and drinks afterwards.

Mr CARR: I do not deny the suggestion that the first responsibility of a member of Parliament is to be in the Parliament; but I am sure all members on both sides of the House have by way of co-operation arranged pairs at some time to enable them to engage in various responsibilities which perhaps do not involve Parliament directly, but are involved indirectly with our responsibilities as members of Parliament. I hope the Minister is not suggesting it would have been improper or inappropriate for me to stay at that function until 6.30 p.m.

I approached the Minister last night and said, "You can see the notice paper and you know also this function is on until 6.30 p.m." The Minister said, "I am getting back early." She understood I was speaking at an early stage of the seminar which turned out to be correct, although I had not seen the programme at that time. The Minister gave me until 5.30 p.m. to be back to debate this Bill in Parliament. What sort of stage are we coming to that I should have to return and deal

with this Bill before tea? Is there really that big a panic?

Sir Charles Court: You be fair about it. The Minister on your behalf arranged for your item to be postponed until such time as you returned.

Mr Davies: But there was another direction from the Minister.

Mr CARR: We requested the arrangement referred to by the Premier; but that request was not granted. I asked that debate on the Bill be delayed until after tea; but that request was not granted. The Minister told me I had to be back by 5.30 p.m. at the latest.

Sir Charles Court: It was decided your item would be taken when you came back.

Mr Davies: He was ordered to come back by 5.30 p.m.

Mr CARR: I am very pleased to hear now from the Premier—

Several members interjected.

The SPEAKER: Order! I call the House to order. The member for Geraldton.

Mr CARR: I am very pleased to hear from the Premier now that he would not have minded had I stayed at the seminar until 6.30 p.m.; but that is not what the Minister told me last night.

Sir Charles Court: Do not distort it. We agreed that two other items should go ahead of this one.

Mr Davies: I passed on that information and the Minister said that he had to be back by 5.30 p.m.

Mr CARR: We are getting away from the point to some extent. The point I want to make is not the precise details of who told who what, but why the Government is rushing this Bill through at this fast rate. Why does the Government want to get through the Bill quickly tonight and have it dealt with by the Council tomorrow?

I have a suggestion as to why the Government wants to deal with this Bill in such an expeditious way. I suggest the Government knows that if it waits a little while a number of the shire councils and other organisations will recognise that many problems which were found in the previous Bill remain in this one and they will raise strong objections to it. I suggest the Government is trying to ram this Bill through Parliament as quickly as possible before the public outside wakes up to a number of the obnoxious clauses contained in it.

Mr Blaikie: Which ones?

Mr CARR: I intend a little later to go through approximately six to eight points which are particularly worthy of note.

Mrs Craig: I am dying to hear what they are.

Mr Herzfeld: We are all ears.

Mr Blaikie: We are waiting for the next instalment.

Mr CARR: At the outset of my remarks I said the Opposition acknowledges there is a very strong need for this Bill. In my electorate I have personally had a limited opportunity to see some of the problems caused by these types of vehicles. However, I have not had such detailed experience of the problem as have a number of Opposition members situated in the metropolitan area. I presume members on both sides of the House in metropolitan areas—

Mr Herzfeld: Why do you not sit down and let them have their say then?

Mr CARR: If the member for Mundaring wishes the debate to proceed at that level, good luck to him; but I intend to try to confine my remarks to the Bill.

Mr Pearce: We would prefer it if the member for Mundaring went home rather than make stupid statements like that.

Mr CARR: The first major problem requiring attention is the damage to the environment. I am referring in particular to damage to coastal sand dunes. We know most of the coast of Western Australia is of a very fragile nature.

Mr Blaikie: How would you know that? You have only been told.

Mr CARR: The member for Vasse appears to be way off beam. I have seen the coastal area of many parts of the State.

Mr Blaikie: The sand hills of Geraldton. Come on; you can do better than that!

Mr CARR: The member for Vasse may spend all of his time in his electorate and he may not go anywhere else, but I am pleased to inform him that I move around outside my electorate and I have been to sufficient places situated on the coast of this State to enable me to make the comment that I have seen a considerable amount of fragile, sand dune country on the coast of Western Australia. One only needs to fly between Geraldton and Perth to recognise that fact.

Mr Herzfeld: You have said nothing yet to indicate that you have learnt anything from it.

Mr CARR: I am surprised the member wishes to raise such petty points when we are dealing with such an important subject.

Members of the Opposition from the metropolitan area have clearly raised the problems which are being caused by dune buggies and trail bikes which seem to be in use in those

places which have a little extra vegetation but only some grass and roots because these give extra traction. As a result the dune country is being eroded and the opportunity is opened up for the wind to blow out large areas. This is a serious problem and a number of other members will deal with it in detail later.

The second problem which requires attention is that of noise. Again I admit to not having a great deal of personal experience in this regard, but metropolitan area members have outlined the situation where—

Mrs Craig: Are you suggesting these things are not dealt with in the Bill? I cannot understand your meaning. You are indicating six to eight reasons—

Mr Pearce: If you listen you will learn.

Mrs Craig: I have listened and I am taking notes, but he has still not told us—

Mr Pearce: Because he has not finished his speech.

Mr Davies: Be patient.

Mrs Craig: He said other people would comment on it later.

Mr Pearce: And they will.

Mr CARR: I will explain that I was indicating we did acknowledge there is a need for some sort of legislation to deal with the problem, and I have been attempting to enunciate two of the major problem areas which require attention; that is, conservation and the environment and, in particular, the sand dunes, and noise.

Mrs Craig: That is the purpose of the Bill.

Mr CARR: The Opposition is strongly in support of the general principle of the legislation to control these activities, if the Minister will let me make that point. I will now proceed to indicate some of the objections we have to the Bill before the Parliament.

I was about to say that a number of metropolitan members have indicated that in areas which are not built on but which are near residential regions there seems to be a perennial activity of trail bikes making a great amount of noise as they drive in and out amongst the trees. This affects the land itself and also annoys the people who live in the residential areas close by. It has been suggested to me that in some cases parents regard these areas almost as child-minding centres. They drop their children with their trail bikes early on a Saturday morning and then pick up the children and bikes at night.

Mr Clarko: Sunday night would be more appropriate.

Mr CARR: I said Saturday night.

Mr Clarko: I mean they are there for both days.

Mr CARR: Again, the question of noise will be dealt with in more detail by other members and, in particular, by the member for Melville who has a particular interest in it.

I have attempted to indicate that we support the Bill in principle and acknowledge the need for it. We would have liked to say that we applaud the Government because it has done an excellent job and has introduced appropriate legislation to deal with the problem. Unfortunately, we cannot do that because the Bill is just not up to the standard expected, and certainly not the standard required. We cannot give the Bill more than just general support in principle.

I want now to deal with a fairly brief summary of half a dozen major objections to the Bill, as I see them. I will mention them only briefly at this point because I am sure each will be the subject of rather lengthy debate in Committee.

Firstly, it is an extremely bureaucratic piece of legislation and contains three particularly bureaucratic points. It has many repressive and authoritarian clauses. In a number of cases it gives the various authorised officers much more power than they are ever likely to require and it gives much more power to RTA officers than they have under the Road Traffic Act.

Mr Nanovich: It does not.

Mr CARR: I suggest that when we get into Committee the member for Whitford should have a good look at clause 38(8) and clause 42. If he does so, I am sure he will agree that the police officers have more power under those clauses than they do under the Road Traffic Act. Those two particular clauses will receive a certain amount of attention in Committee.

Clause 42 gives the court power to detain a vehicle for a period of up to 12 months. Clause 38(8) gives authorised persons—and we all know what a vague and generalised group they are—the right to test-drive someone's vehicle. An authorised person will be able to waltz up to a vehicle and demand the right to test-drive it. I wonder whether the RTA has the power to do that with a normal vehicle.

The second bureaucratic aspect is a small point which involves a minor piece of red tape. Clause 32(2) indicates that a refund is payable under certain circumstances and, believe it or not, the Government is actually introducing a system under which it will charge for making a refund. If a person is overcharged and is entitled to a

refund, he will receive it minus a charge for giving the refund. For heaven's sake, what sort of situation are we in with that sort of provision before the Parliament?

The third bureaucratic aspect involves the welter of powers to make regulations and by-laws and to give permits and exemptions. The Bill is very difficult to study because the real power involved will be in those regulations, by-laws, permits, and exemptions. Has the House been given a clear statement of what is intended to be in those regulations, by-laws, permits, and exemptions? No! I am fairly wary of approving legislation which has such scope for so many bureaucrats to make so many different regulations.

Mr Blaikie: But the regulations will be approved only by the Parliament.

Mr CARR: I am sure the member for Vasse is fully aware of the shortcomings of that system.

Mr Blaikie: They are only the shortcomings of your own inadequacy.

Mr T. D. Evans: They become law and we can do nothing about them.

Mr CARR: At different times the Government makes a great deal of fuss about comparing bureaucracy with socialism. It says it is opposed to anything to do with socialism and bureaucracy, and speaks almost as though it thinks they are the same thing. Of course they do not necessarily mean the same thing at all. While the Government may be correct when it claims to be anti-socialist, it certainly is not anti-bureaucratic. It has introduced more bureaucratic legislation into this Parliament in recent years than the State has seen throughout its long history.

Opposition members: Hear, hear!

Mr Clarko: Do you say they are synonymous?

Mr CARR: No. I am saying that many members of the Government tend to use the words as though they were synonymous, but they have separate meanings, as the member for Karrinyup, with his experience in political science, would appreciate.

My second major criticism of the Bill, after its bureaucratic nature, is that it says very little about noise prevention. It contains some fairly strong elements on conservation, but it does not deal very much with noise. It has a limited reference to noise problems, but it makes no provision for maximum decibel levels, or anything like that. When the advisory committee is established there will be no person on it with voting rights who is involved with noise problems. True, provision is made for a person with

expertise in noise to be co-opted to advise, but when we consider that noise is one of the major problems to be dealt with under the Bill, we realise that there should be on that committee a person with voting rights and expertise on noise. Once again, the member for Melville will be dealing with that matter when he speaks later on.

The next criticism I want to make is one of the most significant against the whole Bill, and I refer to the role local authorities will play in administering the legislation. I have no objection to the fact that much of the administration will have to be done by local authorities. There is provision for them to provide authorised persons, such as rangers and so on, and to mark the permitted and prohibited areas, etc. However, there is no mention of the source of money to enable the local authorities to do any of these things. It seems to me that the Bill is indicating to the local authorities that under the legislation there will be a new load of responsibilities for them which they must accept; that they must employ people to make sure the responsibilities are fulfilled; that they must do all these things and meet the expenses from their own normal revenue and from Federal grants.

Nowhere have I heard any suggestion that the State Government, or the Federal Government, will provide funds to local authorities to enable them to carry out their particular functions. That was one of the major criticisms of the previous Bill which was presented to this House, and it certainly was the major criticism raised by local authorities. The local authorities—or some of them—stated that they wanted the Bill but they also wanted to know where in heaven's name they would find the money to meet the extra responsibility.

In the Geraldton region, during the ABC regional news service, we regularly heard items to the effect that such and such a shire council last night carried a motion setting out that the Road Traffic Authority should administer the proposed legislation. Those local authorities considered that the responsibility should not be that of the local shire ranger because, after all, it was State legislation. The shires considered that the State should provide the money to ensure that the Act was administered. During one news item I even heard that a Government member from my region was quoted as having advised one of the local authorities that it should adopt the attitude of demanding that the RTA police the off-road vehicle legislation. Certainly, that was one of the main points which concerned local governing authorities. They wanted to know where the money was to come from. I also want to know,

and the Opposition wants to know so that when this Bill is passed we will at least know the position. We want to be able to go to the local authorities and advise them of the situation.

Time and time again we have been unable to advise local authorities of their position. It does not look as though the Government wants the local authorities to find out, because the Bill has not been circulated among those authorities.

The attitude of the Government of handing responsibility to local authorities, without additional funds, reminds me very much of the new federalism we heard so much about. The Federal Government sheds as much responsibility as it can—although some of that responsibility belongs to the States. The Federal Government seems keen to give what responsibility it can to the State Government without any corresponding money.

We have heard the Premier, and a number of Ministers, complain about the lack of funds provided by the Federal Government to enable the State to carry out its normal functions. Is this not the same thing? Is this not a situation where the State Government is passing on a responsibility to local authorities? The local authorities will do the work, and they will have to find the funds. Is that not the situation?

Mr Nanovich: No, that is not the situation.

Mr CARR: If the member opposite has information to the contrary I would be delighted to hear what it is, and to hear him express it to the Parliament. Perhaps the Minister will explain that the State Government will provide funds so that the Act will be administered and policed effectively.

Mr Rushton: Would you advise us what sort of Bill your party would have introduced? Nothing was brought in during the three-year term of the Labor Government.

Mr CARR: Perhaps the Minister for Transport considers that we should advise his Government how it is supposed to run this State.

Mr Rushton: You had three years during which to bring in a Bill, but you produced nothing.

Mr CARR: If the Minister and his Government were not so keen to ram this Bill through Parliament tonight there would be—

Mr Rushton: That is a misleading statement.

Mr CARR: It is not. If the Government was not so keen to rush this Bill, a number of amendments would appear on the notice paper in the next couple of days.

Mr Rushton: You are trying to mislead the public.



Mr CARR: Those amendments would make the Bill workable, and it would be improved so that it would be viable.

Mr Rushton: You are grandstanding.

Mr CARR: The Minister talks about grandstanding, but here he is suggesting that the Opposition should prepare his legislation.

Mr Rushton: No.

Mr CARR: That is what the Minister is saying.

Mr Rushton: The Tonkin Government tried for three years, but produced nothing.

Mr Davies: We did more during that three years than the present Government has ever done.

Mr CARR: I suppose we could go further back than the Tonkin Government, to the Hawke Government. How far back are we supposed to go?

Mr B. T. Burke: Perhaps as far back as John Forrest!

Mr CARR: The next criticism I have is the confusion between "permitted" and "prohibited" areas. The situation is rather confusing because some areas will be "permitted" areas and some will be "prohibited" areas. I found those definitions to be confusing the first half-dozen times I read the Bill.

Mr Nanovich: Your front garden is one or the other of those two defined areas.

Mr CARR: Is that so? It seems that some areas will be permitted for off-road vehicles, as such, which will not be able to operate anywhere else. There are certain areas which will be prohibited to Landrovers—or that type of four-wheel-drive vehicle—but these will be permitted in other places. I believe that is what the Bill is trying to set out. I merely point out that it is not at all clear what is meant. Some clarification certainly is needed. If I had to put a great deal of effort into working out what was meant, I am sure the users of off-road vehicles will not have time to study the legislation in order to work out what that sort of gobbledygook means.

The next major criticism I have of the Bill is that it still includes the provision which puts the onus of proof—the necessity to prove he is innocent—on a person accused of committing an offence. That was one of the main criticisms of the last Bill, and the provision is still included in several clauses of this measure.

It used to be a tenet of democracy that a person was considered to be innocent until such time as he was proved to be guilty. I wonder what has happened to that. I know that was a tenet of

democracy and we wonder whether democracy has changed.

Mr Herzfeld: What you are saying shows your total and utter ignorance of the problem because if the Bill was introduced without that sort of clause it would be impossible to police the Act.

Mr CARR: I would like to hear the member for Mundaring provide some details during his second reading speech so that it can be quoted to those people in the community who believe that democracy demands that a person should be presumed to be innocent until proven guilty. The onus should be on the authorities to prove a person is guilty.

I might say it surprises me that a party which makes so much fuss about freedom of thought, the freedom of the individual, and so on should be happy to support legislation which puts the onus on the accused to prove he is innocent rather than on the authorities to prove he is guilty.

The next major criticism of the Bill is that it has no provision for third party insurance. In her second reading speech the Minister made a very brief reference to the need to have a look at third party insurance, and she more or less said it has been put in the "too hard basket" because it was so difficult. She said it was too expensive, and because the risks were so great the premiums would be too high for people to afford; therefore they should not have to pay third party insurance premiums.

If a person who owns an off-road vehicle finds that the premiums are too expensive and he cannot afford them, how will he pay \$200 000 damages to someone he maims for life? Surely, if a person who owns a vehicle cannot pay the high level of premiums, in no way will he be able to pay the high level of damages to someone who sustains a serious injury. We will need to have a much closer look at this matter.

If a person cannot afford third party cover perhaps he should not have a vehicle. I am not sure whether this is the right answer. I am concerned about a situation where we say we will not have third party insurance because the premiums are too expensive. But people can go out and do damage costing hundreds of thousands of dollars and there is no way to collect the money, because the Motor Vehicle Insurance Trust does not come into it. This is a situation I find most unacceptable and the Government needs to look at some way to include a third party insurance provision in the Bill.

Mr Herzfeld: There is nothing to stop an individual owner going to an insurance company and taking out a policy.

Mr CARR: I appreciate the point made by the member for Mundaring. However, it is to the advantage of the person who does that, but it does nothing to help the third party who suffers damage from the actions of someone who does not have third party insurance. I think it is a serious matter.

The next criticism relates to the registration procedures where the owner of an off-road vehicle merely has to provide a statutory declaration that his vehicle is in good working order and a licence is issued and registration is effected. Some owners would not know whether or not the vehicle was safe. It seems reasonable that a person who owns an off-road vehicle and wants to have it registered should have it inspected by a qualified authority, and presumably that means an officer of the Road Traffic Authority who can examine the vehicle and say whether, in fact, it is safe or unsafe. Of course it would be most appropriate to have the vehicle checked not only for safety but also for noise level.

Mr Rushton: Do you support the use of off-road vehicles?

Mr CARR: I had the impression that I spent the last 45 minutes indicating that the Opposition had no objection to the use of off-road vehicles in general, provided they were operating in a way which did not impose upon the rest of the community. If the Minister for Transport has not worked that out I think he should give up.

I am not at all happy with the situation where an owner can merely sign a statutory declaration that he thinks the vehicle is safe and not excessively noisy and have the vehicle registered.

In my opinion the Bill should not be proceeded with at this stage. The Government has taken a considerable time to arrive at this third draft. I made the point earlier that the Opposition is not critical of the time the Government has taken, because it is a sensitive and difficult problem. But having taken so long to get to the third draft the Government should be prepared to take notice of the reaction, then make some changes, and proceed with the Bill in the next session of Parliament.

It seems to me the appropriate thing would be for the debate on the Bill to be adjourned when I have concluded my remarks to allow further consultation to take place. I believe it would be appropriate, when I resume my seat, for the Government Whip to get to his feet and move that the debate be adjourned, rather than try to rush the legislation through at this stage.

The Opposition accepts the need for legislation to control off-road vehicles and supports the

general principle of having such legislation. However, we have very strong reservations about a number of provisions in this Bill. We consider it a very poor effort by the Government. In preparing legislation it should be able to do better than this on its third attempt.

*Sitting suspended from 6.14 to 7.30 p.m.*

MR CLARKO (Karrinyup) [7.30 p.m.]: This legislation has been awaited eagerly by thousands of people in Western Australia.

Mr Bryce: In the metropolitan area.

Mr CLARKO: Particularly in the metropolitan area, and particularly within the City of Stirling which I know best. People in my electorate have been concerned about the problem of off-road vehicles, and I am sure people who live in any part of the metropolitan area which has large undeveloped areas, still in their natural bushland state—or at least they were in that state before trail bikes entered the areas—have shared this concern.

Principally I wish to talk about trail bikes because these are the off-road vehicles I have had the most contact with; I have not had a great deal to do with dune buggies and the like. In the metropolitan area a great deal of conflict has arisen between these trail bike riders and the local residents. Trail bikes are ridden on public land and private land; in fact, often the trail bike rider has no idea whose land he is using, and frequently he could not care less.

I think it was during my maiden speech in this House that I first referred to the problems experienced by the householders who live in areas adjacent to bushland. If it was not in that speech, certainly it was in the next speech I made in a debate where we could refer to matters of a general nature. Not only do these trail bikes create a noise problem, but also, most importantly—although perhaps not quite as immediately—a problem in regard to the destruction of bushland.

This is the third Bill of its type to come before the House. The first Bill was introduced in 1975, a second Bill was introduced in the autumn session of this year, and now we have this Bill before us in the spring session. With all due respect to the member for Geraldton, it seems to me that no better opportunity has ever been presented to the people to put forward their views and objections to proposed legislation than in this case.

The people who ride trail bikes and the people who suffer from the effects of these machines have been able to put forward their points of view. I can think of no other legislation where such an

opportunity has been offered to the general public since I entered Parliament.

Mr Jamieson: What about the Mining Bill? Haven't you heard of that?

Mr CLARKO: I think probably more people have expressed concern and more people have singularly objected in relation to this matter than I can remember on any other subject, and certainly more than the 154 miners referred to by the member for Murchison-Eyre, and whom I noticed from my window.

Mr T. H. Jones: Did the Government take any notice of what they said?

Mr CLARKO: I am sure it did.

Mr T. H. Jones: In relation to the Mining Bill?

Mr CLARKO: We are talking about legislation to control off-road vehicles. Without question the Government has taken a great deal of notice of the objections and submissions put forward.

During her second reading speech the Minister said that 150 comments had come forward to her and her department. It is obvious to anyone who cares to look at the three Bills that changes have taken place; there are quite dramatic changes between this Bill and its predecessors.

Mr Pearce: Are you saying that this legislation is so perfect that you do not need to consult people about it?

Mr CLARKO: I do not know what "grumpy" is talking about.

Mr Bryce: Who is grumpy?

Mr CLARKO: He is not the Deputy Leader of the Opposition. There is another name for him, but I will not mention it.

Mr Bryce: I am pleased about that. You would be surprised at the name we have for the member for Cottesloe!

Mr CLARKO: If the Bill achieves only one thing—that is, if it relieves the distress caused to my constituents and to so many other people in the metropolitan area who live in areas adjacent to bushland—it will be good legislation. However, the Bill will do much more than that. I am not suggesting for one moment that the legislation is perfect in every detail. I doubt that anyone could draw up legislation that would never need amending. I have not experienced such legislation either in this House or during my research on this subject.

The member for Geraldton made three major points. Firstly he said that the Bill was introduced with indecent haste. If he can call introducing legislation in 1975 and passing it in 1978 indecent haste, I could not possibly agree with him.

Mr Carr: Not indecent haste in introducing it, but indecent haste in proceeding with it.

Mr CLARKO: I know the member for Geraldton is very seriously interested in this subject. I am sure he has considered already in great detail the public comment on the matter, and I am sure he has the genesis of each of these complaints quite clearly to the forefront of his mind so that he can debate the Bill in this Chamber.

Mr Carr: Plus the 138 shires.

Mr CLARKO: The second complaint raised by the honourable member is that the legislation is too bureaucratic, and he mentioned two clauses. I will be interested to hear the member for Geraldton's comments during the Committee stage; I hope he does not call a Bill bureaucratic because of two clauses. I do not suggest he is doing that; it may be that there are other clauses which he feels are also bureaucratic. It is very difficult to provide sufficient control and still allow people to indulge in a recreation of their choice.

By way of interjection the member for Geraldton referred to the local authorities. I know he will not like the example I will give, but on the last occasion he and his colleagues had an opportunity to put forward legislation—during the term of office of the Tonkin Government from 1971 to 1974—

Mr Tonkin: We have put forward Bills since then.

Mr CLARKO: I know the Opposition has introduced legislation since then, but I am talking about main legislation. I intended to refer to the Local Government Act and amendments made to it during the Tonkin Administration. I wonder whether the Tonkin Government always submitted proposed amendments to approximately 140 shires in Western Australia for their consideration. If it did this, did it then wait for the local authorities to submit their views? That would take at least six months anyway, and it is highly unlikely that every authority would reply. We know that many authorities do not respond to such invitations.

To take my example a little further, if the Tonkin Government pursued this course, did it then amend the draft legislation according to the submissions it received from the local authorities? Did it then submit the amendments back to the authorities? If it followed such a course, the only organisation to make a profit would be Australia Post. Such a system of government would be ludicrous.

Mr Bryce: The member for Karrinyup is opposed to the concept of conciliation.

Mr CLARKO: The previous Minister spent a great deal of time ascertaining the views of the councils and of the leading officials in local government. I can assure members that he was involved in discussions over a long period of time.

Mr Jamieson: He just got out of that portfolio in time!

Mr CLARKO: He was very keen to ascertain the views of the various local authorities. He listened to their views, and he took action to implement their suggestions whenever he could. Anyone who says otherwise does not know the facts.

Mr Carr: Are you saying he is a "yes" man for local government?

Mr CLARKO: I am not saying that. I said he went out of his way to listen to as many people as he could. He considered their views, and he made a judgment in the light of those views. Is the member for Geraldton saying that is not the role of an ideal Minister? If he is not saying that, is he saying conversely that a Minister should accept all suggestions put forward to him and not have a viewpoint of his own? If he is saying that, he does not understand the role of a Minister.

Mr Hodge: If he was that good, why was he shuffled out of the job?

Mr CLARKO: I feel that comment is as irrelevant as are most of the honourable member's comments.

It is quite wrong to say, as the member for Geraldton did, that this legislation is being rammed through. The aim of the legislation, in the words of the Minister in her second reading speech, is the prevention of the indiscriminate use of vehicles off the road. Of course, at the same time we must provide an opportunity for off-road vehicles to be used in certain circumstances. So the legislation is not just a matter of control, but it also provides opportunities for the users of these off-road vehicles.

The legislation had to try to come to grips with the tremendous problems of excessive noise associated with these vehicles. The provision of the Bill which I find to be of the greatest import is probably clause 6(4) which lays down very clearly the need for all off-road vehicles to have controls in regard to the amount of noise they emit, whether on private land with the owner's consent, or on other land. That is a tremendously important clause of the Bill. Earlier attempts in this regard did not go as far as this provision does. One of the earlier views of various people was that

persons using off-road vehicles on private land should not be required to have noise control devices fitted to their vehicles at all.

I thoroughly support the provision in the Bill. I can see no good reason that people should be permitted to make excessive noise when on private land with the consent of the owner.

Mr Hodge: Can you define "excessive" or "undue"?

Mr CLARKO: With respect to the member for Melville, although like me he has been in this Chamber only a short time I think he would realise that a great deal of legislation of the present Government and its predecessors, and of Governments throughout Australia, uses terms of that type. It is all right for members of the Opposition to get up and pretend they are the greatest semanticists in the world and to say we should not have the dictatorial right to decide such matters. The fact is that legislation includes terms such as those in many instances, and it is up to reasonable people to try to make reasonable judgments in that respect. If those concerned do not make reasonable judgments and the matter is open to question, I am sure we will have the opportunity to debate it once more.

The next point concerns environmental protection. This legislation enables certain areas to be prohibited in toto or in part, and that is a most significant point and a valuable provision.

As well as giving people the opportunity to ride trail bikes in permitted areas and on private land with the owner's consent, it was found necessary to safeguard the right of householders to quietness.

It is important to realise also the very real need to consider the question of danger to the rider and to others. The Minister has pointed out how the Government keenly sought to make arrangements whereby compulsory insurance could be applied, but it was unable to find any practical level of fee which would allow this to be done. Certainly I would like to see insurance provisions, and other people who have been eager to see controlling legislation introduced are keen to see provision for insurance. However, it appears it is not possible.

It is true there is a need to take care of the rights of owners of vacant land in respect of unauthorised trespass, because much of the problem has been due to that. It is also noteworthy that the Bill takes cognisance of the vast size of Western Australia, and provision is made to exempt totally some areas from the legislation. To my mind that makes sense. The problem of off-road vehicles is distributed unevenly throughout Western Australia; it seems

to me the problem is far worse in the outer parts of the metropolitan area than it is in other parts of the State.

In addition the Bill gives recognition to local government, and that is something we will see considered shortly. Further, the previous Bill generated a great deal of criticism by people who felt they would not be able to have access to favourite fishing spots and camping sites where it was necessary to travel through fragile country. Special attention will be given to this matter to enable those people to retain access to such spots.

Above all, the measure provides the opportunity for the public and any interested group to comment on the areas which are proposed to be either permitted areas or prohibited areas. That is a most important part of the legislation.

Time will tell how effective the Bill will be, but if it is ineffective we will want to look at it to ascertain why.

In his speech the member for Geraldton referred to doubts he felt in respect of damage to the environment.

Mr T. H. Jones: Is the Government going to take any notice of these comments? It hasn't as far as the Mining Bill is concerned.

Mr Sodeman: That is a false statement.

Mr CLARKO: I think the member for Collie should keep his mind on this Bill or on the Mining Bill—whatever he prefers—or else should mind his own business. Although the member for Geraldton said we must care for the environment, he did not go any further; he was not specific. If he cares to read the Bill he will find specific attempts are made to care for the environment, on which I will expand a little later.

In regard to the question of noise, the Noise Abatement Act has failed to be effective in this area. Many people have said this Bill need not have regard for noise because the Noise Abatement Act is effective. Let me point out that my shire was the first in Western Australia to obtain noise-measuring meters, but it was unable effectively to measure trail bike noise on virtually every occasion it was attempted. It was found the officers could not set up the equipment in the right place or, if they could, they would have to sit there for the whole weekend and once the young people knew the officers were there, they disappeared. Even when the officers were able to record noise levels which were too high, they were unable to catch the offenders. That is the problem with the existing situation.

Mr Hodge: This Bill does not rectify that.

Mr CLARKO: It contains several clauses dealing with policing.

Mr Hodge: It doesn't rectify the noise problem.

Mr CLARKO: Obviously the member for Melville has not read clause 6(4) carefully enough. Certainly the provisions in the Bill are the most extensive controls ever suggested so far in Western Australia. Controls as tight as these have never before been suggested.

Mr Hodge interjected.

Mr CLARKO: The member for Melville will have his opportunity to give us the benefit of his experience later. I would have thought that with all the noise on the road in his area he would probably be suffering from road deafness, or something like that.

This is good legislation. If it contains imperfections, they will be corrected. It is important that we have a Bill now. Despite any imagined, possible, or even real imperfections in it, we need a Bill right now. The very fact that we have the legislation will give us a real opportunity to find out what sort of alterations should be made as a result of experience.

A great amount of time has been made available for environmental groups, local authorities, and members of the public to scrutinise what we are doing and to present to the Government their basic intentions in respect of what they feel is necessary.

Those people and local governing authorities which are over-anxious about the matter should pause and reflect on this question, and they will find that with the exception of a few in the metropolitan area, no local authorities could draft legislation dealing with something of this nature. They could present ideas saying, "Please do this" or "Please do that", but in the main they are unable actually to sit down and draft legislation which would in any way compare with this Bill.

The legislation sets out to do so many things, and it does many of them very well. An important part of the Bill is the provision which deals with permitted and prohibited areas. These are to be referred to the advisory committee, which will be a committee of five members. Here is an opportunity for those people who espouse small committees to support this provision in the Bill. Two members of the committee are to be associated with local governing bodies, and two are to have some experience in the field of off-road vehicles.

Here is an opportunity for the five people on the committee to make recommendations regarding permitted and prohibited areas. They

will have the backing of the best experts in the Government departments of the State, but they will not be controlled or dominated by those experts. The amount of control over the committee is less under this Bill than under the previous Bill, and the members of the committee will be able to contribute to the community through the recommendations they make to the Minister. The information will be placed in front of the Minister along with any objections from the community, and she will make her judgment on the advice tendered to her.

Policing the legislation will be difficult; it must be. It will be a very difficult task to sit down and, Solomon-like, determine what shall be an adequate punishment for an eight-year-old boy who accidentally rides his trail bike onto private land. I will leave it to the magistrates to determine what sort of penalty should be invoked in such instances.

I am sure many people will be a little concerned about the minimum age being eight years; a number of people would prefer to see the minimum a little higher. However, we all know that boys of eight years and even younger ride trail bikes today.

Mr H. D. Evans: What is the maximum penalty provided for?

Mr CLARKO: In some cases it is \$500, in others it is \$200; the highest fine which may be imposed under the legislation is \$1 000. However, I cannot imagine any magistrate fining an eight-year-old boy \$1 000 in such circumstances; I cannot imagine a magistrate being even tempted to impose such a fine.

It will be a problem for the shire ranger in his four-wheel-drive vehicle to apprehend several young fellows on their trail bikes in the distance. But here is the merit of this Bill. We could have introduced a Bill with draconian punishments throughout it but instead, the Government has decided to give this legislation the opportunity to work in practice. With the experience that only time can give us, we will then be in a position to tighten up the legislation if need be.

Some people will feel we should require identification marks to be placed on all such vehicles. This will not happen under this legislation, but it can be considered later in the light of practical experience.

In many ways, this legislation relates to only a relatively minor matter. However, it has become a serious burr to many metropolitan residents. The situation got so much out of hand in one area near to my home that a housewife was strongly abused by young trail bike riders who were coming very

close to her property at an early hour on a Sunday morning, and making a tremendous amount of noise. Her husband, a former member of the Dutch Resistance, threatened to string piano wire across their trail. That would be a fairly heady solution to the problem. This legislation goes nowhere near imposing that sort of penalty; in fact, it is quite opposed to the imposition of savage penalties. I suppose we could describe the penalties as experimental. The legislation will provide the opportunity to establish a schedule of punishments appropriate to the offences.

On many occasions it will be difficult to apprehend some of these potential trouble makers. However, I repeat that this can be corrected by subsequent amendments. I believe the Bill is good legislation. Certainly, it is timely, and I look forward to its implementation.

MR STEPHENS (Stirling) (7.53 p.m.): This Bill is long overdue. We in the National Party are very pleased to see that the issue finally has come before this House for debate. I might add it is the third attempt the Government has made to come to grips with this problem.

However, we are concerned about the apparent indecent haste with which the legislation is to be rushed through this Parliament.

Mr Clarko: Three years?

Mr STEPHENS: That is not the point. This piece of legislation was brought to this House only a week ago. I have already said it is an important and necessary piece of legislation. However, it has been some three years in the making and now it is to be rushed through Parliament with only a minimum of debate.

Mr O'Connor: It has been before the House on three or four occasions.

Mr STEPHENS: Not this piece of legislation. The Bill we are considering now is substantially different from the legislation introduced earlier this year. Using the argument of the Minister for Labour and Industry, why was that legislation not pushed through in only a week? The Government found it necessary to seek public comment and opinion on the matter.

Mr Clarko: It was not necessary, but we did it deliberately.

Mr STEPHENS: It makes no difference; the point is that the Government invited public comment on that legislation.

Perhaps the city members were able to discuss this Bill with their local councils. However, I can tell the Government that country members have had no time at all to seek the opinion of their local authorities. We are not blessed with the

same type of communication system enjoyed by city members, and it takes more than a week to submit legislation for the opinion of the various local authorities, and to receive a feed-back from them.

Mr Clarko: It does not take three years, either, even on a trail bike.

Mr STEPHENS: It takes longer than one week.

Mr O'Connor: What is your main area of disagreement with the Bill?

Mr STEPHENS: The Bill is being rushed through with indecent haste. Great public interest has been aroused in this legislation. In fact, the Minister for Local Government mentioned in her second reading speech that over 150 submissions were received on the previous legislation. I am pleased to note that as a result of those submissions, the Government has made substantial alterations to the Bill now before the House. In fact, the present measure bears little resemblance to its predecessor.

It also is interesting to note that on this occasion the Government is prepared to accept the opinions of those people likely to be most concerned with the operation of this legislation. This is in distinct contrast with the Government's attitude towards its mining legislation, where the views of prospectors and mining companies have been ignored.

I regret that this legislation is to be rushed through so quickly. I have had insufficient time to obtain any real response from the people I represent, whether they be in local government or organisations or whether they be individuals within my electorate who are likely to be affected by this Bill, and who have adopted an intelligent and responsible approach to the need for this type of legislation.

I received many criticisms of the previous legislation from people in my electorate; however, not one person denied the need for this legislation. Everybody accepted there was a need to control noise.

Mr Nanovich: Aren't the local authorities in your area glad that, after all this time, the Government has introduced legislation to control off-road vehicles?

Mr STEPHENS: Yes, they are. They have adopted a responsible approach to this matter; certainly, they acknowledge the need for legislation to control the noise created by off-road vehicles. Perhaps more importantly, they recognise the need to protect our environment

from the indiscriminate use of trail bikes and four-wheel-drive vehicles.

Much of my electorate adjoins the coast. We are all conscious of the fragile nature of much of Western Australia's coastline. The member for Geraldton in leading the debate for the Opposition was criticised for taking a narrow view of this problem; he was told he knew only the coastal area around Geraldton. However, I question whether that is so. He indicated he was adopting a much wider approach to the subject, and I accept his statement.

Every member would acknowledge the need to protect the fragile south coast of Western Australia. However, the organisations whose members use these areas—the various angling associations, the four-wheel-drive associations and the trail bike riders associations—also are conscious of the need to protect our environment. They support this Bill in principle; there is no criticism from these organisations of the need for such legislation.

What I am criticising tonight is the haste with which we are approaching this problem. It is vitally necessary that these areas be protected. However, we must also give due consideration to the rights of people who use this terrain for recreational pursuits; I refer to the fishermen and four-wheel-drive vehicle enthusiasts and others who enjoy recreational pastimes without any excessive detriment to the environment or the creation of noise problems to the disadvantage of those people who adopt a quieter approach to recreation, or who live and work adjacent to these areas.

We support the Bill in principle. There are some doubts about certain clauses of the Bill. However, we have not had sufficient time to carry out adequate research, and there has not been sufficient time to obtain the very necessary feedback from the people I represent. We do not intend to pursue any amendments. However, the National Party will certainly be keeping a close watch on the operation of this legislation so that if weaknesses develop in the future, and some of the doubts I have about the operation of the legislation materialise, we will be prepared to move amendments.

In relation to the advisory committee as set out in clause 21 of the Bill, perhaps the Minister could indicate in her reply why consideration was not given or, if consideration has been given, why no action was taken to appoint persons from the organisations which are actively involved in the use of off-road vehicles. Subclause (1)(d) of clause 21 states—

two shall be persons selected from amongst persons who have in the opinion of the Minister appropriate experience in the operation of off-road vehicles.

That is an opportunity for the Minister to have invited the submission of a panel of names from organisations such as the anglers' association, the four-wheel-drive enthusiasts, and the trail bike riders' association. Those organisations are involved actively in this area.

Several members interjected.

Mr STEPHENS: Those organisations should be given the opportunity of advancing names. It is not a question of—

Mrs Craig: How many organisations?

Mr STEPHENS: I am not suggesting that each organisation be given representation. I am not suggesting that the advisory committee be increased. All I am suggesting is that one person be selected from a panel of names submitted by all those involved. I think the Minister should take cognisance of the existence of those organisations. She should give them an opportunity to advance a panel of names.

Mrs Craig: How many organisations ought to be allowed to submit a panel of names?

The SPEAKER: I suggest that the Minister face in this direction when she is interjecting so that she can be heard.

Mr Bryce: We would like to hear.

Mrs Craig: I asked how many organisations does he believe ought to be given the opportunity to submit a panel of names from which, in the overall, two would be chosen.

Mr STEPHENS: I have not had sufficient time to obtain all the reports, so I do not know how many organisations are involved. I have mentioned the anglers' association, and the four-wheel-drive association, and I believe there is a trail bike association. Possibly those three organisations would be the principal organisations involved in the use of off-road vehicles. I know there are plenty of private people who also use off-road vehicles, but I am thinking of representation by organisations.

Mr Skidmore: Could I suggest the Minister remove the paper barrier in front of her? Maybe she will be able to be heard.

Mr STEPHENS: There are aspects of the Bill which could be improved. However, the National Party is prepared to support this legislation and give it a trial. We will be watching it closely. We will be prepared to seek amendments if we find that our fears become realities when this legislation is put into effect.

### *Adjournment of Debate*

MR H. D. EVANS (Warren) [8.04 p.m.]: I move—

That the debate be adjourned for two weeks.

Motion put and a division taken with the following result—

#### *Ayes 18*

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr T. D. Evans	Dr Troy
Mr Harman	Mr Pearce

(Teller)

#### *Noes 28*

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Stephens
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders

(Teller)

#### *Pairs*

<i>Ayes</i>	<i>Noes</i>
Mr Bateman	Mr Watt
Mr Wilson	Mr Williams
Mr Davies	Mr P. V. Jones
Mr Grill	Mr Young

Motion thus negatived.

### *Debate Resumed*

MR H. D. EVANS (Warren) [8.08 p.m.]: I noted that the member for Stirling, despite his statement that he needed more time and that the National Party would dearly love to have more time, did not take the opportunity to support the motion which would have given him another two weeks.

Mr Stephens: I said there should have been more time. It would have been preferable, but we were going to take a punt on the legislation, and watch it closely. I do not think that the actions of the National Party are inconsistent with what I said.

Mr Bryce: So says the Deputy Leader of the National Party.

The SPEAKER: Order!

Mr H. D. EVANS: I appreciate the loquacious explanation of the member for Stirling. It still leaves me with some doubt—



Mr Stephens: The important thing is how it leaves me; and I acted in accordance with my conscience.

Mr H. D. EVANS: Methinks the lady doth protest a little—perhaps too much!

In relation to the Bill that is now before the House, regrettably there is a rush that there should not be. This is necessary legislation. It was considered at the time of the Tonkin Government, and it has been considered thrice since then. Unfortunately, this particular measure has been before this House for only one week.

Mr Tonkin: Not long enough!

Mr H. D. EVANS: During this time, the people in the country electorates to whom we would have liked to refer the Bill have not had the opportunity to comment on it. Their voices have not been heard. Obviously the National Country Party is a country-based party, and the member for Stirling should have made that point.

Mr Stephens: The united Liberal Parties may be country based but they get their direction from the metropolitan area.

Mr H. D. EVANS: The comments of the member for Karrinyup were rather revealing as to the lack of full appreciation he has of the problems arising from this measure. He certainly highlighted the question of noise but, indeed, that was not a major consideration at the time of the Tonkin Government because eight-year-olds were not riding around on trail bikes anywhere near the extent they now do. There were probably no eight-year-olds involved, because trail bikes were completely in their infancy at that time.

Mr Clarko: They were using them then.

Mr H. D. EVANS: This is the aspect upon which the member for Karrinyup has really come to rest his case, and it is one that displays an unfortunate lack of appreciation of the total problem; because of this there could be unfortunate consequences.

Mr Clarko: You certainly need more time on the basis of what you have said so far.

Mr H. D. EVANS: Even the member for Karrinyup may learn something if he just examines the total problems involved. It would have been a far better proposition for the Government to examine this Bill from a dual standpoint; that of the metropolitan area *vis a vis* country districts, or even of town sites as opposed to country areas. But to try to implement a piece of legislation to cover every situation, despite the possibility of exemptions in parts of the State—

Mr Clarko: You slide over that, but that is the main point.

Mr H. D. EVANS: Exemptions can apply in areas of the State. It gets back to the fact we have a town problem versus a country problem and this is where the lack of balance and unevenness in the Bill is displayed. When this Bill is passed it will be an administrative monstrosity for the local authorities which are obliged—they do not have any option—to accept the responsibilities and discharge the duties that accompany the Bill.

I can recall—and I will remind the Minister for Transport when he returns—an occasion when, as part of the Tonkin Government's legislative programme, that Government gave local authorities the opportunity to participate in the forming of an amendment to the fruit-fly legislation. We spent nights in this Chamber debating that very point. We were certainly verbally crucified for our action. I am glad to see the Minister for Transport has returned and I indicate to him that I have been discussing the Tonkin Government's fruit-fly control legislation.

Mr Rushton: You were not very happy with that.

Mr H. D. EVANS: We gave local authorities the option to participate, but with this piece of legislation those same authorities are not given a similar option and this new responsibility will be dropped onto them. The Bill states that it shall be the duty of councils to administer and enforce the provisions of this Act in their district. They are given no option. The Minister was foremost among those who spoke so very forcibly and at length on that very point.

Mr Nanovich: Local authorities are wanting this power.

Mr H. D. EVANS: I point out to the member for Whitford that I have had the opportunity to contact only two of my local authorities and they were not happy at having to implement the provisions of this Bill when it becomes law without any suggestion of funds being provided to assist them.

Mr Bryce: Hear, hear!

Mr H. D. EVANS: The Minister knows the financial position of the Nannup Shire which, of all the shires in this State, has the greatest unratable area of land within its boundaries. It is in the position of having to meet its costs from revenue from one road along which pines are hauled. To be confronted with the administration of this monstrosity is something it cannot bear.

It has a coastline of something like 90 miles with the Donnelly and Blackwood Rivers traversing through it. It has several beaches such as the Milyeaanup. Its beaches are very popular areas and as a consequence of this Bill the

policing of these beaches will rest with the shire. The large percentage of fishermen and campers using the beaches and rivers come from outside the shire. This is the other side of the problem the member for Karrinyup lightly passed over.

If we move along the coast, the next 90 miles is in the area of the Manjimup Shire Council. That council is not very enthusiastic about the prospect of being loaded with this responsibility without financial assistance.

Mr Tonkin: Where is the money coming from?

Mr Clarko: You are referring to small local authorities with every justification, but I referred to a big one. Should I start criticising you for not talking about big shires?

Mr B. T. Burke: Where is the money coming from?

The SPEAKER: Order! Firstly, there are far too many interjections and, secondly, there is far too much audible conversation. I call the member for Warren.

Mr Nanovich: Read clause 43.

Mr H. D. EVANS: I come back to the problems of the south coast area in particular. The south coast beach frontal area is very fragile and there are a number of live sand dunes along the coast from Augusta to Albany. It is important that these be protected, otherwise the situation could conceivably arise, very easily, where we had a problem which could not be solved. This concerns the people who have utilised the area for many years.

About two years ago I received a call from the Pemberton Angling Club which indicated that a fishing club from one of the large metropolitan areas had visited the area for a camping weekend. Among other things this visiting club's members had 30 or 40 beach vehicles with them which had cut the coast up to an extent that very few vehicles could go up the sandhills afterwards.

That is the sort of action which has to be faced, not by the large local authorities, but by the small local authorities. This is where the problems of policing arise for small local authorities. There is real concern on that score; the coastline needs protecting. I understand that north of Perth there are beach buggy drag meetings where virtually, already, the destruction caused by these vehicles is verging on devastation. This is something that needs very prompt action to remedy, but it will not come from this Bill.

While on the subject of policing and administration, the authorised persons to whom the Bill refers include the police. It does not mention the RTA, yet I recall the Minister

expounding the RTA as a separate authority and I cannot understand why it has not been included. In addition to the police there will be a variety of Government officials appointed as authorised persons; there will be authorised persons appointed also by local authorities.

This in itself evokes the question as to who shall be appointed. We have 137 country shire councils, plus all the other councils in the metropolitan area.

Mrs Craig: There are 138 councils in total.

Mr H. D. EVANS: Not all of the appointments made by those 138 local authorities—or however many make appointments—will be 100 per cent perfect. Certainly in many cases untrained personnel will be appointed. As a consequence, these untrained people will be dealing with the public in a fairly fragile situation, if it can be referred to in those terms. Public relations will be involved. Trained staff will be needed to handle the matter.

The fines which may be imposed range up to \$1 000. If the wrong person is appointed strong feelings will be expressed very quickly in terms of the implementation and policing of this Bill.

Clause 28 sets out the registration scheme and clause 29 refers to the procedure and the particular vehicles involved. There appears to be a distinction in the Bill between four-wheel-drive vehicles which are licensed by the RTA and beach buggies. I ask the Minister to clarify this. The Bill seems to suggest that a four-wheel-drive vehicle licensed by the RTA can travel anywhere except in a totally prohibited area which has been proclaimed. On the other hand, a vehicle which is not licensed by the RTA can travel only in permitted areas. There is a distinction between prohibited areas and permitted areas. This will cause absolute confusion in the field. People will not know the type of area in which they are travelling. There are permitted areas for vehicles which are not licensed by the RTA and alongside those areas will be areas through which four-wheel-drive vehicles, licensed by the RTA, may travel.

If one has a vehicle licensed by the RTA, one can travel in a greater number of areas than can a person who owns a beach buggy. That is an artificial distinction. A great number of amateur fishermen have homemade vehicles. The fishermen will not be able to use these vehicles in the same areas as one can use a Suzuki or a Landrover. I cannot follow that reasoning.

These home-made vehicles are frequently taken to the coastal area by trailer and they may be left there. They are far more serviceable and effective

than four-wheel-drive vehicles such as Landcruisers.

I ask the Minister to explain that point. I am sure none of the people in my area will be able to accept such a provision.

We come then to the licensing of the vehicles. The local government authority may be the licensing authority. It appears the local government authority has an option as to whether or not it is the licensing authority. Clause 29 sets out the situation clearly. Subclause (2) reads in part as follows—

... in a form approved by the Authority as to the compliance of the vehicle with the prescribed safety and noise requirements, shall register ...

Who will determine the limits of safety in relation to a beach buggy? Will it be the responsibility of the shire which has the duty of registration, or does it come back to the RTA? Will an RTA inspection be required, and if so, what standard of safety will be set? Will the safety specifications of an RTA licence be required and, if this is the case, will a further fee be involved for the RTA inspection?

This leads me to ask the question: What sort of fee is proposed? It is all very well to say the fee will be kept to a minimum, consistent with the costs of administration; but if one owns an eight-year-old trail bike and has to pay a \$30 registration fee, it is an impost on the owner and it will be seen as such by the people involved.

In relation to the trail bike situation, the Minister in her second reading speech explained carefully the third party insurance situation. Actuarial problems could be involved in establishing a third party scheme such as is required in this case.

Only recently the owners of fishing cottages at the mouth of the Donnelly River were granted leases. One of the conditions of the leases was that the owners should take out a third party insurance policy to the value of \$50 000 so that in the event of the person being involved in a boating accident, or some other type of accident, he would be covered to the extent of \$50 000. To my knowledge such an accident has not occurred yet, but one could always happen. In that case the unfortunate person involved in the accident with one of the residents would be covered by the third party insurance policy. Such a provision does not appear in the Bill. There is no suggestion of third party insurance. If an individual is not in a position to meet the premium for third party insurance cover up to \$10 000 he certainly will not be in the financial position to pay the medical

and other costs incurred by the person upon whom the damage has been inflicted. Third party insurance cover of up to \$10 000 would at least go some way towards meeting the costs of the unfortunate person who sustains the damage.

There should be far more consideration of this matter.

Mr Nanovich: The Minister referred to that point. It was considered, but at that stage it was not practical.

Mr H. D. EVANS: It was not practical for the residents at the mouth of the Donnelly River to establish a scheme, but they were required to take out third party insurance cover of \$50 000 to obviate possible future problems.

I should like to remind the honourable member that I am aware of one death which has occurred in the sandhills at Geraldton as a result of a four-wheel-drive vehicle overturning. Members opposite should not tell me that will not happen, because it will. There has been a dramatic increase in the number of four-wheel-drive vehicles since the Tonkin Government was in power. I do not have the figures, but I should imagine the increase would be rather spectacular.

Mr Clarko: They were large then.

Mr H. D. EVANS: With the increase which can be anticipated as a result of the greater use of leisure time and more people becoming involved in this type of activity, the element of risk will be increased proportionately.

Mr Rushton: Would you suggest that it should be compulsory for the individual to take out third party insurance?

Mr H. D. EVANS: I am suggesting the proposal that a minimum level of third party insurance should be taken out by the owner of such a vehicle, should be examined closely.

Mr Clarko: That is exactly what happened.

Mr Bryce: Why did you throw it out?

Mr H. D. EVANS: We do not have precise information as to the actuarial position; but a figure of \$10 000 would protect an unfortunate person to some extent. I can only repeat that further accidents involving off-road vehicles will occur. The law of averages will see to that.

If the present rate of increase continues it will not be long before we come up against the next one.

Mr Nanovich: Under the Bill the number of accidents could be far less than the number at present, due to areas restricted for the use of off-road vehicles. The means of supervision will be far greater and this would be good.

Mr H. D. EVANS: The honourable member could have a point. The regulatory effect of the legislation may have some bearing on this aspect, but I do not think so. The same number of vehicles will still be in operation. They might be operating in areas different from those in which they operate now, but they will all be operating—every single one. The percentage increase in risk will remain undiminished. As I said, the law of averages will ensure that. Those are several of the areas in regard to which we have received no satisfaction.

The noise problem in the metropolitan area and in country towns is increasing and something must be done about it. But the Bill will not be the vehicle under which anything will be achieved. I come back to that point again. The weakness of the legislation is that it does not make the distinction which is required.

The scale of penalties, ranging from \$100 to \$1 000, is too severe to be handled by unauthorised personnel who do not have the necessary training. There is no way that anyone in the House could be convinced that it will be possible for the nominees of the shire councils to deal with this matter.

There are only two more points to be mentioned. I am sure some of our legal gentry will take the opportunity to examine and compare the RTA legislation with clause 39 of the Bill which reads—

- (1) In any proceedings for an offence against this Act—

That is the opening line of clause 39(1). To continue—

- (a) an averment in the complaint that . . .
- (b) the onus of proving that . . . is on the person alleging that to be the case . . .

The clause also uses the term, "shall be deemed to be proved in the absence of proof to the contrary". That phrase and the one which reads, "is on the person alleging that to be the case" are the significant ones. They go too far in placing the onus on the individual involved. This is not the case with the RTA legislation. Also the question of powers is one about which there must be some concern. This legislation goes further than does the legislation under which the RTA operates, because it makes almost every offence provable against the defendant. If he cannot disprove the averment on the issue of the summons, he is virtually condemned and committed. That is the unfairness of this legislation and it is an aspect which every member with legal training should

examine and discuss. He should be obliged to do so.

As I have said, some of the authorised persons will be untrained and, as the penalties are so high, the situation is unsatisfactory.

The member for Karrinyup lauded the Bill and indicated he was pleased it was finally before the House. He referred to the problem of the landowner and the noise sufferer, and quite rightly so. We agree with him wholeheartedly but unless I am mistaken the member for Melville will be of the opinion that he has not gone far enough and he will have something to say about the shortcomings of the legislation in respect of noise.

The classic statement made by the member for Karrinyup is that the Bill gives recognition to local authorities. It certainly does. Not only does it do that, but it lands them with the full responsibility and problems the legislation entails. He said it was good legislation and he was rather laudatory in his remarks. He also referred to the imagined faults of the Bill. When the shires come to administer the legislation, the faults will not be imagined; they will be disastrous. The Bill is an administrative monstrosity in that regard.

Every member of the Opposition agrees with the member for Karrinyup that something must be done about the mini-bike and the noise problem, particularly in the metropolitan area. However, the Bill will create a problem equally large and the poor old shire councils will appreciate this when they fully realise what has been loaded onto them. It is no wonder the Minister wanted to slip the Bill through before there was further opportunity to discuss it.

Mr Rushton: Can I ask you a question? Do you realise that the council representatives were on the committee which drafted the Bill and therefore they would be fully aware of its effect on local authorities?

Mr H. D. EVANS: It seems more than passing strange that the South West Shire Councils' Association had no knowledge of the Bill's contents. I have been in touch with two of the shires in my electorate and—

Mr Ruston: That association is a ward of the Country Shire Councils' Association which took part in the preparation of the legislation.

Mr H. D. EVANS: It may be, but it certainly did not discuss the matter; in that case it is as much at fault as is the Government and it must take some responsibility with the Government for the situation with which we are confronted. It was not too much to ask for a further two weeks in

order that a closer study of the legislation might be made.

Mr Rushton: You have had a long while.

Mr H. D. EVANS: Not on this one. The concept of the previous legislation was that virtually all areas were excluded except those designated for use by off-road vehicles. That was the underlying philosophy of the previous Bill and it has been changed.

However, it does not matter what was in the last Bill. It is what is in this one which counts. This Bill may not contain some of the problems associated with the previous Bill, but on the other hand we could face bigger problems under the legislation before us. The shires have not had the opportunity to study the Bill. That is the weakness.

Mr Clarko: What difference would it make if Nannup needed to have a prohibited area and could not afford to pay for a ranger? Would you let the area be destroyed?

Mr H. D. EVANS: What would be the situation under the legislation? How would that be handled?

Mr Clarko: Does not Nannup have a ranger or someone who carries out a ranger's duties? How does Nannup police its by-laws?

Mr H. D. EVANS: It has only shire officers.

Mr B. T. Burke: They are always busy. There are never enough to go round and you know that.

Mr H. D. EVANS: Hundreds of off-road vehicles would use 90 miles of coast in the summer and in the fishing season. That is the situation to which I am referring.

Mr Clarko: You would rather the present position continue?

Mr H. D. EVANS: Certainly not. I said I deplored the situation at Warren where something like 40-odd vehicles had ploughed up the coast in a shocking manner. They came from one of the big areas.

Mr Clarko: But you have not given us an answer.

Mr H. D. EVANS: Many organised clubs go down there and do the right thing. However, this is one area where they did not. I visited the region to see for myself on the occasion I referred to.

I can speak first-hand. The point I am making is that the situation is deplorable, just as is the case of eight-year-old motor cyclists in the metropolitan area. The essential point is that this legislation is not the answer. The Government should have allowed more time for those who will

be directly involved to come up with something more meaningful.

MR HERZFELD (Mundaring) [8.41 p.m.]: I rise to support strongly this legislation because it comes about, literally, by public demand. It must be at least five or six years since local authorities, and the public generally, started to clamour for some meaningful controls over the use of off-road vehicles.

A number of attempts have been made, as the record shows, during a considerable period of time in an effort to come to grips with this problem. It is interesting to look at the various Bills which have been brought to this House, and how the consultation process has resulted in the presentation of a worth-while Bill.

The Public Areas (Use of Vehicles) Bill, of 1975, contained 17 clauses covering nine pages. That legislation was unacceptable and, as a result of a considerable amount of consultation which took place, another Bill was introduced in 1978 which contained 45 clauses covering 46 pages. The public debate included a seminar conducted in April, 1976, under the auspices of the Department of Conservation and Environment. Consultation took place with local authorities also.

When the Minister introduced the Off-Road Vehicles Bill last April it was very clearly stated that the purpose of its introduction then was to allow public discussion, and to allow local authorities, in particular, to review the legislation and come up with any improvements which they thought fit. I believe a total of 150 submissions were made after the introduction of the Bill in April, and those submissions resulted in the current measure.

A great deal of fuss has been made on the other side of the Chamber tonight about the lack of time available for consideration of this Bill. If the evidence I have just given of the time allowed for submissions does not indicate that there was, in fact, sufficient time for meaningful discussions to have taken place, and contributions to have been made, I would like to know what is.

It is the normal tactic of people who do not have much to contribute to keep on talking. If any legislation has ever been demanded, again and again, it is the legislation we are discussing this evening. I am sure local governing authorities would deplore any suggestion that the enactment of this legislation should be delayed any further. The tactic adopted earlier by the member who wanted to delay the Bill for two weeks might have seemed to be reasonable, but he had in mind the

fact that the House would have risen in a couple of weeks' time.

Several members interjected.

Mr HERZFELD: This legislation would then be delayed until the autumn session next year. For this reason it is important that that type of trickery should be exposed.

It was quite obvious from the remarks of the lead speaker representing the Opposition—the member for Geraldton—that he has no conception of the problem we have in this State with off-road vehicles—the effect they have on sensitive areas; the effect they have on property; and above all else the general nuisance they create. One has to live and work in an outer metropolitan area, such as the one I represent, to be sufficiently concerned and realise just how great the problem is.

Mr Bryce: You occupy a country seat and yet you are talking as though you are a metropolitan member. Does not that say something about the line of demarcation between the country area and the metropolitan area?

Mr HERZFELD: I am speaking with some authority on this problem because my electorate is partly urban, and partly rural. In addition, I have had to contend with the problem for a number of years. One has only to do as I have done—go out with the shire ranger to see what he is faced with in trying to apprehend people who trespass on shire property and Crown land—to see the need for this sort of legislation.

Mr Barnett: We see the need for it.

Mr Tonkin: We have been asking for it for six years.

Mr HERZFELD: Well, members opposite did not do much when they had the opportunity.

Mr Bryce: We started the ball rolling.

Several members interjected.

Mr B. T. Burke: Did the shire ranger switch parties, too?

Mr HERZFELD: I point out that local authorities which have power over land vested in them have found it almost impossible to do anything about policing that land because of the nature of the problem of off-road vehicles. The vehicles are able to move around very easily through the trees, and there is a real problem of identification. Having apprehended offenders, the local authorities find their by-laws and regulations are inadequate to enable them to deal with them. Hence, the need for this legislation. If the Opposition considers that local government does not want this type of legislation, I can only say that members opposite are completely out of

tune with local government. Members opposite should talk to the local authorities, and find out for themselves the true position.

Mr Jamieson: You need a good tuning fork yourself.

Mr B. T. Burke: Which year were you a member of the Labor Party?

Mr Sodeman: The year before he came to his senses.

Several members interjected.

The ACTING SPEAKER (Mr Sibson): Order!

Mr HERZFELD: I must say I am very amused at the tactics of the member for Balga—or wherever he comes from.

The ACTING SPEAKER: Perhaps if the member for Mundaring were to address his remarks to the Chair, and ignored the interjections, he would make some progress with his speech.

Opposition members: Hear, hear!

The ACTING SPEAKER: Order!

Mr B. T. Burke: You could not make soup out of his head!

Mr HERZFELD: I am only too happy to abide by your request, Mr Acting Speaker. However, if any member opposite requires some information I will be happy to give it to him later.

Mr Bryce: Next thing he will be inviting someone outside, like the member for South Perth.

Mr Jamieson: The member for South Perth has gone out.

Mr HERZFELD: I understand the member for Geraldton is the spokesman for the Opposition on matters such as that now under discussion, and I am appalled that legislation of this nature should be used for arrant politicking. That was evidenced by his attitude, and from the comments he made.

Mr Carr: What utter rubbish! Your remarks are most objectionable!

Mr HERZFELD: He was obviously trying to create trouble and dissension among local authorities by the series of telephone calls he told us about and the questions he was supposed to ask them. It is quite obvious that the nature of the questions was such that they were intended to imply that the Government had not done the right thing by giving them sufficient time to analyse the legislation which was proposed.

The facts of the matter are that legislation which was brought forward in April this year was given to the local authorities to analyse for a

period of some four or five months or whatever time has transpired since.

Mr Stephens: If it was necessary to give them four or five months on the previous legislation why could not they be given a few weeks on this legislation?

Mr HERZFELD: Very simply because as a result of their representations, their submissions, and the requirements of various people in the community, generally, we now have acceptable legislation. What is left now is the need for the House to deal with it as expeditiously as possible in order to place the Bill on the Statute book and bring about some control over areas where off-road vehicles are causing a great deal of concern.

I do not suggest for one moment that the legislation will turn out to be absolutely perfect. I suspect, even from the short time I have been in this place, that no legislation is ever perfect. It needs to be tried and once this is done amendments can be made thus improving the legislation as we go along, provided there is goodwill amongst the legislators in this place and they treat the matters as problems and not as something in which they can score political points from one another.

Mr B. T. Burke: Like political footballs.

Mr HERZFELD: The member for Karrinyup, who has been extensively involved in legislation of this nature, has covered very well many of the points I would have made. However, I do wish to make one further point because it is very relevant to some of the criticisms which have been made by various members opposite who have already spoken.

Examples have been given of the requirements of certain local authorities in the electorate of Warren, and I seem to recollect the member for Karrinyup interjected to say that these problems were quite different from the off-road vehicle problems experienced in the City of Stirling. We have 138 local authorities in this State each with different problems, different conditions, and different requirements when it comes to the control of off-road vehicles. A person would require the wisdom of Solomon to come up with a piece of legislation which would be satisfactory to every one of those 138 local authorities.

If members look at the legislation they will see there is sufficient flexibility in it to allow the individual requirements of individual authorities to be met in one way or another. Therefore it will mean that each authority will establish its own controls so that its requirements will be met.

I will have more comments to make in the Committee stage but at this point of time I will

conclude by saying that I congratulate the Minister and her predecessor on the legislation. I believe it is legislation which will work very well, and will be welcomed by local authorities. They will understand that they have a part to play in its administration and recognise their responsibility in the matter. The local authorities will be extremely perturbed and upset if they are not given the powers to administer what is essentially a local matter.

I support the Bill.

#### *Adjournment of Debate*

MR HODGE (Melville) [8.56 p.m.]: I move—

That the debate be adjourned for one week.

Motion put and a division taken with the following result—

#### *Ayes 18*

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr T. D. Evans	Dr Troy
Mr Harman	Mr Pearce

(Teller)

#### *Noes 28*

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Stephens
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders

(Teller)

#### *Pairs*

<i>Ayes</i>	<i>Noes</i>
Mr Bateman	Mr Watt
Mr Wilson	Mr Williams
Mr Davies	Mr P. V. Jones
Mr Grill	Mr Young

Motion thus negatived.

#### *Debate Resumed*

MR HODGE (Melville) [8.59 p.m.]: I am very disappointed that members did not support my motion, particularly the member for Stirling who was complaining earlier that this matter had been rushed in and he wanted more time. In order to comply with his wishes and avoid the accusation of the member for Mundaring that we were just trying to stall, I thought adjournment of the debate for one week would be a useful compromise.

Mr Stephens: I will not repeat myself. I refer you to the interjection made during the speech of the member for Warren.

Mr HODGE: I want to make it quite clear from the outset that I support strongly the principle of legislation to control the operation of off-road vehicles.

Mr Laurance: We welcome your support.

Mr HODGE: The Opposition strongly supports the principle of the legislation and I have no quarrel with the objectives outlined by the Minister in the first few pages of her second reading speech. She summed the situation up very well. She said there was strong public opinion on the matter, and there was a need to control off-road vehicles. She said it was very difficult to try to draw up legislation to satisfy everyone. I agree with that.

The Minister said that off-road vehicles can cause a great deal of nuisance both in respect of noise and in respect of damage to the environment. She said this nuisance was causing a great deal of concern to shire councils and to the general public. All those statements are perfectly true, and we on this side have no quarrel with them. We support strongly the principle of what she is trying to achieve, but we object to the way she is trying to achieve it. I have been here for a short period—only about 18 months—and I believe this Bill is the most shoddily drafted legislation I have had the misfortune to see.

Mr Clarko: You said that before.

Mr HODGE: The Bills are getting worse. The longer I am here the worse they are becoming.

Mr Clarko: You said that before; just as well you had only a week.

Mr HODGE: There is a real noise problem in my electorate, and no doubt in every other metropolitan electorate as well. I know there is a problem in the Karrinyup electorate because the honourable member's constituents keep ringing me up to complain about it.

Mr Bryce: They cannot get any attention from the member for Karrinyup.

Mr HODGE: They ring up a member from outside their district so that they can obtain some attention.

Mr Clarko: You are not suggesting they ring me up and do not get any attention on the matter?

Mr HODGE: I am suggesting that.

Mr Clarko: Well, explain it.

Mr HODGE: I will not go into that.

Mr B. T. Burke: His time is limited; he only has 43 minutes.

Mr Clarko: Is this person the President of the Labor Party?

Mr HODGE: In my electorate we have a particularly bad noise problem; some members of the House may be aware that we have a serious traffic noise problem in Perth. If they are not aware of this fact, I will have to hold a few more public meetings and make a few more speeches in this House on the matter. In the area of Samson and Willagee in my electorate, there is a particularly bad noise problem from trail bikes.

The member for Warren outlined the problem in country areas and the damage that is being caused to the environment. I do not have a real problem in regard to sand dunes in my electorate, but our basic problem is the noise nuisance from trail bikes; it is very severe.

Over the last 18 months or so I have been trying to pacify my constituents. I said to them that the Government is aware of the problem and that it is working on it. We know that it is a difficult problem to solve.

Mr Sodeman: You just contradicted yourself.

Mr HODGE: I told my constituents that the Government was trying to draw up legislation to eradicate the nuisance and to control the noise without impinging too much on the civil liberties of the riders of these vehicles.

Mr Clarko: Will you tell that to the lady from Karrinyup?

Mr HODGE: I am sorry if I hurt the honourable member's pride.

Mr Skidmore: Why don't you keep quiet?

Mr Clarko: That was not a very clever interjection from the member for Swan.

Mr HODGE: The rangers employed by the City of Fremantle and the City of Melville—the two shire councils in my electorate—have an impossible job trying to apprehend the trail bike riders who ride through their area.

The residents of Willagee and the residents of Samson are very concerned about this matter. Members may be aware that adjacent to Willagee a rural area has just been cleared. For many years this area has been a pine forest, and it is to be developed as a housing estate within the next few years. That area is used every Saturday and Sunday by young trail bike riders whose parents often deposit them there as early as 7.00 a.m. on a Saturday or a Sunday. The children are left there by the parents—and I have known of children of only eight years of age being there—and they ride motorcycles all day Saturday and all day Sunday.



The parents come back to pick up their children at dusk. That situation must stop; it is just not on. It is driving the residents of Willagee and Samson mad.

The City of Fremantle is spending many thousands of dollars to erect a fence around the bush area adjacent to Samson. It did not want to do this; it wanted to retain an area of bushland in its natural state for the residents to enjoy in future years. However, as the area is gradually being wrecked by the trail bike riders—

Mr Clarko: What is your solution to the problem?

Mr HODGE: This sort of legislation. I am supporting the principle of the legislation, but I am critical of the Bill before us. It is a very poorly drafted Bill.

Mr Clarko: The Government did not draft it.

Mr Carr: The bureaucracy drafted it, which is exactly what I said.

Mr Clarko: While you were in government did you go around drafting Bills?

Mr Bryce: What do you have draftsmen for?

Mr HODGE: I forwarded copies of this Bill to the City of Melville and the City of Fremantle as soon as it was introduced into the House. I also posted copies of the Minister's second reading speech, and I asked the respective shire clerks to respond to me as quickly as possible with their views on the legislation. I was interested to know whether they had any comments to make on it to enable me to be fully informed when debating the Bill here.

When I learnt last night that the debate was to be brought on today, I was shocked. I rang both shire clerks today, and both of them admitted they had not had time to study the Bill fully. They both said they would have liked much more time to study it.

Both men said that they had made submissions in regard to the previous Bills, but, as the Minister said, this Bill is substantially different from the other two. Neither shire clerk believed he had sufficient time to study it. However, in the brief time available to them, they had looked at it and they were both very concerned about the huge administrative burden it would place on their councils. They were concerned that it seems the measure will impose a substantial burden on the councils which the administration will have to meet and that there is no provision for any compensation by way of funds from the Government.

The member for Whitford interjected before and said that clause 43 provides for some

recompense to the shires. I have looked through the Bill, and I do not think any compensation is provided. The clause referred to by the honourable member will provide money to the Minister or to the Road Traffic Authority. I can find no provision in the Bill for compensation to the shire councils.

Mr Clarko: Do you suggest that is what should happen? Do you suggest the Government should pay money to the local authorities to police this particular legislation?

Mr HODGE: Yes, if the Road Traffic Authority does not police the legislation, I think the Government should pay the shire councils to do so.

Mr Clarko: That is a marvellous idea!

Mrs Craig: The Bill imposes penalties for infringements.

Mr H. D. Evans: Are you suggesting that will pay for its administration?

Mr HODGE: Later on in the Committee debate I intend to ask questions about this provision. Will the money collected by way of penalties go to the shires? If that is so, it will certainly be an improvement.

Mr H. D. Evans: It would be only peanuts.

Mr HODGE: I do not think it would be anywhere near enough.

Mr H. D. Evans: Of course it would not.

Mr HODGE: The Acting Town Clerk of the Melville City Council said that even if the legislation goes through he cannot see how it will materially improve the situation.

What will happen if a ranger sees a young fellow riding an unlicensed trail bike in a particular area? At the moment the ranger could not go after the offender. To do so he would need to be equipped with a trail bike capable of going through the bush as quickly as the other fellow. Then he would have to risk his life by roaring through the bush at great speed to arrest the offender.

Obviously both these local authorities would have to employ more rangers. They are both understaffed in this respect at present. They would have to purchase more vehicles for their rangers to use, and neither city is very happy about that. The rangers are not happy about having this duty put on them, and the administration is not happy about having to spend that extra money.

Mr Clarko: They are not happy about the present situation.

Mr HODGE: That is right, they are not happy about the present situation.

Mr Clarko: This legislation will be better than the present situation.

Mr HODGE: I cannot see how it will be better. Who will actually do the pursuing? Who will actually apprehend the offenders?

Mr McIver: The member for Karrinyup.

Mr Pearce: He could not catch them on an elephant!

Mr HODGE: The provision in clause 5 of the Bill thrusts the whole responsibility for the enforcement of this legislation onto the shire councils. That clause refers to examining vehicles, registering vehicles, issuing and receiving notices, and collecting and enforcing penalties. What happens when a penalty has to be enforced? Who is to conduct the court case? Will it be necessary for the shires to keep solicitors on retainers, or to appoint full-time legal officers to carry out the work? Surely the Road Traffic Authority is better equipped to handle matters of this sort.

Mr Sodeman: How do they handle offenders who park and drive on reserves now?

Mr HODGE: I do not know, because the City of Melville does not enforce parking laws; they are enforced by the Road Traffic Authority.

Mr Sodeman: I said on reserves, parks, and that sort of thing.

Mr HODGE: Those offences are rare indeed.

Mr Sodeman: Exactly. So will these be. When the areas are delineated and people understand where they may or may not do these things in their own districts, the offences will be minimal.

Mr HODGE: I hope the member for Pilbara is right. However, I do not share his optimism because, as a previous speaker has said, a great deal of confusion will exist about where these people may or may not ride their trail bikes.

I have referred to the payment of administration costs; the Government has made no provision for those costs. Nor has it made provision for examining vehicles. Who will physically examine motor bikes and cars to see whether they are safe and comply with the noise regulations? The rangers are not qualified to do that; they do not necessarily have knowledge of mechanics and noise control. Therefore, who will examine the vehicles and determine whether they are safe and comply with the noise control regulations?

Mr Sodeman: The design requirements are the same as for any other vehicle.

Mr HODGE: The same applies in respect of enforcement costs. Shire councils will have to pay for legal officers to try to enforce the law, and they will have to buy special off-road vehicles for their rangers. All in all, we are looking at a very substantial financial outlay.

I turn now to a provision of particular interest to me; that is, the noise control clause. I will talk about this in greater detail when the Bill is dealt with in Committee. However, generally speaking, I am most disappointed that the Government has written into the measure such a vague, wishy-washy, ineffective provision in respect of noise control. I thought the Government might have learnt a lesson from the Road Traffic Act and regulations which use precisely the same words and are absolutely impossible to enforce. What do the terms "undue" or "excessive" mean in respect of noise? I guarantee every member of this Chamber would have a different opinion of what "undue noise" or "excessive noise" means. It would vary from suburb to suburb, from day to day, and from day to evening. Those words are useless in respect of trying to define noise.

It is not a difficult matter to determine. I made a speech a few weeks ago on the matter of noise control, and I pointed out it is not impossible to control noise. It has been done in other countries of the world and in other States of Australia. The Victorian Government only recently drew up regulations quoting specific measurements in respect of the maximum noise levels that are permissible in that State.

Mrs Craig: We will prescribe by regulation the level of noise that will be permitted.

Mr Carr: Why didn't you say so?

Mr HODGE: I am very pleased to hear that; it is good news. However, it is a pity the Minister did not make some reference to it earlier, perhaps in her second reading speech. Surely this is one of the most important aspects of the Bill; it is one of the fundamental reasons the measure has been introduced into the Chamber, and the Minister has ignored it up to date. I am very pleased she intends to do something by way of regulation, and I would like to hear more information from her in due course.

Does the Minister intend to test vehicles at the time of registration, or is she hoping to test them for noise *in situ* while they are actually being operated? It will be very difficult to try to apprehend people and measure the noise permitted by their vehicles on a bush trail. Obviously the time to test vehicles for noise emission is at the time of registration, but no mention of that is made in the Bill. In fact,

another provision in the Bill provides for almost automatic registration of vehicles; they need not be examined. If I read the Bill correctly, another clause provides that if a person makes a statutory declaration, stating that the vehicle complies with safety regulations and noise regulations, it may be registered.

That is incredible. How many members of this Chamber would be qualified to state on oath in a statutory declaration that a vehicle complies with safety and noise regulations? Unless they are experts in noise emission and have their own meters and recording equipment to test noise emission, I cannot see how people can possibly swear an oath that their vehicles comply with the regulations. If I read the Bill correctly, that is what it provides; and if I have not read it correctly I will be happy to be corrected.

A subclause of the same clause dealing with noise attempts to define an efficient silencing system. In this State we have an incredible situation in that mufflers are sold by spare parts shops around the State which are perfectly legal to be sold but when fitted to a motor vehicle render the driver liable to prosecution under the Road Traffic Act. It is a fact that a motorist can buy a muffler through a legitimate retailer, thinking he is buying a perfectly good muffler, and can fit it to his vehicle, and then be apprehended by the RTA and told the muffler does not comply with the Australian Design Standard. This situation is causing immense confusion amongst motorists in Perth. I think we need more clarification in respect of efficient silencing systems.

I also wish to criticise the level of penalty which may be imposed upon a person for making excessive noise. The fine is a maximum of \$200; the Bill does not say it is a maximum, but I presume that would be the case. I do now know whether any flexibility is involved in this respect. In Victoria if a person infringes the noise regulations he may be fined a maximum of \$400. In a latter part of the Bill before us one can be fined \$500 for driving a vehicle in a dangerous condition. Personally I favour a fine of \$500 in respect of the noise provision. That should be the maximum fine to give the courts some flexibility. In my opinion \$200 is nowhere near sufficient.

The Bill contains many, many clauses which I would like to take up with the Minister in detail in the Committee stage. One clause gives an exemption to the owners of vehicles designed for incapacitated persons. I find the wording of this clause very strange, because it says vehicles that are used or are intended to be used by incapacitated people are exempt. I suppose this

refers to a vehicle which is specially designed to accommodate a person who has some problem with his legs or arms.

I would like some explanation from the Minister as to the reason the words, "intended to be used" are included in the provision. It seems a vehicle designed for an incapacitated person could be used by a person who is not incapacitated, and could still be exempt from the provisions of the Bill. The measure also grants an exemption to vehicles owned or operated by public authorities. I have received complaints in my electorate that certain machines and vehicles owned and operated by the City of Melville create excessive noise and aggravate people considerably. I do not see that any local authority or any Government department should be given special exemption in respect of vehicles which create noise. They should be setting the example and the trend by using quieter vehicles or making their vehicles and machinery quieter.

Exemption is granted also to farm machinery, mining machinery, and road-making equipment. I have no argument with that, although I think road-making equipment used in a residential area should be made as quiet as possible, because it can be very aggravating to people. It is amazing how quiet machines can be made if there is a little goodwill shown by the operators and the people who maintain them.

A further point with which I wish to take issue is the fact that children of eight years of age may operate trail bikes or off-road vehicles. I find it incredible that a child of eight years of age is authorised to operate an off-road vehicle. Some off-road vehicles have massive V8 engines with hundreds and hundreds of horsepower. I cannot see how the Government could be happy about authorising a child of eight to drive such a vehicle, particularly in view of the fact that no provision is made for third party insurance.

Mrs Craig: That becomes the responsibility of the person who registers the vehicle; it must be a person of 18 years of age. If a parent wishes to be as irresponsible as that, I do not think there is any—

The ACTING SPEAKER (Mr Sibson): Order! Perhaps it would be better for the questions to be asked by the various speakers and replied to together by the Minister in her concluding remarks to the second reading debate.

Mr HODGE: I know the Bill provides for ultimate responsibility to lie with the owner of the vehicle. However, the owner of the vehicle may be an 18-year-old and not necessarily the parent of the youngster who is driving it. There are plenty

of 18-year-olds around who would be legally able to own such a vehicle but who may not be mature enough to authorise and watch over and monitor the use of a very powerful vehicle by an eight-year-old child.

I do not agree with this provision; I think it is very dangerous and completely wrong to authorise eight-year-old children to drive these vehicles, particularly in view of the fact there is going to be no third party insurance cover.

I wish now to refer specifically to the matter of third party insurance cover. I have read many times that section of the Minister's second reading speech which deals with third party insurance and her explanation of why it was not thought desirable to make such insurance mandatory in this legislation. I am not familiar with the Victorian experience to which the Minister referred, and I hope that when she replies she might give the House the benefit of her knowledge on this point.

It seems to me it is virtually essential that these vehicles be covered by third party insurance. Imagine if an eight-year-old child ran a person down while he was walking along a bush track. What chance would that person have of obtaining compensation from that child, or even from the 18-year-old owner of the vehicle, particularly—as the member for Geraldton pointed out—if the 18-year-old owner of the vehicle could not afford third party insurance payments? I would not like that person's chances of recovering a substantial amount of compensation if he were seriously injured or permanently incapacitated; I would not like the chances of his family or estate of recovering damages in the event of his death as the result of such an accident.

They are just a few of my reservations towards this legislation; there are many more which I will raise as the Bill goes through Committee.

I am very concerned and disappointed that the Government has chosen to rush this Bill through the Parliament. I know it has been three years since the first legislation was introduced; however, as the Minister confirmed in her second reading speech, the Bill we are debating tonight is radically different from that early legislation. Certainly, we have proved tonight that a substantial number of local government authorities in Western Australia have never sighted this legislation; they do not know what it contains or whether they will approve of it. Yet this Bill will become law within a day or so. I believe there will be a lot of very unhappy local authorities when they discover what is in this legislation.

**MR CRANE (Moore) [9.24 p.m.]:** I support this Bill. The matter of off-road vehicle noise has caused me a great deal of trouble for many years. Possibly, it was as a result of representations made to the Government by me and other members similarly affected that the Government has been encouraged to bring forward this legislation.

I do not propose to discuss the Bill clause by clause; I agree with it, generally. The shire councils in my electorate, particularly those in the coastal areas, are very pleased that this legislation has been introduced. In fact, they were very keen to see the first Bill come into operation. The Shire of Gingin, in particular, offered some suggestions for the improvement of that Bill, and I am sure the Government has taken heed of those submissions and has incorporated them in this legislation.

Many people have been critical of this measure. However, I recall a meeting held at the University of Western Australia for the very purpose of discussing this issue which most of the critics did not see fit to attend. I spent the whole day there. I remind members that it is very easy to criticise when something comes before us but quite often it is too much of an effort to be constructive and attend meetings conducted for the express purpose of discussing these matters.

I remember discussing in a grievance debate the problem experienced by country women in Lancelin. I hope this legislation will ease the problem they have experienced for many years with motorbikes and off-road vehicles driving through the town and heading off into the scrub as soon as they are chased by the RTA or the local authority. Now, these areas will be able to be designated, which should overcome this problem.

I acknowledge this legislation will have teething problems; nothing is perfect in the first instance, and problems can always be expected with new legislation. However, the implementation of this legislation will go a long way towards correcting this great anomaly which has plagued many people for a great number of years.

I welcome the introduction of this Bill so soon after its predecessor was withdrawn and I congratulate the Minister on the manner in which she prepared her second reading speech. Her notes explained the Bill explicitly and left no-one in any doubt as to the benefits this legislation will bring if only we bear with it and plug any little loopholes which may appear.

I agree entirely with the comments of the member for Melville, particularly in regard to the

fact that certain fittings may legally be purchased which, when fitted, render the driver liable to prosecution for excessive noise. Special mufflers which normally one would expect would do what their name implies—namely, muffle the motor—seem to make more noise than the conventional models.

Whilst this point is not within the province of this legislation, I believe there is a case for the Government to investigate the sale of these special pieces of equipment which people distribute from hobby shops merely for the purpose of making money from those who probably have more money than sense. This is an anomalous situation and I hope the Government acts to correct it.

The other matter referred to by the member for Melville was the fitting to vehicles of extra wide wheels and tyres. Whilst this does not create more noise, in many instances these modified wheels do not comply with our vehicle standards and some may even prove to be dangerous. I mention this matter in passing because I believe it is an area to which the Government could pay some attention.

The Bill deals with vehicle noise. Speaking of noise, I suppose there is nothing worse than the noise we have to put up with in some dance halls at night! Noise nuisance occurs in many areas and it is high time we did something about it. This Bill is a step in that direction. I congratulate the Minister; I am sure her Bill generally will be welcomed by the community, particularly the country shires and people who are forced to put up with the problem of off-road vehicles which, as a rule, come from within the metropolitan area.

**MR SKIDMORE (Swan)** [9.29 p.m.]: At the outset, I wish to make it clear that, as the Opposition spokesman on matters relating to conservation and the environment, I support the legislation. Indeed, the Opposition as a whole supports the Bill; we believe the principle enunciated in the legislation is a good one. The only thing we would quarrel with is the way in which the Government is trying to achieve its objective to establish a degree of control over off-road vehicles in every part of our State.

I listened intently to the remarks of the member for Mundaring. I should like to give him a chance to return to the Chamber, because I wish to be critical of the comments he made about the attitude of shire councils. From my investigation, it is patently clear the member for Mundaring did precious little to consult shires within his electorate on this matter. To give the member for Mundaring an opportunity to return to the Chamber, I will move to another topic.

I shall not deal with the question of the Mundaring Shire, but with that of the Kalamunda Shire. As late as 2.12 this afternoon I rang the Kalamunda Shire and I asked whether the shire had been made aware of the contents of the Bill. The answer, without any equivocation, was, "No".

**Mr Carr:** Who is the local member?

**Mr SKIDMORE:** I then asked the officer who was providing me with the information what he felt about the concept of a Bill which was placed on the notice paper on the first of this month, and which on the 8th of this month was to go through and pass to the Legislative Council without his shire having an opportunity to look at it. He was amazed. He said, "I just cannot understand what's going on. Mr Skidmore, what's it all about?"

**Mr Clarko:** You could not tell him, either.

**Mr SKIDMORE:** I said, "It is quite simple. Some six months ago or thereabouts a Bill was introduced over a period of time. It was introduced in the House and it was left in abeyance. The notice paper showed that there was a Bill in regard to off-road vehicles. Then on the 1st of this month the Minister for Local Government introduced another Bill and the original Bill was removed. In other words, it was not proceeded with."

**Mr Speaker,** it is no wonder the Kalamunda Shire officials are confused, along with the officials of all the other shires. This has been the greatest confidence trick played by any Government.

**Mr Bryce:** Lack of representation!

**Mr SKIDMORE:** The Government says, "You had a chance to look at previous Bills before this House. This Bill is exactly the same, but we have taken out those objectionable clauses which you as shires have objected to. We are now presenting a new Bill to the House."

**Mr Shalders:** There is some interest as to who is the officer you spoke to at the Kalamunda Shire.

**Mr SKIDMORE:** If the Speaker would like to know who the officer was, I will pay to that officer the courtesy of conveying his name to the Speaker after I have finished. I have no intention of naming the man. I do not think that is pertinent to what I am saying. I simply say that I spoke to an officer of the Kalamunda Shire. I will not name him for the member for Murray or for the Speaker.

**Mr Spriggs:** For the information of the member for Swan, the Kalamunda Shire, from the last Bill

that was handed to them for their comments, made a submission. All the points that they submitted were taken into consideration in this Bill. I can assure the—

Mr SKIDMORE: I thank the member for his concern.

Mr Spriggs: They were quite happy with this Bill.

Mr SKIDMORE: I appreciate the member's concern, and quite rightly.

Mr Spriggs: I have not any concern now. The Bill will be acceptable to all of the shires, and in particular Kalamunda.

Mr SKIDMORE: May I in some way agree with the member by saying that that is all right as far as I am concerned. What I am saying is exactly and precisely that. What was presented to his Kalamunda Shire, or the Speaker's Kalamunda Shire, or the Kalamunda Shire, was the fact—

Mr Spriggs interjected.

Mr SKIDMORE: Would you be quiet for a few minutes?

Mr Jamieson: You have made him talk for the first time in a year. Do not shut him up now.

Mr SKIDMORE: It is frustrating trying to inform people that there are two distinct Bills before this Parliament—two entirely different Bills.

Mr Shalders: There is only one Bill before this Parliament.

Mr SKIDMORE: That have been presented to this Parliament.

Mr Shalders: That is different.

Mr SKIDMORE: The previous Bill set out that the whole of this State would be a prohibited area, in essence. If one wished to go anywhere in this State in an off-road vehicle, one had to obtain permission. The Kalamunda Shire, along with the Mundaring Shire, the Swan Shire, and the Bassendean Shire, complained most bitterly that the landowner would be disadvantaged by this. They claimed he would be subjected to being told that he should keep the road across his private land open, to enable access to a reserve. Those shires did not like that, and they were not prepared to accept it.

The situation now is that there has been a complete change. It is not the former Bill which is being dealt with in this House. The Bill that has been introduced provides that the whole of the State is free; one can go where one likes in an off-road vehicle, provided one has permission to do so.

If members refer to the objections previously raised by the shires—and I see that the ape over there is grinning like one—those objections were automatically removed by the introduction of this legislation before the House. Those objections are no longer valid. Half of the objections went out the door when the Bill was introduced. For the member for Darling Range to say that the objections of the shires have been taken into account is just so much rubbish. All the Government has done is to change the legislation and to remove the objections automatically.

Mr Spriggs: As the member for Swan represents a portion of the Kalamunda Shire, I wonder why he did not present them with a copy of the Bill himself?

Mr SKIDMORE: That is a fair enough question. Let us look at why I did not do that in relation to the Shire of Kalamunda, the Swan Shire, the Bassendean Shire, and the Mundaring Shire—

Mr Spriggs: Because you were not interested!

Mr SKIDMORE: If the member for Darling Range will shut up for two minutes I will continue to explain why I did not contact the four shires concerned. The Bill was introduced in this House just seven days ago. Before it was open to us as an Opposition to formulate our attitude, we were forced into having a meeting. That is not unreasonable, surely. The first occasion available to us—

Mr Spriggs: I would have thought you would obtain some information before you spoke about the Bill.

Mr SKIDMORE: Let me tell the member for Darling Range that at 2.12 p.m. this afternoon I spoke to the Kalamunda Shire; at 2.40 p.m. I rang the Bassendean Shire—

Mr Spriggs: After you discussed it at your meeting. Why did you not obtain the information first?

Mr SKIDMORE: —and I could not contact the shire clerk. I asked would he ring me back, which he did at approximately 3.20 this afternoon. I contacted someone from the Swan Shire, and I found that they had not sighted the Bill and had no knowledge of it. I contacted the Mundaring Shire at about 4.15 this afternoon.

Mr Spriggs: After you had the Bill a week.

Mr SKIDMORE: It is amazing that there are a lot of slow learners here, Mr Speaker. Perhaps I am just wasting my time. You will realise that the idea is to upset the member for Swan. However, members cannot do that. I am confident that what I did was done out of fairness to the shires

concerned. If the member for giggles over there—who does he represent—

Mr Spriggs: Did you ring the Shire of Bayswater?

Mr SKIDMORE: If the member for Darling Range wants to abrogate his responsibility, that is his business.

Mr Spriggs: I am not abdicating my obligations to the Kalamunda Shire or the other shires in my area. I am supporting the Bill in its present form because—

Mr SKIDMORE: I am almost tempted to sit down while we get this debate over, and then I will continue.

The SPEAKER: Order!

Mr Skidmore: I was challenged by the member for Darling Range—and please excuse me if I have had trouble naming his electorate; he is such an irregular speaker and I had forgotten the area he represents—

Mr Spriggs: That only shows I do not get up and talk a lot of hot air.

Mr SKIDMORE: When I spoke to an officer of the Shire of Kalamunda he explained the shire was very upset because it had had no opportunity to examine the Bill. When I explained to him what the Bill involved basically and what it hoped to achieve the officer was most amazed at the contents of it. I do not raise this in any way to reflect upon the member for Darling Range, yourself, Mr Speaker, or any other member connected with the Kalamunda Shire. I felt it was my duty to ascertain the shire's attitude because a portion of the shire falls within my electorate. I am sure you, Mr Speaker, are aware of what I said to a certain person in regard to this matter this afternoon.

The Government should be responsible enough to admit the Shire of Kalamunda is most unhappy that it has had no opportunity to look at the Bill.

Mr Shalders: That is not fair. The introduction of the Bill was published in the paper. You could say members could send it a copy, but at the same time, very often a shire will phone and ask for a copy to be sent to it after it has read of a Bill's introduction.

Mr SKIDMORE: I will address my remarks to the Minister who is waiting patiently for me to recognise she is here.

Mrs Craig: No I am not.

Mr SKIDMORE: I gave the Minister credit, but it seems she is not interested and so perhaps I shall direct further remarks to the member for Darling Range.

Mrs Craig: I did not say I was not interested.

Mr SKIDMORE: I rang the Mundaring Shire and spoke to a senior officer.

Mr Clarko: You have said that six times.

Mr SKIDMORE: The member for Karrinyup has been asleep.

Mr Clarko: I have been trying to pick up the sense in your argument.

Mr SKIDMORE: The Mundaring Shire secured from the Government—probably the next day—12 copies of the Bill. It gave each of its councillors a copy. This was last Friday. As members are all aware, councils work on a committee system and as we are all aware also, at times we suffer the frustrations of that committee system. It can take three or four months for something to move through a shire and for us to receive answers to issues we have raised with them.

When I spoke to one of the shire's senior officers today he said, "How in the name of fortune can I or the shire council itself look at this new Bill, evaluate it, judge it, and see if we accept it when we have not even had a chance to call the committee together, let alone call a special meeting of the shire and get all the members' opinions?"

Mr B. T. Burke: Shame.

Mr SKIDMORE: That is precisely what happened with the Kalamunda Shire and it would be exactly the same position with the Mundaring Shire. Neither of the shires nor myself have had time to consider the matter. I have not had time to get to the shires concerned with a copy of the Bill. If other members have done so, hats off to them. Perhaps they are more efficient than I am, although I do not think it is a question of efficiency. It is more a question of the workload various members have. No members have had time to get to the shires. Merely giving a shire a copy of the Bill is not enough to allow them to form an attitude.

When the Mundaring Shire had a look at the Bill I asked it what was its attitude in regard to people being prohibited from certain areas. The shires believe the Government has a bounden duty to consult the local shires on such issues whether it liked it or not.

That is precisely what the Government has been telling us. It has been saying that at all times we should be aware of the need for people to be consulted. However, when it comes to what people can do in their free time, in their leisure time, there is no consultation; there are just insults

levelled at the people in the electorate and the shire councillors.

Mr Spriggs: Would the member for Swan answer a question?

Mr SKIDMORE: No! The Shire of Mundaring formed a committee and whilst no absolute assurance was given by the Minister that the new draft Bill would be presented to the shire, certainly an undertaking was given that that would be done. But that was not done; the Government ignored the shire; it did not even bother to inform the shire of its intentions to introduce this Bill. The Mundaring Shire was pleased to see that the unwieldy committee provided for previously had been reduced to a manageable five members. In my 20-minute phone call that was the one point where the shire thought the Government had taken a step in the right direction.

In answer to the member for Darling Range's earlier interjection as to why I had not done something, the illustration I have given of the Shire of Mundaring indicates it would have made no difference if I had taken a copy of the Bill and the second reading speech to the secretary or shire clerk on the night the Bill was introduced at whatever time it was. The shires would not have had time to comprehend all that was in the Bill.

Mr Spriggs: The people of Western Australia can be very grateful the Opposition is not in Government because if you are going to pass all your legislation to the shire councils before you introduce it to Parliament, I am sure the people will hope you will not be in Government for a long time.

Mr SKIDMORE: The great difference between the member who has just interjected and myself is that I have a humane feeling for people and he obviously does not. He could not care less about the people's feelings. He is not concerned about them. He is saying that if any Bill is introduced into this House affecting the population of Western Australia the Opposition should have nothing at all to do with it, other than to say we will not go to the people and ask their opinion.

I thought that was what government was all about; I thought that was what the democratic system was all about. However, the member for Darling Range did not even bother to consider his own constituents. The Kalamunda Shire does have a problem with trail bikes, but what does the member for Darling Range do about it—not a darned thing!

The last shire I contacted was the Bassendean Shire and that was at 2.10 p.m. this afternoon. The town clerk rang me back a little later. His

answer to me was that, when the previous Bill which was removed from the notice paper on the introduction of this Bill was discussed, the shire exhibited great concern about the fact that the landowners at that time could be affected by the results of the provisions. It objected to it, and as I said previously this new Bill, because it has changed completely the effects on the people involved, has removed virtually all the objections of the shire. However, that does not mean any shire—

Mr Spriggs interjected.

Mr SKIDMORE: Would the honourable member shut up for a minute!

Mr Blaikie: Do not be so rude.

Mr SKIDMORE: I was referring to the shires being concerned about the landowner, the changes in the legislation and the funding which would take place. I imagine it is easy to say the Government should not be responsible for all of the matters that local government undertakes under the Local Government Act. We might say, "Why do not the shires raise their revenue amongst the ratepayers to look after all the matters they have to attend to under the Local Government Act?" Of course, we all know they do not. We all know they are subject to grants by the Government and quite rightly so. When we impose an additional burden upon shires, as the member for Warren has mentioned—

Mr Spriggs: What additional burden are we imposing on shires at the present time?

Mr Bryce: It is in the Bill, dill.

Mr SKIDMORE: —the shires are entitled to say they should receive Government assistance to do the work. However, the shires will receive nothing. They will be told they must register, examine, police, and carry out the duties laid down in the Bill.

I shall refer to this matter in Committee, but we should examine the manner in which these sweeping powers have been given to authorised officers to seize, inspect, and drive vehicles. When one of the officers test drives a vehicle he can come along, produce his authority to show he is an authorised officer, take the keys and drive the vehicle. He can drive it up the road and overturn it and the owner of the vehicle is liable under the Bill.

In the case of third party insurance, if the vehicle is registered under the Road Traffic Act, the Minister tells us the owner is not covered. If it is an off-road vehicle the owner has no cover, because the Bill does not provide specifically that third party insurance should be taken out.



Notwithstanding anything I, as the owner of a vehicle, may or may not do, I am completely liable for whatever takes place in relation to that vehicle.

If the Minister doubts what I say, I shall take up the matter with her. I suggest the Minister examine clause 11 of the Bill in order to obtain the correct interpretation, with the assistance of legal advice. I have sought legal advice on this matter. If the Minister can tell me a vehicle is not covered by third party insurance, then my advice is incorrect, because a vehicle licensed by the Road Traffic Authority, according to the legal advice given to me, is covered. I do not want to develop that matter until the Committee stage, so I shall leave it at the present time. I believe I have shown without any degree of—

Mr Spriggs: That you know nothing about local government.

Mr Bryce: Which is probably where the member for Darling Range still ought to be along with his other Liberal Party colleagues who started in local government.

Mr Spriggs: If I was in local government and was prepared to present the legislation after consultation, perhaps that is right.

Mr Bryce: Who talks about presenting the legislation, you great dill? You do not even understand the word "consultation".

Mr B. T. Burke: He has had more to say tonight than he has had to say in the last two years.

Mr Bryce: It is his maiden speech.

The ACTING SPEAKER (Mr Crane): Order! The House will come to order. The member for Swan.

Mr SKIDMORE: Thank you, Sir. I am sorry I did not sit down.

Mr Pearce: We will move for an extension of time for the member for Darling Range.

The ACTING SPEAKER: Order!

Mr SKIDMORE: I have endeavoured to give serious consideration to this Bill. It is patently obvious and, of course, members opposite have taken advantage of my apparent innate good humour—

Mr Clarko: It might be humour; but it is not good.

Mr SKIDMORE: I should not quarrel about it, because at least it has injected some obvious hilarity into the debate.

Mr Laurance: Happy Jack!

Mr SKIDMORE: I shall certainly convey the situation to the shires I represent tonight—the

shires which members opposite represent, but on whose behalf they have not spoken tonight. I shall attend the next shire meeting and inform the members, by reading from *Hansard*, of the disda: with which members opposite, who are supposed to be representing the particular shire have treated the matter.

Mr Spriggs interjected.

Mr Jamieson: Someone has poked him with a gramophone needle.

Mr SKIDMORE: Other matters in the Bill worry me, but I do not wish to deal with them in a general manner. Clause 38 relates to penalties and restrictions. I find very little to commend this clause to members. The powers which it gives to officers are very repressive and I shall give one example.

Mr Spriggs: The members of your constituency do not know you otherwise they would be only too happy to write a lot of letters to you.

Mr Carr: Are you going to make a speech tonight, or is this it?

Mr Bryce: From the speeches you have made in this place, your constituents certainly do not know you.

Mr SKIDMORE: I was referring to the powers contained in clause 38. I want to establish in a simple way the people who are authorised under the Bill. My understanding is an authorised person is a member of the Museum Board. Am I right in my understanding?

Mr B. T. Burke: Yes; an officer of the Museum Board or a chimney sweep.

Mr SKIDMORE: A member of the Museum Board may be an officer. I should like to take that to its logical conclusion. An authorised officer may test drive a vehicle and say it is not roadworthy—it has something wrong with it—and that is ludicrous in the extreme when we consider the qualifications of that person.

Mr Hodge: He may say it is noisy.

Mr SKIDMORE: He may make judgments in relation to the noise made by the vehicle without using a decibel meter. He may make all these judgments and this is an example of the petty bureaucracy I have mentioned previously when speaking on other Bills. Officers may perform these tests without having any mechanical knowledge. Under the Road Traffic Act the officer carrying out the inspections must be trained. When a sticker is placed on one's car saying it must be examined under the Road Traffic Act, the officer examining the vehicle must be an expert in the field, because his evidence has to stand up in a court of law.

If an authorised officer has no expertise the legislation will be ineffective. The officer could not sustain a prosecution in a court, because he would not have the expertise to do so. He would be ripped to pieces by the defending counsel. If councils want officers with the necessary expertise they will have to train them.

Mr Bryce: And that has to be paid for.

Mr SKIDMORE: No-one will provide any money for that purpose.

Mr Bryce: Who will pay? Let the whiz-kid from Darling Range answer that.

Mr Spriggs: Will you explain how an inspection would take place for a vehicle to be certified roadworthy when it is for off-road use?

Mr SKIDMORE: Listen to the incredible logic of the member for Darling Range!

Mr Spriggs: The shires do not have to have anyone at all, but there are shires which take their responsibilities seriously, and therefore they employ a ranger.

#### *Point of Order*

Mr PEARCE: Surely the member for Darling Range should stand up when making lengthy speeches.

The ACTING SPEAKER (Mr Crane): There is no point of order.

#### *Debate Resumed*

Mr SKIDMORE: I will not answer the member for Darling Range, because he has continually interjected tonight.

Mr Laurance: With suitable skill.

Mr SKIDMORE: If members consider that it is smart to interject on a member and disrupt his train of thought, all I can say is bully for them, but it does not worry me one iota.

The ACTING SPEAKER: So I notice.

Mr SKIDMORE: I could not care less about it.

I was discussing in a general sense the penalties provided in clause 38. However, I warn the Minister that in Committee I will be speaking on many other clauses. For instance, I have some doubts about clause 5, particularly about subclause (13). I certainly have doubts about most of the subclauses in clause 38, and I will be studying closely clause 3 which deals with interpretations. I will certainly be discussing clause 4. I might skip clause 6 but will not skip clauses 7 and 11, or most other clauses in the Bill.

I want to indicate that I agree with the intention of the Government in legislating for off-road vehicles. I believe the intention is good. However, I do quarrel with the manner in which

the legislation has been introduced and the unnecessary restrictions which will be placed on people, and which amount to infringements of their rights. People want to get off the beaten track to go fishing and indulge in other sports along the secluded beaches, such as Triggs. The member for Darling Range does not have to worry, because he does not have any beaches in his area.

Mr Clarko: We do not have too many at Triggs, thank goodness.

Mr SKIDMORE: No. The problem areas are mainly further north or down south.

Mr Spriggs: There are a fair few in your part too around Ridge Hill Road and in Maida Vale. The electors will be interested to read what you have said.

Mr SKIDMORE: When I asked a question of the Minister handling the Bill I was told that the question did not deserve an answer. I refer the member for Darling Range to that answer, because it is most apt in his case.

The Bill contains many clauses with which I do not agree. I support the legislation in principle as a means by which to control vehicles and to protect the environment. I conclude by saying that in Committee I will refer to some of the aspects raised by the member for Karrinyup, as I have made a note of them. Certainly, I will be commenting on the statements made by the member for Mundaring. With those few remarks I will conclude, leaving my other comments until the Committee stage.

MR NANOVICH (Whitford) [10.05 p.m.]: Tonight we have heard a lot of drivel from the Opposition.

Mr Bryce: You endear yourself to people, don't you?

Mr NANOVICH: There has been little argument against the contents and meaning of the Bill. The Government has been criticised for the way it is supposed to be rushing the Bill through, giving the public and local authorities no opportunity to study it.

Opposition members: Hear, hear!

Mr NANOVICH: I wholeheartedly welcome the Bill, and I am sure the Government has the support of many local authorities, organisations, and people throughout the State as a result of the introduction of the Bill at this stage; possibly we should have introduced it a little earlier. In this respect I will quote from a letter to the Minister for Police from the Shire of Wanneroo written in December, 1977. A resolution was passed by council, and the following then appeared—

Council again urges further consideration for the early introduction into the next session of Parliament of the Public Areas (Use of Vehicles) Bill.

That was the first Bill introduced. The second was the Off-Road Vehicles Bill, and now we have the Control of Vehicles (Off-road areas) Bill. The first Bill introduced was a good feeler. The previous Minister for Local Government introduced another Bill and promised it would be made available to all local authorities and public bodies which it was hoped would forward comments and submissions in connection with the Bill. At no time did the Government ever intend to press for a quick passage of the legislation through the House.

Mr H. D. Evans: You are making up for lost time now.

Mr NANOVIK: No, we are not.

Mr H. D. Evans: Not much!

Mr NANOVIK: The Bill remained on the notice paper. After its introduction the Minister's department wrote to the Local Government Association and the Country Shire Councils' Association seeking recommendations and comments in connection with it. The associations, in turn, requested submissions from local authorities throughout the State. The submissions forwarded to the LGA and the CSCA were passed on to the department.

I was also contacted and a committee was formed which perused the Bill and made certain recommendations and submissions for consideration when the Bill was being further studied.

The present Minister has now introduced a Bill based on the submissions received and she is receiving unfair criticism from the Opposition, not because of what is in the Bill, but because of the manner in which the Bill was introduced. I can assure members that the majority of local authorities in Western Australia have welcomed the legislation.

Mr Stephens interjected.

Mr NANOVIK: They had the opportunity to make submissions.

Mr Stephens: This is a completely different piece of legislation.

Mr NANOVIK: A great number of the proposals in the original Bill, which were opposed by local authorities, have been changed in the current Bill as a result of recommendations from the Country Shire Councils' Association, and local government associations. I believe the Government did the right thing when it deferred

the previous Bill in order to allow local authorities to put forward their views, and to comment on the Bill. The evidence gained from those comments now appears in the current legislation.

The Bill is designed to police the culprits who are abusing the system, ruining our environment, and creating a danger to people on our beaches. Off-road vehicles are ridden and driven along road verges. I have actually seen an unlicensed vehicle travelling along a verge and racing a vehicle on the road. This Bill will help to curb that type of nuisance.

I have with me a journal on the front page of which is a photograph of a young person riding a trail bike. The caption under the picture is, "I don't wanna hassle, I just wanna ride my motor cycle".

Mr T. H. Jones: Are you quoting from the *War Cry*?

Mr Bryce: Or from the Liberal Party policy?

Mr NANOVIK: It is not the Labor Party policy! The journal refers to the fact that in February this year, at Nowra in New South Wales, a 14-year-old bike rider broke his leg as a result of a trap set by angry residents. In another instance, rangers dismantled a trap made from fishing lines. This is the type of thing which occurs when local residents are angered. I do not intend to quote from the journal at length because I know the Bill has to pass the second reading tonight. However, the incidents to which I have referred are the type which this Bill is designed to stop.

It will provide for various areas to accommodate those people who wish to ride trail bikes, drive beach buggies, and the like. It will not inhibit those amateurs who wish to fish, or those who are in the fishing industry. They will not be restricted from driving their vehicles onto the beach. People involved in that type of industry, or in various types of sport, will be allowed to travel along certain avenues through areas which are prohibited to off-road vehicles. They will be confined strictly to a certain track so that they will be able to reach the beach front, or some other area where their particular sport can be carried on.

I am sure it will play a major part in lessening the number of injuries and fatalities. The vehicles which are registered will have to meet certain criteria, and this will provide safer machines.

The member for Rockingham treats the Bill as a laugh. On many occasions he speaks purely to get political mileage. He often makes brash and stupid statements criticising the Government because of the delay in introducing legislation to

control off-road vehicles. I know that a couple of Bills have been introduced, but the member for Rockingham has attempted to make mileage and gain some political advantage. The Opposition has criticised the Bill. It has claimed it is a bureaucratic Bill.

Mr Bryce: You do not understand the word.

Mr NANOVIK: In the formation of the proposed committee there is no mention of bureaucrats.

Mr B. T. Burke: What about the funding?

Mr NANOVIK: The committee will include two representatives of local government, and two other people with a knowledge of off-road vehicles. That does not mean to say they will be people who sell off-road vehicles, or people who drive or ride off-road vehicles. It could be anybody who is the head of a beach buggy organisation, or an off-shore angling club. It could be a member of any other sporting body. There will also be a chairman, which gives a total of five representatives—which is not a great number. The committee should work effectively.

The legislation provides for subcommittees to carry out investigations. The opportunity is available for local authorities to sit in on discussions and make recommendations to the advisory committee. The advisory committee will then declare areas available for use by off-road vehicles, and areas which are prohibited to off-road vehicles.

Funding has been mentioned by members opposite. Clause 43(2) states that the expenses of the authority, in connection with the administration of the Act, shall be paid in so far as is practicable out of moneys derived from the administration of the scheme of registration effected by the Act, and in so far as such moneys shall not be sufficient for that purpose, out of moneys from time to time appropriated by Parliament for that purpose.

Subclause (3) of clause 43 states that subject to subsection (2) of the section, moneys derived by the authority pursuant to the provisions of the Act shall be paid into an account to be maintained at the Treasury and called the "Off-road Vehicles Account". I think the reference should be to the "Vehicles Off-road Account". So, some money will be available to assist those authorities not in a position to employ extra staff to police the provisions of the Act.

Mr T. H. Jones: There are plenty of local authorities in Western Australia that need money.

Mr NANOVIK: I am aware that some local authorities are not affected by the problem of off-

road vehicles. However, a great nuisance has developed in the metropolitan area and, particularly, on the fringe of the metropolitan area. It is probable that the inner local authorities have rangers currently employed, but they may have to employ additional rangers to assist in the policing of this problem.

It will take a joint effort by the Road Traffic Authority and the local authorities to ensure the Bill works successfully. Local authorities which are not in a position to employ extra staff may, by a special resolution of the council, appoint a member of the council to assist in policing the problem. This will not be necessary in certain areas; if they are not faced with the nuisance problem of off-road vehicles they can be totally excluded from the legislation. The Bill provides for that.

So the Bill is not designed specifically for the benefit of the metropolitan area and the outer metropolitan area, but caters for country areas also. I think it will work very successfully.

Mr Grill: Of course, it will work. It will work famously.

Mr NANOVIK: The member for Melville asked who would inspect or license vehicles. That is the responsibility of local authorities. Subject to the Minister and in co-operation with the Road Traffic Authority, it will be the duty of councils to administer and enforce the provisions of the legislation. They are not compelled to do so but they may do so. I am sure the local authorities will accept the responsibility willingly and carry it out very effectively.

Mr Carr: Will they be paid for that?

Mr NANOVIK: A number of local authorities which are facing a nuisance problem with off-road vehicles have rangers patrolling their areas but they are not meeting with much success, because the vehicles have no identification. A ranger might come within 100 feet of a vehicle, which then races off, and he has no means of tracing the owner of the vehicle through registration. The Bill requires that every vehicle be registered and display a number plate. Identification is the most important feature of the Bill.

Mr Skidmore: How could one see the number plate of a trail bike at 100 yards?

Mr NANOVIK: The number plate will have to be of a certain size and in a certain place where it will be visible.

Mr B. T. Burke: The point the member for Geraldton is making is what about a local

authority which incurs the expense of putting on another ranger to enforce this legislation?

Mr NANOVIICH: What about a local authority which has to employ an additional health inspector? Health departments do not run at a profit; they provide a service.

Mr B. T. Burke: But we are giving the local authorities additional duties.

Mr NANOVIICH: They provide a service to the community. Does not the honourable member think the control and regulation of the off-road vehicle nuisance is a service to the community?

Mr B. T. Burke: Yes; so is the provision of sewerage facilities, but no-one is suggesting local authorities do that.

Mr Clarko: In Queensland a lot of them do it.

Mr NANOVIICH: If a vehicle is to be driven in a permitted area it must be registered, but if it is to be driven on land owned by the owner of the vehicle it does not have to be registered and does not have to exhibit a number plate. This matter was looked at very closely and it was suggested every vehicle, whether or not it was registered, should display a number plate, because it could be taken out on the road by another person without the knowledge of the owner. However, the provisions of the Bill will ensure a vehicle is not left in a situation where it can be taken without the knowledge of the owner. I think the penalties will ensure that does not happen.

If every vehicle had to be registered and display a licence plate, a problem could arise when, for instance, a person takes his vehicle to the property of a relative in the country, rides the vehicle on the property every fortnight, naturally with the consent of the owner, and leaves it there instead of bringing it back to the city. That would impinge too much on the rights of the individual.

If the system laid down in the legislation does not work, or if it proves to have loopholes which create problems, the Government will certainly have to consider making some changes to it to try to eliminate the problems.

Mr Barnett: If we can show you some loopholes tonight, will you support an amendment?

Several members interjected.

Mr NANOVIICH: I conclude by saying the Bill is a good one. A lot of work has been put into the preparation of it, bearing in mind this is the third one that has come before the House. It incorporates some very responsible submissions and recommendations from local authorities and various organisations throughout the State. I compliment the previous Minister on his introduction of the earlier Bill, and also the

present Minister on her efforts in producing the Bill now before the House, which I am sure will prove to be very successful. Perhaps it will have some teething problems. I will speak on some matters in the Committee stage.

Mr T. H. Jones: You said the Bill was good in every respect.

Mr NANOVIICH: No Government, irrespective of its colour, could introduce legislation which is perfect, although I am sure we all strive for perfection. The legislation may experience a few problems because of the regulations.

I do not think that will be any great bother because if the Bill does prove to be unsuccessful—

Mr B. T. Burke: We will bring in a fourth Bill.

Mr NANOVIICH: —I am sure the Minister will be only too willing to introduce further amendments to improve it. However, I believe the Bill will operate successfully and there will be no need for any amendments. I again congratulate the Minister, and I am sure the Bill is welcomed by many people throughout Western Australia.

### *Adjournment of Debate*

MR T. H. JONES (Collie) [10.31 p.m.]: In the name of common sense, I move—

That the debate be adjourned until Tuesday, the 14th November.

Motion put and a division taken with the following result—

#### Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman

(Teller)

#### Noes 28

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Stephens
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders

(Teller)

Ayes	Pairs	Noes
Mr T. D. Evans		Mr Watt
Mr Wilson		Mr Williams
Mr Davies		Mr P. V. Jones
Mr Grill		Mr Young

Motion thus negatived.

#### *Debate Resumed*

MR T. H. JONES (Collie) [10.35 p.m.]: Mr Speaker—

#### *Speaker's Ruling*

The SPEAKER: Order! The member seeks to obtain a call to address the House. In moving his motion, it is my view that he exercised his right, under Standing Orders, to address the House. He has had his opportunity to speak.

I can remember a time in this House when Speaker Norton was in the Chair, and I think it was the member for Scarborough who rose and said, "It is with some trepidation I move that the debate be adjourned." When that member attempted to rise again to address the House, he was told in fairly firm terms that he had exercised his right to speak. However, just to make sure that the ruling I give is correct, I shall leave the Chair until the ringing of the bells.

*Sitting suspended from 10.36 to 10.48 p.m.*

The SPEAKER: I wish firstly to refer to the statement made in the House on Tuesday, the 3rd October, 1972, by Speaker Norton. That statement was prompted by a new member of the House having added some words to a formal motion. Speaker Norton said—

... I warn new members that, when taking the adjournment of a debate, should they add any words to the normal formal adjournment motion, they could be said to have made a speech, and therefore would not be eligible to speak again.

I refer also to another incident in this House which occurred on Wednesday, the 3rd November, 1965, when Speaker Hearman gave a ruling following the then member for Warren saying, "I concur with my distinguished colleague and have much pleasure in moving that the debate be adjourned." On that occasion Speaker Hearman refused to accept the motion for the adjournment. Speaker Hearman said, "Order! The honourable member cannot do that. He has made a speech."

Technically it would appear that I should not have accepted the motion of the member for Collie because he added other words to the formal motion. I will take no further action on this occasion other than simply to state again that members ought not to add additional words to formal motions. If they do they run the risk of

losing the right to have the motion accepted by the Chair.

#### *Debate Resumed.*

Mr T. H. JONES: I take note of your warning, Mr Speaker, and point out I have been luckier tonight than I was yesterday in respect of the Melbourne Cup!

Without covering ground already covered by members on this side of the House, I would like to make a contribution to the debate on this Bill. My main concern is the haste with which the Government has introduced this legislation. I join with my colleagues in protesting about the haste with which the Bill was introduced into the House.

Argument has been advanced tonight from members on both sides of the House regarding the notification of shire councils, and whether the Government took appropriate action to notify local authorities of the contents of the Bill. I wish to record a protest so far as the shires in my electorate are concerned—the Collie Shire, the Donnybrook-Balingup Shire, and the Dardanup Shire. When the Bill was introduced into the House I immediately sent copies of it to the Donnybrook-Balingup Shire and the Dardanup Shire, and I delivered by hand a copy of the Bill to the Shire Clerk of Collie during the weekend.

It was totally impossible for the shires to indicate to me their attitude towards the Bill. On Monday afternoon I phoned the Shire of Donnybrook-Balingup in respect of another matter, and during my conversation with the acting shire clerk he thanked me for sending him a copy of the Bill. I asked him what the shire thought about it, and he said it would have to appoint a committee to discuss its contents. The same situation applies to the Shire of Collie.

It is all right for the member for Whitford to say the Bill has the support of local authorities. No doubt the principle of the Bill is supported by local authorities; but, unfortunately, they do not know what is in the Bill. No-one can deny that. We did not know what the Bill contained until a week ago. It would be impossible for shire councillors to know what is in the Bill, unless their shires operate in a different manner from the three shires in my electorate.

The shires of Western Australia will be deeply involved in the administration of this legislation. However, it has been impossible for them in the time available to study the Bill and indicate their attitude to the various clauses.

Why is the Government in such a hurry to push this Bill through the Parliament? Why cannot the Bill remain on the notice paper until the next

session? The member for Geraldton asked the Minister for Local Government whether she was prepared to leave the Bill on the notice paper until next session and she replied, "No." This would have been the right course to adopt.

I do not know whether other members are in the same position with their shire councils as I am in with the three local authorities in my electorate. I have given members an honest appraisal of the situation in my electorate; the shire councils simply have not had time to study the legislation.

It is all very well for the member for Whitford to say that local authorities support the Bill. I am sure they are like the Opposition; they support the principle of the Bill. We agree there is an increasing need for this legislation. However, we do not go along with many of the clauses contained in the Bill. The member for Whitford even went so far as to say the Bill was good in every respect. However, towards the end of his remarks he said, "There are a few problems to which I wish to refer during the Committee stage."

Mr Nanovich: No, I said there were a few points I wished to raise.

Mr T. H. JONES: The member for Whitford is having a couple of bob each way. Having said that the Bill is good in every respect, he now wishes to discuss a few points. If the Bill is good in every respect, that is it, full stop.

The Opposition has obtained legal opinion on a number of provisions in the Bill, and that legal opinion differs—not that there is anything extraordinary in legal opinion differing, of course, because that is what keeps lawyers going. A person could go to one lawyer who could say, "I am not taking your case; you would not get past first base." However, the very next lawyer he approaches could have him in court as soon as possible saying, "You are spot on to win." That is the name of the game with lawyers; it is why we have so many legal practitioners operating in Western Australia.

It is very easy for the member for Whitford to stand and say that the Bill is good in every respect. The Opposition has obtained legal opinion to the contrary, and we will prove during the Committee stage that the Bill contains areas of deficiency.

Mr Blaikie: After your experience with the Mining Bill, I hope you have changed your legal advisers.

Mr T. H. JONES: If the member for Vasse is so keen to remind the House of past events, let me remind him of what happened when the Road

Traffic Bill was going through Parliament. The Opposition obtained legal opinion on the operation of a certain clause, and the Minister of the day took us to task for putting our faith in that opinion. However, in the final analysis we were proved right and the offending clause was amended.

We have 138 country shires in Western Australia and each is to be involved in the administration of this legislation. It represents an added responsibility to the various councils, and one which will make it more difficult for them to maintain their efficient operations.

Clause 5(1) states as follows—

Subject to the Minister, and in co-operation with the Road Traffic Authority, it shall be the duty of a council to administer and enforce the provisions of this Act within its district.

Mr H. D. Evans: Without even asking them.

Mr T. H. JONES: The Government has not even been near them, according to my information. Mr Speaker, is that a fair proposition? Surely it would have been simple courtesy for the Government to approach the Local Government Association and give it time to say to the various shires, "Are you in a position to carry out your responsibility under the terms of this legislation?" No, that was not done.

Mr Rushton: The association took part in creating this legislation.

Mr T. H. JONES: The association has not had sufficient time to discuss the provisions of the legislation with its shire members. I am sure the Acting Secretary of the Shire of Donnybrook is not lying to me when he says he does not know what is in the Bill. I am sure the Secretary of the Shire of Collie is not misleading me, and I am equally certain that the shire councils in the electorate of Warren are not misleading their member when they say they are not aware of what effect the Bill will have on them.

It cannot be denied that the shires, generally, do not know what is in this Bill. Yet the Government is saying in clause 5 that it shall be their duty to administer and enforce the provisions of the new Act. The councils will have no alternative but to comply with the law of this State and enforce the provisions of the legislation within their respective districts.

What about remuneration? Is there any mention of remuneration in the Bill? If there is, I cannot find it. The question of the collection of fees is mentioned. I will quote from the second reading speech of the Minister. She said—

The fee for the registration of an off-road vehicle is to be prescribed in regulations. It is proposed that this fee be kept to a minimum and that the amount be sufficient only to meet the costs of the registration system.

Of course, the responsibility of the shires extends beyond that point.

If we look at the provisions of the Bill, without referring to the clauses, there is the question of the setting up of the advisory committee, in which the shires naturally become involved. Then there is the question of the various officers—members of the Police Force and members of municipal councils—to administer the Bill. Who is going to pay for the work involved? A lot of members would find themselves in similar situations with their shires as I find myself—the shires have not sufficient finance now. Surely members on the Government side of the House know that with the cutbacks in Federal spending a number of shires in Western Australia are finding it very difficult to operate on a viable basis. In the main, there has been a cutback in loan works programmes and in overall operations within shires in Western Australia. This cannot be denied, because the funding has not been made available to them to meet the overall increase in expenditure in so many different ways.

The Government is forcing this Bill on local authorities without consultation. It is not saying to the local authorities, "Do you accept this? Will you accept the control in your area? Will you accept the licensing duties? Will you nominate a member of your shire as an authorised officer?" That has not occurred. The Government has not spoken to the shires about the Bill.

We are being asked tonight, Mr Speaker, to support a Bill which will say to the shires, without consultation, "This is what you will do, irrespective of whether you are in a financial position to do it." Surely this is not the way to operate. Is there anything wrong with suggesting that a little decency and understanding should prevail?

The legislation could be introduced on a better standing. Surely there is no disagreement between the local authorities and the Government in Western Australia. The main thing or the decent thing to do would have been to consult with the people who will be involved as a result of the provisions of this Bill.

This is one of my main objections of the Bill. There are plenty of others which I will debate in the Committee stage.

I am confident that if we were to canvass shires in Western Australia we could say to them, "In

view of your financial structure, are you able to meet the provisions of this Bill without additional cost to ratepayers?" Naturally the answer would be, "No." This is why I am opposing this Bill.

It would have been fair to leave this Bill on the notice paper. I cannot see the urgency of it. Surely it could remain on the notice paper until the next session, and that would give the shires an opportunity to discuss the matter with the Government. Then we could achieve some level of agreement in relation to the provisions contained in the Bill.

There are many other areas which are open to interpretation. There is the question of third party insurance, as the member for Melville rightly pointed out. That matter concerns the Opposition, and it concerns me. There will be no third party provisions involved. It is arguable whether third party provisions will apply where an ordinary vehicle is involved. This is open, not to my interpretation, but to legal interpretation. The Opposition has obtained legal interpretation in relation to clause 11.

There are many arguments against the Bill in its present form. I wish to indicate that, as my colleagues have clearly spelt out tonight, the Opposition agrees with the introduction of this legislation; but it certainly does not agree with the hasty manner in which it has been introduced. It does not agree that there should not have been consultation with those who will be involved in the administration of the Bill.

Without going over ground already covered by my colleagues, I indicate that while I support the principle of the Bill I certainly do not support all the provisions contained in it.

#### *Adjournment of Debate*

**MR BRYCE** (Ascot—Deputy Leader of the Opposition) [11.05 p.m.]: I move—

That the debate be adjourned for three weeks.

I am mindful of Standing Order No. 156.

Motion put and a division taken with the following result—

#### *Ayes 18*

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman

(Teller)



## Noes 28

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Stephens
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders

(Teller)

## Pairs

## Noes

Ayes	
Mr T. D. Evans	Mr Watt
Mr Wilson	Mr Williams
Mr Davies	Mr P. V. Jones
Mr Grill	Mr Young

Motion thus negatived.

*Debate Resumed*

Mrs Craig: Mr Speaker—

The SPEAKER: The Deputy Leader of the Opposition.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [11.08 p.m.]: I guess we were about to be treated to a demonstration or an exhibition of the Minister's arrival in this place.

Mrs Craig: It is just that you were a little slow.

MR BRYCE: Mr Speaker, it is a great pity that members of the Government have not seen their way clear to accepting the validity of the argument on the need to take this legislation back to the people who are primarily concerned. Basically, and quite explicitly, it is the people, in local government who will have to administer the legislation.

Perhaps I should make the point, more for the benefit of the member for Darling Range than anyone else, that we on this side of the House are perfectly well aware of the functioning of local government. We are perfectly well aware that under this piece of legislation local government is going to inherit an additional responsibility. There is no provision in the Bill for additional financial assistance. This is not an ordinary piece of legislation.

The Bill concerns a very prickly problem as far as the metropolitan area in particular is concerned. Many members on this side of the House have indicated we support the need for this legislation.

Mr Spriggs: You do not sound like it.

MR BRYCE: The member for Darling Range could sit there and perhaps have every member of the Opposition explain to him in words of one syllable that we do support the legislation without

understanding. It is simply a question of how the matter is being approached; the methodology rather than the content.

This is not a normal problem. It is a problem that has been accentuated in the metropolitan area because of the increasingly material affluence of our society.

Mr Spriggs: Do you question that it is long overdue?

MR BRYCE: It is very much overdue and the member for Darling Range should realise that if a piece of legislation has been in the preparatory stages for four or five years it ought to remain longer in the Chamber than four or five days before the legislators. This Bill contains 48 pages and 48 clauses. If it has taken four or five years to be brought to this place it should be considered with more respect and time by members of the Legislature.

For the benefit of the member for Darling Range might I suggest to him that members of this Legislature should have the opportunity to go to local authorities and say, "After four or five years of consultation and argument, what do you think of the Government's final effort?"

Mr Spriggs: Did you take the last draft to the local authorities?

MR BRYCE: Is he not the most pompous member in this House?

Government members: No.

MR BRYCE: Coming from the worldly field of local government—where there are no politics of course—this fine outstanding member for the Liberal Party representing the Darling Range electorate, coming from this training ground of Liberal politicians, seems to assume, because he has this rarified background, that he and his colleagues alone have the sole prerogative to be able to speak on behalf of local government and express their opinions in this place. Does he sincerely believe that just because—

Mr Spriggs: We do not ask them to draft our Bills.

MR BRYCE: Does he sincerely believe he is one of the few members of this Chamber who can consult with members of local government? Of course, that is an absurd proposition. To deal with his most recent interjection, one he has made on numerous occasions tonight, asking if we expect local government to draft the legislation, I must say that is an absolute absurdity.

There are Bills brought to this place which deal with education and we go to educators and ask them what they think of that piece of legislation.

We go to farmers' organisations in respect of agricultural matters.

Mr Sodeman: Do you go to every school? Of course not. That is a poor analogy.

Mr BRYCE: This piece of legislation concerns local government more than the State Government because it is an example of where the State Government is trying to duckshove a part of its responsibilities onto local government. Everyone in local government is fully aware of this.

One of the reasons so many representatives of local government are concerned about their ability to cope with this problem is that they can see, as the years go by, the number of these machines will increase and the actual problem itself will become so much more severe. They know if they are forced to pick up the tab in the financial sense it will put them behind the eight ball. They will have to raise additional funds to finance their new responsibilities. That is one of the interesting questions the local government bodies no doubt would have appreciated the opportunity to comment upon again. I feel quite confident that had they been given the opportunity to examine the final product they would have liked some changes.

Mr Acting Speaker (Mr Sibson), we on this side of the House have acknowledged that representatives of local governing bodies have had the chance to see the Mark 1 and Mark 2 versions of this legislation. This is a different version. Some have said it is very different while others have said it is not so different. It would have been simple courtesy on the part of the Government to admit this is probably one of the most difficult legal and social problems the State and local governing authorities have to deal with. It would have been common courtesy for the Government to have said it recognised it is a problem of growing magnitude and importance and, as a matter of courtesy and decency, given the local governing bodies a copy of the final product.

Mr Spriggs: If they rejected it would you produce another Bill and give that to them?

Mr BRYCE: If the member for Darling Range has missed the point I say again that it is up to the Government to make up its mind after the common courtesies have been observed. It was a simple common courtesy that should have been observed by the Government. The Government should have said to representatives of local governing bodies that after it had received submissions it had come up with the Mark 3 version of this legislation. The Government should have said, "Here it is. It is our intention to

proceed with it during this session of Parliament and if you see any burning objections in the space of the next three to six weeks, please let us have them. We will take them into consideration again, but it is our intention, given a reasonable time scale considering it has taken four or five years to get the Bill here anyway, to proceed on that basis." That is a perfectly reasonable suggestion.

Sir Charles Court: You would still be standing there reading objections and wanting the Bill sent back.

Mr BRYCE: The Premier has entered the place and the debate at a fairly late stage.

Sir Charles Court: No he has not.

Mr BRYCE: A very late stage indeed.

Sir Charles Court: I have been listening to tripe tonight.

Mr BRYCE: The Premier is fully aware of the argument I have just put to him and he knows full well that every member of this Legislature appreciates it is impossible to please everyone. I was not suggesting everyone was going to be pleased—not for one single moment. I suggested it was a question of courtesy.

Sir Charles Court: We know you have arranged over there tonight to stonewall for as long as you can.

Mr BRYCE: Mr Acting Speaker, those of us who sit on this side of the House are fully aware that the geriatric ward tonight is in darkness; it is in darkness because this Government has fumbled its legislative programme. It has mismanaged the business of this Parliament to the point where there is nothing to be sent to the Legislative Council. A day or so ago we were made aware that this Bill was going to be squeezed through this place and that the chopper would be used if necessary in order to get the Bill down to the other end so the other place could be reconvened and have something on its notice paper. That is the reality of it.

We have been advocating for years that there is no real need for the other place. The way the Government has mishandled its legislative programme has demonstrated to us that our sentiments are quite right; there is no need for it. There is nothing for them to do; they have been closing shop for days on end just after tea.

Mr Tonkin: It is a rubber stamp for the Government.

Mr Sodeman interjected.

Mr BRYCE: There is a whole series—

Mr Jamieson: It is getting dark.

Mr BRYCE: We on this side of the House—

Mr Sodeman: Are insincere.

Mr BRYCE: Says the man who portrays himself as having a mortgage on sincerity.

Mr Sodeman: I do not claim to have a franchise on it as you do.

Mr BRYCE: Those words should evaporate as they leave the lips of the member opposite. We are quite aware of the Government's motive, and we think it leaves a great deal to be desired. This is a piece of legislation which has taken four or five years to reach its final shape and the Government cannot find any other pieces of legislation on the notice paper that warrant this quick and shoddy treatment so that they can be shot through to the other House to give the members there some work to do.

I have touched on the matter of finance. There is no doubt that some local authorities will find this much more of a burden than others. The member for Warren mentioned the Shire of Nannup.

Mr Spriggs: If they do not want to do it, they do not have to.

Mr BRYCE: Is that not a statesman-like attitude? It is a matter which concerns the whole State and the member for Darling Range makes that suggestion. I am saying this Government is duckshoving its responsibilities onto local government. The Government is giving local authorities all of the onus, all of the responsibility, and none of the resources to help them cope.

There are some areas in this State which are very attractive—I add that to qualify what I am about to say—for recreational reasons, but they do not have the population or the financial resources to cope with all of the holidaymakers or the people from the rest of the State seeking recreational opportunities, or with the seriousness of the problem. The member for Darling Range might I suggest, Sir, should leave the safety and security of his petrol pump up in the hills and go down to the south coast and visit some of the other parts of the State. He would see where this is a problem, because this was precisely the point touched on by the member for Warren. Some authorities will not be able to pick up the tab.

Mr Spriggs: In clause 38 there are plenty of other people who will assume the responsibility.

Mr Sodeman: He has not read it.

Mr BRYCE: The member for Darling Range suggests clause 38 will deal with this problem. He anticipates my interest in that clause much to the disgust and disappointment of the member for Pilbara who was about to suggest I had not read it.

Mr Sodeman: I was not about to suggest it; I did suggest it.

Mr BRYCE: Clause 38 comprises five pages and contains a list of the people who can be deputised or given the authority. This is one of the bureaucratic features of the Bill about which some members on this side of the House have expressed serious reservations. In a similar respect I have been associated with some of the youngsters in my own electorate.

Mr Spriggs: What about the responsibility of law? Your side always expresses concern about law-abiding people. We have seen it. You have mentioned my petrol pump. We have seen it at the fuel depots—the law and order you people represent.

Mr BRYCE: If I had the time to follow up every single dead end alley of argument that the member for Darling Range wants to contribute to this debate I would be happy to do so if he would give me unlimited time. I would be quite happy to stand here all night and accommodate him in that fashion if I had unlimited time; but let me return to clause 38 which specifies the classification of people to whom power can be delegated to administer this particular Bill. As I said before I was so rudely interrupted, we on this side of the House have some reservations about that.

I have had some personal experience with an organisation of young people in my own constituency. These young people formed the Perth Modified Car Club in an endeavour to achieve a higher degree of law-abiding behaviour amongst some of the young people who spend an enormous amount of money modifying their motor vehicles. I encouraged them to form an organisation.

There were many instances where these young people drove their modified cars on the roads and came into conflict with the RTA officers who stopped them. In a large number of cases the RTA officers were highly unqualified to arrive at the assessments and judgments they made. This led to a situation where a disturbing number of these young people were developing an unhealthy disrespect for the law. I am delighted to say they responded to the suggestion that if they formed an organisation and imposed fairly rigid standards upon its members, they may be able to present representations to the officer in charge of the RTA so that he could listen to some of the problems which were causing all of the difficulties.

One cannot expect an ordinary RTA patrolman to have the mechanical knowledge possessed by many of these youngsters who spend all their

spare time and practically all their spare money modifying vehicles because they have a specific interest.

We had a situation which was leading to a very dangerous social problem. In that instance we made a big inroad into a rather difficult situation. However, that draws my attention to some potentially serious problems which arise as a result of giving authority to people such as the representatives of the Museum Board, inspectors under the Environmental Protection Act, forest officers, people associated with the Aboriginal Heritage Act, and people coming from an enormous variety of backgrounds and walks of life.

Mr Spriggs: Surely the Bill says, "The Minister may".

Mr BRYCE: And the Minister will need to. This is the point I am making. If the need had not been recognised—

Mr Spriggs: In certain areas.

Mr BRYCE: —it would not have been necessary to write the provision into the Bill, because if the provision is there one can reasonably assume it will be used—

Mr Spriggs: In certain areas.

Mr BRYCE: —in some cases and it is exactly those cases where I believe we have seen abuse. The abuse is not necessarily intentional in the first instance, but certainly there has been an abuse of power and authority by the officers concerned and there has been a threat to the liberty of the people involved.

I should like to see that particular clause of the Bill considered in more detail by some of the people involved in local government who have been policing this situation already. They have been attempting to cope with it. The member for Darling Range mentioned earlier tonight the rangers employed by some of the local authorities who have been attempting already to cope with this without the authority and backing of Parliament. I should like to hear from some of those very experienced people. I want them to tell me about the variety of problems and situations they encounter.

One of the other aspects which has been touched on, and I would be very keen to hear the response of the Minister in respect of this problem—

Mr Spriggs: When she has an opportunity to speak.

Mr BRYCE: That gratuitous insult will only encourage people to use the time at their disposal, if the member is of a mind to see this place

conducted in such a manner. I would be very pleased to hear the Minister's comments in respect of the whole question of third party insurance. It has been raised by a number of speakers on this side of the House and it is a very serious matter.

There are so many possible situations in which innocent people could be injured. Earlier in the night the member for Mundaring made the point that if someone has a mind to he can take out his own third party insurance policy. I have no objection to that, but we have long since reached the conclusion that that is a totally unsatisfactory situation with respect to third party insurance policies in connection with driving on our roads. Because of the obvious problems which will arise following accidents we do not leave it to the good sense and judgment of individuals to take out third party insurance in those circumstances.

It is a blind spot in the Bill because it neglects the reality that more and more serious accidents will occur in this particular area of recreation. I happen to have 500 or 600 acres of open space right opposite where I live and it is a popular spot. Some nasty accidents have occurred to some of the youngsters involved, most of whom are young teenagers, not those under the age of 13. The vehicles used range from very small, relatively minor vehicles, to rather powerful motor bikes.

The innocent people in these areas which are being used by these vehicles for other reasons are the ones who can be caught up through no fault of their own. What redress do they have if they lose a limb or are seriously injured in some other way and are rendered paraplegics for the rest of their lives merely because a teenager on a powerful bike riding around a claypit detoured momentarily and came across a group of people on a picnic? If a dune buggy goes shooting over a sandhill and the driver does not anticipate there will be people on the other side, someone could be seriously maimed or possibly killed. What chance have the innocent people of obtaining the normal redress they have if they are involved in a similar accident on the roads?

Mr Bertram: They hope the driver took out a policy!

Mr B. T. Burke: Who would grant an eight-year-old a policy?

Mr BRYCE: In all seriousness I am suggesting to the Minister that this is a great weakness in the Bill and it ought to be reconsidered. It is one of the many facets to which members on this side of the House have drawn attention.

I do not intend to speak at any great length on the principles of the Bill. For the member who sits

almost directly opposite me on the Government back bench and who has been a little hard of hearing during the course of the debate I repeat that we on this side of the House welcome the Bill. We support its principles and we recognise that for a long time there has been a need for a Bill. However, we do object to the *modus operandi* of the Government concerning the handling of the Bill.

Mrs Craig: Mr Speaker—

Mr Bertram: Mr Speaker—

The SPEAKER: Clearly the Minister was the first to rise but, in the circumstances I will give the call to the member for Mt Hawthorn, as the Minister's speech would close the debate.

MR BERTRAM (Mt. Hawthorn) [11.34 p.m.]: There are certain matters mentioned by the previous speaker with which I would have to join issue. Amongst other things he said there is no need for the other place, but of course that is not the position at all. When the situation is studied from the conservative Government's standpoint, it is realised there is every need for the other place, and it is because of that extraordinary need for the other place that the conservative Government has seen to it that the other place has been controlled by it non-stop for 146 years. So I do not share that view which has been mentioned generally by the Deputy Leader of the Opposition. It is a useless place from the standpoint of the people who understand the position, and all the people in the Chamber understand the position. It is the people outside the Chamber who do not understand the position, but we can only hope that one of these days they will understand it and will do something about it.

The other matter he mentioned—I hope jocularly—was the proposition that there were no politics in local government.

Mr Bryce: It was said in a jocular manner.

Mr BERTRAM: That gives me great heart. I could not have imagined it was otherwise. Of course many times members of the Liberal Party opposite have told us there are no politics in local government. Those of us who know anything at all about politics and local government know that party politics thrive and abound in local government. I think I noticed the former Minister for Local Government nodding his head.

Mr Rushton: One thing you do not know, and that is anything about local government.

Mr BERTRAM: Was the former Minister for Local Government nodding in slumber or approval? As I understand the position, the Minister agreed wholeheartedly with the

proposition which we know is perfectly true; that is, the point the Deputy Leader of the Opposition made just a few moments ago so eloquently and with 100 per cent accuracy, that party politics abound in local government and have for many years gone by.

Mr Rushton: That is only your wish.

Mr B. T. Burke: No!

Mr BERTRAM: The member for Rottneest—I mean the member for Balcatta—

Mr B. T. Burke: You could have at least said the member for Jamaica!

Mr BERTRAM: The member for Balcatta has not been the same since he spent 1½ hours hovering in the fog over Frankfurt. He touched down on the tarmac and immediately switched to rail transport. The member for Avon approved of that switch, but I do not know about the member for Collie.

Mr B. T. Burke: The Government has spent 18 months hovering in the fog over Perth!

Mr BERTRAM: Coming back to matters of slightly less relevance, what concerns me about the Bill is the indecent haste with which it has been introduced. I have a very excellent electorate with constituents of extraordinarily sound discernment.

Mr Rushton: They cannot have.

Mr BERTRAM: That has been reflected at three-yearly intervals. At least that has been the position since 1968. It is true that ordinarily I would not raise these matters here. That is for other people to do.

Mr B. T. Burke: No-one is willing.

Mr BERTRAM: My mind turns to Prime Minister MacMillan who is said to have stated, when asked about a wonderful career his son looked like having in politics, "It looks as though he will be one of the two best produced in the British Parliament in two centuries but that—of course—he could not put that proposition himself." That will seep in eventually!

The fact of the matter is that I have constituents of the calibre I have mentioned who are concerned about this legislation and, as a responsible member of this Assembly, I gave them an undertaking that when the appropriate Bill was presented to Parliament in due course I would get them the details of the Bill—and if possible the Bill itself—and the second reading speech so that they might acquaint themselves with the legislation and let me have their views concerning it. If my memory serves me correctly they were not really very impressed with the first

Bill the Government had the audacity to introduce, but which it has now withdrawn.

When people give an undertaking to others it is desirable they comply with it. No undertaking should be given in a meaningless and superficial manner. In other words, if I am to give to my constituents material by way of Bills and speeches from this place I think, firstly, they have to have an opportunity to get hold of them, and after giving them some study, to let me know their viewpoint. That does not seem to be unreasonable. That is the way this Parliament is supposed to operate, but it is the way this Parliament rarely operates. I have complained about this many times previously.

My constituents very rarely wish to be heard in this place, on any specific matter at any rate, but they are being denied their say ruthlessly by reason of this high-handed authoritarian attitude of the Government. I do not blame the Minister; the Premier is clearly the operator who is as much involved in this particular manoeuvre, as he was involved, for example, in the Kimberley debacle a few years ago—there is no doubt in my mind about that. I do not say that the Minister is to blame. She is merely a tool in the apparatus; the person doing the work on this particular occasion—a puppet if one likes. So, on the rare occasion when my constituents want to know what is going on in this place, and to have their say, they are denied that opportunity ruthlessly.

The Opposition has made many efforts, as the *Hansard* report this evening will reveal, to do something to persuade the Government to allow the people to decide. On each occasion the numbers have been brought down, and the debate has continued. That is a very poor state of affairs and I raise a protest because I might just as well have saved my energy and not got hold of the extra Bills and sent out letters if I had known that within a few days of the Bill having been introduced the second reading debate would continue at this early time. It is a complete absurdity.

In his maiden speech in this place the member for Melville pointed out that the place was a farce. If anyone wants a corroboration of that statement, the handling of this Bill—this slipshod procedure being forced on us—will provide ample evidence.

What concerns me particularly about this Bill is the fact that no provision is made in it for people who are injured or for the dependants of those who are killed by off-road vehicles to be properly compensated. That is a very dangerous state of affairs and one of which the public of this

State should become very well aware. A vehicle can be registered under the Road Traffic Act, and driven off the road, and the driver could injure or kill somebody. The injured person is able to recover damages by way of certainty if he is able to prove his claim. Payment of his damages is guaranteed pursuant to the provisions of the Motor Vehicle (Third Party Insurance) Act of 1943.

If the same driver, driving an off-road vehicle—which, incidentally, may be in even better mechanical condition and better suited for off-road use or driving on tracks—injures a person, or kills him, then that person will be in jeopardy of receiving no damages at all. That is thoroughly unsatisfactory. It is not a question as to whether the driver of a vehicle can opt, if he so wishes, to go off and insure with some insurance company. That is not the question at all. The person who is hit—not the driver, the wrongdoer, the person who is negligent—and who does not own the vehicle at all may be terribly injured or maimed. He may be rendered a quadriplegic, or something of that sort, and he would sue the driver of the vehicle who could be a person of straw. That person, having suffered judgment, simply makes himself bankrupt or does not have the means to pay. In our society bankruptcy is there as much for the rehabilitation of debtors as for providing a vehicle for creditors to get their money.

So, it seems to be an extraordinary state of affairs that the Minister should dispose of this question of third-party insurance in a few remarks at the end of her second reading speech. To use her words, she said—

The absence from the Bill of any provisions for third party insurance is one aspect which I believe requires a brief explanation.

A brief explanation, mark you! It could be one of our children mangled and perhaps crippled for life, and that is something which calls for a brief explanation according to the Minister. She then went on to talk about the position concerning third party law in Victoria. I understand the law in respect of third party insurance in Victoria is very different from the law we have in Western Australia, so I do not quite see the comparison.

I think we need ever so much more evidence on this matter because it is something which will hurt many people. It is only a matter of time until the impact will be felt. It is only a matter of time before the Government will have to try to explain away how it let loose these lethal vehicles. Whether they are on the road under the authority

of the Road Traffic Act, or whether they are off-road vehicles, they have equal potential.

Many vehicles registered under the Road Traffic Act have ever so much more power than those not registered under the Act. That seems to be a thoroughly unsatisfactory position which we find in this particular Bill.

I have not had an opportunity to study this Bill in detail because I happen to have a lot of other responsibilities as well. However, I understand that a person could register an off-road vehicle not only under the provisions of this particular Bill, but also under the Road Traffic Act. Is there any member who can say that is not possible? If that is not possible, I am sure the Minister will tell me.

It seems to me the impact of insurance claims against the Motor Vehicle Insurance Trust could very easily be increased because the obvious thing to do would be to register a vehicle—if one has any qualms or a conscience—under both Acts. I would like to know from the Minister—or from someone who knows something about this Bill—whether there is a prohibition against an off-road vehicle being registered under the Road Traffic Act—provided it meets the requirements of that Act.

Mr Rushton: There would be a standard of licence.

Mr BERTRAM: I would think many off-road vehicles would be capable of being registered under the Road Traffic Act. What is the position when a vehicle is registered, licensed, and insured, and then the owner or somebody else gets hold of it and renders it into a more conventional off-road vehicle? At what point of time is that vehicle no longer registered under the Road Traffic Act?

Mr O'Connor: When the registration expires.

Mrs Craig: Or the person is apprehended by the police.

Mr BERTRAM: It is registered today under the Road Traffic Act and next week the owner of it starts ripping bits off it because he wants to go zooming around the beaches. I want to know when that vehicle ceases to be insured under the Motor Vehicle (Third Party Insurance) Act. In a couple of weeks it may no longer be capable of being registered under the Road Traffic Act.

Mr O'Connor: I suggest you get some legal advice on that aspect.

Mr Skidmore: That is what I suggest the Minister does, too, because there are a lot of grey areas in the Bill.

Mr O'Connor: There is no grey area in that.

Mr BERTRAM: If that is so it is a breakthrough. I am looking to the Minister to tell me what the answer is.

Mrs Craig: I told you by way of interjection and you did not choose to listen.

Mr BERTRAM: I was referring to the Minister for Labour and Industry.

Mr Pearce: Perhaps we can have some Cabinet solidarity in the future.

Mr BERTRAM: Someone could be hit on the road by a classic off-road vehicle which is registered under the legislation, in which case the chances are he would receive no damages. Or someone may be hit by an identical vehicle which is registered under the Road Traffic Act. Apart from other considerations it seems to me there will be a great deal of scope for people with a little ingenuity, who find themselves injuring or killing other people, to avoid their legal responsibility. That is something which also ought to be dodged.

As I understand this place, some people come into this Parliament to bridge the gap between justice on the one hand and law on the other hand, and if we throw this kind of legislation into a general melting pot, when it comes to injury and damage we will have people operating not so much by law as by lottery. This is something we should guard against. There is enough lottery in the law already without the Government going out of its way to introduce more lottery into it.

There are without doubt many other angles and situations touching on the question of there being no provision for third party insurance. When we talk about "third party", what we are really talking about in this context is not third party damage to another person's vehicle so much as to another person's person. This is a very serious matter and the few words the Minister has used here to brush it aside suggest to me that the Government is not trying very hard at all.

At the very least the Government should be structuring some premium arrangement whereby the premiums could be reasonable, and it has already been well said here that if a person can save sufficient money to purchase an off-road vehicle that person should in ordinary circumstances be perfectly happy to pay a premium—not an absurdly high premium but one which would at least make some sort of attempt.

Here the Government is saying, "We can give you full cover or none." One person might want \$250 000 damages and another might want \$100 damages. The Government has money socked away in Consolidated Revenue and other parts of the Treasury. I can think of \$33 million it has

stuffed away, and I have reason to believe several millions of dollars are stuffed away all over the place.

The Government is saying, "We will not give you any third party insurance at all." No attempt has been made to tailor it down to something which approaches sweet reasonableness; that is to say, some sort of scale where people would not cop the full burden of injuries. In 1978 where motor vehicles are concerned this sort of thing is just not on. Motor vehicles are lethal machines and can do tremendous injury to people and property.

I am concerned that people's lives can be ruined, and the consequences of that have to be observed from time to time. If a few members occasionally visited the Shenton Park annexe or the casualty wards at Royal Perth Hospital they would have a greater appreciation of what happens to people when they find themselves coming into conflict with motor vehicles. The injuries are bad enough but to deny them compensation is inexcusable.

The Opposition opposes this Bill very strongly in that respect and sends out a strong signal to the people about exactly what they are heading for when they find themselves or their dependants and loved ones smashed to pieces or badly injured by these vehicles. They will find themselves not only facing terrible consequences but also suffering extraordinary economic loss.

**MR GRILL (Yilgarn-Dundas)** [11.58 p.m.]: It is typical of this Government that in its abject ignorance it brings down a Bill so extreme and Draconian in its measures. We have on the other side of the House what we might call a law and order Government which is very pristine and sanctimonious in its views.

I am always very worried about people who have pristine and absolute views on law and order. I am reminded of a certain President of the United States who put forward this pristine view of law and order and won elections on it, coming to power with a greater majority than other Presidents, and then losing face. I remind members of that well-known President "Tricky Dicky" Nixon.

**Mr Bryce:** He was the shonkiest of them all.

**Mr GRILL:** Those who profess to uphold law and order should be the closest watched, and in that regard I suggest this Government is one we must watch closely.

This Government is the first to put forward law and order measures. It reminds me of the bullies in the classroom when I was back in primary school. This Government wants to bring in all

sorts of legislation to push people around, bully them, and put them in their places. This is exactly what the Bill before us does. It is a bully's Bill put forward by bullies.

**Mr Nanovich:** They reckoned you were a bully in the primary class.

**Mr GRILL:** I was a pretty good fighter, but I was not a bully. There is a distinction there, and I think the member for Whitford would know that distinction.

**An Opposition member:** You have put the member for Bunbury to sleep.

**Mr GRILL:** The member for Bunbury is always asleep, even when he is awake. I do not mean to offend the honourable member.

The Bill before us is a direct attack upon the civil liberties of the people of this State. Government members are too ignorant to even appreciate that fact; because they have not read the Bill most of them do not know that it will take civil liberties from the people. Even if they had read the Bill they would not appreciate that it does so. However, with the help of the member for Cottesloe, if he will keep quiet—

**Mr Sibson:** You criticised me for sleeping and you criticise him for helping you, do you?

**Mr GRILL:** He will help me if he keeps quiet and so will you. This Bill is Draconian. Clause 6(1) reads as follows—

A person shall not drive or use an off-road vehicle in any area to which this section applies otherwise than—

(a) on private land by consent;

Then in the later provisions the onus for proving that is placed on the person driving the vehicle. That is a very strange provision; a Draconian and a very extreme provision. It is a provision which could not be found anywhere else in the legislation of this State. I would like members opposite to allow their imagination to dwell on that particular point.

**Mr Sibson:** Why haven't you any thoughts on it if you reckon it is so extreme?

**Mr GRILL:** I will give the honourable member an example. Let us say that his son or his daughter was driving an off-road vehicle on his land. His son or daughter would have to prove that he or she was, in fact, driving on the land with his consent. It could happen that for some reason or other the honourable member was not around the place. Perhaps he was overseas, or he had just recently died. There are plenty of such eventualities and any one of them could mean that his son or daughter could not prove that he or



she was driving on the land with the owner's consent.

Mr Sibson: You are dragging things out of the bottom of the barrel now.

Mr GRILL: No, I am not; I am putting forward examples of what could happen. This is what the Bill will do. Perhaps the Minister, who is presently behind the Speaker's Chair, can indicate later where such a provision appears in any other legislation of this State. If she can do so, I would be very pleased to hear from her.

I would now like to refer to subclause (8) of clause 38 which commences as follows—

An authorized officer may require any person to permit him to examine and test drive a vehicle in the possession of that person and may require that person to unlock or open any such vehicle and to deliver any key relating thereto—

Mr Sibson: That applies in the Road Traffic Act.

Mr GRILL: That does not apply in the Road Traffic Act.

Mr Sibson: Officers have the power to look in your vehicle.

Mr GRILL: The member for Bunbury would not have a clue what is in the Road Traffic Act. I remind him there is a qualified lawyer on his side of the House and he should listen to that member who will tell the member for Bunbury that he should not come up with the rubbish he comes up with.

The subclause to which I referred means that an authorised officer, without due cause, without reasonable cause, or even without satisfying himself under this provision, may walk up to a person sitting in an off-road vehicle and say to that person, "Get out of the vehicle. Give me your keys. I am going to test drive the vehicle."

Mr Sibson: Come on; you are being absolutely ridiculous.

Mr GRILL: If the honourable member will read the provision, he will see that that is what it says. He does not know what he is voting for.

Mr Sibson: This is a responsible officer doing his job.

Mr GRILL: I will read it to the honourable member again—

An authorized officer may require any person—

Just listen to that, for goodness sake.

Mr Sibson: You do not know the meaning of the word "require".

Mr GRILL: Listen to this. It goes on to say—

—to permit him to examine and test drive a vehicle in the possession of that person and may require that person to unlock or open any such vehicle—

Mr Sibson: "May require", that is right.

Mr GRILL: It continues—

—and to deliver any key relating thereto.

No other Government would pass a provision like that. Let us consider the definition of the term "authorized officer" and see how wide it is. It commences by saying that an "authorized officer" is a member of the Police Force. There are no arguments about that provision. However, the list then continues—

an inspector, under the Environmental Protection Act;

a forest officer, under the Forests Act;

a wildlife officer, under the Wildlife Conservation Act;

a ranger, under the National Parks Authority Act;

a member of the staff of the Museum;

an inspector or honorary warden, under the Waterways Conservation Act;

an inspector, under the Fisheries Act.

For goodness sake! It then goes on to say—

a prescribed officer of a public authority.

How wide could we possibly get?

Mr MacKinnon: I hope you will come up with a few suggestions by way of an alternative.

Mr GRILL: Yes, scrap the Bill.

Mr Sibson: Not one of your colleagues would agree with you on that.

Mr GRILL: Every one of them would.

Mr Sibson: Everyone who has spoken has indicated support for the Bill.

Mr GRILL: Members on this side have indicated that if they could redraft the Bill they would.

Mr Sibson: They have every opportunity to redraft it.

Mr GRILL: Give us until next week and we will come up with so many amendments that the honourable member will goggle.

Mr Sodeman: Will you vote to scrap the Bill?

Mr GRILL: Let us go on to consider subclause (11) of this clause. Look at the member for Cottesloe squirming in his seat, and now getting up to leave the Chamber.

Mr Skidmore: He is going to give some advice to the Minister.

Mr GRILL: Clause 38(11) commences—

An authorized officer—

And members know how wide that definition is. It continues—

—may without warrant stop, seize and detain any vehicle which he has reason to believe contravenes, or was used or driven in contravention of the provisions of this Act—

Mr Sibson: That applies now.

Mr Blaikie: Can I make this point to you? Since you have been in this House your reading has improved. What about getting back to discussing the Bill and stop using it to pad out your speech?

Mr H. D. Evans: What about the member for Vasse getting in touch with his local shire to see how it feels?

Mr Blaikie: Which one?

Mr GRILL: In all seriousness, even with the recent amendments to the Road Traffic Act, this provision goes far beyond the powers given to a person under the Road Traffic Act. Subclause (12) states—

Any member of the Police Force may without warrant stop, seize and detain—

(a) any off-road vehicle;

Those words “stop, seize and detain” go far beyond the provisions in the Road Traffic Act—

Mr Sibson: It should be, “stop, detain and seize”.

Mr GRILL: —in regard to the powers of a traffic officer.

Mr Blaikie: You are going very close to contravening Standing Orders. You are actually using a Committee style debate and not a general debate style at all.

Mr GRILL: If the member for Vasse wants to make some objection, he should get to his feet to do so.

Mr Sibson: I think the member for Vasse made a mistake when he said your reading had improved.

Mr GRILL: Clause 42 will take away the property rights of people, and property rights are so very important to Government members. Clause 42(1), to those members who can read, and that is about half of them—

Mr Sodeman: Yes, the half on this side.

Mr GRILL: —reads as follows—

Where the Court or a Justice finds that any vehicle is so constructed or in such

condition that it is likely to occasion danger to any person or damage to property or that any vehicle has been used in the commission of an offence against this Act the Court or that Justice may order that the vehicle shall be detained by or on behalf of the Authority or a council—

(a) for a period not exceeding twelve months; or

(b) until the Authority is satisfied that arrangements have been made that will ensure that the construction or condition of the vehicle will be so changed as to eliminate the source of danger,

That clearly takes away from a person his property rights in that vehicle. The provision goes far and beyond the provisions of the Road Traffic Act. What is more, in a prescriptive way the provision does not allow any room for manoeuvring in respect of a person who does not want either to reconstruct or recondition the unit but merely wishes to take it away and sell it or break it up and sell it. I would like the Minister to answer that.

Mr Sibson interjected.

Mr GRILL: For goodness sake! The member for Bunbury knows nothing about this Bill. He knows nothing about any of the Bills that come before this House; so his interjections are ignorant in the extreme.

Mr Skidmore: Would *Hansard* record the hand movements, please!

Mr GRILL: I think the Minister will appreciate the points I am making. This clause is most extreme. It takes away from people their property rights without good reason or good cause.

This is a very extreme measure. I am sure it certainly would not be supported by the member for Cottesloe. This is the sort of measure that only an ignorant Government could bring down in its ignorance. The Bill is good in principle but bad in execution. It should be withdrawn and redrafted.

We support it grudgingly because the principles behind it are correct. We would rather see extensive amendments made to it. We would hope the Government will see good sense and allow some time for amendments to be drafted.

MRS CRAIG (Wellington—Minister for Local Government) [12.12 a.m.]: I thank members of the Opposition for their support of the Bill, be it somewhat grudging; and I thank, too, the members on this side of the House who have spoken in support of it. I am somewhat disappointed at the fact that although criticism has been directed at some provisions of the Bill,

nothing constructive has been offered by way of improvement. To do so, of course, is most difficult indeed.

The greatest objection appears to be the fact that members of the Opposition consider the legislation is being rushed through. I suggest they got that idea from the headline that appeared in *The West Australian* on the day after I moved the second reading. That situation arose because the member for Geraldton asked me by way of interjection whether it was the intention of the Government to proceed with the Bill in this session. I gave him a simple, one word reply: "Yes." Therefore, the next day we were told it was the intention of the Government to rush the legislation.

Mr Carr: That is fair enough.

Mrs CRAIG: Since I have been in this House—which, I concede, is a short time indeed—I have observed it is the practice of the Chamber that the Minister moves the second reading in one week, and the debate is resumed a week later—

Mr Carr: For a small Bill.

Mrs CRAIG: —unless some other arrangement has been entered into prior to that time.

Let us look at this strong objection to rushing the legislation, and also to the fact that no consultation has occurred. It has been conceded by everybody that this is the third time the Government has seen fit to bring legislation of this nature before the Parliament to try in some way to overcome the problems confronting the community in respect of off-road vehicles.

In the autumn sitting of this session the then Minister for Local Government introduced the Off-Road Vehicles Bill. He stated very clearly that the Bill was being introduced to the second reading stage and would lay on the Table of the House in order that people may make submissions as to the things they thought were good and those they would like to see changed. The House has already been told that more than 150 submissions were received. Those submissions were collated. Everyone was given ample opportunity to make a submission, and the Bill before us appeared as a result of the submissions received.

It is local government legislation. It has been put forward in consultation with local government, and most local authorities took the opportunity to comment on the previous Bill before the House. I will admit that 138 local authorities have not been circulated with the present Bill, and members of the Opposition know full well it would have been unusual indeed had that happened.

Mr Bryce: It is an unusual Bill.

Mrs CRAIG: It is accepted that the executive of the Local Government Association and the executive of the Country Shire Councils' Association regard themselves as suitable persons to be spokesmen and negotiators for local government in respect of this legislation. The legislation, in fact, was brought forward primarily at the request of local authorities. They are experiencing a large problem and nobody in this House has said anything to persuade me that is not so. In fact, the member for Geraldton indicated clearly he understood the problems confronting local authorities, and he understood the problems confronting the community; he indicated clearly there is a need for us to try to overcome those problems.

Amongst the other factors discussed by members is one relating to the noise levels of vehicles. Noise, of course, is one of the greatest problems the community has encountered in relation to the operation of off-road vehicles. When the member for Melville was speaking I indicated to him it is the intention of the Government to prescribe regulations which will lay down the level of noise that will be permissible with an off-road vehicle. Indeed, some work has been done on that already, and it is continuing because we realise this is a matter of enormous importance.

Much comment has been made about the fact that the Bill contains no provision for third party insurance. Indeed I mentioned that in my second reading speech because I thought it was important people should know about this. Certainly the Government at first wished to be able to incorporate in this legislation some sort of third party insurance. However, it was found to be completely impossible.

It appeared the level of the premium, taking the Victorian experience as a guide, would be approximately \$300 per vehicle. That amount is far too much when we are talking about some off-road vehicles which can be purchased for not much more than \$100, as in the case of a mini bike. Indeed, another bike which may be used as a farm bike retails at somewhere in the vicinity of \$175. Therefore it was considered to be unrealistic to expect people for whom recreation plays an important part in their lives not only to purchase a vehicle but to register it once this Bill becomes law and also to pay somewhere in the vicinity of \$300 for third party insurance.

I do not deny all the emotive arguments which have been put forward.

Mr Bryce: They are not emotive; they are logical.

Mrs CRAIG: I could also describe many other situations where people in fact have been badly injured and where there is no compensation payable to them by way of third party insurance. We could look at the situation where an unlicensed driver is driving a licensed vehicle on one of our roads. He has an accident and is severely maimed. That person has no claim to third party insurance as compensation for his injuries.

I do not try to deny the Government would have preferred to incorporate third party insurance provisions in this legislation; however, it was impossible. It seemed that as we had a situation where people presently are using off-road vehicles in great numbers without adequate protection for the rest of the community, at least an effort must be made to try to minimise the problems which confront us at the moment.

The member for Melville suggested it was ridiculous for an eight-year-old child to be riding a super powered vehicle. It has been our intention throughout the drafting of this legislation to ensure that the responsibility for a child riding a vehicle rests with the parent of that child or the adult who sees fit to register the vehicle and allow a child to ride it. In that respect, it is different legislation. However, are we to deny this form of controlled recreation to the masses of young children today who are being greatly assisted by the fact that they can be members of clubs and can participate in riding mini bikes and other off-road vehicles under supervised conditions?

Mr Hodge: I was not talking about them. Club members are exempt from the provisions of the Bill.

Mrs CRAIG: Club members are to be exempted from the necessity to register their mini bikes if those vehicles are used only on the premises which the club leases or owns. However, there will be occasions when children who are the owners or the riders of those vehicles will wish to ride them in other places. When that occurs, the parent has a responsibility—or the adult who has registered the vehicle and who wishes to allow a child to ride it assumes the responsibility—to ensure the child is not riding a vehicle which is too highly powered.

Mr Hodge: My criticism is not of the eight-year-olds who are riding under properly supervised conditions at clubs. I am talking about where they are not being supervised, where they are riding on Crown land or public land. I still

think it is ridiculous to allow an eight-year-old to ride an off-road vehicle.

Mrs CRAIG: I believe it is quite unreasonable and indeed, impossible for us to say that some responsibility must not rest with the adult people in our community.

Comment was made about permitted and prohibited areas; it was suggested the definition was rather difficult to follow. I believe that when this legislation becomes law in the first instance there will be a time of difficulty. People will need to have explained to them the new rules which will apply. However, I think it is recognised by everybody that off-road vehicles may be ridden only in permitted areas and will not be allowed to be used in prohibited areas.

Mr Carr: What about areas which are neither permitted nor prohibited?

Mrs CRAIG: Off-road vehicles will not be able to be ridden in those areas unless they are used in a club situation. The Bill contains provision for that very point.

It will be necessary when the Bill is proclaimed to make available certain areas to people who wish to operate these vehicles, and these areas will apply during certain months of the year; namely, during the summer months when the activity seems to be greatest.

Mr H. D. Evans: What about the distinction between the vehicles themselves, where some are to be licensed through the RTA and others not?

Mrs CRAIG: The vehicle which is licensed by the RTA is not an off-road vehicle so it is very clear that those vehicles may be ridden off the road except in areas which are prohibited.

Members referred to the advisory committee. It was generally considered a five-member advisory committee would be a satisfactory and workable body. It is of great importance that those persons in Government departments who need to have an input when certain matters are being considered—it could be the classification of certain areas as permitted or prohibited—should be able to attend the meetings of the advisory committee and speak and be heard in order that the committee will fully understand the significance of the declaration of that area in relation to that Government authority.

Comment was made on the role and powers of authorised persons, and the people who, under the provisions of this Bill, will be appointed as authorised persons. It may be pertinent to comment on the remark made by the member for Warren when he admitted to a problem which existed in one of his shire areas which contained a

large section of beach. It was found to be extremely difficult to police the activities of off-road vehicles.

It is that very problem which has caused most shire councils with such areas within their districts to come forward and say, "Please give us legislation which will enable us to have some control over those areas." It is for that reason, too, that the Minister may, if a shire so requests, allow a member of that shire council to be a person who is an authorised person, who can exercise some control over that area. The idea is that in a shire area—particularly a country shire—which contains an area of beach which is frequented either by holidaymakers or residents of the shire, and where off-road vehicles are causing damage to the sand dunes or perhaps to some adjacent bush, it would be possible for the shire to appoint a ward member for that area as an authorised person in order that the council would have some ability to apprehend people who were destroying the environment.

Mr H. D. Evans: It is ludicrous to give those powers to an untrained person.

Mrs CRAIG: These powers will be given only to responsible people, people in whom the particular shire council has seen fit to vest this responsibility in order that some control could be exercised over the problem which existed.

Mr Skidmore: How can that person judge whether the off-road vehicle is not mechanically sound?

Mrs CRAIG: A person would not need to be trained in order to apprehend someone who is riding an off-road vehicle in a manner which is causing damage to the environment or which is to the disadvantage of other people in the community.

Mr Pearce: What if the person riding the off-road vehicle is 16 stone and angry?

Mrs CRAIG: Mr Speaker, I do believe that with those few remarks I have commented on the major points raised by those people who have contributed to this debate. I will admit that many of the points were raised six, seven, and eight times; but I do not think it is for me to reply to them six, seven, or eight times.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

#### Clause 3: Interpretation—

Mr SKIDMORE: I wish to question some of the interpretations which appear. It is difficult to understand the vexatious clause 11, to which I referred in my second reading speech. That clause indicates there is a person designated as an owner of a vehicle. It is important to learn who that person is, because when one refers to clause 11(2), one finds that the owner, when he can show certain things, is not responsible for incidents which are set out in subclause (1).

I thought the best place to learn what an owner was would be in the part of the Bill dealing with interpretations. Sure enough, an owner is defined as follows—

"owner", in relation to a vehicle—

to a vehicle, one should note, not an off-road vehicle—

—means a person who is the owner of that vehicle for the purposes of the Road Traffic Act, 1974;

That is fair enough. There is no worry there.

Mr O'Connor: Did you look at the definition of "vehicle"?

Mr SKIDMORE: The Minister can look for the definition of "vehicle" and if he can find it I will be happy. I cannot find it.

Mrs Craig: The definition of "vehicle" is on page 4, line 15.

Mr Jamieson: That does not help any. It just tells you it is propelled by an engine.

Mr SKIDMORE: I do not know what that has to do with the owner. What I am saying is that the owner, in relation to a vehicle, merely means that the vehicle is licensed under the Road Traffic Act and a person who holds the licence is considered to be the owner of that vehicle.

I do not want to develop an argument on clause 11, but I say that there are all sorts of problems associated with the definition. This clearly cannot refer to those vehicles mentioned in clause 11(1)(a), because that is not what the interpretation of "owner" refers to. As I see it, there are no owners for those vehicles.

It means that an owner of a vehicle licensed under the Road Traffic Act is covered, and rightly so, where the vehicle is stolen and driven by somebody else, and a person is injured. The owner should not be responsible. In clause 11(1)(a) there is no "out" for the owner of that vehicle. This issue should be looked at.

Can the Minister advise me whether it will be looked at? Can she advise what she suggests ought to be done about this?

Mrs CRAIG: The answer to this lies in the definition of "off-road vehicle". That definition reads as follows—

"off-road vehicle" means a vehicle which is not licensed, deemed to be licensed, or the subject of a permit granted, under the Road Traffic Act, 1974;

Mr SKIDMORE: I cannot quarrel with that at all. I agree wholeheartedly with the Minister. My argument is that there are two types of vehicle. One type of vehicle has an owner, and the other has not. That is how the definition reads. If the Minister wishes to define an owner I do not object; but if she does not extend ownership to the other type of vehicle, there will be problems. The Minister is allowing the owner of a vehicle registered under the Road Traffic Act to have an "out" if the vehicle is stolen and somebody is injured. The owner is not responsible. However, she does not give that right by definition to a person who has a vehicle which is registered in accordance with this Bill in the situation where the vehicle is stolen. The owner can still be held liable.

Mrs CRAIG: Although the owner of that vehicle is not defined, the owner of that vehicle of course is the person who registered the vehicle—that is, the person who registered the vehicle, but did not license the vehicle, under the provisions of this Bill.

Mr SKIDMORE: I cannot accept what the Minister says. If a Bill or an Act of Parliament includes the right to expound ownership of vehicles, surely one can understand tacitly that that is done with the purpose of providing a defence for the owner of a vehicle so that some validity will be given to the responsibility of the owner.

I still believe that what I say about the interpretation of "owner" for one type of vehicle is correct. I say that therefore the defence under clause 11(2) will not be available to that owner. It is as simple as that. If we cannot agree on that, it is fair enough. I merely suggest to the Minister that somebody will have a harvest. If her authorised officers apprehend somebody under the provisions of this Bill, there will be a problem.

The authorised officers will say to the person apprehended, "You are the owner of that vehicle." He will say, "No, I am not, because I am not the owner of a vehicle that is an off-road vehicle. I am the owner of a Road Traffic Act vehicle."

Mrs CRAIG: I assure the member for Swan that I will have that particular definition looked at. I believe my understanding is correct, but I

will have the matter looked at and if there is a need to amend that definition in any way, I will see if that can be attended to in the other place.

Clause put and passed.

Clause 4: Application of this Act—

Mr CARR: Clause 4 states that the provisions of this Act apply throughout the State except when the Government may, by proclamation, declare that certain areas of the State, at certain times, can be exempted. I would like the Minister to give an indication of what is intended here. Is it intended the Act will only apply in the metropolitan area, while everywhere else is exempted? Is it intended the Act will apply to coastal regions, while inland areas will be exempted? Will a certain shire be exempted on application, while others will be covered by the provisions of this Bill? Who will make the decisions as to which areas will be exempted at which time?

Mrs CRAIG: Let us consider a shire in the Pilbara which does not have a problem, because it has plenty of space and there is no need to police the provisions of this Bill. If such a shire applied to the Minister for exemption, and the matter has been considered by the advisory committee and the Minister, and the Minister agrees that the shire shall be exempted from the provisions, that shire will be proclaimed as an exempted area by the Governor.

It may be that there are some areas in the shire of specific interest environmentally, such as a fauna and flora area, that could have some value to the State. If a shire with such an area asks for exemption it may be told that the provisions of the Bill would have to apply to that specific area.

Clause put and passed.

Clause 5: Council's responsibility—

Mr H. D. EVANS: Councils are to be charged with the responsibility of enforcing the provisions of this Bill and the regulations which will pertain thereto. Subclause (1) states quite categorically that, "It shall be the duty of a council to administer and enforce the provisions of this Act within its district."

First and foremost, a council will have no option; every duty and responsibility must be accepted by the shire. What happens in the case where a shire cannot or will not enforce those responsibilities? Some shires will not be able to afford to employ rangers, as was suggested earlier in the second reading debate.

The Minister has suggested that someone in the ward of that area might be charged with the responsibility of being an authorised person. I

cannot see that that is very satisfactory. Without financial assistance the responsibilities entailed in this Bill will fall heavily on the shires.

Subclause (2) concerns the registration of off-road vehicles and their examination. Even the inspection permit and the registering of vehicles will be very onerous tasks which must involve some cost. The inspections will involve technical skills which by definition involves costs in getting someone to do them.

Mr O'Neil: There are a considerable number of local authorities which already do this in respect of on-road vehicles whilst acting as agents for the RTA.

Mr H. D. EVANS: One of the criticisms of that is that in some shires the shire clerk has apparently got off his chair, merely looked at a vehicle from several angles, and approved its registration.

Mr O'Connor: I think the main criticism was that they did not even do that at times.

Mr H. D. EVANS: The increase in the number of examiners and the upgrading of the RTA examinations were steps in the right direction. However, in respect of off-road vehicles someone will have to carry out the inspections. Will it be the RTA or will it be the responsibility of the shire?

Subclause (3) reads as follows—

Where in the opinion of the Governor the powers conferred by this Act on a council should be exercised by that council in an area outside the municipal district the Governor may by Order published in the *Government Gazette* declare that for the purpose of this Act the area is to be regarded as being within the municipal district and the provisions of this Act shall then apply as if in fact the area were within the municipal district.

Subclause (4) is of no real concern, but subclause (5) reads as follows—

For the purposes of this Act a council may employ, under and subject to the Local Government Act, 1960, fit and proper persons to be authorized officers.

This will come back again to the question of authorised officers. At this stage the concern is with regard to subclauses (1) and (2) and the points I have raised.

The total responsibility is being foisted on the shires without any suggestion of recompense and that will be a major problem. We will have problems with the registration aspect on the clerical and inspectorial side. I would like the Minister to clarify the points I have raised.

Mr SKIDMORE: When I spoke briefly to the shires in my electorate they expressed concern at being compelled under the Act to enforce its provisions within their districts. They are concerned not because they do not want to do the work, but merely because they will not be able to do it with the staff they now have. It will be just impossible for them to do any further work unless they put on extra staff.

Mr Nanovich: Are you currently experiencing problems with off-road vehicles?

Mr SKIDMORE: Yes.

Mr Nanovich: The shires must give a service to the community then.

Mr SKIDMORE: I will tell the member what has happened in my electorate. He says we have the ability to control the situation under the present provisions. A total of four trail bike riders were riding around a reserve which is under the control of the Swan shire. I went down there to try to encourage these lads to go away. The reserve is near a hospital and the noise was unbearable. These riders ignored me completely. In the middle of the reserve, were some petrol, overcoats, and guernseys. I asked a young man who was sitting there whether these articles belonged to him. He said that they did not and he did not know who owned them. I asked him whether they belonged to the boys riding the bikes and the young man said that he did not think so. I said, "They have been abandoned. I will look after them." I put these articles in the boot of my car and locked it. I stood and waited for four hours until the bike riders ran out of petrol.

Mr Coyne: Did you read *Hansard* while you were waiting?

Mr Bryce: He read the Mining Bill.

Mr SKIDMORE: Rangers cannot spend that amount of time on the problem. One has to be pretty good to catch those lads. Finally I managed to get three of these young men who had run out of petrol up onto the road where they were apprehended by the RTA officers who had been trying to catch them for weeks. That is one of the difficulties facing rangers.

That is not the only duty to be performed by a ranger or authorised person under the Bill. These people must be trained adequately, because that is what the Bill demands. It is clearly set out in subclause (12) of clause 29. I do not intend to quote it. I want only to make the observation that the person must be trained before he will be recognised. The shires will not have the officers to do the job. If I was given the power of a ranger I would do the job, because I believe I could perform that duty well in my area.

Mr Coyne: Put a bounty on them like the bounty on dingoes.

Mr Grill: Like they have put on your head.

Mr SKIDMORE: I would do the job, but I would not have the expertise to challenge these young people on the basis that they have an unroadworthy bike, that it is mechanically unsound, or that they are riding dangerously. However, a person with the appropriate expertise could do that. I doubt whether a ranger could do it unless he was a trained mechanic. But that is not my major objection; it is just one facet of the difficulties facing the shire.

The matter to which I wish to refer, and which the member for Warren did not mention, relates to clause 5(2) which says that the council may issue and receive notices, and collect and enforce penalties. I suppose it will be quite easy for the shire to say, "We will enforce a penalty against these young people because they have infringed the Act." As a result the shire will have to prosecute. If counsel is not conducting the case, an officer will have to be briefed and he will have to appear in court on behalf of the shire. Very few shires are prepared to take a person to court unless they have a concrete case. The effect of that will be that very few prosecutions will take place under this particular clause if the shires do the work. However, if the RTA officers are authorised to do it, we will get somewhere. That is where the responsibility should lie in the first place. I have spoken to at least half a dozen officers of the RTA on various occasions and they have said, "We would like to take action, but there is nothing we can do about it, because we have no authority." Of course, authority is given under this Bill for those officers to act.

Mr Nanovich: Then it would operate more successfully.

Mr SKIDMORE: I hope it will operate more successfully. The Minister will then say that the shire is not carrying out its responsibility, because it is not performing the duty despite the fact that the council says it cannot do so. That is very stupid and it places the shires in an invidious position. They do not want to be placed in this position and they object to it.

Subclause (5) says that authorised officers must be fit and proper persons. To obtain the definition of a "fit and proper person" one must turn to clause 29(12) of the Bill.

I am in favour of the intent of the clause and I would subscribe to it provided I could be sure the shires will receive finance to enable them to carry out their duties. If the shires are recompensed for the time spent carrying out the duties outlined in

the Bill, I would agree with it. However, we cannot obtain that assurance from the Minister and as a result the shires will not be able to carry out these duties and this Bill will become ineffective.

Mr HODGE: I wish to support the comments made by the member for Warren. Today I talked to both the shires in my electorate which are the City of Melville and the City of Fremantle. Both shires expressed strong reservations about the effectiveness of this legislation and also about the administration of it.

A Government member: To whom did you speak?

Mr HODGE: I spoke to the Acting Town Clerk of the City of Melville and to the Town Clerk and the City Engineer of the City of Fremantle.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I suggest the member address his remarks to the Chair. *Hansard* is having some difficulty taking down his comments.

Mr HODGE: Subclause (1) of clause 5 says "... it shall be the duty of a council to administer and enforce the provisions of this Act within its district." There is little room for flexibility. However, subclause (2) says "... a council may at the request of the Authority..." The word "may" seems to imply there is an option, whereas the words in subclause (1) appear to allow little flexibility. However, I do not believe there is any option if the Minister and the RTA request the council to take up the duties. There are no ifs or buts about it.

The DEPUTY CHAIRMAN: Order! I call the member to order. I draw the attention of the member to Standing Order 142 which relates to repetitious debate and I ask him by all means to speak to the clause, but not to go over ground which has been covered already by previous speakers.

Mr HODGE: I shall endeavour to do that, Sir; but I gave an undertaking to the two shires I mentioned that I would represent their interests in this Chamber; if the other members have done that already I cannot help it.

The DEPUTY CHAIRMAN: Can I suggest to the member the clause to which he is speaking relates to local government? Previous members have spoken already in this vein and I ask the member to continue his remarks, but not to be repetitive.

Mr HODGE: Very well, Sir. The Minister mentioned she had received 150 submissions from local authorities and other interested groups about changes to the Act and that most of these



had been complied with or acted upon wherever possible.

I should like to quote a letter written to the previous Minister for Local Government on the 25th July, 1978, by the Town Clerk of the Town of Cockburn. The comments I am about to quote were made in respect of the previous Bill, but the portion of the letter in which I am interested is still relevant and pertinent to this Bill, because the particular provisions have not been changed. The Town Clerk of the Town of Cockburn is talking about the added burden this provision in the Bill will impose on local government authorities. The letter reads as follows—

the fines imposed by these notices are payable at the offices of the Local Council. In addition to again throwing an administrative burden on Councils, the section is unlikely to encourage Government Departments to instruct their officers to issue the notices because the responsibility of carrying a prosecution may then fall on the Department without any revenue return through the collection of fines.

It is suggested that the Bill be amended so that the responsibility of collecting fines and carrying out of all administrative procedures, such as the conduct of prosecutions incidental to the issue of infringement notices, be the responsibility of the department issuing the infringement notice.

The department is the RTA. The letter goes on—

The Bill does not provide for any financial assistance to Local Authorities for the extra administrative burden they will be forced to assume when the Bill becomes an Act of Parliament. There is little doubt that the effect of the Bill would be to increase the workload of Town Planning Departments and all the Administration Sections of Municipal Offices. Council Rangers, in particular, will find the enforcement of the Bill quite troublesome. In a Municipality such as Cockburn where the one Ranger is required to cover a district and attend to wide ranging duties, the extra workload may prove too much for one man to handle.

Mr Nanovich: Those comments were on the previous Bill.

Mr HODGE: Yes, but its provisions were identical with those in the Bill before us. The town clerk went on—

In view of our proposals, we feel that in order to allow sufficient time for proper representations from Local Government and

the public at large, the Bill should not be put before the Legislative Assembly until the Autumn 1979 sitting of Parliament.

That is a view of a very large shire council in the metropolitan area—the Town of Cockburn—and it fairly sums up the situation. The councils are particularly worried about the drain on their finances.

Under subclause (5) the Government very generously authorises the councils to employ extra persons to enforce the legislation, but there is no mention of funds. This is the main worry on the part of the councils to which I have spoken. They will get the extra administrative responsibility with no extra funds with which to cope.

Mr PEARCE: I make the point that local authorities are already having problems enforcing the Acts which Parliament has forced on them. Recent complaints have been made to me about the inability of local shires to cope successfully with the noise abatement legislation and the Dog Act. The shire councils are not enforcement agencies and the tendency of the Parliament to push law enforcement powers onto them is not appreciated. It is a power that essentially they do not want.

Quite apart from the points other members have raised about the insufficiency of staff, offences, particularly against the off-road vehicle legislation, will be committed out of working hours—at weekends and after 5.00 p.m.—at a time when officers would not be working anyway. Special provision would have to be made for existing officers to work at those times or for additional officers to be appointed.

I make the point too that council officers do not have the stature or authority which policemen have. I understand that policemen and RTA officers will be some of the authorised officers under the legislation. They will be the only ones in a position to cope.

Can members imagine the sort of games these youngsters will play in their efforts to beat the ranger who drives up in his two-wheel-drive vehicle with a flashing orange light? People will scatter in all directions. It will become a tremendous game, the same game which dogs enjoy when rangers are operating under the Dog Act.

Mr Nanovich: The penalties apply after the offenders are caught.

Mr PEARCE: That is the problem. Then again, if the offenders are caught, the officers will have to spend all their time in court prosecuting, and I am sure the Minister for Police and Traffic will agree that one of the problems of the Police

Force at the moment concerns the amount of time the officers are obliged to spend waiting in court to give evidence.

Mr MacKinnon: Who do you suggest should do the prosecution?

Mr PEARCE: I thought I had made it fairly clear that the enforcement of the legislation is a State Government responsibility, and that means the responsible authority should be an extension of the Police Force or the RTA.

Mr MacKinnon: You do not think the offenders will play the same game with the police officers?

Mr PEARCE: To an extent they will, but members must appreciate that police officers have much more stature and respect in the community, especially in the eyes of children and younger people, than do officers appointed by councils. People of tender years believe it is a serious offence to defy a policeman, but not so serious to defy a ranger or an official of the Museum Board. Such defiance is no worse in those circumstances than the defiance of one's parents or a casual stranger.

I have already indicated that I have had unfortunate experiences with local authorities and problems under the noise abatement legislation and the Dog Act, and I feel certain that every last one of us will have similar trouble when the legislation before us becomes law.

Mr O'Neil: Don't you believe that the great bulk of the policing necessary under the legislation will rest with the RTA?

Mr PEARCE: I hope so.

Mr O'Neil: Is that not so? The RTA is mentioned all through. Reference is made to the local authority in co-operation with the RTA.

Mr PEARCE: The Minister for Police and Traffic has a vested interest in this because one of his departments will be heavily involved.

Mr O'Neil: At the moment the RTA has no responsibility for vehicles not on roads.

Mr T. H. Jones: The RTA cannot handle its work load now.

Mr O'Neil: The Bill gives the RTA authority in connection with vehicles off roads.

Mr PEARCE: I agree with that, and the interjection points up one of the suggestions I hope one of my colleagues mentioned in the second reading debate; that is, the approach of the Government to this matter is wrong and the whole business could have been solved, particularly in the metropolitan area, by changes to the Road Traffic Act rather than with a new Bill.

Mr Grill: That would be by far the best way.

Mr O'Neil: Local authorities have a great responsibility in designating the areas within their districts where vehicles might operate.

Mr PEARCE: It is a question of emphasis. If the Bill provided that the RTA would have the responsibility for enforcing the legislation and that with regard to permitted areas there should be consultation with local authorities, that would be a totally different emphasis than that which prevails. The clause states that the shires shall be responsible in co-operation with the RTA.

Mr O'Neil: You are the first person who has mentioned the co-operation with the RTA.

Mr PEARCE: I accept that, but who actually will have the power of enforcement? It will be the shires who will exercise that power in co-operation with the RTA. The primary enforcement power will be with the shires. I am saying that the sole enforcement power ought to be with the RTA or the Police Force, and that is a different situation from that which prevails in the Bill. If I understand the Deputy Premier, he agrees with me rather than with the proposition the Minister for Local Government is submitting.

Mr O'Neil: If I am agreeing with you, you are agreeing with the provision in the Bill.

Mr PEARCE: Then the Minister is not agreeing with me terribly successfully, nor with the provision in the Bill.

I do not want to take up any more time of the Committee on this provision or on any other clause because it is getting late. However, every member who votes for the provision will find that when the public, who expect that the Bill will solve all the problems concerned with noise and the menace caused by off-road vehicles—and particularly trail bikes in the metropolitan area—find that that expectation is false, they will ring their member of Parliament. This means that all of us will be contacted and asked to do something about the matter and we will find ourselves having to refer them back to the local shire council. The local shire councils will be frustrated because even if they will be willing to do something about the matter they will not have the resources and the personnel, and then where will the blame be placed? It will be placed on the heads of the local members. I for one will redirect such blame to the members who voted for the provision.

Mr T. H. JONES: I disagree with the view of the Minister for Police and Traffic that the shire councils will not have control.

Mr O'Neil: Have a look at the rest of the Bill.

Mr T. H. JONES: I have had a look, but under the clause we are discussing it shall be the duty of the council to administer and enforce the provisions of the legislation. The Minister cannot deny that.

Mr O'Neil: Read the whole of it. The member for Gosnells is the only person who has referred to the co-operation with the RTA.

Mr T. H. JONES: Where is that in clause 5?

Mr O'Neil: You left out the preamble to the bit you referred to.

Mr T. H. JONES: We are discussing the responsibility of the local authorities.

Mr O'Neil: The clause reads, "Subject to the Minister, and in co-operation with the Road Traffic Authority . . ." You left all that out.

Mr T. H. JONES: I will read it as follows—

Subject to the Minister, and in co-operation with the Road Traffic Authority . . .

Mr O'Neil: The words are, "in co-operation with".

Mr T. H. JONES: There is no duty defined with regard to what the Road Traffic Authority will do.

Mr O'Neil: It is set out further on in the Bill.

Mr T. H. JONES: There is not, so far as this clause is concerned. If any local authority in Western Australia has not the financial capacity to increase its staff to meet the requirements of the legislation, will the Government assist financially?

Mrs CRAIG: It is perfectly clear, of course, that councils will administer the Act in their districts, subject to the Minister and in co-operation with the Road Traffic Authority. The authority for a council to act for the Road Traffic Authority exists already in many places. An administration fee will be paid to the shires for effecting registrations. That will solve that specific financial situation.

Mr O'Neil: In fact, I recently approved an increase in the administration fee.

Mr Skidmore: Does this cover the registration of off-road vehicles?

Mrs CRAIG: Yes, it is quite clearly set out. The comments by the member for Warren in relation to unincorporated land is to cope with a situation such as Kings Park or the Abrolhos Islands. They are not incorporated lands, and they can be brought into a shire area in order that the provisions of this Bill may prevail in those specific areas.

The question in relation to other finance available to local authorities is answered by the fact that where infringement notices are issued by authorised persons, the revenue will go to the council concerned. That will be another area which will assist in funding any extra persons a council may see the necessity to employ.

Despite the many comments about authorised persons, there are many situations in country areas where there are already authorised persons for other reasons, such as forest rangers and national park rangers. They will be able to act also under the provisions of this Bill. It is not a matter of employing additional people; they will already be there in the employ of other instrumentalities which will be able to enforce the provisions of the Bill.

Mr H. D. EVANS: I was able to contact only two shires in my area, but both were fairly explicit in authorising me to oppose the wholesale placing of the responsibility on a shire in this way. This brings me to several specific questions which I think need to be answered. Firstly, what will happen if a shire refuses to be in it? A shire may desire to do so, but may not be in a financial position to do so. What will happen? Secondly, I refer to the co-operation between a shire council and the RTA. To what extent will that co-operation be forthcoming, and in what way? Who will be responsible for what? Some shire clerks co-operate with the RTA in a brotherly fashion, but it is impracticable for them to co-operate unless it is in a specific area. The Minister for Police and Traffic should know just how short of manpower the RTA considers itself to be. However, he is to extend its activities in this way.

Thirdly, to suggest that finance coming in from infringement notices will help is ridiculous. If a shire council does turn specifically to making money from infringement notices then straightaway there will be such odium that it will not be acceptable. A law held in contempt or which is disregarded is no law at all.

Shire councils want this sort of protection of their areas, of their people, of the environment, and against the noise hazard. However, this Bill will not provide what they want. I hope the Minister can answer my questions.

Mr BERTRAM: The previous speaker seemed to me to raise certain questions which call for an answer.

Mr H. D. Evans: They are the crux of it.

Mr BERTRAM: I fail to comprehend the purpose of having a Committee where a member of the Committee asks an obvious intelligent, understandable, and proper question—a question

which calls for an answer—but is simply ignored. What sort of a Committee shambles is that? I feel for you, Mr Deputy Chairman (Mr Blaikie), because I imagine your dignity is damaged by presiding over a situation in that context. I reiterate the comments and the questions of the previous speaker.

Local governing people throughout the State will have placed upon them a duty, as a matter of law. If they dodge it, they do so at their own peril.

Mr O'Neil: You have answered the first question asked by the member for Warren.

Mr H. D. Evans: We want you to answer the questions, and spell them out.

Mr O'Neil: You know very well that everyone must obey the law. Local government was involved in the preparation of this Bill, and the Bill provides for an advisory committee.

Mr BERTRAM: The Minister has said that everybody has to obey the law.

Mr O'Neil: Is that not right?

Mr BERTRAM: No, it is not and the Minister is aware of that.

Mr O'Neil: Perhaps, "should" obey the law.

Mr BERTRAM: If a responsible body like the Legislative Assembly of the Parliament of Western Australia, which the Premier tells us is a responsible body, is to compel an outside body to do something—in this case local governing bodies of which there are over 100 in the State—to discharge and perform certain duties, then it seems to be elementary fairness that the Government understands that the councils will require certain manpower and certain funds. That is an obvious and fair requirement.

The Opposition will not be coerced or lightly persuaded to ignore the rights of local authorities. Local authorities obviously want to know where they will get the funds to comply with this law. What if they do not have the funds and as a result of their breach someone suffers damages? Will the local authority be indemnified out of Consolidated Revenue or some other source? We know there are huge sums of money unspent in the Consolidated Revenue Fund of this State, but that is beside the point.

What the local authorities and this Parliament are entitled to know is very elementary. Under this clause we will unmistakably place a duty or mandatory obligation on shires which they will have to face up to, whether or not they like it.

Mr Nanovich: They already have an obligation to serve the community.

Mr BERTRAM: In any event, when we saddle people with legal obligations—

Mr Nanovich: They have rangers just to keep off-road vehicles under control.

Mr BERTRAM: When a Parliament or anybody else places a burden and duty on others which involves the expenditure of money, ordinarily the people who have to pay the money are entitled to know how much they will get and things of that sort. That is what the member for Warren and I want to know.

It seems to me if we are to operate in a Committee system, the whole intention of it is to get down to detail, clause by clause and subclause by subclause. When one side does the right thing and asks questions and the Government side—on this occasion led by the Minister—ignores our questions, we ought to give the game away. We ought to tell the people we do not seriously operate as a Committee. Why not tell the people and be done with it, rather than conceal it from them?

Mrs CRAIG: For the benefit of the member for Mt. Hawthorn I repeat what I said before in relation to the funds which will be available to councils. Councils will be able to receive the moneys collected within their shires by way of infringement notices. That money will enable them in some way to defray expenses. Councils will also be able to receive the amount of money paid for administrative purposes in the registering of vehicles when they act as agents of the Road Traffic Authority. The rest of that registration money will be paid into the Treasury, and any surplus from that fund after some moneys have been taken from it will then be directed back to the councils.

I must make it quite clear that the Bill is before this Chamber largely at the request of local authorities.

Mr T. H. Jones: But they do not know what is in it.

Mrs CRAIG: If they wish to accept the responsibility for this—

Mr T. H. Jones interjected.

Mrs CRAIG: If the member for Collie wishes to contend that the executives of the local government associations are not suitable persons to represent—

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The Minister is endeavouring to reply to the questions raised. Members of the Opposition have already complained that the Minister failed to answer their questions. I think a courtesy is being extended and the Minister would be

justified in not continuing the answer she is currently giving. I hope members of the Opposition will show some courtesy.

Mrs CRAIG: The other question raised by the member for Warren was: If a shire refuses to participate in the legislation, what action will then take place? As he will know from his reading of the Bill, councils have a great involvement in defining prohibited and permitted areas. If an area in, let us say, the Manjimup Shire is under discussion, a representative of that council will be requested to come to the committee meeting in order that the area may be discussed.

Unless there is an exemption, which we have already indicated is possible, I do not think a council can, in fact, opt out. If a council does not see it as its responsibility to try to minimise the damage to the environment that is being done in its shire, and does not see that it has any responsibility to its ratepayers in regard to the noise pollution taking place in its shire, one would hope that after due consultation it would see fit to wish to become a party to this legislation for the betterment of the people who live within its area and whom it represents.

Mr H. D. EVANS: I have no doubt most shires would want to participate.

Mrs Craig: You said two shires had clearly indicated they did not.

Mr H. D. EVANS: They indicated they did not wish to accept the responsibility that is to be dumped on them. If it is dumped on them they will probably have to accept it reluctantly, but some shires will not be able to afford the luxury of taking up the duty of enforcing this legislation. Some may want to participate but may not be able to do so because of the sheer economics of the matter.

When we look at the finance available from infringement fees, if a shire takes over parking in an ordinary country town it must run it at a loss. It would have to operate at weekends and even if it did not involve overtime and additional staff it just could not show a profit.

To suggest that returns from infringements will represent a substantial contribution to the costs is ludicrous. I have no idea what would be involved in infringements or the return for acting as an agent. We do not know what the fees will be, so there is no chance of having even a remote guess what the shires will obtain in return. Certainly it will not be a great amount, because there will not be a great number of registrations. Some local authorities are already licensed under the RTA anyway, and the additional number of off-road vehicles spread throughout the State will

represent a very small increase in revenue. Whether it is even 10 per cent of the cost involved for the shire is open to question. It is purely conjecture, because at the present time we do not know what fees will be involved. The Deputy Premier, in buying in in the way he did, has probably justified the interjection of the member for Collie.

Mr CARR: I take up the point dealt with by the member for Warren and relate it to the last answer given by the Minister. I understood her to say a few moments ago that the shire would collect the registration fees.

Mrs Craig: The administrative part of the fees—the cost to the shire in relation to effecting registration.

Mr CARR: It would keep that amount of money and pay the rest into a fund in Perth, and there could be a situation where the extra money in the fund in Perth, over and above the cost of administration, is returned to the shire. Is that what the Minister said?

Mrs Craig: Yes, but I did say after some other expenses are taken out. In other words, some other expenses may be taken out.

Mr CARR: That is basically what I thought the Minister just said. However, it is in complete contradistinction to what she said in her second reading speech. At page 4416 the Minister had this to say—

The fee for the registration of an off-road vehicle is to be prescribed in regulations. It is proposed that this fee be kept to a minimum and that the amount be sufficient only to meet the costs of the registration system.

So on one occasion the Minister said that a fee will be set only at a level to cover the cost of registration, but a moment ago she said there will be funds available after administration costs are met. Can the Minister tell me which is correct?

Mrs CRAIG: In fact both are entirely correct.

Mr H. D. Evans: They cannot be.

Mrs CRAIG: It would be absolutely impossible to be precise as to the amount of money to be paid into this fund. If there is any money left in that fund, it will be distributed to councils.

Mr Skidmore: Well there won't be.

Mr T. H. JONES: I wonder whether the Minister will give us an assurance that any council that becomes involved will not suffer financially as a result of the administration of the legislation. Will she give Parliament that assurance?

Mrs CRAIG: Quite simply the answer is "No."

Mr T. H. Jones: That adds to the problem.

Mr CLARKO: In 1972 the Labor Government of the State introduced the Noise Abatement Act. That Act is administered by local government, and local government receives no funds to administer it.

Mr Carr: It may be different if they did administer it.

Clause put and a division taken with the following result—

#### Ayes 25

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Coyne	Mr O'Connor
Mrs Craig	Mr Old
Mr Crane	Mr O'Neil
Dr Dadour	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Sodeman
Mr Herzfeld	Mr Spriggs
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders
Mr McPharlin	

#### Noes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman

(Teller)

(Teller)

#### Pairs

Ayes	Noes
Mr Watt	Mr T. D. Evans
Mr Williams	Mr Wilson
Mr P. V. Jones	Mr Davies
Mr Young	Mr Grill

Clause thus passed.

Clause 6: Use of Vehicles—

Mr H. D. EVANS: I would like to refer to the Minister's second reading speech to seek clarification about this clause. The Minister said—

Under the Bill, off-road vehicles will be permitted only in special areas set aside for their use and on private land but only where the owner or occupier has first given his consent.

This general restriction will not apply to vehicles licensed under the Road Traffic Act. Although generally these vehicles will not fall within the restrictions under this Bill, there is power for the Governor, in very special circumstances, to prohibit their use in particular locations.

These "prohibited areas" will be very special locations where because of

environmental reasons or the proximity of the land to residential areas, it is necessary to impose a total prohibition on vehicles entering these locations.

The Minister then went on to give the more specific illustration of beachfronts. This gives rise to some confusion about the Minister's explanatory notes. Both permissible areas and prohibited areas are mentioned, and then we were told that vehicles registered under the Road Traffic Act may enter all but prohibited areas. There must be some other areas that are not designated as either prohibited or permissible areas, and it seems that a vehicle registered under the Road Traffic Act can enter permissible areas and all other areas not designated prohibited areas, but a beach buggy may enter permissible areas only.

This seems to be a contradiction and it discriminates between the two classes of vehicles. Many fishermen own beach buggies which they use in their work. These vehicles are not licensed under the Road Traffic Act and they are used purely by the fishermen to get to their fishing spots. Are these people to be denied access to certain areas just because they do not drive the right sort of vehicle? If there is an explanation of this extraordinary provision, I would appreciate hearing it.

Mr GRILL: I would like to raise a fairly basic objection to this provision. Is it the intention of the Government to fine people \$500 merely for driving an off-road vehicle onto someone's private land? This private land could be a farmer's paddock, unfenced or fenced, or even a driveway. I cannot really believe that is the intention of the Government, and if it is, why should there be a distinction between a licensed vehicle and an off-road vehicle in such cases?

The owners of private land have adequate remedies at common law to prosecute people who trespass on that land. Why should such trespassers be faced with an additional fine of \$500? Also, this provision reverses the normal onus of proof. Under clause 39 of the Bill, the onus of proving consent to drive on private land rests upon the defendant.

I have always believed there must be very good reason for departing from the normal canons of proof in courts. These common laws have been handed down to us over centuries. I have not heard any good reasons put forward to depart from them. I would like to hear such reasons from the Minister. I do not believe the Government really intends to do what it is doing in this

provision. My objections are fairly basic, and I would like them answered.

Mr HODGE: I would like to hear the Minister expand on the details of the noise provisions in subclause (4). It seems strange to me that the subclause should have paragraphs (a), (b), and (c) when the Minister says regulations will be promulgated actually defining certain specific decibel readings. In that case, why is it necessary to have the words, "undue or excessive noise"? Why is it necessary to have the paragraph referring to mufflers, etc.? If a decibel reading is specific it could be spelt out in one line instead of having all those paragraphs.

Can the Minister tell me precisely what the decibel reading will be and who will take the measurements? Will the readings be taken at the time of registration of the vehicle, or will someone endeavour to take them on a bush track or reserve? Obviously the officers concerned will need to have some qualifications and technical equipment. Certainly I cannot imagine authorised persons such as the officers of the Museum Board or a shire council having the experience or expertise to take noise readings.

If it is intended to try to take noise readings from a distance on a bush track or in a reserve, the matter will become complicated. Obviously atmospheric conditions, trees, and the lie of the land will make a large difference to the noise readings. In addition if noise readings are to mean anything they must be taken at a prescribed number of revolutions of the engine. I do not know how we will get a person who is creating excessive noise on a bush track to comply with the regulations and run the engine at the prescribed number of revolutions so that a reading may be taken.

The time to test the vehicle is when it is registered. That raises the problem of whether shire authorities are qualified and have the equipment and manpower to conduct such tests.

Mr CLARKO: In respect of subclause (4), this is a matter in which I have been interested for some time. I say categorically the suggestion of the member for Melville is totally unworkable. It would be unworkable to have a maximum decibel reading to take the place of the phrase, "undue or excessive noise", because the member should be aware that what is considered to be undue or excessive noise varies from place to place.

Mr Hodge: I have already said that.

Mr CLARKO: A few moments ago the member for Melville said it would be easier and more accurate if we used a decibel reading.

Mr Hodge: The Minister said she would do that by way of regulation.

Mr CLARKO: She never said that she would lay down a specific figure.

Mr Hodge: She did say that.

Mr CLARKO: I would imagine there would need to be a range of decibel readings if, indeed, any decibel reading is spelt out at all. The member for Melville would know from his experience with his famous highway that what may be regarded as being undue or excessive varies markedly depending on the distance from the highway. The noise officer will determine what level of noise should apply to a particular area; and the level that may apply on a Sunday morning could be quite different from that allowed at 8.00 a.m. on a week day.

Mr Pearce: This has nothing to do with off-road vehicles.

Mr CLARKO: Just be quiet, Grumpy. If the member has something to say he can get up and grump away in a minute. The point I am making—

Mr Pearce: You are not making it very well.

Mr CLARKO: —is that the remarks made by the member for Melville have no value at all.

Mr B. T. Burke interjected.

Mr CLARKO: The lord high executioner from Jamaica has arrived back.

Several members interjected.

Mr CLARKO: Here is the hairless wonder, too. The Opposition does not like the fact that the member for Melville has said there should be a specific decibel reading rather than the words, "undue or excessive noise".

Several members interjected.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The member for Balcatta will keep order. The member for Karrinyup will address the Chair.

Mr CLARKO: If the member for Melville is concerned about the levels of noise developing in metropolitan Perth—and I believe he genuinely is—and if he has knowledge of the officers who are charged with the task of measuring noise, he will know that a specific decibel reading will not be as effective as the phrase, "undue or excessive noise". I regard this subclause as the best provision we have ever had in respect of noise.

The Noise Abatement Act introduced by the Labor Government in 1972 is a complete and utter farce. It does not work at all. I am sure the member for Melville would like to improve it if he

had the chance. Certainly I would like to improve it.

Mr HODGE: The member for Karrinyup obviously was not listening a few hours ago when I spoke in the second reading debate.

Mr Clarko: I was listening to you.

Mr Pearce: But he couldn't follow you.

Mr HODGE: Perhaps the noise problem in his electorate has rendered him hard of hearing. In my second reading speech I pointed out these problems. That is why I was on my feet asking the Minister to elaborate; because I am aware of the problems and I mentioned them in my second reading speech. The Minister assured me there would be specific decibel levels.

Mr Clarko: Levels; that is quite a different question. You didn't say levels previously, you said there would be a specific reading.

Mr HODGE: I said paragraphs (a) to (c) should be deleted and a provision inserted referring to certain decibel levels as set out in the regulations. The phrase, "undue or excessive noise" is hopeless, because the same phrase is contained in the Road Traffic Act and that provision is unenforceable in respect of this problem. The Noise Abatement Act is hopeless in respect of traffic noise, but it is not hopeless in respect of other general noise.

Mr Clarko: It is in regard to air-conditioners.

Mr HODGE: I have not had a lot of experience with the Act in respect of general noise, but I agree it is hopeless in respect of traffic noise, and I do not think it was designed to cope with that situation. I would certainly support any move by the Government to improve that Act.

Considering that this is a brand new Bill, I would have thought the Government would have tried to improve upon those hopeless words "excessive or undue" contained in the old Road Traffic Act. They are the sorts of words which make solicitors wealthy; those sorts of court cases would be a solicitor's dream. Imagine trying to prove that something was undue or not undue, excessive or not excessive! It is absolutely hopeless.

The Minister indicated earlier that the regulations would prescribe decibel levels. I asked for an elaboration and further detail on what they may be, and when they were going to be put into the regulations, by whom and how.

Mrs CRAIG: Attention is being given to the formulation of regulations which will prescribe maximum noise emission levels. It does not mention decibels specifically, so I may have misled the member for Melville. It refers to

maximum noise emission levels for off-road vehicles. Obviously, there will need to be different levels.

Mr Hodge: I understand that.

Mrs CRAIG: Some thought is being given to adopting the manufacturers' standard exhaust silencing system as the standard for off-road vehicles. However, these things have not yet been determined; when they are, they will be prescribed by regulation.

The member for Yilgarn-Dundas asked me in what circumstances a fine of \$500 would be imposed. The maximum fine happens to be \$1 000. I find it strange to have to indicate to the honourable member that that, of course, is a maximum penalty; the actual fine would depend upon the degree of trespass which has occurred.

Mr Grill: That has been changed to \$1 000?

Mrs CRAIG: I have \$1 000 in my notes.

Mr Grill: Just look at the Bill and you will see it is \$500.

Mrs CRAIG: If it is \$500, it is the maximum.

Mr Grill: That is not the point at all; you have missed the point completely.

Mrs CRAIG: The member for Warren—

Mr Grill: You do not even understand what I asked you.

Mrs CRAIG: —asked a question relating to off-road vehicles being permitted only in special areas set aside for their use, and on private land only with the consent of the owner of that land, and wanted to know the difference between that situation and the situation which pertained in relation to a licensed vehicle, or an on-road vehicle. It is true that, generally speaking, these restrictions do not apply to an on-road vehicle.

The honourable member then went on to ask about the situation concerning friends of his who had beach buggies and wanted to go fishing. They claimed they would have unnecessary restrictions imposed upon them in comparison with a person who owned a conventional, four-wheel-drive vehicle licensed under the Road Traffic Act. In fact, the honourable member is quite right; their abilities will be limited in relation to the licensed, on-road vehicle. I believe I made it clear in my second reading speech that it may well be we will need to define a given area within a prohibited area in order that fishermen may have access to a particular stretch of beach.

Mr H. D. EVANS: That does not quite explain why a conventional, on-road vehicle is permitted to go into permissible areas and other areas except prohibited areas, whereas an off-road



vehicle may travel only in permitted areas. Why is there a distinction?

Mrs CRAIG: The answer simply is that it depends on the licence. One vehicle is licensed under the Road Traffic Act and the other is registered. They are different classes of vehicles.

Mr GRILL: The question I really put to the Minister for Local Government was not in respect of maximum fines, although the Minister made a mistake over the penalties prescribed under the legislation.

Mr O'Neil: There are three different penalties provided for in the clause.

Mr GRILL: Certainly; nonetheless it was a mistake. The point I am putting to the Minister is not whether a maximum or minimum fine might be imposed but why a fine is to be imposed at all for driving an off-road vehicle on private land without consent. Why in that respect are we making distinctions between driving an off-road vehicle and an on-road vehicle on private land without consent?

Mr O'Connor: It should be obvious.

Mr O'Neil: I would not like someone driving all over my property without my consent.

Mr GRILL: It is not obvious. The operative words are "without consent". We are not concerned with the environment or with noise—

Mrs Craig: You might not be!

Mr GRILL: No, we are not; we are concerned about the question of consent. If the Minister does not get that point, she really does not understand what is being put to her. How can the Minister make a distinction between an off-road vehicle and an on-road vehicle in this context? For the sake of this particular clause, how can the Minister reverse the common law doctrine where a person charged with an offence must be proved guilty rather than being considered guilty and then having to prove his innocence?

Mrs CRAIG: All people living in the metropolitan area would recognise that this provision is entirely necessary; however, apparently it has escaped the member for Yilgarn-Dundas. The simple answer is that the greatest problem which exists in the metropolitan area today relating to noise and off-road vehicles often is caused by groups of persons riding on private land without consent. It is very necessary we have the ability to stop this practice. That is why this provision is in the Bill and why there is the possibility of a fine as high as the one mentioned.

The member for Yilgarn-Dundas said that we were overturning the principles of common law by

asking the person to prove he has consent. That is so. However, we are dealing with a situation very different from the normal situation, because we are trying to overcome a specific problem; it is for that reason the Bill is written in this way.

Mr GRILL: The Minister in her simplicity is missing the point altogether. The criterion here is consent, not noise. The Government is going to fine people whether or not they make a noise. It will fine people for quietly driving over someone's private land. Is that what the Minister wants? I am sure it is not.

Mr O'Neil: If they drove over my land, I would be annoyed about it.

Mr GRILL: Yes, and the Minister has the remedy.

Several member interjected.

Mr GRILL: Mr Deputy Chairman, I ask for your protection.

The DEPUTY CHAIRMAN (Mr Blaikie): The Chamber will come to order. The member for Yilgarn-Dundas will resume his seat. If the member for Yilgarn-Dundas continues with his speech, he will have the protection of the Chair while he addresses the Chair. The member for Yilgarn-Dundas.

Mr GRILL: The Deputy Premier rather facetiously says that he would prosecute people for quietly driving over his land.

Mr O'Neil: I did not. I said I would be annoyed.

Several members interjected.

Mr GRILL: The real question is whether those people should be fined \$500.

Mr O'Neil: That is up to the courts.

Mr GRILL: I realise that is a hard point for people of fairly limited intelligence to grasp. Nonetheless, it is a significant point, and it is the real point. Unless it is answered properly, it means there is a basic deficiency in this Bill. We will be fining people for driving quietly across a vacant piece of land, across a farmer's paddock, or merely turning around in someone's driveway. Let us not bring up the red herring about making a noise, because that has nothing to do with this particular provision.

Mrs CRAIG: If my private land happens to have on it an area that is extraordinarily fragile in an environmental sense, I believe I am quite entitled to take exception to people driving across it without consent.

Mr H. D. EVANS: The Minister still has not explained the difference between the usage of "permitted" areas and "prohibited" areas. It

would appear that a vehicle licensed with the RTA can enter all places except those expressly prohibited. Those vehicles not licensed with the RTA—the cut-down car-type vehicle, the beach buggy, motor bikes—

Mr O'Neil: They will all be licensed under the provisions relating to the Road Traffic Authority if this legislation comes into operation.

Mr H. D. EVANS: Not if they are not using the road, surely?

Mr O'Neil: This sets up the registration of vehicles off roads.

Mr H. D. EVANS: I understood that was the objective.

Mr T. H. Jones: That is not the RTA.

Mr O'Neil: You are saying vehicles that are not licensed.

Mr H. D. EVANS: Vehicles not licensed with the RTA but which are registered can only enter permitted areas. The Deputy Premier does not even know the Bill.

A family could go out with the father driving a jeep or a Suzuki car which was registered for road travel with the RTA, and with the son riding a motor bike which is under permit. The son could not enter areas that his father could.

Mr B. T. Burke: Breaking up the family unit!

Mr H. D. EVANS: What is the reason for that? I cannot understand it at all.

Mr Barnett: Destroying the fabric of society!

Mr H. D. EVANS: There will be a lot of confusion. A person driving a beach buggy who saw a four-wheel-drive vehicle going into one area would not stay out of that area. However, he could be up for a fine of \$500 for going in there, because he has gone outside the permissible area for a registered vehicle. It would appear that a licensed conventional vehicle could go into those places. This is set out in the explanation in the Minister's notes. The Minister, like the Deputy Premier, seems a little hazy on the subject.

While we are on the same clause, I wish to deal with subclause (4). That reads as follows—

(4) A person shall not use or drive an off-road vehicle on any land whether or not private land—

(a) in a manner which creates or causes any undue or excessive noise;

That is fair enough. The subclause continues—

or

(b) unless an efficient silencing device, so constructed that all exhaust from the engine is projected through the device in such a manner as effectively to prevent the creation of undue noise, is securely fitted to the engine;

That brings it back to the question of the determination. Who makes the judgment in that regard? That will be a matter of contention.

I am thinking of the situation at Peaceful Bay. The member for Stirling is not here at the moment, but that is in his area. Quite a number of people have vehicles which they use to go fishing along the coast. They will have problems in the light of this Bill before us.

Mr Skidmore: They will have to be registered.

Mr H. D. EVANS: Yes, but who determines whether they meet the requirements for registration? That matter will be raised when we deal with clause 10. That will be an interesting question.

In relation to the delineation of these areas, and the need for RTA officers having to enter areas looking for trail bikes, or dune buggies, or beach buggies, what is the purpose of this? This will not work, because people who see a person going in will not sit back waiting for him if they have a vehicle which cannot be used in that area. There will be a penalty of \$500 which could be applied by an authorised person who is not trained. That would be a difficult situation for anybody to handle, let alone an untrained person.

Mr Grill: Where will it all end?

Mrs CRAIG: Off-road vehicles may only be driven in permitted areas; licensed vehicles may be driven off roads in permitted areas, but not in prohibited areas.

Mr H. D. EVANS: Why is there a difference?

Clause put and passed.

Clause 7 put and passed.

Clause 8: Permits—

Mr CARR: I have queries regarding subclause (4) and subclause (5). Subclause (4) reads as follows—

(4) The Minister may, in writing, grant to any person or body a permit authorizing the driving or use of a vehicle in circumstances that would otherwise have been contrary to the provisions of subsection (1) or of subsection (2) of section 6 of this Act,

I ask the Minister for an indication whether there are any particular circumstances which the Government has in mind for which permits might be granted. Or is this a saver clause, put in to

cover something which has not been considered at this stage?

Subclause (5) reads as follows—

(5) The Minister may, by notice published in the *Government Gazette*, declare that the provisions of subsection (1) of section 6 of this Act do not apply

I raise the same sort of query in relation to this. Does the Government have anything in mind, and if so what?

In addition, I would like to draw attention to subclause (3). That raises the question of the onus being on the accused to prove that he is innocent. Subclauses (1) and (2) outline certain circumstances in which it is permitted to drive a vehicle. Subclause (3) indicates that if anyone commits an offence in certain circumstances, it is up to him to prove that he was doing something which he was entitled lawfully to do. I would have thought that in a democratic community the reverse should apply. It should be the responsibility of the RTA, or whatever the authority, to prove that the person had been driving where he was not permitted to drive.

In her second reading speech, the Minister did not mention this aspect of the onus of proving innocence. This is a significant variation from what this Chamber should regard as an acceptable practice.

Mr HODGE: I wish to query three categories of vehicle which appear to be exempted under this clause. I mentioned this aspect in my second reading speech. Clause 8(1)(a) reads as follows—

where the vehicle is used or intended to be used for the conveyance of an incapacitated person and is designed for use solely for that purpose;

It seems strange to me to include the words "or intended to be used". That indicates to me that exemption would still be granted even if the vehicle is not necessarily owned or operated by an incapacitated person. It means that there is a general exemption from certain provisions of the Bill. I would like the Minister to elaborate on that.

Subclause (1) (c) provides exemption where a vehicle is being used for lawful purposes by a public authority. I do not agree with that, if I am understanding it correctly. I do not see why a vehicle owned by a council should be exempted from certain provisions of the Bill, particularly if it is exempted from the noise provisions.

Some of the noisiest vehicles are owned by the Government, local authorities, and Government instrumentalities and I do not think they should

be exempted from provisions requiring them to be more quiet.

Subclause (2) makes mention of vehicles involved in prospecting, construction work, or road making or maintenance etc. Again, I believe many vehicles used, particularly in the metropolitan area, for road making or maintenance purposes should not be exempted from any provisions in this Bill which would make them more quiet. This is a real problem in the metropolitan area and it is amazing how much more quietly vehicles can be made to run if people are aware of their obligations to make them quieter; if proper maintenance is done on them; and the people operating them are conscious of the noise provisions.

Mrs CRAIG: In reply to the member for Geraldton, the sort of groups we had in mind in relation to his first query were university groups which wished to go out into the field for study purposes. They would be exempted in order to traverse certain land.

The other query related to subclause (5) which applies to areas closed to off-road vehicles and not prohibited areas. This would operate in relation to fun bikes, those which have really wide tyres which are considered not to be of detriment to the environment.

In reply to the query of the member for Melville in relation to the use of vehicles for other purposes and the exemption of those vehicles, the exemption applies only if those vehicles are being used for bona fide purposes; in other words, being used by shires and the like to do certain work. In relation to the other vehicles he mentioned, such as agricultural vehicles, I would not imagine they would come under the regulations to be prescribed for off-road vehicles.

Mr CARR: The Minister in reply did not refer to the onus being on the accused to prove his innocence. I wonder whether the Government does have a defence of that situation.

Mr HODGE: Would the Minister give an assurance she will look at the queries I have raised? I do not see that vehicles owned by local or similar authorities should be exempt from the noise reduction provisions of this Bill.

Clause put and passed.

Clause 9: Dangerous vehicles—

Mr H. D. EVANS: To a large degree this clause refers to the beach buggy type vehicles. With whom does the inspection responsibility lie; who determines whether or not a vehicle is in a safe condition? Is it the RTA, the shire, or the authorised person? If it is the authorised person,

what are the requirements of that person to be able to make a judgment of that sort?

Many of these beach buggy vehicles are backyard built. Are the RTA standards of safety to be imposed? If so, they would raise the cost of many of the vehicles far beyond their value and the use the owner would get from them.

I have made reference to the Peaceful Bay situation where there would be over 200 beach cottages and where quite a number of vehicles are left permanently. There are also a number of old tractors there. Will they come under the scrutiny of the provisions of this Bill?

This brings me back to the point I was not able to clarify in respect of the prohibited and other areas. This is the type of vehicle we are talking about and the type of vehicle which will create the situation where, if a registered conventional vehicle goes into an area, obviously the owner of this beach buggy type vehicle will think he can do the same. It should be remembered we are talking about a penalty of \$500 and this is where the Minister's explanation falls down.

The Minister talked about certain vehicles being registered, but what has that to do with one vehicle being able to go into an area which is not prohibited while another vehicle cannot? If a vehicle can go on a normal surveyed road it would have to be built to the standards of the RTA and be subject to the provisions of that authority's Act. I would like to know why there is a distinction and differentiation. This is the ludicrous part of this Bill.

If this Bill becomes law it will be an administrative monstrosity. It will cause so much trouble and abrasion along the full length of the coast that it will have to be scrapped and started again. The Bill should take note of the two separate and distinct problems that exist; that is, the noise in the built-up areas and the problems to be faced in the recreational areas such as the coast—almost 90 per cent of the coastal area.

There is some talk we have not put forward any suggestions, but we did not get much opportunity to do so, not having had the Bill for very long and not being able to present it to the shire councils which are largely involved. If we are accused of not being constructive, that is a little unfair.

The argument is: With whom do the inspectorial responsibilities lie; to what standards must these vehicles be before they are acceptable; and why should these vehicles be debarred from entering areas which are not permissible or are prohibited?

Mrs CRAIG: The standards for vehicles will be laid down by regulation. This clause really relates

to the condition of the vehicle. The person who is going to have the inspectorial right will be either someone from the council acting as the agent of the RTA, or someone from the RTA itself. It may happen at the time of registration, at a later date if the vehicle is ever apprehended or on transfer of the vehicle to another owner.

Again I come back to the argument raised by the honourable member as to on-road vehicles and off-road vehicles. The situation has been made clear from the outset.

Mr H. D. EVANS: It has not. You do not know.

Mrs CRAIG: I shall repeat the position again for the seventh time for the benefit of the honourable member. Off-road vehicles may be ridden in permitted areas; on-road vehicles may not be ridden in prohibited areas except where a specific area of a prohibited area is designated in order that an on-road vehicle may traverse it to get to a certain point.

Mr H. D. EVANS: The Minister does not know the beach areas of the State. She does not know the situation and she does not know the Bill, because this provision has no chance of overcoming the problem in the way she has suggested.

Inspection of all vehicles whether they are registered by the RTA or subject to registration by a shire, then come back for inspection by the RTA or by the shire acting for it. There would not be too many of those now. Civilian examiners have been set up in most areas; but it means before registration can take place a vehicle has to be taken to the RTA. It could have to be taken 50 or 100 miles. How does one get these vehicles to the point of registration? Does one put the vehicle on a trailer? One cannot drive the vehicle on a gazetted road. If the vehicle is taken on a trailer does it mean every vehicle has to be taken on a trailer 50 or 100 miles to be inspected, and then taken back to its location? That will create difficulties for those involved.

Could it be defined clearly that inspections are the responsibility of the RTA or the shire acting on behalf of the RTA in some rare cases?

Mrs Craig: Authorised garages will be permitted to examine vehicles.

Mr H. D. EVANS: That is the first time we have heard that. The vehicle has to be taken to the inspection point.

Mrs Craig: The vehicle will need to be inspected to ensure that it is roadworthy, because if it is not roadworthy it will not be registered. If it is going to be driven on private land it does not need to be registered.

The DEPUTY CHAIRMAN (Mr Blaikie): I ask the member to direct his remarks to the Chair. *Hansard* is experiencing great difficulty recording your tete-a-tete.

Mr H. D. EVANS: I agree with you, Sir. This is an important matter to a number of people. If a vehicle is to be registered it must be taken to the inspection point. This is the first time that has been mentioned. It has been drawn out in a manner which makes the drawing of teeth relatively simple. Whether it is a conventional four-wheel-drive vehicle or whether it is a beach buggy, the vehicle will have to be taken to the inspection point so that it may be examined prior to registration. Does that mean it will have to measure up to the safety standards set by the RTA even though it will be used off-road?

Mr O'Neil: Yes.

Mr H. D. EVANS: Did I hear the Chief Secretary say, "Yes" by way of interjection.

Mr O'Neil: I said "Yes". Any registered off-road vehicle cannot be driven on a road and that is quite simple. There are plenty of people who carry trail bikes on trailers or on brackets fitted to their vehicles. They do not drive them on a road. They take them to the place where they are to be used.

Mr H. D. EVANS: That means it will have to be taken to the point of inspection.

Mr O'Neil: You have to do that with your own car now. You do not get someone to come to your home and inspect it for you.

Mr Bryce: The record should show that the Chief Secretary has been highly testy all night.

Mr O'Neil: He knows what happens and the inspection procedure is exactly the same as happens now.

Mr H. D. EVANS: Could I explain in terms the Chief Secretary can understand the problem he is trying to sweep under the carpet and that is that there are hundreds of people in this State who have off-road vehicles which are not allowed to be used on a surveyed road. They will have to take these vehicles to an inspection point.

Mr O'Neil: That is right.

Mr H. D. EVANS: This onus is placed on these people. This has not been mentioned before.

Mr O'Neil: It is self-evident.

Mr H. D. EVANS: At least it has now seen the light of day and this will place a very heavy impost on—

Mr O'Neil: Rubbish!

Sir Charles Court: Where do you get your vehicle registered now? They do not do it in your backyard.

Mr H. D. EVANS: These vehicles are not registered now.

Sir Charles Court: I am talking about your ordinary vehicle.

Mr H. D. EVANS: We are talking about off-road vehicles. That is what the Bill is about. Does the Premier not realise this?

Mr O'Neil: They have to be registered and taken to an inspection point for initial registration.

Mr H. D. EVANS: This is the first time this point has been mentioned and it will cause not only inconvenience, but also hardship to many people. Hundreds of people are using vehicles in an off-road situation. These vehicles are left on the coast and they will have to be brought in, examined, and registered. The question arises as to whether the examination will be to a standard required by the RTA for road usage?

Mr O'Neil: It will not have to have things that certain vehicles on the road have to have. The regulations will lay down the standards.

Mr H. D. EVANS: It is a regulation Bill. The fees are by regulations, the standards are by regulation, and it is impossible to contemplate the consequences of the Bill.

Mr O'Neil: You do not want them registered then, because that is what you are saying. You do not want them registered.

Mr H. D. EVANS: I am telling members opposite the Bill is rotten and it will not work.

Mr O'Neil: You are the first one who has said that. Everyone else has said it is a good Bill.

Mr H. D. EVANS: All evening I have said everybody wants to see the noise problem overcome, to see the environment protected, and so on, but this Bill will not do that because of the inherent problems contained in it.

We would have moved amendments to the Bill had we been given time to do so, but because of the intractable and bulldozing approach of the Government we have not been able to do so. The Bill will be steamrolled through Parliament without reference to the shire councils and without reference to the people involved. This is not the first occasion this has happened in this session.

Mrs CRAIG: If the owner of one of the off-road vehicles which is sitting down on the south coast and about which the member for Warren is so concerned meets the prescribed safety

standards—once they have been prescribed—it would be possible for him in the first instance to sign a statutory declaration which indicates the vehicle reaches the standards and it could be registered initially, but it would have to come up for examination at a later date.

Mr H. D. Evans: The onus is still there.

Mr SKIDMORE: I understand under the Bill an authorised person can carry out an inspection of a vehicle. It does not have to be taken to an examination point. If this is not so, will the Minister tell me I am wrong. My impression is the vehicle does not have to go to an authorised inspection garage or an RTA inspection depot. It can be inspected on sight on the beach by an authorised person and the necessary licence can be issued. This is as I see it, but I may be wrong.

Clause put and passed.

Clause 10: Under age drivers—

Mr HODGE: During my second reading speech I mentioned my reservation about the provision and I would like to reiterate it now. I am strongly opposed to giving eight-year-old children the right to drive off-road vehicles. In her reply to the debate, the Minister said the owner of the vehicle had to accept responsibility. The owner can be any person who is 18 years old or over. I do not think that is satisfactory. The implication was that the owner would be the parent or guardian of the child, but there is nothing in the Bill to indicate that the owner could not be an 18-year-old friend, acquaintance, or stranger. In addition the vehicle might not be a small trail bike the Minister mentioned, but a powerful car with a V8 engine of hundreds of horsepower. The situation terrifies me.

I can recall that when I was 17 years old and first obtained my licence I had a lead foot and could not drive the vehicle hard or fast enough although I had only a little car of 10 horsepower.

We often read of young people killing themselves in a car which they have filled with friends and driven at speeds of up to 120 miles an hour. Often they are driving cars with V8 engines which are available cheaply second hand, because they are so expensive to run. Many of these engines are finding their way into off-road vehicles and I shudder at the thought of an eight-year-old at the wheel of such a vehicle capable of 100 or 120 miles an hour.

There is nothing in the legislation to say that the owner must be the guardian or parent and must take proper care of and responsibility for the eight-year-old.

I am not opposed to young people driving motor bikes or cars if they belong to a club and drive under proper supervision of trained people who know what they are doing. I am particularly concerned about children driving, because there is no third party insurance cover. What would be the chance of anyone recovering substantial compensation if he sustained an injury as a result of an accident involving an eight-year-old? I take it that theoretically a civil action can be launched against the owner of the vehicle. However, if the owner happens to be an 18-year-old who has no money there would be little chance of recovering any compensation, and there is no provision for third party insurance. I cannot understand how the Government and its supporters can be happy with that situation.

Mr BERTRAM: It would be irresponsible of us if we did not support the comments made by the member for Melville, because they are important and should not be treated lightly. We know how dangerous motor vehicles are when they are driven by mature people and teenagers on good roads and surfaces. We do not need an extraordinary, vivid imagination to know how dangerous they would be when driven by people of limited experience.

Many parents will exercise proper authority, dominion, and control over their offspring when they are driving vehicles, but there will be the inevitable number of parents who do not exercise such control, and others who, having exercised proper control, nevertheless will find that their offspring are driving in a negligent and careless manner. When these youngsters are driving carelessly they will injure other people; that is a certainty.

The fact is that people will be injured and killed and if those injured can establish negligence on the part of the driver, who may be eight years old, they will be able to obtain judgments which will be of little consequence to them, because they will not be able to reap the fruits of their judgments. That is a bad state of the law and we will not countenance such a situation in respect of motor vehicles on roads.

What is the use of a person having a right of legal redress if, having exercised it and gained a judgment, he can do nothing about it? He might as well have no right at all. It makes a travesty and racket of the law and brings it into disrepute. We should not be here in the process of doing that, but we are. This Government has overwhelming numbers in this Committee and what the member for Melville has just said and I have supported will not reap any dividends, because if the Government behaves as it usually

does it will use its oppressive force of numbers and tell us where to get off, no matter how full of merit our arguments may be.

However, never let it be said that the Opposition did not point out what was going on. The Government will reap the whirlwind for its extraordinary lack of concern for others.

Mr HODGE: I am disappointed the Minister did not even have the courtesy—

Sir Charles Court: She has been more than courteous to you fellows tonight.

Mrs Craig: I replied to this when I replied to the second reading debate.

Mr HODGE: Very fleetingly. The Minister misunderstood me. She thought I was trying to stop young people who belonged to clubs driving these vehicles. I wanted to make it perfectly clear I am not suggesting that club members should be deprived of the opportunity. I am suggesting that the cases I mentioned before should receive attention.

Mr MacKinnon: What age limit would you impose?

Mr HODGE: I am suggesting 18 years. I gave examples of numerous complaints I have received from residents of Samson and Willagee who state that weekend after weekend parents—and often the same ones—arrive at 7.00 a.m., deposit youngsters with their trail bikes, and drive off leaving them in the bush adjacent to housing areas for 12 hours. They then return at 7.00 p.m. for the youngsters and their vehicles. During that 12 hours there is no supervision. I do not know who owns the trail bikes. Maybe the parents do, but no-one is there to supervise the youngsters who roar around for periods of up to twelve hours with no adult control.

Mr MacKinnon: Can't they be convicted under the Bill?

Mr HODGE: No. It is not an offence, but I believe it should be. The Bill should be changed so that only adult persons of 18 years and over are entitled to operate off-road vehicles.

Clause put and passed.

Clause 11: Responsibility of owners—

Mr BERTRAM: In line 29 the words "that other person appear. If one looks at clause 11 as hard as one may one will not find "that other person" because there is no reference to "that other person" in the clause. Therefore, I propose to move an amendment to delete the words "that other person" with a view to substituting the words "driver or other user of such vehicle". The clause may then become meaningful and not just nonsense. The clause does not limit proceedings to

civil proceedings only or criminal proceedings only. The clause refers to all proceedings, whether they be civil or criminal. That being so, it is most important that the clause should be readily understood and there should not be areas of doubt or misunderstanding. My belief is that in its present state there will not be any convictions. I do not know whether that is the intention of the Government. The clause should be very clear so that those people who find themselves involved in some sort of criminal proceeding will know exactly where they stand. It is important that proceedings should have a reasonable chance of success. Not too many convictions will be sustained if the clause is open to argument as to its meaning.

Another aspect of the clause is that it seems to set about changing the existing law, not only in respect of off-road vehicles, but the law generally in respect of ordinary motor vehicles. It introduces a new form of law to inculcate owners of vehicles, which currently does not obtain. Under the guise of off-road vehicle legislation, ostensibly dealing with off-road vehicles, we seem to be altering the general law in respect of the responsibility of owners of vehicles when those vehicles are being driven by other people. I do not think that is the intention at all. If it is, it should have been given headline publicity and the Committee should have been told that.

We are to use this particular Bill, which has nothing to do with the matter of the ordinary driving of motor vehicles, as a channel to alter the existing law in respect of vehicles licensed under the Road Traffic Act, but not driven on gazetted roads.

I think the clause needs to be amended to meet the situation. I do not think it is really intended to alter the law and place the responsibility on the owners of vehicles which are registered under the Road Traffic Act with respect to other people driving their vehicles. Clause 11 reads—

11. (1) Subject to the provisions of subsection (2) of this section, the owner of any vehicle which is—

- (a) required to be registered under this Act; or
- (b) a vehicle licensed under the Road Traffic Act, 1974, used otherwise than on a road,—

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I suggest the member is tending to become repetitious in his argument.

Mr BERTRAM: I did not think that was the case. Nevertheless, I have made the point I wished to cover. I move an amendment—

Page 9, line 29—Delete the words “that other person” with a view to substituting the words “driver or other user of such vehicle”.

The words “that other person” refer to somebody or someone who does not appear to me to exist in the clause.

Mrs CRAIG: The amendment is entirely unacceptable. “That other person” happens to be the person under 18 years of age. Of course, the owner of the vehicle is jointly liable with the driver.

Mr SKIDMORE: In no way can the Minister claim that is the intention of the clause at all.

Mrs Craig: Read the clause.

Mr SKIDMORE: I have read it.

Mr O’Neil: The owner and the other person are liable; the other person is mentioned and is the person under the age of 18 years.

Mr SKIDMORE: The clause, from line 26, reads—

... shall in all proceedings in respect of damage, injury or death arising from the use of any such vehicle, be liable as though he had formed a common intention and acted jointly with that other person in respect of the driving or use of that vehicle—

We could put a full stop there.

Mr O’Neil: There is not a full stop there.

Mr SKIDMORE: All right, you are smart! I did not say there was a full stop there.

Mr O’Neil: But you will change the sense of the clause if you put a full stop there.

Mr SKIDMORE: A proviso is there, which states that it does not apply to a person under the age of 18 years.

Mr O’Neil: No it does not. There is another comma after the word “consent”.

Mr SKIDMORE: Yes, “by a person under the age of eighteen years”, and it does not apply to that person; it does not apply to “otherwise than on private land by consent”. There are two parts.

Mr O’Neil: No.

Mr SKIDMORE: There is no person.

Mr Bertram: That is right. It is non-existent.

Mr SKIDMORE: It is non-existent, because the proviso has removed the person. That clause does not apply to “otherwise than on private land by consent”; that has no person in it. So we have to look at the other one, “by a person under the age of eighteen years and lawfully in possession of the vehicle”, and the first part does not apply to that person.

Mr O’Neil: The qualification applies to the use of the vehicle other than on private land. It is not a matter of law; it is a matter of English.

Mr SKIDMORE: That is right, “otherwise than on private land by consent”. There is no person there.

Mr O’Neil: There is if you follow on to the next bit, “by a person under the age of eighteen years and lawfully in possession of the vehicle”.

Mr SKIDMORE: I still think there is an exclusion and there is no person.

Mr BERTRAM: The Minister does not overcome this problem by baldly saying something about a person over the age of 18 years in line 34, or something of that sort. All we have to do is read the clause and give the words their ordinary meaning, and we will come to the conclusion with no trouble at all that the clause does not make sense. It is nonsense and it is an important clause, because it touches not only on matters to do with civil proceedings but also on proceedings of a criminal nature involving the highest courts in the land.

It is important that any doubts about the clause be erased. I do not think we will get very far, because we do not have the numbers here, but there is a further aggravation of our plight here; that is, the Minister no doubt has received instructions or has made up her mind that the Bill must go through here and be transmitted to the other place in a great hurry. Delay would occur if the Bill had to be reprinted, and all the administrative arrangements would be thrown into chaos.

That might be unfortunate, but it will be more unfortunate for people in due course when they are charged and acquitted because the clause is poorly worded and is nonsense, or they are not charged at all because the Crown does not understand what the clause means and will not bring any charge. I imagine the clause will become operative in the fulness of time and give effect to the intentions of the Government, no matter how disastrous some of those intentions are from time to time.

There is no need to bring in all sorts of aids to understanding, as the former member for Boulder-Dundas used to tell us. He used to quote Lord Wensleydale’s case, which we heard about roughly once a month for some years. We give words their ordinary meaning, and if on reading them we have not the faintest idea what they mean, that is a warning signal for us to do something about them. It would be a different matter if it were difficult to express.



We should be writing our laws so that the ordinary person who has to abide by them has a fairly clear idea what they mean. People should not always have to engage solicitors to find out the meaning of what should be a readily understandable provision of the law.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I remind the member for Mt. Hawthorn that the subject we are discussing is his amendment to delete the words, "that other person", and ask him how his argument is related to those words.

Mr BERTRAM: Before we can insert the words which will make the clause comprehensible and sensible, we must delete the other three words. I think they have got in by inadvertence. It is one of the misfortunes and we are striving to make the Committee work on this occasion, although we do not embark upon the exercise with any extraordinary hope of success.

Amendment put and a division taken with the following result—

## Ayes 17

Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman
Mr Jamieson	

(Teller)

## Noes 23

Mr Clarko	Mr Nanovich
Mr Coyne	Mr O'Connor
Mrs Craig	Mr Old
Mr Crane	Mr O'Neil
Dr Dadour	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Sodeman
Mr Herzfeld	Mr Spriggs
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders
Mr Mensaros	

(Teller)

## Pairs

Ayes	Noes
Mr T. D. Evans	Mr Watt
Mr Wilson	Mr Williams
Mr Davies	Mr P. V. Jones
Mr Grill	Mr Young
Mr Barnett	Sir Charles Court

Amendment thus negatived.

Mr SKIDMORE: During the second reading debate I indicated to the Minister I was very confused about third party cover for vehicles licensed under the Road Traffic Act. When these vehicles go into permitted areas—as defined under this legislation—will the owners of the vehicles lose their right to third party cover?

Mr O'Connor: It does not take the third party cover away.

Mr SKIDMORE: So such a vehicle is still covered by third party insurance? I now want to read part of this clause and I will then ask whether the vehicle is still covered. Subclause (1) commences—

Subject to the provisions of subsection (2) of this section, the owner of any vehicle which is—

(a) required to be registered under this Act; I will ignore that one for the time being.

Mr O'Connor: You cannot ignore it.

Mr SKIDMORE: I will come back to it. Then paragraph (b) reads as follows—

(b) a vehicle licensed under the Road Traffic Act, 1974, used otherwise than on a road,

shall in all proceedings in respect of damage, injury or death arising from the use of any such vehicle, be liable as though he had formed a common intention and acted jointly with that other person in respect of the probable consequences of the driving or use of the vehicle,—

What is the reason for the inclusion of the provision if it is not to place the responsibility and liability on the owner? If the owner and the vehicle are still covered by third party insurance, why is the provision included? It simply reiterates the entitlement of the owner of the vehicle under the Motor Vehicle (Third Party Insurance) Act. There must be some other reason because a draftsman does not include provisions for fun.

I thought it may be that the provision refers only to the vehicles prescribed in paragraph (a), but if that is so paragraph (b) should not have been included. I agree that the mere fact liability is spelt out does not abrogate the right of an insurance company to pay under a claim for third party insurance. In other words, a person who has an accident in a permitted area will still be covered by his third party insurance.

If we delete paragraph (b), off-road vehicles would not be covered for third party insurance. Is that a fair thing? Does this mean that a person could drive an off-road vehicle into the areas as prescribed in the legislation and have an accident, perhaps killing someone or damaging property, not be liable for damages, and in fact, not have any insurance cover? This is exactly what the member for Mt. Hawthorn referred to previously.

I am trying to understand what this means, and I had hoped that perhaps the member for Cottesloe would help me. It seems to be a real conundrum in law as to whether there is any need for this clause. Will it apply just to vehicles

registered under the Road Traffic Act, or will it apply to off-road vehicles as well? If the Minister can answer my query, I would be more hopeful of trying to make sense out of this clause.

Mr HASSELL: It seems to me that this clause is directed not to the question of insurance at all but rather to the question of liability. This is not a clause dealing with insurance one way or another.

The member for Swan made the point that there is no need to include paragraph (b) because of compulsory third party provisions. However, that is not quite correct because this provision extends the joint liability of the owner and the person under 18 years of age in regard to damage to property. Third party insurance provisions apply to injuries only, so to that extent at least the provision is certainly required.

The owner of a vehicle—even if the vehicle is driven by a person under the age of 18 years—will be liable for damage to third party property which that vehicle may do whether or not he has insurance cover for third party damage to property. To that extent paragraph (b) is required.

We can avoid confusion about this clause by eliminating considerations of insurance. This is a clause directed to the liability of an owner and a driver when that driver is under 18 years of age. It is not directed to the question of insurance.

Mr SKIDMORE: I am indeed grateful to the member for Cottesloe but I am still not satisfied. While it is true that this clause has nothing to do with insurance, the ultimate result of an accident under the terms of this clause will inevitably lead to an insurance claim.

Mr Hassell: If the driver of the vehicle licensed under the Road Traffic Act does not have third party property insurance—and this is not compulsory; only third party injury insurance is compulsory—there will not be an insurance claim.

Mr Jamieson: If he had comprehensive insurance there could be.

Mr Hassell: If he had comprehensive insurance there probably would be an insurance claim, assuming his comprehensive insurance covered a driver under 18 years, but most policies exclude cover for a driver under 18 years anyway.

Mr SKIDMORE: I still do not believe that merely because the driver is under the age of 18 years that will be an exclusion under the Motor Vehicle Insurance Trust.

Mr Hassell: It isn't.

Mr SKIDMORE: That is right, so whether or not he is 18 does not matter; there can still be a claim on insurance under certain conditions.

Mr Hassell: Only for personal injury or damage, not for property.

Mr SKIDMORE: Sure; I am dealing with injury or death. Let us get rid of those words and make this provision quite specific, and then I might be prepared to agree to it. As it stands, it connotes that injury or death is in the same category as damage, and we know in law it is not. The provision seems to need a little tidying up; certainly it is ambiguous in its present form. Why should these people get off scot-free and not be subject to control and liability in the same way as the driver of a licensed motor vehicle?

Mr Hassell: They are subject to liability.

Mr SKIDMORE: Yes, for the recovery of damage. What would a person get from a 16-year-old who is driving a beach buggy and runs into his car?

Mr Hassell: The whole point of the provision is to give you the opportunity to recover from the owner.

Mr SKIDMORE: A person has that right in common law, anyway.

Mr Hassell: No. If a 16-year-old driving a beach buggy causes damage, at common law there is no right of recovery against the owner. That is why the provision is there.

Mr SKIDMORE: What about the driver?

Mr Hassell: You have a right against him.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! It is extremely difficult for *Hansard* to record these conversations.

Mr SKIDMORE: I give up.

Clause put and passed.

Clauses 12 to 17 put and passed.

Clause 18: Functions of the Committee as to permitted or prohibited areas, and the use of vehicles—

Mr HODGE: I refer members to the wording of subclause (7) (c), which states that the committee shall have regard for the views of any person or body which in its opinion has an especial interest in respect of an investigation of the committee. I would like to hear from the Minister how that provision will be interpreted. I believe any person should have a right to put a proposition to the committee if he feels a serious noise or other problem is caused by trail bikes or off-road vehicles. I do not think that right should be restricted to councils, municipalities, or Government departments. I am a little suspicious of the words, "especial interest".

Mrs CRAIG: The provision does not rule out the type of person to whom the member for Melville is referring.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Constitution of the Committee—

Mr HODGE: This clause establishes the advisory committee to the Minister. I am not happy with the composition of the committee. It provides that two of the five members shall be persons selected from amongst persons who have appropriate experience in the operation of off-road vehicles. I do not see the need for two such members of the committee. One such member would be more than adequate, and the other member should be an expert in noise control.

I know provision is made for experts to be co-opted to advise the committee, but they do not have a vote. As noise is one of the prime reasons for the introduction of this legislation, a noise expert should be on the committee. I understand several experts are in the employ of the Government.

Clause put and passed.

Clauses 22 to 37 put and passed.

Clause 38: Authorized officers—

Mr SKIDMORE: This clause causes me more concern than any other clause in the Bill. I am concerned about the penalties and the authority given to the various officers listed. I am also concerned at the manner in which the officers could wield that authority. An officer may test drive a vehicle and come back to the owner and say, "Here are your keys; I am sorry, but I sideswiped a tree"; and the owner can do nothing about it. That is a little rough.

That provision is contained in subclause (8), which I draw to the attention of members. It says an officer who test drives a vehicle is not liable for any damage he may cause to the vehicle. I am not saying officers would act irresponsibly. However, an officer could come across a four-wheel-drive Range Rover in sand dune country where the vehicle is permitted to be. He could say he thinks the vehicle has a fault and he wants to take it for a test drive. He could drive the vehicle on a back road and as a result of over-steering or under-steering sideswipe a tree. Then he could come back and say, "Here are your keys. I did a bit of damage to your car. Sorry about that." He is not liable for the damage done.

I would like to take up with the Minister also the matter of the powers given to a member of the Police Force under subclause (12). I refer members to the wording of the subclause. This

takes into account the off-road vehicle or the licensed vehicle which may drive on a permitted reserve. Without any reason being given, the officer will have extraordinary powers, far greater than those applying under the Road Traffic Act. Of course, the Police Act contains provisions relating to searching vehicles without warrant but the Road Traffic Act contains no such far-reaching provisions.

I do not object so much to the prospect of an officer stopping a vehicle. However, I most strenuously object to any suggestion that he may be able to seize and detain a vehicle. Let us assume the officer is one of those rather officious people who wants to have a little fun. Such officers are around; in fact, they have their bit of fun with me, occasionally. He will have the authority to stop a vehicle and say, "I am going to seize and detain your vehicle"; however he will not be required to give any reason to support his action.

Mr Jamieson: And he can lose it, and not be liable.

Mr SKIDMORE: Yes, and he can damage the vehicle without being liable. Where will the officer take the vehicle? Will he drive it away and make it safe? Will he leave it in the reserve or in a paddock? This provision is too wide-ranging.

I refer members to the wording of clause 38(13). A person's vehicle may be detained and there is no obligation on the authorised officer to look after it. The vehicle may be left on the reserve to be attacked by vandals. This is just not good enough, and the Minister should examine this clause to correct the situation.

If the Minister must have legislation such as this, it should have teeth. I do not mind a provision authorising an officer to stop a vehicle and say, "I suspect your vehicle is unsafe and I would like to test it." However, it is completely unnecessary to give him the power to seize and detain a vehicle. A family may be out on a picnic, may have their vehicle seized and detained for no apparent reason, and may be forced to find some other means of getting home.

I refer members to clause 38(14) which relates to the recouping of the costs of the removal of the vehicle. I do not know whether we need to have such wide powers in the legislation. What in the name of fortune is likely to occur which will demand that a seized vehicle be sold to recoup costs? If a person receives a \$30 traffic fine, the Road Traffic Act does not provide that, in the event of the fine not being paid, the offender's vehicle shall be seized and sold to pay the fine. This subclause is excessively penal in its

application, and should not be allowed; there is no need for it. Given a little more time, we could make the legislation much more acceptable.

If this type of legislation is to work, we must convince the people it is fair and reasonable. However, at the moment this is not the case. I have relatives in a sand dune buggy club and I know for a fact that its members are rebelling against this legislation. Members can imagine the lengths to which they will go to try to get around these provisions. The Government is just antagonising groups of people for no apparent purpose. The Minister should reflect on the situation and correct the legislation.

If the Opposition had sufficient time, I can assure the Minister we would move amendments to correct this clause and to make it more acceptable to the people. In its present form, clause 38 is repressive and unacceptable, and the Opposition does not support it.

Mr HASSELL: I wish to comment on what the member for Swan said about a couple of subclauses of clause 38, because I do not think they are as bad as he suggests. In particular, I refer to subclause (11) which provides for an authorised officer to stop, seize and detain any vehicle—

Mr Skidmore: I did not mention subclause (11); I mentioned subclause (12). However now that you have brought it up I will be quite happy to go back to it.

Mr HASSELL: I mention subclause (11), because when I first read it I had a degree of concern about it. However, the point is that the powers in this subclause are much more hedged-in than appears at first reading. In particular subclause (11) provides that an authorised officer must have reason to believe there has been a breach of the proposed Act, and that the vehicle appears to be neither licensed under the Road Traffic Act nor registered under this legislation, and that the identity of the owner or driver of the vehicle cannot be established; so, he is subject to a wide degree of control.

Subclause (12) again is directed to some very specific things, in particular to the protection of people in the event that the vehicle in question appears to be in a dangerous condition and likely to do damage to people or property. So, whatever one might say about the breadth of this subclause, the reality is that the law reads it down, because the provision itself contains the limitations.

Subclause (13) limits liability where the authorised officer had a reasonable cause and also refers to a limitation in the case of damage where a vehicle is detained. I do not think a vehicle

which is being tested under subclause (8) is "detained"; therefore, I do not think the limitation of liability for damage contained in subclause (13) applies in that situation. It applies only in the detention circumstances in subclauses (11) and (12). So, it is my view that although these subclauses appear to be very wide when they are first read, they are subject to many limitations by reason of the wording contained in the Bill.

Mr JAMIESON: I agree with the reasoning of the member for Cottesloe in relation to subclauses (11) and (12), but I do not agree with him in relation to subclause (13). We have to ensure that a seizing officer has due regard for the vehicle that he seizes. Under this provision, if something goes wrong and he damages it, he would not be responsible for it. We are going too far in this regard. We should ensure that the officer has a responsibility to take reasonable care of a vehicle which has been seized, no matter for what purpose.

I remember an incident when a typewriter was seized last year. It was returned in a damaged condition. The police were not happy to accept responsibility for that.

Mr Hassell: I do not agree that the authorities should be able to do that. I am trying to suggest that in effect there is a liability on the authority making the seizure. That liability already exists, because the officer can act only in a case where he has reasonable cause. If he acts outside of that cause, he does not receive the protection, so he acts at his own risk.

Mr JAMIESON: He acts when he has reasonable cause to act. Once he has that reasonable cause to act, then he should take reasonable responsibility for seeing that no further damage is caused. This clause certainly does not oblige an officer to do that.

I ask the Minister to consider this, and to ensure that before the legislation is finalised a responsibility be placed on the seizing officer to ensure the vehicle is not further damaged in the pursuit of his duties.

Mr SKIDMORE: I wish to deal with the point raised by the member for Cottesloe. He said he saw no great problem in subclause (12). That subclause reads as follows—

(12) Any member of the Police Force may without warrant stop, seize and detain—

- (a) any off-road vehicle; or
- (b) any vehicle licensed under the Road Traffic Act, 1974, when in use otherwise than on a road or private land by consent,

If one wished to apply the aspect of "control" to off-road vehicles in relation to seizure, I concede the proviso to that subclause which reads as follows—

if the vehicle is in his opinion so constructed or in such condition that it is likely to occasion danger to any person or damage to any property.

It seems not unreasonable that a vehicle could be pulled up, not with the idea of it being seized and detained, but there could be a warrant to stop it to have it inspected. A ticket could be placed on it in the same way as tickets are placed on vehicles under the Traffic Act.

Mr Hassell: Being practical, that sort of provision in relation to traffic on public roads cannot be applied in the context of wide open spaces or bushland where off-road vehicles operate.

Mr SKIDMORE: It does not really matter whether it is on a road. I concede the point that it may be in an open space.

Let us consider some of the sand buggies I have seen at Yanchep. Frankly, they are a disaster. They are dangerous to the drivers, and they are dangerous to the members of the public who stand watching them. If the proposed legislation took care of a dangerous buggy in that regard, I would feel sympathy with a member of the Police Force who enforced subclause (12)(a).

It would be ludicrous if I were in my four-wheel drive Range Rover which has been licensed and inspected by the RTA—let us assume it has been over their pit—and on my Sunday drive I enter a reserve and I find an officer indicates that the vehicle is constructed in a dangerous fashion. That is one of the requirements.

Mr Hassell: But he could not say that.

Mr SKIDMORE: Of course he could not say it, because it would not be constructed dangerously.

Mr Hassell interjected.

Mr SKIDMORE: Let me finish. It is nice to have your cross-examination if you are in the witness box. It makes it fairly difficult for the witness.

If there is a vehicle in those circumstances, there is no way that the officer could say it is constructed in a dangerous manner. He would have to say that it is in a condition likely to occasion danger to a person or to occasion damage to property. How in the name of fortune could a road vehicle licensed under the Road Traffic Act and inspected by the RTA be likely to cause damage to any property? That is ludicrous in the extreme!

Mr Hassell: A vehicle licensed by the RTA to go on roads could well be a danger to people and property in an off-road context.

Mr SKIDMORE: If that is the argument, that is certainly drawing the long bow. It is placing this in a ridiculous situation. The RTA has licensed the vehicle and has said it is perfectly safe. When it goes into a reserve or a national park, it immediately becomes suspect? Come on! I cannot accept that.

Mr Hassell: I did not say that.

Mr SKIDMORE: I ask the member for Cottesloe to tell me what he did say.

Mr Hassell: I said that the context in which it was found by the authorised officer may well indicate that the vehicle is a danger to people. For instance, the vehicle may be driven in a rough country area in which it is unsuitable and dangerous, whereas it would not be dangerous on the open road.

Mr SKIDMORE: Your defence is as weak as anything.

Mr Deputy Chairman, I appreciate the assistance of the member for Cottesloe, but he and I are on the wrong trams now. I object strongly to subclause (12). I suggest that paragraph (b) be removed. There are vehicles which one would want to control because they could be dangerous, but no man in his wildest dreams would say that a vehicle which had been licensed by the RTA was dangerous in an open space or a reserve. This does not seem to me to make good sense. We have sufficient control over that vehicle on the open road. It would be far better if we removed subclause (12)(b). That would allow the seizure of an off-road vehicle, and everybody would be much happier. At least it would placate some of my concerns in this matter.

I now wish to deal with subclause (14). I have had no answer from the Minister in relation to the need for subclause (14) of clause 38. What are we going to do about recouping the costs of the removal, custody, and disposal or sale? Let us assume that the vehicle is to be removed. There is no compulsion under the Road Traffic Act. All that has to be done is for a ticket to be placed on it.

Mr O'Neil: Do you remember the debate on the Railways Act in respect of the parking and dumping of vehicles at the railway station in Perth? You supported that.

Mr SKIDMORE: Come off it! Is the Deputy Premier going to suggest that the authorities will rush out to reserves to start carting off dumped vehicles? They would not be able to recoup

anything from the owner. That is just not on. Subclause (14) states that the regulations made under this Act may make provision in respect of the removal and detention of vehicles pursuant to this Act, and for the custody, disposal or sale of such vehicles. It has nothing to do with abandoned vehicles. It has to come within the confines of this measure. We should follow the procedures of the Road Traffic Act where a sticker is merely placed on a vehicle which states that a person must take his car to be examined at a certain RTA office because his vehicle has been considered unroadworthy or dangerous to the public or property. We would then not have to worry about moving a car to a garage.

If a car is seized and detained does the family group involved have to find some way to get back from wherever they are, perhaps Yanchep, to Perth under their own steam and then have their car carried away by the police, unnecessarily, and have to foot the bill? If they do not foot the bill will the Government sell the car to recover the costs? The Government seems to have that power under this provision. That is just a bit too rich.

Mrs Craig: You have not read the rest.

Mr SKIDMORE: Subclause (15) reads as follows—

Any vehicle seized under this Act shall be taken before a Justice to be dealt with according to law, and in accordance with section 42 of this Act may be ordered to be detained by or on behalf of the Authority or a council until registered or otherwise disposed of pursuant to this Act.

That is all right. So what?

The DEPUTY CHAIRMAN (Mr Blaikie): The member's time has expired.

Clause put and passed.

Clause 39: Proof of certain matters—

Mr JAMIESON: This clause deals with the onus of proof and there has been many arguments over the years on this matter in this Chamber. I do not like this to be placed in a position similar to French law. In other words, a person is guilty until he proves himself innocent. We have long had an understanding in English law that it should be the other way around.

It is very clear under this clause that the onus of proof is on the individual. If an individual is alleged to have committed an offence that offence is deemed to be proved unless the individual can prove otherwise. I am very averse to this type of legislation and I am surprised that some of our legal people are not taking strong exception to it. The argument over many years has been that we

should not have this sort of thing creeping into our legislative halls.

It should be the duty of the prosecution always to bring forward positive proof that the offence was committed and, failing that, the person should not be in a position to have to prove his innocence. I object strongly to this particular clause and I will have something further to say later on indicating that this is a Bill which has been rushed through even though the Minister has said the basic contents have been available for a long time. The draft of this Bill has not been available for a long time. It needs thorough consideration when this sort of clause can be introduced.

Clause put and passed.

Clauses 40 and 41 put and passed.

Clause 42: Detention of vehicles—

Mr SKIDMORE: This clause allows vehicles to be detained for 12 months and this worries me. How much more repressive power does this Bill really need to achieve its objective?

A court can say a beach buggy is in a dangerous condition, needs to be repaired, and will be retained for 12 months. Subclause (1)(b) states as follows—

(b) until the Authority is satisfied that arrangements have been made that will ensure that the construction or condition of the vehicle will be so changed as to eliminate the source of danger,

but where it appears to the Court or that Justice that some person is lawfully entitled to possession and is not guilty of an offence . . .

The vehicle then cannot be detained. The last part is really a great big giggle. They are going to give him back his car. What a lot of rot! We do not need to be told that, because the man is innocent and has no charge against him as the car is all right. As common law prevails he can take his car away because he has not committed an offence. It is just a matter of bad drafting.

It is ludicrous in the extreme that a vehicle should be detained for 12 months when the owner probably wants to get to it and put it back in order. To detain a vehicle for 12 months is completely unreasonable. Paragraph (b) states, "until the Authority is satisfied that arrangements have been made..." to repair it. I would imagine if one went before a court one would be told, "The vehicle is dangerous and you are to be convicted and fined \$X. The vehicle will be released, but it will not be licensed or be able to be used again until it is put into an order acceptable to the authority." Would not that be

the easiest thing to do? Is that not what common justice would demand takes place?

Mr B. T. Burke: Move an amendment, Jack; move two amendments.

Mr SKIDMORE: I am tempted to do so because I cannot get breakfast until 6 o'clock this morning.

Mr B. T. Burke: Move six or seven amendments; I will second all nine.

The DEPUTY CHAIRMAN: Order! The member for Balcatta will cease interjecting.

Mr SKIDMORE: It is good that we have a little levity at 3.50 in the morning because it is rather difficult to keep everyone awake to hear my inspiring comments.

I do not want anybody to miss my words of wisdom. This is a badly drafted clause. There does not seem to be any reason for it. Why do we not let the courts agree as to what should be done and leave it at that and let the man take the car away to have it repaired?

Clause put and a division taken with the following result—

#### Ayes 23

Mr Clarko	Mr Nanovich
Mr Coyne	Mr O'Connor
Mrs Craig	Mr Old
Mr Crane	Mr O'Neil
Dr Dadour	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Sodeman
Mr Herzfeld	Mr Spriggs
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Shalders
Mr Mensaros	

(Teller)

#### Noes 18

Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr Grill	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman

(Teller)

#### Pairs

Ayes	Noes
Mr Watt	Mr T. D. Evans
Mr P. V. Jones	Mr Wilson
Mr Young	Mr Davies
Sir Charles Court	Mr Barnett

Clause thus passed.

Clauses 43 to 48 put and passed.

Title put and passed.

#### Report

Bill reported, without amendment, and the report adopted.

#### Third Reading

MRS CRAIG (Wellington—Minister for Local Government) [3.57 a.m.]: I move—

That the Bill be now read a third time.

MR JAMIESON (Welshpool) [3.58 a.m.]: I had nothing to say in the second reading stage of the Bill, because I wanted to see how the debate would progress. It went exactly as I had anticipated. Certain provisions in this Bill are different from those contained in the previous Bill. I was not sure how to tackle it, because the matters relating to private property which were not in the previous Bill were the contentious matters as far as the local authorities I represent were concerned.

I took the Bill to these authorities as soon as it was available last week. I have heard nothing from either of the authorities, so I assume they are in agreement with the Bill, but I do not know.

At least one of the local authorities objected specifically to the particular provisions to which I have referred, despite my protestations. I felt it was a flaw in the previous Bill. I told the local authorities this. Nevertheless, they said they did not want the provision in relation to the right over private property. We may find now that some of the local authorities have been put in a position where they have authority over something over which they do not wish to have authority.

As has been mentioned earlier, this will cause additional work and additional cost to local authorities and they will not receive additional income. It is all very well for the Government to deny its financial responsibility in this regard and to give the local authorities additional work; but somewhere along the line it must be financed. It is no good denying the responsibility in this regard.

I have indicated one could anticipate the schemozzle which would occur in relation to this Bill. Even the member for Cottesloe said that he anticipated this was what was intended by the draftsman. We were not clear and we were not given the opportunity to ask the people who could have advised us on the matter. I hope that before the Bill is passed through both Houses the Minister will examine more thoroughly a number of these matters, because we were not able to do so tonight, in order that we may ensure we know what we are putting on the Statute book and that it is not something the draftsman has placed on the Statute book for us.

With those remarks, I support the third reading of this Bill.

MR PEARCE (Gosnells) [4.00 a.m.]: I will take only 30 seconds to make a point about third readings being proceeded with immediately

following the Committee stage. As the Premier today moved a motion under which the third readings can be proceeded with straightaway—

The SPEAKER: Order! The honourable member will resume his seat. I draw his attention to the fact that he is out of order in addressing the House from the position in which he is now placed.

Mr O'Neil: That motion was moved with the concurrence of the Leader of the Opposition.

Mr PEARCE: I hope my earlier remarks can be taken as read. The point I will make in 30 seconds is that because the Government is automatically dealing with third readings immediately following the Committee stage of all Bills, even those creating a degree of contention, the temptation is strong for it not to accept any amendments so that it can proceed to the third reading.

Mr Clarko: Unlike our normal approach.

Mr PEARCE: The normal approach of the Government is not to accept any amendments.

Mr Clarko: Don't waste our time on this aspect then.

Mr PEARCE: The Opposition attempts to move significant amendments, but it is ordained that they be defeated straightaway so that the Government can proceed to the third reading in order to provide business to keep the Legislative Council going, as has been pointed out by the Deputy Leader of the Opposition. At 4.00 a.m. it is ridiculous that we should be still here and I protest about the way the Government has gone about the passage of the Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

*House adjourned at 4.02 a.m. (Thursday)*

## QUESTIONS ON NOTICE

### RECREATION

#### *Hockey Stadium*

2282. Mr WILSON, to the Minister for Recreation:

- (1) Can he confirm that work on the hockey stadium at the Western Australian Institute of Technology has come to a halt due to the fact that the Commonwealth contribution to the project which had been anticipated, has not been made available?
- (2) If "Yes" can he say what approaches have been made to the Commonwealth on this matter and with what result?

Mr Old (for Mr P. V. JONES) replied:

- (1) The project is proceeding, although the Commonwealth Government has now indicated it is not prepared to support the project despite the Commonwealth's original commitment to do so.
- (2) The Premier, the Minister for Recreation, the Western Australian Hockey Association and others have approached the Prime Minister and the Commonwealth Minister for Environment, Housing and Community Development, but without success to date.

## DISTRESSED PERSONS RELIEF TRUST

### *Expenditure*

2283. Mr WILSON, to the Treasurer:

- (1) What consideration has been given to the comment in the report of the Distressed Persons Relief Trust for the year ended 31st December, 1977, that the total amount of assistance given exceeded the annual Government grant and consideration should be given to an increase in the grant in future years?
- (2) Can he say why the grant to the trust is not shown in the Estimate of Expenditure?

Sir CHARLES COURT replied:

- (1) In view of the need to keep State expenditure within the bounds of the revenue available, it has not been possible to increase the annual allocation to the trust beyond the level of \$29 177 for 1978-79.
- (2) The grant is shown as Item No. 211 on page 52.

## NATIONAL SAFETY COUNCIL

### *Sport and Recreation Equipment*

2284. Mr WILSON, to the Deputy Premier:

- (1) Can he say whether the National Safety Council has formulated safety guidelines governing the use of sport and recreation equipment?
- (2) If "Yes" can he say what forms of equipment are covered by such guidelines?



(3) Has the need for such guidelines in relation to the use and maintenance of soccer goal cages been drawn to the council's attention?

(4) If "Yes" to (3), what action has ensued?

Mr O'NEIL replied:

(1) Yes, but not on "organised sport" equipment. Material and information are maintained on certain "individual use" sport and recreation equipment such as children's playground equipment, trampolines, pleasure boat safety equipment—e.g. buoyancy aids—also diving equipment, devices used in conjunction with private swimming pools, etc.

(2) "Individual use" equipment.

(3) and (4) No. However, arising from a death in June this year involving a goal cage, the National Safety Council communicated with the Community Recreation Council and that body agreed to initiate safety publicity following the coroner's inquest. It is understood that the inquest is still pending.

(3) Can he say how many of the 500 people appointed by the Government under the special youth employment training programme scheme in departments and instrumentalities are still employed under the scheme?

(4) Can he also say how many of these young people are likely to be offered on-going employment in Government departments and instrumentalities when the period of training expires?

Mrs Craig (for Mr O'CONNOR) replied:

(1) Courses

	Number of Trainees	
	Com- menced	Completed
Bricklaying	73	55
Cabinetmaking	10	6
Woodmachining	12	6
Upholstering	12	4
Mechanical fitting	26	in progress
Hand laminating— plastics industry	29	13
Plasterboard fixing	28	12
Bar attendants	14	2
Blasting and protective coating	15	8
Farm station hand training	28	in progress

(2) These subsidies are paid by the Commonwealth and the information is not immediately available.

(3) 140.

(4) These young people were offered employment on the strict understanding that they would receive training for a period of six months. No undertaking was given to employ them at the end of this period. However it was intended that they would be placed if suitable positions became available. To date of those who have completed the six months under the scheme 85 have been retained in permanent positions and 20 on a temporary basis.

## EMPLOYMENT AND UNEMPLOYMENT

### *Youth Training Programme*

2285. Mr WILSON, to the Minister for Labour and Industry:

(1) With reference to the answer given to question 2156 of 1978, can he specify the training courses which have been conducted in a number of areas over the past few years by the State Government referred to in the answer and the numbers of young people who have been catered for?

(2) Can he also say how many young people are currently being trained under the auspices of the—

- national employment and training system;
- Commonwealth rebate apprentice full-time training;
- educational programme for unemployed youth;
- special youth employment training programme?

## ST. BARTHOLOMEW'S HOUSE

### *State Funds*

2286. Mr WILSON, to the Treasurer:

- What is the total amount of past State Government contributions to St. Bartholomew's House?
- Why was no allocation made in this year's estimates?

Sir CHARLES COURT replied:

- (1) Special grants have been made as under:—

1965—\$10 100 To help purchase two cottages for use by the centre.

1970-75—\$20 000 Donation to the centre's rebuilding appeal, paid in five annual instalments of \$4 000.

1977-78—\$5 000 To reduce the organisation's bank overdraft.

In addition the centre received subsidy payments through the Department for Community Welfare.

Maximum subsidy payable in a calendar year was \$2 000 to 1976 and \$5 000 from 1977. Payments since 1975 have been:—

	\$	
1975	2 000	
1976	2 000	
1977	5 000	
1978	4 344	to end of September.

- (2) Provision is included in the department's estimates for the subsidy payments.

### TAVERN

#### *Maddington*

2287. Mr BATEMAN, to the Chief Secretary:

- (1) Will he table the transcript of the licensing court's final determination for a tavern licence for the proposed tavern to be built in Radiata Street, Maddington?

- (2) If not, why not?

Mr O'NEIL replied:

- (1) and (2) The decision is hereby tabled. *The paper was tabled (see paper No. 475).*

### HEALTH

#### *Dental Therapy Centres: Embleton School*

2288. Mr TONKIN, to the Minister for Health:

Adverting to question 2138 of 1978, what additional dental therapy facilities will be provided this year, and where will they be provided?

Mr YOUNG replied:

No additional dental therapy facilities will be provided this year but when the mobile units on order come into use it will allow the children at Embleton Primary School to be treated at the Hillcrest clinic.

### SUN CITY

#### *Tokyu Corporation*

2289. Mr DAVIES, to the Premier:

Can he advise when the Commonwealth Government will require the Tokyu Corporation to obtain Australian partners for the Yanchep Sun City project?

Sir CHARLES COURT replied:

I will confer with the member and supply him, in his capacity as Leader of the Opposition, and on a confidential basis, with the full details of the conditions arranged by the Commonwealth Government in consultation with the State Government.

2290. *This question was postponed.*

### ENERGY: SEC

#### *Establishment Fee: Recovery*

2291. Mr DAVIES, to the Minister for Fuel and Energy:

Have any steps been taken to recover funds from pensioners and others who have refused to pay the State Energy Commission establishment fee of \$15?

Mr MENSAROS replied:

Yes. The commission is following its normal recovery procedures.

### PUBLIC RELATIONS CONSULTANTS

#### *Government Departments and Instrumentalities*

2292. Mr DAVIES, to the Premier:

- (1) Are contracts awarded to public relations firms in Western Australia for Government instrumentalities and departments, put out to tender?

- (2) If not, why not?

Sir CHARLES COURT replied:

- (1) and (2) The information required by the member is being collated and I shall advise him when it is completed.

## HOUSING

### *Purchase: Management Fee*

2293. Mr DAVIES, to the Minister for Housing:

- (1) What is the cost per annum of administering the \$60 management fee for State Housing Commission purchase homes?
- (2) What amounts have been collected in each of the financial years since the introduction of the management fee?

Mr RIDGE replied:

- (1) The cost per annum of administering the \$60 management fee for the State Housing Commission purchase accounts is part of the overall administration costs of the total purchase operations.
- (2)

1975-76 .....	207 359
(introduced 1st February, 1976)	
1976-77 .....	646 083
1977-78 .....	688 538

## TRANSPORT: BUS

### *MTT: Pensioners and Charitable Organisations*

2294. Mr DAVIES, to the Minister for Transport:

Will he ask the Metropolitan (Perth) Passenger Transport Trust to give concession rates for hire of MTT buses to pensioner and other charitable organisations?

Mr RUSHTON replied:

In view of the trust's financial position, it is unable to consider such concessions at this time.

## CONSUMER PROTECTION

### *Hire-Purchase Act*

2295. Mr TONKIN, to the Minister for Consumer Affairs:

- (1) Given the recent decision by Judge Ackland that the Australian Guarantee Corporation was not acting illegally, is

the Government concerned that the Hire-Purchase Act is possibly inadequate to give protection to consumers?

- (2) What action, if any, is contemplated to strengthen the Act so that the hand of the Consumer Affairs Bureau may be strengthened in these matters?

Mr O'CONNOR replied:

- (1) Judge Ackland held that Australian Guarantee Corporation was not acting illegally in quoting payout figures in the method the company did. However Australian Guarantee Corporation retained more than they were entitled to, not allowing some consumers the proper statutory rebate. The Government is most concerned that the judge said that the protection offered to hirers was in his words "illusory".
- (2) In the light of the decision the Government is contemplating altering the Hire-Purchase Act to provide a method of quoting payout figures which are accurate for a specified period. This will of course be a short-term measure because of the proposed introduction of new consumer credit legislation, which I would anticipate would reflect these proposals.

## BEEKEEPING

### *European Foul Brood: Treatment and Compensation*

2296. Mr H. D. EVANS, to the Minister for Agriculture:

- (1) How does the Department of Agriculture consider that European foul brood is spread?
- (2) In view of the fact that present Government policy is allowing honey and bees into the State, has the Government adopted a policy under which it will accept full responsibility for the consequences should the disease become established in Western Australia, including—
  - (a) provision of teramyacin to treat the hives;

- (b) provision of a pollination service to agriculture in the event of wild hives being destroyed by the disease;

(c) compensation for hives destroyed?

Mr OLD replied:

- (1) Answered by my reply to the member of the 4th October.
- (2) Strict health certification requirements are being observed and I am confident that importations from disease free areas certified as such can continue without detriment to the industry.

## HOUSING

### *Pensioners: Manjimup*

2297. Mr H. D. EVANS, to the Minister for Housing:

- (1) How many pensioners are listed as requiring accommodation at Manjimup?
- (2) (a) Is it intended to build further pensioner accommodation at Manjimup in 1979;
- (b) if "Yes" to (a) how many units;
- (c) if "No" to (a) when is it anticipated such accommodation will be built and what number?

Mr RIDGE replied:

- (1) Five Pensioner couples; six single Pensioners.
- (2) (a) to (c) Not at this time, but the provision of pensioner accommodation at Manjimup, as in other centres, will be considered as the construction programme is reviewed.

## WATER SUPPLIES

### *Denham*

2298. Mr DAVIES, to the Premier:

- (1) Has he, or any of his Ministers, received a petition from the residents of the township of Denham protesting at the charges laid down by the Public Works Department for the boundary service which supplies desalinated water to each property in the town?
- (2) If so, will he state the wording of the petition?
- (3) How many people signed the petition?

- (4) It is fact that apart from people who were absent from the town and were not able to be contacted, all permanent residents of the township of Denham have signed this petition?

- (5) What action does the Government propose to take in respect of the petition?

Sir CHARLES COURT replied:

- (1) Yes. A copy of the petition was tabled in the Legislative Council by the Hon. Norman Moore, MLC on Tuesday, the 31st October.
- (2) We, the property owners and electors of the township of Denham in the State of Western Australia, do humbly petition the Honourable Sir Charles Court, Premier, in protest at the charges laid down by the Public Works Department for the boundary service which supplies desalinated water to each individual property.

We beseech you to take the necessary action to have these charges withdrawn or considerably reduced.

Our reasons for such a protest is as follows:

People in Denham have always paid water rates in addition to the charge for all water used. This water is salt and while it can be used for some domestic purposes, it is not potable and causes serious and rapid deterioration to appliances such as washing machines and hot water systems, as well as to plumbing generally.

The initial proposal for desalinated water from the Public Works Department included a charge of \$10 per year. While we did not feel this was justified we had to agree to pay this. It was described as "being in accordance with By-law 95 of the Country Areas Water Supply Act". Having less than one year at \$10, we were charged \$25 the following year.

Our supply of desalinated water is limited to 50 gallons of water per day which is not adequate for a reasonably sized family. Salt water is used for flushing toilets and for outside taps.

Denham's position regarding water is unique, being the only town in the State that is compelled to have two separate water services installed on each property at considerable expense.

This further cost is adding to an already high cost of living in a town where a relatively high proportion of the population consists of low income earners.

Your petitioners will ever pray that their humble and earnest petition would be acceded to.

- (3) 104.  
 (4) I am unable to readily verify what proportion of permanent population of Denham signed the petition.  
 (5) The basis of, and the need for a charge for a boundary service for desalinated water will be examined and a reply sent to the local parliamentary representatives of the petitioners as soon as practicable.

## SEWERAGE

### *Kununurra*

2299. Mr DAVIES, to the Minister representing the Minister for Water Supplies:

- (1) Have any alterations been made within the past two years for sewerage plans in the area around Ironwood Drive, Kununurra?  
 (2) If so, will the Minister explain the alterations?

Mr O'CONNOR replied:

- (1) and (2) No.

## TOURISM

### *Promotion: Kununurra*

2300. Mr DAVIES, to the Treasurer:

- (1) Have any loans for tourist promotion purposes been granted to applicants from Kununurra within the past five years?  
 (2) If so, to whom?  
 (3) If so, what is the nature and amount of each loan?  
 (4) What are the criteria for approving these loans?  
 (5) Have any loans been submitted for tourist promotion purposes in Kununurra which have not yet been approved?

(6) What other loans have been granted by the State Government for other developments in Kununurra in each of the past five years?

(7) To whom, and for what purpose have these loans been granted?

(8) What were the amounts of each loan?

Sir CHARLES COURT replied:

(1) to (5) No.

(6) to (8) No loans have been granted by the State Government for other developments in the last five years.

## LEGAL AID COMMISSION

### *Applicants for Assistance and Funding*

2301. Mr DAVIES, to the Minister representing the Attorney General:

- (1) How many people have made applications for legal aid in Western Australia in each of the past six months?  
 (2) How many people have been granted legal aid in each of the past six months?  
 (3) Will the Minister urge the Federal Government to increase its allocation to the Legal Aid Commission this financial year?

Mr O'NEIL replied:

(1) Applications received:

May	...	...	1 173
June	...	...	1 071
July	...	...	1 168
August	...	...	1 083
September	...	...	634
October	...	...	709
			<hr/>
			5 838

(2) Applications granted:

May	...	...	851
June	...	...	777
July	...	...	666
August	...	...	731
September	...	...	347
October	...	...	532
			<hr/>
			3 904

(3) See answer to question 2215.

## RAILWAYS

*Mullewa-Perth and Mullewa-Wubin*

2302. Mr DAVIES, to the Minister for Transport:

- (1) Has he received a letter and petition from all of the businesses and other residents of Morawa protesting against Westrail's proposal to delete the Friday-Saturday train from Perth to Mullewa on and from 1st December?
- (2) What action does he intend to take in respect of those protests?
- (3) Is it fact that the Morawa Chamber of Commerce has a letter from his predecessor stating there would be no closure of the train service between Wubin and Mullewa because the wheat and superphosphate carried on this line justified the retention?
- (4) Will he table that letter?
- (5) In view of the concern by Morawa people that the line will be closed, will he reiterate the assurance given by his predecessor?

Mr RUSHTON replied:

- (1) Yes.
- (2) I publicly announced on the 31st October that a road truck service would replace the Friday-Saturday goods train service. The replacement road service will be no less favourable to the communities between Avon and Mullewa than the present train service.
- (3) I understand this to be so.
- (4) No.
- (5) Yes.

NORTHERN AUSTRALIAN  
DEVELOPMENT*Seminar*

2303. Mr DAVIES, to the Premier:

- (1) Is it his intention to attend a Northern Australia development seminar on 10th November in Alice Springs?
- (2) Who are the organisers of the seminar?
- (3) Who is the chairman?
- (4) What other Western Australian members of Parliament and/or Western Australian Government officers are attending the meeting?
- (5) Who is paying for their air fares and the Premier's air fares?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) and (3) The organisers of the seminar are—  
Hon. R. W. S. Vale,  
MLA—Chairman  
Mr M. D. Hopper, NPA  
Mr A. Medcalf—private Queensland businessman together with local volunteers.
- (4) Mr R. Hamilton, Director, Office of Regional Administration and the North West; and  
Mr R. Bird, Marketing Manager, Department of Tourism, who will also be delivering a paper at the seminar.
- (5) The associated costs, including my own, will be paid from respective departmental votes.

GOVERNMENT DEPARTMENTS AND  
INSTRUMENTALITIES*Kununurra Premises*

2304. Mr DAVIES, to the Treasurer:

- (1) What provisions exist to ensure that—  
(a) contracts for Government premises to be built;  
(b) contracts for premises which are leased or hired by the Government, are open to tender?
- (2) How many premises have been—  
(a) built;  
(b) leased or hired by the State Government in Kununurra in each of the past four years?
- (3) Who has been the—  
(a) builder;  
(b) lessor;  
in each case?
- (4) How many and which of the above contracts have been open to tender and/or advertised?

Sir CHARLES COURT replied:

- (1) (a) The responsibility for construction of Government premises rests with the Minister for Works and the policy is that the tender system be used.

- (b) Government policy for the lease of privately owned office accommodation does not permit entering into any lease arrangements unless the owner has existing premises available, or premises under construction, or at least has a firm commitment to build.

No pre-commitment is given to lease space in proposed building projects which would otherwise proceed only on the basis of a Government guarantee to lease all, or part of the proposed premises.

The only exception to this rule which can be recalled is the financial guarantee given and the understanding reached for leasing by a Government department on completion by the Tonkin Government in respect of Curtin House, Beaufort Street.

- (2) (a) Agricultural Department office alterations and additions.  
Police station additions.
- (b) Lot 549 Papuna Street (offices for PWD, Forests Department and Education Department).  
Lots 550 and 551 Papuna Street (accommodation for Office of Regional Administration and the North West).  
Lot 554 Papuna Street (office for Lands and Surveys Department).
- (3) (a) As relates to (2) (a)—L. and B. Doslov.  
(b) As relates to (2) (b)—Hon. Minister for Works.
- (4) As relates to (2) (a)—both contracts were let under the tender system.

- (3) If not, when is it expected that the extensions will be commenced and completed?
- (4) Have advertisements concerning sewerage extensions in the Rivervale area been advertised more recently than November 1975?
- (5) If so, when are they expected to be completed and are the extensions for the same areas as those advertised in November 1975?

Mr O'CONNOR replied:

- (1) Yes.  
(2) No.  
(3) It is proposed to commence construction of this area in 1979-80. Subject to availability of funds, the area will be completed in 1982.  
(4) No.  
(5) Not applicable.

## EDUCATION

### *High School: Merredin*

2306. Mr HARMAN, to the Minister for Education:

- (1) Is it intended to provide a sick bay at the Merredin Senior High School?  
(2) If so, when?

Mr Old (for Mr P. V. JONES) replied:

- (1) Yes. It is part of proposed additions and improvements being planned.  
(2) An architect will be commissioned by the end of the year and work should commence in the latter part of 1979.

2307. *This question was postponed.*

## SEWERAGE

### *Rivervale*

2305. Mr DAVIES, to the Minister representing the Minister for Water Supplies:

- (1) Were advertisements concerning sewerage extensions in Rivervale area advertised in *The West Australian* on 28th November, 1975, code number MWB 686992/74?  
(2) If so, have the extensions been completed?

## HEALTH

### *Trachoma*

2308. Mr HARMAN, to the Minister for Health:

In view of the recent findings of a medical audit in the Kimberley region which showed that 18% of 550 children under 10 years had active trachoma, will he detail the action being taken under the trachoma eradication campaign to minimise this disease in the Kimberley and other parts of Western Australia?

Mr YOUNG replied:

Trachoma is an endemic eye disease which occurs worldwide in communities living in hot, dry, dusty conditions without adequate fly-proofed accommodation and water supplies. It is almost unknown in built up and suburban communities.

The following actions form part of a continuing trachoma eradication campaign—

- (1) Repeated examinations of individuals and communities at risk to ensure early detection;
- (2) treatment of individuals found to have the disease with ointments locally and antibiotics by mouth;
- (3) "blanket" treatment of communities found to have a high incidence of the disease (i.e. all members of the community are treated whether trachoma is diagnosed or not);
- (4) Public Health campaign to minimise flies, to upgrade water supplies and to educate the target population on preventive measures as far as trachoma is concerned;
- (5) surgical treatment by visiting ophthalmologists for complications of long-standing trachomatous scarring of the eyes in adults.

It is confidently predicted that with steadily improving living standards, coupled with the measures above, trachoma will gradually disappear from the Western Australian scene.

## MINING: COAL

### *Federal Funds*

2309. Mr T. H. JONES, to the Minister for Fuel and Energy:

In view of the fact that the Federal Government has announced approval for grants of \$5.7 million for coal research, \$2 million aimed at increasing productivity and \$1 million towards coal use technology, will he advise:

- (1) Has the State Government applied for any of the funds to be used in this State?
- (2) If "Yes" will he advise of the details of the application?

- (3) If "No" to (1), will he give the matter of making an application for a grant, favourable consideration?

Mr MENSAROS replied:

- (1) Yes.

- (2) (a) It has supported the Australian Coal Industry Research Laboratories Ltd. for funds to carry out a research programme—"Underground Mining Research in the Collie Coal Field"—aimed at increasing the percentage recovery from coal seams in the Collie basin. This has now been approved.

- (b) It has made a direct approach for funds to examine the surface properties, of Collie coal char for producing a metallurgical fuel. This has also been approved.

- (c) Has supported Australian Coal Industry Research Laboratories Ltd. request for funds for the construction of a coal combustion facility at which Collie coal may be tested. Funds have been granted for a detailed design study of the type of combustion facility which will be required for the testing of the whole range of Australian coals. This will be of very real importance to Western Australia in the use of Collie coals, but the main research activity will be centred on the much larger coal deposits existing in other States.

- (d) There are other proposals now approved in the present Commonwealth grants for both underground and open cut coal research studies which will be of benefit to all areas of the coal mining industry in Australia including Collie.

- (3) Not applicable.



## LAND

### *Joondalup*

2310. Mr CRANE, to the Minister for Local Government:

- (1) Is it a fact that the chairman of the Joondalup Corporation, Mr Holmes a'Court, is the chairman of the Bell Basic Industries group which has extensive limestone interests in the land owned by the Joondalup Corporation and the adjoining land owned by the Roman Catholic Archbishop of Perth?
- (2) Is it fact that the Bell Basic Industries group have written to the owners of the land adjoining the Joondalup development area expressing concern that proposed residential development will bring housing close to the area quarried or to be quarried with the possible consequence that demands could be made on them by residents to curtail or otherwise restrict their working?
- (3) Is it fact that the Joondalup Corporation delegated the authority to negotiate with the holders of the mineral claims in the Joondalup land area to Mr Holmes a'Court?
- (4) With the millions of dollars which will possibly be generated from the limestone deposits in the Joondalup area and adjoining land, and the chairman of the Joondalup Corporation's financial interest in these deposits, would it not be in the public interest to replace the chairman with a person without such a financial interest?

Mrs CRAIG replied:

- (1) Yes. Mr Holmes a'Court is Chairman of the Joondalup Development Corporation and is Chairman of Bell Basic Industries Ltd. Bell Basic Industries Ltd. do have mineral claims and applications for mineral claims on the land which has been set aside for transfer to the Joondalup Development Corporation, but the Government has delayed the transfer of this land to the corporation until such time as a satisfactory arrangement has been made between the relevant parties in relation to all mineral claims in this area. Bell Basic Industries Ltd. does not presently mine any limestone on this land.

(2) Mr Holmes a'Court has no knowledge of the matter raised in this question.

(3) It is wrong to say the Joondalup Development Corporation "delegated the authority to negotiate" to Mr Holmes a'Court.

The position is that the corporation was asked to conduct negotiations with the mineral claim holders in this area.

Mr Holmes a'Court has acted as chairman of the meetings that have taken place between mineral claim holders (including Bell Basic Industries Ltd.) and representatives of the Government Departments (Town Planning and DID).

Any agreement reached is subject to approval by the Minister for Local Government.

I understand Mr Holmes a'Court's own advice to my predecessor was that in the best interests of the Joondalup Development Corporation all excavation of limestone in this area should be prohibited, under section 29 of the Mining Act.

(4) There is no such conflict.

## RAILWAYS

### *Northam-Albany*

2311. Mr McIVER, to the Minister for Transport:

- (1) Will any Westrail buses be diverted through Northam to pick up passengers travelling from Northam to Albany having regard that the regular train service is to cease?
- (2) If "No" how are Northam passengers travelling to Albany to be catered for?
- (3) Is it a fact that passengers are being left at Northam on Fridays as the *Prospector* is not able to cater for them?
- (4) What action does he intend to take to rectify the situation?

Mr RUSHTON replied:

- (1) and (2) The question of providing a service for Northam passengers is currently being looked at.

- (3) and (4) Northam passengers are adequately catered for under normal conditions. However, on Friday, 3rd November, 1978, late group bookings were made at Merredin, Northam, and Toodyay totalling 98 passengers and it was not possible to add a further rail car on such short notice.

A number of intending passengers who applied after bookings had closed at Northam and Toodyay were dealt with on a "first in first served" basis until the *Prospector* was fully booked.

It is estimated that 10 intending passengers could not be accommodated.

## WATER SUPPLIES AND SEWERAGE

### *Country: Rates*

2312. Mr SHALDERS, to the Minister representing the Minister for Water Supplies:

- (1) Was a claim made by the leader of the National Party and reported in *The West Australian* 6th November, 1978, that certain water rates in country areas had been increased by 33-1/3%?

- (2) Is this claim fact?

- (3) (a) Have rates for any classification of water supplies or sewerage services been increased in country areas; and

- (b) if so, would the Minister please supply details of such increases?

Mr O'CONNOR replied:

- (1) I have read a newspaper report that the member for Merredin had made such a claim.

- (2) No.

- (3) (a) Yes.

- (b) Water Rates:

Minimum payable for all categories increased from \$2 to \$10.

Maximum domestic rate increased from \$25 to \$30.

Sewerage Rates:

Minimum payable increased from \$2 to \$10 in all towns.

Town of Geraldton increased from 6.5 cents in the dollar to 7 cents in the dollar.

Towns of Karratha and Wickham increased from 14 cents in the dollar to 15 cents in the dollar.

## PRISON: FREMANTLE

*Inmate: Mawley, Mr B. L.*

2313. Dr TROY, to the Chief Secretary:

- (1) Did Boron Lockwood Mawley, a man held prisoner in the Fremantle gaol from 15th April 1976 to 3rd November, 1978, seek medical treatment in January/February of 1978?

- (2) (a) Is it recorded that he was seen first by Dr Tregonning;

- (b) did this doctor refuse him treatment for infected feet?

- (3) Is it recorded that he was seen eight days after the first request by a second doctor who treated him for infected feet?

Mr O'NEIL replied:

- (1) Yes, on numerous occasions.

- (2) (a) Yes, for many and varied complaints.

- (b) There is no medical record of the patient seeking treatment from Dr Tregonning for infected feet.

- (3) He was seen on four occasions during February, 1978 by an acting medical officer during Dr Tregonning's leave and treated for infected feet and hands.

## HEALTH: CHIROPRACTIC

### *Chiropractors: Registration Board*

2314. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that Mr P. Sharp has resigned from the position of Chairman of the Chiropractors Registration Board?

- (2) If "Yes"—

- (a) has a new chairman been appointed yet;

- (b) on what date did the resignation become effective?

- (3) Is there currently an acting chairman?

- (4) If so, what is his name?

Mr YOUNG replied:

- (1) Yes.

- (2) (a) No;

- (b) 25th September, 1978.

- (3) No. In the absence of an appointed chairman, members attending for a meeting of the board and constituting a quorum, select one member from their midst to act as chairman for that meeting in accordance with provision for this in the Act.

- (4) Not applicable.

## HEALTH: CHIROPRACTIC

### *Chiropractors: Act*

2315. Mr HODGE, to the Minister for Health:

- (1) Is the Government currently considering amendments to the Chiropractors Act?
- (2) If "Yes"—
  - (a) what is the nature of the changes proposed; and
  - (b) when is it anticipated they will be introduced into Parliament?
- (3) Has the Government received submissions for changes to the Chiropractors Act from any group or organisations other than the United Chiropractors Association?

Mr YOUNG replied:

- (1) No.
- (2) Not applicable.
- (3) No.

## HOUSING AND SEWERAGE

### *Swan Location 6400*

2316. Mr WILSON, to the Minister for Housing:

- (1) Can he say when detailed planning proposals for Swan Location 6400 and adjacent land are expected to be available?
- (2) Can he explain the apparent contradiction between information supplied in answer to question 2182 of 1978 to the effect that the provision of sewerage to Swan Location 6400 and adjacent areas can be anticipated and that contained in answer to question 2249 of 1978 by the Minister representing the Minister for Water Supplies, indicating that there is no provision for sewerage works to serve this area in the current development plan 1978/83?

Mr RIDGE replied:

- (1) No, because this will depend on the finalisation and approval of outline planning.
- (2) The State Housing Commission is aware that the Metropolitan Water Board has made no provision in its planning to sewer this area, but as the commission is

not aware of any change in policy to the contrary, it anticipates that provision of sewerage will be a condition of planning approval.

## HOUSING

### *Swan Location 6400*

2317. Mr WILSON, to the Minister for Housing:

In view of information circulating in the local community that the State Housing Commission has negotiated the sale of Swan Location 6400, or land in that vicinity of approximately five acres in area, to the Greek Orthodox Church for the sum of approximately \$26 000, will he give an unequivocal assurance that no such offer has been made and accepted whether subject to or not subject to pending development proposals?

Mr RIDGE replied:

The negotiations with the Greek Orthodox Church are as stated in the answer to question 2182 of 1st November, 1978. The State Housing Commission has no firm commitment and no price has been nominated for the land in question.

## TRANSPORT: BUS

### *MTT: Mirrabooka Shopping Centre*

2318. Mr WILSON, to the Minister for Transport:

- (1) Further to the answer supplied to question 1833 of 1978, can he say whether or not negotiations with the State Housing Commission for acquisition of land for a bus transfer station at Mirrabooka have yet been finalised?
- (2) If "No" when is it anticipated that such negotiations will be completed?
- (3) What is the anticipated completion date of the bus transfer station?

Mr RUSHTON replied:

- (1) No.
- (2) and (3) This is not known.

## EDUCATION

### *School Canteens*

2319. Mr WILSON, to the Minister for Education:

- (1) Do disputes exist in a number of schools involving canteen committees parents and citizens associations and principals over the issue of school canteens being used as major fund raising agencies?
- (2) Has the department laid down any guidelines regarding a fair profit margin in the operation of school canteens?
- (3) If "Yes" to (2), what is the margin that is suggested?
- (4) What is the department's overall policy in relation to the establishment and ongoing management of school canteens?

Mr Old (for Mr P. V. JONES) replied:

- (1) to (4) The Education Department's overall policy is to provide facilities for the operation of canteens in schools.

It leaves the functioning of the canteen to the principal of the school in conjunction with the parents of children attending the school. In most cases a canteen sub-committee handles internal policy and procedures under the control of the parent group.

## CONSUMER PROTECTION

### *Land Sales in Eastern States*

2320. Mr WILSON, to the Minister for Consumer Affairs:

- (1) With reference to the answer given to question 1846 of 1978, in which he stated that he was not aware of any recent complaints in relation to the advertising of land for sale on Russell, Macleay and Lamb Islands, can he say whether the matter was taken up with the Bureau of Consumer Affairs by the Real Estate Institute of W.A. in July 1977?
- (2) If "Yes" what was the outcome of the Real Estate Institute of W.A.'s representation?

- (3) What stage has been reached in the investigation being undertaken by the Commissioner of Consumer Affairs into the continued advertising of such land sales, and when is it anticipated that he will be in a position to take appropriate action?

Mrs Craig (for Mr O'CONNOR) replied:

- (1) The only correspondence received by the Bureau of Consumer Affairs from the Real Estate Institute of Western Australia relating to Russell and Macleay Islands was dated May, 1977. There is no record of any correspondence dated July, 1977 having been received.
- (2) The correspondence related to the purchase of a particular block of land by an individual in April, 1974 which subsequently proved to be unsatisfactory.
- (3) The Commissioner of Consumer Affairs is satisfied that recent advertising of the land has not been misleading and therefore no other action was warranted.

## EDUCATION

### *Pre-primary Centres: Preference in Enrolments*

2321. Mr TAYLOR, to the Minister for Education:

- (1) As a general practice, does his department give preference to those desiring to enrol in pre-school centres who indicate that they will be enrolling the following year in the primary school associated with that school?
- (2) Has his department given any directives that children who are subsequently to enrol in a primary school in the Catholic school system are to be given a lower priority in enrolment to pre-school centres than children who are likely to enrol the following year in the associated State primary school?
- (3) If an example of apparent discrimination in the form outlined above is drawn to his attention, would he intervene in order to allow a first-come-first-served order to prevail?

Mr Old (for Mr P. V. JONES) replied:

- (1) Children who live in the vicinity of a pre-primary centre are normally enrolled in order of application, irrespective of the primary school they will attend later.
- (2) No.
- (3) Any case of apparent discrimination will be investigated and appropriate action taken if necessary.

## PORTS

### *Authority at Walcott*

2322. Mr JAMIESON, to the Minister for Transport:

- (1) Is it the intention of the Government to place the Port Walcott area under a port authority when the north-west shelf gas project proceeds?
- (2) What is the expected timetable for the establishing of such an authority?
- (3) (a) Will a general service wharf be constructed for the proposed authority; and  
(b) if so, at what location?
- (4) Will the port authority take over full responsibility of shipping to—  
(a) Dampier salt;  
(b) Cliffs Robe River; and  
(c) Hamersley Iron projects?

Mr RUSHTON replied:

- (1) to (4) All of these issues are still under consideration by the Government. When the Government has determined its approach it will enter into discussions with all the parties involved. On completion of those negotiations the Government will announce its intentions.

## TRAFFIC ACCIDENTS

### *Claims For Damages*

2323. Mr BERTRAM, to the Minister for Local Government:

- (1) Is there a recent decision of the High Court of Australia pursuant to which people claiming damages for personal injuries arising from motor vehicle accidents are entitled to recover larger sums of money by way of loss of earnings because of the new law in respect of the treatment of income tax in such claims?

- (2) If "Yes" is it her intention to seize an early opportunity to take an appropriate case by way of appeal to the Privy Council in England with a view to obtaining a judgment less favourable to claimants?

- (3) Is it her intention to legislate in order to restore the law on this matter to the position which it was thought to be in immediately prior to the said High Court decision?

- (4) Is it her intention to abide by the said High Court decision?

Mrs CRAIG replied:

- (1) to (4) No, but there is a decision of the High Court relating to damages for wrongful dismissal which does indicate a new basis for damages in that regard.

## MAGISTRATE

### *Albany*

2324. Mr BERTRAM, to the Minister representing the Attorney General:

Further to the Minister's answer to question 1918 of 12th October, 1978:

- (1) What is his objection to tabling the written complaint received by him touching on the seizing of documents of the Albany Court?
- (2) What were the circumstances giving rise to the police obtaining the relevant search warrant and executing it?

Mr O'NEIL replied:

- (1) The communication received by the Attorney General from the magistrate was of a private nature and it would be inappropriate for it to be tabled.
- (2) The original documents were sought by the police in the preparation of their case. The search warrant was used to provide the authority for the clerk of courts to release the documents into police custody pending committal proceedings.

## POLICE

*Warrants to Search and Seize*

2325. Mr BERTRAM, to the Minister representing the Attorney General:

- (1) What are the administrative arrangements to which he referred in his answer to question 2213 of 2nd November, 1978?
- (2) In what circumstances will the police be permitted to invoke their ultimate right to search for documents?

Mr O'NEIL replied:

- (1) and (2) A statement of Government policy and instructions to police officers have been made public and appear in full in the Law Society circular No. 17 of 1978.

If the member does not have a copy, the Attorney General would be pleased to make one available to him.

## CROWN LAW DEPARTMENT

*Articled Law Clerks*

2326. Mr BERTRAM, to the Premier:

Is it a fact that as a result of Government policy articled law clerks currently employed in the Crown Law Department will be dismissed as soon as their terms of articles are completed and before they have qualified to practise as legal practitioners on their own account without supervision?

Sir CHARLES COURT replied:

No, it is not Government policy to dismiss persons who are admitted to practice after serving articles with the Crown Solicitor.

Such practitioners can, however, only be employed by the Crown Law Department if vacancies exist.

This has been the case ever since the Crown Solicitor had clerks articled to him. It is not a recent innovation.

That fact is well known to articled clerks (including those currently with the department) as the Crown Solicitor takes pains to explain the situation to them at the commencement of their articles. Furthermore, section 10 of the Legal Practitioners Act requires that persons articled to the Crown Solicitor must, on completion of articles, and

before being entitled to practise on their own account, have at least five years experience in the Crown Solicitor's office.

Hence, in order to be entitled to practise on their own account without supervision, such practitioners would have to be employed by the department for five years.

The same section allows such practitioners to practise on their own account after only one year in the office of a practitioner practising on his own account.

## LEGAL AID COMMISSION

*Funding*

2327. Mr BERTRAM, to the Premier:

Further to his answer to question 2215 of 1978, relevant to legal aid funding, bearing in mind that his department made a grant of \$100 000 to one litigant alone, is his department satisfied that the sum of \$569 000 which has been paid to the Legal Aid Commission in the last 4½ years is a fair and reasonable amount?

Sir CHARLES COURT replied:

The Legal Aid Commission has only been in operation since 17th April, this year.

In any case, the reference to \$100 000 has no relevance to the operation of the Legal Aid Commission or its predecessors.

## TRAFFIC

*Narrows Bridge*

2328. Mr BERTRAM, to the Minister for Transport:

Further to his answer to question 2224 of 1978, will he supply all of the details upon which he based his assertion that the Narrows Bridge will cope with the cross river traffic for the foreseeable future?

Mr RUSHTON replied:

Within the next few years it is proposed to convert one footway on the bridge to

a traffic lane so that the bridge can be operated on a 4/3 reversible lane system.

The additional capacity thus provided will cater for forecasted traffic for the foreseeable future.

Other improvements to the road network generally could also be expected in future years which would result in redistribution of some traffic to other routes.

## TRAFFIC

### *Main Street*

2329. Mr BERTRAM, to the Minister for Transport:

Further to his answer to question 2225 of 1978, what are the objections being raised by the City of Perth to the modification to the intersection of Main and Brady Streets, Osborne Park, which were agreed as long ago as 1970?

Mr RUSHTON replied:

The metropolitan region plan designates Scarborough Beach Road west of the intersection and Green Street east of the intersection as "important regional roads". The Perth City Council maintains that the emphasis should be on Scarborough Beach Road as the major route east of the intersection instead of Green Street.

## TRAFFIC

### *Prosecutions*

2330. Mr BERTRAM, to the Minister for Police and Traffic:

Is it a fact that traffic prosecutions initiated by the Road Traffic Authority are frequently being removed from hearing lists without the prior knowledge and approval of the relevant magistrate?

Mr O'NEIL replied:

Once listed by the court for hearing, no charge may be withdrawn or the hearing adjourned without the prior knowledge and approval of the magistrate.

## LOCAL GOVERNMENT

### *Rebate: Pensioners*

2331. Mr SKIDMORE, to the Minister for Local Government:

- (1) Do pensioners seeking to avail themselves of the pensioner rebate on shire rates have to sign an application form?
- (2) If so, would she have printed on such forms the conditions applicable to the granting of such concessions so that applicants are fully aware of their commitment, either on death or at the sale of property?

Mrs CRAIG replied:

- (1) Yes.
- (2) In view of recent amendments to the legislation a review of the form is necessary and the suggestions by the member will be considered.

## BIRDS

### *Confiscation*

2332. Mr SKIDMORE, to the Minister for Fisheries and Wildlife:

Adverting to my question 2173 of 1978:

- (1) Where were the four birds that were confiscated housed?
- (2) Were these birds kept in isolation from other birds of the same species so that they could be readily identified?
- (3) If answer to (2) is "Yes" will the four birds confiscated now be returned to their owner?
- (4) If the answer to (2) is "No" how is the department going to identify the birds so that they can be returned to their rightful owner?
- (5) What species of birds were confiscated?

Mr O'CONNOR replied:

- (1) Zoological Gardens, South Perth.
- (2) For a period, yes.
- (3) No.
- (4) Property in fauna is vested in the Crown until such time as it has been lawfully taken and held under licence. The sulphur-crested cockatoo was held illegally under the Agriculture and Related Resources Act.
- (5) Three long-billed corellas and one sulphur-crested cockatoo.

**URANIUM (YEELIRRIE)  
AGREEMENT BILL**

*Codes of Practice*

2333. Mr SKIDMORE, to the Minister for Industrial Development:

On page 13 of the Bill for an Act to ratify an agreement between the State of Western Australia and Western Mining Corporation Ltd. and with respect to the mining and treatment of certain uranium ore reserves. Clause 13 subclause (1) mentions three codes of practice, will he table those three codes?

Mr MENSAROS replied:

Yes.

*The papers were tabled (see paper No. 476).*

**TRAFFIC**

*Motor Vehicles: American Four-wheel-drive  
Vehicles*

2334. Mr BATEMAN, to the Minister for Police and Traffic:

- (1) Is it a fact that a quantity of four-wheel left hand drive vehicles were bought from the United States navy at Exmouth by auction through the Department of Supply?
- (2) Is it also fact that the Road Traffic Authority will not license these vehicles, even though the vehicles have been thoroughly checked for roadworthiness and converted to right-hand drive?
- (3) If answer to (1) and (2) is "Yes" will he state the reasons why such action is being taken by the Road Traffic Authority to not license these vehicles?

Mr O'NEIL replied:

- (1) and (2) It is understood that tenders were recently called by the Commonwealth Department of Administrative Services for the purchase of used vehicles and other equipment ex United States Naval Communication Station, Exmouth, and that in a circular to intending purchasers, the Department of Administrative Services advised that left-hand drive vehicles would not be licensed for use on Western Australian roads.
- (3) Except in special circumstances it is not the policy of the Road Traffic Authority to license vehicles that have not been certified by the Australian Motor Vehicle Certification Board as complying with Australian Design Rules.

**QUESTIONS WITHOUT NOTICE**

**MINING: IRON ORE**

*Projects in Pilbara*

1. Sir CHARLES COURT (Premier): On Thursday, the 2nd November, the Deputy Leader of the Opposition asked me a question, No. 2235, to which I replied that I would obtain the information and then advise him of it. I am now in a position to give him the information requested, which is as follows—
  - (a) The primary responsibility for project infrastructure has been with the companies involved in the various iron ore developments. The annual Budget Estimates presented to this Parliament provide information on Government expenditure in the region. Such expenditure is attributed in part to the effects of the industrial developments. However, the indirect or consequential needs are interwoven with the normal needs of the communities, and as such have not been costed separately.
  - (b) Approximately \$1 350 million in capital cost—expressed in dollars at the time the expenditure was incurred and not in today's dollar values—has been spent to date by the four Pilbara iron ore companies for infrastructure purposes associated with their projects. This amount includes the capital cost of railways and port facilities which total \$531 million and \$312 million respectively to date.



## LANDS AND FORESTS DEPARTMENTS

### *Professional Staff*

2. Mrs CRAIG (Minister for Local Government): I wish to advise the House that the answer to part (2) of question 2230 on the 2nd November, 1978, should read as follows—

	Lands	Forests
1978 to October	10	3

## MINING BILL: OPPOSITION

### *Source: Press Statement by Minister*

3. Mr DAVIES, to the Minister for Mines:

- (1) Has he received a copy of the transcript of the interview he gave *The Australian* in which he reportedly claimed Lang Hancock was inspiring and paying for all the opposition to the Mining Bill?

- (2) Does the transcript read—

“Mr Mensaros: The committee or whatever you call it—the executive—has disowned the letter and so has the Law Society.

“The Australian: “That’s amazing.

“Mr Mensaros: Well it’s not amazing you know. It’s not amazing when you know that all the opposition comes from one source and is paid for by one source. It’s not amazing. That one source gets the underlings of these societies and does anything.

“The Australian: And can you perhaps suggest to me what the source is?

“Mr Mensaros: I think you are much more intelligent—that you would know (pause). Lang Hancock of course. Full stop. No doubt about that, not the slightest.”?

- (3) In the light of the transcript, will he please explain to the House why he misled it yesterday by claiming that the article which *The Australian* published as a result of that interview was not a correct report of what he said?
- (4) Further, will he now make available to the House, all the evidence he has on which he bases his claim that Mr Hancock is inspiring and financing all the opposition?

Mr MENSAROS replied:

- (1) to (4) I have received a letter which was directed to me and which was partly read out by the Leader of the Opposition. I have not had time to compare the citation there with the tape, but I had an opportunity this morning to listen to the tape recording of the interview which appeared in *The Australian* on the 3rd November, 1978. It is a fact that during the interview at one stage I said that all the opposition to the Bill came from one source. I also named Mr Hancock as the source.

Yesterday I did not think I had done so, but it was difficult to recall details, remembering that I have given quite a number of interviews on the subject of the Bill. Regrettably, I used the word “all” when what I meant to say was “most”, “part of”, or something like that.

While a lot of the opposition goes back to Mr Hancock, if one looks at the whole interview one finds I made it clear at other stages that there was opposition from other sources. For example, I explained to the reporter that some criticism was the result of people misunderstanding the Bill. I also made the point that to my mind the real criticism came from two other areas. Firstly, from prospectors who opposed the Bill on the grounds that, “the devil you know is better than the devil you don’t know”.

I told the reporter in clear terms that I could appreciate this point of view, and that no matter how vociferous he was the small prospector was not going to read all the pages of the Bill. However, I could appreciate his natural aversion to it.

I also talked in the same interview of genuine opposition from another quarter. This, I explained, was opposition which comes from those known in the mining industry as real estate peggers.

So it can be seen that while I said at one stage that all opposition came from the one source, that is not what I meant.

I gave several clear indications of opposition from sources other than Mr Hancock; from sources directly involved in the industry, including prospectors. However, having now had the opportunity to hear the tape, it is clear I was correctly reported if it relates to one particular part of the interview, but which is out of context with the total interview.

#### MINING BILL: OPPOSITION

*Source: Press Statement by Minister*

4. Mr GRILL, to the Minister for Mines:  
In view of the fact that it has now been proved that the Minister claimed all opposition to the Mining Bill is coming from and being financed by Lang Hancock, and in view of his failure to provide the House with any concrete evidence of this fact, will he now retract the statement and apologise to the hundreds of goldfields people who genuinely and conscientiously object to the Bill?

Mr MENSAROS replied:

In my reply to the previous question I said that although at one stage of the interview I said the opposition to the Bill comes all from one source, that is not what I meant to say and it is evident from the whole context of the interview that I did not mean to say it. Therefore, if somebody feels offended I am quite happy to apologise.

#### MINING BILL: OPPOSITION

*Source: Press Statement by Minister*

5. Mr DAVIES, to the Minister for Mines:  
Did I understand the Minister first of all to say he had not had time to listen to the tape again?
- Mr Mensaros: No, I said I did not compare the letter with what was on the tape.
- Mr O'Connor: You are quoting him out of context.
- Mr DAVIES: No I am not; I am asking the Minister a direct question which requires only a "Yes" or "No" answer. I do not need the Minister for Labour and Industry to put words into my mouth.

Mr O'Connor: You are twisting his words.

Mr DAVIES: Is the Minister for Mines prepared to make the tape available to the House?

Mr Mensaros: As soon as I obtain a transcript of the tape recording—which will be carried out during office hours—I will be quite happy to make it available to the House.

Mr DAVIES: Has the Minister undertaken to make available the transcript or the tape recording?

Mr Mensaros: The transcript.

Mr DAVIES: Was it at the Minister's suggestion that the matter be put on tape and did the Minister supply the cassette and the tape recorder on which the recording was made?

Mr MENSAROS replied:

When the interview commenced, I said that I would tape it. When the interview concluded, I offered the tape to the interviewer saying that she might not have understood me at some stages of the interview and that the tape may assist her in compiling the article. She replied to the effect that it was a singular courtesy which she had never before experienced.

#### LOCAL GOVERNMENT

*Swan Shire*

6. Mr SKIDMORE, to the Minister for Local Government:

Further to my question last night regarding the matter of allegations of malpractice by two councillors of the Swan Shire Council, is it a fact that the statutory declaration reveals that—

- (1) The two councillors named are Councillor L. D. Marshall, Shire President and Councillor C. Georgeff, Deputy Shire President?
- (2) Is it also stated that a sand contract was let to a firm that is owned or controlled by Councillor Marshall?
- (3) Is it also stated that a son of Councillor Marshall actually provided the trucks and machinery for the carrying out of the contract?

- (4) Is it also stated that the sand for the contract was supplied from a sand pit owned or under the control of Councillor Georgeff?
- (5) Would the Minister indicate the details of the tender prices submitted, the names of the tenderers and all details that were submitted to the shire for consideration by all tenderers for the contract?

Mrs CRAIG replied:

I thank the member for Swan for ample notice of this question, the answer to which is as follows—

- (1) to (5) Because these matters have not yet been investigated it would not be appropriate to give answers at this stage.

#### EXPLOSIVE DEVICES

##### *Warnbro Area: Committee*

7. Mr BARNETT, to the Deputy Premier:  
Relative to the high explosives in the Warnbro area—
  - (1) (a) Has the committee set up to co-ordinate the search been instructed not to talk to me about its programme or developments of it?
  - (b) If "Yes", why?
  - (2) What area has been searched since the committee was set up?
  - (3) Have high explosive shells been found and, if so, how many?
  - (4) Have they been exploded *in situ* or just marked or taken away?

Mr O'NEIL replied:

I thank the member for Rockingham for most adequate notice of the question, the answer to which is as follows—

- (1) (a) and (b) No.
- (2) Equipment testing was carried out over an area of approximately five hectares.
- (3) Yes.  
One shell, minus a nose cone, but otherwise intact.  
Approximately half of a shell containing explosive.

- (4) Both items were exploded in the area. Being safe to move, they were destroyed in a prepared heavily sandbagged, underground position nearby.

As announced on the 4th October, the purpose of this exercise was to test equipment, not to carry out an operational search at this time.

#### BIRDS

##### *Confiscation*

8. Mr SKIDMORE, to the Minister for Fisheries and Wildlife:

Did I understand the Minister to say in reply to question 2332 on today's notice paper that only one bird out of four was held contrary to the regulations, or was more than one bird so held? Were any birds held within the rules and regulations which thus should rightfully be returned to the owner?

Mr O'CONNOR replied:

My understanding is that the person who held these birds had no licence to hold any of them.

#### MINING: BAUXITE

##### *Alcoa: Disagreements with Government*

9. Mr H. D. EVANS, to the Minister for Industrial Development:

I have not given the Minister prior notice of this question; however, in view of what has happened with the Alcoa papers, he should be in a position to answer it. In the event of the need for arbitration to resolve disagreements between Alcoa and the State regarding bauxite mining and Alcoa's leases, as required under 3(a) of the EPA report, 1978, and accepted by the company, will the Minister advise—

- (a) whether a special arbitration body is to be set up to deal with such disputes and if so, what members will it comprise;
- (b) if any special body is to be created before—

The SPEAKER: Order! I have some doubt about the admissibility of this question because it appears to me to be of a

hypothetical nature. In view of those circumstances, I ask that the question be handed in to the Clerk and I will make a decision as to whether or not it is acceptable.

## MINISTER FOR MINES

### *Resignation*

10. Mr GRILL, to the Minister for Mines:

- (1) Is the Minister aware that well known members of the eastern goldfields community, including the Mayor of Kalgoorlie, have called for his resignation as a Minister because of his prevarication in answering questions relating to his reported statements in *The Australian* of Friday, the 3rd November, 1978?
- (2) Does the Minister concede that where a Minister misleads Parliament in respect of a material fact or facts, the proper course is for him to resign?

Mr MENSAROS replied:

- (1) and (2) Mr Speaker, I think I can properly take exception to this question. I do not know anything of what the honourable member said. I repeat and emphasise that I did not mislead Parliament. In answer to questions yesterday, I deliberately did not use the affirmative mood; rather, I used the subjunctive mood because obviously, when faced with a barrage of questions without notice, I would not have been able to recall exactly in detail every word I said a week earlier.

## LOCAL GOVERNMENT

### *Information Leakage*

11. Mr DAVIES, to the Premier:

Did he see a report on page 4 of the *Daily News* of Monday, the 6th November, headed, "Councillors tell of leaked secrets"? Does he have any

knowledge of the alleged leaks? Has he taken any action to see whether any leaks in fact occurred? In view of the fact that, on another occasion, the Premier relentlessly pursued a clerk who allegedly leaked information, will he follow up this matter with the same relentlessness?

Sir CHARLES COURT replied:

I would not have read that newspaper article because I was not here on the 6th November until very late that night.

Mr Jamieson: It was in earlier newspapers, too.

Sir CHARLES COURT: I have not seen the article. However, now the Leader of the Opposition has raised the matter I will examine the article to ascertain what the complaint was, and by whom and under what circumstances it was made.

## LOCAL GOVERNMENT

### *Information Leakage*

12. Mr DAVIES, to the Minister for Urban Development and Town Planning:

I ask the Minister whether she saw the article on the 6th November headed "Councillors tell of leaked secrets"? As this matter related to the MRPA, and as secrets were allegedly leaked to councillors of the Town of Canning, can she advise what action she has taken to investigate the matter, particularly as developers were supposedly given this secret information?

Mrs CRAIG replied:

In reply to the Leader of the Opposition, yes, I am aware of the article in the paper. The action that I have taken is to ask the Commissioner of Town Planning to investigate the accusation that was made in the paper of that date.