

Mr. Jamieson: You be careful and make sure whether or not I said that. If you are quoting from the Press again, you had better be sure of the facts.

Mr. HUTCHINSON: The paper reported—

Electricity charges will rise throughout the Electricity Commission's grid system on November 1.

Did the Minister say that?

Mr. Jamieson: That is a Press comment.

Mr. HUTCHINSON: In another place, Mr. Clive Griffiths asked a question today.

The SPEAKER: Is the honourable member replying to the debate?

Mr. HUTCHINSON: Yes. This has direct application to the subject we are discussing.

The SPEAKER: We are not dealing with questions.

Mr. Bickerton: You got away with murder a while ago.

Mr. HUTCHINSON: I will tell members what transpired.

The SPEAKER: Give a broad outline.

Mr. HUTCHINSON: Yes. The first question asked by Mr. Clive Griffiths related to whether the Minister for Electricity was correctly reported in *The West Australian* on Tuesday, the 5th October, relating to higher State electricity charges. That is virtually the question expressed in my own words. However, I cannot alter the answer because it consists of only one word which is, "Yes."

Mr. Jamieson: Yes. The electricity charges are to be higher. There is nothing wrong with that. I was correctly reported on that.

Mr. HUTCHINSON: But all the time the Minister intended that the people should make retrospective payments of increases, not only from the 1st November.

Mr. Jamieson: All the time I expected the normal procedure of the commission to be followed.

Mr. HUTCHINSON: Finally I say that this is most unfair. Under one of the portfolios handled by the Minister, dealing with Metropolitan Water Board affairs, an averaging system is adopted when a water meter breaks down and an obvious mistake is made. The Metropolitan Water Board averages out the account because it believes it is unfair that people should be charged wrongly.

Why cannot the Government salvage something from this situation and reconsider it in the interests of the people instead of fooling them again? The averaging system could work. The people believe that the rise in prices will operate from the 1st November when in fact it will have retrospective application. Why does he not

take some action to avoid this in the interests of the people his Government purports to represent?

I hope the Government will reconsider this matter in its quieter moments. I say again that the Government stands condemned on the increased electricity charges, and I ask the House to agree with me by passing this motion.

Question put and a division taken with the following result:—

Ayes—21

Mr. Blaikie	Mr. O'Neill
Sir David Brand	Mr. Reid
Mr. Court	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Stephens
Mr. Gayfer	Mr. Thompson
Mr. Grayden	Mr. Williams
Mr. Hutchinson	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	

(Teller)

Noes—21

Mr. Bateman	Mr. Lapham
Mr. Bickerton	Mr. May
Mr. Brady	Mr. McIver
Mr. Brown	Mr. Moller
Mr. Cook	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. A. E. Tonkin
Mr. Hartrey	Mr. J. B. Tonkin
Mr. Jamieson	Mr. Harman
Mr. Jones	

(Teller)

Pairs.

Ayes	Noes
Mr. Ridge	Mr. Graham
Mr. O'Connor	Mr. Burke
Mr. Lewis	Mr. Davies
Mr. Nalder	Mr. Bertram

The SPEAKER: The voting being equal, I give my vote to the Noes.

Question thus negatived.

Motion defeated.

House adjourned at 10.35 p.m.

Legislative Council

Thursday, the 7th October, 1971

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

QUESTIONS (7): ON NOTICE

1.

EDUCATION

Wagin Junior High School

The Hon. S. T. J. THOMPSON, to the Leader of the House:

- (1) Has the Education Department any plans for improving facilities at the Wagin Junior High School?
- (2) If so, when is work likely to commence on any proposed extensions?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) M. Feilman and Associates have been commissioned to carry out the additions. Working drawings and specifications have to be prepared before work can commence. The extensions should be completed early in 1972.

2. POULTRY FARMING

Quotas and Levy

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) How many birds will be licensed under the quota system currently being granted by the Egg Marketing Board?
- (2) On how many birds in Western Australia is the levy, under the Poultry Industry Levy Act of the Commonwealth, being collected?
- (3) (a) How many producers have over their quota of birds; and
(b) what is the total number of birds involved?
- (4) Is it the intention of the Minister for Agriculture to enforce the immediate slaughter of these birds, in spite of the relatively small number of birds involved and their insignificance in the overall scheme?
- (5) Is the Minister aware that he is ordering the small producer to incur great financial hardship as in many cases there is not a market for these birds, and that in some cases he is ordering them to kill many times the number of birds that they are allowed to keep?

The Hon. W. F. WILLESEE replied:

- (1) Approximately 1,185,281, which figure will be varied in accordance with Ministerial instructions regarding appeals.
- (2) Numbers of leviable hens vary from fortnight to fortnight. Year ending 30th June, 1971 average 871,462. For the first four levy periods of 1971-72, average number of leviable hens was 995,580.
- (3) (a) As at 30th September, 1971, approximately 140.
(b) As at 30th September, 1971, approximately 27,000.
- (4) and (5) The Board has agreed to the Minister's request that producers be given until the 14th October, 1971 to effect reductions of flock numbers where necessary, and in the case where appeals are pending, the Board has agreed to the Minister's request to extend time to allow producers a month after they have received the Minister's decision regarding appeals.

When licenses were originally issued in mid July, 1971, all licensed producers were advised that they would have to reduce flocks by 14th October, 1971 (3 months notice) so all those producers who had additional birds have had ample time in which to reduce their flocks.

3.

PRISONS

Bunbury and Broome

The Hon. W. R. WITHERS, to the Chief Secretary:

- (1) As the replies to my questions on the 5th October, 1971, concerning the Broome and Bunbury gaols, reveal that Broome had 320% more prisoners and 231% less gaol staff than Bunbury in the period 1st January to the 20th September, 1971, will urgent consideration be given to upgrading the Broome gaol?
- (2) In view of the fact that the Broome gaol has a smaller gaol space per prisoner in a torrid district that has a greater population expansion rate than Bunbury, will the Chief Secretary advise—
(a) the plans for upgrading;
(b) if they will be of the same standard as Bunbury;
(c) when the upgrading will commence; and
(d) when the new plans will be completed?

The Hon. W. F. WILLESEE (on behalf of the Hon. R. H. C. Stubbs) replied:

- (1) As the inmates at Broome are mainly short sentence prisoners it is not considered that additional staff is necessary. Bunbury, on the other hand, is a Rehabilitation Centre and the inmates are long sentence prisoners receiving training which necessitates extra specialised staff.
- (2) (a), (b), (c), (d) Plans for a new gaol at Broome will be drawn up when a suitable site is obtained. Certain urgent works to the existing building are at present in the planning stage. These include a new kitchen and dining facilities and a cool room.

4.

LOCAL COURT, MORAWA

Closure

The Hon. J. HEITMAN, to the Minister for Police:

Further to my questions on Tuesday, the 5th October, 1971—

- (1) What were the circumstances existing when the decision to close Morawa Local Court was taken?

- (2) As Morawa has three times the number of Local Court complaints as Mingenew, where does the economics of the case fit in?
- (3) Is the answer to my question that the number of Local Court complaints issued at Morawa was 114 in 1969, and 140 in 1970, correct?

The Hon. J. DOLAN replied:

- (1) The Police Officer had resigned as part-time Clerk of Courts and the volume of work did not justify the appointment of a full-time officer.
- (2) The economics depended on the cost of the staff required to carry out the duties.
- (3) Yes.

5. MIDLAND JUNCTION ABATTOIR

Daily Throughput

The Hon. S. T. J. THOMPSON, to the Leader of the House:

- (1) What was the highest daily aggregate of sheep and lambs killed at Midland Abattoirs prior to the commencement of the new chains?
- (2) What has been the highest daily aggregate since the new chains have been in operation?
- (3) When is it expected that the daily aggregate will reach 12,000?

The Hon. W. F. WILLESEE replied:

- (1) 8,417 on 26th August, 1969.
- (2) 9,439.
- (3) In approximately three weeks.

6. HOUSING

North West Region

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Is it the plan of this Government to build State Housing Commission homes on blocks of land situated next to blocks used for native transitional homes in the north of this State?
- (2) If so—
 - (a) what is the cost of a State Housing home in Kununurra; and
 - (b) have persons refused to live in such houses?

The Hon. W. F. WILLESEE replied:

- (1) In accordance with a long standing policy of integration of the previous Government, with which this Government fully approves—where housing for families of

Aboriginal descent can be located throughout normal residential areas this will be done.

In the Kununurra area, as in most shires, such arrangements have been made with the full knowledge and, invariably, the consent of the local authority.

- (2) (a) Of the order of \$17,000.
- (b) In Ironwood Drive, Kununurra, a house was built with approval of the local authority for the Department of Native Welfare in 1966. The house is not dissimilar in appearance with the then standard State Housing Commission homes which were erected on adjoining and adjacent sites to take advantage of State capital invested in roads, water supply, electricity, and other public services. One of these S.H.C. homes was declined by three applicants, but is now occupied.

7.

NATIVES

Housing: Metropolitan Area

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Are the transitional type homes constructed for Aborigines in the Kimberley suitable for erection in the City?
- (2) If so, what City Council will allow a construction of this type with the same specifications?
- (3) If the answer to (1) is "No", is this fair to the Aboriginal families?

The Hon. W. F. WILLESEE replied:

- (1) No.
- (2) See answer to (1).
- (3) The type of housing erected in various parts of the State is designed to the particular circumstances in those areas. Local authorities recognise this and while transitional houses have been approved in many parts of the State including the Kimberleys no city authority has approved their erection. Some conventional houses have been erected in the Kimberleys and in general I believe the overall policy to be equitable.

SALES BY AUCTION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. J. M. Thomson, and read a first time.

RURAL RECONSTRUCTION SCHEME BILL

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. J. Dolan (Minister for Transport), for the further consideration of clause 6.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. Dolan (Minister for Transport) in charge of the Bill.

Clause 6: Section 47H added—

The Hon. J. DOLAN: I move an amendment—

Page 2, line 32—Delete the word "upon" and substitute the words "while it is navigated on a route that is confined to part of".

This amendment has been submitted because when in Committee the Leader of the Opposition and, I think, Mr. Medcalf and Mr. Clive Griffiths, asked whether vessels which carry passengers between Perth and Rottnest, or other places outside Fremantle Harbour, would come under the provision "upon the waters of the Swan" because it was felt that if they did they would come under the provisions of 47J and would require a permit.

I referred this matter to the Parliamentary Draftsman and, on examination, he felt this was the case, but that this amendment would cover the situation. I agree, and under it the vessels referred to would be exempt.

The Hon. A. F. GRIFFITH: The Minister has only half understood the question raised and as a result he has only half answered it. On reflection he might recall that when I was speaking I covered not only vessels which travelled from Barrack St. to Rottnest Island—which was the point raised by Mr. Medcalf—but also any other vessel which might be operating on the waters of the Swan.

In order to ascertain whether a problem existed and, if so, the extent of it I asked the Minister some questions without notice yesterday afternoon and he was good enough to provide the answers at short notice. It will be recalled that the Minister read out quite a long list of vessels which are operating on the Swan River. I must say that I was surprised to find so many vessels did operate. I did not realise this.

The Hon. J. Dolan: A lot are engaged in taking waterside workers across the harbour, and they don't come under the provision relating to the waters of the Swan.

The Hon. A. F. GRIFFITH: It does not matter what they are doing. If we agree to this amendment, my interpretation is—although I may be wrong—that if a vessel, while plying from one place to another which is outside the harbour, travels over a portion of the Swan River, it will be exempt from obtaining a license. However, if a vessel does not travel outside the harbour, but travels only on the Swan River, it must, under this legislation, apply to the commission for a license to do something which it has been doing for many years. The Minister has only half answered the problem, has he not?

The Hon. J. Dolan: I do not think those boats are concerned at all.

The Hon. A. F. GRIFFITH: Why not?

The Hon. J. Dolan: I cannot see it.

The Hon. A. F. GRIFFITH: The vessels which travel from Barrack Street to Rottnest Island are off the hook.

The Hon. J. Dolan: Yes.

The Hon. A. F. GRIFFITH: They will not come under this provision, but any other vessel operating on the Swan River only, during the whole of its journey, must obtain a permit. Would that not be the case?

The Hon. J. DOLAN: The boats on the list I read yesterday do not come under this legislation at all because they are not carrying passengers and charging fares for a journey between Perth or any other place on the river to Fremantle. They operate entirely in the waters of Fremantle Harbour and do not come under the provision relating to the waters of the Swan.

I simply cannot see the point, because any vessel which is moving out of Fremantle is using the waters of the Swan for only part of the full journey. Some may be going on fishing expeditions and may be licensed to carry groups of people as, indeed, many fishing clubs are licensed. They will be exempt.

The Hon. A. F. GRIFFITH: The Minister will recall I asked the question—

How many passenger vessels operate on inland waters other than those belonging to the M.T.T.?

I used the expression "inland waters" when "waters of the Swan" might have been better. However we must bear in mind that at that stage we had not amended the Bill to allow for "waters of the Swan" which words now appear in lieu of "inland waters."

To ascertain what I now want to know I assume I must ask the Minister to separate vessels which are operating on the waters of the Swan as distinct from those operating on inland waters.

The Hon. J. Dolan: Inland waters are not mentioned in the Bill.

The Hon. A. F. GRIFFITH: They are not now, but they were. The Minister hurriedly decided the words should be deleted because, after consideration of some of the objections made by members, it appeared the definition encompassed too much water.

The Minister told us the real purpose of the legislation is to control the service between Barrack Street and Mends Street which the M.T.T. has pioneered. These were the very words the Minister used. Yet, I know the M.T.T. did not pioneer that service. I travelled on the bus between Barrack Street and Mends Street 50 years ago.

The Hon. J. Dolan: The M.T.T. is the only one to run a regular service.

The Hon. A. F. GRIFFITH: It does now, but the original pioneers were Swan River Ferries, not the M.T.T.

The Hon. J. Dolan: The Val boats. They went out of operation and the M.T.T. has pioneered the new setup. When the pioneers have gone, anybody who takes over the situation is classed as a new pioneer.

The Hon. Clive Griffiths: The Minister said the people who run the *Islander* are not pioneers.

The Hon. A. F. GRIFFITH: I accept the Minister's explanation and suggest he is a new pioneer on that side of the bench, after somebody else was there for a long time before him.

The Hon. W. F. Willesee: There are several new pioneers in Parliament.

The Hon. A. F. GRIFFITH: I could ask the Minister, "When is a pioneer not a pioneer?" but instead I shall say that I am not satisfied.

The effect of the Minister's Bill will be exactly the same as that over which I complained the other day. Not only will the Transport Commission be given control of the service from Mends Street to Barrack Street, but it will also be given control of the waters of the Swan so far as any other vessel is concerned.

The Hon. J. Dolan: Not any other vessels. The Leader of the Opposition included the M.T.T. vessels just the same as any other vessels.

The Hon. A. F. GRIFFITH: I moved to exclude them.

The Hon. J. Dolan: That is right. They will come under the same provisions which apply to any other vessel.

The Hon. A. F. GRIFFITH: They will now, in respect of an application.

The Hon. J. Dolan: Yes, when the Bill is passed.

The Hon. A. F. GRIFFITH: The M.T.T. operates between Barrack Street and Mends Street.

The Hon. J. Dolan: Yes, and it has other boats on the river.

The Hon. A. F. GRIFFITH: Any other boat on the river—whether or not it is a passenger vessel and has been operating for one year or 50 years—will have to apply for a license.

The Hon. J. Dolan: That is so.

The Hon. A. F. GRIFFITH: That is the point I made. Why should an operator who has been working his business for many years suddenly be confronted with the necessity to apply for a fresh license? Everybody on the river will be in that position except those who navigate the Swan River as part of their route. This position does not satisfy me.

The Hon. G. C. MacKINNON: I feel constrained to say a few more words to this Bill. In my opinion Mr. Griffith is perfectly right when he says the whole emphasis, as far as the Minister is concerned, has been placed on the regular connecting services from busline to busline. With this I agree and in this respect one or two members on this side of the House have some difference of opinion. The previous Government rationalised transport services and I consider it reasonable that sections which form a part of such services should themselves be rationalised. In effect this comes down to what the Minister has been predominantly talking about; namely, the service from Mends Street to Barrack Street. One or two other routes may occasionally be used, but the most important factor is that a ticket actually takes a person on both the ferry and bus. This is fair enough.

I objected primarily to inland waters, other than the Swan, because vessels which use them are technically ferries inasmuch as they stop. The fact that they stop makes them a ferry. I thought this position was ludicrous and the Minister withdrew this provision by amendment.

I shall interrupt my train of thought for a moment to mention that the Minister is having some difficulty with a few Bills. Perhaps this Bill ought to follow the fate of the secondhand dealers' measure, because both are ill-conceived in the phraseology and terminology. Perhaps there has been a lack of liaison on the part of people concerned.

To return to my point, I now have a list of ferries which operate a full-time or part-time service. The Minister says these do not come into the question and yet I find it difficult to accept this when I look at the definition of Swan River. If they are not included it ought to be clearly stated. There should be a grandfather clause in the Bill to allow them to continue. I will not enter the specious argument as to whether pioneers are new or old.

Others will have to make up their own minds, but I find myself in the situation of being prepared to support the Government on the rationalisation of an established personnel transport system, because

this is part and parcel of what we, as the Government, did over a 12-year period. I am not prepared to assist the Government with regard to vessels which are technically ferries and operate here, there, and everywhere. I do not think it is warranted. Similarly I was not prepared to assist the Government with regard to Peel Inlet, Hardy Inlet, Brooks Inlet, or the Ord River, because I thought it was unreasonable. They are not part and parcel of the standard passenger-carrying business.

The difficulty is in the matter of definitions. It strikes me that nothing is defined. No matter where I looked or whom I rang, I could not find a definition of inland waters; nevertheless the Parliamentary Draftsman included that expression in the original Bill. If there is no specific definition the answer to the question asked by Mr. Griffith could be anything at all. That is the problem we are up against.

The other problem concerns the use of the word "ferry." So far as I can ascertain a vessel which is licensed to carry passengers is, in fact, licensed by the Harbour and Light Department.

If the vehicle conforms with the specifications laid down there is no right to refuse a license. The vehicle could be powered in any way but it must be licensed and permitted to set up business if it meets the necessary specifications. It is a passenger-carrying vehicle which is subject to certain regulations and qualifications and if it leaves Barrack Street and sails to Mends Street and then to Coode Street without stopping anywhere in my understanding that it is not a ferry but a passenger-carrying pleasure craft, but the moment it sets down and takes up new paying passengers it becomes a ferry.

This means if I happen to charter a vessel which sails to some point or the other and the people get on and get off technically it is a ferry. I do not think the Minister wants to touch these boats but I think his Bill does so.

The Hon. J. Dolan: I do not think so.

The Hon. G. C. MacKINNON: My research indicates that it does and from the information we have received we must be very careful.

I know that when we were considering legislation dealing with secondhand goods that irrespective of the research carried out by Mr. Williams and myself it looked as though the industry connected with the buying and selling of bottles would break down and, as we know, it was necessary to withdraw the Bill.

This Bill is much wider in its scope than we were given to understand. I am prepared to support the rationalisation of an already rationalised section of the community in a specific area in respect of a vessel which runs from one point to another

and that is what I voted for the other night. We are not opposed to the boat that takes the family to a picnic. I know there are firms which hire boats as there are those which hire cars, but there seems to be inadequate definition—and I have mentioned this in connection with inland waters—and understanding of "ferry" which the Bill is designed to cover.

The Hon. J. DOLAN: To go back to the question of the Leader of the Opposition. He refers to boats which are carrying on a definite service on the waters of the Swan River and he feels it should not be necessary for them to apply for a license for something they have been doing for a long period of years.

The Hon. A. F. Griffith: That is so.

The Hon. J. DOLAN: The point I wanted to raise is very similar in connection with exempting the M.T.T. ferries. For example, on Wednesday afternoons there is a ferry boat with a shallow draught which sails up as far as the Guildford bridge and there are other ferries which are used for particular occasions. This has been going on for years. I wish them to be exempted from having to apply for a license.

That particular provision in the Bill was removed by an amendment moved by the Leader of the Opposition. He now returns to a similar situation where he thinks there are certain boats which may or may not be running a service and he feels it is unnecessary for them to apply for a license. I feel they should apply for a license if they are going to do exactly what is done by the boats of the M.T.T.—that is, apart from the one which runs from South Perth to Barrack Street.

I agree with Mr. MacKinnon that the purpose behind the Bill is to make sure that the whole system of river transport—as is the case with air and road transport—is rationalised. In both cases if one wishes to operate a service from point to point by using a boat an application must be made to the Commissioner of Transport for a license. He will examine the application and if he thinks the service is warranted he will issue a permit.

Vessels which have been long established and which have been running a particular service between Perth and Rottnest and are navigated on a route which is confined to part of the Swan River are exempt; they need not apply for a license. There are other boats for which I sought exemption and which would come in the same category as the M.T.T. boats. If these boats desire to operate from point to point and provide a service similar to that provided by the M.T.T. they must apply to the Commissioner for Transport. That is the substance of the amendment moved by the Leader of the Opposition about the M.T.T. boats not getting a license.

If they are not in the same category about which the Leader of the Opposition has some doubt they must apply for a license and if after examination the commissioner feels a license is warranted it will be granted.

It is in the interests of rationalisation that we do not want vessels entering a regular area where there is provided a service under a definite and regular schedule. We want to oppose this practice. There is no impediment at all in connection with the operations of those boats which take out fishing parties and so on.

The Hon. A. F. Griffith: Do you know of any vessels on the Swan River which are carrying passengers other than from Mends Street to Barrack Street jetty—the ferry run by the M.T.T.?

The Hon. J. DOLAN: I know only of the special charter boats. I know of no others. If this Bill becomes law those who want to operate must apply for a license as they do in connection with road and air transport.

The Hon. G. C. MacKinnon: What about those listed in the answer to the question without notice?

The Hon. J. DOLAN: They will carry on their operations; they will not come under this provision at all. In my answer to the question without notice I said they were covered in a certain way and would be continued to be covered.

The Hon. R. THOMPSON: Many of the boats mentioned in the answer are well known to me because they have been plying on the Swan River for many years. We have no argument with the number of operators plying between Perth, Fremantle, and Rottnest. At the moment they are well and truly excluded. Four of the vessels mentioned are new names to me—I was on the waterfront 13 years ago. In the main I would say that these are work boats—they are used for powering garbage boats, watering ships, etc.

The Hon. G. C. MacKinnon: And they are still classified as ferries.

The Hon. R. THOMPSON: If the honourable member allows me to finish, I will mention that. These vessels are used to take water and stores out to ships anchored in Gage Roads. They are used as ferries when it is necessary to transport waterside workers from one side of the harbour to the other at the times when shifts are changed. However, in actual fact the vessels are working under contract to the stevedoring company which employs the labour. Likewise, the Fremantle Port Authority also uses its boats to transport its employees across the harbour.

The only occasions on which it is possible to say that the boats are used as ferries is when the waterside workers' shifts are changed. The *Aussie*, the *Dawn*, and the *Dauntless* are used for charter fishing trips,

so they are excluded from the definition of "ferry," because they go to sea. From memory, I think the *Wandoo* is used to take cargo such as firewood and stores to Rottnest Island. In calm weather the *Dawn* and the *Aussie* would make the same trip.

Those boats do not ply for hire as a ferry does. People are not required to pay a fare. I think the only case in which a person could sometimes be asked to pay a fare would be in relation to the port authority vessels which run a regular service up and down the harbour. A tin is provided into which one is supposed to put 5c or 10c. But I have been on those boats thousands of times and I have never been called on to pay a fare.

If we look at the dictionary we find it defines a ferry and all the things mentioned by Mr. MacKinnon are ferries because they carry passengers from one side of a lake or river to another.

The Hon. A. F. Griffith: The definition you must take notice of is the definition in the Bill.

The Hon. R. THOMPSON: The word "ferry" is not in the Bill; I am talking about the definition in the dictionary. I am quite happy with the Bill now that it has been tidied up to remove all the doubts raised by Mr. Griffith, Mr. Clive Griffiths, and Mr. Medcalf. I initially interpreted the Bill to mean that vessels which wanted to ply in competition to, or to commence a new route on the Swan River as, ferries in the true sense of the word would have to apply for a license. I think that is what is meant by the Bill now. The long list of vessels which has been mentioned will be exempted because they do not ply as ferries.

The Hon. CLIVE GRIFFITHS: In view of the fact that I originally expressed certain reservations about this measure I would like to make sure that I understand the situation now. I think the position now is that all existing vessels, as defined in the Bill, which operate on the Swan River—whether they be M.T.T. vessels or others—will be required on the appointed day to apply to the Transport Commission for a license should they so qualify.

The Minister has clearly indicated that the amendment will exclude those vessels which ply between Barrack Street and Rottnest Island. The list of vessels mentioned in the answer to the question of the Leader of the Opposition yesterday would also be excluded. But if some of them are in the same category as those ferries which ply on the existing route between Mends Street and Barrack Street, they will be required to apply on the appointed day, in company with the M.T.T. vessels, for a license to continue operating. That is how I understand the position.

Should that be the situation then, as Mr. MacKinnon has mentioned, perhaps it is not what we want. Perhaps we should

provide a grandfather clause to exclude all the existing vessels—including the M.T.T. vessels—so they will not have to apply for a license. We could include a grandfather clause to exclude not only the existing M.T.T. vessels, but also any others which happen to come within the realms of the Bill. The more I talk, the more confused I seem to get.

The Hon. J. Dolan: You are perfectly correct so far.

The Hon. CLIVE GRIFFITHS: The point I am trying to make is that I raised an objection in the beginning to the definition of "vessel" as it then stood because as I understood it the M.T.T. would be excluded from ever having to apply for a license. The definition has now been amended so that the M.T.T. and all other existing vessels must apply for a license on the appointed day.

The Hon. G. C. MacKINNON: I would like to ask some questions along the same lines. Let us forget the water for a moment and think in terms of buses. I am prepared to support the Government if the intention were to rationalise a bus service operating between Perth and Midland which ran on a regular schedule, day in and day out, knowing it would run at a loss. In those circumstances I think it is reasonable that the service be rationalised. However, if some fellow decides to run a holiday bus service and he advertises that a bus will leave on Monday morning to travel through the Manjimup area, or if he runs a bus up through Carnarvon and on to Exmouth, returning a month later, I do not believe such services should be rationalised. This would apply to the buses from the Eastern States, of which there are many operating in Western Australia. They all should be subject to permits, licenses, and the like.

The Hon. J. Dolan: They are.

The Hon. G. C. MacKINNON: If I wanted to start a service I cannot see that it should worry anyone that I might go bankrupt. Maybe it is desirable that I should obtain a permit to operate; but if the bus meets the specifications for safety and is licensed, then provided my service does not interfere with an existing service a permit should be granted. That is what I say about a service on the river. If a proposed service interferes with an existing service, which is part of the transport system of this State, it is fair enough to refuse a permit, but in the case of a charter service it is unfair to refuse a permit.

Regarding the boundaries of the Swan River, I do not know the exact locality of the Swan Street Bridge, but I hazard a guess that if I arranged to operate a charter service or a series of pleasure trips, and one of these trips extended upstream of the Scott Street Bridge or upstream of the Middle Swan Road Bridge I would be outside the ambit of the legislation.

The law does not concern itself with trivialities, and the boundaries of the Swan River are set out in clause 7. One trip by a vessel beyond those boundaries would put it beyond the ambit of the provisions of the Bill.

What Mr. Clive Griffiths and I have been referring to are the routine services, and that is what the Minister should concern himself with. A debate has centred around the *Wandoo* which, during the 1964 floods, was intended to be used to bring food to Bunbury.

The Hon. J. Dolan: I did not introduce this matter. It was brought up by Mr. Clive Griffiths in a question.

The Hon. G. C. MacKINNON: There is a doubt.

The Hon. J. Dolan: There is none at all. If the *Wandoo* had not been mentioned he would have been none the wiser, except that he knew he was getting a truthful answer.

The Hon. G. C. MacKINNON: That is not correct. He would not have left out the *Wandoo*.

The Hon. J. Dolan: Mr. Ron Thompson did not know, and he has spent a lifetime on the waterfront.

The Hon. G. C. MacKINNON: There are many things which Mr. Ron Thompson does not know.

The Hon. R. Thompson: I said they were new ones which came into service after I had left the waterfront.

The Hon. G. C. MacKINNON: The application of this legislation to the routine services is fair enough, and I agree they ought to be rationalised, but in respect of the other types of services the Bill should be redrafted.

The Hon. L. A. LOGAN: It seems that confusion is becoming worse confounded. The definitions do not contain any reference to ferries, yet a great deal of the debate has centred around them.

The Hon. J. Dolan: Ferries are not mentioned in the Bill, so why should we have a definition of them?

The Hon. L. A. LOGAN: The Bill contains the definition of a vessel, and this includes a vessel used in navigation which carries a fare. So any vessel which is used in navigation must apply for a permit even though it might carry only one fare a year. I think that is going too far.

A number of vessels are used in navigation on the rivers, and these can be chartered for taking parties along the river, particularly on summer evenings. They do not provide a transport service, and they operate only occasionally. I am of the opinion that under the Bill such vessels would need to obtain permits.

The Hon. G. C. MacKINNON: That is pretty clear.

The Hon. L. A. LOGAN: I do not know whether all such vessels should be subject to the provisions of the legislation. I agree with Mr. MacKinnon that what was intended was the safeguarding of the M.T.T. and its ferry services across the river. I think the amendments in the Bill, if agreed to, will create greater confusion. I cannot see why vessels, which have been operating under licenses from the Harbour and Light Department for so long, should have to apply for permits. If their existing licenses could be transferred, the position might not be so bad, because they would still be able to carry on their operations after the Bill became law.

I would like to be clear on the boundaries of the Swan River. I take it that the Fremantle railway bridge is one of the boundaries.

The Hon. J. Dolan: Near enough.

The Hon. L. A. LOGAN: Once a vessel passed downstream of that bridge it would be operating in the harbour; so all vessels which anchor downstream of the railway bridge are not operating on the Swan River. The Bill does not make it clear where the Swan River actually ends at Fremantle. Some of the boats that operate outside the harbour anchor upstream of the bridge.

The Hon. J. Dolan: There is nothing to stop them. They are not charging fares or carrying fares.

The Hon. L. A. LOGAN: If they picked up even one passenger they would be compelled to obtain permits.

The Hon. J. Dolan: Those operating on the waters of the Swan River would.

The Hon. L. A. LOGAN: This legislation goes too far. There are many vessels which carry parties along the river, particularly on summer evenings.

The Hon. J. Dolan: There are thousands of vessels which carry passengers, particularly at the weekends, but they carry no fares.

The Hon. L. A. LOGAN: In isolated cases some of these vessels charge fares. Some pick up picnic parties.

The Hon. J. Dolan: They cannot do that without a license from the Harbour and Light Department, and they are subject to an annual survey. We are not concerned with those.

The Hon. L. A. LOGAN: All they have to do is to obtain a certificate of seaworthiness. There are over 5,000 boats registered on the river. No-one can say that none of these charges a few cents when it takes out parties along the river on occasions.

The Hon. J. Dolan: I suppose that the party going out on the boat would share the expenses. They are not being interfered with.

The Hon. L. A. LOGAN: That goes on. The proposals in the Bill might require further investigation. At the moment the issue is a little confused. We have been talking about the ferries, but there is no reference to them in the Bill. Any vessel which is used in navigation and charges a fare will have to apply to the Commissioner of Transport for a license.

The Hon. I. G. MEDCALF: I think we really ought to try to get our objectives straight in this Bill. It is necessary to hark back to the Minister's second reading speech where the objectives of the Bill are set out quite clearly. I agree with Mr. Logan that we have reached the stage where we are getting into too wide an area quite unnecessarily.

At present there is nothing to prevent a licensed vessel from operating a passenger service on the Swan River and on the inland waters of the State. This means that during the peak periods any vessel so licensed could operate in opposition to the M.T.T. ferries. I understand the ferries operate only on the Perth water and that is what we are trying to protect.

The Parliamentary Draftsman, for some reason best known to himself, included inland waters which have nothing to do with the M.T.T. ferry services across Perth waters. The Minister agreed that was never intended and moved to delete the reference to inland waters. I mentioned that the definition in the Act appeared to include the Rottnest Island ferries and the Minister has agreed that could be so and he proposes to amend the Bill further.

I am afraid we are still too far out because we are trying to protect the ferry services operated by the M.T.T. from South Perth to Perth. Any person who wants to operate a service on the Swan River will have to go through the procedure laid down in clause 8 of the Bill. Quite frankly, I believe we are going too far and will create another area of bureaucracy. We will set up another organisation which will vet the existing licenses which are issued. I do not think this was intended by the Minister and I ask him to seriously reconsider what has been said.

The Hon. J. DOLAN: I was with Mr. Medcalf up to a certain point, then I think he got off the track. The original Act was introduced by the former Government, and included two major forms of transport—road and air. Now we wish to include water transport. The Commissioner of Road Transport has exactly the same powers regarding road and air transport as are set out in the Bill now before us.

Anybody who has a licensed boat can operate a ferry service on the Swan River and we feel that is not rational. With road or air transport a case must be presented for the establishment of a service, and that is all that is wanted in this instance. The commissioner is a most exemplary

officer and he would consider a case on its merits. If he felt the case were justified he would give a permit to operate a service. We are not putting a blanket ban on boats. If a group of fellows wished to go fishing, and they have a licensed boat and observe certain safety precautions, they can go.

The Hon. I. G. Medcalf: But not on the Swan River.

The Hon. J. DOLAN: Of course they can; they do it every day.

The Hon. I. G. Medcalf: Not within the confines of the Swan River.

The Hon. J. DOLAN: You are forgetting, they have to charge fares.

The Hon. I. G. Medcalf: I thought we were talking about fare carrying vessels.

The Hon. J. DOLAN: What about all the launches which do not charge fares?

The Hon. I. G. Medcalf: This does not deal with those launches.

The Hon. J. DOLAN: What are members complaining about? One minute someone is complaining that something will happen to boats, and in the next breath it is admitted that those boats will not be carrying fare-paying passengers.

The Hon. G. C. MacKinnon: They could be brought in.

The Hon. J. DOLAN: How?

The Hon. G. C. MacKinnon: Sit down and I will tell you.

The Hon. J. DOLAN: A person who wants to operate a boat on a certain route and carry fare-paying passengers must apply to the Commissioner of Transport. That is a rational system.

The Hon. I. G. Medcalf: But it does not agree with your second reading speech.

The Hon. G. C. MacKinnon: If I had a 40 ft. launch and, for business reasons, I wanted to charter it occasionally, it would suit me to register it as a charter vessel, although I might only want to charter it four or five times to go over to Rottnest. To do this, I would have to obtain from the Harbour and Light Department a certificate, which is not difficult to obtain if the boat is built to specifications. I would then be required to register with the Commissioner of Transport to carry passengers.

The Hon. J. Dolan: You must ask for a certain number of passengers.

The Hon. G. C. MacKinnon: My son might say to me, "I want to run a party for the Young Liberal Party; I would like to charge fares, have a keg and a band, and go out on the Swan River. I will charge everybody \$2." My vessel has a certificate from the Harbour and Light Department, and it is licensed as a fare-carrying vessel just for that one trip, which will not interfere with the M.T.T.

service. The Minister will recall that I supported him on that principle. It now transpires that on such an occasion I would have to rush along and get a further permit from the Commissioner of Transport.

The Hon. J. Dolan: Why use the word "rush"? If it is an organised trip, surely there is time to obtain a permit.

The Hon. G. C. MacKinnon: I suppose many of us have young children who come along and want to organise things in two days. At our age we say it cannot be done, but I am always amazed to find it seems to be done, nevertheless. They meet each other around the corner and say, "We will have a party; it will cost you \$1," and away they go. It is now being made necessary for that person to obtain a permit from the Commissioner of Transport, who has to consider all those points before one can run an evening picnic out on the river and make a charge for whatever organisation that might be concerned. On the Minister's own admission, that procedure will have to be followed in a case such as the one I have mentioned. As Mr. Medcalf said, we do not believe that was the intention; if it were the intention, it is the wrong intention.

The Hon. J. DOLAN: In my experience in the House I have never known so many red herrings to be drawn across the trail of a Bill. Mr. MacKinnon has just referred to a situation in which someone who owns a boat is approached by another person and asked to lend his boat for a party for the Young Liberals. In the first place, no-one is permitted to lend his boat. The license is only issued under certain conditions and the holder of a license must be a competent navigator. Supposing a person has a launch which is licensed to carry 100 people and he says he can carry 200 people on it and have a good night out on the river.

The Hon. I. G. Medcalf: And catch a few red herrings.

The Hon. J. DOLAN: Yes. In those circumstances, there is no rush or hurry about it. An excursion like that cannot be organised at a moment's notice. Such a person would do what hundreds of people do when they apply for road permits. This occurs every day of the week at the office of the Commissioner of Transport. All one has to do is go to the Commissioner of Transport and say, "I want a license for a particular purpose."

The Hon. Clive Griffiths: Would he get his answer on the same day?

The Hon. J. DOLAN: I think so.

The Hon. Clive Griffiths: I do not think he would.

The Hon. J. DOLAN: If investigations have to be carried out in connection with road or air transport, or something of that

nature, it would be a very poor officer who did not make inquiries before he granted a permit. If a person wants to transport people in a boat, why should he not get a license?

The Hon. G. C. MacKinnon: Because he would already have one from the Harbour and Light Department.

The Hon. J. DOLAN: He has a license to engage in the operations for which he acquired the boat in the first place. As things stand at present, there is nothing whatever to prevent the holder of a license from the Harbour and Light Department starting up a new passenger service.

The Hon. G. C. MacKinnon: What is wrong with that?

The Hon. J. DOLAN: I think it is the duty of the Commissioner of Transport to rationalise transport by water and know what is being done. We want to have control over the waterways, as the previous Government did in relation to road and air transport. I think the analogy is quite simple and rational, and that it is pettifoggery to speak about such things as ferries that are not even mentioned in the Bill.

I have been most reasonable. The objection was to the inclusion of inland waters, and I was quite prepared to go along with that. I therefore excluded inland waters from the provisions of the Bill. The only objection following that related to Rott-nest ferries, and I have proposed an amendment to cover that situation. Now, other objections are being found. I am a fairly reasonable fellow but it is getting me down somewhat.

The Hon. A. F. GRIFFITH: I have had another look at the Minister's second reading speech. It does not occupy very much space in *Hansard*—slightly more than half a page. When we were in Committee last night, we were told it was our duty, as members of Parliament, to find out what was in the Bill and what it meant. By a long process of drawing teeth, we have found out.

The Hon. J. Dolan: You found out a lot of things that were not in it.

The Hon. A. F. GRIFFITH: We found out many things we did not know. The Minister said the Bill meant that during peak periods any vessel which was licensed could operate a ferry service—his own words were "ferry service"—from South Perth to Perth in opposition to the M.T.T. That was the first time the word "ferry" was introduced. I will hazard a guess that the minute the Minister took to Cabinet related to the situation which was likely to obtain between South Perth and Barrack Street, and that the Minister recommended that the possibility of anybody else operating a ferry on that route should be closed.

As the Minister said, the Parliamentary Draftsman came up with the very original idea and said, "Owing to the progressive

situation in Western Australia, I think you ought to include all the inland waters." When the Minister got the Bill he must have said, "This is not a bad idea, we will include all the waters," and they did.

The Hon. J. Dolan: Are you trying to insinuate I put this in and we did not know all about it?

The Hon. A. F. GRIFFITH: Did you understand me to say that?

The Hon. J. Dolan: That is what you were leading up to.

The Hon. A. F. GRIFFITH: I think you are getting bad-tempered. I did not say that and I did not mean it.

The Hon. J. Dolan: You implied it.

The Hon. A. F. GRIFFITH: I did not.

The Hon. J. Dolan: Of course you did.

The Hon. A. F. GRIFFITH: If the Minister lets his imagination run away like that, we do not know what will happen in the next six months.

The Hon. J. Dolan: Don't worry about me.

The Hon. A. F. GRIFFITH: I am not worrying about the Minister in the slightest—I am worrying about this legislation.

The Hon. J. Dolan: So am I.

The Hon. A. F. GRIFFITH: I am worrying about the type of legislation the Minister is introducing. No sooner has he a Bill in the House than he tries to amend it. This is no different from a whole lot of amendments.

All I am suggesting is that the Minister take a little more time to ask for a report and that he follow the suggestion of Mr. Medcalf and get down to the real—if you will pardon the expression, Sir—guts of this problem.

A man who wants to ply a vessel for hire must apply to the commissioner to do so. The commissioner must take into consideration his character, his qualities, and his financial stability. I do not know how financial Mr. MacKinnon is, but I think I have a fair idea of his character. I know this is stretching things a bit, but if members look at section 8 of the Bill they will see that many duties are imposed upon the commissioner in considering an application.

I would suggest there are one or two alternatives to the Minister's amendment. If the Minister becomes more reasonable he could take the Bill back and find a way to provide for the control he wants in respect of the Perth water.

As Mr. MacKinnon said, this was intended to control a situation where the M.T.T. is operating a bus service to cater for passengers embarking on or disembarking from a ferry. There is no ferry route from Barrack Street to Point Walter or Barrack Street to Como, but if somebody wants to put one there he will have to

go to the Transport Commissioner for a license. Then the commissioner will have to go through all this detail in clause 8.

The Hon. J. Dolan: He did it with road transport and air transport and that was your Bill.

The Hon. A. F. GRIFFITH: Maybe he did. Road transport covers situations all over the place and the M.T.T. took over many of the existing services. This is a different thing; this is going to stop a person operating unless he gets permission. We are offering a suggestion to the Minister that he gets the Bill in the form he intends it to be and confines it to Perth water. I think he will find we will co-operate.

The Hon. L. A. LOGAN: It is very obvious to most of us, if not to all, if we read the second reading speech of the Minister, the very fact that the M.T.T. is mentioned means that the whole intention was to safeguard it. If anybody wanted to start up a service, whether it was in competition with the M.T.T. or a new service on the two rivers, then he would have to apply to the Commissioner of Transport for a license. That is fair enough and I agree with it. This is to safeguard not only the M.T.T. but also anybody who wants to create a new service; a new operator has to go through all the ramifications.

This is to cover every navigable vessel which takes a fare, irrespective of where it is or what time it is. I think this is the point the Minister is missing. If it were confined to the M.T.T. and the nearby services likely to spring up, it would be all right, but it goes beyond this. The Minister ought to look at the matter.

The Hon. A. F. GRIFFITH: I would just like to give the Minister an indication that he gives us no alternative but to slow the Bill down by voting against the clause.

The Hon. J. Dolan: That is all right, that is your choice.

The Hon. A. F. GRIFFITH: The Minister is unwilling to accept the invitation we extend to get this Bill back to what he intended.

The Hon. J. Dolan: If it is necessary eventually I will consider this.

The Hon. A. F. GRIFFITH: It is still not too late to consider it.

The Hon. J. Dolan: If it is necessary to bring another Bill back there is still time to do it in the next Parliament.

The Hon. A. F. GRIFFITH: The Minister talks about red herrings. He is being pig-headed.

The Hon. J. Dolan: Not one bit.

The Hon. A. F. GRIFFITH: This leaves us with no alternative but to vote against the clause.

The Hon. J. Dolan: That is all right.

The Hon. A. F. GRIFFITH: I think that is an ambiguous approach on the part of the Minister.

The Hon. J. Dolan: That is your approach.

The Hon. A. F. GRIFFITH: Because we disagree with the Minister.

The Hon. J. Dolan: You are entitled to disagree with me. I am entitled to disagree with you.

The Hon. A. F. GRIFFITH: I am suggesting before it is too late the Minister should get together with us and see if there is a way to amend the clause to apply to Perth water, that is the Barrack Street-Mends Street end.

The Hon. J. DOLAN: This will be my final word on the matter. I have been referred to as being unreasonable. Mr. Medcalf and Mr. Logan suggested certain amendments in relation to inland waters and I acceded to their wishes! that got rid of that. When we got right through to the finish I was left with the proposition of going back and clearing up the point of the Rottnest Island ferries and other vessels in that area. I did that and now I have brought forward this particular amendment. We have reached this stage: the Opposition either agrees with the amendment I have prepared or it does not. If it wishes to throw it out it can please itself.

Clause, as further amended, put and a division taken with the following result:—

Ayes—9

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. E. H. C. Stubbs
Hon. J. Dolan	Hon. W. F. Willesee
Hon. Lyla Elliott	Hon. R. Thompson
Hon. J. L. Hunt	(Teller)

Noes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. W. E. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. N. McNeill	(Teller)

Pairs

Aye	No
Hon. D. K. Dans	Hon. J. Heitman

Clause thus negatived.

Bill again reported, with further amendments.

Sitting suspended from 4.04 to 4.18 p.m.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd September.

THE HON. V. J. FERRY (South-West) (4.23 p.m.): The main purpose of this Bill is to achieve two objectives. In the first place it seeks to realign the legislation dealing with the wearing of protective helmets by motor cyclists; and in the second

place it seeks at this stage to bring in provisions, by way of regulations flowing from the Act as amended, governing the compulsory wearing of seat belts in motor vehicles.

I do not think anyone can be at variance with the proposal in respect of the wearing of safety helmets by motor cyclists. I do not propose to speak at length on that amendment, and I say here and now that the proposal meets with my approval.

In respect of the other provision in the Bill relating to the wearing of seat belts I will canvass a few points of view in my address. I draw the attention of members to the wording of the provision—

requiring drivers and passengers of motor vehicles to wear or use the prescribed items of equipment.

There is nothing to suggest that this provision will be restricted only to the wearing of seat belts. In introducing the second reading of the Bill the Minister said—

The prescribed items of equipment intended at the moment are, of course, seat belts.

One wonders what the prescription or prescriptions will be in respect of other items in the future. No doubt they will be prescribed by regulation in due course, and we will need to be very vigilant to ensure that they are acceptable to the people and meet with their wishes.

Might I say at the outset that the proposal relating to the wearing of seat belts, and its implication and application, can best be described as hasty and messy legislation. If I were an exponent of musketry I would say this legislation is going off half-cocked; in fact it is going off one-third cocked. I will refer to this aspect later on.

The Hon. W. R. Withers: Will you shoot it full of holes?

The Hon. V. J. FERRY: I have no idea what hole one will fall into when one has to wear seat belts; but it appears the Government has been belted into submission in bringing this type of legislation before us. I realise the Government has the aspect of road safety at heart; as we all do. These principles are most commendable and laudable. No-one can deny that it is the wish of all of us to preserve lives on the roads, and that goes without question. The problem is by what method are we to achieve a greater degree of road safety, fewer injuries, and fewer fatalities in the use of motor vehicles? These are, indeed, very vexed questions, especially if one reads into the regulations that will be promulgated.

I venture to say that the compulsory wearing of safety belts in motor vehicles is almost without precedent in any country of the world. In my research I came to realise the cause of that state of affairs.

It is very difficult to legislate for the compulsory wearing of seat belts, and I will refer to this again later.

Some people have a genuine, a voluntary, and a deep-seated fear of being enclosed or confined by a restraining device. One might say that is a phobia, but to some people this is a matter of grave concern. I would canvass with the Government a proposal as an alternative to the compulsory wearing of seat belts. I acknowledge this has arisen from the publicity that has been mounted on road safety measures, or rather on the lack of them. It is a campaign mounted not only in Western Australia, but in other States and in other countries. However, there are weaknesses in the proposal, and I would like to quote at this stage some figures which have been supplied in answer to questions asked recently in this House.

Arising from the question which was asked I ascertained that of the motor cars which are at present in use in Western Australia 264,000—or 71 per cent.—are pre-1969. A total of 101,000—or 29 per cent.—are post-1969. The 29 per cent. is the one-third I referred to earlier. The post-1969 vehicles will be obliged, with the passage of this legislation and the promulgation of the appropriate regulations, to have seat belts compulsorily fitted and worn by the users of those vehicles. So we have the possibility of only 29 per cent. of the users of motor vehicles being made to wear seat belts, and 71 per cent. of the users of motor vehicles allowed to drive and sit as they wish.

I have endeavoured to try to describe this type of legislation and there is an analogy which I believe is very akin to that of the game of cricket. I believe the description of a game of cricket is very similar to this type of legislation, and I will quote as follows:—

What is Cricket

Cricket is quite simple.

You have two sides, ours and theirs, one out on the field and one in.

Each man in the side that's in, goes out, and when he is out, he comes in and the next man goes in until he is out.

Then, when they have all been in and are all out, the side that's been in the field, comes in and the side that's been in goes out, those coming in.

Sometimes you get men still in and not out.

Then when both sides have been in and out, including not outs, that's the end of the game.

It's really very simple.

A similar explanation could very likely be given in respect of the legislation which is now before us. I have a pamphlet setting out such an explanation, and it is the type of instruction which might be made available to the public regarding seat belts. It

could be made available for the convenience and edification of tourists and visitors to this country who perhaps do not have to wear seat belts in the country from which they have come. I would suggest that a handy reference pamphlet be printed as follows:—

To start with, the proposals are a **TOSS-UP**.

Those with seat belts **IN** cars post-1969, which are already **OUT**, are **IN**.

Cars pre-1969 are **OUT**, because seat belts do not have to be **IN**, but cars pre-1969 having seat belts fitted, are **IN**.

Users of those vehicles are **STUMPED**, if **CAUGHT OUT**, by not using belts that are **IN**.

Cars with belts **IN** may run the risk of their users being **BOWLED OUT**, and **RUN IN**, if they are not strapped **IN**.

Of course, those travelling **IN** reverse are **NOT OUT** because seat belts are **IN**.

Those aged under 8 years, or 70 years or **OVER**, are allowed to be **OUT** if belts are **IN**.

However, if an under 8 or a 70 or **OVER** wants to be **IN**, he cannot be **OUT**.

Those engaged in vehicle work requiring them to **RUN OUT** at frequent intervals cannot be **RUN IN**, but if their speed between deliveries exceeds 15 M.P.H. they can be **PUT IN** if caught **OUT**.

These are some of the **INS** and **OUTS** of the proposed legislation and I am sure no player will be **PUT OUT** by the declared provisions contained **THEREIN**.

I believe that type of instruction would be quite helpful to people in the future when they realise they are compelled to wear seat belts.

The Hon. J. Dolan: It would not be very helpful to the person killed because he was not wearing one.

The Hon. V. J. FERRY: I wonder if the provisions contained in this proposed legislation will penalise the conscientious person, and allow the irresponsible person to ignore the law? It seems to me, from the statistics I have quoted in respect of pre-1969 cars and post-1969 cars, that less than one-third of the users of those vehicles will be compelled to wear seat belts. Two-thirds of the users who will be using the older model cars will not have to wear seat belts.

The older model cars are usually cheaper and very often owned and driven by younger people because those people cannot afford the higher priced modern cars.

Of course, that does not apply in every case. However, statistics show that the younger age group is more prone to accident on the road. For that reason it may be some time before that category of driver will be brought under the dragnet of compulsion. As I have said, I wonder whether the conscientious person will be penalised and the irresponsible person will, perhaps, be let off.

I raise another query: Will this legislation encourage the normally responsible person to ignore and evade the law? People who normally have a high regard for the law may be encouraged to ignore their own situation when they see others flashing past them and not wearing seat belts. It is understandable that such a person would ask, "Why should I bother to belt-up when he is belting past?" That is what some people are likely to think, and one wonders whether the Government will be encouraging further lawlessness as, perhaps, it has been accused of encouraging lawlessness in other acts of civil disobedience. It will be civil disobedience to not belt up. I wonder whether the Government has thought of this angle in this day and age.

I believe it is more important than ever that we should be law abiding for the common good of the community and the common good of the majority. The proposal now before us is certainly not for the common good of the majority; it is for the minority. The minority groups have been causing a lot of trouble lately, and one cannot even watch a decent sporting match without the minority introducing some disruptive tactics. I hope the Government is not encouraging this type of action.

We had an example recently when the Premier of this State led a certain march in this city. On that occasion encouragement was given to school teachers and students to vacate their classrooms and join in what was, in fact, a public demonstration.

It seems to me that this legislation, commendable though it may be in principle and in what it sets out to do, is in fact interrupting and hindering the traditional right of the citizen to enjoy himself in a normal law-abiding way.

When I wear a seat belt it tends to make me tired, irritated, and annoyed—not necessarily in that order. Since I have been a representative of this House I have been in the habit of personally driving some 30,000 miles a year in my car. For that reason I am on the roads a great deal. Many trips are of four hours and five hours' duration, and usually nonstop because of necessitous circumstances. I must admit I very seldom wear a seat belt, but on the occasions that I do wear one I find that I am very tired and very irritable. Of course, when one is tired and irritable, one's judgment suffers. This is a bad

feature of seat belts which keep one rigidly in one's seat, and it applies to almost all types of seat belts which are on the market at the present time.

When one is strapped rigidly in one's seat it is difficult to reach the glovebox. A driver might suffer from hay fever and find it necessary to get some relief. If he has to reach across to the glovebox that necessitates releasing the seat belt while the car is in motion. Perhaps he should stop the vehicle, but that might cause a traffic hazard. The same applies if a driver has to turn around to reach for something which might be on the back seat, or if he has to reach across to unlock the door on the passenger's side because, perhaps, a seat belt is dangling from that side of the car. The driver would have to release his seat belt, and endeavour to do it up again while the car was in motion, and that would create a further traffic hazard. The driver would not be in complete control of his vehicle. The proposed legislation will mean that those travelling in vehicles so designated will be required to wear seat belts at all times, except under the provisions of the exemptions.

I would like to refer to what happens in the case of aircraft crewmen. In the civil airlines seat belts are used on certain occasions, mainly during takeoff and landing. Another occasion would be while the aircraft was travelling through air turbulence. However, at all other times the crewmen, and passengers, can walk around freely in the aircraft.

In service aircraft pilots are obliged to wear seat belts at takeoff and landing, and at certain other times. That used to be the case as I understood it. As the circumstances dictated one wore a seat belt. Certainly, they had to be worn at takeoff and landing, but for comparatively short periods. For that reason one would not suffer the same discomfort associated with a four-hour or five-hour trip in a car when one is kept rigidly in one's seat.

I remember one type of safety harness used during the world war. It was a Sutton type Harness with four straps. At takeoff and landing the harness was clamped to secure the wearer in his seat, but at the flick of a lever the harness was released so that the wearer could move forward or across the cockpit quite freely. When the situation demanded, one could flick the lever again, and the clamp would retain the harness in a rigid position once more. That was a very sensible idea.

I understand there are three types of seat belts available: the lap belt, the lap sash belt, and the inertia belt. I have seen the inertia belt only recently. It has been fitted to one particular type of vehicle and I think that some members of this House might have inspected the vehicle when it was made available within

the precincts of Parliament recently. The inertia belt is fitted to some cars which are produced overseas. This particular type of belt has the same effect as the pilot's harness to which I have just referred. It is a lap sash type of spring-loaded belt. When not in use it returns to a housing at the side of the vehicle. When the wearer wishes to use the belt he draws it across his body and clips it into place at his side in one motion. The belt allows the user to move forwards and sideways, and to reach right outside of the car if necessary. However, any sudden movement operates a mechanism which clamps the belt and it becomes completely and utterly rigid.

This type of seat belt has my full approval. Apart from giving mobility to the wearer, it has the advantage that when not in use it flicks back into its housing at the side of the vehicle. Most seat belts tend to fall out of the car, jam in the car door, or become damaged and dirty; they are trodden on by passengers getting in and out of the car, and so on.

Many people object to seat belts—particularly ladies, because at times they go to considerable trouble to dress nicely and upon entering a car they are asked to fasten a seat belt which is, in fact, dirty. Seat belts tend to soil and crush their clothes, which is another disability. It could be said this is a small price to pay for safety. So it is, but it is still a personal inconvenience to which many people—particularly the fair sex—object.

Another problem occurs in relation to taxis and taxi owners. Taxis, as well as private motorists, will be obliged to comply with these provisions. I now refer to a report in the *Daily News* of the 23rd August, 1971, which reads, in part—

Some Perth taxi drivers feel that proposed legislation to make wearing of car seat belts compulsory could create problems for them.

Drivers interviewed in the city today said that both passengers and drivers would be inconvenienced by having to wear the belts for short city trips.

Some drivers also wanted to know where the responsibility for ensuring the belts are worn would lie.

"Will we be prosecuted if a passenger refuses to wear a belt?" one driver asked.

The taxi industry is concerned about this matter.

This brings me to the matter of testing seat belts. As I understand it, there is no accepted method, and certainly no facilities, for the testing of seat belts in Western Australia, Australia, or the world today. Under the proposed legislation we are compelling people to install and wear seat belts, yet there is no standard for them. We could be compelling people to wear seat

belts that are damaged or unsafe, and as far as I am aware there is no method of testing seat belts to ensure that they are suitable.

What will be the position in respect of insurance claims? In the case of an accident, will the insurance company say, "That belt should have been tested"? Will the insurance company be asked to bear the cost of replacing belts when they have been damaged following an accident? I suggest this places another burden on insurance companies, which no doubt they will gladly accept, but I do not think the motorists will gladly accept an increase in the premiums for insurance policies, so this constitutes another imposition on the motorist. Who is to say how often a seat belt should be replaced?

I will give an example of what could occur without there being an accident. A person might be driving a motorcar with a man weighing 20 stone sitting in the front passenger seat and wearing a lap-sash type of seat belt. The situation on the road might demand that the driver apply his brakes very suddenly and stop abruptly, which could cause the 20-stone man—who may have been sitting sideways, speaking to the driver, thus being caught completely unawares by the action of the driver and the movement of the vehicle—to be thrown forward against the seat belt supporting him. The driver might have avoided an accident, then accelerated and continued on his way, but the incident could well have strained the seat belt to danger point. Who could detect whether the seat belt had been damaged and needed replacing? This is one of the weaknesses of compelling people to wear seat belts. The next person who got into that harness could expect, in good faith, to be given the protection of it when in fact, because of the strain is received from the previous wearer, it could give way very easily at the next sudden stop.

What will be the position in regard to workers' compensation when a person sustains injury or even fatality when not wearing a seat belt following the promulgation of this legislation and attendant regulations? I recently read in the Press that the Transport Workers' Union was very concerned as to how this provision would affect people who were covered by workers' compensation. I believe the House is entitled to have this question answered.

Following an accident, who is to determine whether a seat belt was secured prior to the accident or released immediately after the accident? Who is to establish liability? A person wearing a seat belt could perhaps be seriously injured in an accident and, in a moment of consciousness, could release the belt in an endeavour to escape from the car, following which he might lapse into unconsciousness. Upon being discovered by others, it could be said he was not wearing

a seat belt at the time of the accident. Who is to determine this? These are very real difficulties and many people will be worried about their insurance cover.

The suggestion has been canvassed that people should be encouraged to wear seat belts through the inclusion of a penalty provision in motor vehicle insurance policies. I do not favour this idea at all for the reason I have just mentioned. Who is to prove whether a seat belt was worn in most instances? It will be quite evident in some accidents that seat belts had not been used, but I venture to say that in the majority of accidents this point will be very difficult to prove. I am a little concerned about this situation.

The definition of "road" in the Traffic Act is—

any highway, road, or street open to or used by the public, and includes every carriageway, footway, reservation, median strip, and traffic island thereon.

Quite obviously, there is no necessity for the compulsory wearing of seat belts on private property, but if a person has an accident on private property a question arises in respect of insurance and compensation.

I now come to the exemptions, which were enumerated by the Minister when he introduced the Bill. One of the exemptions applies to vehicles travelling backwards. It would be possible to have drag races in reverse—I do not put this past some young drivers. This would be a good kick for some people. While I agree it is fair enough not to compel the wearing of seat belts while reversing a vehicle, I venture to say a hazard would arise in respect of drag races in reverse.

The Hon. S. T. J. Thompson: You will give them ideas.

The Hon. V. J. FERRY: I could not give ideas to some people; they have more ideas than I have. In my young days I use to get on a horse and gallop across a paddock, and I was very lucky to survive without a surcingle.

It is proposed to provide another exemption on medical grounds, which is fair enough. For example, a lady who is pregnant might consider it would be injurious to her to wear a seat belt. Provision is made that in such a case she can obtain a medical certificate to exempt her from wearing a seat belt. This provision applies in the case of any other medical condition for which a medical practitioner considers an exemption is warranted. I presume the medical practitioner could write out an ordinary doctor's certificate stating that a person was exempt, full stop, without giving a reason. I hope this will not be done for a person who has a sore toe. I do not think a member of the medical profession would do that.

However, this involves a further imposition upon the people who are forced to go to a medical practitioner to obtain a certificate. They would have to pay a fee, most of which would be refunded by the hospital benefit fund; but not all of it would be refunded, and people would have to go to this additional trouble. This would constitute another imposition upon the freedom of the individual.

Another exemption relates to the size and build of a person. A person who is abnormally large or small can obtain a medical certificate which will exempt him because of this physical disability. This again involves the inconvenience to which I have just referred.

It has not been stated for what period a certificate will be valid. Is it for one month, six months, 12 months, or two years? How often would a new certificate need to be obtained? I suppose it is a bit like renewing a driver's license, but the applicant would have to visit a medical practitioner in order to obtain a certificate. A driver's license can be renewed through the post without the necessity to present oneself at the counter.

Another provision for exemption is for vehicles which stop at frequent intervals and do not exceed 15 miles an hour. These provisions would apply to delivery vans, milkmen's vans, bakers' vans, and to butchers' vans, if meat is still being delivered. I suppose this is all right where they do not exceed 15 miles an hour, but in my observation of delivery vans, quite a few of them appear to exceed the speed limit in between stops. I have never tested this out, but they certainly appear to go very fast and pull up suddenly. So I believe this will cause some difficulty.

There is another provision in relation to the ages of people. The Minister suggested that children under eight years of age would be exempted from wearing a belt in a vehicle. Similarly, passengers 70 years and over would be exempted. It seems to me one would have to carry a birth certificate. Young children will have to carry a birth certificate to show they are not eight years old. I know an elderly gentleman who looks exceedingly youthful and if he were challenged he would have to present proof of his age. This would lead in time to the necessity for everybody in the community to carry an identity card showing vital statistics—I do not know about Alexandra the Great. People visiting here from overseas are bound to be confused because they will blithely step into a vehicle and they will be told to belt-up. This is not very polite. We want to treat our visitors with courtesy and make their stay a pleasant one. We do not want to drive them away by belting them around the middle with a strap.

How will we catch the culprits who break the provisions in this legislation? One can conjure up all sorts of ideas as to how culprits can be apprehended. How

will the officers charged with the responsibility of enforcing this legislation be allowed to act? Will they be allowed to pull up a car and if a person appears to have a seat belt unfastened, reach through and give it a tug to find out whether it is secure or not? Is this a breach of etiquette or a breach of the privilege of a person? One wonders how the officers will go about this.

With the provision that lap belts are permissible, there will be no evidence in a normal vehicle that the belt is securely fastened. There is no outward sign the belt is done up; you cannot see the belt normally. These provisions are very perplexing in their application.

A person could wear a lap-sash belt and it may appear to be fastened but it may be loosely lying across and not fastened at all. However, time and again this person may not be apprehended as it looks as if it is fastened. What is the good of having a penalty if a belt is not done up?

These matters all relate to road safety. The best protection is not to save somebody in an accident but to ensure an accident does not occur. Accidents do not happen; accidents are caused. There is a reason for an accident and this brings me to the basic fact that people need to be educated on road courtesy and safety right from toddlers to the end of their lifespan. In this way people will be aware of dangers and avoid getting into situations where a safety belt is necessary. Undoubtedly safety belts save injuries and avoid fatalities, because statistics overwhelmingly show this from a number of surveys. However, I come back to the point that the belts on the market at the present time are not good enough.

I would like to refer to a report of a Joint Select Committee of the Victorian Parliament on road safety. I believe the findings and recommendations contained in this report are worth considering and acting upon. Some of the statistics quoted here refer to the usage of seat belts. It says that the South Australian Road Traffic Board carried out a seat belt survey in the years 1964, 1966, and 1968. The big point resulting from the survey in 1968 was that only 10.9 per cent. of the occupants of motor vehicles with seat belts fitted used them.

The Hon. N. E. Baxter: How did they arrive at those figures?

The Hon. V. J. FERRY: Apparently a survey was carried out and people replied to questions of their habits regarding seat belts.

We now come to the recommendations in respect of education. I refer back to what I said earlier in regard to educating people from the early days and throughout their lives. I quote from the report—

The Committee believes that the value of wearing seat belts has not been understood by the general public.

This is evidenced by the fact that in the South Australian Survey only 26.2 per cent. of occupants with seat belts available, wore them.

I am sorry, the 11 per cent. I quoted earlier was over a different period. Even so, it is only 26.2 per cent. of the occupants who wore them when they were available. The Committee also said—

The Committee is convinced that no matter how much the public is exposed to education in the use of seat belts, apathy, lack of interest and lack of concern will mean that many people will not wear them.

The Committee therefore believes that all occupants of motor vehicles should ultimately be compulsorily required to wear seat belts, and I refer back to the word "ultimately" because this is the keyword in my address. The report continues—

The Committee recommends that before the compulsory wearing of seat belts for all occupants of motor vehicles is introduced, an intensive educational campaign of a minimum period of twelve months and a maximum period of two years aimed at educating the public in the value of seat belts should be undertaken.

And I concur wholeheartedly. As I said in the beginning, this legislation is messy and hasty. It is certainly half-cocked or one-third cocked. I believe we are trying to introduce the compulsory wearing of seat belts too early without an intensive educational programme to ensure general acceptance throughout the public.

The Select Committee went on to say—

This campaign should have outlets through all types of publicity media, and schools both primary and secondary, should be directly involved. The co-operation of industry should be sought in encouraging employees to wear seat belts.

It is recommended that the Victorian Division of the National Safety Council should be the body responsible for road safety education.

Government grants should be made available for this purpose and other organizations associated with road safety should be encouraged to co-operate with the National Safety Council in the field of road safety education.

The Committee recommends that learner and probationary drivers and occupants in motor vehicles under the control of Government Departments and Instrumentalities should be immediately required to wear seat belts while in motor vehicles.

The Committee is convinced that no matter how much the public is exposed to education in the use of seat belts, apathy, lack of interest and lack of

concern will mean that many people will not wear them. The Committee therefore recommends that all occupants of motor vehicles should be required to wear seat belts within a maximum period of two years.

The Committee believes that as many serious injuries to victims of motor vehicle accidents could have been avoided had seat belts been worn, Courts of Law may well consider whether such injuries are due to the contributory negligence of the person not wearing the seat belt at the time of the accident.

I believe the findings of the committee are very pertinent to this discussion. I am convinced in my own mind that this legislation, laudable as it might be, is too hasty. We all desire to prevent unnecessary accidents and unnecessary loss of life on the roads. Victoria carried out investigations before the legislation was brought in.

I do not say this legislation should not be passed but I do say it is premature because we have not had this intensive educational programme. I believe any law, any regulations which affect the people—and bearing in mind that motor vehicle travelling affects practically every citizen in the country—should be acceptable to the people. If people realise the value of legislation it does not need the same policing. This would remove a lot of responsibility from the police officers or the traffic officers employed by the shires.

If a community is law abiding, accepts its responsibilities, and recognises the value of a law, you do not need compulsion. I believe there should be at least a two-year period of education before the wearing of seat belts is made compulsory. I suggest by that time a great percentage of the people would accept this law as being reasonable. Why have legislation which penalises the good people in the community and lets those who are irresponsible off the hook?

I believe that this legislation is premature; that is the point I wish to make. I agree with the principle of compulsion because the statistics overwhelmingly convince me that the compulsory wearing of seat belts is desirable in time.

Difficulties are certainly being experienced in respect of legislation that is introduced to make the wearing of seat belts compulsory. There is no doubt about that. In New South Wales the introduction of such legislation was delayed for some considerable time, because great difficulty was experienced in framing the regulations. It is quite obvious that other countries throughout the world have also had considerable difficulty framing regulations to make the wearing of safety belts compulsory. It has been found that, in the

main, they are not acceptable to the public. They have not been educated sufficiently to accept the compulsory wearing of safety belts.

In Australia it has been decided to take steps to resolve the problem and I commend the task because it is well worth while. However, we should ensure we are not making a rod for our own backs by encouraging people to disobey the law. I support the Bill because I consider there is no alternative, but I would prefer to see this legislation presented to Parliament after a more extensive educational programme has been conducted among members of the public.

I wish to summarise and say: The legislation would be more acceptable and more efficient if an intensive educational programme were undertaken throughout the community. I commend the recommendations made by the Victorian Select Committee that such an educational programme should be commenced and be conducted in an intensive way through the schools. An educational programme on road safety matters is already being conducted in many schools, but not in all of them. In my opinion such a programme should be extended to cover various organisations, of which there are many in this country. For example we have the P. & C. Associations, agricultural societies, art societies, and many other bodies. An intensive campaign could be conducted in this field.

Further, we need to promote the acceptance of safety measures in industry. I admit that industry does recognise the need for safety measures to be adopted to prevent loss of working hours through injury. I have seen some of the educational programmes that have been promoted by many firms to foster greater industrial safety. I give full marks to industry for conducting such programmes, but further steps need to be taken to foster the line of thought that safety is a No.1 priority.

The practice of road safety measures benefits not only the worker, but also his family and relatives. Going a step further, such measures would benefit the ordinary individual on the road because of an accident which might be avoided. We need to have an acceptance of such safety measures by members of the community.

Also, there is a need to ensure that more vehicles comply with safety provisions. Although I know it is an expensive hope, perhaps we could hope that cars in the future will be designed in such a way that they promote safety as soon as one sits in them. The conventional type of seating in a vehicle needs to be revolutionised. Perhaps we should drive in a horizontal position as do motor racing drivers. I definitely accept the line of thought that the standard type of vehicle is not built for complete safety.

More efficient safety belts need to be placed on the market. The existing range of safety belts which we will be asking members of the public to install in their vehicles for use by them do not comply with the required standards of safety. It could be that the safety belt itself is of good design, but the method of fitting it is not acceptable by the people. We should ensure that the public will have the benefit of an educational programme before making the wearing of seat belts compulsory.

There is another matter in respect of legislation. We recognise that similar measures have been introduced in all the Eastern States except South Australia, where the matter is under consideration. Here again, we may be the last State in Australia to introduce such legislation, but I do not think this would be a bad thing. Bearing in mind that this legislation is of a pioneering nature—I have heard the word "pioneering" mentioned somewhere else—perhaps it may be wise to subject it to examination after gaining some knowledge of the results of similar legislation in the Eastern States.

I understand there may be a few countries that have introduced this type of legislation and we could profit from their mistakes by introducing the provisions here more smoothly to prevent ruffling the feathers of our citizens by pinpricking regulations. If we conducted an educational programme on road safety measures for a little longer and gained the benefit of experience from campaigns being conducted in the Eastern States, we would have far better and more soundly based provisions.

At the outset I said this is hasty legislation, and I still believe it is. I will support the Bill because we are obliged to do so. I do not think anyone can afford not to support it, but I am certainly not happy with it for the reasons I have outlined. During the course of the debate I am sure more anomalies will become apparent after other members have spoken to the Bill, and for that reason I feel I am on fairly safe ground when I say I am not completely happy with the measure.

Like everyone else, I believe that, as a responsible citizen, there is an obligation to recognise the need to preserve life, as we should do in every situation. This is what I intend to do. I commend the Bill for examination by members, but I consider that ultimately it could be a case of whether a seat belt is properly fitted or is undone. It will be a question of the acceptance of the compulsory wearing of seat belts by young and old throughout the community, and ultimately whether, by so doing, we will reduce the appalling loss of life on our roads.

THE HON. J. L. HUNT (North) (5.23 p.m.): I speak on this Bill in all sincerity, and I was surprised at the attitude adopted by Mr. Ferry towards the Bill in

the first instance. I was pleased to hear him warming up a little afterwards, but at the beginning of his speech I thought the remarks he made were not exactly cricket.

This is a very serious piece of legislation we are trying to introduce to Western Australia, especially when it is considered that approximately 3,000 people are killed on roads throughout Australia every year. About 9,000 people are seriously injured on our roads every year and approximately 80,000 people suffer injuries that necessitate hospital treatment. I would also point out that two-thirds of our hospital accommodation in Australia is occupied by victims of traffic accidents.

From time to time we hear a great hue and cry—and rightly so—because some members of the Australian forces in Vietnam are killed. But these casualties are only small compared to the number of people who are killed on our roads each year, and I would point out that such people get very little mention in the daily Press. Our victims of war in Vietnam are well trained young men. In fact, they are as well trained as any other body of troops in the world, and they are supplied with the best equipment we can give them. Yet, casualties still occur among their numbers in this field of war.

In comparison, I consider that the majority of our drivers on the Australian roads have never had the opportunity or taken the trouble to attend a motor driving school to make themselves more efficient drivers. In the same way as our Australian soldiers in Vietnam have been trained to make themselves more efficient. Therefore, it is little wonder that we have such a large number of casualties on our roads in Australia.

I have already mentioned the appalling loss of life on our roads, and I consider that by the introduction of safety belts this figure could be greatly reduced. Some of our records show that in Western Australia alone, from the beginning of this year to about June, 84 people were killed on our roads, but of those persons who were involved in accidents, and who were found to be wearing seat belts, not one was killed.

It is encouraging to learn that other States of the Commonwealth have introduced legislation for the compulsory wearing of safety belts. Although it is not in operation throughout Australia as yet, it shortly will be. Figures collated in Victoria have shown without any doubt that the wearing of safety belts in vehicles has saved lives.

No doubt some members saw a TV film the other evening of the Bathurst 500-mile motor race, during which there was a spectacular crash. The driver of the racing car, by the name of Brown, was driving, I understand, at 110 miles an hour when one of the tyres had a blow-out. He lost control of the vehicle which

mounted the safety fence and rolled along the top of it four or five times before crashing upside down. However, the driver suffered only a few minor scratches. This is undeniable proof—should anybody need it—that had the driver of that racing car not been wearing a safety belt he would certainly have been killed.

A month or two ago, just prior to that crash, a vehicle went over the side of a very steep cliff in New South Wales, and after rolling over several times came to rest 400 feet down the cliffside. The driver of that vehicle suffered only a slight cut on the chin and a minor injury to his ear. He was wearing a safety belt which no doubt saved his life.

Recently I was reading a report that in the U.S.A. legislation is being studied to incorporate by 1974 a device in safety belts worn in motor cars. The device will ensure that until such time as the safety belt is properly fitted the electrical circuit will not function, thus preventing the car from being started.

We may not see that device introduced to Australia by 1974, but I hope by that time some similar device will be invented in this country and, when the time comes, it will be an innovation that will assist in reducing the death toll on our roads.

During the last holiday week in New South Wales, reports were published that 26 people were killed on the roads in that State. Of this number, six were pedestrians, which means that 20 people travelling in vehicles were killed. In New South Wales similar legislation is in force to make the wearing of safety belts in vehicles compulsory. Apparently it takes a little time to educate the public and ensure that seat belts are worn at all times. Of the 20 people killed during the holiday week in New South Wales, 18 were wearing seat belts. I have been unable to ascertain whether the remaining two people killed were wearing seat belts or not.

Only yesterday I read in an edition of *The Australian* that the authorities in New South Wales have reached the stage where they believe something drastic must be done about the carnage on the roads. According to the article I read they were considering showing a real blood-and-guts show on television in an effort to impress upon people the necessity to wear seat belts. I understand that this idea has the support of racing motor drivers who are classed as some of the best drivers in our country. They include Bill Brown, who was the unfortunate who did the four or five rolls in the Bathurst 500 the other day. He believes that such a television show would be good advertising for the wearing of seat belts and he was supported by such famous drivers as Bob Jane, Allan Moffat, Fred Gibson, Leo Geoghegan, Frank Match, Jack Brabham, John Moss, and Kevin Bartlett.

They are recognised as the top-class drivers in this country and they are all 100 per cent. behind the wearing of seat belts. They know that they would not even be allowed onto a racing track if they were not wearing seat belts. That is what the people in charge of such meetings think of the necessity to wear them. It does not matter whether a person is old or has a stiff back or, in the case of a lady, whether she is pregnant. This does not enter into the picture at all. The authorities in charge of motor racing know the value of seat belts and make the wearing of them compulsory at their meetings.

The original training of drivers plays a very important part in the overall education of drivers. I have inspected the National Safety Council school at Mt. Lawley and it is doing a particularly good job in the training of young people to drive correctly. They learn this right from the start. I believe a number of accidents could be avoided if the proper training were received by the young people who are so important to our country. It grieves me to see so many of our younger drivers being killed on the road every year. They are reared and educated, and then obtain a driver's license. Some of the young folk have had a license for only a year or two and sometimes for an even shorter period and then they are killed on the road. This is a shocking state of affairs and heart-breaking for the parents involved, but it is a state of affairs which could be improved with the wearing of seat belts.

Some figures I have ascertained indicate that the cost of hospitalisation of the road victims involves the Australian community to the extent of about \$200,000,000 per annum. This amount could be saved, or at least drastically reduced to a more realistic figure if we could reduce the traffic accident rate.

It has been said that a big proportion of the accidents occur on country roads, and undoubtedly this is so. The speeds are higher in the country than they are in the metropolitan area where the restriction is 35 miles per hour. The limit on country roads is 65 miles per hour, but as everyone knows, some vehicles travel much faster than that. It seems to be the natural thing for a driver when on a country road to start travelling at about 40 or 50 miles an hour, but to gradually realise that somehow he has reached a speed of 60 miles an hour and then, if he does not watch his speed, in no time at all he will be doing 70 or 80 miles an hour. This occurs because the roads are fairly good as are the vehicles.

A great number of accidents happen as a result of broken windscreens. Our roads are by no means dangerous. I have driven on pretty well every road in Australia, whether it be sealed or unsealed and I do not think I have come across one which could be classed as dangerous. However,

this cannot be said for our vehicles. Because of the shoddy material used in the manufacture of windscreens, they break easily and thus cause many accidents, particularly on country roads. When a windscreen is smashed, visibility is impossible and so the driver hits another car, runs off the road, and hits a post or a tree, or turns over. If windscreens were unshatterable, and this was made compulsory, many accidents would be prevented.

Something must be radically wrong somewhere when head-on collisions occur on perfectly straight roads. I believe that many of these accidents could be blamed on shoddy windscreens. If the occupants of these cars are wearing seat belts then, even in those circumstances, many lives could be saved.

Records have been published concerning the accident record of the Snowy Mountain scheme. Something like 600 vehicles were involved and 5,000,000 miles were covered on pretty atrocious roads and under bad conditions involving snow, rain, and sleet. During the course of the construction of that scheme, every driver wore a seat belt and not one fatality occurred. One man was killed, and he was not wearing a seat belt, but that accident occurred when he was backing his vehicle to tip its contents over a dump. However, with regard to the actual travelling on the roads, not one driver was killed.

In my province in the north country, many hundreds of vehicles are involved in the iron-ore industry. The mining companies are very safety conscious and will not allow a person to enter a vehicle on their property unless a seat belt is used. So far the mining companies up there have not had an employee involved in a fatality on the roads. I believe that some accidents have occurred, again because the driver was tipping rubbish over the side of a hill. His 100-ton truck has fallen 300 or 400 feet. I suppose it is possible that even in a bad accident like that the driver could survive if he were wearing a seat belt. Of course industries are safety conscious. Not only do they insist on safety precautions in connection with the driving of motor vehicles, but protective clothing must also be worn. It is compulsory on many construction sites and if a worker is not prepared to wear the clothing he is not employed.

I remember when I was in the mining industry the hard hat, or safety helmet as it is now called was introduced. No one was going to wear that new fangled contraption because it was too heavy and so on. However, they were told—"No hat; no work." On many constructions and mining jobs notices are erected to indicate that the site concerned is a hard-hat area and no one is permitted to enter that site unless he is wearing the equipment provided. Press reports have been published

at various times indicating that lives have been saved because of the protective clothing and hard hats. A club has been formed comprising those whose lives have been saved by the wearing of the safety helmets. When they have been hit on the head by a piece of steel or a bolt their helmets have saved them.

Some people raise certain arguments against the use of seat belts, but I cannot agree with too many of them. I have not reached the stage where I automatically use my seat belt, but I am learning fast. Mr. Ferry said that he had driven many miles and had found that the use of a seat belt was tiring and that it was a nuisance. I was surprised to hear him say that because the general opinion, including my own, is that the wearing of seat belts has just the opposite effect. I feel more refreshed after a long drive on a country road in the north-west where the roads are pretty rough, if I have been wearing my seat belt. It seems to keep me in a more upright position; whereas otherwise I am inclined to slump down and at the end of the journey I have pains in my back, and so on. This does not apply quite so much on the bitumen road where the journey is smoother. However, if the car were to hit an object, the seat belt would come in very handy. Others to whom I have spoken, and I, have not found the seat belt to be a nuisance or tiring.

I do not believe that the seat belts at present used are very good. I agree with Mr. Ferry on that point. I believe they could be improved and even the experts are of this opinion. The lap belt is considered all right to a point, but it does not give much protection to the head or the upper part of the body. In an accident the chest is liable to come in contact with the steering wheel. However, the lap belt is better than nothing.

The lap and single sash belt is better than the lap belt, but it is said that the complete double harness and sash belt, used by racing drivers and pilots, is ideal. However, it might be a little difficult to persuade people to wear such a belt until they become used to the idea.

The use of safety belts has been proved to be a definite lifesaver on the roads. I realise that the people must be educated in the use of the belts, but if members are sincere when they say they want lives to be saved, they should certainly advocate the wearing of seat belts.

I raised this matter in my speech during the Address-in-Reply debate. I said then that the seat belts saved lives, and I am still of the same opinion. They will continue to save lives and they will save more lives when people are educated in the matter.

I also go along with Mr. Ferry when he says the vehicles we drive nowadays leave a great deal to be desired. I bought a new vehicle last year and I would not say it is the safest on the road. The vehicles I owned many years ago seemed safer than the one I am now driving. However, that is by the way. Today the quality is cheap although the price is high. Cheap windscreens are liable to break when a stone hits against them. These things, I feel, cause accidents.

I appeal to all members to support the Bill. Let us be a State on the move in a true sense and not in the sense of young lives being lost on the roads and on the move to the cemetery.

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.46 p.m.]: One cannot help but feel sympathy for the Minister for Police and Transport who, in what is a sad commentary on our society, has had to produce a piece of legislation of this nature to the Parliament. It is a sad commentary so far as the public is concerned. Notwithstanding the quadriplegic and paraplegic centres, the accident rate continues to grow and the death rate grows correspondingly.

I do not know what the answer is to the reduction of traffic accidents. I do know it devolves upon people and people's characters. The prime causes of accidents in this State are plain bad manners and discourtesy between individuals. This is really what it comes down to. We see impatient drivers and I have been one of them; sooner or later every one of us commits some minor offence and suddenly realises what he is doing. The person with average intelligence—and there are more of those in the community than any other—now realises the worth of safety belts. I thought every member of Parliament would wear a safety belt until I spent some time over a two-day period looking out of the window and watching members drive their cars into the grounds. Not too many members were wearing safety belts.

Once he gets behind the wheel of a car man's character seems to take on a Walter Mitty aspect.

The Hon. Clive Griffiths: Who was he?

The Hon. R. J. L. WILLIAMS: A fictitious character who dreamt he was so many personalities. One day he dreamt he was a pilot and the next a racing driver—anything that is public-hero style worship. This is what I mean when I refer to a Walter Mitty. We can see this every day if we go down Hay Street to Underwood Avenue; the young people seem to delight in imitating the Jack Brabhams of this world.

The introduction of seat belts will eliminate something which annoys me intensely; namely, couples who sit in each other's laps as they drive along. I regard this as a serious offence.

Young people contribute so much to accidents on the road. They also contribute so much to tyre companies, because of the way they start their cars. I believe they are called wheelies. As Mr. Ferry has said, it is a matter of education—of long education, I feel.

One could go on quoting statistics and giving examples. There are three kinds of lies; lies, damned lies, and statistics. It is possible to obtain statistics to prove anything one wants to prove. However, there appears to be irrefutable evidence that the wearing of seat belts minimises the chance of death at the time of an accident.

Should we look a little beyond this? I can think of two expensive motorcars—and every member probably knows what I am talking about because both are foreign makes—which are imported into this country and have so many safety features built in on the crumple system. We should be talking on the construction of cars. Today we must legislate for idiots behind the wheels of cars; those who have a total disregard for the safety of any other person.

There is no doubt members must support the idea behind this measure, although I do not like legislation which makes action compulsory and which, by definition, brings about that action by force of law.

It is a straight-out offence to have a bald tyre on a car. In my book, the cause of an accident must be related to the driving of the car. In other words the driver is as responsible as a pilot of an aircraft for the safety of that car and the passengers in it. I do not think anybody can argue about that.

It is usually one driver or the other, or a piece of property, that causes an accident. When we listen to some of the excuses given for accidents it is amazing how many mobile light poles happen to move as the driver is passing. The number of reasons given in courts of law for the occurrence of accidents is absolutely amazing. When accidents occur, the insurance company throws the onus upon the driver.

Mr. Ferry pointed out the difficulties, of which I am sure the Minister is well aware, of policing this law. Many difficulties are presented and I will not enumerate them again. Mr. Ferry has given us this information. I wonder whether or not we should say the onus for wearing seat belts should be placed upon the driver of the car who is to admit passengers to his car only if they are willing to wear seat belts and that, in the event of an accident, when seat belts are not worn, the insurance company will not pay out, in the same way as it will not pay out for bald tyres. Perhaps we should decide that if seat belts are not worn there would be

no payment or at least, a partial reduction. Perhaps there should be a reward for the driver who has seat belts fitted. In the event of an accident they could save lives. Perhaps there should be a reduction in insurance premiums for people who go to the expense of fitting seat belts and who wear them. This would encourage a positive attitude.

As an ex-member of the teaching profession the Minister is well aware of what I call the sandwich technique, whereby a person is praised, then kicked, and praised again. The sandwich technique amounts to two pats on the back and a kick somewhere else.

The Hon. W. F. Willesee: I wondered what you had been doing to me lately.

The Hon. R. J. L. WILLIAMS: The whole point at issue is that the onus will be placed on the individual. If the individual is irresponsible the full penalty of the law will be brought to bear upon him under this legislation. However, the only way to teach people is to hit them in their pockets. To make them petty criminals, as it were, will not be the answer because many anti-social types try to get away with anything they possibly can. Some will have the sashes in position but unbuckled. An officer of the law who is watching vehicles go past could not be sure. He would have to stop the vehicle and ask whether seat belts were being worn. The person concerned can slip it into the buckle when he is pulled up and answer "Yes." This will be a game which the unruly element in our society will play.

Instead, should we not decide that if an accident occurs and there is insufficient reason for not wearing seat belts that the person concerned should have to pay out of his own pocket? One only has to look at the costs of the quadriplegic and paraplegic centres to know this would deter many people. The cost to the State and to the country of vehicle accidents is quite tremendous.

I would like to bring one other point to the attention of the Minister. I think we should see a few more police courtesy patrols on the roads. It is quite amazing what happens when people drive along and see a police car appear from nowhere. All feet, it seems, are taken off the accelerators, a battery of red lights flicker as people slow down, and suddenly the traffic becomes very orderly. I would like to see police patrols stopping cars and saying to the occupants, "We notice you are not driving with a safety belt fitted. There is no law about this at the moment, but could we just show you one or two photographs of people who were not wearing seat belts at the time of accidents?" The police could then produce photographs in technicolor. I suggest people would be quite impressed.

Probably cinemas could play a part in this, too. The National Safety Council could ask cinema proprietors if they would be prepared to screen a 10-minute horror film at every performance. It should be along the lines, "This is what will happen if you don't wear a seat belt." We should use every means possible to educate the people and thus eliminate compulsory legislation which I hate. This type of legislation destroys initiative and, once again, it throws back onto the guardians of the law the odious task of controlling traffic which makes the task of the prevention and detection of crime so much harder.

I ask the Minister to have another look at this Bill. I will not say here and now that seat belts should be worn, but I ask him to look at the insurance side of it and whether he will leave it to the individual and let the individual be punished for his own folly, not by the law as such.

I will not go over the ground that has been traversed by Mr. Ferry and Mr. Hunt. I think every member in this House realises seat belts are a means of reducing the ever-mounting road toll.

What I do say is that we should depend on the average citizen. Let us remember the term "average" means there are more of this sort in the community than any other. Let us depend on the average person's ability to be taught and to comply. Let us hit him where it hurts the hardest—in his pocket—if he does not wish to preserve his own life.

Debate adjourned, on motion by The Hon. Clive Griffiths.

House adjourned at 5.59 p.m.

Legislative Assembly

Thursday, the 7th October, 1971

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

BILLS (4): INTRODUCTION AND FIRST READING

1. Milk Act Amendment Bill.
2. Land Act Amendment Bill.

Bills introduced, on motions by Mr. J. T. Tonkin (Premier), and read a first time.

3. Companies Act Amendment Bill.
4. Bills of Sale Act Amendment Bill.

Bills introduced, on motions by Mr. T. D. Evans (Treasurer), and read a first time.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading.

MR. MAY (Clontarf—Minister for Mines) [11.09 a.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill deal with—

- (1) The amalgamation of sections 9, 10, and 10A of the Traffic Act which relate to the licensing of vehicles.
- (2) Introduction of "days of grace."
- (3) Increases in fees and accounting adjustments relating to the Budget which was recently introduced.

The present section 9 of the Traffic Act relates to the licensing of vehicles in country areas, while section 10 relates to the licensing of vehicles in the metropolitan area by the Commissioner of Police.

Section 10A applies to both country and metropolitan licensing authorities. The main difference between sections 9 and 10 is that licensing in the country districts was previously on a quarterly basis, whereas in the metropolitan area, provision was made for the staggering of expiry dates. At the request of the Country Shire Councils' Association the Act was amended in 1970 to provide for staggering of licenses in country districts.

At present there is, in effect, very little difference between sections 9 and 10, although the wording varies to some extent in certain subsections.

Clause 4 of this Bill is a tidying up amendment which provides for the repeal of the present sections 9, 10, and 10A which have been redrafted as a new section 9.

As part of the tidying up, the opportunity has been taken to provide a common basis of assessing short-term fees. Normally, they are calculated at present on a basis of one-twelfth of the fee for each complete month or part thereof, which is on a basis different from the calculation of third party insurance under the Motor Vehicle (Third Party Insurance) Act, 1943. Provision is made for the calculation of short-term fees on the common basis of one-third of a month or part thereof.

The present wording of sections 9 and 10 of the Act relating to the return of number plates and seeking to preserve the continuity of licensing periods, tended to convey the impression that 15 days of grace applied after the expiry of the license. Although the principle was accepted departmentally in not prosecuting for the use of unlicensed vehicles during the 15-day period, the legal doubt which at present exists is to be removed by amendment to section 5 of the principal Act by allowing the use of the vehicle within the