So it must indeed be galling to the Opposition to know that Western Australia has such a low rate of unemployment and such a prosperous work force. Whilst I cannot understand people buying land at the prices they do, it is very evident that they are doing it of their own free will and that most of them have the money to pay such prices. This has only been made possible because this Government has ensured that the people of the State are kept in full employment and so are able to earn a decent living.

In some of the countries I visited whilst overseas, the difference between affluence and poverty appalled me. I hope that we in Western Australia will never see a situation where, in some instances, it can cost one $300 for one night's accommodation in a hotel, whilst at the same time there are thousands of beggars in the same town walking the streets. No doubt that is why we are so successful. We do not have many rich people in our community, but on the other hand we do not have many poor people. That is attributable to the efforts of this Government and that is why we heard such a frenzied speech this evening by the Deputy Leader of the Opposition in trying to whip up a case against the Government, to indicate that it has not built sufficient houses, and that there is a lack of everything else imaginable.

Yet, if the basic facts are examined, it will be found that this Government has gone out of its way to provide employment. I think we can safely say that no-one ever envisaged such a rate of development in a State such as ours. The number of people absorbed and the number of jobs created in such a short time will be a record that will stand as a memorial to this Government for many years. With such a background it is no wonder we have a Premier who has just completed a record term of office. With those words I support the motion for the adoption of the Address-in-Reply.

Debate adjourned, on motion by Mr. Ridge.

House adjourned at 9.38 p.m.

Legislative Council

Wednesday, the 20th August, 1969

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

QUESTIONS (8): ON NOTICE

1. *This question was postponed.*

2. MAIN ROADS

Sealing of Arthur River-Wagin Road

The Hon. S. T. J. THOMPSON asked the Minister for Local Government:

Would the Minister give an indication as to when the reconstruction work on the road between Arthur River and Wagin is likely to be completed by sealing?

The Hon. L. A. LOGAN replied:

The priming of the already widened shoulder on the 124.7-137.0 mile section will be carried out in the autumn of 1970, with the sealing following during the 1970 sealing season.

3. PUBLIC WORKS

Fencing of Butlers Swamp Sump

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

As I was advised on the 16th January, 1969, that the Butlers Swamp Sump, Cobb Street, Scarborough, would be fenced and a pumping installation provided this financial year, will the Minister confirm that this work will proceed as planned?

The Hon. A. F. GRIFFITH replied:

The advice given on the 16th January, 1969, set out the intended programme. It has not been possible to put it into effect as yet.

The sump will be fenced this financial year, but the provision of the pumping installation has been deferred so that it may be integrated with the construction of sewerage works.

4. EDUCATION

Attendance at Country High Schools

The Hon. S. T. J. THOMPSON asked the Minister for Mines:

Will the Minister advise the number of pupils attending each of the—

(a) Senior; and

(b) Junior High Schools

in the country districts?

The Hon. A. F. GRIFFITH replied:

(a) and (b) Enrolments in Senior High Schools, High Schools and Junior High Schools in country districts as at February, 1969—

	Secondary Enrolments
Senior High Schools—	
Albany	1,192
Bunbury	848
Busselton	552
Collie	614
Eastern Goldfields	1,040
Geraldton	1,050
Katanning	528
Manjimup	560
Merredin	469
Narrogin Agricultural	714
Northam	996
Pinjarra	499

	Secondary Enrolments
High Schools—	
Bridgetown	222
Carnarvon	216
Esperance	378
Harvey Agricultural	383
Margaret River	255
Mount Barker	366
Newton Moore	464

	Primary Enrolments	Secondary Enrolments
Junior High Schools—		
Beverley	273	80
Boyup Brook	279	117
Brookton	230	73
Bullsbrook	273	118
Corrigin	273	111
Cunderdin Agricultural	307	157
Denmark Agricultural	287	175
Derby	261	171
Donnybrook	286	171
Exmouth	289	46
Gnowangerup	358	135
Kellerberrin	321	141
Kojonup	338	131
Moora	296	199
Morawa	306	187
Norseman	292	116
Pingelly	352	124
Port Hedland	453	171
Quairading	290	119
Wagin	390	151
Waroona	234	101
Wongan Hills	295	116
Wundowie	248	90
Wyalkatchem	236	138
York	307	113
Boddington	147	58
Bruce Rock	188	79
Carnamah	160	106
Dalwallinu	236	101
Darkan	179	64
Kulin	177	93
Lake Grace	207	56
Nannup	187	63
Narembeen	220	82
Northampton	193	71
Northcliffe	134	44
Pemberton	174	74
Southern Cross	159	84
Toodyay	169	59
Williams	208	70

5. HEALTH

Closure of Wooroloo Hospital

The Hon. F. R. WHITE asked the Minister for Health:

(1) Is it the intention of the Medical Department to close Wooroloo Hospital prior to the 30th June, 1970?

(2) If the answer to (1) is "Yes", then what is the new proposed date of closure?

The Hon. G. C. MacKINNON replied:

(1) The stated intention has been that the department would close Wooroloo Hospital by June, 1970.

(2) A definite date has not been determined.

6. *This question was postponed.*

7. HEALTH

Employees of Wooroloo Hospital

The Hon. F. R. WHITE asked the Minister for Health:

(1) Have all persons employed at the Wooroloo Hospital during the financial year ended the 30th June, 1969, been employed by the Medical Department?

(2) If the answer to (1) is "No", what is the name of any other employer who has signed group certificates?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) Answered by (1).

8. RAILWAYS

Transfer of Shunting Operations to Kewdale

The Hon. F. R. H. LAVERY asked the Minister for Mines:

With regard to the transfer of shunting operations from Perth Central Goods yards to Kewdale Centre—

(a) has a date been fixed for the complete change over;

(b) what provision, if any, is proposed for transport of shunters, porters, and other yard staff, to and from the two points, as I am advised that a number of these employees have not their own conveyances, and also that there is no connecting passenger transport system operative in the area, especially from 11.30 p.m. to early morning for shift workers; and

(c) would a bus service similar to that in use by the State Electricity Commission be a feasible proposition?

The Hon. A. F. GRIFFITH replied:

(a) Completion of the changeover is dependent upon completion of the "outwards" freight shed scheduled for May, 1970.

(b) Previously there was no transport to the Kewdale area. As each group of workers has been moved to the area arrangements have been made with the Metropolitan Transport Trust to operate services coinciding with their shifts. This procedure will be followed in the future.

(c) The arrangement for State Electricity Commission employees at Belmont caters for day shift workers only.

Railway employees on day shift are already provided for.

ADDRESS-IN-REPLY: EIGHTH DAY

Motion

Debate resumed, from the 19th August, on the following motion by The Hon. J. Heitman:—

That the following Address be presented to His Excellency:—

May it please Your Excellency: We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

THE HON. I. G. MEDCALF (Metropolitan) [4.40 p.m.]: I should like to add my congratulations to those that have already been expressed to the Premier (The Hon. Sir David Brand) upon his completion of 10 years' service as Premier. I should also like to add my congratulations to those that have been expressed on the honour which has been bestowed upon him by Her Majesty the Queen. I am sure it is unnecessary for me to say any more than that I believe him to be a very admirable Western Australian citizen who thoroughly deserves the honour which the Queen has seen fit to bestow.

I should like to speak today on the subject of administrative law. I have chosen this subject because I believe it is one of increasing importance to us as legislators, and to members of the general public, because whatever one may feel about the apparent conflict between the courts and administrative tribunals, the facts of life in an increasingly complex society cannot be ignored.

We in the Parliament of Western Australia would wish to be satisfied that our citizens have a feeling they can obtain redress where they have objections to administrative actions, and that their objections and representations will be heard by some proper and effective means. This subject is perhaps more important today than it was in the past, because in the past Parliaments may have tended to be less sensitive to the feelings of the people. Society, today, is more complex and the annual body of legislation which passes into the Statute books means that the rights of private citizens are in danger of being more and more encroached upon by the necessities of government.

More and more the private rights of individuals may be overridden by the juggernaut of the State. I would not wish to suggest I have any objection to the proper administrative actions of the people who are charged by Parliament with the carrying out of certain tasks. We know that government entails the enforcing by the administration of the provisions of Acts of Parliament and the regulations made under those Acts. It would be a misrepresentation to suggest I was opposed to the proper actions of the administration, but no matter how well founded and no matter how genuine are the actions of administrators, it is inevitable that some private rights of citizens must be overruled in the common good.

Private rights often have to go; and what I am concerned with today is to discuss the subject of administrative law and administrative tribunals to show it is possible, even where private rights have to be overruled, for this to be done in a way which protects the basic freedoms of citizens.

Perhaps the United Kingdom has had more experience in this field than most other countries. In 1932, the Parliament of the United Kingdom received the Donoughmore report, which was the report of a committee set up to investigate administrative tribunals in that country. The situation then was that there were very few administrative tribunals in Great Britain and, generally speaking, the report indicated the committee felt that the courts of law were the proper places for private redress to be ventilated where a citizen came in conflict with the State.

That seemed to be the general conclusion of the committee, but times changed dramatically between 1932 and 1955, when the Parliament of the United Kingdom commissioned a committee under the chairmanship of Sir Oliver Franks to investigate administrative tribunals at that time. That committee produced a report on administrative tribunals and inquiries and I quote from the committee's terms of reference—

To consider and make recommendations on:—

(a) The constitution and working of tribunals other than the ordinary courts of law, constituted under any Act of Parliament by a Minister of the Crown or for the purposes of a Minister's functions.

(b) The working of such administrative procedures as include the holding of an enquiry or hearing by or on behalf of a Minister on an appeal or as the result of objections or representations . . .

The conditions in 1957, when the report was finally produced, were, as I have indicated, vastly different from those in 1932 when the Donoughmore committee produced its report.

It was quite apparent that tribunals—there were only a few in 1932—had multiplied. In the United Kingdom it was estimated that in 1958 there were no fewer

than 2,000 tribunals operating under 35 main categories. The chief category was that of health, in which field one-third of the tribunals operated. The next was income tax, a field in which one-fifth of the tribunals operated. The remaining tribunals operated in such diverse fields as national insurance, pensions, property and rent, industrial injuries, transport, and many others.

We do not have anything like that number of tribunals in Western Australia, but we should not forget that we are part of a Federation and not a unitary State as is Great Britain, and we must add to our State tribunals the tribunals established under Commonwealth law. It is surprising, if one adds the Federal and the State functions, how many tribunals one discovers in odd corners.

A commentator from Canada, at the Third Commonwealth and Empire Law Conference held in Sydney in 1965, said that before he left he had attempted to find out the number of tribunals operating in Alberta. He made inquiries of Government sources and was told it was quite impossible to supply the number as there were so many and they were multiplying at such a fast rate. In New Zealand there are over 50 regular tribunals that operate on a full-time basis.

To return to the report of the Franks committee. This committee was set up as a result of an outcry which arose in the United Kingdom over what was known as the Crichel Down case. "Crichel Down" was the name of a farming property which had been resumed by the Government of the United Kingdom during the war for use as an airfield. When it was no longer required for that purpose, the property was sold by the Government. It was perfectly legitimate for the Government to sell to the highest bidder—there was nothing illegal about the Government's action.

However, the former owner, who had been quite prepared for the land to be resumed for an airfield, considered he should be entitled to get the land back, or have first option on it if the land was to be used for any other purpose. He was supported by a great number of people, by members of Parliament, and by the Press, and this produced one of the great outbursts of the decade. As a result of this, the Franks committee was set up, although the terms of reference of the committee had nothing specifically to do with the facts of the Crichel Down case.

I should like to make it quite clear how tribunals are created. First of all, an Act of Parliament lays down the policy of the Government on a particular subject, and this is normally and necessarily in fairly general terms. The Act usually requires a Government department, or a particular officials of the Government, to exercise certain discretions and make decisions in matters of detail of which the general principles are set out in the Act.

Necessarily, in exercising discretions and making decisions, Government departments run across private interests. For example, this could occur if a decision had to be reached on a school site, or where a road has to go, or whether a caravan park conforms with the by-laws.

Private citizens who are affected by such decisions quite naturally wish to state their case and be heard, and they wish to make representations and sometimes lodge objections. There is therefore provision in the Acts for further decisions to be made either by the Government departments concerned, by the Minister, or by some tribunal nominated for the purpose. It is the exercise of those discretions by public servants, by Government departments, by the Minister, by tribunals, and the hearing of those objections and representations, which form the stuff of administrative law.

The question frequently arises: who should hear the objections or representations? Because the Acts are passed over a long period of time, there is not any particular consistency between them. One Act may prescribe one authority and another Act another authority, and so on. Some Acts prescribe no remedy at all.

Where no remedy is prescribed, and there is no way of appealing or having an objection heard, a complainant may become depressed. His only recourse is to communicate with a member of Parliament—perhaps the member representing his electorate—or the Minister, or he may write a letter to the Press.

The Franks committee dealt only with tribunals and not with courts of law, and did not deal with the case where no remedy was provided by the Statute. The committee stated that the administrative tribunal was, in a sense, in a half-way position between the Government department which was charged with carrying out the law and the courts of law themselves.

Parliament's justification, the committee found, for appointing administrative tribunals, was to achieve good administration so that not only should the objectives of policy be secured but, in addition, citizens should be satisfied that their objections would not be overlooked and their private rights would not be completely sacrificed in the public interest.

The committee found that the judgments of the tribunals must be acceptable to the public because, basically, a government depends upon the consent of the governed and the public must believe that the Government is satisfying its need to express its objections.

The Franks committee laid down what it considered to be three characteristics of good administration which it proposed to look for in tribunals. The characteristics were: openness, fairness, and impartiality. Openness was necessary because if the proceedings were held in secret the public would lack confidence in the tribunal. The tribunal must be fair in that the particular members of the public must have the opportunity to put their case. The applicant must be satisfied that the tribunal would be impartial and independent of the particular Government department. The applicant would have to be satisfied that the tribunal was neutral in the sense that although it would carry out the policy as expressed in certain rules handed to it by the Minister, or by the department, it would, nevertheless, be sufficiently unconnected with the Minister or the department to be independent.

The committee was unable to discover why some Acts gave discretion to the Minister to decide objections, and some Acts gave discretion to a tribunal. It could not see any broad logical reasoning running through the various Statutes, but it came to the conclusion that where policy could be expressed in a coherent and regulated code, or set of rules, then it seemed desirable that it should be given to a tribunal. On the other hand, if policy could not be easily expressed, then it was better that flexibility should remain with the Minister. That seems to be a very logical principle for Governments to act upon.

The committee found that tribunals had certain advantages over the courts and these were cheapness, expedition, ready accessibility, freedom from technicalities, and expert knowledge on the part of the members of the tribunal. However, as a general principle, it considered—and here again it agreed with the Donoughmore committee—that the courts of law should, generally, have the decision in these matters unless there were special considerations requiring that a tribunal should be appointed. However, the committee readily admitted that if the courts of law had been given jurisdiction over all the matters which had been entrusted to administrative tribunals in England at that time, they would have been overworked. The committee made no suggestion that the existing tribunals should have their work transferred to the traditional courts.

The committee looked at the existing structure of the tribunals and analysed them in terms of the three characteristics of good administration, and decided that many of the tribunals fell far short of having these characteristics. It found that openness was required in that the proceedings should be published. Publicity should, generally speaking, be given to the proceedings of these tribunals so that the people did not feel that their matters were being heard by some secret cabal. Likewise, the committee considered that reasons should in all cases, where possible, be given for the decisions of the tribunal.

The committee also considered, after looking at existing tribunals, that procedures varied to a great extent and that tribunals should adopt procedures which were known and understood by the public and which were not simply the prerogative of the tribunals themselves. It thought that many of the tribunals were not sufficiently impartial and that they should be free from influence, either real or imagined, of Government departments. The committee used the phrase "either real or imagined" because it appreciated that many people would believe that the tribunals were under the influence of a department even if they were not, and so it should be clearly demonstrated that they were not.

As to the question of procedure, the committee found that there could be no standard code which could be laid down governing all tribunals, because they had been created in such a variety of ways and to fulfil such diverse conditions; but it implied certain basic rules which every committee should subscribe to and which it should adopt as part of its procedure. In other words, there should be a formal procedure for all committees so that it could be demonstrated that certain basic natural rights of justice were contained in the procedure; but that there should be an informal atmosphere for the tribunal so that members of the public should not feel that they were being overborne by the more strict proceedings of a court.

The committee made some rather terse comments on the ban which applied in some tribunals on legal representation. It considered that it was a doubtful benefit to an applicant that he should be deprived of the right of legal representation, particularly as in depriving him of this right at the hearing, this implied that he was unable to obtain legal advice before the hearing. As an aside I may say that, personally, I have always been greatly puzzled at the Acts which we have in this State which ban legal representation. I say this because of my particular experience as a member of the Pensions Appeal Committee of Perth Legacy under the Repatriation Act of the Commonwealth. No legally qualified practitioner is able to appear before any pensions entitlement appeal tribunal on behalf of an applicant for a pension.

This is contained in the Repatriation Act; and, even though the services of Legacy are given in an honorary capacity, it is impossible for a legal practitioner to appear on behalf of an applicant. This has always struck me as being a doubtful benefit to confer on an ex-serviceman—the right of being unable to have a practitioner represent him. I am not saying the

applicant was not ably represented by other members of the Pensions Appeal Committee, but the same ban on legal representation does appear in many other Statutes in this State and it seems to me to be a very dubious provision. On this subject, the Franks committee added that it was not in favour of allowing legal representation to a Government department unless the applicant had first engaged the services of a lawyer; otherwise the applicant might be disadvantaged.

In all cases the committee considered that reasons must be given for decisions, and one of the virtues of this was that it would assist an applicant in lodging an appeal; because if the reasons were given it would obviously be much easier for an applicant to know whether he had grounds for an appeal. He may even decide that he should not appeal if the reasons are adequately and fully stated.

This would also assist an applicant in issuing a writ of *certiorari*, which is a procedure that is sometimes available when no other appeal can be instituted.

I would like to quote from paragraph 98 of the report of the Franks committee. It is as follows:—

> 98. Almost all witnesses have advocated the giving of reasoned decisions by tribunals. We are convinced that if tribunal proceedings are to be fair to the citizen reasons should be given to the fullest practicable extent. A decision is apt to be better if the reasons for it have to be set out in writing because the reasons are then more likely to have been properly thought out. Further, a reasoned decision is essential in order that, where there is a right of appeal, the applicant can assess whether he has good grounds of appeal and know the case he will have to meet if he decides to appeal. It is true that, in the simpler types of case, particularly where the decision turns on the expert judgment of the tribunal itself rather than on the application of stated law to proven fact, it may only be possible to give a brief statement of reasons, for example that the evidence of one party has been preferred to the evidence of the other, or that having heard the arguments and inspected the premises the tribunal considers that the rent should be X. But generally fuller reasons for decisions can be given.

I referred a moment ago to the prerogative writ of *certiorari*. This is one of three types of prerogative writs which are sometimes available to applicants who desire to rectify a situation involving administrative law. *Certiorari* is a writ which lies in order to take an action from an inferior to a superior court, and it is often only available where there is an error on the record or on the face of the pleadings.

The second is the writ of prohibition, which prohibits a tribunal or court from hearing a matter which it is not competent to hear; and the third one is the writ of *mandamus* which requires a public official, or other person, or Minister, who is required to exercise a particular function, to carry out that function or duty. These writs may be available even where a Statute says that a decision is final; and, of course, many Statutes say the decision of the Minister is final. However it is still possible in spite of the provision of the Statute to issue one of the prerogative writs in certain limited cases. The prerogative writs do, however, have a limited scope, and therefore the Franks committee felt that rights of appeal should be extended considerably and should be available in all cases on questions of law in all tribunals.

The general conclusions of the committee are set out in part VI of the report, and are noteworthy. I quote from paragraph 405 concerning the training of officials, because I believe this is a very important matter which is sometimes overlooked—

> 405. We wish to emphasise that, whatever our recommendations under either part of our terms of reference may be, nothing can make up for a wrong approach to administrative activity by the administration's servants. We believe that less public resentment would be aroused against administrative action if all officials were trained in the principle that the individual has the right to enjoy his property without interference from the administration, unless the interference is unmistakably justified in the public interest. For example, the attitude of an owner or occupier may well turn on whether he receives reasonable and courteous notice of a proposal to inspect the land.

The committee also expressed some views on the apparent conflict between tribunals and courts. I think paragraph 406 is worthy of record. I quote—

> 406. We regard both tribunals and administrative procedures as essential to our society. But we hope that we have equally indicated our view that the administration should not use these methods of adjudication as convenient alternatives to the courts of law. We wish to emphasise that in deciding by whom adjudications involving the administration and the individual citizen should be carried out preference should be given to the ordinary courts of law rather than to a tribunal unless there are demonstrably special reasons which make a tribunal more appropriate, namely the

need for cheapness, accessibility, freedom from technicality, expedition and expert knowledge of a particular subject. Similarly, preference should be given to a tribunal rather than to a Minister, and this requires that every effort should be made to express policy in the form of regulations capable of being administered by an independent tribunal. We recognise, however, that this may not always be possible and that in these cases the adjudication must be made by a Minister.

In conclusion, the Franks committee laid down a series of recommendations which it believed should be applied generally by tribunals. It also recommended that there should be a Council on Tribunals in the United Kingdom, but this need not concern us here. However a few of the recommendations are especially noteworthy. They are as follows:—

(1) Every care should be taken to ensure that the citizen is aware of and fully understands his rights to apply to a tribunal.

(2) The citizen should know in good time before the hearing the case which he will have to meet. He should accordingly receive a document setting out the main points of the opposing case.

(3) Documents relating to tribunal proceedings should be clearly designated as documents of the tribunal, and should come from the tribunal and not from a Government department.

(4) An adequate opportunity of attending the hearing or inspection should be given to the parties.

(5) Hearings should be in public except in cases affecting public security or where intimate personal or financial circumstances have to be disclosed or where the case is preliminary to a hearing involving professional capacity and reputation.

(6) The right to legal representation should be curtailed only in the most exceptional circumstances.

(7) The general principles as to costs should be (i) a successful applicant should be given a reasonable allowance in respect of his expenses (ii) an unsuccessful applicant should never have to pay any costs and should normally receive the same reasonable allowance as the successful applicant.

(8) Decisions should be reasoned and as full as possible.

(9) As soon as possible after the hearing a tribunal should send to the parties a written notice of decision which should set out the decision itself, the findings of fact, the reasons and the rights of appeal.

(10) Final appellate tribunals should publish selected decisions and circulate them to lower tribunals.

(11) Generally there should always be an appeal to an appellate tribunal, but as a matter of general principle appeal should not lie from a tribunal to a Minister.

(12) Generally there should be appeals on points of law to the courts.

Many of these findings and recommendations are most important and significant to us here in Western Australia. Twelve years have passed since the Franks committee made its report, and one may be pardoned for making a few comments in the light of subsequent events. The committee seemed to be preoccupied with the thought that the ordinary courts of law should adjudicate, except in exceptional circumstances. As I said, this was also the view of the committee's predecessor, the Donoughmore committee. But it seems that provided the tribunals are established in accordance with proper principles—and since the Franks committee these principles have received more and more attention in the United Kingdom—the tribunals do in fact seem to answer the requirements of a great proportion of the members of the public, in the particular type of matters with which they deal.

One has to appreciate that in the last 30 years or so Governments have become more and more intimately concerned with people's private and personal affairs; and one cannot look at things these days with perhaps the same detachment as people may have had 30 years ago. Despite the recommendation of the committee that courts of law should generally take over this jurisdiction, Governments in the United Kingdom have tended more and more to appoint tribunals. However, it seems to me this system has been found to be generally acceptable—at any rate, I have not been able to detect any reference to its not having been found acceptable by the public.

There are some significant statements in this report and I commend it to members. There is just one other extract—if I can be pardoned for quoting at some length from this report—which I think is rather important. I quote from paragraph 40 of the report, as follows:—

> Tribunals are not ordinary courts but neither are they appendages of government departments. Much of the official evidence, including that of the Joint Permanent Secretary to the Treasury, appeared to reflect the view that tribunals should properly be regarded as part of the machinery of

> administration for which the Government must retain a close and continuing responsibility. Thus, for example, tribunals in the social service field would be regarded as adjuncts of the administration of the services themselves. We do not accept this view; we consider that tribunals should properly be regarded as machinery provided by Parliament for adjudication rather than as part of the machinery of administration . . . the intention of Parliament to provide for the independence of tribunals is clear and unmistakable.

Mr. Justice Else-Mitchell of the Supreme Court of New South Wales, who himself is the chairman of a tribunal, gave a valuable paper on this subject to the Third Commonwealth and Empire Law Conference to which I referred. He finds himself in no difficulty in explaining why tribunals have been generally accepted by the public in preference to courts of law. I need not go into his reasons as they generally follow those I have already given, and which were found by the other committees. However, he makes an interesting categorisation of tribunals in Australia. He divides them into three categories: firstly, the established courts exercising administrative jurisdiction; secondly, statutory authorities or tribunals created as courts, however they may be described, or which have the trappings of a court; and, thirdly, authorities or tribunals, having none of the familiar qualities of a court, which determine claims upon documentary material alone without any right of audience to the applicant, or in some informal fashion.

As an illustration of the second category he refers to the Industrial Arbitration Courts, Taxation Boards of Review, the Licensing Courts, and his own Land and Valuation Court in New South Wales. The third category embraces all the many other tribunals which may consist of officers of a particular department, officials, Ministers, boards, or commissions. They go under a variety of names, and it is these tribunals which pose the basic problems of administrative law and justice. If this third category were extended to Western Australia it would include, for example—just to mention a few—the Milk Board, the various promotions appeal boards—including the Public Service, railways, electricity, and teachers—inspectors appointed under the Companies Act and Ministers where they act in this capacity under any Act of Parliament. Also included would be the large number of bodies which are responsible for the licensing of various trades and professions.

If we apply the test of the standards which were laid down by the Franks committee to our own administrative tribunals in the third category, what do we find? We must remember that these tribunals have been set up to exercise discretions on behalf of a Minister under an Act, or to hear objections or representations. They have all been set up in order to achieve good administration, which implies openness, fairness, and impartiality. To achieve good administration they must secure the objectives of policy which are laid down by Parliament in the Statutes; and at the same time they must satisfy the citizens that their private rights will not be sacrificed arbitrarily in the public interest.

Do our administrative tribunals achieve this? Do they possess these characteristics? Are there any secret procedures involved in our tribunals? Are they neutral in the sense that they carry out well-regulated rules of policy laid down in a code by the Minister, but are nevertheless independent of the Minister? We should ask these questions of our existing tribunals, and we should also ask these questions on each occasion when we are considering legislation for the setting up of new tribunals; because we would not want our citizens to feel that they did not have adequate remedies for their grievances. We would not want citizens to feel that Parliament had not provided any remedy for them and therefore they could only interview their local member, or write a letter to the Press, or indulge in that most ancient practice, self-help, as Mr. Ramfield did.

Members may recall the case of Mr Ramfield. This unfortunate farmer, who owned property in England over which the Central Electricity Authority proposed to put a powerline, objected to the original route selected by the authority and made unofficial representations to the headquarters of the authority. Officials there approved unofficially of his suggestions that the route of the powerline be changed from the original route to another one which also crossed his property. The local officials administering the electricity authority, however, proceeded with their intention of placing the powerline along the original route. Mr. Ramfield, in order to forestall them, put up a number of very difficult obstacles.

He had some dangerous bulls on his property and he let them loose in the field. He provided some guard dogs and set up booby traps, consisting of sawn-off shotguns, and barbed-wire entanglements. He also had a patrol of armoured cars and he even went so far as to place a minefield along the original route so that if any of the officials ventured into the area they would have been blown sky high.

The Hon. A. F. Griffith: Did you say he was an unfortunate man?

The Hon. I. G. MEDCALF: As a result of his activities an inquiry was held but we would not want any of our citizens to feel that they were forced to take such measures to safeguard their rights.

The Hon. Clive Griffiths: Where did the line go?

The Hon. I. G. MEDCALF: I believe he succeeded in getting them to put it on the amended route.

The Hon. J. Dolan: I don't blame them for doing that.

The Hon. I. G. MEDCALF: If I may make some general observations on this matter in order to sum up, it seems to be generally conceded that a uniform code of procedure is not desirable and not possible for all tribunals, because tribunals have been established for such a diversity of matters. However, there are certain basic rules, some of which I have mentioned, which can obviously be incorporated in rules of procedure for any tribunal.

It seems desirable, in the interests of satisfying the subject, and in the interests of good administration, that there should always be a right of appeal and that the right of appeal should be on matters of law to the ordinary courts of the land. It should not be necessary for the subject to be forced to rely on the rather limited confines of the prerogative writs, and in all cases tribunals should give reasons for their decisions. Justice must be seen to be done.

In his paper, Mr. Justice Else-Mitchell made some quite sweeping recommendations on the subject of the right of appeal. He considered that the existing rights of appeal were quite inadequate in most cases; that the recommendations of the Franks committee were inadequate; and that there should be a considerable enlargement and consolidation of the existing appeal procedure so that there could be an appeal in a greatly enlarged number of cases to an appropriate section of a superior court.

He felt that these appeals should be dealt with by a particular section of a superior court because that court would then be able to give consistent decisions and it would develop an expertise in the handling of particular types of matters. There is much to be said for his recommendations.

I believe we should be aware of our responsibilities as legislators. If the tendencies which have manifested themselves elsewhere manifest themselves here—and I have no doubt they will because we are a Western country with democratic institutions—then there will be a need for safeguards, and we should do our best to ensure that the representations of private citizens are not arbitrarily sacrificed on the altars of planning.

I am not suggesting that there should not be plans and schemes, because it is part of our function as legislators to see that good plans and schemes are made for the benefit of the community. However, government should be for the benefit of the governed, and this includes all those who are governed; and we should not fail to recognise that people with private rights should be able to ventilate those rights and objections and make their representations in the proper way irrespective of the outcome of those objections and representations.

The driver of a motor vehicle for whom we make laws, is also a pedestrian and therefore, in another capacity, he has different interests; the primary producer is a consumer and the engineer may be a family man. We all act in different capacities from time to time; therefore, we should appreciate the rights of private citizens. I feel, perhaps optimistically, that in the process of the natural evolution of society, many of these problems will tend to sort themselves out. Nevertheless, we must be constantly vigilant to ensure that the legislation to which we give our approval does not take away the basic right of the citizens of the State to assert their interests and enjoy their freedom wherever this is not inconsistent with the common good.

THE HON. F. D. WILLMOTT (South-West) [5.31 p.m.]: In addressing myself to the motion which was so ably moved by Mr. Heitman, I desire to refer to three separate subjects. The first of these is a subject which seems to be on everybody's tongue and on everybody's mind these days; and that is the road toll. I feel that all too often, because of pressure from the Press and from the public generally, we rush into taking action with the idea of trying to do something to reverse this trend on the roads. Very often we take actions which I believe have little or no benefit. At the same time perhaps we are inclined to neglect some avenues which could be of greater benefit than the benefit to be gained from methods that are being made use of at the moment. In an article in *The West Australian* of the 19th August—I am sure some members have read it—the following appeared:—

> The 17-24 age group holds only about 18 per cent. of the licences, yet is responsible for more than 30 per cent. of accidents. Also 35 per cent. of the drivers killed on the road are in this age group.

These are startling figures. The article states further—

> Six out of every 100 drivers under 25 are involved in an accident each year, compared with two in every 100 among those older.

That again highlights the age group in which many of the road tragedies occur. The article continues—

> Also the cost of insurance claims by the younger group is almost double that of the older group.

Further down in the article the following appears:—

> . . . the police advanced driving wing in South Australia undertook a training programme for 333 secondary school students in 1965. Another group of the same number, age and sex distribution was selected at random and records kept of the two.

Over a three-year period the result was this: the police-trained drivers committed 100 traffic offences, but the other group was responsible for committing 379 traffic offences.

I ask myself: What does all this add up to? In my view it adds up partly to the fact that there is a great need for further driver training among the young people. I believe that much of the money which is being spent in various ways on traffic control and on our roads could be better spent in the further training of young drivers. This is one of the factors which will eventually have an effect on the road toll. The effect will not be immediate; but I say that to tackle this problem by training the young drivers is the best method in the long run. A great deal more of this training should be given.

I am of the opinion that great benefit could be derived from the use of driving simulators. There is only one way in which a person can learn to handle a car under all conditions; and that is through experience. There is nothing to take the place of experience. All too often we see letters in the Press and we hear people say that accidents are caused by the high-powered car and by travelling too fast. I certainly do not agree with this, because anybody who has had much experience of driving knows full well that the power in a motorcar will more often get a driver out of trouble, than will the brakes.

To the drivers who use their cars a great deal and who are experienced, the high power of the vehicle is a very valuable asset while they are on the road. I do not agree that the reduction of the power in motor vehicles will do anything to alleviate the road toll. It is not correct to say that the power of a vehicle is the factor which causes most accidents; the main factor is the inability of the driver to handle speed under all conditions. That is where the fault lies. The lack of experience could be corrected by giving further training to the young people.

The Hon. E. C. House: Some of the new cars can travel up to 120 to 130 miles per hour.

The Hon. F. D. WILLMOTT: A person might drive at that speed, but very often the power in the vehicle comes in very handy. The honourable member would know this, as he is a frequent user of the road. He is well aware that a low-powered car could prove to be a dangerous vehicle on the open road. When the driver of a low-powered car is passing a semi-trailer which is loaded with logs he remains alongside the vehicle he is passing for probably twice as long as he ought to, and he becomes a sitting duck in that position. The safest way to pass a vehicle is to pass it quickly.

The Hon. E. C. House: Once I get over 110 miles per hour I do not like it!

The PRESIDENT: Order! Will the honourable member please address the Chair.

The Hon. F. D. WILLMOTT: I was attempting to do that, and with your assistance, Mr. President, I shall now do so.

The Hon. R. Thompson: You were asking yourself a question as to how this training could be implemented.

The Hon. F. D. WILLMOTT: I might get onto that aspect in a few minutes. Nothing takes the place of experience. I first learnt to drive a motorcar in 1914, and the vehicle was a 1912 T-model Ford. Some of us can recall what those cars were like and also what the so-called roads of those days were like. The roads were little better than tracks. In those days the driver had to sit with both hands hanging onto the wheel, because the vehicles had direct steering. The driver did not dare to scratch himself or to blow his nose. Progress along the roads was a series of skids, and a driver had to know how to handle the skids because half the time the car skidded along. This type of driving gave the drivers in the early days the necessary experience. Unfortunately the young people of today do not get the same opportunity to learn. When I was learning to drive I do not suppose there would be two vehicles within a 50-mile radius of the car I was driving.

The Hon. Clive Griffiths: Probably just as well.

The Hon. F. D. WILLMOTT: That might be so. The fact remains that was the situation, but it is not the situation which the young people of today face when they learn to drive. They do not get the opportunity to learn to handle a car under all conditions.

The Hon. H. C. Strickland: There are now many one-arm drivers.

The Hon. F. D. WILLMOTT: There are today, and sometimes they make wrong use of the other arm!

The Hon. Clive Griffiths: Why do you say drivers in those days learnt to handle a car under all conditions, when you yourself found only two cars within a 50-mile radius?

The Hon. F. D. WILLMOTT: They learnt to drive under all conditions because of the poor state of the roads at that time. The use of a little ingenuity

on the part of the honourable member will enable him to follow what I am saying, without my having to cross every T.

The Hon. F. R. H. Lavery: Mr. Clive Griffiths would not have been born in 1914.

The Hon. F. D. WILLMOTT: That is why I say that a younger man might be able to learn something from an older person like myself.

The Hon. Clive Griffiths: I still reckon that 60 miles per hour is a safe limit.

The Hon. F. D. WILLMOTT: A great deal of the money which at the present time is being spent on erecting speed signs, in an effort to restrict traffic to 65 miles per hour on open roads—and I disagree totally with this speed limit—is wasted. This expenditure has no effect on reducing the road toll. There are many drivers using our roads today who are very experienced; I refer to people like commercial travellers and the like who are capable of driving their cars at a fast speed. The experienced driver keeps his car in good order and well serviced; he makes sure that his tyres are in good condition. These drivers are capable of driving at speeds in excess of 65 miles per hour, and generally they are not the ones who cause accidents either to themselves or to others. I do not agree that an overall speed limit of 65 miles per hour has an effect on alleviating the road toll.

The Hon. G. W. Berry: That is not my opinion.

The Hon. F. D. WILMOTT: It is my opinion, and there are many people who agree with me.

The Hon. J. Dolan: You have mentioned the people who can drive at over 65 miles per hour quite safely; but what about the great percentage of people who cannot drive safely at even 50 miles per hour?

The Hon. F. D. WILLMOTT: The point is why should we restrict the driver who is capable of driving in excess of 65 miles per hour, and deprive the person who is not capable of driving at high speeds of the opportunity to learn? I do not agree, in the main, with the graduated speed limits in country areas; although I think that in the metropolitan and outer suburban areas the graduated speed limits have done much to speed up the traffic wherever that is possible.

However, I do not think that this system, when applied to open roads, has done anything at all to assist traffic flow; in fact, it has had a bad effect on the traffic. I use the roads a great deal, particularly the South-Western Highway, which is often heavily loaded with traffic.

The Hon. F. R. H. Lavery: I would say it is overloaded with traffic.

The Hon. F. D. WILLMOTT: It could be that some parts of this road are overloaded. The effect of the graduated speed limits is to build up the traffic into long convoys, where previously a breakup in the traffic occurred when the naturally fast and the naturally slow drivers were permitted to travel at their own speeds. Now the traffic builds up into long convoys; and very often a driver somewhere along the convoy becomes impatient and pulls out to overtake. We can see that happening repeatedly on the roads at the present time. Unfortunately, the driver who pulls out to overtake, and thereby causes an accident, is not usually the one who is injured. Often it is some other unfortunate person in the convoy who is injured.

The Hon. Clive Griffiths: I think you are off the beam.

The Hon. F. D. WILLMOTT: Some people may claim that I am off the beam. I do not claim to know this subject thoroughly, but I have an opinion and I am expressing it. The honourable member does not have to agree with me.

Recently I saw a report in the newspaper of the comments made by the Minister for Traffic after he had made a trip along the South-Western Highway. I agree wholeheartedly with much of what he had to say in regard to the policing of traffic. In particular I agree 100 per cent. with him when he said it was not the right approach to hide an amphometer behind a bush in order to trap motorists. All that results from such a practice is a game of tag between the motorist, and the police officer or traffic inspector. This gets us nowhere.

All too often, in spite of what I have heard here, too many traffic inspectors are keener to catch a fellow and have him fined than try to educate him as to how he should behave on the road.

In this respect I wish to refer to a portion of road which I am sure some members in this Chamber know. It is on the road between Brunswick and Harvey. There is a long stretch of straight road and then Wokalup is reached. After going through this little settlement, the road curves over the railway line and on this section the speed limit drops from 65 miles per hour to 50 miles per hour. Once over the railway line another straight stretch is encountered involving a downgrade, and at this point it is possible to see at least half a mile ahead. There the speed limit rises again to 60 miles per hour.

It is at the end of this stretch that people are repeatedly caught by a hidden amphometer. The traffic inspectors know that they will catch the motorists there, the reason being the big milk and timber trucks which are on the road all the time. Everyone who knows that road is aware that it is amazing how often a motorist will catch up to one of these big trucks when on the straight stretch with the 65 miles per hour limit. However it

is impossible then to pass because the limit drops to 50 through the township of Wokalup.

Immediately the other straight stretch is reached the trucks gather speed, and believe me, if a motorist intends to pass he can do so only by exceeding the speed limit. Every motorist does try to pass at that particular spot because he knows that if he does not do so he will not get another chance for a further 10 miles.

The Hon. J. Dolan: What is your hurry?

The Hon. G. W. Berry: Yes, what is the hurry?

The Hon. F. D. WILLMOTT: If motorists do not pass slow vehicles on this stretch they must stay behind them for another 10 miles. As a consequence of this it is not long before a convoy, five miles long, builds up. That is the situation which occurs on this road.

The Hon. N. E. Baxter: That is quite right.

The Hon. F. D. WILLMOTT: Mr. McNeill is familiar with this road and he also knows some of those people who have been caught at the spot to which I am referring. The amphometer is deliberately set up at that point because it is perfectly well known that everyone will try to pass any big trucks on that stretch of road. Everyone does this because it is well known there is no other chance for another 10 miles. However it is not possible to pass anything at the limit of 60. It is necessary to travel at least 70 miles per hour in order to get past.

The Hon. G. W. Berry: But why is it necessary to pass? It must be a status symbol.

The Hon. F. D. WILLMOTT: No. it is not a status symbol. If any truck on the road is not passed by that stage, the following motorists must travel much of the next 10 miles, because of all the bends and hills, at 10 miles per hour.

The Hon. G. W. Berry: Some of them I cannot pass.

The Hon. F. D. WILLMOTT: The honourable member is referring to a different road. I am stating the facts, and this is the situation in regard to the amphometers. The traffic inspectors set them up deliberately at this point knowing full well that they will catch motorists because the motorists will be speeding to pass the trucks. The inspectors also know that the motorists, when they are doing this, are doing the right thing by passing at speed instead of dawdling along.

I believe that all too often the traffic inspectors and, to some extent the police also, treat the matter as a game of tag. They are trying to catch the motorist instead of trying to educate him or, in other words, trying to get the motorist on-side. I am sure that some of the older members in this Chamber will recall the circumstances to which I am about to refer.

The Hon. Clive Griffiths: There are plenty of them.

The Hon. F. D. WILLMOTT: The older members in this Chamber—not Mr. Clive Griffiths, because I am referring mainly to country members—will recall the days when our drinking laws were not quite as enlightened as they are today, and even today there is much room for improvement. As I was saying, in earlier days the bars at hotels opened at 9 a.m. and closed at 9 p.m. Very few people wanted to drink at 9 a.m., but many of the farmers in country areas, particularly in the summer months, could not get into town until 9 p.m. and then they wanted a beer. It was amazing that when a policeman enforced the law rigidly, an undeclared war existed all the time between that policeman and the farmers. However, more often than not the police in a district adopted quite a different attitude. The farmers would try to get a drink late only because they did not arrive in town until late; they had no opportunity to get in earlier.

The Hon. J. Dolan: Why did the farmers have to be in town at 9 p.m.? Was it to get a drink, or why?

The Hon. F. D. WILLMOTT: No. They went to town to do their shopping. In those days there was late shopping.

The Hon. Clive Griffiths: At night?

The Hon. F. D. WILLMOTT: Yes, at night. Many members in this Chamber would recall the situation to which I am referring. Maybe Mr. Clive Griffiths would not; but very often the police adopted quite a different attitude. The policemen knew that the farmers came into town late and therefore did not mind if they went into the hotel to have a beer or two as long as they did so quietly and did not make a nuisance of themselves and kick up a noise.

The Hon. J. Dolan: Do you mean that there was one law for one set of people and a different law for another set?

The Hon. F. D. WILLMOTT: That is what happened. The police who adopted that attitude did not have to worry because if ever any fellow started to misbehave himself after hours and get noisy in any way he would be very quickly told by the others to keep quiet or get out. He would be told that the policeman in that town was giving them a fair go and that therefore it was up to the farmers to give the policeman a fair go. The other fellows there would do the policeman's job.

That is the sort of pattern which should be developed in regard to traffic. We should get the public on-side and not opposed to all traffic authorities. This

opposition is built up when the traffic inspectors or the police are continually chasing motorists only with the idea of prosecuting.

I believe that a great deal more could be done not only to educate the young, but also every other driver on the road. I know that lack of knowledge of regulations is no excuse in a court, but it absolutely amazes me how often people do not know the regulations, even the simple ones. Many motorists do not even know the use of white lines on a road. I think that everyone knows that a double unbroken white line must not be crossed, but in many cases, that is about the extent of the knowledge of white lines. These lines are painted on the road for the protection of the motorists who very often do not have a clue about their purpose.

The Hon. A. F. Griffith: Every man is deemed to know the law.

The Hon. F. D. WILLMOTT: That is correct, but I believe we could do a lot more to help educate the motorists and improve their knowledge of the traffic regulations. How many times have we seen two or three motorists stationary at an intersection? One of them obviously has the right of way; but he is completely unaware of it. This type of situation is experienced every day, and I believe an education campaign would do a great deal more good than do traffic inspectors and policemen when they chase minor traffic offenders purely for the sake of prosecuting.

If we were to launch a campaign on television to give diagrammatical instructions on certain situations, a great deal would be achieved. I know that some motorists need to be chased and dealt with severely. I am referring to the dangerous drivers and the drunken drivers. I have no sympathy for them, but I have a good deal of sympathy for those motorists who are bedevilled for exceeding the speed limit by very few miles per hour.

I know from my own experience the effect of an understanding attitude on the part of a traffic inspector. Not very long ago I was driving on a road and I was towing a trailer behind my car. I had been following a big truck with a heavy load and also a couple of other slow vehicles. I saw an opportunity to pass, and I did so. I knew that the speed limit in the area was 45 miles per hour and I also knew that by the time I had passed the truck I was doing more than that speed.

A traffic inspector pulled me up a little further along the road and asked me if I knew what speed I had been doing. I told him I had been doing 55 miles per hour. He then asked me if I knew the permitted speed limit for a car towing a trailer. I knew it was of no use saying I did not know so, I said, "Yes, 45 miles per hour." He said, "You were doing a lot more than that." I admitted this and asked him if he had seen me pass the other vehicles. He said that he had and that he had followed me. He then said, "But you went a long way before you steadied up or showed any sign of slowing down." I replied that perhaps I had. He then said, "Well, there was no-one else on the road and there was no danger in what you did. We do not like prosecuting just for the sake of prosecuting; but just watch it in future!"

I know the effect that incident had on me. I would feel very ashamed of myself if I was ever in that same area and allowed that man to pick me up again for exceeding the limit. If on the other hand he had prosecuted me and I had been fined a couple of dollars when he pulled me up the first time, I would have gone gaily on my way and would not have thought about it any more the next day and would probably do the same thing again.

The Hon. J. Dolan: I don't think you would.

The Hon. F. D. WILLMOTT: I do, and I think most people's reaction would be very much the same as my own. I think a lot could be done in this way to establish greater co-operation—if I might put it that way—between the traffic authorities and the motorists. However, perhaps I had better leave that subject for now. I do not seem to be getting any agreement!

I will now turn to another subject which seems to be of general interest to many people; that is, education. A great deal of criticism has been levelled at the department and, in fact, all round.

I might as well say at the outset that I do not suppose anyone is completely satisfied we are doing everything for education, and we never will, for the simple reason that there is a bottom to our purse. We would all like more spent on education, but our funds for this purpose are limited.

However, I do believe that up to date, with our limited means, very good results have been achieved. An examination of the situation reveals that in 1968-69 the Commonwealth provided this State with $5,200,000 for tertiary education. However, it must not be forgotten that because of the strings the Commonwealth attached to this grant, the State Government had to find $8,300,000 in order to obtain the $5,200,000 from the Commonwealth. This is not a small sum of money to be spent in this one area of education. It is a very big sum and I think it speaks well for what the Government and the Education Department are achieving.

The migrant inflow has had a big impact on expenditure on education. Last year the population gain from migrants was in the vicinity of 26,000. The increased expenditure of capital funds required to provide classrooms for migrant children

was $3,400,000, which had a big impact on our expenditure, and that was just for migrants alone.

I do not believe that anyone would suggest we should not allow any more migrants here. There is of course, an easy way to solve many of these problems, and that is to stop and do nothing; then the problems will solve themselves.

An examination of the increase in expenditure over the years is interesting I think. Twenty years ago we were spending 8½ per cent. of our Budget on education, while 10 years ago we were spending 12½ per cent. of our Budget in the same field. Today 20 per cent. of our Budget is spent in this field.

The Hon. G. W. Berry: That is a fair effort.

The Hon. F. D. WILLMOTT: It is a fair effort, and therefore I think a great deal of the criticism being levelled at our education system, and at the Government, is completely unfair.

The Hon. H. C. Strickland: Don't you think those on the job should know?

The Hon. F. D. WILLMOTT: I will come to that in a moment. So far as primary, secondary, and technical education are concerned, over a 10-year period the education vote has risen from $15,800,000 to $46,400,000, which represents an increase of 194 per cent. Last night an honourable member criticised this percentage and mentioned that the amount spent in the north-west, or somewhere else, represented an increase of 300 per cent. This kind of comparison can be very deceiving indeed. If I spend only $100 this year and I increase my expenditure next year by 10 per cent., I am still spending only $1,000.

The Hon. J. Dolan: Say that again.

The Hon. F. D. WILLMOTT: If I spend $100 this year and I increase my expenditure next year by 10 per cent.—

The Hon. J. Dolan: It goes up to $110.

The Hon. F. D. WILLMOTT: I beg your pardon. I said 10 per cent., but I meant 100 per cent.

The Hon. J. Dolan: Then, with 100 per cent. it would be only $200.

The Hon. Clive Griffiths: I think we should get off the mathematics.

The Hon. A. F. Griffith: The honourable member has made a mistake.

The Hon. F. D. WILLMOTT: Yes, I made a mistake. The point I wish to make is this: Very little money was expended in the north-west and, for this reason, we must expect that the expenditure would rise by a far greater percentage than the percentage increase in the field of education to which a very large sum of money has been allocated for many years. Even 10 years ago the total expenditure on education in this State represented 12½ per cent. of the total Budget. Consequently an increase of 194 per cent. on that amount represents a very steep rise. Further, if one includes the amount spent on tertiary education—that is, the University and the Institute of Technology—together with the amount spent on kindergartens, slow learning children's groups, and all the other groups, one finds the increase is in the vicinity of 207 per cent. I do not think that this is such a bad record.

I consider the Government and the Education Department have done a very fair job under the difficult conditions that exist. Again, I am referring to the lack of money. In my opinion, perhaps the Government could have received a little more assistance from one other field.

A member interjected and referred to "those who know." I think he said, "should not they know."

The Hon. H. C. Strickland: Those in the job.

The Hon. F. D. WILLMOTT: I do not think the honourable member knows any more than I do as to what teachers think. He knows what the Teachers Union has been saying; but, for my part, I deplore the attitude of the Teachers Union to this matter. Further, one of the things I most deplore is the way in which the union belittles the teaching profession. To illustrate my point I refer members to the teachers' journal of June of this year. The front cover depicts a schoolmaster looking down upon a small student.

The Hon. G. W. Berry: Did he look very intelligent?

The Hon. F. D. WILLMOTT: About as intelligent as the honourable member. Obviously the little student has expressed a desire to be a teacher. The caption shows the teacher saying to him, "Good heavens, boy! Haven't you any ambitions?" If this kind of thing is calculated to raise the dignity of the teaching profession in any way I fail to see it.

The Hon. A. F. Griffith: Fortunately, that is not the expression of the teachers; it is the expression of the fellow who drew the cartoon.

The Hon. F. D. WILLMOTT: I agree that it is not an expression of the teachers. Indeed, a great many teachers, to my knowledge, deplore this approach. Certainly this is not by any manner of means the attitude of all teachers.

The Hon. A. F. Griffith: It has to be realised that the author of that caricature is a smart guy.

The Hon. F. D. WILLMOTT: I wish to make one other comment, again on the Teachers Union. Many members will have received a letter from the union over the signature of Mr. Darragh. I do not intend to bore the House by quoting all of the letter, but I should like to refer

to part of it. Reference is made to an expression of opinion which allegedly came from teachers. This would be as a result of a union meeting which was held at Perry Lakes Stadium. The letter says, in part—

> As this expression of opinion was so prominent it has been considered by my Executive. I have been instructed to write to you asking what you have done and what you are intending to do to overcome the present crisis in education.

The Hon. F. R. H. Lavery: That is a simple question.

The Hon. F. D. WILLMOTT: That is a gun at a member's head. That is exactly what it is; nothing more nor less. The attitude adopted by the Teachers Union will do nothing to assist education in this State. As a matter of fact, in my humble opinion, all it does is to expose what the campaign of the Teachers Union has developed into. It is an industrial and a political campaign. It is not a campaign designed to assist education. Of this I am firmly convinced and I think members would find that my thinking is very much the same as the thoughts of many of the teachers in this State.

Sitting suspended from 6.6 to 7.30 p.m.

The Hon. F. D. WILLMOTT: Prior to the tea suspension I was about to commence speaking on the third subject I wish to deal with this evening. The subject is pine growing in Western Australia, but I do not intend to speak on it at length, because my colleague, Mr. Ferry, did that only recently during the debate on the Supply Bill. There are, however, a few points I would like to make on pine growing within this State. Like Mr. Ferry I believe it is most necessary that the growing of pines on private property should be fostered in addition to the growing of pines in State forests, and this should be done as fast as possible. I stress this because there is an ever-growing need in the State for pine products.

However, I believe that if the growing of pines on private properties is fostered there are some aspects that require careful study. Before we actually encounter some of the problems which I visualise could arise in the future, it would be in the interests of the industry if such a study could be made. The reason for my saying that is that I consider we could take a better balanced and less emotional look at the problem before it actually arises. When a problem does occur it is difficult to adopt the same balanced unemotional attitude towards it.

In my view there will be an essential difference between State forestry and private forestry. It would be reasonable to assume that with State forestry the emphasis would be on maximum production. It would be equally reasonable to assume that with private forestry the emphasis would be more likely to be on gaining the maximum profit, and I do not think that, necessarily, maximum profit and maximum production go hand in hand. Of course, this is only supposition on my part at the moment. There is no basis in fact for my making that statement, but I feel that in the long run experience will show that my remarks will be somewhere near the mark.

One of the questions I think should be studied is whether it would be advisable for the Forests Department to exercise some control over the methods of silviculture in regard to the growing of pines on private property. This is one aspect which I think should be carefully investigated.

Another aspect is whether it will be necessary for the State to have some control over marketing. I think this might prove necessary because what I had in mind when I said that emphasis would be on maximum production in State forestry and on maximum profit in private forestry is that some form of marketing control may be necessary for the welfare of the industry. In the industry at the moment the only market for the private grower for his young timber is among those who require fence posts. This market absorbs only young timber, and in private forestry this is the timber which the private grower will probably want to harvest in preference to older timber, because it will be more profitable for him.

However, as time goes on, and when most of the pines are well established, I think other markets will be created in the form of the wood chip industry and later the paper pulp industry, because I feel it is industries such as these which will absorb the younger timber. However, it is in this sphere that it may be advisable for the State to have some control over methods of marketing. This is a feature which I think may require quite a deal of study. There are various marketing systems in the different countries of the world, as far as I am aware, but I have not been able to obtain any details of them.

However, I do know that the Scandinavian countries have in operation a cooperative marketing system which is designed to protect the private grower from large cartels, and I am informed that in these countries this system works very well.

The Hon. R. F. Claughton: It works well anywhere.

The Hon. F. D. WILLMOTT: It does not work well anywhere. This is the point I was about to make, because I also know that the same system was introduced in America and proved to be an abject failure, despite the fact that tree farming under a different system is thriving in America. I repeat: I have not the

details of the different systems in other countries in the world, but the system which operates successfully in the Scandinavian countries was put into operation in America and failed hopelessly.

I believe that a careful study of overseas production and marketing methods and, in fact, all aspects of the pine-growing industry, should be made before we actually enter into a situation where we will be affected by, and obtain great benefit from, the establishment of a greater pine-growing industry within this State. That is all I want to say on the subject at this stage, and I support the motion.

THE HON. V. J. FERRY (South-West) [7.38 p.m.]: In supporting the motion moved by Mr. Heitman, I wish to speak on a problem which concerns all citizens of Western Australia; that is, the question of rubbish and litter.

The Hon. J. Dolan: What kind of litter; dogs or pigs?

The Hon. V. J. FERRY: We are all aware of the unsightly scenes created by the disposal of rubbish and litter on road verges, on beaches, and in public places, such as picnic spots. I have been making a check of the Statutes to ascertain the legislation that governs the disposal of rubbish.

After checking the Police Act I am of the opinion that the powers of a police officer appear to be directed more towards law and order than towards keeping any place tidy. Section 96 of the Police Act reads—

> Every person shall, on conviction, be liable to a penalty of not more than forty dollars who shall in any street commit any of the following offences:—

I now turn to subsection 17 of that section, which reads as follows:—

> Every person who in any street shall beat or shake any carpet, rug or mat (except door mats before the hour of eight in the morning), or throw or lay any dirt, litter, or ashes, or any carrion, fish, offal, bottles, broken glass, or rubbish, or throw or cause any such thing to fall into any sewer, pipe, or drain, or into any well, stream, or watercourse, pond or reservoir for water, or cause any offensive matter to run from any manufactory, brewery, slaughter house, butcher's shop, or dung-hill into any street, or any uncovered place whether or not surrounded by a wall or fence.

And at the end of this section it goes on to say—

> And it shall be lawful for any constable to take into custody, without warrant, any person who shall commit any such offence within view of such constable.

I repeat that this section—and this is the probable interpretation placed on it by a police officer—is for the protection of people and property rather than to correct the litter problem.

I then checked the Local Government Act and found that section 665A reads as follows:—

> (1) Any person who—
>
> (a) breaks, or causes to be broken, any glass, metal or earthenware; or
>
> (b) discards, deposits or leaves, or causes to be discarded, deposited or left, other than in a receptacle provided for the purpose, any refuse or litter,
>
> in or upon any street or public place, in or upon any public reserve vested in or under the control of a council, or in or upon any property of a municipality, commits an offence.
>
> Penalty: Two hundred dollars.
>
> (2) A council may appoint persons to be honorary inspectors to assist in the administration of the provisions of this section and any person so appointed shall be an officer of the council for the purposes of the provisions of section six hundred and sixty-nine of this Act, other than subsection (3) of that section.

It seems to me that in regard to legislation already enacted to govern the depositing of rubbish and litter in public places, the main control is vested in the local authorities, and I feel that this is only right. I cannot see how it could be effectively policed by any other authority.

At this point I would just mention that the penalty under the Local Government Act for an offence of this nature is $200. I assume it could be a lesser amount than that, but the amount of $200 is provided as the maximum penalty. To my mind a fine of this magnitude will not cure the problem. I believe that if we embarked upon a programme which was more educational in its nature we would get better results. I do not believe that fining those who dispose of litter and rubbish in public places—and young people are the greatest offenders—is in the best interests of the community, nor is it the best way to solve the problem because I should imagine that, in the main, it would be the parents who would have to meet the cost of the fine.

The Hon. A. F. Griffith: That is how it generally works.

The Hon. V. J. FERRY: Surely it is better to adopt an approach that has a more educational outlook, and then, when it is found that fines are necessary to deter offenders, they should be more moderate, except perhaps in the most blatant cases.

I am aware that there is an ever-growing movement within Australia to prevent the pollution of public places by the disposal of rubbish and litter. I recognise that the countryside is literally being poisoned by civilisation's own products. In a recent edition of *The Australian Women's Weekly*, dated the 6th August, 1969, there is an article with the heading, "Don't Rubbish Australia." The article then goes on to deal with a gentleman in the Eastern States who has started a campaign with a view to beautifying the countryside of Australia.

I am also aware that a representative Australian committee has been formed to consider at a national level a campaign to clean up the country. As I understand it, this committee is composed of three men, one of whom is Mr. Miller from the Tourist Development Authority of Western Australia. I believe I am right in saying that the other two are Mr. Murdoch from New South Wales and Mr. Harkin from Victoria.

The basic thought apparently is to come up with a worth-while campaign to be as effective as it is humanly possible to make it. The Tourist Development Authority of this State, in company with tourist development authorities in other States, recognise that it is not good for business to have so much rubbish lying around Australia. They realise that not only is it bad for business but it is also not good for tourism.

In our own State we introduced a tidy towns competition last year which assisted the communities tremendously. I believe a tidy towns competition will again be conducted this year, and I hope that as many towns and communities as possible will enter into the spirit of things.

I have given a great deal of thought to the problem of refuse being thrown from moving vehicles. We see this so frequently, particularly along country roads where we often find cans, cigarette packets, and all sorts of rubbish tossed out of cars and so on. This mess is particularly noticeable during the autumn season when the dry grass has either been burnt off or blown away and the fresh green grass has not grown long enough to cover the rubbish.

I believe this is where car manufacturers can play their part. I remember receiving from an insurance company in this State a couple of years ago a very handy little rubbish disposal bag which was supposed to be used in the car. I appreciated the gesture very much indeed; it was very nice of the company to make this available to me. It is possible that something similar was made available to other members of the House.

While this is a start in attacking the problem, such a bag must be placed somewhere in the car. It was so constructed as to enable it to be placed over some knob or hook, but this was not always convenient. If it were placed on the controls, or on the knob for the headlights or the cigarette lighter, it invariably got in the way. The door handle was certainly not a good place for it, because there was always the fear of the car door being accidentally opened or the bag falling out when the handle was operated.

I believe that car manufacturers could, without a great deal of expense, modify their designs to incorporate in all vehicles a properly constructed rubbish bag, or compartment, in the space under the front seat on the passenger's side. Normally in all vehicles there is such a space which is not utilised for anything and I believe this would be the most convenient place to have such a receptacle for the disposal of rubbish. It would not be in the driver's way nor would it cramp the leg room that might be required. Bags for the disposal of rubbish would certainly be a help and it would be an improvement if they could be incorporated in the back of the car. But the question is: Where should they be placed? While they might relieve the situation they might not be very convenient to install.

I mentioned the question of education rather than penalties, and here I pay tribute to the example set by so many of the service clubs in our community. I refer particularly to such clubs as Rotary International, Apex, Lions, and similar organisations. Country towns are most fortunate if they have one or more of these service organisations in their community. The members of these clubs carry out a tremendous service to the community and a district is the richer for having them. I know a number of them have participated in campaigns to clean up particular towns or districts.

I heard very recently that some students from the Northam High School took over the cleaning up operations of a highway in their district. I commend them very highly for this; they have set a very good example indeed.

I realise that the teaching fraternity generally encourages tidiness amongst school children and, in fact, I know of many teachers who award minor penalties to children in their charge if they happen to deposit rubbish around the school grounds. This is nothing new, of course, but I commend them for training the young to be tidy.

The Hon. R. Thompson: Have you noticed that the Kwinana Shire Council has put up signs on the way to Mandurah indicating that rubbish bins are to be found 200 yards ahead, and so on? The local authorities can help.

The Hon. V. J. FERRY: I agree that some local authorities have set a very good example in placing rubbish bins at

advantageous points, not only along the roadside, but also at beaches, reserves, and on parklands. However, a lot more needs to be done not only on the roadsides but also in the built-up areas. Far too often do we see tin cans, cigarette packets and chocolate wrappings thrown away, but if more receptacles were provided, I feel sure more people would use them.

I do not suppose we will ever reach the position where everybody will use such receptacles but people could certainly be educated to do the right thing. I think we all know that many overseas countries are far more stict when it comes to policing the disposal of rubbish.

I was talking to a friend of mine who had just returned from a trip to Europe and in conversation with me he said, "I must not throw this match away. The last time I did such a thing was in a continental country. I was with several people at a sports meeting and they all looked at me with such horror that I was ashamed of what I had done and I picked up the match and put it in my pocket."

I believe we must develop the same sort of attitude in this country if our efforts are to be effective. I might say that I am aware that the Chamber of Manufactures is also quite concerned about the litter problem in Western Australia. The car manufacturers are giving some prominence to this aspect and, as I mentioned earlier, I feel sure that a great deal more can be done in this direction.

I am glad a campaign is to be launched at a national level to improve the look of the countryside and to do away with the unsightliness which is caused by the depositing of rubbish. I trust that this committee which is to be formed at a national level will transmit its enthusiasm to all the States and that we in Western Australia will play our part, with the assistance and guidance of the Tourist Development Authority, and any help that might be given by the shires and the schools.

I would invite all members of our community to play their part as individuals and to do all they can to help in this direction. There is no doubt that a tidy town week is a commendable idea. I would like to see one day or perhaps one week set aside for the purpose of tidying up communities throughout Western Australia. It would help in no small manner if each one of us played his part in a small way, if only in his particular residential area.

It is said that many hands make light work and if we all helped in supervising the cleaning up of our particular residential areas we would have a much tidier community in which to live.

I have already mentioned the question of education rather than penalties, but it is not always easy to educate people. It is not easy for a person to pick up a can he has thrown in the gutter and place that can in a receptacle. People generally get lazy and their one desire is to disown any piece of rubbish they might have thrown away.

In a lighter vein, I would like to quote a well-known limerick which might in some small way help in educating the public in the disposal of litter. The limerick reads as follows:—

A Tutor who tooted the flute
Tried to teach two young tooters to toot,
Said the two to the Tutor,
"Is it harder to toot, or
To tutor two tooters to toot?"

Debate adjourned, on motion by The Hon. H. C. Strickland.

House adjourned at 7.57 p.m.

Legislative Assembly

Wednesday, the 20th August, 1969

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

LANDS AND SURVEYS DEPARTMENT

Annual Report: Tabling

MR. BOVELL (Vasse—Minister for Lands) [4.32 p.m.]: In tabling the report of the Department of Land and Surveys, I take the opportunity to express appreciation to the Under-Secretary for Lands (Mr. C. R. Gibson), the Survey-General (Mr. John Morgan), the officers of the department, and those associated with the Emu Point (Albany) Reserve Board, the Reserves Advisory Council, the Bush Fires Board, the National Parks Board, and the King's Park Board, for submitting the necessary information to enable the annual report to be tabled so early.

QUESTIONS (40): ON NOTICE

1. HOUSING

Rental Accommodation

Mr. GRAHAM asked the Minister for Housing:

What is the date of lodgment of applications for rental dwellings in respect of which allocations are currently being made at the following centres:—

(a) Geraldton;
(b) Northam;
(c) Merredin;
(d) Bunbury;
(e) Narrogin;
(f) Albany?