I hope consideration can be given to upgrading the Port of Albany by building a new slipway of a capacity of 1,000 tons; I hope that representations will be made to the Commonwealth Government to allow tuna boats to enter the Port of Albany for bunkering and provisions; and I hope the State Government will have a serious look at the trend of population and industrial development in Western Australia with a view to encouraging industries to establish themselves in the great southern area and use the Port of Albany, in particular, for the transport of their goods. I would like to see an inquiry into all aspects of Education Department policy in the great southern. I believe it is justified and I hope the Minister will agree with this proposal.

I have mentioned the need for the allocation of additional funds for the implementation of sewerage works in the Lockyer region, and I have also referred to the need for a comprehensive water scheme in the great southern. I sincerely hope the Government will take notice of my remarks and that some positive action will result.

Debate adjourned, on motion by Mr. Rushton.

House adjourned at 10.34 p.m.

Legislative Council

Wednesday, the 21st October, 1970

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. *This question was postponed.*

2. CARAVAN PARKS

Duration of Tenancy

The Hon. CLIVE GRIFFITHS, to the Minister for Local Government:

(1) What is the total number of caravan parks registered in Western Australia?

(2) During the past 12 months how many appeals have been lodged by—

(a) owners living in caravans; and

(b) proprietors of caravan parks on behalf of caravan owners—

for permission to remain in a caravan park for a period longer than three months?

(3) Is it permissible for the caravan park proprietor to make such appeals on behalf of clients?

(4) If so, does each individual application have to be made separately?

The Hon. L. A. LOGAN replied:

(1) Not known.

(2) (a) 8.

(b) Nil.

(3) Yes.

(4) Yes.

3. *This question was postponed.*

BILLS (3): THIRD READING

1. Western Australian Institute of Technology Act Amendment Bill.

2. Railways Discontinuance and Land Revestment Bill.

3. Builders' Registration Act Amendment Bill.

Bills read a third time, on motions by The Hon. G. C. MacKinnon (Minister for Health), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Report

Report of Committee adopted.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.41 p.m.]: When making his second reading speech the Minister informed us that the Bill was to amend the principal Act in four directions. The first amendment appears in clause 3 of the Bill, and will amend section 9 of the Act. Several sections of the existing Act will be rewritten, and the provision for the licensing of vehicles in country districts will be extended.

I have no objection to the amendments which are now before us. It seems reasonable that local authorities should be able to spread throughout the year the work involved in licensing rather than be overloaded with that work at the end of each quarter, as is the existing practice. Paragraph (d) of clause 3 will add a new subsection to the Act, and this will enable local authorities to nominate two dates; one not less than three and not more than six months, and one more than six and not more than 12 months, ahead, from which a person desiring to renew his license can make a choice regarding the period for which the license is to apply. If he requires a license for a period of less than three months paragraph (e) will allow that to be done.

Again, I feel it is reasonable that country people should be able to license machinery, and vehicles which are used for seasonal work, for a certain period rather than for a whole year.

The present amendment to the Act will not change the standard of licensing in country areas. During the years I spent in the country the standard of licensing was lower than that applying in the city. It was a much simpler procedure to license, or relicense, a vehicle in country districts.

Since there is to be no change in the existing situation, and it is not intended to tackle that particular problem at this stage, perhaps we should have no complaint. Perhaps a lifting of the standard of licensing could only be attained by the takeover of the licensing authorities. Certainly, the country local authorities have shown no desire to relinquish their rights to license vehicles.

Clause 4 of the Bill is consequential to the amendment contained in clause 3.

Clause 5 will add a new section 27A, which will provide for the wearing of protective headgear by motorcyclists and their passengers. I think members will agree this is a desirable provision to have within the Act although sometimes we may feel averse to forcing people to do things. However, it does seem necessary to introduce this provision in the interests of motorcyclists, and in the interests of the general public.

We have been told by the Minister that the headgear is to conform to A.S.A. standards, and I hope the regulations will require the headgear to have a distinctive marking so that pseudo brands will not be mistaken for the genuine article. It may be necessary to impose a penalty on manufacturers if they attempt to do such a thing. There is no doubt that with the advent of Italian and Japanese motor scooters and motorcycles, the number of these vehicles has increased substantially in recent years.

Clause 6 of the Bill provides for interstate licenses to be inspected not only by police officers, but also by traffic inspectors. I do not think members will argue with this provision. As an aside, it is sometimes claimed that it is something of an imposition on interstate motorists to have to relicense, or claim a State license, when they already hold a license in their own State. I believe that in New South Wales a license can be renewed for a longer period than is the case in this State. That is a difficulty which the Bill does not seek to cover, and I will not deal with it to any great extent.

However, perhaps it might be possible to provide for an all-States license so that a person desiring to travel interstate could apply to a central traffic office in his home State and obtain a license which would be acceptable in the other States, instead of having to go to a traffic office in the State being visited to obtain a local endorsement. There may be argument against this proposal, but for the convenience of the travelling public it would be worth while examining the possibility of issuing an all-States driver's license.

Clause 7 of the Bill will amend the penalties imposed for overloading vehicles, and I intend to speak a little longer on this provision. The Minister informed us that the existing penalties are a maximum of $100 for a first offence, and a maximum of $200 for a succeeding offence. Those provisions will remain in the Act.

For succeeding offences, the following fines have been fixed:—

> Up to 20 cwt. of overload, the penalty will be a minimum of $20 fine and a maximum of $80; 21 cwt. to 30 cwt., $40 to $150; 31 cwt. to 40 cwt., $60 to $200; 41 cwt. to 50 cwt., $100 to $300; 51 cwt. to 60 cwt., minimum $150 fine to a maximum fine of $400; and overloading in excess of 60 cwt. will bring a minimum fine of $200 with a maximum fine of $500.

Several categories are excluded from these penalties, such as where the offence is for exceeding the permitted gross vehicle weight.

I do not think it is possible to argue against the imposition of penalties for deliberate overloading of vehicles which would damage the roads over which the vehicles travel. The case for imposing these limits is set out very well in the publication of The National Association of Australian State Road Authorities entitled *Vehicle Limits for Road Safety and Protection.*

Some publicity has recently been given to the position of owner-drivers who are in difficulty because of the road maintenance taxes they are required to pay. The provisions of this Act will impose a further burden upon those people.

In the newsletter of the Australian Automobile Association of June, 1969, the expenditure and revenue of Federal, State, and local government authorities are set out, with projections up to 1974. For 1969-70 the total expenditure of those authorities was $577,000,000; the revenue from motor vehicle registration fees, rates for road purposes, motor fuel taxes, customs duty, and sales tax on motor vehicles totalled $1,024,000,000; the excess of revenue over expenditure amounted to $447,000,000. In this State, road maintenance tax for the year 1967-68 yielded $2,873,000. The answer to a question asked by Mr. Ferry a few days ago stated that for 1969-70 road maintenance tax yielded $3,623,000, which is a very small amount compared with the excess of revenue over expenditure of Federal, State, and local government authorities.

Road maintenance tax imposes a burden on road hauliers, and it is possible that this tax is operating in such a way as to

encourage those drivers to risk fines in order to achieve profitability on their operations. The extra penalties imposed by this Bill will place a further squeeze upon them. Where the operator is operating profitably and is not suffering from the burden of road maintenance tax but is simply taking a risk in order to make further profit at the expense of the community, I think the provisions of this Bill are more than reasonable. People who overload to the extent of 60 cwt. or more certainly deserve to be punished for their disregard of the rest of the community.

At the same time, if the road maintenance tax brings about a situation whereby road operators are placed in a very serious economic position, I think something more should be done. Do the repeated offences, to which the Minister referred, result from the taxes that these people have to pay, or is there some other reason for them? If the reason is that these people find it difficult to make their operations profitable, I think the imposition of the penalties provided in this Bill will inflict a further injustice upon them.

Mr. W. J. Holcroft, the Chief Executive and General Manager of Brambles Industries Limited, in a speech delivered to the Institute of Transport in this State on Friday, the 2nd May, 1969, had a good deal to say about the state of the transport industry. He referred to it as an extension of the Treasury arm, and, using the road maintenance tax as an instance, said that road hauliers are required to calculate and collect in their charges the taxes which are paid to the Treasury. I do not agree with all the remarks made by Mr. Holcroft at this symposium—he was obviously arguing a sectional case—but he did say that the road transport industry was one of the few industries that did not receive some form of assistance from Governments.

As an indication of its importance he quoted the figure of 4,134,000 as being the total number of vehicle registrations for 1967 throughout the Commonwealth, and of those 901,000 were utilities, vans, and trucks, and only about 4 per cent. of the owners of those vehicles are required to pay road maintenance tax. So it can be seen that only a small proportion of those who operate utilities, vans, and trucks pay this tax.

According to the figures given in the 1970 *Year Book* at page 450, in Western Australia in 1967-68, 263,069 motorcars and station wagons and 91,200-odd utilities, vans, and omnibuses were registered, and if we take 4 per cent. of the operators of utilities, vans, and omnibuses as being those who pay road maintenance tax, 3,650 vehicles would be involved. Therefore it is on this number of vehicles that the receipts of $2,800,000-odd, as I mentioned earlier, are collected by way of road maintenance tax.

I would also like to refer to the people who have been charged with offences under the Road Maintenance (Contribution) Act. As an indication of how this affects the economic operations of road hauliers, the figures I am about to quote were reported in today's issue of *The West Australian*. The report stated that 19 persons were in prison, and a further 259 people were subject to arrest. The fines collected from offenders in the most recent year amounted to $90,590, and 2,209 prosecutions were taken to court.

The DEPUTY PRESIDENT: Order! I trust the honourable member can connect his remarks to the subject matter of the Bill.

The Hon. R. F. CLAUGHTON: Certainly, Mr. Deputy President. I bring these figures before members to indicate how road hauliers are affected by the road maintenance tax. Nobody would be anxious to be convicted for an offence under this Act and would certainly wish to avoid imprisonment, and yet it is reported that 19 people are in prison for committing a breach of the Act. Therefore, they must be under some sort of economic stress.

For the same reason it would probably be found that these people would tend to overload their vehicles with a view to increasing their payloads. Whilst we can commend the Government for doing its best to protect an asset belonging to the community, The National Association of Australian State Road Authorities quoted a figure of $8,000 per mile as being a conservative estimate of the value of roads to the country. It has been estimated that this State's investment in roads amounts to $900,000,000, which represents a very important investment. Therefore, I think the Government is right in doing its best to protect this asset. Nevertheless, if by one law we are forcing people to break the law in order that they may operate economically, we should look seriously at another law which seeks to impose penalties upon them in an endeavour to ensure that they operate legally. I think I can leave the matter at that point.

I think the amendments in the Bill are such that we can support them, but I believe the Government, as it has been asked to do on a number of occasions, could review closely once again the effect of the road maintenance tax on those engaged in the transport industry. From the figures given in regard to main roads, I have noted that there is an excess of revenue over expenditure of $447,000,000, so the amount of $3,600,000 for road maintenance tax, collected in our most recent year, would not be a great burden for the Commonwealth to carry. In a similar way, the Commonwealth Government proposes to reimburse the various

States of the Commonwealth for their loss of revenue following the waiving of the receipt duties tax.

The transport industry is a most important one. It is most necessary for outlying districts to be served with an efficient transport industry and transport costs represent one of the factors influencing the cost of articles produced in this State. If we are able to reduce the cost of producing goods in Western Australia this will assist in making our goods more competitive in markets outside of Western Australia.

Debate adjourned until a later stage of the sitting, on motion by The Hon. J. Dolan.

(Continued on page 1403)

BUSH FIRES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.07 p.m.]: The Minister in charge of this Bill in another place, after introducing his first Bill to amend the Bush Fires Act, remarked that he hoped he would never have to introduce another Bill dealing with this subject. I think any Bill to amend the Bush Fires Act is something like a Bill that is brought forward to amend the Dog Act—it inspires a good many speeches.

The Hon. F. J. S. Wise: It always has done.

The Hon. R. F. CLAUGHTON: A number of amendments have been made to the Bush Fires Act, and several new sections have been added. Clause 2 of this Bill seeks to amend section 25 of the Act which, in part, refers to the burning of the carcase of a dead animal and to burning around a standing tree. Several restrictions have been placed on such burning. For example, a ban was imposed between 6 a.m. and 6 p.m., and notice of burning had to be given to adjoining landowners.

This proposed amendment to section 25 requires that notice has also to be given to a bushfire control officer of the local authority for the district in which the fire is to be lit. I will return to this matter later in my speech. Mention has been made in the Local Government Association of the need for greater liaison between the local authority and the fire brigade officer. On reading the Act my interpretation is that the local authority officer is able to give approval for the lighting of a fire, but apparently, in some instances, it is necessary for permission to be obtained from a fire brigade officer also. It seems that where people have not been able to obtain approval, they have gone from one officer to another, and conflicting decisions have been made.

The Local Government Association asked for better liaison between the two authorities. I was about to say that it asked for an amendment to the Act, but I do not think that is so. On reading the Act it seems to be quite clear to me that permission to light a fire has only to be sought from the local authority, but perhaps this is in conflict with the authority vested in the fire brigade officer.

The situation would be serious if such conflict did exist, particularly during those periods when fire hazards are close to dangerous. I notice that clause 3 provides that when notice of a fire hazard is given the land in question shall be specified. In other words, permission shall be given to burn in a specified area and shall not apply to the whole of the State. For instance, if this provision were put into practice in the metropolitan area, it would be foolish if a local authority in the metropolitan area could not grant permission to a person to burn off a suburban block because of a situation that existed elsewhere. Further, it would be foolish to consider a situation in reverse; that is, for a local authority to grant permission to start a fire and this permission covered the whole of the State during a dangerous fire period.

I wonder, however, whether it is also necessary to amend the following subsection of section 25B to include the same wording. I ask the Minister to consider that suggestion. Section 25B was inserted in the Act by the 1969 amending Bill, and clause 3 of this Bill now proposes to amend subsection (1) of that section by adding the words "in respect of land specified in the notice" before the word "suspend." Subsection (2) states—

> Where the Minister has, in a notice under subsection (1) of this section, specified conditions that shall apply to a fire of the kind referred to in that subsection for a period specified in the notice . . .

I wonder whether it is necessary to include in this subsection, after the word "subsection," the words "in respect of the land specified in the notice" and then continue with the words "for a period specified in the notice".

The Hon. G. C. MacKinnon: I doubt whether it would be necessary because subsection (2) actually refers back to subsection (1), does it not? There is a reference to subsection (1) of the section. In any case, we will have a look at it.

The Hon. R. F. CLAUGHTON: I imagine the drafting officers would have looked at the point, but there are occasions when things get missed.

The Hon. G. C. MacKinnon: That is so.

The Hon. R. F. CLAUGHTON: Clause 4 amends section 38 by the repeal of several paragraphs and the substitution of others. One of the paragraphs provides for the appointment by a local authority of further

senior fire control officers. Here again, I believe members can go along with the Minister's desire. Obviously if a section of a district cannot be efficiently handled by the existing officers, they will want assistance, and it is only reasonable to allow the local authorities concerned in those circumstances to appoint further senior officers and assistants.

Clause 5 amends section 67. Under this section of the Act advisory committees are set up by the local authorities, and the number of members is limited to 12. The amendment in the Bill deletes the reference to the number of members who may be on the committees. I would not imagine the local authorities would go mad and appoint an excessive number of members but no reference is made in the section to the number that would constitute a quorum. I wonder whether perhaps some reference should be made to this in the Act to give some guide to the number that constitutes a quorum—whether it is a third, a half, or some other number.

I would like to refer briefly to several issues of *The W.A. Firefighter*. The September, 1970, issue contains the annual report of the Bush Fires Board; and in that report concern was expressed about the lack of sufficient reporting of fires. Reference was made to the fact that when controlled burning was being carried out on certain farming properties fires had broken out but for some reason no reports had been made to the control officers. The board expressed concern about this because the reporting of fires enables it to compile its statistics on the causes of fires.

The annual report also mentioned that developmental fires were a cause of many of the fires that officers had had to attend. It stated that people who had lit such fires had not made sure that the fires were properly under control before they left them—they would not make sure that the fires were extinguished and, as a result, some fires had flared up and got out of control.

The report also gives a statistical analysis of the causes of fires for 1969-70, and from the figures it can be seen that burning off caused 36 per cent. of the fires attended and rubbish burning caused another 12 per cent. Altogether those two causes accounted for 48 per cent. of the fires attended. That is quite a large percentage and so members can see the importance of those two causes of uncontrolled fires, or fires which had to be attended by board officers. It is an indictment of the people who leave fires in such a state.

The average for the five years from 1965 to 1970 was 31 per cent. in respect of escaped burning off and 7 per cent. for rubbish, which makes a total of 38 per cent. Last year was a particularly bad year but, even so, the percentages to which I have referred are cause for concern. There are two other points—

The Hon. G. C. MacKinnon: Would you refer back to the matter of the quorum?

The Hon. R. F. CLAUGHTON: That was in reference to an amendment to section 67.

The Hon. G. C. MacKinnon: If you look at section 67 (3) of the parent Act you will see that it says that the local authority shall fix the quorum.

The Hon. R. F. CLAUGHTON: That is so, but I just wondered whether we should give some guidance.

The Hon. G. C. MacKinnon: I think it should be flexible; because one of the things the board deals with is the extinguishing of fires, and in that case it could not wait for a quorum.

The Hon. R. F. CLAUGHTON: I was referring to the advisory committee.

The Hon. G. C. MacKinnon: Anyway, there is a reference to the quorum.

The Hon. R. F. CLAUGHTON: I realise it is fixed by the local authority, and I imagine all those authorities would be composed of reasonable people.

The Hon. G. C. MacKinnon: They are very reasonable.

The Hon. L. A. Logan: They are very good people.

The Hon. R. F. CLAUGHTON: I feel most people are reasonable. However, usually we stipulate in legislation what a quorum shall be. In this instance, that has not been done. It was only a minor point and I simply brought it to the Minister's attention.

There were two general matters I wished to raise; firstly, for a good number of years I have been dissatisfied with the requirements regarding burning off in the city. Several years ago some local authorities adopted the practice of the compulsory clearing of blocks, and the general practice has been that a landowner has been required to burn off his lot. The result of this—whether the block has been cleared or burnt off—is, I believe, to create a greater fire hazard; because in the following season the land becomes covered with weeds which, in the summer, become tinder-dry. As I said, in my view this is a greater fire hazard than standing bush which is left undisturbed.

Also, for a person such as myself, who is keen on preserving the natural vegetation, it is somewhat disturbing to have to go around and clear the existing native bush and trees when I desire very strongly to retain this vegetation, or even increase

the number of trees. I believe this provision has been one of the reasons for the disappearance of native flora in the metropolitan region.

The March, 1970, issue of *The W.A. Firefighter* has a long article on the use of herbicide weed killers. The writer of the article suggested that these herbicides could be used to create firebreaks, and if property owners were permitted to use them as an alternative to the present methods of clearing or burning it would provide a means by which the fire hazard could be controlled and yet the native vegetation could still be retained.

I realise that recently there has been some argument about the use of chemical weed killers and about the pollution they cause, or the hazard they are to health. However, I believe that among these weed killers could be ones that could be safely used for this purpose.

The Hon. T. O. Perry: All the Act says is that a person must get rid of inflammable material. It does not say that he shall burn it.

The Hon. G. C. MacKinnon: It is all right in some situations. A good deal of work was done in the Nannup area, and it was quite successful. For clearing pasture land those herbicides are fairly good, but I do not know whether or not they are still being used.

The Hon. R. F. CLAUGHTON: In reply to Mr. Perry, I must admit that I have not read the Act in this regard, but a person must clear a strip six feet wide along the fence line. I have seen the result of some of the work carried out by contractors on behalf of a shire. Those contractors have used machines and have cleared the whole area. In my opinion, as I have already said, this creates a worse hazard in the following year. If the local authorities purchased a safe type of herbicide and sold it to landowners it would be an advantage over the present method.

The effect that burning in general has on the preservation of flora and fauna is also a matter for further serious consideration. Members will recall that the Minister arranged for us to visit the Tuttaning Reserve some time ago, and it was then pointed out to us that the regeneration of bush to the stage where it can be used as a habitat for animals takes up to eight years. With this in mind we must realise that controlled burning carried out over short periods could result in the extinction of certain species of animals.

Obviously fire hazards must be controlled and I am not suggesting all burning should cease because that would be foolish. However, I do say it is important to determine what areas are necessary to be preserved if we desire to retain intact the habitats of representative species of our animals. It is also important that we step up the research necessary to ascertain conditions which are essential for the preservation of these species.

The DEPUTY PRESIDENT: Order! I would point out to the honourable member that this Bill provides for the amendment of particular sections of the Bush Fires Act and therefore does not allow a general discussion on the Act, or a debate on the protection of flora and fauna.

The Hon. R. F. CLAUGHTON: I thank you, Sir, for a reminder of the purpose of the Bill. I have actually come to the end of what I wish to say and therefore will conclude by indicating that I support the measure.

THE HON. S. T. J. THOMPSON (Lower Central) [5.32 p.m.]: I rise briefly to support this measure and at the same time to take the opportunity to say a few words about the wonderful organisation we have in this State. I have listened with interest to the debate over the last half hour and as a consequence I appreciate that I do not know much about the subject in general. However, I do know a great deal about the bushfires in the province I represent, and of the wonderful service being rendered by the volunteer bushfire brigades. These brigades are very satisfied with the provisions in this Bill.

In the first instance, with regard to the disposal of dead carcases, I think it is very desirable that the control officer be informed. A good organised system of fire fighting in the country has been established and if even so much as a puff of smoke is seen, the control officer is contacted to ascertain its source. It is imperative that at all times the control officer should know if a fire is being lit out of season as such a procedure saves miles of travelling and much running around which was so necessary before.

As I said a moment ago, our brigades are wonderfully organised. Each shire has several brigades at the present time and for this reason the provision in the Bill which allows for the appointment of additional control officers is very desirable. The shires cover vast areas and varying conditions apply in each shire.

I cannot see anything wrong with this measure. I believe it will greatly assist our bushfire control and will be appreciated by all the brigades throughout the State. Before resuming my seat I would like once again to pay tribute to the hundreds of volunteers who turn out at a moment's notice to fight our bushfires.

Debate adjourned, on motion by The Hon. T. O. Perry.

STOCK (BRANDS AND MOVEMENT) BILL

Second Reading

Debate resumed from the 20th October.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.35 p.m.]: It was obvious last evening that this measure had created a considerable amount of interest in the Chamber. I do not know whether members are taking note of what Mr. Wise suggested some time ago—that is, that members should take more interest in Bills—but it was quite evident last night that this particular measure created some interest.

It was gratifying to learn of the general agreement the Bill received. However, Mr. Dolan raised one or two queries. From memory I would say he dealt with regulations which were in the Droving Act. In view of the fact that that legislation is being repealed and re-enacted under this Bill, any regulations will have to be made in accordance with this measure.

The honourable member indicated that he deplored the fact that there is no reference in this Bill to droving, as defined in the Droving Act. Actually, I think he answered his own comment on this matter. It is interesting to compare the definition of "travelling stock" in the Droving Act with its definition under the Bill. The following is the definition to be found in the Droving Act:—

> "Travelling stock"—Any stock driven or conveyed by a motor vehicle to any place more than fifteen miles from the run upon which such stock were depastured previous to starting.

The new definition is really wide open. It reads—

> "travelling stock" means any stock being transported or moved from a run to any place by any means;

This covers travelling stock whether they be moved by droving, vehicle, or any other means.

Mr. Dolan also referred to a community shearing shed, and he wanted to know what the owners must do in regard to stock travelling to the shed for shearing and then home again after shearing. Under the legislation provision is made for a permit to be issued if stock are to be transferred from one farm to another for feeding, watering, or any other purpose. I should imagine that any such permit will apply to the circumstances outlined by Mr. Dolan.

The only time an application must be made for a permit is if the conditions under which the previous permit had been issued no longer exist. For instance, if a farmer applied for a permit in order to transport his sheep from his farm to a community shearing shed, and then, for a period, he did not make use of his permit because he had ceased having his sheep sheared at the community shed, when he desired to resume under the original arrangement he would have to reapply for a permit to transport his sheep to the shearing shed and home again.

The main purpose of this Bill is to ensure that all stock are legibly marked or branded in some way so that they are easily identifiable. As long as an owner is able to identify his own stock, that is all that is required by an inspector. I think someone else raised this question only in a different way.

I have studied the query concerning waybills. Also, unfortunately for only about two seconds, I was able to consult one of the officers concerned. I suggest that the correct procedure would be for properly printed waybills to be made available in book form. This would certainly be very convenient for all concerned. However, if a person did not have a printed waybill with him when he was moving stock, he could adopt the suggestion in the Bill, which is that he provide the information on ordinary paper, but in triplicate. This ought to suffice. A person will not be breaking the law merely because he does not have a printed waybill.

The Hon. R. Thompson: Probably the enterprising stock firms will supply these.

The Hon. L. A. LOGAN: That is so, but if a person does not have a printed form, he would not be breaking the law by using ordinary paper, provided he supplied three copies of the particulars. This would be accepted.

Mr. Heitman also raised a point concerning the shifting of sheep. If a permit has been issued for moving stock for agistment or some other reason from one place to another, and that permit is lost, I do not think the farmer concerned would have any trouble with an inspector provided he makes out a waybill to cover all details required. This would fill the bill without any permit.

The Hon. J. Heitman: Some farmers shift sheep from one side of a road to another every week.

The Hon. L. A. LOGAN: I know, but this is purely a matter of owner identification, and in the circumstances the honourable member just mentioned I do not think a permit would be necessary; because generally the inspectors know the area, the farmers, and the normal movement of stock. I do not think any worry would be involved.

With regard to the point raised by Mr. Abbey concerning stud stock, if he reads the Bill right through he will find a definition of stud cattle. The definition

of "stud" applies to any stock—whether it be cattle, sheep, or any other type—registered with the breed society and accepted by the Royal Agricultural Society. Provided a tattoo, earmark, or any other identifying mark is accepted by the breed society, it will be acceptable under clause 13(3) which reads—

> (3) A registered brand for cattle shall be applied as a firebrand or a freezebrand or in such other form as the Registrar approves.

It could well be that the registrar will approve of what the breed society has accepted, and this could be the answer. However I am not too certain on that point and I will therefore make further inquiries for the honourable member.

I think that covers most of the points raised. I again thank members for their approach to and support of this Bill, which I now commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 45 put and passed.

Clause 46: Waybill to be made out—

The Hon. J. DOLAN: This clause and subsequent clauses 47 and 48 have caused great concern to two or three people who buy stock regularly at the Midland markets. They have posed a query and have requested me to ask the Minister whether there could be a simpler way of permitting them to operate.

The person who contacted me said that very often he has bought sheep out of many different lots, say, four or five at a time. For example, he might buy five out of one lot, five or six out of another lot, and 10 out of another. By the time he finishes he might have sheep coming from a dozen different consignments. Under the Bill at present he would be faced with the problem of marking down every registered brand on the waybills. He said that this system would be completely impracticable.

I asked him to suggest something to me but he said he could not think of anything offhand. I then suggested that perhaps a form of document could be available at the saleyards on which the auctioneer or the person responsible for the sale could give some form of clearance. I was thinking in terms of a certificate to state that all the stock had been purchased by the individual and came from a certain place. This would be, in effect, a kind of clearance.

He stated quite definitely that it would not work at places where big sales are held regularly and where a person buys stock which are, perhaps, in poor condition, takes them away for agistment, fattens them up, and brings them back. This kind of stock dealer would face no end of trouble and the person to whom I spoke did not see how the provision could operate.

Speaking generally, I ask the Minister whether he is able to suggest any possible way of getting over this impasse because it seems that real difficulties will result.

The Hon. L. A. LOGAN: Off the cuff, I do not think I can sugggest anything. It seems that there will be problems for a person who attends a stock sale and purchases in the yard from five or six different owners. The problem of bringing stock into the yards is not quite so difficult to overcome because clause 46 (1) mentions the proprietor of the stock, not necessarily the carrier. If a person goes to six different farmers to pick up stock, it will be the farmer's responsibility to ensure that the waybill is made out and signed before he gives it to the carrier. However, it could be a different matter if a person is picking up stock in the saleyard from half a dozen different owners. Offhand I cannot think of a way out.

The question has been raised and noted. Undoubtedly there will be a few gremlins in attempting to apply a measure such as this. I hope the Committee will agree to give it a go and perhaps something will be worked out as time goes by. As I say, offhand I cannot think of a scheme but perhaps experience of the measure will point to a solution. This is the best I can offer at the moment.

The Hon. S. T. J. THOMPSON: I do not think that picking up sheep at the saleyards will present any problems because the sheep will be identified in the pens. There will be records of the sheep. However, because of the many brands and earmarks I do foresee difficulties for dealers who take sheep home and subsequently bring them back. As I see it, the dealer who returns sheep to the market will face some problems but sheep coming into the market should be quite safely covered by the agents' records. The records should state that the sheep were bought out of a certain pen. In this respect I do not think identification will be too difficult, but I do see difficulties in the other direction.

The Hon. C. R. ABBEY: The only solution which I think might be feasible would be to extend the pass-out system which is used at Midland where anyone wanting to take sheeep from the yards has to obtain a pass-out from the agent. Perhaps the only way to cover the problem raised by Mr. Dolan would be for the stock agent to note the number of the brand on the pass-out, which would be a permanent record. However, I can foresee some difficulties.

The Hon. J. DOLAN: I do not want to be unreasonable or hold up the passage of the Bill because I support it. Perhaps

the Minister could contact the department to see whether something along the lines Mr. Abbey has suggested would be possible. If some clearance could be given to cover stock taken out of the yards it would save lengthy delays and inconvenience. If some solution along these lines were possible, I would be extremely grateful.

The Hon. I. G. MEDCALF: I believe that an extremely important matter has been raised, because this will be the only way of escaping the fairly strict obligations of the measure, assuming it becomes law. Members who have commented on the Bill have stated very clearly that it will be necessary to brand stock. All stock, except stock which are already branded with somebody else's brand or mark, must be branded. The only exception, and the only possible way of avoiding the obligation, is under clause 36.

Therefore, it is very important that there be some clearly understood way of retaining a waybill or some record. Perhaps it would be possible for an additional copy of the waybill to go the purchaser of the stock. I consider there must be some way of retaining records. Otherwise if at some future date any question arises as to the ownership, clearly the purchaser will have to be able to produce documentary evidence to the effect that he has purchased the stock and that it is identifiable by reference to brands or earmarks. I am talking about stock which have been purchased and have someone else's brand or earmark on them.

This is quite important and it is like having some sort of title to ownership. Consequently I think there is good ground for the point raised by Mr. Dolan and it would be appreciated if the Minister could give some explanation as to how the problem can be overcome.

The Hon. F. R. H. LAVERY: At the fruit and vegetable markets all producers bringing goods to the markets have a code number and name. In addition, the regular purchasers have code numbers and names. For instance, my brother-in-law had the code letters "EBM" and everything he brought out of the markets had the code "XKV/CD/UTA." He had to obtain a pass-out to take the produce outside the gates.

The Hon. L. A. LOGAN: I appreciate that no member of the Committee wants to hold up the passage of the Bill. It is not possible to move the third reading today. I will look into the matter and if I can find some alternative by tomorrow I shall recommit the Bill. If I cannot, I suggest we hold up the third reading until the matter is looked into.

The Hon. J. Dolan: Thank you.

The Hon. G. E. D. BRAND: I do not think the waybill method is quite as important for stock going out of saleyards back to properties as it is for stock coming in. I am quite sure that everybody who sells stock knows who has bought them, and, also, it will be shown on the waybills by the auctioneer or his helpers at the stock sales. I consider it is most important for stock earmarks to be shown on waybills for stock coming in but I do not think it is so important to show this for stock which are going back to the country.

Clause put and passed.

Clauses 47 to 62 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CRIMINAL INJURIES (COMPENSATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Sitting suspended from 6.02 to 7.30 p.m.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.30 p.m.]: This Bill is put before us with the intention of providing more teeth for the Painters' Registration Act. The measure is similar in context to the Bill we discussed last evening in connection with the Builders' Registration Act.

There are two sets of amendments in this Bill, one of which seeks to increase the penalties—and to introduce a continuing penalty, in one instance—with a view to bringing the scale of such penalties more realistically into line with current money values.

It is interesting to note that when similar legislation was before another place in 1961, for some reason or another the fees were reduced on that occasion. We now find that after this time a Bill has been brought before us to rectify that error.

I think it is necessary to have fairly sharp penalties in this type of legislation, particularly if we are to give such boards authority and power over their registered members.

The Bill also contains amendments which deal with companies and partnerships of painters and these provisions ensure that a particular person is given adequate authority through the board to control the work of a firm or partnership at the time it is carried out. In order that that firm might be registered, it must first

satisfy the board that the person in its employ is competent to carry out contractural work in the name of the firm. Briefly those are the provisions contained in the Bill and I support them.

When replying to the debate on the Builders' Registration Act Amendment Bill, the Minister said that the purpose of the legislation was to prevent incompetent people from entering the trade. I think that same line of thought can be applied to the legislation with which we are now dealing. Its provisions would contain an extension of that principle. The measure before us also protects the public against faulty work. The title of the Bill, however, seems to lead people to believe that there is much more to the Painters' Registration Board than is actually the case. It is not appreciated that this is a disciplinary board only as it affects those people associated with the trade; those who are under the control of the board itself.

I appreciate that it might be difficult at this moment to legislate for the principle to which I have referred, but I do hope that we are fast reaching the stage where it might be possible to place such legislation onto our Statute book in order that the public might be protected in a practical way. At the moment we have rather fallen down in this matter, inasmuch as individuals must seek redress through other legislation which is on the Statute book, under which it is necessary to engage legal advice and pursue through legal channels the righting of any wrong that might have been suffered.

Even though it might be necessary for some additional charge to be incurred in the future in order to protect a person who is having work done, this would, in the ultimate, obviate much worry on the part of such person.

Having expressed those views I repeat my support of the Bill. I do feel, however, that the legislation does not have enough teeth, particularly in view of the situation I have envisaged. The Bill will, however, at least tighten things up and it will strengthen the hands of the Painters' Registration Board to some degree which, of course, will be of benefit to the industry.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

CRIMINAL INJURIES (COMPENSATION) BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [7.40 p.m]: I move—

That the Bill be now read a second time.

In order that members might have the weekend to study the Bill, I think it might be advantageous for me to deal with the second reading on behalf of the Minister for Justice who, as we all know, is at the moment in Canberra on a deputation. The Minister for Justice—under whose jurisdiction the legislation comes—will, of course, handle the Bill on his return.

The Hon. W. F. Willesee: When do you expect him back?

The Hon. G. C. MacKINNON: I do not think he will be back in time for the sitting of the House tomorrow, but he will be in the Chamber next Tuesday.

The introduction of legislation to provide statutory means for compensation of victims of criminal violence breaks new ground in State legislation applying to Western Australia, and the proposals now submitted to members for their consideration result from an exhaustive study of the intrinsic problems associated with the granting of such compensation—studies which have been carried out by the Government's legal advisers over a considerable number of years and which, in 1968, had reached the stage where the Premier, as a matter of policy, had indicated the Government's intention to proceed towards the formulation of a State Act of Parliament.

In approaching my explanation of the provisions contained in this measure, I remark, *inter alia*, that where a person suffers injury as a result of the criminal act of some other person, he will usually have a right to claim damages at law from the person responsible for his injury. However, it so often happens that those who commit acts of criminal violence are persons of little, if any, substance and, as a consequence, the injured party's right to claim damages becomes of little practical effect.

This is the position which has existed from time immemorial and comes about on the apprehension and conviction of a person charged with criminal violence. But there has always been a significant number of cases in which the perpetrator of the criminal act remains unidentified or, if identified, remains for some reason or other beyond the reach of the law; or, in fact, dies. In those circumstances, the perfectly innocent person is left to endure suffering and disability—and quite likely, permanent disability—without the prospect of any adequate monetary compensation.

There will, of course, be the usual right to Commonwealth social service benefits and, in some cases, a right to claim on workers' compensation, but those benefits do not usually provide compensation of the same order as may be obtained by an action for damages.

These are the problems which the provisions in this measure are intended to resolve. They are the problems for which

legislation has already been devised in other places, notably in the United Kingdom, in New Zealand, and in the States of New South Wales and South Australia.

Indeed, the provisions contained in this measure are very similar to those in the legislation of the two Australian States to which I have just referred. They permit a court, before which a person has been convicted, to order that person to pay compensation to anyone who has suffered injury in consequence of the commission of the offence in question. The sum awarded can be up to $2,000 in the case of an indictable offence, or up to $300 in the case of a simple offence. That provision is contained in subclause (1) of clause 4 of the Bill.

In deciding whether or not to make an award, the court is enjoined to have regard for any behaviour on the part of the victim which contributed to the injury suffered by him, and to have regard for such other circumstances as the court considers relevant, including any family relationship existing between the criminal and the victim. The reference here is to subclause (2) of clause 4. This latter consideration is to avoid the payment of compensation where, because of a continuing relationship between the victim and the wrongdoer, it is to be expected that the payment of such compensation would benefit the convicted person.

In instances where an order is made for the payment of any such compensation in excess of $100, a procedure is provided whereby the sum awarded may be claimed against the Consolidated Revenue Fund of the State. Clauses 5 and 7 refer to this. In that event, the Under-Secretary for Law is subrogated to the rights of the victim so as to enable him to recover from the wrongdoer, for the benefit of the revenue, any sum which the victim could otherwise have recovered. This is contained in clause 9.

There is the further provision that, in the event of the acquittal of a person charged with the commission of an offence, by reason of which offence a person has been injured, the court, before the acquittal is made, may grant the latter a certificate stating the sum which he would have been awarded, pursuant to clause 4 (1), had the person charged been convicted. There are requirements that no such certificate shall be granted, unless the sum which would have been awarded is more than $100. Members are referred to subclause (2) of clause 6; and I add that no certificate may be granted unless the court is satisfied that the injured person has indeed been the victim of criminal violence. This is contained in the subclause following.

As to this last-mentioned proviso, members may be assured that the grant of such a certificate does not cast a slur on the person acquitted, but indicates simply a conviction on the part of the court that the applicant has been the victim of an offence committed by, and I quote "some other person"; and this clearly demonstrates that that other person is someone other than the claimant.

Where such a certificate has been granted, it affords the same basis for payment from the Consolidated Revenue Fund as does an order made against a person convicted.

It is to be noted that the sum which would otherwise be payable to an applicant from the Consolidated Revenue Fund —whether pursuant to an order against a convicted person or a certificate granted on acquittal—is to be reduced by such amounts that, in the opinion of the Under-Secretary for Law, the applicant has received or would have received from the wrongdoer or from other sources had he exhausted all relevant rights of action and other legal remedies available to him. That is contained in clause 7.

What the Bill does not provide for is the case where, although a person has obviously been injured as the result of a criminal offence, no-one is charged with that offence. However, the Government undertakes to make compensation available to injured persons who are in this category on the same scale as is provided for in the Act. I commend the Bill to the House.

Debate adjourned until Tuesday, the 27th October, on motion by The Hon. R. Thompson.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th October.

THE HON. R. H. C. STUBBS (South-East) [7.48 p.m.]: This is a very short Bill, and it deals mainly with refreshment rooms at railway stations and restaurants on trains. The Bill contains four clauses. I cannot see anything wrong with it, although I have one small criticism, which I believe to be constructive, to make.

Clause 2 seeks to insert an interpretation of the word "liquor" as having the same meaning as the word has in the Liquor Act, 1970. In the Liquor Act the interpretation of "liquor" covers spirits, wines, or beer containing more than 2 per centum of proof spirit. The food and drug regulations under the Health Act use slightly different wording, which I think is more appropriate. They state that ale, beer, porter, or stout is a fermented liquid containing not less than 2 per centum by volume of proof spirit. They also state that malt ale or malt beer is a fermented liquid containing not less than 2 per centum by volume of proof spirit.

I think the definition in the Liquor Act is a little loose, because alcohol is measured not only by volume but also by weight. It might be worth while for the Minister to look into this matter, so as to avoid arguments in the future.

Regarding the interpretation of the word "proof" in alcoholometry it is a designation of proof spirit for spirituous liquid containing 49.28 per cent. of real alcohol by weight, and 57.1 per cent. by volume, with a specific gravity of 0.920 at 15.6 degrees centigrade. This leaves the definition a little loose, and in my opinion it could lead to arguments in the future. For that reason I think my criticism is constructive.

Another definition is, perhaps, worthy of examination by the Minister. The word "spirits" is also mentioned in the interpretations provision. The food and drug regulations state that the standard for spirits shall be the standard fixed by the Minister for Trade and Customs under the provisions of the Commonwealth Spirits Act for the time being in force.

I have examined the Commonwealth Act and found that the standard of pure Australian brandy shall not exceed 40 per cent. overproof; that Australian blended brandy shall not exceed 40 per cent. overproof; that Australian standard malt whisky shall not exceed 45 per cent. overproof; that Australian blended whisky shall not exceed 45 per cent. overproof; and that Australian standard rum shall not exceed 45 per cent. overproof.

In the food and drug regulations the standard strength of spirits is set out. They state that brandy shall not be more than 25 per cent. underproof; whisky not more than 25 per cent. underproof; rum not more than 25 per cent. underproof; and gin not more than 35 per cent. underproof.

In one instance degrees are mentioned, and in the other per centum is mentioned; but I think they mean the same. Centigrade is the measurement of temperature from freezing point to boiling point from 0 to 100 degrees. So, there can be no disagreement with that part of the interpretations. It is advisable for the Minister to look into this matter, so as to avoid argument in the future.

The amendment proposed to section 23 will tidy up the regulations governing the sale and supply of liquor, and with that I have no quarrel. It is proposed in clause 4 of the Bill to amend section 64 of the Act, to bring the provision in this Act into line with the provision in the Liquor Act. This makes provision for the issue of refreshment room licenses and for the sale of refreshments other than liquor.

It looks to me as though the railways have been free-wheeling since the Liquor Act has come into force, but this Bill will make the position right. I support the measure.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [7.53 p.m.]: I presume the reason that the particular definition of "liquor" is to be inserted in the Government Railways Act is that it is the latest definition of the word to appear on the Statute book of Western Australia. The points raised by Mr. Stubbs on the other difficulties are well taken, and I will look into the matters mentioned.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. J. DOLAN (South-East Metropolitan) [7.56 p.m.]: I support the Bill, and I only want to speak fairly briefly on clause 5, which relates to the wearing of safety helmets by motorcyclists. I think the evidence is overwhelmingly in support of this legislation. For example, in Victoria the serious accidents and fatalities involving motorcyclists have been reduced to one-third of the previous number, since the time that the compulsory wearing of safety helmets was introduced.

I understand that last year there were around 11,000 motorcycles on the roads of this State. If we can reduce the death rate by the passage of this Bill then something will be achieved. Last year 19 motorcycle riders were killed, and in the period from January to May of this year I understand that five or six motorcycle riders have been killed. Even if one life can be saved by the passage of this Bill, I think the move is warranted.

What I want to refer to, first of all, is the fact that certain protective helmets to be worn by motorcyclists and riders must be of a prescribed type and standard. I feel we should not be too narrow in fixing one or two approved types, because by doing so the temptation is there for people who handle the sale of these articles to increase the price, and to make a further imposition on those who ride motorcycles.

I have had a discussion with a motorcyclist, who told me that he wears a special helmet which is used by racing motorists in Europe. He gave me an illustration of the practical effect of the helmet in accidents. He said that if a motorcyclist wearing this type of helmet were catapulted from his bike, while he was travelling at 35 miles per hour, and landed head first against a brick wall the injury he would

sustain would not be worse than the injury that would be sustained by a motorcyclist with an ordinary helmet travelling at five miles an hour who was also thrown head first against a wall. He told me that his helmet was almost perfect. This is the type which is in common use in the European countries, including Britain.

I understand there are two standards of these prescribed types; one is the Australian standard, and the other is the British standard. One type is stamped as "A.S." and the other is stamped as "B.S." These are the types that have been recommended by the National Safety Council.

I have seen some motorcyclists wearing protective covers, made of Perspex, over their faces. Any person wearing such a face guard and being catapulted off his motorcycle would be injured by the Perspex as it splits into small slithers, and he could be disfigured for life.

Not only should motorcyclists be compelled to wear protective helmets, but they should also be prevented from wearing other pseudo protective aids which could be a greater danger to them in an accident than if they were not wearing a helmet.

There may be some difficulty, perhaps, in policing the wearing of helmets. Every motorcyclist on the road might wear a helmet, and it might be thought that those helmets are quite suitable. However, if traffic policemen are to stop every motorcyclist on the road to check his helmet then I think the purpose of the legislation will be defeated. It will be only a matter of time, after the preliminary policing, before motorcyclists will see the advantages to be gained from wearing the right type of helmet.

The Hon. G. C. MacKinnon: The other types would probably not be left on the market.

The Hon. J. DOLAN: That is right; they would be phased out.

I do not want the regulations governing the type of helmet to be worn to be too restrictive. If helmets are imported from overseas they should be guaranteed, and carry the approval of a worth-while body before they are permitted to be placed on the market.

A matter which worries me is that I understand no provision is made by the National Safety Council for teaching people how to ride motorcycles. Now it seems to be that if a person desires to learn how to ride a motorcycle, he must learn the preliminaries of how to start it and how to stop it. I suppose that at some time or other everybody has ridden a cycle, although some extra skill is involved in the riding of a motorcycle. However, the motorcycle rider practises until he feels confident enough to apply for his license. He is then taken onto the road by a traffic policeman, and if he passes the test obtains a license to ride.

It seems to me that if we want to protect motorcyclists, and ensure that they have a thorough training, there should be a proper training course incorporating everything associated with road safety. I asked a series of questions today to try to confirm my opinion that from a safety angle records would show that motorcyclists are safer on the road than motorists. It is naturally thought that a motorcar provides a certain amount of protection, while a motorcycle leaves the rider exposed. However, when it comes to visibility the rider of a motorcycle has a clear and complete picture of what is going on around him. The driver of a motorcar has the obstruction of the framework of the motorcar to contend with.

The Hon. G. C. MacKinnon: The motorcyclist is safe while he stays on his machine, but he is not safe if he falls off.

The Hon. J. DOLAN: Even so, in that respect the motorcyclist is like a footballer; he learns how to fall.

The Hon. F. J. S. Wise: No, his legs are very vulnerable.

The Hon. J. DOLAN: That would be correct, but I think modern motorcycles do incorporate a certain amount of protection. Motorcyclists are often referred to, in a derogatory sense, as leatheries. However, I feel that the leatheries have considerable common sense because leather is a substance which is pliable, and offers a certain amount of protection. A motorcyclist involved in an accident would suffer badly from abrasions if he were not wearing a leather jacket and leather boots.

In my opinion motorcyclists have better control on the road than the driver of a motorcar. To prove my point, a motorcyclist can drive within an inch of an obstruction on the road whereas a car driver does not know how close he is to the object once it gets beyond his vision. The motorcyclist can see hazards on the road, such as holes caused by washouts. These may not be observed by motorists.

I have already stated that no provision is made for motorcyclists to receive lessons when learning to ride. New types of motorcycles, including the mini type, are being imported into the country. Members will have heard the slogan "Better buy a Honda." We see and hear people screaming and yelling such slogans on T.V. However, with motorcycles becoming more popular I feel that a proper course conducted by the National Safety Council would do much to make the motorcyclists more proficient on the road. Of course the human element comes into the question and the tendency is for some fellows on motorcycles to go berserk, and travel at a terrific speed. I understand that the only place at which tuition in the handling of

a motorcycle can be obtained is at the Victoria Park Motor School. That tuition is mostly fundamental, and then it is a matter of practice.

An advantage of riding a motorcycle, of course, is that one is able to ride in and out of the other traffic when caught in a traffic jam. There is no need for haste because the motorcyclist can arrive at his destination much more quickly than the ordinary motorist.

Generally speaking, the Bill has everything to commend it. I would welcome comments from other members regarding motorcyclists. There are 11,000 of them on the road, and the few who cause trouble are inclined to give the wrong impression. The majority of them use their motorcycles as a means of locomotion to get to work, or for pleasure. We should encourage motorcyclists to protect themselves, and ensure that they become better riders. A course undertaken by the National Safety Council would be of advantage. I support the Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.08 p.m.]: I wish to speak to clause 5 of the Bill, along the same lines as did Mr. Dolan. I support Mr. Dolan in what he said regarding the restrictions on the type of helmet which will be worn. When I was in England and Europe in 1967 I did not see a motorcyclist who was not wearing a helmet, and I travelled 1,300 miles by road.

The Minister for Police (Mr. Craig) has indicated that in 1969 there were 377 accidents involving motorcyclists, and 18 persons were killed. A total of 325 were injured. From January to May, 1970, 23 motorcyclists suffered head injuries, and three died as a result of accidents.

Mr. Dolan has already spoken on the theme I wished to develop. There are 11,000 motorcycles registered in Western Australia, and this number is increasing at a fast rate. This number of motorcycles will mean big business for those who will provide the helmets.

There exists an organisation known as the Australian Consumers' Association, of which Mrs. Ruby Hutchison was the actual founder. That association has examined various types of sporting wear over the years. I well remember that some three years ago the association tested 24 lifesaving jackets, including one which was approved by the Fremantle Harbour Trust for use on boats in this State. Only five of those 24 life jackets passed the lifesaving test. The life jacket which had been accepted by the Fremantle Harbour Trust did not come up to the required standard.

The Minister for Police has stated that the helmets must be of a certain standard, set by the Standards Association of Australia. However, I would like to know whether or not the Standards Association of Australia has tested the helmets. Bearing in mind the saying that everyone is out for a quick dollar, I feel that some manufacturers will have helmets on the market before the Standards Association of Australia has in fact tested them. I feel it is incumbent on us, as members of Parliament, to ensure that this matter is looked at very carefully.

I notice that a person can be excused from wearing a helmet on medical grounds. We have the case of a footballer, Roley Daw, who wears a special type of headgear when playing football. That type of headgear might suit some people but not others. Over a period of years I have spoken to members of the Police Force, and some of the helmets with which they have been provided have not been very good at all. They now have a helmet which is very efficient and effective, but it is most uncomfortable for some constables to wear.

I have no idea of the cost of a helmet, but let us assume that a young chap can pay $10 for a very good helmet, or $7.50 for another helmet which might not provide much protection at all. I am inclined to think that the young chap will buy the cheaper article. Some of the helmets which are sold today are made of fibreglass, and sponge rubber is used as the cushion. That helmet could suit some riders, but not others.

I have had some experience of an epileptic in the Claremont Mental Hospital. He is a big chap, and when he falls he damages himself rather badly. He has tried several types of helmets, and the Western Australian Epilepsy Assocation requested a firm in Sydney to manufacture two different types of helmets for him. However, the chap I have mentioned has still been injured when he has fallen in the concrete passageways, and the helmets have not been successful.

It is not a matter of whether a helmet looks nice, or whether it is distributed at a certain price. I feel the Minister for Health would be interested to know whether or not the Standards Association of Australia has, in fact, approved the right type of helmet to be worn.

We know that helmets are being worn in other States, and we know that in some of those States there is no control over the type of helmet that may be worn. I have a friend in Sydney who rides a motorbike. He has tried nine different types of helmets. As yet, he has not found one that is really satisfactory from every point of view—comfort, safety, and so on.

The Hon. G. C. MacKinnon: Some of them are big enough to have built-in air conditioning.

The Hon. F. R. H. LAVERY: I am drawing this matter to the attention of the authorities in order that when the regulations are being promulgated they can

ensure that it does not come down to one distributor of one type of helmet, thereby increasing the price to the motorcyclist and producing a helmet that is not satisfactory.

For many years I was an instructor in the St. John Ambulance Association, and I observed that, before the days of helmets, the motorcyclists who had accidents sustained either thigh injuries or very serious head injuries. Instead of the average of 15 or 16 days in the hospital, these patients would spend six to 10 weeks, and more, in hospital, which meant increased cost to the State.

On television recently we heard a man say that he would not wear a helmet. My own personal advice to him would be to wear a helmet. I support the Bill but I think the matter of the type of helmet should receive some special consideration.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [8.18 p.m.]: I thank members for their contributions to this debate. I do not think I will reply to what Mr. Claughton had to say, because he dealt with road transport and road maintenance tax, which have nothing to do with this Bill.

The main subject that has been mentioned tonight is the type of crash helmet that must be worn by motorcyclists. There were two slightly different approaches to the problem. I should imagine that by now sufficient evidence would be available —not only in Western Australia, and Australia generally, but also throughout the rest of the world—as to the types of accidents that have occurred, the types of helmets which were worn at the time of the accidents, and the accidents from which people have escaped without injury. If the homework and research have been properly done, it should now be possible to prescribe a helmet that is very effective. If the National Safety Council does not already have this information, no doubt it would endeavour to obtain it.

The Hon. J. Dolan: I think it has.

The Hon. F. R. H. Lavery: What about the Australian Standards Association?

The Hon. L. A. LOGAN: I think that association already has this information. Something like 90 per cent. of our motorcyclists already wear helmets of some type. We would not say tomorrow, "You must discard your old helmet today and get a new one." This provision will have to be phased in over a period of time, but, in their own interests, motorcyclists will obtain the type of helmet that is prescribed.

Mr. Dolan raised the matter of a school for motorcyclists. Years ago, when I had never ridden a motorbike in my life, I walked into a shop, bought a bike, put somebody on the pillion, and rode straight down to the police station to get a license. It was not a wise thing to do, but I got away with it. I rode the bike for many years afterwards, and despite a few spills and skinned shins I am still here.

The Hon. R. Thompson: And the roads were different from those we have now.

The Hon. L. A. LOGAN: Some of the gravel roads were not very good. If I had had some tuition, I would have been a better rider. I think the point was worth making, and no doubt the National Safety Council will consider the suggestion.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 9 amended—

The Hon. J. DOLAN: I am diffident about raising this point again, but I notice that in this clause the word "licence" is repeatedly spelt incorrectly. It will be found in lines 11, 19, and 31 on page 2; in line 3 on page 3, and so on. I think the corrections should be made, as we have been making these corrections for some time now.

The Hon. L. A. LOGAN: In the parent Act the word is spelt with an "s." I think that until such time as the parent Act is reprinted it would be wrong to make this correction, as the word would be spelt in two different ways in the Act. The best thing to do is to make sure that when Acts are being reprinted the draftsman is instructed to spell the word correctly. As it has been pointed out, I will bring the matter to the notice of the Minister for Justice and ask him to ensure that the word is spelt correctly when Bills are reprinted.

The Hon. J. Dolan: The last large Bill we dealt with was the Liquor Bill, in which the word occurred 100 times, or more.

The Hon. G. C. MacKinnon: That was a complete measure.

The Hon. F. R. H. Lavery: I have just renewed my license, and I notice that the word is spelt with an "s." My third party insurance has just been renewed, and it also has the word "license" spelt with an "s."

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 27A added—

The Hon. R. THOMPSON: I did not speak on the second reading but I support the Bill. However, I have a query concerning students at high schools, the Institute of Technology, and the university. At the present time several high

schools in the metropolitan area specialise in various subjects. The students usually remain at school until 5 p.m. on two or three days a week. Motorbikes do not have lockers in which students can place their safety helmets. One young man who attends a special art class at Applecross High School has had his helmet stolen on several occasions. It is impossible for him to cart the helmet around from class to class during the course of the day, so he leaves his helmet on the handlebars of his motorbike. He lost two helmets in one week. Some of them have been recovered. Practical-jokers throw the helmets into tall trees, where they cannot be found.

These students ride motorbikes because they come from all sections of the metropolitan area. The young man I was referring to would have to catch three buses to get to Applecross High School; therefore he has a Yamaha, which is a small motorbike. Some recognition should be given to the person who is placed in the situation where someone steals his helmet or a practical-joker throws it into a tree and he cannot find it. Under these circumstances, should such a person leave his vehicle on the side of the road? If a vehicle is left in a deserted place, it is usually stripped or stolen. We should provide a safeguard for people who are placed in this position. The institutions concerned are the Institute of Technology, the university, and the high schools that have special classes in certain subjects, where the students attend six days a week and remain until 5 p.m. Perhaps some provision could be made in the regulations to cover this situation. It is unfair to prosecute a person who, through no fault of his own, is not wearing a helmet, and when transport is vital to enable him to get to his place of work or school.

I would like the Minister to consider that particular aspect.

The point raised by Mr. Dolan I feel deserves some comment; that is, a school for motorcyclists. I would point out that the larger establishments that trade in motorcycles advertise that they will teach any purchaser of a motorcycle how to ride it. This is quite common, because such advertisements can be seen in the newspapers. One firm that trades in motorcycles and teaches purchasers how to ride is that of Ken George.

I think that, generally, we should congratulate the motorcyclists in a way, because if we cast our minds back a few years we will recall that when the first batch of immigrants came to this State they were commonly referred to as temporary Australians. Because of the high cost of motorcars the majority of these people purchased motorcycles as a cheaper form of transport. I think it would be safe to say that many hundreds of motorcyclists were killed over a period of years. However, as they gradually got on their feet migrants purchased motorcars and we saw a lessening of the motorcycle accident rate.

The point I am making is that I consider anyone who learnt to ride a motorcycle prior to becoming the driver of a motorcar is, in my opinion, a far better driver than a person who can drive a motorcar only, because the person who learns to ride a motorcycle initially must be conscious of traffic at all times whilst he is riding on the roads. I think it can be proved that when a motorcyclist does become the driver of a motorcar he is conscious at all times of the hazards that can occur on the roads.

I repeat that I am concerned about those people who ride motorcycles for the purpose of travelling to their place of employment or attending a class at a high school or some other place of learning. In view of the fact that at such times they have no safe place to park their motorcycles, I think it would be wrong to penalise any one of them who had his safety helmet stolen and who was caught without a helmet whilst riding home.

The Hon. L. A. LOGAN: The point raised by Mr. Ron Thompson is important. I think this question has already been raised in certain quarters; that is, in what position is a motorcyclist placed when his safety helmet is stolen whilst he is attending a class or is at his place of employment? I do not think anyone has come up with the answer, but I will certainly bring the matter to the attention of the Minister for his consideration. It could be that when the members of the Police Force begin to police the Act fully they will take cognisance of the situation that has been outlined by the honourable member tonight.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 8.35 p.m.

Legislative Assembly

Wednesday, the 21st October, 1970

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

PHYSICAL ENVIRONMENT PROTECTION BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Premier), and read a first time.