so we decided to set up a separate authority. The reason is that it is necessary to have a separate statutory authority if we are to have the advantage of two courses of action: firstly, to utilise the funding from semi-Government borrowings, and secondly, to utilise the concessional funding made available under Commonwealth and State housing agreements. This cannot be done through the normal operations of the Rural and Industries Bank; nor can it be done through the State Housing Commission without a large number of amendments to the State Housing Act in respect of eligibility, definitions, and so on.

It is necessary to establish a separate, identifiable, statutory authority in order to gain access to and utilise the wide range of funding; and to establish a rural housing fund in the manner provided in the Bill. We can establish a fund on its own, but such a fund cannot be utilised as a vehicle or a source of other funding, particularly in relation to Commonwealth and State housing finance.

I assure the Deputy Leader of the Opposition that we tried to adopt this method, and initially I saw no reason to establish a separate authority. We tried to determine whether it could be done through some other body, or through a separate section attached to an institution like the Rural and Industries Bank, but by using such a method it would be impossible to get the widest possible application of funds.

Clause put and passed.

Clauses 6 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 11.53 p.m.

Legislative Council

Wednesday, the 19th May, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. JAPAN-AUSTRALIA JOINT STUDY GROUP

Report

The Hon. W. R. WITHERS, to the Minister for Federal Affairs:

It was reported in a Japanese newspaper on the 15th May, 1976, that a report from a non-Governmental Japan-Australia joint study group was released in the name of Sir John Crawford.

The release was made simultaneously in Tokyo and Canberra early this month.

In view of its reported content regarding Australian currency and long-term mineral arrangements, would the Minister please arrange to obtain a copy of that report for study by this Government?

The Hon. I. G. MEDCALF replied:

Although the report is non-Governmental, in view of the comments of the honourable member I will endeavour to obtain a copy.

2. PENINSULA HOTEL, MAYLANDS

Preservation

The Hon. R. F. CLAUGHTON, to the Minister for Cultural Affairs:

(1) Did the Minister meet today with representatives of the Peninsula Association and/or the TLC?

(2) If so, what assurances did he give—

(a) as to the future of the Peninsula Hotel;

(b) of assistance from the Government in the restoration and maintenance of the building?

The Hon. G. C. MacKINNON replied:

This question was sent through to me as I was saying "Goodbye" to the two people who visited me. The answer to the question is—

(1) Yes, I met with two people claiming to be representatives of the Peninsula Association. I had made arrangements with Mr F. Parkes that he could come and discuss the matter with me. At the appointed time he did not turn up. The two young people who did apologised on his behalf and discussions with them ensued.

(2) (a) and (b) I gave no assurances to the young couple. I pointed out to them that this was a matter of very long standing; indeed it had first been brought to my attention well over twelve months ago, in fact, almost two years ago. Approaches at that time had been made to the Federal Labor Government without success. Applications had been made under the NEAT scheme, the RED scheme and indeed as I understand it, every pertinent scheme that was in existence at that time. The closest was a glimmer of hope under the NEAT scheme. This, however, faded out upon receipt of a long telegram

from the Federal Labor Government refusing the application. It must be borne in mind that at this stage the State Liberal Government was extremely short of money as the big proportion of funds allocated from the Federal Government were tied grants under section 96 of the Constitution. I am also advised that Mr Berinson was approached without success. It will be recalled that Mr Berinson was at that time not only Labor member for the area in question, but also held the portfolios which one would expect to have a direct bearing on the problem of the restoration of the Peninsula Hotel.

QUESTIONS (5): ON NOTICE

1. LEEDERVILLE TECHNICAL COLLEGE

Accommodation

The Hon. R. F. CLAUGHTON, to the Minister for Education:

(1) Is the Minister aware that—

(a) the existing staff accommodation in the Architectural and Building Studies Department of the Leederville Technical College is totally inadequate to meet the recommended floor area requirements and that the twenty-nine staff members are expected to cram themselves into a floor area of 113 m square when the normal area required is at least 239 m square;

(b) the Furniture Trades and Interior Design staff at the college are at present inadequately accommodated and that use must be made of temporary buildings, some of which are on school ground which is required for demonstration and practical purposes for the building trade apprentices;

(c) the Carpentry and Joinery Trades Department requires new class rooms to replace the inadequate and temporary pavilion built in 1972 by pre-apprentice carpenters and joiners?

(2) If the Minister is aware of these very serious accommodation problems, could he inform the House as to what steps are being taken to make adequate accommodation available?

The Hon. G. C. MacKINNON replied:

(1) (a) Yes.

(b) The Furniture and Design staff are accommodated in a well designed adequately furnished temporary building which was constructed as a training project for Building Trade apprentices.

Site space for practical training for apprentices has not been seriously affected.

(c) Yes.

(2) Accommodation can only be provided when finance becomes available for the purpose.

2. MENTAL HEALTH

Tresillian Hostel: Transfer of Inmates

The Hon. LYLA ELLIOTT, to the Minister for Health:

(1) Did the Minister see the advertisement in *The West Australian* of the 18th May, 1976, signed by some 800 persons—

(a) expressing deep concern at the Government's intention to move the mentally handicapped children out of Tresillian;

(b) pointing out that it is the opinion of Mental Health Service doctors, staff at Tresillian, and parents and relatives, that such a move would not be in the best interests of the children;

(c) drawing attention to the desirability of integrating the handicapped within their own community?

(2) In view of the fact that—

(a) so many of the signatories live in the Nedlands area;

(b) the building at Forrestfield to which the Government has stated it proposes to transfer the Tresillian children is unsuitable because of its remoteness and design;

(c) the overwhelming view of all those involved with handicapped persons that it is in the best interests of both those persons and the community generally to integrate rather than isolate them;

(d) the distress and disruption that the proposed move would cause to staff, patients and relatives; and

(e) the obvious fact that the Tresillian building is needed because of the desperate

shortage of accommodation for the profoundly handicapped,

will the Minister prevail upon his Government to cancel the plans to remove the Tresillian children and thereby provide evidence of compassion and sympathy for the handicapped and their families?

The Hon. N. E. BAXTER replied:

(1) Yes—however, the opinions expressed are purely those of the signatories.

(2) No. The Government and I, as Minister, are faced with the responsibility for the accommodation for the profoundly handicapped. Our Government is endeavouring to provide a better standard of accommodation for profoundly retarded persons and at the same time accommodate more of these people.

I believe that when all arrangements are completed and residents re-located, people will realise that what is being done is in the best interests of all concerned.

The Government is of the opinion that the advantages of the provision of more modern premises with facilities and capacity to accommodate more of these people far outweigh the arguments used for the retention of Tresillian.

3. RAILWAY CREWS

Staging at Kalgoorlie

The Hon. R. Thompson for the Hon. R. T. LEESON, to the Minister for Health representing the Minister for Transport:

(1) Did the Commissioner for Railways (Westrail) recently write (approximately between March and April) to the Kalgoorlie-Boulder Tourist Bureau Committee regarding the discontinuance of staging of Westrail crews in Kalgoorlie?

(2) If so, would the Minister please indicate the substance of the communication?

The Hon. N. E. BAXTER replied:

(1) No. The Hon. Minister for Transport wrote to the Kalgoorlie-Boulder Tourist Bureau on 5th April on behalf of the Hon. Premier in reply to their letter dated 11th March.

(2) In the communication the Hon. Minister examined figures submitted by the Bureau to show the effect the discontinuance of staging of Westrail crews at Kalgoorlie would have and commented on the figures.

The advantages to interstate passengers by not changing crews at Kalgoorlie were also pointed out to the Bureau.

4. MOTOR VEHICLES

Expired Number Plates

The Hon. H. W. GAYFER, to the Minister for Health representing the Minister for Police, and Traffic:

(1) Is he aware that the Chief Executive Officer of the Road Traffic Authority wrote to the Kulin Shire Council on the 31st March as follows—"I wish to advise that it has been the policy of all State Motor Registration Departments to discontinue the recovery of number plates due to the cost factor. This Authority has also taken the same stand."?

(2) How does the Minister reconcile the above with his answer to the first part of my question 8 of the 11th May, 1976?

The Hon. N. E. BAXTER replied:

(1) Yes.

(2) A more accurate statement to the Kulin Shire Council would have been, "This Authority has continued the policy established by the Police Department in this respect."

5. HOUSING

Waiting Period

The Hon. LYLA ELLIOTT, to the Minister for Education representing the Minister for Housing:

(1) What is the current normal waiting period for—

(a) State Housing Commission rental accommodation; and

(b) State Housing Commission purchase homes?

(2) Is there expected to be any extension of these periods due to the severe cutback in the State Housing Commission building programme for the current financial year?

(3) What is the projected building programme by the State Housing Commission for the year 1976/1977?

The Hon. G. C. MacKINNON replied:

(1) Waiting periods vary because of particular requirements or choice of location by the applicant. Considering the bulk of applicants the average expected waiting times are:—

(a) Rental Accommodation:—

Metropolitan; 2 bedroom; 30 months.

Metropolitan; 3 bedroom; 21 months.

Country; 15 months.

North-west; 12 months.

(b) Purchase Accommodation:—

Metropolitan; 3 years.

Country; 22 months.

North-west; 15 months.

(2) The available evidence indicates waiting times are being held at present duration. This situation is not expected to change unless there is a marked variation in the availability of private accommodation.

(3) The building programme for 1976/77 cannot be finalised until Commonwealth and State financial allocations to the Housing Commission are declared.

PENINSULA HOTEL, MAYLANDS (PRESERVATION) BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. R. F. Claughton, and read a first time.

BELMONT HIGH SCHOOL

Press Report on Question: Personal Explanation

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.45 p.m.]: Mr President, I seek leave to make a personal explanation.

The PRESIDENT: Leave is granted.

The Hon. G. C. MacKINNON: Thank you very much—I appreciate the opportunity. I am concerned about a Press report in this morning's edition of *The West Australian*, which is headed, "White ants eat school, says MLA" The report refers to a question asked yesterday in the Legislative Assembly. The question was answered to the effect that inspections had been carried out and that although the question referred to the fact that whole sections of timber had disappeared, it was stated unequivocally in the reply that that was not so. One verandah beam had been badly attacked and it is being replaced. The Press report went on to state—

> The Government had spent $98 500 on fighting white ants since they were detected in 1957.

As a matter of fact, the amount spent by the Government was $9 500 and this was the figure given in the reply. This appears to me to be extremely bad reporting or typesetting, and I wish to draw the attention of the House to these errors. I do not mind taking the blame for occasional errors of commission or omission made by the Liberal-National Country Party Government, but I do object to taking the blame for errors made by the Australian Labor Party.

I supplied an answer to the following question asked of the Minister for Labour and Industry in another place—

> In view of the fact—
>
> (a) that the Belmont Senior High School is one of the very few timber high schools in the State;
>
> (b) that the school was erected on a temporary basis in 1956;
>
> (c) that the white ants have gained the upper hand—

All of which has been denied. To continue—

> will the Minister provide details of plans which his department has for the replacement of the school?

In the reply I pointed out that the school was not erected on a temporary basis and there is no intention to replace the building. I said the school was designed and built as a suitable high school for Belmont when the Hon. W. Hegney was Minister for Education, in the Government led by the Hon. A. R. G. Hawke.

I repeat that I do not mind taking the blame for an occasional error made by the Government, but I am only human and I do not like to be blamed for something for which I am not responsible. I wanted to draw to the attention of the House the fact that, quite apart from the very misleading headline to the article, a mistake of about $90 000 has been made in the Press report.

ACTS AMENDMENT (PORT AND MARINE REGULATIONS) BILL

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

LAND TAX ASSESSMENT BILL

Report

Report of Committee adopted.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [4.51 p.m.]: I move—

> That the Bill be now read a second time.

This Bill introduces two separate amendments to the Road Traffic Act, the first relating to motor drivers' licences issued on probation, and the second to the penalty provisions of the Act where a driver or person in charge of a vehicle may not comply with the request of a patrolman to weigh a vehicle or load.

The probationary system as it stands places new licence holders on a three-year probationary period, which provides for a cancellation of the licence for a minimum period of three months for a variety of prescribed offences. Additionally, they are restricted to a speed limit of 80 km/h for the period of their probation, and are required to display "P" plates on the vehicle they are driving for the first 12 months.

Research has recently been conducted by the Road Traffic Authority, as a consequence of a recommendation by senior patrol officers that the system be abolished, or at least modified, as it no longer has any real benefits.

In considering the recommendation, the Minister for Traffic has taken several factors into account, not the least of which is the number of cancellations and the consequential necessity to retest probationers before a further licence is issued. This creates a considerable workload on Road Traffic Authority staff.

Attention has been drawn to the fact that probationary drivers represented 13.5 per cent of all licensed drivers, and were the recipients of 31 per cent of summonses issued for traffic offences. Additionally, drivers aged 17 to 20 years, who comprise approximately 10 per cent of all drivers, are reported to have sustained approximately 25 per cent of the total casualties, so their vulnerability to accidents is quite marked. It is believed that this is, to some extent, caused by two factors—

(a) greater exposure in terms of vehicle miles driven; and

(b) greater exposure of this group to hazardous driving times, which are late nights and weekends;

and also by the fact that they form the majority of motor cyclists.

In support of the recommendation, it is pointed out that authorities in New Zealand have come to the conclusion that probationary licences have little or no effect on the accident rate; that the probationary system was serving no useful purpose, and they have recommended its abolition.

The "P" plate provisions, which require all probationary licence holders to display the plate during the first year of their holding a licence, are to be retained, and this will mean that the probationary term and the requirement to display the "P" plates would expire at the same time.

The period of probation is to be reduced from three years to one year, as it is felt that if the probationary system has any benefit at all, it is in the first 12 months of driving and its effectiveness is less marked in the following two years of driving. This reduction would ease the workload on the Road Traffic Authority as far as the re-issue and retesting of cancelled licences is concerned.

It will also be noted that this amendment introduces a new term in respect of drivers' licences. This term is an "unrestricted licence" and it simply means a driver's licence not issued on probation.

All previous drivers' licences issued on probation would be affected by the new provisions.

The second matter which the Bill introduces results directly from the difficulty now encountered by patrolmen in the event of a driver refusing to allow his vehicle or load to be weighed. The present penalty for refusing to weigh is a fine of $100 which, it has been found, is preferred in order that an excess load, worth many times that amount, may proceed without hindrance. Repair of the resultant damage to roads and roadworks, particularly in remote areas, can be extremely costly.

It is believed that a more effective control could be achieved if a refusal to weigh incurs an economic disadvantage, and this is the reason for the amendment which would provide a maximum penalty of $500 for a first offence, and a $1 000 maximum penalty for a subsequent offence.

An additional incentive to allow the vehicle to be weighed is contained in the Road Traffic (Vehicle Weights) Regulations 1975 which provide a maximum penalty of $500 for the offence of over-loading, it being reasonable to assume that a driver would opt for the lower penalty.

An alternative to an increase in penalties would be to empower patrolmen to drive-weigh the vehicle. However, there are problems with this in the event of any damage being caused to the vehicle and/or load, or the driver claiming a malfunction of the clutch or gears. A further difficulty would be the case of a driver refusing to hand over ignition keys. Therefore, a recommendation has been made for an increase in the area of penalties.

I commend the Bill to the House.

THE HON. R. THOMPSON (South Metropolitan) [4.56 p.m.]: I have taken the opportunity to examine this Bill during its passage through another place. I was a little amused at the following statement made by the Minister—

> The second matter which the Bill introduces results directly from the difficulty now encountered by patrolmen in the event of a driver refusing to allow his vehicle or load to be weighed. The present penalty for

> refusing to weigh is a fine of $100 which, it has been found, is preferred in order that an excess load, worth many times that amount, may proceed without hindrance.

I should like the Minister to explain exactly what that term means. I cannot find any reference in the Bill—nor should there be any reference—to what the load is. It could be a load of gold!

The Hon. N. E. Baxter: It is misleading. It should have read, "the penalty for an excess load . . ."

The Hon. R. THOMPSON: I think the statement is a bit of garbage, and I cannot see its purpose. Has it been put in the second reading speech to assist members to understand the Bill, or to cloud the issue?

I believe the heavy haulage squad has done a very good job in Western Australia, particularly since the road maintenance tax was introduced and the squad had to step up its activities and become more proficient in the exercise of its duties. I give it great credit for the work it has done. I know we have some difficult drivers who do not comply with the demands of the heavy haulage squad in regard to the weighing of vehicles.

However, as I have mentioned in this House on previous occasions, some cases go beyond the responsibility of the heavy haulage squad into the realms of patrolmen desiring to test the roadworthiness of vehicles, and this is where the truck driver may be reluctant to hand over his vehicle to a patrolman who may be inexperienced in driving that type of vehicle. Some of these trucks have up to 14 forward gears.

A case was brought to my attention in which a patrolman requested the driver of a truck to leave his vehicle which was loaded with yellow sand. That happened in Hampton Road near South Street in South Fremantle. The patrolman took over the wheel of the vehicle and applied the accelerator. Through the momentum of the vehicle on a downgrade and through jamming the brakes the patrolman broke both rear axles. Some patrolmen are not experienced in the handling of heavy haulage vehicles. For that reason I have some sympathy for the truck driver who does not wish to see his vehicle damaged by inexperienced officers taking control of it.

As against that, there have been many cases in which drivers have refused to have their vehicles weighed when requested to do so. The Minister has not given us any indication of the number of such drivers; I think we are entitled to some explanation from him of the number and the reason for this provision in the legislation. Alternatively, is this another method to jack up the fines to a high level so as to bring in more revenue through the Road Traffic Authority? This authority is notorious as a revenue gatherer. However, I shall leave that aspect for the Minister to deal with in his reply.

Another matter mentioned by the Minister related to the reduction of the probationary period for drivers from three years to one year. One has to look at section 59 onwards in the principal Act to find out what procedure has to be complied with. There appears to be some ambiguity in the Minister's second reading speech, because he said—

> Research has recently been conducted by the Road Traffic Authority, in consequence of a recommendation by the senior patrol officers that the system be abolished, or at least modified, as it no longer has any real benefits.

Further on in his speech the Minister said—

> In support of the recommendation, it is pointed out that authorities in New Zealand have come to the conclusion that probationary licences have little or no effect on the accident rate, and that the probationary system was serving no useful purpose, and they have recommended its abolition.

Evidently the Minister or Cabinet is not prepared to take the word of the senior officers who recommended abolition rather than modification.

I support fully the reduction of the probationary period to one year. I think that the introduction of the probationary period has had an effect on some young drivers. Some years ago prior to the introduction of the probationary period it was quite common to see in the city block and in the suburbs young drivers driving their cars at speed with the tyres screeching. They did silly things like that, because they knew that if convicted they would be fined only a small amount. The introduction of the probationary period has had some beneficial effect.

These drivers are required to affix "P" plates on their vehicles during 12 months of the probationary period, and if they are taken before a court it is mandatory under section 59 of the Road Traffic Act to suspend their licences for three months. That applies not only to young drivers, but also to the people of mature age who are probationary drivers.

In this regard I recall an instance in which a lady stalled her car at an intersection. She got out of the vehicle. Another car from the right swooped in front of her vehicle, and ripped off the mudguard and headlight. Because she was a probationary driver and the accident was reported, she was brought before the court and fined £10. As she was leaving the court the magistrate asked, "Are you under probation?" She replied in the affirmative. The magistrate then said, "You

are under three months suspension." That happened in the days when the currency was in pounds. So, in that regard the law has not worked as intended. The driver was charged for failing to give way to the vehicle on the right.

The Hon. H. W. Gayfer: If you were in the position of the lady and saw a car coming at you would you have left your car?

The Hon. R. THOMPSON: That would be a cheap way to get out of an accident. From time to time we hear of irregularities in the enforcement of the Road Traffic Act. In dealing with that aspect later I shall be pointing out something that happened recently in one of the police courts in this State, but I shall not mention it now.

I think some age limit should be applied to probationary drivers. I do not think that it is necessary to place people of more mature age and able to accept responsibility, on periods of probation. The Minister has mentioned New Zealand. Of course, in that country a person can obtain a driver's licence at the age of 15 years if he passes the test. I do not know what applies now in South Australia, but previously there was no test whatsoever which a person had to undergo to obtain a licence. A person merely went into the traffic office, paid the fee, and obtained a licence. The accident rate in South Australia was no better and no worse than that in Western Australia.

In view of the driving education that is now available in schools, institutions, and through the National Safety Council, I see no reason why the age for obtaining a driver's licence should not be lowered. The earlier we can induce a person to observe the traffic rules—particularly in the cases of persons from 15 to 17 years of age—the better it will be for the community. This is a step in the right direction, and we should lower the age rather than retain it at 17 years.

Such a change would be beneficial, and it would confer a privilege on a person applying for a licence. Most of these young people would be attending high schools and have available trained staff and vehicles to provide them with driving tuition. Vehicles have been made available to high schools by firms selling motor vehicles, and this at no cost to the Government. I think there would be a distinct advantage in lowering the age at which a person may obtain a driver's licence.

I support the Bill for what it is, but I do not regard it as the be-all and end-all in so far as remedying the existing situation is concerned. The Minister said that something like 13.5 per cent of probationary drivers are arraigned before the courts each year.

The Hon. N. E. Baxter: It represents 13.5 per cent of all licensed drivers.

The Hon. R. THOMPSON: I stand corrected. The Minister said probationary drivers represented 13.5 per cent of all licensed drivers, and they were the recipients of 31 per cent of summonses issued for traffic offences.

It would appear that because a probationary driver has his licence cancelled in the three-year period he has to undergo further tuition and a driving test. This takes up the time of the examiners in the Road Traffic Authority. As a result the cost of running this expensive authority has increased; furthermore, such tests tie up the time of many officers merely for the purpose of examining drivers who have already passed the test, and who have lost their licences for three months. Of course, when so employed those officers would not be on the road apprehending drivers and collecting revenue which this Government seems to be so hungry to collect.

I give my support to the Bill. I think the Minister should discontinue the practice of headline hunting in the newspapers, which seems to have been his custom of late. He often says, "We are changing this" and "We are doing that" in respect of traffic. It seems that the Minister and this Government are trying to keep the public, and in particular the motoring public, in a state of fear.

The PRESIDENT: Order! I will remind the honourable member that the Bill seeks to amend sections 45 and 111 of the Act. General discussion on the Act is therefore not permitted.

The Hon. R. THOMPSON: I accept the point you have made, Mr President. I support the Bill for what it is worth, but I would like an explanation from the Minister on the points I have raised. I would like the explanations to be factual, because when we dealt with traffic Bills previously we sometimes received answers from the Minister—I do not say he intentionally tried to mislead the House—which expressed opinions that were not borne out when the circumstances were examined. I would like the Minister to make a check on the answers he gives to the points I have raised.

THE HON. H. W. GAYFER (Central) [5.14 p.m.]: I have some reservations about this Bill, and I must point out that opportunity for adequate research into the Minister's second reading speech has not been provided to me. As we are all aware, the Minister delivered his second reading speech on the Bill this afternoon, and he was followed by Mr Thompson.

The main problem I see in the Bill, which I support almost entirely with the exception of clause 4, which proposes to amend section 111 of the parent Act, is the provision affecting truck drivers. I voice concern as a truck driver, as a person representing truck drivers, and as a person knowing to some degree the lot of truck drivers in general.

It is to this end that I asked some questions not so long ago in this Chamber. The questions are rather lengthy but to prove my argument I will have to repeat them for the benefit of the House. They were asked on the 6th May of the Minister for Health representing the Minister for Transport and read as follows—

(1) Why is it, under the National Association of Australian State Road Authorities, and in the amendments to Vehicle Limits for Road Safety and Road Protection of January, 1975, Western Australian truck owners have been placed at a disadvantage over all other States in respect of—
  (a) Single Axle Maximum Gross load (tonnes);
  (b) Tandem Axle Maximum Gross Load (tonnes);
    (i) Single Tyres;
    (ii) Single and Dual Tyres;
    (iii) Dual Tyres;
  (c) Maximum Gross Load (tonnes) as expressed on Table 111 of that amendment?

(2) What arguments are used in this State to prevent our axle load limits and maximum gross tonnes being increased to the South Australian tolerance within the National Association of Australian State Road Authorities as expressed in the amendment to the Vehicle Limits for Road Safety and Road Protection?

(3) What load tolerances percentages over and above the figures so expressed in the referred to document are allowed by the Weights and Measures (Police Traffic Department) in each of the States mentioned?

The Minister replied—

> The information requested by the Hon. member is not readily available. It will take some little time to collate and I will forward it to him as soon as possible.

At this stage I interpose and say that I was speaking with reference to the document which I have in my hand which is entitled *National Association of State Road Authorities—Amendment to Vehicle Limits for Road Safety and Road Protection*, 4th edition, 1974.

I presume this document was produced after research had been carried out by a committee consisting of members from all States. The document indicates that the standards in Australia do in fact vary from State to State. The questions I asked were the result of my investigation into the paper to which I have referred.

Subsequently, on the 10th May, the Minister for Transport wrote to me and replied to the questions I asked in this House, answers to which were not given at the time. To outline my argument and as I am about to refer to section 111 which is to be amended by clause 4 of the Bill, I will read the letter which states—

> Dear Mr Gayfer,
>
> You were advised, in answer to a question in the Legislative Council on May 6, that a direct reply to your queries on the differences in vehicle limits would be made.
>
> With the exception of South Australia, the differences in tyre and axle load limits in the Western Australian Regulations when compared with other States are generally of a minor nature—in many instances the differences being brought about through the method used in conversion from Imperial to Metric dimensions. A rounded conversion as used by the other States would have disadvantaged some vehicles in Western Australia by making them eligible for Road Maintenance contributions.
>
> A very common axle configuration is the tandem axle with dual tyres which is restricted under Western Australian Regulations to 13 154 kg. However permits are readily available for most transport operations in this State which increase the permitted loading to 16 300 kg this limit compares more than favourably with the limits in New South Wales—14 000 kg; Victoria 13 300 kg; Queensland 13 200 kg; Tasmania 14 300 kg; and Northern Territory 16 000 kg; and is only marginally less than South Australia 16 400 kg. The permits also extended the maximum gross load expressed in Table 3 to levels which also compare favourably with other States.
>
> There are anomalies in the limits which apply in the various States and the National Association of Australian State Road Authorities has recently undertaken a study of the economics of road vehicle limits throughout Australia. The objective of the study was to determine the most appropriate mass and dimension limits which should apply nationally or in particular regions of Australia. The recommendations of the study provide for uniform loadings throughout Australia with the exception of the allowable loading for tandem axle groups fitted with dual tyres for which the recommended allowable load is uniform in South Australia, Western Australia and the Northern Territory and is higher than the recommended uniform load for New South Wales, Victoria, Queensland, Tasmania and the Australian Capital Territory. These recommendations are currently being considered by the Australian

Transport Advisory Council with a view to having them incorporated into legislation in each State.

The tolerances adopted by the various States are also far from uniform and the study team referred to previously also examined this problem and has made recommendations seeking to have uniform tolerances applied throughout Australia. Under the Western Australian Regulations, loadmeter readings must be reduced by 5 per cent. As loadmeters are the predominant weighing equipment used by the enforcement authority, this reduction applies in the majority of cases. Any further tolerance which is allowed before prosecution is proceeded with is applied at the discretion of the enforcement authority.

I believe the questions and answers I have read are particularly relevent to section 111 of the Act which is to be amended by clause 4 of the Bill.

As I understand from the Minister's second reading speech—without having a copy of it in front of me—the provision is for the protection of roads and also to increase fines that might be applicable from $100 to $500 for a first offence; because some people are finding it cheaper to pay the fine of $100 and still go through with the load.

This may be so, but when one considers the report of the *National Association of Australian State Road Authorities* and the amendment to vehicle limits for a road safety and road protection, one finds these limits vary so much in the other States. In spite of what the letter says, the load limits here are below those permitted in the other States even though we have readily available, I believe, the cheapest and best gravel and other road-making material for the construction of our roads.

I feel there is not enough margin allowed, or discretion shown, in respect of loading. A reasonable tolerance should be allowed before and when the weighing is done. I understand that in South Australia a great margin of tolerance is shown on loads. I also believe in the wheatbelt in Victoria, during the harvest receival period—and this is the point that concerns me greatly—there is a virtual amnesty so far as the weights and measures boys are concerned—we in the bush have another name for these people but that does not matter at the moment—before they interfere in the measuring of trucks.

In Western Australia wheat carting is generally done in very dry conditions. It is different altogether from trucks going over the roads in the middle of winter when they are likely to chop up the roads. We admit this. In the summertime, however, the roads are firm and anybody who travels in the country knows there is not much chance of the weight of a truck undermining the foundation of a road.

One comes to the conclusion, therefore, that we in this State are being rather harsh in enforcing our weights and measures laws which, incidentally, are not uniform throughout Australia, though they are certainly designed to protect our roads. But if such protection is necessary for our roads, why is not that same proportion of protection being used in the other States where, I consider, the road-making materials are certainly not as good as those available in this State? The other States do not have the upgraded roads that we have.

I wonder, therefore, whether enough research has gone into this to ascertain the load dimension in consultation with the Australian authorities—with all the details at their disposal—before we decided to impose the fines set out on what I consider to be a rather conservative load estimate in Western Australia.

I also worry about the truckie who comes in from either New South Wales or South Australia, where they have their own load limits, and finds on reaching Western Australia there is a reduced load limit; because if he breaches the Act he will be up for $500 penalty or possibly $1 000 penalty in the following week. This is what concerns me.

We appear to be running ahead too far to impose a fine for something which I believe has not been proved necessary—at least not to me. The amendment proposed in clause 4 of the Bill causes me great concern. Clause 4 seeks to amend section 111, and paragraph (d) of that clause states—

> by adding after paragraph (1), the following paragraphs—
>
> (m) imposing for an offence against a regulation requiring the driver or person in charge of a vehicle to comply with any reasonable direction given by a patrolman for the purpose of ascertaining the weight of that vehicle or any component thereof or its load.

Given that authority I can imagine what the position would be at wheat carting time in relation to a truck driver going to the weighbridge and getting his truck weighed on and off and after he has discharged his load being asked for his waybill. To my mind this would be tantamount to an invasion of and an encroachment into, the private business of the particular carter.

At the present time under the weights and measures legislation the actual weighing procedure at a siding in the country is protected to some degree, and the information so far as the scales are concerned is available only to the truck driver and to the CBH operator who is handling

the yardarm. With the extra power contained in the legislation I can imagine there would be a saving to the Government. It would certainly not need the scales, that is for sure. A truck driver could be asked for his weighbridge ticket and if he refuses to produce it he could be up for a penalty of $500. I believe the Bill goes too far in these matters.

I also feel it is high time that we in this State considered the costs that carters are facing in the agricultural areas in their urgent efforts to get the harvest out. Greater tolerance should be shown in the summertime to allow us to get our wheat to the siding as quickly as possible; and instead of having to purchase a $25 000 truck and a bogey trailer, we should be permitted to use our presently under-loaded vehicles which would enable us to cart almost the same amount just as efficiently and safely.

There have been no accidents in the country areas during wheat-carting time yet we find the Bill before us seeks to further tighten the provisions in the Act. As far as I am concerned we are getting far too much like a police State.

Several members: Hear, hear!

Sitting suspended from 5.29 to 7.30 p.m.

THE HON. N. E. BAXTER (Central—Minister for Health) [7.30 p.m.]: I shall deal with the comments and queries raised by Mr Thompson, in the order in which they appear in the Bill. They relate to probationary drivers and fines.

Members who have a copy of my second reading speech will be aware that I stated—

> Research has recently been conducted by the Road Traffic Authority, in consequence of a recommendation by senior patrol officers that the system be abolished, or at least modified, as it no longer has any real benefits.

That indicates clearly that research was instituted as a consequence of the recommendations. Firstly, the senior patrol officers recommended that the system be either abolished, or at least modified. The research then took place, and the Minister decided to modify the situation of the "P" plate drivers and came up with a proposal to reduce the probationary period from three years to one year.

The Hon. J. Heitman: It was not a direct recommendation of the Road Traffic Authority?

The Hon. N. E. BAXTER: It was a recommendation of the Road Traffic Authority after it had undertaken the research. There was a recommendation by the senior patrol officers that the system be abolished or modified. After that research was undertaken by the RTA as a result of which it came up with a proposal to reduce the probationary period from three years to one year.

To turn to the other query raised by Mr Thompson, I admit that my second reading notes were prepared in a hurry and certain words were omitted. Their inclusion would have made the position clearer. The honourable member, as a former Minister for Police, would have a fair idea of the penalties that apply to traffic offences. In my second reading speech I said—

> The present penalty for refusing to weigh is a fine of $100 which, it has been found, is preferred in order that . . .

That is where the omission came in. The words, "to a penalty" should have been inserted, then followed by "for an excess load worth many times that amount may proceed without hindrance". In other words, the penalty for the offence of refusing to weigh a vehicle is $100, and the penalty for an overweight load could be $500 or more, depending on the circumstances.

It would be less costly for the driver, who knows his vehicle is overloaded, to refuse to weigh the vehicle and pay the $100 fine, instead of the $500 fine for overloading. This $500 fine applies under the road traffic vehicle weights regulations. If the driver knows that his vehicle is overloaded he will no doubt opt for the $100 penalty.

This point was also raised by Mr Gayfer in his contribution to the debate, and it also has been clarified by me.

Regarding the amendment to section 111 it is proposed to add a new paragraph (m) and under this Mr Gayfer maintained that it will be a reasonable direction for a patrol officer to require a truck driver to produce a weighbridge ticket. I am informed this is not legal, as no driver can be compelled to incriminate himself. If the driver handed over a weighbridge ticket it could be taken as incriminating evidence. This would not be acceptable.

There is a possibility that something else could occur; the driver could be directed to take his vehicle to a weighbridge. I do not think that Mr Gayfer or other members would be happy about this proposal. I have not been able to clear up this point during the tea suspension, but I hope to do so by Tuesday next.

At this stage I do not propose to continue with the Committee stage of the Bill, as I shall be leaving for Darwin at midnight. I shall move for the Committee stage to be taken on Tuesday next. I trust members will agree to the second reading. I assure them that the matters they have raised will be looked into, so that any anomalies that arise can be rectified. I thank members for their contributions to the debate.

Question put and passed.

Bill read a second time.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [7.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend those sections of the Government Railways Act relating to the constitution of the appeal board to overcome a situation which has occurred in recent instances, where no employees' representatives have been nominated as members of that board.

Membership of the board consists of a chairman, a departmental representative, and an employees' representative, and each is appointed for a three-year term.

The employees' representative is elected from the employees, and to meet this requirement the department's staff is divided into five occupational groups. Each group has the right to nominate a member, a deputy member, and a substitute member to provide a representative on the board when it deals with an appeal from that particular work group.

When more than one nomination is received for any position, an election is held. The election is conducted by the Chief Electoral Officer, in conjunction with departmental resources, and all costs are met by the Westrail. Each election and by-election costs the department $700, and since 1968 three general elections and six by-elections have been held.

In the case of other boards, such as the Promotions Appeal Board and boards of reference, the unions simply nominate representatives without holding an election and it is considered desirable to introduce the same procedure for the Railway Appeal Board.

This Bill, therefore, provides for the unions concerned to nominate the employees' representatives on the board which will also have the effect of eliminating the cost of conducting elections.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

NATIONAL PARKS AUTHORITY BILL

Second Reading

Debate resumed from the 18th May.

THE HON. R. F. CLAUGHTON (North Metropolitan) [7.41 p.m.]: Members of the Opposition support the principles of this legislation, although they disagree with the arrangement adopted by the Government to put it into effect. However, we do not intend to oppose the Bill or to move amendments. The Bill received considerable debate in the Assembly and we see no point in repeating what has already been discussed.

The status of the chairman of the proposed authority has been questioned. It is useful to draw to the attention of the Minister the arrangement proposed in another piece of legislation, under which the chairman acts as the executive head of the council in question. I refer to the Western Australian Post-Secondary Education Commission. That is the sort of arrangement put forward by members on this side of the House as being appropriate to the national parks authority. However, the Government has made it plain that it does not agree with this point of view.

We have also suggested that arrangements for the care, the organisation, the maintenance, and the improvement of national parks, as adopted in some other States, provide a useful precedent to be followed in Western Australia. Here again the Government has disagreed with our view, and so we will not pursue this matter.

I think that more thought could have been given to the setting up of local advisory committees. That would have been preferable to the arrangement under the Bill whereby local authorities are involved and are given the opportunity to advise the Minister about their opinion in respect of maintenance, administration, and development of national parks. In fact, they will be able to adopt their own model by-laws.

Elsewhere in Australia it has been found to be effective and advantageous to set up local advisory committees with wider representation than is proposed in the Bill and involve them in the care, development, and maintenance of national parks. As it is, we will have the arrangement set out in the legislation. Only experience will show whether this is the appropriate method to be adopted, or whether we should examine the legislation again.

It is interesting to look at some of the comments made recently by local authorities and groups in respect of the proposals which have come forward from the Conservation Through Reserves Committee and from local authorities themselves. I will refer to some articles which have appeared in the *Busselton-Margaret Times*, first of all from the issue of the 1st April. The article appears under the heading, "National Park Idea Rejected by Council" and involves a proposal put forward by one of the councillors that the whole of the area of the local authority should be declared a national park. The idea was rejected by the council but I think some of the comments are worth drawing to the attention of the Minister and members because the area is close to the electorate of the Minister. He may be aware of the comments.

The Hon. G. C. MacKinnon: Part of my province.

The Hon. R. F. CLAUGHTON: Yes, the matter concerns the Augusta-Margaret River Shire. Amongst the comments made —and I will not mention the names of the

councillors because I do not think that is necessary for the purposes of my exercise —appears the following—

> . . . that the National Parks Board's operations in the past indicated it was not a viable organisation.

I am not sure what was meant by "a viable organisation" but it is clear the councillor who made the statement did not hold it in very high regard or consider that its operations were carried out effectively. Well, perhaps the new authority will improve that situation, but I do not think the legislation actually is any guarantee of that. The authority will, in fact, take over the existing organisation. Whether or not it will set about examining the way the existing organisation has performed in the past remains to be seen, but if the councillor's comments are any indication it would seem to be one of the first things to be undertaken by whoever is placed in charge of the new authority.

The article further states—

> Over the past 15 years very few funds had been spent by the council on environmental damage.

That reference to a council, I presume, is the Augusta-Margaret River Shire Council. The councillor went on to say—

> I feel we don't need too much revenue for this.

In that instance I assume the councillor is saying that the council was not undertaking what could be regarded as its responsibility.

The Hon. G. C. MacKinnon: He would have been talking about the repair of environmental damage.

The Hon. R. F. CLAUGHTON: I will quote further and I think the intentions of the councillor will become clear. The article states another councillor said—

> . . . that several farmers had expressed concern over the proposal since notice was given three weeks ago.
>
> They were against the shire becoming a national park and were concerned that their properties would become incorporated in the scheme.

They were concerned that their properties would be incorporated in the scheme. One of the provisions in the Bill is that private land can be included in a national park by agreement with the owner.

The Hon. G. C. MacKinnon: It is pretty carefully safeguarded though, is it not?

The Hon. R. F. CLAUGHTON: Well, the councillor I am quoting is expressing some concern. I will refer to the matter again later. The provision to include private land is contained in clause 21 of the Bill. The article continues—

> The Shire President . . . warned that the shire could be "swallowed up" by the National Parks Board.

We must remember that the motion before the council was that the whole shire should become a national park. To continue—

> He suggested the council "should fight like hell" to retain control.

I do not know whether that is the alternative to becoming a national park. What is obviously worrying the shire council is the matter of funds and the cost involved.

The development of national parks, to make them more attractive, will conceivably draw more people to the district. Otherwise, I presume it would be purposeless to develop the parks because the whole intention is to create recreational facilities for all the people in the State, and not just for those in the locality surrounding a national park. As a result, the local shires will face a much greater use of their facilities and, in turn, there will be a greater cost to the shires in the provision of amenities and facilities within the towns outside the national parks. That seems to be the complaint and the reason for the suggestion of tourism funds.

Further on in the article the councillor who moved the motion defended it by saying—

> . . . he proposed the motion because of the increasing flow of tourists to the area.
>
> He said that the district's facilities were unable to cater for the influx and considerable damage was being inflicted on the environment.

That is something which affects not only the area which is declared as a national park but also the area outside the control of the local authority. Obviously, the shire council desires to have some assurance that if there is to be a greater flow of people into the area some compensation or further funds will be provided for the development of amenities and facilities, and for the disposal of rubbish which people invariably bring with them.

I now pass on to the Busselton area and to the proposals of the Conservation Through Reserves Committee in relation to lands within the Shire of Busselton. A public meeting held in Busselton was reported in the *Busselton-Margaret Times* of the 29th April under the heading, "Residents throw out conservation ideas". The residents were not very impressed at all. They were not the recommendations of the Conservation Through Reserves Committee, but the recommendations as amended by a review committee appointed by the local shire—although they were substantially the same.

We find that despite the good intentions of the Government for the people in general, and for the greater protection of special areas and the setting aside of greater areas for recreational purposes, there is this local resistance. The

whole of the resistance in this case seems to have been organised by one person whom I will name because he also published an advertisement in the local Press at that time which I felt was completely misleading. The person who is named in this particular article is Mr C. Guthrie.

The article states that the objections were based on the fear of the infringement of landholders' rights. Subsequently the matter was reconsidered by the local shire council and following the adoption of the motion at the public meeting the local shire council advised the Environmental Protection Authority that it opposed the recommendations made by the committee of the authority.

The Hon. V. J. Ferry: Do you say the local authority opposed it?

The Hon. R. F. CLAUGHTON: The local council, yes.

The Hon. V. J. Ferry: What date was that article published?

The Hon. R. F. CLAUGHTON: The report appears in the *Busselton-Margaret Times* of the 6th of this month. I quote as follows—

> Busselton Shire Council will advise the Environmental Protection Authority that it is against the resumption of private land for public reserves.

The Hon. V. J. Ferry: I rather question that the authority would advise in those terms.

The Hon. R. F. CLAUGHTON: I am basing my remarks on the report of what took place. The article quite clearly sets out that the council would advise the authority of the results of the public meeting. It is further stated in the article—

> "It is not necessary to resume the land—there are a lot of reserves in this system and I don't believe we need any more."

Those are the words of one of the councillors. The report further states—

> The motion opposing land resumption was quickly followed by a safeguard motion recommending that landholders be given the right to appeal if resumption does occur.

It is clear there were opposing views on the council, and no doubt Mr Ferry is familiar with those views. However, I do not think it is necessary for me to go into that matter further. I am trying to draw the attention of the Minister, and members, to the feelings of local authorities on this particular issue.

The Hon. G. C. MacKinnon: The point was that you used the words "local authorities".

The Hon. R. F. CLAUGHTON: I am referring only to the reports which I have quoted.

The Hon. G. C. MacKinnon: It is the only one in Western Australia, don't you think?

The Hon. R. F. CLAUGHTON: That may well be.

The Hon. G. C. MacKinnon: Or two reports, concerning the same area.

The Hon. R. F. CLAUGHTON: Well, I think the Busselton Shire Council would have supported the recommendations of the CTRC.

The Hon. G. C. MacKinnon: What I am really asking is whether you noticed that despite the fact that national parks are spread throughout the whole of the State the complaints came from one area. That is something of a phenomenom.

The Hon. R. F. CLAUGHTON: No, I would not say that. Last night we heard Mr Wordsworth speaking to a different measure and he described how a local resident had been most incensed because he was penalised following a fire in a local reserve. I have been around the country areas and I know many farmers do resent the fact that reserves within their boundaries are apparently under-managed and are breeding grounds for native flora and fauna which can be a nuisance. Those farmers would like to see the reserves removed. That is not an uncommon attitude.

Fire control is another matter of concern to the farmers in relation to the same properties. I suspect that if any of the local authorities were asked to express their attitude, they would be very sceptical, or at least express doubts, about the wisdom of increasing the number of reserves. The essential thing is that the reserves must be managed properly, and if possible, with the involvement of local communities. That is why we suggest that local advisory committees would be of assistance in the management of national parks, and such a move would gain local support for the objectives of the legislation.

I do not propose to extend my examination of the legislation. As I said, the matter was dealt with in considerable detail in another place. The Government has already expressed its attitude, and the Bill has qualified support from this side of the House.

THE HON. V. J. FERRY (South-West) [8.01 p.m.]: I wish to support the Bill; I believe that the concept of a national parks authority is in the best interests of Western Australia and Western Australians. We realise that national parks have been managed by a board up until this moment, and within the limitations of its resources, I believe the board has done a reasonable job. However, for many reasons that board was not able to do the job it would like to have done, nor the job that most people would like it to have done. National parks should be for the benefit of most people. There comes a time in the lives of most of us when we enjoy open

spaces and as I understand it, the idea of national parks is to enable people to enjoy the facilities in those areas.

In my view the Bill before us provides the vehicle by which the development of national parks will be more meaningful and the parks themselves will be more pleasant and certainly of greater benefit to the people who wish to take advantage of them.

I mentioned that in the past the National Parks Board was unable to do quite a few things for a number of reasons, not the least of which was the lack of finance to pay for the facilities required to make the parks more accessible and functional Secondly, and again probably because of restricted finance, there has been insufficient staff to carry out the proper development and maintenance of the land under the board's superintendence. Happily, under the present legislation, difficulties such as these will be remedied.

I am well aware that many parts of the south-west which have been declared national parks are quite inaccessible to the public. A number of these areas abut the coastal strip and it is a shame that this magnificent scenery on the south coast is lost to the public because of the extreme difficulty encountered to get to these parts. In fact, in many cases the public is prohibited from gaining access. I hope the new authority will look at this problem in an endeavour to improve the accessibility to some of these beautiful areas. Surely that is what national parks are all about—they are for people to enjoy.

One feature of this legislation which I find very pleasing is the proposed involvement of local authorities. People at the local level who have the management expertise, the know-how, and the local knowledge do a better job in many circumstances than others who are unfamiliar with the area. I realise it is necessary to have one overriding authority, and that is mainly what the Bill is all about. Indeed, the role of local authorities throughout the State will be of prime importance, and I applaud this principle.

I am delighted to see in the Bill specific power of delegation from the proposed authority to local authorities, other bodies or individuals, to do certain things. This provision will apply particularly to the south-west corner of the State where some of the shires, if not all, are very conscious of their role, not only in regard to national parks, but also in regard to the tourist industry and community activities as a whole. Referring to the Augusta-Margaret River Shire, in round terms approximately one-third of the area of that shire comprises State forests, approximately one-third comprises national parks and reserves of several designations, and the remainder comprises freehold land. Therefore one-third of the shire is ratable land, and, the residents really have a vested interest about what happens in their community, and a vested interest in the provisions of this Bill.

It is my belief that a shire such as the Augusta-Margaret River Shire will take pride in co-operating with the authority once it is formed. I believe also that the shires will expect some very real help from the authority and some understanding of their particular problems. I sincerely hope there will be sufficient finance to allow the shires to continue what they are doing already, as well as improving the service to the public.

For many years the Augusta-Margaret River Shire has been very conscious of its position. The south-west corner is a unique part of Western Australia in many ways, an area which is fast becoming very popular as a tourist venue, and of course, this brings special problems. Tourism is a growing industry, and it is a vitally necessary one. We are glad to have it in the south-west, but certain facilities need to be provided. This shire, in company with other shires in similar situations, has done what it was able to do in the way of service and facilities. However, it is ready, willing, and able to do a better job if the authority utilises the provision for delegated powers.

I hope that this sort of co-operation will be shown by many local authorities throughout the State to the proposed national parks authority. It is only through co-operation of this sort that we can hope for maximum use of our services, facilities, and finance for the benefit of the people as a whole.

I mentioned the Augusta-Margaret River Shire particularly because it has been my experience, as one who has represented this area for several years, that it has some special problems with casual tourists. I use the adjective "casual" for want of a better word. Tourists who visit the area in caravans are considered to be a little more responsible than certain others, and they do not cause the shire very many problems. However, those who visit the area by hitch-hiking or travelling in vans which they can park in any number of places cause problems in the area, including national parks and reserves. The shire has had grave problems in regard to its control limitations and the superintendence of health standards. With the mobility of visitors of this type, it can be appreciated readily that although an officer of the shire may approach a group of persons and endeavour to encourage them to conform with local standards, it is very difficult indeed to enforce any of these provisions. Under this legislation, the officers employed by the local authorities will be able to enforce normal standards, and therefore achieve a more orderly community.

It has been suggested to me that perhaps the measure does not go far enough in one respect. It is felt that a provision for on-the-spot fines could be beneficial and appropriate. Some itinerant tourists—if I may use such an expression—often move on very rapidly, and if they transgress any of the local by-laws, it is very difficult to bring them to book. It is for this reason that the suggestion for on-the-spot fines was put forward. In the light of further experience, discussion, and negotiation between the national parks authority and local authorities, such provisions may be included at a later date. I realise that the measure contains a number of provisions to allow park rangers and other authorised people to supervise national parks. I hesitate to use the word "police these areas" because I do not believe that is the intention.

There is no better way to gain the co-operation of the people than for a local authority to have supervisory powers. Co-operation is better than using a big stick. Therefore, I will certainly be watching the operations of rangers and other persons appointed under these provisions to see that we do not discourage people of the right type from visiting these areas. We want to encourage them and make them welcome. However, I hope sufficient people will be employed to control those who step out of line and who are nuisances.

It has been spelt out in the Bill that there shall be no purchase of land for inclusion in national parks unless it is stated in writing by an owner or occupier of such land that they are in agreement. That provision needs to be clearly understood—there is no power of resumption. If some landowner wishes to sell or lease land to the authority, this can only be achieved with the written consent of that owner, occupier, or occupiers, as the case may be. In recent times in the south-west it has been my experience to find that a number of people will not accept this provision. They believe that the Bill contains powers of resumption. When the Minister replies, I would like him to emphasise that this power is not contained in the Bill. Indeed, I can find no powers of resumption in it at all. Therefore, the fears expressed by a number of people are incorrect. Either they have been incorrectly advised, or perhaps they do not understand the provisions contained in the legislation.

Mr Claughton referred to the Busselton Shire Council, and to local attitudes there. If I heard Mr Claughton correctly, he referred to a public meeting conducted by the shire on the 29th April.

The Hon. R. F. Claughton: No, the report of that meeting was issued on the 29th April; the meeting was held about a week earlier.

The Hon. V. J. FERRY: I attended that meeting and listened very carefully to everything that was said. In fact, it was not strongly attended because, from memory, only about 50 or 60 people turned up. I recall attending a similar meeting called by the shire last year when over 200 people were in attendance.

I have kept abreast of the discussions and reports which have emanated from the EPA and the various committees concerned with the environment, particularly as they refer to the south-west corner. Although it is true the meeting in Busselton to which Mr Claughton referred did pass a resolution stating in effect that the meeting in no way would approve of any of the recommendations of the Conservation Through Reserves Committee report, I believe it was carried by a majority of only four. It is my firm conviction that the expression of that meeting is not consistent with the bulk of opinion of people in the Busselton area.

One thing with which I concur—this view has been expressed by a number of people in the south-west—is that there should be no resumption of private property for conservation purposes. There should be only one exception to this policy; namely, that private property will be resumed only when it is in the public interest, and then only for very good and sound reasons. Land should not be resumed merely for the sake of creating a reserve. As we know, land resumption can be carried out only through Act of Parliament, which allows the Public Works Department so to do.

The Hon. G. C. MacKinnon: The Public Works Act.

The Hon. V. J. FERRY: A number of recommendations have come from the Conservation Through Reserves Committee, one of which is the very strong suggestion that land should be resumed as a last resort. I reiterate that I am strongly opposed to such a proposal apart from the exception to which I have just referred. In this matter, I support the view of the bulk of the people in my area.

In the south-west we have a great number of reserves and a large area of land under the superintendence of the Forests Department; I believe there needs to be a greater and better use of these lands in the future. The Bill before us tonight will be a vehicle by which we will be able to make the best use of what we already have.

Similarly, I have no doubt that the Forests Department will continue to play an important role. Of course, the Forests Department does not cater only for commercial milling interests producing timber for commercial production; it has a multiplicity of purposes including environmental protection and the protection of flora and fauna, water and soil conservation, the prevention of disease in forests and many others. From my experience with the Forests Department, I expect it will continue to co-operate very closely and effectively in these matters, and when

the national parks authority is formed, it will expect such co-operation from the Forests Department.

I support the Bill as being a very worthwhile piece of legislation, and as a means by which we can make greater use of our recreational areas designated as national parks. I am conscious of the fact that this legislation will affect the whole of Western Australia, but I have chosen to refer specifically to the south-west corner of the State because it is my privilege to represent the people of that area, and I am familiar with their problems, hopes and aspirations, and line of thought.

When speaking to the newspaper report of the meeting held in Busselton, I believe Mr Claughton said that the Busselton Shire Council would be advising the EPA to reject the Conservation Through Reserves Committee report in its entirety.

The Hon. R. F. Claughton: No, that is not what I said; I was referring to the recommendations relating to the Busselton area.

The Hon. V. J. FERRY: The shire council certainly will report the resolution carried at that meeting but I reiterate that it is not the true reflection of the feelings of the people of the district. Being a responsible body, the Busselton Shire Council will welcome the provisions contained in this Bill, which will enable it to do many things in respect of national parks and reserves it has not been able to do to date. However, I believe the council will totally reject any proposal to resume private lands merely for the sake of including that land in a national park or reserve.

I welcome the legislation as a means of involving local authorities and enabling them more fully to play their part in the community; this is a great and worthy principle. I look forward to the development of national parks and reserves throughout Western Australia, but more particularly in the south-west corner.

As I mentioned, some of these areas are quite inaccessible, and I trust this will be tackled fairly early in the life of the new authority. I also emphasise that I will be watching very closely the delegation of powers from the new national parks authority to the various local authorities throughout the State to ensure that these responsibilities are thrust upon the local bodies. I am sure they will welcome and accept the challenge. In my view, this is one of the most important facets of the legislation; local authorities should be encouraged to participate and play their part in making the legislation a success. I support the Bill.

THE HON. A. A. LEWIS (Lower Central) [8.25 p.m.]: At the outset, let me say I support the Bill; I will go further than the Hon. V. J. Ferry in saying I believe the Conservation Through Reserves Committee has done a very valuable job for this State. Thought-provoking material has come forward from this body and generally it has played an important part in rationalising the situation relating to the national parks of Western Australia, particularly in the south-west.

I believe the new authority, however, should be involved in other areas of activity. Mr Ferry mentioned tourism. Everywhere else in the world, one must pay to see parks of the quality we have in Australia and I can see no reason that we should not charge an entrance fee to our national parks.

The Hon. R. F. Claughton: We pay to go in now at Yanchep and Walyunga National Parks.

The Hon. A. A. LEWIS: Yes, but a mere pittance compared to the charge imposed elsewhere in the world. Take the example of Pebble Beach—it costs a tourist some $3 to drive the five miles down a road from Monterey to Carmel, and one is not even allowed to stop! I concede that is fleecing the public a little too much, but by the same token the present fee imposed at Yanchep is insufficient, and should be increased in order to cover the costs incurred in running the park.

Clause 14 (1) of the Bill provides that the authority will be allowed to employ such officers as may be necessary for administrative, scientific, technical and other services. As members know, Government departments tend to set up their own little empires and I hope this does not happen in the case of the new authority. I sound a warning to the Minister—I realise he is only representing a Minister from another place—that I will be the first to jump on him the minute the authority starts employing people *ad lib* to conduct research into matters already conducted by the Forests Department.

The Hon. G. C. MacKinnon: I will pass on your terrifying threat to Mr Jones.

The Hon. A. A. LEWIS: That is very sweet of the Minister. Clause 14 (9) of the Bill gives the authority the power to appoint professional and technical assistance. During a previous debate in which the Opposition made a lot of noise, the phrase, "the state of mind of the Minister" was used, and I believed that to be singular. But how can an authority have a state of mind, unless its members are to be under the control of the director?

The Hon. G. C. MacKinnon: It is a collective noun.

The Hon. A. A. LEWIS: Perhaps that may be so, but I believe the Parliamentary Draftsman should have made a better job of this clause and the Minister should give consideration to returning the Bill to the draftsman, even if it means holding it over until the autumn session.

The Hon. D. W. Cooley: You are getting close to 1984, you know.

The Hon. A. A. LEWIS: Mr Cooley would know, because he must be feeling old age by now.

I would now like to deal with some of the points mentioned by Mr Ferry concerning the fears of certain people in the community in connection with the resumptions. I think it is probably clause 18 of the Bill that has brought about these fears.

The Hon. G. C. MacKinnon: I think it is clause 7.

The Hon. A. A. LEWIS: No, I think it is clause 18. This would appear to be the type of clause that would throw fear into the minds of the uninitiated, because they would not know what is contained in the Land Act of 1933. I do not wish to bore the House but anything could be resumed for the benefit of Aborigines—this could relate to cemeteries, churches, and even to areas for education.

The Hon. G. C. MacKinnon: Class-"A" reserves.

The Hon. A. A. LEWIS: That is so. This does not refer to the resuming of land. If members have particular problems in that regard in their electorates it would be as well if they could explain to their electors that they are not reading the Act correctly.

I do commend the Minister for the provision contained in subclause (2) of clause 20 which provides that a local authority which is aggrieved may discuss the matter directly with the Minister.

In referring to clause 21 of the Bill I would hope that a great effort would be made to obtain private parks. I think this could be done under clause 21 and I believe that some of the leases on the south coast and also some of the freehold land may be included in parks under that clause.

May I say here and now that the authority to be set up under this Bill would need to be a little more careful than its predecessors. The previous Parks Board resumed land which was being grazed and which was in a fairly natural state. It was not completely cleared but a year or two after the Parks Board had taken it over it was covered with shilling poison and the board did nothing with the land.

There are many leases on the south coast; indeed, at the moment I am referring one to the Minister for Lands. This has been taken back from the lessee and unless something is done it will in two years' time fall into desuetude to such an extent that even the kangarooos will not be able to move through it. So I hope the national parks authority to be set up will not do what its predecessors have done.

It would be far better if some of the south coastal country were allowed to be burnt occasionally and if people were permitted to run stock on the land in question, because if this is not done the undergrowth will get out of control and no member of the public will ever be able to get into that type of park land.

Clause 28 of the Bill deals with the powers to be given to a ranger and it states that he may take certain action if on reasonable grounds he suspects that an offence against the Act has been committed or is about to be committed.

The point I am trying to make is that the ranger concerned, the policemen, and the honorary wardens may be good, but I do not believe they are mind readers; I do not believe they could tell whether a crime is about to be committed. As I have said, they may do these things without warrant. I am sure members are aware of how I feel about police officers and others doing things without warrant. Among the actions that these rangers may take, the Bill provides that they may—

(a) remove any vehicle, animal or other thing from the land;

(b) stop, detain and search any vehicle, vessel or conveyance;

(c) enter and search any hut, tent, caravan or other erection which is not a permanent residence; and

Apparently they know when a crime is about to be committed; the implication is that these rangers will be able to read your mind, Sir, and mine; they will know when we are about to commit a crime. This is just not on. However, the Minister may be able to explain how these people will know a crime is about to be committed. I will be interested in his explanation, but I feel we will have to debate the clause in Committee.

The Hon. G. C. MacKinnon: Not after I have explained it.

The Hon. A. A. LEWIS: It will have to be better than some of the other explanations the Minister has given us.

The PRESIDENT: If this is to be debated in Committee, let it be debated in Committee.

The Hon. A. A. LEWIS: The Minister's explanation will have to be good, particularly when we find the next clause allows him to appoint honorary wardens.

My next problem concerns clause 41 (3) (c). I believe there are some people who have just purchased small boats to enable them to go fishing. As members know, some of the best fishing grounds in the State are to be found in the south-west. I wonder how the provision contained in subclause (3) (c) of clause 41 will control the fishing activities of the members of the public. I think this portion of the clause is far too sweeping.

The Hon. G. C. MacKinnon: I will have a careful look at that.

The Hon. A. A. LEWIS: I hope so. In paragraph (d) of that clause reference is made to—

> underwater activities, swimming, water skiing, fishing and other sports, including camping and the use of caravans;

The parks will be of no use to us. I admit there are certain provisos that may prevent these provisions coming into force, but I believe the parks should be there for the use of the public and, accordingly, clause 41 should be looked at very carefully; particularly paragraph (i) of clause 41 which refers to the prohibition, restriction, or regulation of the possession, use or supply of alcoholic liquor or deleterious substances. One could be picked up for driving from Manjimup to Walpole while being in possession of a carton of beer. This would constitute driving through a park. This is just not on, because once you get to Walpole beer is rather expensive anyway! I do hope the Minister will have a look at this provision, along with the other provisions to which I have referred previously.

There are few things which are more pleasant than being able to sit under a karri tree with a picnic lunch and a can of beer, and one should not be denied these simple pleasures of life.

The Hon. W. R. Withers: You are anticipating regulations being invoked when they have not been prepared.

The Hon. A. A. LEWIS: Mr Withers must know as well as I do that if such power is given to certain authorities they will use it.

The Hon. G. C. MacKinnon: He is using a longer bow than even Robin Hood would have imagined.

The Hon. A. A. LEWIS: Robin Hood's bow would not compare in some aspects with the provisions in this Bill.

The PRESIDENT: He is not in this Bill either.

The Hon. A. A. LEWIS: A point I would make is that nobody would take away from the Minister his beer and give it to me, the poor one, who might come up behind.

The Hon. G. C. MacKinnon: You would always be welcome.

The Hon. A. A. LEWIS: Those are the only points I wish to make about the Bill. I hope the provisions I have mentioned will be looked at by the Minister and perhaps we could take the Committee stage of the Bill later to enable us to prepare any amendments we may think desirable. I support the Bill.

THE HON. M. McALEER (Upper West) [8.40 p.m.]: As one who represents a province which has a great number of national parks which cover a large area of land, I would like to say how much I welcome this Bill, and how much it will be welcomed generally by the people in the province I represent. It is apparent that a great deal of effort, time, trouble, and thought has gone into the preparation of the Bill and the proposal to set up an authority which will in fact serve the purposes outlined in the long title—a purpose in which I am most interested and with which I agree.

I think that we in this State, particularly the country people, are aware—and certainly the people in the wheatbelt areas are particularly aware—that the natural environment can disappear very quickly and quite unnoticed in a very short space of time.

I refer to the wheatbelt where, nowadays, it would be almost impossible to find any large area which is an example of natural environment. This, of course, will always be the case wherever the natural environment comes into competition with an economic purpose which necessitates land development.

It is too late to be able to do anything about the natural environment in the wheatbelt. Most of the larger parks in my province are in fact sandplain areas tending towards the coast. These have been spared largely because of economic circumstances; the poor quality of the soil is not favoured for development. Nevertheless the time may come when they will be threatened, and therefore I am glad they are already protected. These areas have some special natural features, but their attraction lies mainly in their wildflowers and, of course, in the fauna—the kangaroos, etc.—that inhabit them.

The shires in my province do not complain so much about the National Parks Board but rather about the reserves which are chosen by the wild life authority. They complain not so much of these on a large scale, but of the small areas set aside—and these can be found throughout the farming areas—which provide shelter for vermin which pose a decided threat to the farmers in the surrounding areas. In particular I would mention the areas in the Chapman Valley which are infested by a rapidly increasing population of wild pigs.

One of the features in the Bill is the great recognition given to the shire councils. It gives them the opportunity to participate in the management of the parks and, perhaps more importantly, to be consulted in the setting aside of areas of land and their management.

In the province I represent I must say that the relationship between the shires and the National Parks Board has, up to date, been particularly good. Where relations have broken down from time to time it has been due to a lack of communication; but when they could get together their problems were solved. I think the

Bill certainly will provide other avenues of good communications that have been lacking up to date.

One of the complaints made by the shires of the National Parks Board as it exists today is perhaps what Mr Claughton referred to as under-management. But this was not because the National Parks Board failed so much to assess the management necessary, but rather because it lacked the finance and facilities necessary to undertake that management.

I hope with the setting up of the national parks authority proposed in the Bill sufficient money will be provided for it to carry out the ambitious programmes envisaged in the Bill for the development of parks and for the long-term programmes for such development.

All members who have read the Bill must have been startled by the powers which were to be conferred on the rangers. Although these may have appeared startling at first glance it was less startling when it was found that these powers were to be confined to areas of the parks themselves.

I must say that although I dislike some of the powers very much we must recognise there are delicate environments which require special powers for their protection if the public is to be allowed in to enjoy them. I refer particularly to the Pinnacles in Hambung Park which are limestone formations which are subjected to erosion. When people walk about them uninhibited these formations must suffer further deterioration rapidly.

The ground there is covered with small petrified plants which, when walked on, disappear. Also, when people visit the area they like to take some of these petrified plants home as souvenirs. Consequently although very few people visit the area because of the difficulty of access, already many of these small petrified plants have been destroyed and the ground denuded.

Even with the most severe powers provided, it will be impossible for such a delicate environment as this one to be protected. There is always the prob'em of how much one should open such an area to the public. For a few years people may enjoy it but in the longer term its most interesting features will have disappeared.

Be that as it may. I believe we have to make an effort, and that is what this Bill seeks to do—to allow people fuller enjoyment of our environment, and I consequently support the measure.

THE HON. D. J. WORDSWORTH (South) [8.47 p.m.]: I wish to support the Bill with which I generally agree, but I do believe that a few words of warning should be issued on some aspects of it.

Due recognition has not been given to the varying roles national parks have in different regions in Western Australia. Governments and people are apt to judge a national park by its effect in one area and they do not appreciate the different role of a national park in a more isolated place. The people of the city and the metropolitan area associate a national park with the one at Yanchep which they visit once or twice a year and where they are quite happy to pay a fee to enter in order to gaze at the koalas, and so on. However, it is a vastly different story at a place like Esperance where half of the total shire is tied up in Crown reserves. It must be realised that in such a region the parks must be managed in a completely different manner.

Esperance is not alone in this regard. Most of the area I represent was opened up, in shall we say, more enlightened times, when a big proportion of land was set aside for Crown purposes. Some of the biggest national parks in the State are in the province I represent and also in it is a great deal of unused Crown land.

I mentioned that more than half the Shire of Esperance is Crown land. Ravensthorpe must be in much the same position as it has the Fitzgerald River reserve. Albany is in a similar position, but to a lesser extent, and again half the Denmark Shire is Crown land.

Suddenly at Esperance where the area was opened up for agriculture, the question of parks, reserves and the environment is being reconsidered and consequently the development of considerable areas has been suddenly stopped. Roads have been established, schools and other facilities have been provided and in many areas dependence was placed upon the continual growth of agriculture. We must be a little careful when areas of Crown land are frozen that we do not affect some of the already established areas. As I pointed out earlier the situation in Esperance is completely different from that in the metropolitan area where the majority of land was taken up quickly. A person merely applied for a Crown grant and very soon the best of the land was taken.

In most of the area I represent the land was thrown open relatively recently and the Government did not allow this type of development. It decided what areas were to be thrown open for agriculture. I would just like to raise that particular point.

The Hon. J. Heitman: Especially when you have 4 million acres to the east of Esperance. The only things they do not have are lions and tigers.

The Hon. G. C. MacKinnon: And people!

The Hon. D. J. WORDSWORTH: That is so. We were expecting continued agricultural growth in the area, but it has been completely stifled. I doubt whether anyone has ever visited the area as a national park. It has been closed off for posterity, but there is a certain amount of obligation to provide for the people who are here now. The Government should continue with its original plan or certainly take it into consideration.

Another aspect must be remembered, and once again I quote the Esperance district. There is no freehold land within a mile of the sea. This long strip of Crown land is quite wide. It can be as much as 20 miles. At present there are only four all-weather access roads to the sea throughout the length of the Esperance Shire which is some 150 miles. In addition there are seven four-wheel drive tracks. That is the only access the farmers have to the recreation area. If we are suddenly to throw all this land into national parks, close the roads off, and provide access through only one road the situation will be intolerable. It is understandable that only one road must be provided if an area is to be declared a national park and a toll is to be charged. In some ways I agree with tolls. I realise that national parks must raise money but if a coastline of 50 miles contains only one access, the people of that area will be denied access to the beach.

We must be cautious about grabbing all the Crown land available and putting it into a national park. A great deal of hostility has been evident in Esperance about the take-over of the national parks board in the Cape Le Grand area. Perhaps it was taken over unwisely without due recognition being paid to that area and to the fact that the people of Kalgoorlie and Esperance visit Cape Le Grand often.

It is a large wilderness. One of the reasons people go to Esperance is because they enjoy the wilderness. I know that many people in the city consider that Esperance is very isolated and the residents have little opportunity for culture. With the last point I agree, but Esperance comprises 7 000 people who seem to enjoy the area in its isolation. They enjoy the opportunity to have four-wheel drive vehicles. I suppose that we have more of those vehicles per head of population than is the case anywhere else. People drive these vehicles along the beach for 50 miles at a time. Many of them go fishing wherever they like in complete privacy. Some people swim in the nude if that is the way they get their kicks.

The people of the district have been used to freedom and I do not think that any of them would create any damage. But suddenly they are to be deprived of their recreation. For example, professional fishermen go through the national park to their favourite fishing spots. They often use a four-wheel drive vehicle pulling a trailer and with an aluminium boat on top. They have their freezer in the back of the vehicle and their nets in the trailer. They drive to their fishing spot, take the boat out for a couple of hours and so supplement their income and enjoy the environment. Of course the national parks board took exception to the fact that they behaved in this manner. We must reserve areas for fishermen, particularly the professionals.

A certain amount of strife was also expeienced with people—farmers in particular—who went through the park to the beach. Their sheep dogs often accompanied them in the back of the utility and of course the farmers were quickly told that no dogs were allowed in the national parks.

There must be a certain amount of harmony and agreement on this type of thing. I agree that in some areas dogs can do a great deal of damage. We do not want people to drop their dogs off in national parks and then leave them to it. However the situation in Esperance has caused hostility. Disagreement has been expressed about the closure of the access roads and about the fact that a toll will be charged when people go through the national parks to their swimming spots and so on.

We must remember that the people of Esperance paid for many of these roads from the funds contributed in their shire rates. They could have used this money to improve the roads around their farms. Now they are told they must pay a toll and this does not amuse them very much at all.

When we consider the amount of Crown land in Esperance we should be taking a sensible approach to how much should be placed in an "A"-class reserve and how much should be left for other purposes. Many areas were formerly set aside for camping. I know that many shires have been asked to hand over these general purpose Crown lands for inclusion in "A"-class reserves. As soon as this is done they suddenly realise that they do not have the use of it for camping and other activities. I think it is a great shame that this situation has occurred in Australia. If members have viewed the television programme "Rush" they will realise that our heritage originally came from a tent. Australians used to be able to camp freely, but now they must pitch their tent in military-like formation in a recognised camping bay. I was horrified when, with the Minister for Recreation, I visited a camping site at Cape Le Grand. This is an area of 100 000 acres but three flat terraced sections have been bulldozed and people must camp on them. They have been gravelled with marble-like stones and the area looks inhospitable. What an uncomfortable and wind-swept spot it is! That is what has been done instead of little nooks amongst the trees being provided for families who camp as people have done in that area for 100 years. That is how long people from the goldfields have been coming down to camp in that area, but now they are being regimented in this manner. It was rather a frightening experience.

I have seen some of the areas developed for parks in America and they are very good. The authorities there have recognised that it is not necessary for people

to camp in such a regimented formation and that people prefer to pitch a tent where they please. I hope the national parks authority will develop new ideas in this regard.

Another aspect is horse riding. I suppose people have been riding horses from Albany to Esperance for years, but a couple of children riding horses recently were suddenly stopped and told they were creating a terrific erosion problem. This seems to be rather stupid when one realises the vast number of kangaroos in this area; if anything makes tracks they do.

We should give more thought to developing these areas as recreation grounds rather than as areas where we isolate a particular plant or animal. I think wherever one goes one can find something peculiar to an area which is worth preserving. I wonder whether we will end up with the whole coastline preserved for posterity while the people who are there now are unable to use it for recreation. I hope we will see a happy development between that which has been preserved for posterity and that which can be used for recreation.

The same applies to water skiing on our lakes. We must have greater access to the lakes, and a certain amount of land should be set aside for duck shooting. I am not a great duck shooter but many people are, and Esperance is a a popular area for them to live in because duck shooting is offering there and that is the kind of thing they enjoy. We must have a gradual changeover from the freedom which is now experienced to the more confined national park which we see nearer to Perth.

I also feel a little more responsibility should be taken in regard to Crown land in the matter of fire control and burning. In Esperance alone we have a coastline of 150 miles, all of which is Crown land. I asked the Minister for Lands how much money was set aside for fire breaks; he told me the amount was $7 000 and assured me it was quite adequate for fire breaks in the Roe electorate, which covers not only Esperance but also Lake Grace, Gnowangerup, and Ravensthorpe. How ridiculous! I spend $1 000 for fire breaks around my property alone.

We asked the Minister to reimburse a group of farmers who had been bulldozing around a Crown reserve near Lake Grace after it caught fire, and I was horrified when he said no money was available to reimburse them, although they had been bulldozing for days. One of the reasons he gave the shire for not being able to reimburse them was that he had not been told what had to be done in the way of fire breaks.

There is a responsibility to look after our Crown lands, which should have adequate fire breaks. Shires could arrange for this to be done. They should have a regard for the Crown land in their areas, and if we wish to give them the responsibility of inspecting the Crown land every year and making a report, they should be reimbursed.

The Hon. I. G. Medcalf: Is the property vested in the shire firebreaked every year?

The Hon. D. J. WORDSWORTH: Not very much is vested in the shire. I think land vested in the shire is usually for churches and things like that.

The Hon. I. G. Medcalf: What about land reserves?

The Hon. D. J. WORDSWORTH: Most of such land goes to the Crown or is vested for a purpose. I do not think the shire has a great deal of land. Perhaps the shires do not do enough firebreaking themselves. I hope they, too, will appreciate this problem.

The Hon. I. G. Medcalf: Do they prosecute the local residents for not putting in fire breaks?

The Hon. D. J. WORDSWORTH: Very readily. I do not blame them for doing that. The farmers have appreciated that they must have fire breaks to control fire. While on this subject, I do not think members of the public appreciate how much farmers do and the cost they incur in protecting the country against fire.

The Hon. H. W. Gayfer: And the fact that aeroplanes are used to check up and ensure they do it.

The Hon. D. J. WORDSWORTH: That is a fact. If we give a person a stake in an area he starts to look after the country around it. I think the Government and the general public have had a very free run in the matter of fire control but we are beginning to see a change. The Government has had to give a bit of money to people in the goldfields area for fire control because pastoralists look as though they will walk off their properties, and when they do the Government will realise how expensive it is to carry out this work.

I think we should establish some form of burning for these areas. Obviously our scrub country, in particular, just as much as our forest country, has grown up with regular burning, either by lightning or by the Aborigines who used to burn regularly to bring the game in. As soon as the Crown takes an interest in an area and prevents the local farmers putting a match to it, the scrub grows higher and becomes more dangerous. We heard quite a lot about the large fire at Albany recently, which happened to be in an area at Two People Bay which was the habitat of the noisy scrub bird and the dibbler. The shire had been passing on warning after warning about the fire risk in that area.

The Hon. G. C. MacKinnon: I have been there and inspected the Fisheries and Wildlife Department's fire breaks, which were quite extensive.

The Hon. D. J. WORDSWORTH: But they were not burnt and the scrub grew so high that when lightning struck, away it all went, endangering those species far more than had it been burnt in the winter or during the rainy season. We must do something in this regard.

I wish to mention also the matter of game. I am unfortunate enough to have a national park adjoining my property. I think I have told members previously that when I had a plague of kangaroos on my property I asked the flora and fauna board to come and inspect them and the officers said there were over 1 000 kangaroos. They went away and brought back a film unit to photograph the kangaroos, and the Government shooters were brought in to reduce the numbers by 100. They came to reinspect the property at a later stage, after which they gave a permit to shoot 50. The kangaroos are breeding at the rate of about 50 a month.

We have a certain responsibility in this regard. I do not want to see kangaroos shot out but we must consider subsidising the farmer for a different type of fencing around national parks and reserves so that the game can be kept on the outside. We should be looking at watering points so that the kangaroos will not break into farmers' properties for water, and I do not think it would be out of place to grow some grass so that they have feed out of season. We must learn to live with this problem. One has only to quote South Africa and Rhodesia, where better fencing has been erected around game parks. Those places have offensive elements which we do not have, but we have some responsibility to look after our national parks and reserves in regard to fire and game.

I support the Bill in principle. I hope we will see more local authority participation, particularly in the isolated areas where the parks play such a vital part in the life of the people.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.11 p.m.]: I am very pleased at the interest which has been shown in this measure. I am naturally very interested in it myself because it is quite a number of years ago that I began to talk to the department in terms of a national parks Bill under the Fisheries and Fauna Department, which seemed to me to be the proper place for it. Indeed, it was for that reason that in those days I accepted an amendment from Mr McNeill to call it the wildlife authority, all of which led to this particular move.

I thank Mr Claughton for his support of the Bill. He concentrated on the Busselton-Margaret River area. He is quite right in saying there has been a fair amount of controversy in that area. I want to make some comments because, as one of the representatives of the area, I have received a considerable number of telegrams.

I was particularly delighted that Miss Margaret McAleer made one of her all too infrequent speeches. When she does speak she researches her subject thoroughly and speaks cogently and lucidly. It is always a delight to listen to her. She drew attention, as did Mr Wordsworth, to the fact that there were a number of national parks outside the Busselton-Margaret River area. On looking at the map in the national parks report, there appear to be more reserves in the province which is represented by Mr Jack Heitman and Miss McAleer than in any other province in the State.

I was pleased attention was drawn to the fact that the Bill has State-wide coverage, yet it is heartening to know there have been no complaints from any area except this one little corner of the State. There must be a reason for it, and I think it was touched on by Mr Ferry and several other speakers; that is, the worry about the right to resumption. There is no right to resumption by the authority in this measure. There remains the power of resumption in the Public Works Act. That must remain, but people have misread a couple of clauses, notably clause 7(1) (c), which reads—

> (c) Subject to the provisions of this Act, be capable of, purchasing or otherwise acquiring, holding and managing, and disposing of, any property, real or personal, for the purpose of carrying out its functions under this Act, and of doing or suffering all such other acts and things as bodies corporate may lawfully do and suffer.

Many people have said that gives power to resume land. The Minister in another place has assured everybody the authority will not be able to resume land, and I repeat that assurance on his behalf in this Chamber. The authority will not be able to resume land.

I visited a reserve in the United Kingdom which is a famous water fowl reserve. In one corner of the reserve there is a nuclear power station which stands on a small headland which is protected by marshy country. As one drives through the gate one pays 10s a head, unless one has children in the car, when the fee is 10s a car because children are encouraged. The rest of the land is farmed in season, and in the rough, swampy country there are walks. One cannot walk anywhere but on the walks, and there is a pretty heavy fine if one transgresses. There are blinds in which one can watch water fowl and general bird life. In this situation there is an industrial site, a farming proposition, and a nature reserve all on one piece of land.

The Hon. D. J. Wordsworth: Do you think that is a more sensible approach to national parks than we have in this State?

The Hon. G. C. MacKINNON: I think it is a sensible approach, and it is something allowed for in this measure. The measure allows for a composite sort of reserve, and I cannot see anything wrong with that. However, the provision for this is something that has caused many people some alarm because they believe their farms will be taken over.

The Hon. D. J. Wordsworth: You could not do that on an "A"-class reserve, and most national parks are "A"-class reserves.

The Hon. G. C. MacKINNON: Let me take this opportunity to comment on some of the remarks made by Mr Wordsworth. He spoke of the measure before us in terms of the measure it is replacing. For example, he spoke about what may and may not be done under the present Act as though the provisions were being transferred to the proposed Act which we are about to pass. I assume it will be passed because every one agrees it is an essential measure, and members have said they support it.

The Hon. D. J. Wordsworth: Most of the points I made were in respect of what has taken place in Esperance in the last six months.

The Hon. G. C. MacKINNON: That is under the Act which this Bill is replacing. For example, Mr Wordsworth said he could not do anything about vermin; but in the last six months he has been able to shoot grey kangaroos as vermin, as long as he has a gun and can shoot straight.

The Hon. A. A. Lewis: As long as he is prepared to let them rot where they lay.

The Hon. G. C. MacKINNON: That is right; that is the law. I was pleased that he brought to light the fact that there are different sorts of parks. I think this is a matter that has been accepted by all members, and it highlights the tremendously grave problem which confronts the Minister for Fisheries and Wildlife (Mr P. V. Jones) in the administration of this legislation.

We have tremendous differences. Miss McAleer and Mr Wordsworth referred to small reserves. Miss McAleer spoke of those vast areas in the wheatbelt; and when one is traversing the wheatbelt, one finds it difficult to locate any area which looks like the original country. There are some little reserves which are almost comfort stops for birds, because there are so few of them. Mr Wordsworth complained that these reserves are not burnt frequently enough.

Most of the management problems in respect of reserves come down to burning, and whether or not the land is burnt frequently enough. There is research material available on this matter of what constitutes sufficient burning. For the farmer who has a property adjacent to the land, sufficient burning is at least every second year. For flowers every year is all right, provided it is a light burn. For wildlife it should be a maximum of once in 11 years, because wildlife needs cover.

I am not talking about vermin such as feral cats and dogs or rabbits, but dibblers, spiders, and lizards. A burn once in 11 years is considered the absolute maximum for wildlife. Therefore, it is a matter of what one is endeavouring to manage. This is one of the problems which confronts Mr Jones, and I am delighted to see that he is sitting in a position in this Chamber where he can hear the comments that have been made. Those comments have been well informed, and it is tremendously heartening to find the Minister has remained here so that he may put suggestions into effect.

I take the points mentioned by Mr Lewis. I think it is a pity we have to allow for so many things in the way of policing, but nevertheless as he knows full well there are citizens of this country who behave very badly on occasions, and it is necessary to take cognisance of their actions and to have power to cover the situation. I can reassure him that the road from Manjimup to Walpole is not a national park.

The Hon. A. A. Lewis: I said when you drive through the Warren National Park you are not in the national park.

The Hon. G. C. MacKINNON: When one is on the Manjimup-Walpole road, one is not in the national park but on a road reserve which bisects the national park; and no ranger could pick up a person for any offence on that road. If a man is carrying a gun in an area in which he is not allowed to carry it, then action could be taken unless he has good and proper reason for carrying the gun.

The Hon. A. A. Lewis: What rot! He could use the gun at Walpole, but he is not allowed to carry it through the national park.

The Hon. G. C. MacKINNON: If he is in a national park where guns are prohibited he is being very naughty and, of course, he should be stopped.

I fully appreciate that many rules and regulations are frightening. I often wonder what would happen if we had to pass the Health Act today because the powers contained in that Act are frightening even though they are absolutely essential. I believe the powers contained in this Bill are also quite frightening.

There are a number of matters which I would rather leave until we get to the Committee stage.

I referred earlier to multiple ownership and gave an example of a park I saw in the United Kingdom. Clause 21 allows for multiple ownership such as is allowed in the United Kingdom and could include—not "must" or "at the whim of the authority", but "could"—farms, reserves, and estuaries. I believe this could work very well at a place such as Wonnerup.

It is interesting to note that the Kruger National Park started as a gift of one farm to the Province of, I think, Transvaal, in South Africa, and it grew by acquisition, purchase, and gift into the magnificent park it is today.

The Hon. G. E. Masters: They fence those parks, don't they?

The Hon. G. C. MacKINNON: Parts of them are fenced. This reminds me of a point made by Mr Wordsworth about the use of our lakes and waterways. In South Africa there is a fascinating system. When a dam is built and when the wall is completed the water which comes through in a pipe is the property of the water supply people; the other water that passes through is the property of the people who want it for irrigation; and the dam is available for tourist activities, such as swimming, fishing, etc. When the authorities there want to protect an area they erect a 7-foot fence around it, and put in several impala or something like that and allow them to breed; and they also put in a couple of lions or rhinos, which successfully keep out tourists.

A tourist can drive through that park and see wild beasts; and there is multiple use of the land. We are not in a situation to protect our reserves by that method, but it can be done in South Africa. A member raised the matter of on-the-spot fines. During the week I spent in the Kruger Park one fellow threw an apple at a pride of lions to make them stand up. He was promptly fined 400 rand on the spot by a ranger; so they are pretty tough over there.

I am delighted that tonight no reference has been made to something contained in some of the telegrams I have received; that is, that this Bill consists of a move to centralise all power. The whole philosophy of the Bill—and those who have spoken tonight have all commented on this—is that of passing out authority to local governments, advisory boards, and the like. There will in fact be a great deal of local commitment and local involvement in the new concept of national park organisation.

I am also delighted that, far from being a socialistic piece of legislation as has been suggested in some telegrams I have received, members have commented on the degree of flexibility built into the Bill which, frankly, has frightened some of the members of the National Parks Board.

The Hon. J. Heitman: So it ought to, because local authorities can make rules and regulations and other organisations are allowed to make rules and regulations, and then we have this Bill. We will certainly be well policed. You will have to be pretty careful if you want to walk in the scrub.

The Hon. G. C. MacKINNON: I am amazed. When Mr Heitman first entered Parliament he was extremely proud of the fact that he was then the State President of the Local Government Association.

The Hon. J. Heitman: We were never allowed to make by-laws on this type of thing.

The Hon. G. C. MacKINNON: You will recall, Sir, the number of times Mr Heitman has asked us to give back power to local authorities; yet now we hear him sounding a note of caution in that regard. I never cease to be amazed at the way in which leopards change their spots.

I do not think I have missed many of the points that were raised. For all the points that have been raised there is a perfectly logical answer. For example, Mr Claughton said that because of this Bill additional tourist grants will be required. I have always thought that the tourist industry brought money to a district and that the district profited by it. Indeed, countries have profited by it. It seems a bit rough that when one does something that increases tourist activity one is asked for help.

Because I am personally interested in this measure and because I am enthusiastic about it, I could obviously continue to speak for a long time. I do not wish to do so but if any points remain unanswered and which I may have missed, they can be answered at the Committee stage. I thank members again for their considered points and their contributions in this Chamber in support of the measure.

Question put and passed.

Bill read a second time.

BILLS (5): RECEIPT AND FIRST READING

1. Rural Housing (Assistance) Bill.
2. Education Act Amendment Bill.
3. Factories and Shops Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. G. C. MacKinnon (Minister for Education), read a first time.
4. Agriculture and Related Resources Protection Bill.
5. Agriculture Protection Board Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. N. McNeill (Minister for Justice), read a first time.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.36 p.m.]: I move—

That the House do now adjourn.

PUBLIC EDUCATION ENDOWMENT TRUST

Effect on York Shire Council

THE HON. H. W. GAYFER (Central) [9.37 p.m.]: I take the opportunity on the adjournment to bring forward a matter of

great concern to me. Because of decisions reached today I feel that I must bring the matter to the attention of the House and, consequently, to that of the Minister concerned. I shall refer in some detail to a proposition concerning the York Shire Council and the Public Education Endowment Trust, of which, I understand, the Minister is the chairman. The documentation is self-explanatory and I do not propose to read entirely the letters in sequence, but I shall quote certain extracts from them as I go along. I think the story will unfold sufficiently to interest members. I feel that what I might call a severe straining of business ethics is involved in decisions that have been reached at the Public Education Endowment Trust. I believe the York Shire Council has been a guinea pig, as it were, in the manoeuvrings for a decision by the Public Education Endowment Trust to get more moneys for the disposal of its property than it originally thought was available.

The first letter from which I wish to quote is from the Public Education Endowment Trust to the clerk of the Town of York. It was written on the 2nd December, 1974. I shall read a little more from this letter than from others. It states—

> Dear Sir,
>
> York Lots 212-243, 262, 264-275.
>
> The above lots (in aggregate some 58 acres) which comprise all of Reserve 11398, are vested in the Trustees of the Public Education Endowment.
>
> Up until 1973 the land was leased to two individuals for agricultural purposes, however, the relevant leases have now expired and the Trustees are anxious that the site be put to good use.
>
> Advertisements in the 'Northam Advertiser', calling for tenders for the lease of the land earlier this year, produced a very poor response and after considering the matter recently, the Trustees requested that I write to you to ascertain whether you might know of any person or persons interested in leasing the area.
>
> The Trustees would be prepared to lease the area in parts but would much prefer to grant a single lease of the whole 58 acres.

The York Shire Council wrote back on the 20th December, 1974, and said—

> Council is not aware of any person or persons who may be interested in leasing this area. However, Council would be interested in purchasing this area if it is available on terms that come within Council's financial capacity.

The Public Education Endowment Trust wrote back on the 11th February, 1975, as follows—

> Your reference to the Council's interest in purchasing this area is noted and will be referred to the next meeting of the Endowment Trust for consideration.

The Public Education Endowment Trust wrote to the York Shire Council on the 27th March, 1975, and said—

> The Trustees considered your advice at their last meeting and resolved that they would be pleased to receive an offer from your Council for the purchase of the lots.
>
> Any offer received will be considered at the next meeting and you will then be further advised.

The York Shire Council wrote back on the 18th April and said—

> . . . this Council hereby makes an offer of $10 000.00 (Ten thousand dollars) for the purchase of the above property.

The Public Education Endowment Trust wrote back on the 5th May, 1975, in these terms—

> . . . thank you for your letter of 18th April, 1975, regarding the above lots and including an offer of $10 000 for the purchase of the lots.
>
> The Trustees will be meeting at an early date to consider your offer and I hope to be able to indicate their decision to you before the end of next month.

The Public Education Endowment Trust wrote again on the 26th August, 1975, and said—

> . . . the fair market value of the Lots in question was considerably in excess of the offer to purchase submitted by your Shire.
>
> No decision has yet been reached in this matter which will be further discussed at the next meeting of the Trustees.

The York Shire Council wrote back on the 30th September, 1975, as follows—

> Council is interested in negotiating on this matter and would be keen to learn what price the Trustees consider would be a fair price.

The trustees wrote back on the 27th October that they—

> . . . wish to advise that the State Taxation Department valuation of this land, namely $14 950, is the amount required in this instance.

They concluded that letter by saying—

> I look forward to the receipt of an indication from your Shire of their interest or otherwise in the above Lots at the State Taxation Department valuation.

The York Shire Council wrote back and said—

> Council now offers $14 950 for the purchase of the above lots.

That was on the 24th November. The Public Education Endowment Trust wrote back on the 12th December and said that they—

> . . . wish to advise that the Trustees have received a similar offer for the land and in these circumstances I write to invite you to consider making a further offer, within a period of 14 days, to the Trust for its consideration.

Today I found out that the trust has met on three different occasions to consider this matter, to receive a Crown ruling and, in my opinion, to see whether it can get out. I believe the correspondence I have read out in this Chamber is tantamount to an offer and acceptance. If anybody in the country had gone to this extent in a business dealing with regard to the selling of property and tried to squirm and get out of it at this stage, his name would not be very good as far as his business acumen is concerned. I have heard by telephone that it is proposed to call tenders for the purchase of the property in the newspaper sometime this week. My complaint is that I believe the York Shire Council is being treated unethically in this matter. I believe an offer was made to it. I repeat that the trustees said—

> . . . that the State Taxation Department valuation of this land, namely $14 950, is the amount required in this instance.

They closed that letter by saying—

> I look forward to the receipt of an indication from your Shire of their interest or otherwise in the above Lots at the State Taxation Department valuation.

A letter came back saying—

> Council now offers $14 950 for the purchase of the above lots.

Then the Council received another letter from trust saying—

> . . . that the Trustees have received a similar offer for the land and in these circumstances I write to invite you to consider making a further offer . . .

I maintain that if this is the manner in which Government departments run their business I can understand why they do not have much credibility when it comes to business practices.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.45 p.m.]: The Education Endowment Trust is not a department; it is a collection of very concerned and very responsible people—some departmental officers, and some not. They are charged with the responsibility of managing certain areas of property held in trust for the furtherance of certain educational purposes across Western Australia. They have the very serious responsibility of getting therefrom the best possible return.

Successive Ministers for Education have been the chairman of the trust for a considerable number of years. The last large sum of money allocated by the trust went towards the commencement of the construction of the Chidley Point Centre, which some members have seen and which is probably the best centre of its kind in Australia.

The events which occurred, and which have been recounted by Mr Gayfer, are strictly factual to the best of my knowledge. I have not read the letters but I have no doubt they are factual. The only area in which there is room for argument is that the trustees advised the York Shire Council that the taxation value was $14 950. The York Shire Council wrote back to the trust and offered $14 950.

By the time that offer was considered by the trust—bearing in mind that many of the letters referred to by Mr Gayfer were, in fact, letters from the secretary of the trust who happens also to be my assistant secretary, who simply acknowledges the letters before they go before the trust at its next meeting—and by the time the next meeting was held another offer had been received from a citizen of York. The amount involved was $14 950, the same as that offered by the York Shire Council. That was the taxation value.

It will be recalled that in the first letter written to the York Shire Council it was asked to advise whether it knew of any person or organisation interested in the purchase. So it was taken for granted that the matter had not been kept secret, but had received some publicity. At that stage another person made an offer.

The endowment trust then properly had before it two offers. It was careful, as a proper trust had to be, to refer the matter to Crown Law. The advice from Crown Law was that tenders should be called.

We are all aware of the difficulties we face in dealing with any Government matters concerning offers and acceptances. One has to be seen to be absolutely even-handed. Indeed, I think a further letter was received from one or other of the tenderers. I am not sure whether it was a private individual or the York Shire Council, but the offer was for $15 000-odd. Someone put up the ante a little. Nevertheless, as I understand the position the decision of the trust was it thought tenders should be called.

The Hon. H. W. Gayfer: It will be lost to the council because it cannot tender for this sort of thing.

The Hon. G. C. MacKINNON: I do not know about that; perhaps we can discuss the matter further. Members may wonder

why I was not fully aware of the position when I am chairman of the trust. However, I am chairman of many organisations but I am not able to attend all meetings. I attended a meeting this morning and did not know anything about this problem. However, I have been made aware of it since, for obvious reasons.

That is the situation as I know it. The people on the trust would be most upset—tremendously upset—to think anyone should imagine they would do anything like this with malice or lack of forethought, or lack of ethical behaviour. Nothing would be further from their minds.

The Hon. Clive Griffiths: It certainly appears as though they have.

The Hon. G. C. MacKINNON: Not when they met and found that they had two offers.

The Hon. H. W. Gayfer: Wait a minute; we are going back to 1974.

The Hon. G. C. MacKINNON: In 1974 the York Shire Council was asked if it knew of any person or of any group in the shire which was interested. Before any offer and acceptance had been completed an individual offered $14 950 and the shire happened to offer the same sum at the same time. That is the situation; I am not judge and jury and I do not have to sit in judgment.

The Hon. H. W. Gayfer: I expect you to be like King Solomon.

The Hon. G. C. MacKINNON: Actually, I will re-examine the matter tomorrow.

The Hon. H. W. Gayfer: Thank you.

The Hon. G. C. MacKINNON: The matter has now been drawn to my attention. I would have preferred it to be drawn to my attention as a matter in which there had been an unfortunate result, perhaps. However, let me assure members that whatever the appearance may be I do not agree with the interjection by Mr Clive Griffiths.

Whatever the appearance may be of the situation there is no person on the trust who would for one moment behave in an unethical manner if he thought he was so doing; not one person—not by any stretch of the imagination. Those people on the trust have made a decision based on their belief of what they ought to do to protect the trust which is placed in them to administer the lands and the moneys which are the responsibility of the Education Endowment Trust. If the honourable member will accept my assurance that I will have a very careful look at the matter tomorrow, I will do so.

Question put and passed.

House adjourned at 9.53 p.m.

Legislative Assembly

Wednesday, the 19th May, 1976

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

QUESTIONS (39): ON NOTICE

1. STATE FORESTS

Logs: Concession Rights

Mr A. R. TONKIN, to the Minister for Forests:

(1) What individuals or firms in Western Australia hold concessional rights for the procuring of hardwood saw logs over particular areas, and what area does each hold?

(2) What is the permissible intake of logs per annum from each area?

(3) What timber mills operate without a concessional area?

(4) Would he list the mills referred to in (3) and indicate the source of the logs on which each operates?

Mr RIDGE replied:

(1) and (2) None. The procurement of hardwood saw logs is now carried out under either permits or licences.

Information on areas and permissible intakes of permits is obtainable from the Forests Department in accordance with regulation No. 130 of the Forests Act.

(3) All mills. See answer to (1).

(4) The list which is voluminous is being compiled and will be conveyed to the member personally.

2. RAILWAYS

East Perth Terminal: Faulty Plaster

Mr BERTRAM, to the Minister for Transport:

(1) Has faulty plaster been used on the Westrail terminal in East Perth?

(2) If "Yes" what area of walls is involved?

(3) What right of action, if any, has Westrail got and what action, if any, has been taken and is intended to be taken by Westrail and against whom for the loss which it has suffered as a result of the supply of faulty plaster?

Mr O'CONNOR replied:

(1) Yes.

(2) 1 100 square metres.

(3) The contractors will make good all defective plaster at no cost to Westrail.