

clauses may not be identical, but the principle is the same and the member for Geraldton has admitted this. My advice in regard to the insertion of the word "merely" is to the effect that it would make the section weak in so far as it is a connotation of leaving a great deal unsaid. Therefore I cannot see any real point in including this word, and I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 31 to 50 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

MR STEPHENS (Stirling—Minister for Fisheries and Fauna) [1.30 a.m.]: I move—

That the Bill be now read a third time.

MR CARR (Geraldton) [1.31 a.m.]: I rise to make the point that our considerable disagreement on one clause of the Bill does not alter the fact that the Opposition in the main supports the majority of the clauses.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 1.31 a.m. (Wednesday).

Legislative Council

Wednesday, the 20th November, 1974

The **PRESIDENT** (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (22): ON NOTICE

1. SCHOOLS AND HIGH SCHOOLS

Delay in Construction

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

- (1) Has the construction of any school been delayed because of a delay in the provision of plans and specifications by the Public Works Department that occurred before the 1st April, 1974?

- (2) If so, will the Minister name the schools?

The Hon. G. C. MacKINNON replied:

- (1) and (2) No. The programme for 1974-75 was only being documented at that stage. Plans and specifications are organised by

the Public Works Department following the receipt of the necessary documents.

2. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

Programme: Laverton

The Hon. G. W. BERRY, to the Minister for Justice:

For the years 1973-1974 and 1974-1975 in the town of Laverton.

- (a) how many Government Employees' Housing Authority houses—

- (i) have been constructed;

- (ii) are to be constructed; and

- (b) for which departments are they being constructed?

The Hon. N. McNEILL replied:

- (a) (i) Nil.

However, two existing properties were purchased which were allocated to Police (1) and Education Department (1).

In addition, under an agreement with Poseldon Ltd. an additional two houses were leased. These were also allocated—Police Department (1) and Education Department (1).

- (ii) Three—all of which are under construction at present.

- (b) Community Welfare (2) and Public Works Department (1).

3. *This question was postponed.*

4. EDUCATION

Disadvantaged Schools

The Hon. Lyla ELLIOTT, to the Minister for Education:

Realising that a formula is laid down by the Australian Schools Commission for the purpose of determining disadvantaged schools—

- (a) will the Minister advise how his department established its priorities in deciding the disadvantaged schools in this State within that formula for the years 1974 and 1975;

- (b) will he also provide a list of the schools so designated for those years?

The Hon. G. C. MacKINNON replied:

- (a) The schools were selected using information supplied by the Australian Schools Commission and surveys conducted by the Education Department.

- (b) Schools declared under provisions of the Act by the Commonwealth Minister for Education are—

Metropolitan:

Beaconsfield
 South Terrace
 White Gum Valley
 South Fremantle S.H.S.
 Winterfold
 Hamilton Hill
 North Fremantle
 East Fremantle
 Willagee
 Koorilla
 Hilton
 Hamilton H.S.
 Bellevue
 Midland
 Midvale
 Middle Swan
 North Perth Junior
 Primary
 North Perth
 Highgate
 Newcastle St Junior
 Primary
 Osborne Park
 East Perth
 Queens Park

Country:

Onslow
 Boulder
 Boulder Junior Primary
 Useless Loop
 Camballin
 Wilson Park, Collie
 Derby District High
 School
 Roebourne Primary
 School
 Wyndham District High
 School
 Broome District High
 School
 Norseman District High
 School
 East Carnarvon Primary
 School
 Carnarvon Primary
 Carnarvon High School
 Rangeway Primary
 School, Geraldton
 Beachlands Primary
 School, Geraldton
 Carey Park Primary
 School, Bunbury
 Yalgoo Primary School
 Shark Bay Primary
 School
 Leonora Primary School

Marble Bar Primary
 School
 Cue Primary School
 Meekatharra District
 High School
 Mullewa District High
 School
 Coolgardie Primary
 School
 Zanthus
 Rawlinna
 Coonana
 Menzies
 Reid

5. PRE-SCHOOL EDUCATION CENTRES

Abolition of Levy

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

Is it the intention of the Government to abolish the levy on children attending approved pre-school centres in 1975?

The Hon. G. C. MacKINNON replied:
 No.

POLICE

Isolated Areas

The Hon. J. C. TOZER, to the Minister for Health:

- (1) Does the Police Department determine the number of officers at any particular town in an isolated location by the number of people to be serviced?
- (2) If so, what is the ratio of officers to population, i.e. is one officer allocated for so many hundred people in the town?
- (3) What other factors are taken into account when determining the staff strength at any particular police station?
- (4) Is it normal to provide relief staff at small town stations when a constable takes annual leave?
- (5) What population would a town normally expect to reach before a sedan vehicle is provided for patrol or pursuit work?

The Hon. N. E. BAXTER replied:

- (1) No, but it is one of the factors considered.
- (2) Answered by (1).
- (3) Work measurement based on duties performed, area, industry, commerce, housing and other pertinent factors.
- (4) Where the work load justifies.
- (5) Traffic patrol vehicles are supplied where justified, otherwise local police efforts are supplemented by roving patrols.

7. HEALTH

Industrial Odours: Midland

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

- (1) Is the Minister aware that the people of the Midland district have for a considerable period of time been subjected to a revolting smell emanating from industry in the area which makes life very unpleasant?
- (2) If so, what action is his department taking to relieve the people of Midland of this nuisance?
- (3) If not, will he take urgent steps to have the cause detected and removed?

The Hon. N. E. BAXTER replied:

- (1) Yes.
- (2) Extensive investigations have been conducted by departmental officers over a period of three months, and are continuing. Where a source of odour is identified corrective action has been implemented.
- (3) Answered by (2).

8. EDUCATION

Boarding Allowance: Reinstatement

The Hon. S. J. DELLAR, to the Minister for Education:

With reference to the policy undertaking given by the Premier that "living away allowances for children would be paid without means test, if they are not satisfactorily covered by the Commonwealth allowance", will the Minister advise—

- (a) has the State living away allowance been reinstated;
- (b) if not, when is it to be reinstated?

The Hon. G. C. MacKINNON replied:

- (a) No.
- (b) This matter is being considered in conjunction with other demands on the financial resources of the State.

9. *This question was postponed.*

10. MOTOR VEHICLES

Exhaust Emission

The Hon. G. W. BERRY, to the Minister for Education:

- (1) Is there any Act or Regulation controlling the emission of fumes from diesel road vehicles?
- (2) If so, who is responsible for enforcement?

The Hon. G. C. MacKINNON replied:

- (1) Yes. Vehicle Standards Regulations 1201 and 1202.
- (2) On roads—the police. At inspection centres the Department of Motor Vehicles or in country areas outside the department's control, the local authority.

11. KELMSCOTT HIGH SCHOOL

Extensions

The Hon. J. Heitman for the Hon. I. G. PRATT, to the Minister for Education:

- (1) Are extensions planned for the Kelmscott high school in the current financial year?
- (2) If so—
 - (a) what are the nature of these extensions;
 - (b) when is it anticipated that the work will begin; and
 - (c) what is the expected date of completion?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) (a) Stage 3 comprising two faculty blocks and extensions to the manual arts and home economics centres are to be built.
- (b) Documentation has been completed and it is anticipated that work will commence prior to the end of the year.
- (c) Mid 1975.

12.

HOUSING

Kimberley and Pilbara

The Hon. J. C. TOZER, to the Minister for Health:

Arising out of the answer given to part (5) of my question on the 31st October, 1974, relating to Medical and Health departmental housing in northern towns—

- (a) as the only requirement to enable employees of the Medical and Health Departments to be housed by the Government Employees' Housing Authority seems to be proclamation by the Governor under Section 5 of the Government Employees' Housing Act, has the Minister considered recommending that such action be taken;

- (b) is the reason that his department has kept outside the GEHA for its staff housing requirements the fact that the Authority's policy seems to preclude a higher standard of dwelling for medical

officers and other top professional and administrative staff;

- (c) if so, has he considered recommending that the GEHA modify its policy on this matter?

The Hon. N. E. BAXTER replied:

- (a) No.
(b) It would be impracticable for the department to rely on the Government Employees' Housing Authority supplying its needs. Staff accommodation requirements are an integral part of the provision of hospital and health services and it is essential that the department has complete control of the large number of housing units of various types, including acquisition, maintenance, allocation of units and standard.
(c) No.

13. MITCHELL FREEWAY

Plan and Cost

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

What is the planned construction on the Mitchell Freeway, and the expected cost for 1974-1975 financial year?

The Hon. N. McNEILL replied:

Part completion of Stage 2 from Hamilton Square to Vincent Street at an approximate cost of \$2.5 million.

14. BOAT SHEDS

Licenses

The Hon. D. J. WORDSWORTH, to the Minister for Education:

- (1) What is the policy of the Government concerning private boat sheds?
(2) Are licenses still being granted?
(3) How many licenses are operative for the Swan River?
(4) Once granted, can they be revoked?
(5) Does the work being carried out on a private boathouse in Crawley Waters come under the specification of a repair, renovation or rebuilding?

The Hon. G. C. MacKINNON replied:

- (1) It is the policy of the Swan River Conservation Board to allow no further private structures, i.e., boat sheds or jetties, in the river below the Causeway.

- (2) Applications would be considered for the upper reaches.
(3) Five licenses.
(4) Yes.
(5) Rebuilding.

15.

BUS BAYS

Lockridge High School

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

Will the Minister advise what provision has been made for future bus bays at the Lockridge high school?

The Hon. N. E. BAXTER replied:

This is a matter for the local authority. However, I understand that an unsealed bay is at present in use.

16.

RAILWAYS

Bridgetown Depot

The Hon. A. A. LEWIS, to the Minister for Health:

Will the Minister for Railways give a firm commitment that the Western Australian Government Railways will make no move, either actual or implied, to move the Bridgetown railway depot to Manjimup until the Committee of Inquiry has presented its report?

The Hon. N. E. BAXTER replied:
Yes.

17.

POWER STATIONS

Unit Costs

The Hon. T. O. PERRY, to the Minister for Education:

What is the cost per unit of generating power at—

- (a) Muja;
(b) Bunbury;
(c) South Fremantle;
(d) East Perth; and
(e) Kwinana?

The Hon. G. C. MacKINNON replied:

The following figures are for the year ended 30th June, 1974 only.

Cost per unit generated at—

Muja	.....	.....	6752c
Bunbury	.....	.....	1.8343c
South Fremantle	.....	.....	10.0500c
East Perth	.....	.....	52.9840c
Kwinana	.....	.....	.8880c

During this period Bunbury, South Fremantle and East Perth have been used to meet peak loads only, and hence have generated a relatively small number of units.

18. **WATER SUPPLIES***Underground Sources*

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

- (1) What further development of underground water supplies to provide domestic water to the metropolitan area is planned for the current financial year?
- (2) Has the Government as yet received a report of investigations into the quality and degree of pollution of underground water in the metropolitan region?

The Hon. N. McNEILL replied:

- (1) The following works are included in the construction programme—

Work	Expenditure 1974/5 \$	Comment
Gwelup Groundwater Scheme	570 000	To be commissioned shortly
Wanneroo Groundwater Scheme	68 000	Equipping shallow artesian bore
Mirraboopa No. 2 Bore	134 000	.....
Bold Park No. 2 Bore	35 000	Equipping artesian bore
	\$807 000	
and the investigation works include:		
	\$	
Lake Thompson-Jandakot Test Bores	\$250 000	
Pinjar Observation Wells	85 000	
Whitfords Stratigraphic Bore No. 5	50 000	
	\$385 000	

- (2) The Fried Report referred to in the reply to the question of the Honourable Member on the 27th August, 1974, has not been received to date but is expected shortly.

19. **POLICE STATION***Laverton*

The Hon. G. W. BERRY, to the Minister for Health:

What is the present position regarding the building of the new police station and lock-up complex at Laverton?

The Hon. N. E. BAXTER replied:

Tenders will be called in the near future.

20. **SCHOOLS AND HIGH SCHOOLS***Construction: Deferment*

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

Will the Minister name the schools (primary and secondary) on which construction has been deferred since the present State Government came to office?

The Hon. G. C. MacKINNON replied:

The one project for which documentation has been undertaken and for which funds are not available is the Swan View High School.

21. **COURTHOUSE***Laverton*

The Hon. G. W. BERRY, to the Minister for Justice:

What is the position regarding the building of the new court house at Laverton?

The Hon. N. McNEILL replied:

Sub-contract quotes have been called for some items of the building fabric for Laverton Police Station/Court House.

Tenders will be called for the balance of the sub-contracts involved and for a head contractor in the immediate future.

22. **BALCATTA HIGH SCHOOL***Classrooms*

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

- (1) Is it a fact that 14 demountable classrooms will be in use at Balcatta high school in 1975?

- (2) (a) What steps is the Government taking to reduce the excessive enrolment at this school; and

(b) by what date does it believe the above measures, if any, will be effective?

- (3) Is the Government aware that teachers at the school wrote to *The West Australian* last August expressing their concern that no definite date could be given for the provision of a high school in any of the areas in the Wanneroo Shire?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) It is anticipated that a new high school will be established at Greenwood as soon as is possible.
- (3) Yes.

**LOCAL GOVERNMENT ACT
AMENDMENT BILL***Receipt and First Reading*

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

**TEACHER EDUCATION ACT
AMENDMENT BILL (No. 2)***Introduction and First Reading*

Bill introduced, on motion by the Hon. G. C. MacKinnon (Minister for Education), and read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.52 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend section 38 of the principal Act which deals with the constitution of the college boards and also to amend section 85 of the principal Act to preserve the rights of existing members of college boards.

The Bill provides for the inclusion on college boards of the vice-principal and deputy vice-principal as the principal advisers to the principal on educational matters, fixing the number of members from the general community at four members instead of from two to four, the inclusion of a nonacademic staff member on the board, and four members to be appointed by the Minister, thus increasing the board from its present nine to 12 to a new total of 17 to 18.

In the second reading debate of the first Teacher Education Act Amendment Bill some queries were raised about the hierarchical structure of the colleges and the failure to fill some of the permitted places reserved for representatives of the outside community. As a result of this I have had investigations made into the constitution and working of college boards after their first 12 months of operation since they were originally constituted.

A comparison was made between the governing bodies of other tertiary institutions in Western Australia and the boards of the various teachers' colleges. This has shown that, while the Senate of the University of Western Australia has a total of 26 members, of whom four represent staff, three represent students, six represent the community, together with another six graduate members, two *ex officio* and four co-opted members, and the W.A. Institute of Technology Council has a total of 17 members, including two staff representatives, two student representatives, and five community members, the various teachers' college boards have only nine to 12 members including five staff representatives and two to four co-opted community members.

The smallest college board has 10 members and the largest 12 members and one board only recently appointed the two statutory community members so that for much of the year the board consisted of only eight members.

From this analysis it became obvious that the college boards were very much smaller than the governing bodies of other tertiary institutions and were not sufficiently representative if the colleges were to develop into multi-purpose colleges of advanced education as was anticipated in the original Act. As the colleges enter into such fields of training as business,

administration, English, social sciences, recreation, community arts, technology, health education, and religious studies, a need was seen to increase the number of community representatives in order to have a wide cross section of the community represented to assist the staff of the college in their deliberations.

This conclusion was reinforced from two other independent directions. A number of community representatives from different college boards have expressed their view that the boards should be encouraged to include more representatives from the community in order to maintain a more reasonable balance between the academic and student side of the college community, and those not directly engaged in the day to day business of the college. During a recent visit to Western Australia with other members of the Commission on Advanced Education, the deputy chairman of the commission, Dr E. Swinbourne expressed his hope that the boards as at present constituted in the colleges under legislation were only an interim arrangement and suggested that, for the colleges to develop as colleges of advanced education, the community representation should be increased.

One of the characteristics of a college of advanced education is that it is a centre of applied learning and, as such, has a great responsibility to the community it serves, and the community should have ample opportunity to help in its government. One of the difficulties with community representatives is that of all the members of a board, they are the most likely, by force of circumstances, to be absent from a meeting. Thus even a preponderance of community representatives would seldom at any one meeting constitute a majority. We have been made aware, however, of the value of community representatives serving on committees.

It also became apparent that a college board could be entirely dominated by academic staff with no representatives of the higher echelons of the college, other than the principal. Advertisements had been noted for the position of vice-principal at two of the colleges. In one, the first duty mentioned was "to assist in the determination of the broad policy of the college and within such policy to organise and manage the academic programme of the college"; and in the other "to direct and co-ordinate the work of a senior academic and administrative team responsible for the development and conduct of various programmes in teacher education at both pre-service and in-service levels".

Inquiries showed that the major educational policy team of the colleges comprised in each case the three principal officers—the principal, vice-principal, and deputy vice-principal. In the absence of the principal, the vice-principal assumes charge of the college and is normally nominated by

the council of the authority as acting chairman of the college board. It seemed absurd that a nonmember could be required to step in, sometimes at very short notice, as chairman of the board. It also seemed absurd that the third member of the senior academic and administrative policy team should not be a member of the board.

When recommendations for amendments to the Teacher Education Act were being considered earlier this year, there was a request from the Salaried Officers' Association of the Western Australian teachers' colleges that at least one of the five staff members to be elected from, and by, the staff should come from their ranks. At that time, it was considered that the colleges should be left as much autonomy as possible to decide the staff representation. However, after the investigation of college boards, and their activities, the justice of the previous request was recognised and it is now intended to make provision for representation of "other" or nonacademic staff.

It was further recognised, as a result of the investigation, that the Minister had no power to make any appointments to college boards. It is only by giving such power to the Minister that it would be possible to ensure the balance of the type of community representation needed by a particular college board. As an example, Churchlands Teachers' College will enter the field of training in business and administration in 1976. Its present community members include a member of Parliament, a bank official, a Deputy Director of Primary Education, and a businessman. Thus, it is probably well equipped to advise on business and administration, but it does not include anyone with legal training, architectural training or expertise in the field of early childhood education—another area of training undertaken by the college. Graylands Teachers' College Board includes a town planner and architect, a secondary Superintendent of Education, and the Secretary of the Teachers' Union on the college board. If the college moves to Cockburn, it will be as a multi-purpose college of advanced education, and will need to provide training in technology for the district, fine arts, community arts, and business and administration for the area, with only one vacant place on its board to provide the community knowledge and expertise that will be required. Amongst all of the community board members there is at present only one actively engaged in local government, and a need can be seen to involve local government in the colleges if they are to develop as community colleges as many people hope.

The investigation also looked at allegations made by a member that the colleges were dominated by a hierarchical structure inherited from the old days of the education department. We are satisfied that the new structure where the upper echelon is

an educational-policy-making team is quite different from that which existed previously, although the names of the positions may be the same. We have also noted that both the vice-principals appointed since the changeover from the Education Department have been drawn from outside the Teachers' Colleges and that three assistant vice-principals and a deputy vice-principal have also come from outside the staff of the Teachers' College. We thus do not see the objection of the honourable member as one which should negate the placing of the three senior officers as *ex officio* members of the board.

The new boards as recommended in this Bill will compare far more favourably with other tertiary institutions in Western Australia.

I commend the Bill to members.

Debate adjourned, on motion by the Hon. R. F. Cloughton.

STOCK DISEASES ACT AMENDMENT BILL

Third Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.02 p.m.]: I move—

That the Bill be now read a third time.

During the course of the second reading and the Committee stages of this Bill I gave an undertaking that I would endeavour to obtain information to satisfy certain queries that were raised by Mr Wordsworth, in particular; though I think these were also referred to by other members.

The first query related to why a particular disease was not listed in the Bill, thereby making the list different from the list of exotic diseases contained in the principal Act. I was unable to make a comment on this aspect at the time, but the information I have obtained is as follows—

The only diseases included in the list (for the purposes of authority for slaughter) are those which were the subject of compensation arrangements between Commonwealth and State Governments, and which were transmitted so rapidly from animal to animal, and also by indirect means, that we had to act, or might have to act, immediately without the delays involved in the Proclamation.

It is a question of compensation and of speed of transmission—rabies is neither compensable by Commonwealth/State arrangements nor is it rapidly transmitted.

Apparently that is why rabies was not included in the list in this Bill.

There was a further query—which also relates to this aspect—concerning the interpretation placed upon the term

"vesicular disease", and to what extent foot and mouth disease may be regarded as being a vesicular disease. The information with which I have been supplied states—

Foot and mouth disease would be included in the so-called vesicular diseases, of which there are four—

- (1) Foot and mouth disease.
- (2) Vesicular stomatitis.
- (3) Vesicular exanthema.
- (4) Swine vesicular disease.

Foot and mouth disease does not have to be specifically named as it is included in the generic name, vesicular disease.

A further point was also raised by Mr Wordsworth, and we had a little discussion about this at the time, as to whether the Chief Inspector of Stock, as nominated in the Bill has to exercise the authority himself or to what extent his powers will be delegated or, in fact, acted upon by any other officer. The information which I have and which I have read in conjunction with the Bill makes it clear that the intention is that this authority is requested only for the Chief Inspector of Stock, or his deputy in his absence and not for anyone else.

The matter is regarded as being important enough to confine the order for destruction to the Chief Inspector of Stock himself—and it is not competent for any other officer to issue such order.

We must bear in mind that we are talking about the issuing of an order for destruction as against the carrying out of that order.

I trust this information will satisfy and answer the queries raised. I commend the Bill.

Question put and passed.

Bill read a third time and passed.

LAND AGENTS ACT AMENDMENT BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [3.07 p.m.]: I move—

That the Bill be now read a second time.

Section 3 of the Land Agents Act of 1922 states that after the 1st April, 1922, no person shall carry on the business of a land agent unless he is the holder of a license for that purpose.

The parent Act in its first schedule provides an application form for persons seeking to become licensed agents and this includes a statement that the applicant has attained 21 years of age. I do not think any other stipulation as to age is contained in the parent Act.

The purpose of this short Bill—as a perusal of the measure will indicate—is to allow a person who has attained 18 years of age and who has otherwise met the requirements of the Act to obtain a license. In other words this Bill follows the trend to reduce the age of majority from 21 years of age to 18 years of age: in the case mentioned of course—as I have intimated—provided the person has the competence and character rendering him a proper person to hold such a license.

Section 5 (1) of the Age of Majority Act, 1972 is worth reading. As already stated the Land Agents Act does make reference to an age, namely 21 years. However the schedule to the Age of Majority Act, 1972 makes no reference to the Land Agents Act. Hence the need for this Bill.

As a fact at least one person who has attained 18 years of age but not 21 years of age has been granted a land agents license but an application is pending to have that license taken away, not because of any shortcoming on the part of the person concerned, other than the fact that he was not 21 years of age when he applied for or obtained the license.

This Bill will remove any doubts as to the state of the law touching on this question of age for holding a license. It will also allow the person who has been granted the license to retain it. There is no challenge as to his competence and character and having practised as a land agent for some time now he should not be denied the right to continue to earn a living as a land agent.

The application to cancel the license of the man in question has been adjourned to allow the Parliament to deal with this measure.

Clause 2 of the Bill is designed to meet various situations which could occur or exist and is self-explanatory.

This Bill is designed to lay emphasis where it should be, namely on character and competence, and whilst still giving relevance to an applicant's age, it will no longer be fundamental, except to the extent that an applicant must have attained 18 years of age before he can be granted a license.

I point out that the only reference to age in the Land Agents Act is in the schedule. Evidently this matter was overlooked when the Age of Majority Bill was drafted. For the benefit of members, I have here copies of several Acts, should any doubt arise.

Some members who study this Bill might consider it is a rather cumbersome way to overcome the situation which has arisen. However, it was necessary to present a Bill in this form in order that the person concerned may retain his license. The Bill met with no opposition in the other place and I trust it will have the same reception in this House.

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.11 p.m.]: I have had an opportunity to study the Bill and I see no point in prolonging the debate. It is true, as the Leader of the Opposition said, that the Bill proposes to provide the opportunity for persons between 18 and 21 years of age to apply for a land agent's license. However, it goes a little further than merely making it possible for those persons to apply. It also provides for retrospectivity of any such license which has been granted under the circumstances which gave rise to the introduction of the Bill.

The Leader of the Opposition mentioned that it may be regarded as a cumbersome method of providing for the amendment. That is the first observation one should make, because the only reference to age in the Land Agents Act is in the schedule. Therefore, in order to achieve the objective of extending eligibility to persons aged between 18 and 21 it would only have been necessary to change the word "twenty-one" in the Act. However, that would not have met the position of the person whom the Leader of the Opposition has in mind and for whose benefit the Bill has been presented, but of course the Bill will have application to all future cases in the event of its being passed.

The Government does not have any objection to the Bill and is prepared to accept it. It would be the view that a person of 18 who has now attained the age of responsibility is entitled to enjoy this right or privilege. Whether or not such a person would satisfy all the other requirements as to competence and so on is another matter, but that is not dealt with in the Bill.

The Law Reform Commission in the course of its examination of the Land Agents Act has made the observation that a period of experience should be required before a person becomes eligible for a land agent's license. However, that is not in the law at the present time, so in terms of age only, such a person can be considered eligible.

I want to make one further comment in regard to the second reading speech of the Leader of the Opposition. He referred to the fact that at the present time a case for the cancellation of a license held by a person of 18 years of age is under consideration. He said—

The application to cancel this man's license has been adjourned to allow the Parliament to deal with this measure.

That may be true but I query it. Perhaps he would have more correctly stated the position had he said consideration by the court had been adjourned pending the outcome of this Bill in the Parliament. The way it was put in the speech implies that the adjournment was granted by the

court to enable the Parliament to deal with the measure and presumably pass it. I do not think that was the intention. However, I see little point in continuing the discussion on it.

I am prepared to support the Bill and I cannot see that it will raise any problems. The only possible problem will be the number of applicants aged between 18 and 21 who will be able to satisfy the other requirements in order to qualify for a license.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [3.16 p.m.]: In relation to the last point raised by the Minister for Justice, I will show him privately what was said by Mr O'Neil in another place. It was actually Mr O'Neil who raised this point, not the member who introduced the Bill there.

I thank the Minister for Justice for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. R. Thompson (Leader of the Opposition), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.20 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Local Government Act. The amendments proposed in this measure originated from many sources, including the Department of Local Government, the Local Government Association, the Country Shire Councils' Association, the Perth City Council, the Fremantle City Council and the Acting Parliamentary Commissioner for Administrative Investigations. They have been examined in detail by the Department of Local Government and Cabinet, and are submitted as being desirable of implementation.

The Governor is empowered under sections 10 and 12 of the original Act to set the number of offices of member on councils, while section 20 authorises the Governor to make ancillary adjustments where necessary by directing which, if any, of the members of a district affected shall go out of office, but no such power exists if the amendment to the membership of a council is made under the provisions of section 10.

There have been some recent cases where the number of members representing wards of the council has been amended under section 10, and it was purely fortuitous that the affected members in each case were due to retire at the ensuing general election and no ancillary adjustments were necessary.

It is incongruous that two sections of the Act should allow the same alteration of membership of a council to be made, but the Governor is given power to declare which members should go out of office because of such an amendment only if it is made under the provisions of section 12 of the Act. In order to protect the continuity of service of councillors, it is often desirable that such a declaration should be made and this Bill ensures uniformity of action whether the provisions of either section 10 or 12 are utilised as already instanced.

Section 37 protects a councillor from disqualification under certain conditions. For instance, a councillor is not disqualified from membership if he receives expenses necessarily incurred for attending meetings of the council or a committee, or for being a delegate of the council at a municipal conference, or is paid the rental charges incurred for a telephone at his place of residence, when used for municipal affairs.

This Bill proposes the amendment of section 513 to permit reimbursement of a councillor who necessarily incurs loss of earnings in or in consequence of travelling to or attending a civil defence school when authorised by the council.

Although very few councillors may be affected, it is unfair that those who would sustain loss of earnings in attending civil defence schools or exercises with the authority of the council should be precluded from being reimbursed for the loss.

The Bill allows a council to pay similar amounts for loss of earnings to those already allowed to a councillor for attending meetings, etc.

In order that a councillor who receives these expenses is not disqualified from membership, necessary complementary amendment to section 37 is provided for.

Section 135 sets out the minimum fees payable by municipal councils to persons who officiate at local government elections. The Municipal Officers' Association has proposed that this section should be amended by deleting the scale of fees payable to various officers employed on elections and to provide, instead, that fees should be promulgated from time to time in the *Government Gazette*.

The proposal was referred to the Local Government Association and the Country Shire Councils' Association for comment, and both support the amendment on the understanding that proposals to alter fees

should be referred to those bodies before being acted upon. This accords with the policy of the Local Government Department to refer proposals of this nature to the associations concerned, before action is taken.

The Minister considers that it would be much more satisfactory to be able to vary fees for election duties without having to bring the Act to Parliament for amendment on such occasions and the Bill proposes that fees should be set by regulation as approved by Cabinet, rather than by notice in the *Government Gazette*.

At present section 174(4)(b) provides that a councillor with a direct or indirect pecuniary interest in a subject shall not take part in the consideration or discussion unless the persons present and entitled to vote at the meeting determine by an absolute majority on a motion that he may so speak.

This section, however, relates not only to council meetings, but also to meetings of council committees. The definition of "absolute majority" in section 6 where used in relation to the members of a council means a majority of the total number of the members for the time being, whether present and voting or not.

This definition, being restricted to the whole council, is not applicable to a committee desiring to pass a motion by "absolute majority", although I believe it was originally intended to apply to all meetings both of a council or a committee of a council. A consequential amendment to section 6 covers this situation.

Section 181 makes provision for a council to appoint persons, whether members of the council or not, as a management committee for a cemetery, hall, reading room, public library, museum, or community centre.

The Fremantle City Council desires to construct a new social centre for elderly citizens, and for this purpose a management committee could be formed under the heading of "community centre". The council, however, will be erecting a frail-aged accommodation centre in conjunction with, and along side of, the social centre and desires to appoint a management committee to manage the total complex. The council will be represented on this committee, which will also include several eminent professional people.

In order that its community centre and frail-aged accommodation centre may be proceeded with, the Fremantle City Council has sought an amendment to section 181 of the principal Act, to allow a council to appoint a management committee to manage aged persons' homes. The Country Shire Councils' Association has also sought an amendment to section 181 to enable a management committee to be appointed for a recreation ground.

At present, an advisory committee may be appointed, leaving the council in final control; but it is apparently considered desirable that a council, whilst retaining control of the ground and not leasing it to some organisation, should be able to place the management and control of the ground in a management committee. This would allow a council to abolish the committee were the council not satisfied with the handling of the ground, whereas under a lease a council could not readily take any action unless the actual terms of the lease were broken.

In country areas, it could be of decided advantage to a council to have the power to appoint a management committee for a place of public recreation, particularly in cases where that place is situated at a distance from the main administrative seat of the council.

In consequence of the two propositions which I have outlined, the Bill proposes an amendment of the principal Act, to allow a council to appoint a management committee for the management and control of aged persons' homes and of recreation grounds.

At present, section 190(5)(d) of the Act requires a council which intends to make a by-law to submit the by-law for confirmation by the Governor, cause notice of the intention to be published in a newspaper circulating in the district of the municipality, and to state in the notice that the full text of the proposed by-law may be inspected by members of the public free of charge at the office of the council.

Subsection (5)(e) of section 190 requires the council to keep a full text of the proposed by-law posted on the official notice board of the council for a period of 21 days commencing on the day of publication in the newspaper.

The Local Government Association has requested an amendment to section 190(5)(e) to render it unnecessary for the full text of the proposed by-law to be posted on the office notice board, and particularly where a notice board is not encased.

The Local Government Association has suggested that instead of keeping a full text of the proposed by-law posted, a notice only should be required to be posted on the board advising that the full text can be inspected at the office of the council during working hours, and the Bill so proposes.

Cabinet approved, in February, 1972, of all penalties under the Local Government Act being doubled. This request was made by the Local Government Association having regard to the considerable change in money value since the principal Act came into operation.

When Local Government Act Amendment Act, No. 81 of 1972, was drafted to comply with Cabinet's decision, several references to section 231(2)(q) were inadvertently omitted. This omission is now to be rectified to accord with those sections which were amended in 1972.

The Perth City Council has requested an amendment to section 234(2) to allow modified penalties by by-law control for offences involving unlawful parking of vehicles on parks and reserves.

This practice is particularly evident at night when organised river cruises depart from the Barrack Street jetty. Increasing use is being made of the grassed areas at the foot of Barrack Street for parking by motorists, following the closure of temporary car parks along the Swan River foreshore, west of Harper Square.

Section 234 empowers a council to adopt by-laws for prohibiting or regulating the admission of vehicles onto council property and the City of Perth's by-law No. 9 makes it an offence for vehicles to be so parked.

The procedure to prosecute motorists for a breach of the by-law is cumbersome. It sometimes takes three months to obtain a court hearing. The procedure would be greatly improved, and would provide a more adequate deterrent, if power were given to impose modified penalties similar to those already contained in section 231(2)(r) of the principal Act which deals with by-laws relating to established parking facilities.

The corresponding amendments now proposed will assist other councils in protecting parks and reserves under their care, control, and management.

The uniform swimming pool by-laws provide for certain safety measures and councils are required to enforce these.

When a private swimming pool is not regarded as a building, no license may be needed for its construction, and councils may not be aware that a pool has been constructed. Such a pool may possibly not comply with the by-laws, whereas had the council been aware of its existence, the provisions of the uniform swimming pool by-laws would have been enforced and a drowning possibly averted by the safety measures enforced.

The Local Government Association has requested an amendment to section 245A to provide power to make by-laws requiring the registration of all private swimming pools with the council concerned. An initial registration with a small fee is all that is now proposed, the main purpose being to inform the council of the existence of private pools, in order that they may be inspected for compliance with by-laws. An appropriate amendment in this Bill seeks to comply with the request of the association. It is also proposed to double

the penalty for noncompliance with the by-laws in accordance with other sections of the Act.

It has already been explained that in Local Government Act Amendment Act No. 81 of 1972, several references were inadvertently omitted when the penalties in the Local Government Act were doubled. It is now proposed to double the monetary penalty for an offence against section 254 (2) of the Act to bring it into line also with those sections already amended for this purpose. This is a similar amendment to section 281 (3) (c) and I shall not refer specifically to each case.

The Local Government Association has proposed an amendment to section 295 to provide that a person using a name other than that approved by the Minister for Lands in respect of a subdivision should be subject to a penalty for an offence against the Act. It was pointed out that some developers are using names in subdivisions without approval. The Under-Secretary for Lands has no objection to such amendment, and I invite members to consider paragraph (c) of subsection (3) of section 295, dealing with subdivisions of land which states that a person shall not—

- (i) assign a name to the area of the street unless the name is first approved by the Minister for Lands;
- (ii) alter or change a name that has been so assigned whether initially or from time to time to the area or the street unless the Minister for Lands first approves of the alteration or change of that name.

The Bill therefore seeks to make it an offence carrying a penalty not exceeding \$100 and in the case of a continuing offence, to a further penalty not exceeding \$10 for each day during which the offence continues, if a person acts in contravention of the provisions which I have enunciated.

Subsection (1) (b) was added by Act No. 105 of 1973 to section 374 to allow a council to delegate to the building surveyor and town planner power to approve or disapprove of building applications which complied in all respects with the council's building by-laws and pre-determined policy in the case of a building surveyor, and the council's pre-determined policy in relation to town or regional planning in the case of the town planner. It is apparent that in the drafting of that amendment the intention was not clearly expressed. We now seek to clarify the matter.

Section 470 (2) presently entitles a poundkeeper, or a person employed or engaged by him, to charge 15c per 1.5 kilometres travelled in delivering a cattle impounding notice, or where the notice is sent by post he may charge 15c per 1.5 kilometres or part thereof for delivering the notice to the place of posting. The Local Government Association has requested that the charges should be in-

creased to 20c per kilometre, as this is considered to be a more equitable charge under the present economic conditions, and the Bill proposes accordingly.

During 1973, section 51 3 (h) of the Act was amended to clarify that payment could be made to a member for loss of earnings and expenses necessarily incurred by him for attending a meeting of a council or a committee of a council, or as a delegate of a council at a meeting or a committee of a country or regional council. The word "and" was inadvertently deleted, with effect that it is not now clear that both the expenses and loss of earnings may be paid. The Bill seeks to rectify this position.

Section 442 of the Act requires that the provision of a swimming pool by a municipal council may be financed only from loan moneys unless the Minister approves otherwise, and this provision is well understood by most councils. Recently, however, some doubt was raised as to the application of the section, because section 530 (c) (iv) also refers to a council's power to establish, maintain, or subsidise swimming pools from its ordinary revenue.

Crown Law advice in the matter is to the effect that section 530 (c) (iv) does not invalidate the provisions of section 442 but concedes that the reconciliation of the two provisions is not without considerable doubt.

The Bill seeks to make it perfectly clear that the Minister's approval is needed for the provision of swimming pools by councils from other than loan funds.

Paragraph (h) of subsection (3) of section 533 was introduced into the Act in 1966, and provides for the unimproved value of land comprised in timber cutting permits to be calculated at \$1 an acre for rating purposes. The Country Shire Councils' Association has requested an amendment to increase the figure of \$1 an acre to \$2.50 an acre, and has also suggested that this amount should be reviewed every five years.

The proposal was referred to the Forests Department, which does not concur with the view that rates, wages, and price increases approach the 150 per cent suggested by the Country Shire Councils' Association. A figure of \$1.50 an acre is favoured and considered to be more realistically allied to the increases mentioned and one which would be more readily acceptable economically to the timber industry. The request that the valuations of timber cutting permits should be reviewed every five years also is not favoured, it being considered preferable that any such review should depend upon circumstances existing at any particular time.

The Bill accordingly seeks to provide for unimproved valuations of timber cutting permits to be calculated at \$1.50 an acre—94 000 square metres—which is the figure suggested by the Forests Department.

The Kalamunda Shire Council has requested an amendment to the Local Government Act to overcome a doubt which exists on the valuation of newly subdivided or rezoned lots, or both.

It has been the practice of the council to co-ordinate the valuations of newly subdivided or rezoned lots, or both, with the year of valuation of the balance of the district, rather than to have newly subdivided or rezoned lots valued on valuations which would be applicable in the year of subdivision or rezoning. The council's solicitors are of the opinion that supplementary or interim valuations should be at the levels on the dates of valuation, and not the level they would have been valued at in the year of the council's overall valuation.

This opinion would lead to valuations at various years' levels in a municipality; for example, a council's district could be re-valued in its entirety in, say, 1964, and the valuation be adopted for the 1964-65 rating year and succeeding rating years. In, say, 1971 a lot could have been rezoned to a higher purpose or subdivided, and under these circumstances the council would normally have requested the valuation at the 1964 level, thus having a common year of valuation for all properties in its district. The legal opinion, however, is that it is incorrect that the 1971 valuation should apply.

Crown Law advice is to the effect that a doubt exists, which can only be resolved by amending the principal Act to make it clear that when land has been rezoned or resubdivided, or there has been a change in boundaries, the value of that land should be re-assessed as though the alterations had occurred at the time of the making of the previous district valuation adopted by the council. Thus the Bill ensures that all valuations throughout a council district are as though they were made in the one year.

The Country Shire Councils' Association has requested an amendment to the Local Government Act to make it clear that properties which became ratable during a year, and after the rates for that year have been imposed may be rated for the unexpired portion of the year, and also for an amendment to be made to allow for proportionate refunds of rates paid on properties which become nonratable during a rating year.

The provisions of the Act dealing with rating amendments to rate books during a year are somewhat confusing, and it appears to be arguable that a ratepayer is liable for the full amount of the rate leviable for the complete year, no matter at what stage the land becomes ratable. This opinion is supported by Crown Law.

Prior to the receipt of Crown Law opinion, it was generally supposed that there was no power to impose rates for the remainder of a year when rating was carried

out on unimproved values and when the land had become ratable after the rate book was made up. It was supposed that it became ratable from the 1st July in the following year.

In order to remove the doubt which currently exists, the Bill seeks to clarify that land which is not ratable at the beginning of the year, but becomes ratable during the year, shall attract a proportionate rating for the portion of the year during which it is ratable, and that where land which is ratable at the beginning of the year, but becomes nonratable during the year, part of the rate paid thereon proportionate to the period of the year during which the land is not ratable shall be refunded by the council. Similar provisions are contained in the New South Wales Local Government Act.

At present, section 555 (b) of the Local Government Act allows a person, whether he has or has not been recorded in the rate book as the owner of ratable property, to appeal on the following grounds—

- (i) that ratable property which, or the owner of the ratable property who, should have been recorded in the rate book has not been so recorded; or
- (ii) that the value recorded in the rate book as that of ratable property, whether owned or not owned by him, is not the proper value at which it should have been so recorded.

In other words, the right of appeal to the Valuation Appeal Court is given to persons other than the owner of the property concerned.

There is, however, no obligation on either the appellant or the council to notify the owner of the land that an appeal has been lodged, and even if he should be so notified he has no right to appear before the court and/or submit evidence.

It seems completely unfair that an owner could have the valuation of his property altered to a very considerable degree without his knowledge and without any right to defend the action.

Section 559 (1) (b) states that a person who desires to appeal, and who is not a person on whom an assessment has been served, shall do so within 60 days of the publication in the *Government Gazette* of the memorandum striking the rate.

The appropriate amendment in the Bill seeks to ensure that the owner of property on which an appeal has been lodged by another person is notified of the appeal and given the right to defend the action.

Early this year a working party was formed consisting of officers of the Local Government, Public Works, and Treasury Departments, and the Metropolitan Water Supply, Sewerage and Drainage Board,

together with representatives of the Local Government and Country Shire Councils' Associations. Its function was to discuss whether any limitation should be placed on the deferment of pensioners' rates in the light of increased pensions, the tapered means test, and the probable abolition of the means test. The working party concluded that there is a need to amend the Local Government Act and the Pensioners (Rates Exemption) Act. The working party recommended that section 561 of the Local Government Act should be amended to ensure that only those pensioners eligible for full medical treatment concessions should have the right to claim deferment of rates.

The tapered pension has already brought many persons within the scope of section 561 of the Local Government Act, and these persons may, under certain circumstances, be receiving well over \$100 per week in combined income for a man and wife. Should the means test be completely abolished, all persons will receive a pension and under existing provisions in the Act all would be entitled to claim exemption from municipal rating. This Bill amends the principal Act to ensure that the deferment of municipal rates will be confined to the classes of pensioners presently referred to in section 561 of the Act, but only those who are eligible for free medical benefits under the national health scheme and that this amendment be effective from the 1st July, 1974, so that pensioners who were entitled to have their rates deferred prior to that date, and who lose the right of deferment by this amendment, will be entitled to continue deferment of rates accrued and deferred, but only prior to the 1st July, 1974.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

FISHERIES ACT AMENDMENT BILL

Receipt and First Reading

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

Sitting suspended from 3.45 to 4.06 p.m.

ROAD TRAFFIC BILL

Second Reading

Debate resumed from the 19th November.

THE HON. J. HEITMAN (Upper West) [4.06 p.m.]: I do not think it is necessary for me to say that I support the Bill. For many years I have cherished the thought of having a single and separate traffic authority. I have waited a long time for the introduction of a measure such as this; one which will repeal the Traffic Act, and tidy up the situation generally.

This Bill is something of which we can be proud. The many items it covers include the setting up of the new authority, its administration, the licensing of vehicles, the use of overseas vehicles while in Australia, drivers' licenses and the regulation of traffic, miscellaneous matters, offences and penalties, transitional provisions, and regulations.

While Mr Dans was speaking last night I mentioned that the Bill introduced by the Labor Party contained only two clauses. Mr Dans replied and said that I should read the Bill. Well, I have read it, and the first clause refers only to the short title. Therefore, the Bill really contained only one clause with three paragraphs. The Bill now before us is more or less complete, and I feel sure every member will be proud of the fact that an endeavour has been made to establish a separate traffic authority. Such an authority must be acceptable to all members if they are really dinkum.

I would mention that when speaking to a similar measure, two years ago, the Hon. D. K. Dans said he was keen about the setting up of a separate authority. Last night he seemed to be disappointed when he spoke about the police takeover of traffic.

The Hon. D. K. Dans: I said I had done certain things two years ago.

The Hon. J. HEITMAN: And the honourable member was sorry.

The Hon. D. K. Dans: No, I did not make that comment. I know what I said.

The Hon. J. HEITMAN: Perhaps the honourable member would like to hear what he said.

The Hon. D. K. Dans: I know what I said.

The Hon. J. HEITMAN: I have an idea that at the time the honourable member said he was keen to see a separate authority.

The Hon. D. K. Dans: Yes, but under the control of the Police Department. I said that I would not be opposed to a highway patrol. I think those were my words.

The Hon. J. HEITMAN: I do not think the honourable member even went that far.

The Hon. D. K. Dans: It will be recalled that I am flexible.

The Hon. J. HEITMAN: I think the honourable member is flexible, but when it comes to a Bill of this nature something goes wrong.

The Hon. D. K. Dans: I said I was flexible; I am not convertible. There is a difference.

The Hon. J. HEITMAN: When I spoke on this matter two years ago I put up a proposition which I thought the Liberal

Party would support. The proposal for an authority comprising nine members has been reduced to an authority of seven members. It will include the Commissioner of Main Roads, the Commissioner of Police, and the Director-General of Transport. The last-mentioned position was advertised throughout Australia, so I believe we obtained the best brains for that job. I do not think anyone has been disappointed with the job done by Mr Knox.

Three other persons will be appointed to the authority by the Governor from panels of names submitted by the Local Government Association of Western Australia, the Country Shire Councils' Association of W.A., and the Country Town Councils' Association.

I think it was claimed that the representatives of those associations would have no knowledge of traffic control. However, the job of the authority will be to find out what it does not already know, and what other people do not know, and if necessary buy the brains required to get the authority off the ground. The authority will have to ensure that its objects are carried out by the patrolmen who transfer from the Police Force.

The Hon. D. K. Dans: Does the member agree that the patrolmen will still be part of the Police Force, irrespective of who runs the authority?

The Hon. J. HEITMAN: I think I mentioned previously I was keen on patrolmen, or country shire council inspectors, undergoing the police training course. One would have to stretch his imagination to claim that a shire traffic inspector, who had undergone the police training course—and some of them have done it three times—could not be compared with a policeman.

The Hon. D. K. Dans: But on this occasion they will have to be sworn in as policemen.

The Hon. J. HEITMAN: The proposed situation will be exactly the same. The only difference is that the patrolmen will join the Police Force, attend the police school and take an examination, and have the same knowledge as do policemen.

The Hon. D. K. Dans: I do not argue with that point, but they will be sworn in as policemen.

The Hon. J. HEITMAN: Yes, and transferred to the authority and be referred to as patrolmen. They will come under the jurisdiction of the authority once they transfer.

The Hon. D. K. Dans: But under the discipline of the Commissioner of Police.

The Hon. J. HEITMAN: I do not think so. I think the position has been plainly stated.

The Hon. D. K. Dans: It will be necessary to amend the Police Act.

The Hon. J. HEITMAN: I do not think so. Once they transfer they will come under the jurisdiction of the proposed authority.

The Hon. R. F. Claughton: But the discipline will be the same.

The Hon. J. HEITMAN: They will come under the control of the new authority which is to be set up to do a first-class job.

The Hon. D. K. Dans: But will those who transfer to the authority be policemen or patrolmen?

The Hon. J. HEITMAN: They will be patrolmen.

The Hon. R. F. Claughton: Who will employ them?

The Hon. J. HEITMAN: The authority.

The Hon. R. F. Claughton: It does not say that in the Bill.

The Hon. J. HEITMAN: When one examines the Bill introduced by the Labor Party—

The Hon. D. K. Dans: We are now looking at this Bill.

The Hon. S. J. Dellar: That has been got rid of; we are now talking to the Bill before us.

The Hon. J. HEITMAN: Many things were referred to in the Minister's second reading speech.

The Hon. R. F. Claughton: Tell us who employs him?

The Hon. J. HEITMAN: If the Opposition feels that with this measure traffic will be under the jurisdiction of the police, is not that what it wants? Opposition members will be able to vote for this.

The Hon. D. K. Dans: I said I would support it under police control.

The Hon. J. HEITMAN: I tell members now that the authority will have complete control of these officers who will police traffic.

The Hon. D. K. Dans: What it really means is the authority will have control of those police engaged in traffic duties.

The Hon. J. HEITMAN: If Mr Dans feels that way, he should have no compunction in voting for this Bill. Every Opposition member who has spoken in the debate has said, "I know it is a police takeover, but I will not vote for it".

The Hon. D. K. Dans: I will vote for it if the commissioner is in charge.

The Hon. J. HEITMAN: The last time this matter was discussed in this House, the Tonkin Government introduced a Bill with two clauses. What did that Government do with it?

The Hon. R. Thompson: What did you do with it!

The Hon. J. HEITMAN: The Opposition member who just laughed loudly said earlier that once the Labor Party gets back into power it will hand traffic control to the police.

The Hon. R. Thompson: That is right.

The Hon. J. HEITMAN: Evidently Opposition members have doubts that the police will not be in control under the provisions of this legislation. However, if the Labor Party is returned to office, its members might find they are in the same position as they are now.

The Hon. S. J. Dellar: I guarantee that we will be in the same position.

The Hon. D. K. Dans: With police in charge of the authority it will be—

The PRESIDENT: Order!

The Hon. J. HEITMAN: I might mention that in South Africa they have—

The Hon. S. J. Dellar: Ostriches!

The Hon. J. HEITMAN: —one authority to police traffic and one to police crime. This system works very well over there, and anyone who has inquired into it will agree with me. The South African Government is quite pleased with the authority that looks after traffic, and it is more than pleased with the authority that looks after crime. The Government finds it has better results from both angles.

The Hon. R. Thompson: It does not work too well in New Zealand.

The Hon. J. HEITMAN: I hope that when this new system operates here we will be very happy with it. After it has been operating for two years or so Opposition members will be quite happy about it. Sometimes the Opposition is quite angry when certain Bills are introduced here, but when it sees how the legislation operates, it has nothing more to say.

The Hon. R. F. Cloughton: You have rose coloured glasses.

The Hon. J. HEITMAN: Mr Dans posed the question yesterday: What will happen to a patrolman who becomes too old for traffic duties if the commissioner did not want him back in the Police Force? During the discussion on the legislation introduced by the Labor Government two years ago—

The Hon. R. F. Cloughton: You would have been two years ahead.

The Hon. J. HEITMAN: —when the same question was asked of the then Leader of the House (Mr Dolan), he replied that the police would take these men into another department, possibly the CIB. In my opinion the men of the CIB are the brains of the Police Force and they must be specially trained for that department. It would be fairly difficult to retire from work as a patrolman to join the CIB. It can be seen that we all have different ideas.

The Hon. D. K. Dans: Do you know how many of them do join the CIB?

The Hon. J. HEITMAN: Many jobs can be undertaken by men trained for traffic work. They could become vehicle examiners or something of that kind. When we really consider these matters we obtain a different view of them. We are all here to try to reduce the road toll.

The Hon. D. K. Dans: That is exactly what you promised in your policy speech.

The Hon. J. HEITMAN: This measure is as near as we can get to our promise.

The Hon. R. F. Cloughton: You are right there!

The Hon. J. HEITMAN: As I said, we all wish to cut down the number of accidents. Let us not condemn everything in the measure. I am sure in a few years time Opposition members will say, "We are sorry we opposed this legislation as it is the best thing that could have happened."

The Hon. D. K. Dans: I only condemn the administration of the authority.

The Hon. R. Thompson: We wanted the one control two years ago, and you voted against it.

The Hon. J. HEITMAN: When I look at the remarks made by the Opposition members in previous debates it is clear that they do change their minds. I am pleased to see this because as members of this House we must be flexible.

The Hon. D. K. Dans: They might be convertible.

The Hon. J. HEITMAN: Let us come to the licensing of vehicles. We are given to understand that officers in different districts can use their discretion about the actual place for licensing vehicles. In some districts the cheapest method of licensing vehicles may be to use the facilities of the shire offices. However if such an office is not available, the police station may be used. It is my opinion that all licensing in country areas should be carried out at the local council office. People in these offices are trained for this job, and they are the ones who should do it when this new legislation is implemented.

I remember it was a shock to me when I found that the council in Morawa wished to hand over traffic control to the police. I spoke to the sergeant and asked him what would happen in regard to the licensing of vehicles. He told me that the girl from the shire office was the only one who understood licensing procedures and he would get her to do it. That is fair enough, but why transfer such a person from a shire office? Local people are now in the habit of licensing their vehicles at the shire office. If a vehicle inspection is necessary, they can take their vehicle to the mechanic for a certificate.

We will probably find that many of the details are not actually set out in the Bill. We will have to sort out matters of this

kind as we go along. Surely we are big enough to give it a go and let the Police Force look after crime.

I have spoken to many policemen in country areas. When I have asked them how much paper work they do in a country office I am invariably told that paper work occupies seven or eight hours work per day. We would need to appoint many more policemen if the control of traffic were handed over to the police. It is better for trained men to spend their time on traffic control. I know that the two policemen at Morawa will help with traffic problems, parking, and so on, for any special occasion. They are not obliged to do this, but the men in country areas always work together. I cannot see anything that will stop such co-operation in the future. If these officers are all trained in the same school, surely there will be no problems when some officers are looking after traffic and others are looking after crime.

The Hon. D. K. Dans: There won't be any problem at all—they will both be in the same force.

The Hon. J. HEITMAN: They will not be in the same force. When the authority wants trained brains, it will be able to obtain them.

The Hon. D. K. Dans: They will both be sworn in as policemen.

The Hon. J. HEITMAN: This is another flexible provision. No Opposition member would concede that this is a flexible Bill. However, if necessary the authority can buy the brains it needs. If the police are controlling traffic, there is no chance to buy the brains.

The Hon. D. K. Dans: I wish the Secretary of the Police Union were here now because he is under a complete misapprehension about this after his discussions with the Minister.

The Hon. J. HEITMAN: I was talking to Mr Fraser yesterday, and I found him to be a very understanding sort of man.

The Hon. D. K. Dans: I agree with you, he is.

The Hon. J. HEITMAN: When we discussed this matter he was quite agreeable with the provisions.

The Hon. S. J. Dellar: The measure is so flexible it will be operating before it is passed by Parliament!

Hon. J. HEITMAN: Other people who are against this measure have not looked far enough ahead. I would like to refer to some comments made by Mr Dellar, as he was kind enough to read some comments made by me 12 years ago.

The Hon. S. J. Dellar: I did not read that yesterday.

The Hon. J. HEITMAN: When he was speaking to the Traffic Act Amendment Bill (No. 2), on the 23rd August, 1972, at page 2786 of *Hansard* he had this to say—

I know this to be so because I had to learn the hard way. I was given a copy of the receipt book and a copy of the existing regulations and was told to get on with the job.

The Hon. S. J. Dellar: And I made a good job of it.

The Hon. J. HEITMAN: There is no doubt about it; Mr Dellar is a self-made man. However, when I asked him did he become efficient at his job he said that he did.

The Hon. S. J. Dellar: Naturally.

The Hon. J. HEITMAN: The Hon. R. F. Cloughton chipped in and said, "And that was said with all modesty!" I could agree with him.

I feel I need say no more about the Bill. I support it, and I hope I have been able to point out its flexibility to members opposite. If they believe it represents a police takeover, they can vote for it without the slightest hesitation. If they do not think this is so, surely they are men enough to admit they have been wrong all this time.

The Hon. D. K. Dans: We are back to patrolmen—the mystery deepens.

THE HON. T. O. PERRY (Lower Central) [4.26 p.m.]: I cannot raise any enthusiasm about this Bill. I have always supported and believed in the concept of uniform country traffic control divorced or separate from metropolitan traffic control. I do not believe we should interfere with police control in the city. I have often watched the way the police handle traffic and pedestrians at such functions as Anzac Day parades, Royal visits, football finals, and race and trotting meetings. I feel on such occasions the one authority should have complete control of traffic and people. I would not want to interfere with the present method of control. However, I still argue that country traffic poses a very different problem. The people who have an understanding of this problem are better equipped to administer traffic in their own areas.

Unfortunately, many local authorities have already surrendered control of traffic to the police, and the whole matter of control is so fragmented that perhaps—and I must use this word with a question mark—this scheme will work.

THE HON. H. W. GAYFER (Central) [4.28 p.m.]: I will preface my remarks to this Bill with a little of the history of the Traffic Act as I know it.

On the 10th September, 1918, a Bill was introduced into this Parliament to combine certain aspects of traffic control and traffic licensing. This was the third

attempt to implement such a scheme, and finally, because of the arguments on the point that both licensing and traffic control were to be brought under the jurisdiction of one body in Western Australia, the Bill was allowed to lapse. In fact, it "walked off" the notice paper on the 6th December of that year.

On the 26th August, 1919, a Bill was introduced by the Hon. W. G. George—a Minister of the Mitchell Government—to endeavour to bring some order into the matter of licensing and traffic control. That Bill provided for the licensing of vehicles and traffic control to be administered by the local authorities. However, it gave the Commissioner of Police the power to issue drivers' licenses and to take over certain distinct responsibilities as far as city traffic was concerned. So, this move for a central controlling authority has gone on for many years.

Several times over the years, this question has been nibbled and niggled at in an endeavour to have the control of traffic and licensing placed under one authority. In recent years, this approach has gained momentum and it is well known to many of us who have been well steeped in the question of traffic control that the newspapers and various other organisations such as the National Safety Council, the Royal Automobile Club, citizens' safety councils and other instrumentalities have urged a single body controlling traffic and licensing throughout the State.

In fact, a departmental inquiry into the control of traffic generally throughout Western Australia was ordered in 1966. I will not go into the findings of that report; it is available in the library for members to peruse. The members of that committee of inquiry came down with a majority report favouring the centralised control of traffic and licensing. A minority report was submitted by the Secretary of the Country Shire Councils' Association and one other gentleman; that report also is available in the library.

A short time ago, the control of licensing was taken away from local governing authorities. In my opinion, that was the removal of the first plank of the autonomy of local government. Now, of course, we are debating a Bill which proposes to place the control of traffic in this State under one authority. The Minister has been at great pains to explain the functions of this authority, to tell us that it will have complete control of its own organisation, that it will in fact be the answer to the problem and will satisfy the various people interested in this issue.

I am concerned that the legislation will not achieve the objectives it was designed to achieve. I believe that the original concept which the Western Australian Country Shire Councils' Association proposed back in 1959 is the only answer to the problem

of the control of traffic in Western Australia. In 1956, the country shires of Western Australia established a body known as the Country Traffic Authority. I was elected to that authority in 1959; in other words, it had been in existence for only three years before I became one of its directors. It was our wish to place the control of country traffic under one authority which, eventually, may have enticed the police in the city to follow suit or even to join the organisation and form a single traffic authority. Our proposals were put forward to the Government of the day but were rejected.

We fought for many years on this issue. I left the scene in 1961 when I was elected to Parliament; however, I did not lose my interest in the ideals and ideas of that organisation. When I entered Parliament in 1962, I was elected as a director of the National Safety Council, an organisation with which I had spent some little time in the preceding years. I served as a director of that organisation for nine years and, in that time, I listened to all the reasons advanced in support of a police takeover of licensing and traffic in Western Australia; I read reports and statistics relating to this matter but for the life of me I could not see the justification for such a proposal.

In spite of all the statistics and figures which have been put forward, I still do not accept that justification exists for this argument. As members know, there are three forms of lies; I have always believed that the third part of that well-known saying; namely, statistics, is responsible for the greatest lies. I believe these statistics have been conjured up to suit the arguments of people; they have used them only in a certain direction. But the hard, cold fact is that wherever police have control of traffic, no great reduction in the carnage on the roads is experienced; in fact, by way of interjection last night, I said that on the 7th October—Labour Day in New South Wales—all New South Wales policemen were recalled to duty because the carnage on the roads had reached such alarming proportions.

The newspapers, radio, and the public generally were positively going mad about the situation. Up to that time, 998 people had been killed on the roads in New South Wales and something had to be done. Consequently, all leave was cancelled and the policemen were recalled to duty. When I returned to Western Australia, I noted a Press statement put out by the Minister indicating that he was happy with the situation. He claimed he was achieving his objective of reducing deaths on the road and, in fact, the actual death rate was decreasing. I compliment the Minister on that achievement but remind him that this was achieved by a combined country authority traffic control and metropolitan police control. These are the facts to be

considered whenever we hear people claiming that this legislation will have the effect of reducing the number of deaths on the road.

The Bill in itself could have been a magnificent achievement. I suppose the blame for this not being the case goes back to 1959-1960 when the idea to establish a country traffic control was thwarted by the Government of the day, of which I subsequently became a supporter. Had that Government possessed the wisdom to implement such an authority at that time and to put under the wings of that authority all the ideas envisaged by the country shires, I am sure it would have been only a matter of time before authorities in the metropolitan area would have rushed to join it. Eventually, it would have taken over the control of traffic throughout the State.

This Bill tries to accomplish too much too quickly. Our idea was to phase in something that was possible, under our existing setup in the country areas, but which eventually could also operate in the metropolitan area and become a separate, complete body established only for the purpose of controlling traffic.

However, here we have a Bill which has been emasculated even though it was introduced with good intentions and a lot of drive and enthusiasm on the part of the Minister following talks with many bodies and organisations. As the Leader of the Opposition said last night, the Bill tries to placate the various people concerned; he mentioned the shire councils; however, I say it tries to placate all people concerned.

In my opinion, a little bitterness has crept into this matter, not so much on the part of the shire councils which I believe consider the legislation to be a *fait accompli*, but on the part of the Police Force and the Police Union. I say this because I am fearful that they know not what they do.

If we all have the idea of establishing an authority which will achieve the very objectives we have been debating; namely, the reduction of road deaths, as Mr Williams said last night we must consider the establishment of a body in an atmosphere completely divorced from criticism and contention; we should go about setting up an authority which will achieve our long-term objectives.

I believe the police have been helped by their union to bring pressure to bear. As a result, this Bill has been greatly changed and, probably, some of the teeth of the legislation have been removed. Now, it is possibly no more than just another branch of the Police Force, as in fact the Opposition claimed last night. I am sorry to see that this has happened because what could have been a magnificent idea, supporting the ideals advanced by the country

shires over the last 15 years, has been rejected for a proposal advanced 65 years ago; namely, direct police control.

Certainly, the authority will be governed by a statutory board. However, I am afraid—I must speak my mind on this issue because it is very close to my heart—that statutory authority will lack teeth. It will not have the power to direct the patrolmen—call them what you will—to wherever it wants them to go. If the authority wishes to send a patrolman to Port Hedland and the patrolman informs the authority that he does not want to go, I do not believe it will have the power to say that he must go or he will be fired because of his refusal; such a decision rests with the Commissioner of Police. That is only a small anomaly to which one could point when discussing this legislation.

One must look at the entire legislation and realise that we are trying to bring into being something that will grip the imagination of the public so that people will know we are endeavouring to do something to improve the control of traffic in Western Australia.

We were possibly heading in the right direction when the body was to be called the highway patrol. Members have said, "What is in a name?" There is a lot in a name. The question of uniforms has been raised. What is in the colour of a uniform? There is a lot in the colour of a uniform. Members have asked, "What is in the colour of a car, and what is to be the setup of the force? Why establish such an authority? Why not just have a branch of the Police Force controlling traffic?" By compromise, that is what has taken place; I feel sure that, in the first instance, the union forced the compromise. That is possibly why the term "highway patrol" was dropped and the proposed body became the "traffic patrol". However, there is nothing imaginative about such a title; it is just another department of the Police Force.

I believe the same sort of feeling disappeared when the question of different coloured uniforms disappeared from the scene. Let us face it: There has been a marked degree of silence on this issue. If the support of the public for the appointment of such a force were to be forthcoming, we would need to set up in Western Australia an elite body which would not only carry out its duties but also excite the imagination of the citizens of Western Australia.

This would have been possible. It is not only under our style of thinking that this may have possibilities. The largest age group with which the traffic police have to deal is the group between 18 and 25 years, which seems to be the group that has all sorts of ideas in these days.

Although it may sound infantile, there is no doubt that the Broderick Crawford and the highway patrol style of life definitely does something to the imagination of the younger people in our community. I think in this respect we have somewhat stuck our heads in the sand. As a Government we have not used our imagination in trying to create a body which could be looked up to, respected, and advanced as an elite force—as has been the case with other elite forces which have been set up from time to time in the armed services.

This is to be a separate authority. For this very reason I believe that what we wanted in the early days in 1959—these things have not been forgotten—is not forthcoming, and we are now reaping the consequences of that decision.

I often wonder whether the decision went against us at that time merely because it was something the Country Shire Councils' Association had put forward. The natural thing to do seemed to be to criticise what came from another source, rather than what might come from Governments. Nevertheless, I believe the country shires were definitely on the right track.

Even now the Government expects the authority to be part of the Police Force. That is all there is to it. In his second reading speech the Minister said—

The Government does not wish the authority simply to be an amalgamation of the existing law enforcement and licensing functions. Instead, it intends to create an effective, forward-looking body, the existence of which shall be of marked benefit to the State.

So be it. The very title of the Bill and the form in which it has been presented to Parliament will do nothing to accomplish what the Minister desires.

I am aware that the Minister in charge of the Traffic Act is a young man. I feel that to a degree he might agree with what I am saying, because he is a person with bright ideas and he is full of enthusiasm. I am sure he can also see the advantages of setting up a highway patrol—with a separate identity—by appointing patrolmen; and by combining the police traffic officers and the country traffic inspectors so as to get over the differences, thus welding them into a solid body to patrol our roads and to save lives. I am afraid to admit this, but I believe he was not allowed to put forward the ideas in which he believed so strongly.

Being a Minister of the Crown he has had to compromise; but in my opinion he has had to compromise too much with the police, and not with the country shires. I believe this to be true, because a number of shires in the country have said to me, "We have got this. We do not like it. We

might as well have control of traffic by the police, and give it away." That has been said in the country. In other words, the Government has won the day. The police have also won; and the newspapers have won because what they have advocated for years is to come into being. Why should we argue any longer, and why should we not just give the whole thing away?

There is more to this than the mere giving away of traffic control; it is the giving away of something of which Western Australia should be proud. This is a body which is so close to coming into being that we can almost have what we wanted initially. In fact, New South Wales is to set up a highway patrol; it is as simple as that; and this highway patrol will be based on the USA system. So, what is wrong with having a highway patrol in Western Australia?

The Hon. D. K. Dans: In New South Wales it is under the control of the police.

The Hon. H. W. GAYFER: At least the name is the highway patrol. A report in this respect appeared in *The West Australian* of the 27th October last. We know that such a scheme has been envisaged in Queensland for some time. As a matter of fact, it was five or six years ago that the Queensland Police Force was thinking about giving back vehicle licensing and traffic control to the various authorities which exercised control formerly, because they believed it would be just as effective under the control of those authorities as it was under the police.

We have reached the stage where we have before us a Bill that is designed to create a single traffic authority. It is a Bill which lacks the teeth to accomplish what was intended. In my opinion I am fast coming to believe it is quite an unnecessary Bill, because traffic control might just as well be taken over by the police. At this stage it is not too late to improve the Bill, so as to get back to some sort of sound footing.

This is a Bill designed as a means to an end. I am convinced even at this stage that the best thing is to scrap it and start all over again at square 1. If that cannot be done we might as well give away traffic control, and gradually allow the shires to be relieved of the control they exercise at the present time.

If one looks at the cost of setting up this body, one will find that the money could be better spent if it were allocated to the shire councils for traffic control purposes. This money, together with money derived from licenses, would be adequate.

It might be argued that traffic control in country areas should be administered under the Local Government Act; and the Minister for Local Government should administer such traffic control. Many facets could be looked at, but no-one will

ever convince me that we have the answer to the problem, and that this is not merely a means to an end, to bring about police control of traffic.

The measure is unacceptable to me. If it were legislation titled the Highway Patrol Act, and if it were spelt out in the Bill that certain things were to be done to make this a complete and statutory body, possibly we could look at the measure to determine whether it would accomplish anything by the establishment of an independent authority.

On the other hand, I cannot vote against the Bill, because by doing that I would be supporting the Opposition which is hellbent on the introduction of police control of traffic. So, on the one hand we have a measure that can be improved: though I doubt whether under unionism and the strictures that are being applied it will be allowed to be improved. On the other hand we could vote against the second reading of the Bill, so that it could be examined and its provisions rewritten. That would enable the country shires to look at it again. I know that I have the power to vote with the Opposition to try to defeat the Bill, and to introduce police control of traffic. However, it looks as though "my feet were made for walking"!

Many years ago I learnt this lesson the hard way. To be exact, 12 years ago I walked out of the House during the debate on a Bill I did not like. I made the mistake of walking out without saying my piece. I realised from the publicity I obtained in doing so, that it was the coward's way out.

In this instance I believe I have no alternative. I am so strongly of the opinion there should be a completely separate authority, as was envisaged, that I cannot vote for the Bill. On the other hand, I believe that I cannot vote with the Opposition, because the Opposition wants the very thing to which I will never agree; that is, the police takeover of traffic control.

There is therefore only one course open to me, and I intend to adopt it when a division is called on the second reading. I apologise to the House for the action I will take, but that is what I intend to do.

THE HON. V. J. FERRY (South-West)
[4.57 p.m.]: This Bill provides a means for many things to be done, and one feature which I believe meets with universal approval is that it will consolidate the laws relating to traffic control. That, in itself, is a very desirable factor.

The very fact that the Traffic Act, 1919-1974, is to be repealed and reprinted with amendments must be welcomed by all who, from time to time, have to refer to the law dealing with traffic matters. Further than that, the consolidation of all matters relating to the administration of traffic,

with the exception of highway engineering and in some instances parking facilities, is a logical and a highly desirable arrangement.

Traffic matters affect most, if not all, people in the community; therefore the Bill is of particular moment to each and every one of us. Traffic matters are far too important, indeed far too vital, to become fragmented.

To that extent the provisions contained in the Bill meet with my approval. The measure is a consolidation of matters relating to traffic. Undoubtedly one of the most talked of provisions in the Bill is that dealing with the establishment of what is known as a single traffic authority. I believe it is in the best interests of the public that, in fact, there should be a single traffic authority.

Having said that, I would like to pay a tribute to the law enforcement officers who have served the community of this State for a long period up to the present. Indeed, my thanks extend to the police traffic officers, and country traffic inspectors who have been and still are employed by local authorities. In my view all these men have done a great service to the State. We recognise that because of the special circumstances that exist in some areas there are weaknesses in the system. No system is infallible.

Notwithstanding that, it is my belief the majority of officers have, in fact, given a great service to the State; in the main they have been most conscientious in all they have done.

Accordingly I would like this legislation, together with the single traffic authority it seeks to establish, to go forward with an air of confidence backed by a community that is willing to see the new system succeed; because after all we are only trying to help ourselves—the people—and we want the people to help us in this manner. That is why we propose that all traffic patrolmen should be brought under the one administration.

In referring to local authorities, I would point out I am very much aware that a great number of local authorities throughout the State have done a tremendous and highly-skilled job in handling the traffic problems within their jurisdiction. There are, perhaps, some areas where weaknesses have been evident in this regard, but by and large the local authorities have taken their responsibilities very seriously indeed, and traffic matters have always received high priority in their administration.

I would like to think the local authorities throughout the State have given great and detailed attention to this matter. I might say that I am personally a little disappointed that more local authorities have not shouldered their responsibility in traffic matters; or, should I say perhaps they have not been more united in their endeavours to retain control of traffic.

I do not say this in any derogatory sense but to express my personal disappointment in the matter. I do stress, however, that in travelling throughout the country districts—as I do fairly frequently—I have been convinced and have become increasingly aware of the fact that people want to have a say in their own destiny at the local level. This is perhaps more so today than has been the case in years past.

It seems to me that in their respective communities local authorities can and will continue to play this very important role of having a say in their own community, while at the same time remaining part of the Western Australian community. It is all part of decentralisation, if one wishes to use that term. I must say I do not favour it personally, because it conjures up all sorts of ideas and connotations which are not always helpful. But there is little doubt that the people in local authority areas with their specialised knowledge of local conditions can contribute in a very real way to traffic matters throughout the State.

For this reason I am a little disappointed that it has come to pass that as a result of changing circumstances it has been necessary to bring in a system whereby the local authorities may not, perhaps, play the part they are capable of playing. I am sure many local authorities are most capable of playing such a part. Nevertheless, under the provisions of the legislation before us there is an opportunity for local authorities to have a very large say in the running of the new authority. This is brought about, of course, by the fact that the local authorities will have three members representing their interests on the authority of seven which is to be constituted under this legislation.

Therefore I believe that local authorities are now charged under this measure with the responsibility of exercising their goodwill, their knowledge, and their knowhow in so far as it affects the new authority.

Even though provision is made for traffic patrolmen to be sworn in as policemen I am sure this will not detract from the fact that local authorities will be able to play their part by ensuring that the representatives they nominate to the authority will be the best and most experienced men in their respective fields. I think this has particular application in a State like Western Australia.

We do not have to be reminded of this fact, because we are all aware that the authority will have a huge area to administer. It has been my experience—not only while I have been a representative in this place, but also in my private life, while dealing with many firms; firms which have representatives spread throughout a large area of Western Australia—that not all the wisdom lies in the capital city. There is much wisdom, help, and sound advice to be gained from men in the field, whether they

be at Wyndham, Port Hedland, Kalgoorlie, or anywhere else in Western Australia. There are local conditions which have to be considered of which the man in the capital city may not be aware.

Therefore, I believe, in selecting representatives from the various local authorities to play their part in the authority to be established under this Bill, an opportunity is provided to enable them to bring to the authority their expertise, common sense, and knowhow. I am certain that with such goodwill the authority to be established will emerge as the most successful and effective traffic authority the State has known.

There is one particular point which has not been spelt out in the Bill; but it is my understanding that the Government has given an undertaking that no traffic inspector will be disadvantaged by the implementation of the new system.

I think this is most important, because there are a number of traffic inspectors in country districts—and I am sure we all know a number of them personally—who have established their homes in these particular areas, where they have done an excellent job over the years in controlling traffic. It would be a pity, therefore, if the services of these men were not availed of, particularly when one considers the special knowledge they must have; and I say this even though some of them may be getting on in years.

I trust the Government will honour its undertaking, as I am sure it will; because I have been in company personally with the Minister and he has given an assurance on behalf of the Government that these particular men will be cared for in the best possible way.

I am fully conscious of the problem that in not every case the re-employment, or deployment of these men might be the ideal solution; but nevertheless, if there is human understanding in these matters it will be a relatively short time before the problem is resolved.

In order to make the new system work there must be a great deal of goodwill evidenced on all sides; there must be a will to make the new system work; and in this context I might say I was a little concerned last night to hear being used such expressions as “a second-class body,” or words to that effect.

The Hon. R. Thompson: That is what it will be.

The Hon. V. J. FERRY: This has been confirmed by way of interjection.

The Hon. R. Thompson: It will be a second-class police force.

The Hon. V. J. FERRY: It is a sad thing when we have the Leader of the Opposition, or any other member for that matter, referring to the authority in this manner.

The Hon. R. Thompson: You are creating it.

The Hon. V. J. FERRY: I did not use the expression "second-class body"; it was the honourable member who used it, and I am merely challenging him on it, because I believe it is to the credit of neither the Leader of the Opposition nor any other member of Parliament to decry a body that is to be set up for the protection of the people. The authority in question can only work in the best interests of the people if we are prepared to back it and make it work. That is the main thing. Let us forget our politics in this respect and help make the body work.

The Hon. R. Thompson: What a joke! Why didn't you forget your politics two years ago? Do not be such a hypocrite.

The Hon. V. J. FERRY: I am not a hypocrite, because I have never used that expression. So I say to the honourable member we need confidence in this authority, and with that confidence will grow the respect of this body about which Mr Gayfer spoke.

Mr Williams referred to respect for the Police Force. I am sure that we as Western Australians are very proud of our Police Force. In my view it has a record that is second to none in Australia.

The Hon. S. J. Dellar: How can there be respect when your Minister has already taken action before the Bill has left this Chamber?

The Hon. V. J. FERRY: That interjection is not worth an answer.

The Hon. S. J. Dellar: Of course it is not, because it does not suit you.

The Hon. R. Thompson: You have displayed a hypocritical attitude towards traffic in Western Australia, and you have done so for two years.

The Hon. V. J. FERRY: Members are entitled to their opinion, but I do not believe their remarks are accurate, and if they persist in this vein they certainly will not be helping the public in Western Australia.

As I was saying, it is my view that the Western Australian Police Force is comprised of a fine body of men, and I would like to keep it that way.

Mr Williams was quite correct last night when he said that in creating this authority we will ensure that the police will be discharging their primary function of crime prevention and crime detection and that they will earn the respect of the community for the role they will play.

I believe we should throw our weight behind this new traffic authority to ensure that the police will carry out its proper function: because we know that in the present time it is necessary for the police to do road work which tends to upset its proper function.

The Hon. S. J. Dellar: Do you agree with Mr Williams that not one youth in Western Australia has respect for the Police Force.

The Hon. V. J. FERRY: I do not think he said that.

The Hon. S. J. Dellar: I will read it again in *Hansard*.

The Hon. V. J. FERRY: That is the honourable member's privilege. Anyone can read *Hansard*, because it is a public document.

Reference was made to the colour of the uniforms to be worn by patrolmen. I am not concerned with that aspect, so much, as I am with the role these patrolmen will play and the system that will be established. Here again I do not think it does any member credit to use the question of uniforms in a derogatory sense, because these men have a public service, a responsibility, and a duty to perform, and it is our responsibility as members to give them all the support we can, instead of trying to ridicule them by mentioning in a derogatory fashion the colour of the uniform they are likely to wear.

The Hon. S. J. Dellar: I think they should wear white for safety at night.

The Hon. V. J. FERRY: That may be so; but I will not be choosing the colour of the uniform. I do believe the patrolmen should have a uniform, or at least some distinguishing uniform which will set them apart as patrolmen as distinct from policemen. I think this should be so for the reasons touched on by Mr Williams last night; that it will enable them to carry out their duties as patrolmen and be recognised as such at a glance by the general public. I see nothing wrong in patrolmen being recognised by a distinctive uniform.

The Hon. D. K. Dans: Would you agree with a checkered hatband for patrolmen?

The Hon. V. J. FERRY: I would not know, except I understand that in South Australia checkered hatbands are worn by policemen. I believe the uniform should be more distinctive, but that of course will be for the authority to determine. We are creating an authority to carry out certain functions and I imagine one of its duties will be to determine the type of uniform to be worn.

There are a number of provisions in the Bill, and because of this I do not propose to speak at great length. It would probably be more appropriate to discuss the other matters I wish to raise during the Committee stage. At this moment, however, I would like to again confirm and stress that the Bill has my support.

I believe the local authorities must recognise their responsibility to support the authority, and I request and urge all Western Australians, no matter who they be, to recognise that the authority will be established for their own good and to give it their support at all times.

I support the Bill.

THE HON. N. E. BAXTER (Central—Minister for Health) [5.16 p.m.]: I thank members of the Opposition for their support of the Bill, and I also thank members of the Government parties for their contributions.

A great number of questions were raised during the second reading debate. For a start, Mr Dans said the Opposition did not quarrel with the principle of the Bill, but the reason he could not go along with it was that it set up a traffic control authority of seven members which could lead to a conflict of interests. I do not know where he visualised the conflicting interests would lie amongst the seven members of the authority. The authority will comprise the head of the department—

The Hon. D. K. Dans: Who is a policeman.

The Hon. N. E. BAXTER: No, he is not. Other members of the authority will be the Commissioner of Police, the head of the Transport Commission, and three representatives of local authorities. I do not know where there will be a clash of interests. Those people will be anxious to ensure that traffic control in this State is carried out in the most efficient possible manner, and I do not think any one of them would demean himself by getting into conflict with his fellow members, which would be against the best interests of traffic control in Western Australia. They are people who are keenly interested in good traffic control.

Mr Dans said the authority would not be completely independent of the Police Force. It would be very difficult to set up a single traffic authority which was completely independent of the Police Force.

The Hon. D. K. Dans: That is what you said you were going to do before the election, though.

The Hon. N. E. BAXTER: It will be independent of the Police Force, but it must be realised that if an authority is to be set up to carry out traffic control and assist the Police Force of this State in matters of crime detection, theft, and so on, it would be a very foolish policy—

The Hon. D. K. Dans: I agree wholeheartedly.

The Hon. N. E. BAXTER: —to set up a traffic control authority the officers of which did not have some powers of arrest, taking possession of stolen goods or vehicles, or even preventing somebody from breaking and entering or committing an assault on another person. No Government would set up an authority of that nature which would be completely independent. When it was proposed that a single independent traffic authority be established, I do not believe it was the intention that there should be no co-operation with the Police Force of Western Australia.

Mr Dans said the Bill did not achieve what was stated in the policy speech of the Premier. The Bill sets up a traffic authority, which was the very feature of the policy enunciated by the Premier, so the honourable member must have read the Bill wrongly.

The honourable member said he did not understand subclause (2) of clause 13 of the Bill. I think that subclause is fairly simple to understand. It states—

(2) The Commissioner of Police shall arrange with the Authority for members of the Police Force to be transferred for duties in the Traffic Patrol under the provisions of this section . . .

I fail to see what the honourable member cannot understand.

The Hon. D. K. Dans: I read it in conjunction with the Police Act, which is quite different from the Bill.

The Hon. N. E. BAXTER: I think the honourable member referred to section 5 of the Police Act in this respect. That section reads—

5. The Governor may from time to time appoint a fit and proper person to be Commissioner of Police throughout the said State—

The Hon. D. K. Dans: That is one part of it, but the conditions under which a police officer is sworn in are the main consideration.

The Hon. N. E. BAXTER: This is not a question of the conditions under which a police officer is sworn in. It relates to the appointment of the Commissioner of Police. According to the honourable member, this does not dovetail because of the charge on the Commissioner of Police and the fact that clause 13 (2) of the Bill states that the Commissioner of Police shall arrange with the authority for members of the Police Force to be transferred.

The Hon. D. K. Dans: It dovetails very well.

The Hon. N. E. BAXTER: It does not dovetail with what the honourable member said about not being able to understand this clause.

The Hon. D. K. Dans: I did not say I could not understand the section in the Police Act. I said I could not understand clause 13 of the Bill.

The Hon. N. E. BAXTER: The honourable member said he could not understand subclause (2) of clause 13.

The PRESIDENT: Order! This argument can be better pursued in Committee.

The Hon. N. E. BAXTER: I am answering the question raised by the honourable member in connection with this clause of the Bill.

The Hon. D. K. Dans: What does "shall" mean? That is what I want to know.

The Hon. N. E. BAXTER: That is simple enough. He shall arrange for the transfer of those who want to transfer to the traffic authority.

The Hon. D. K. Dans: Does that mean if they do not want to transfer they do not have to do so?

The Hon. N. E. BAXTER: That is quite right. The honourable member also referred to paragraphs (a) and (b) of clause 13(3) and said they could not be read in isolation because of section 5 of the Police Act. Those paragraphs provide that patrolmen from local authorities who are appointed to the authority shall enjoy the rights and privileges conferred by the Police Act. Paragraph (a) of clause 13(3) states—

... for the purposes of any such law, agreement or award, service as a patrolman is service as a police officer or member of the Police Force;

I thought the honourable member tried to say that as the Commissioner of Police was charged under section 5 of the Police Act with the management of the Police Force of the State he would therefore have management and control of the officers covered by clause 13(3) of the Bill.

The Hon. D. K. Dans: All I would like you to say is that he will not have management and control of those sworn in from the Police Force.

The Hon. N. E. BAXTER: He will not have management and control of those who will eventually be traffic patrol officers. He will have control only of those who are still recognised as being members of the Police Force.

The Hon. R. Thompson: If that is so, why were the words "and direction" deleted in another place?

The Hon. N. E. BAXTER: I would not know about that.

The Hon. R. Thompson: That has a great bearing on it.

The Hon. N. E. BAXTER: We are not dealing with what took place in another Chamber. If this Bill is approved by Parliament, once officers are transferred to the traffic authority as traffic patrol personnel they will no longer be special constables in the Police Force, even though traffic patrolmen will enjoy the rights and conditions conferred upon members of the Police Force. I do not believe the honourable member would want the situation to be otherwise.

The honourable member also referred to the subscribing of an engagement under section 10 of the Police Act, which makes a person a member of the Police Force until he is transferred to the traffic patrol. He then asked who would be the chairman of the authority, and it appears that by some stretch of the imagination he be-

lieves the Superintendent of Police will be the chairman. I cannot see any reference to that in the Bill.

The Hon. D. K. Dans: I am led to believe that. It is popular rumour.

The Hon. N. E. BAXTER: How can popular rumour envisage that the Superintendent of Police—

The Hon. D. K. Dans: A superintendent of police.

The Hon. N. E. BAXTER: How can popular rumour envisage that a superintendent of police will be the chairman of the authority when the Bill does not propose that a superintendent of police will be a member of the authority?

The PRESIDENT: I do not believe the Bill deals with popular rumour. I wish the Minister would leave such comments to the Committee stage.

The Hon. N. E. BAXTER: I have been specifically asked by members of the Opposition to answer the queries raised in their second reading speeches.

The PRESIDENT: Does the Minister believe he will not be asked those questions in Committee?

The Hon. R. Thompson: Not if he gives the answers now.

The Hon. N. E. BAXTER: When replying to a second reading debate it is customary to answer members' queries. There are amendments on the notice paper with which I shall have to deal in the Committee stage, and it would be just about impossible to try to deal with all the queries at the same time. The situation will become very confused. I am keeping to the Bill and trying to answer members' queries.

Mr Dans posed another question relating to transfers. He asked what would happen when a police traffic patrolman transferred to the authority. He would still have the powers of a police officer because he has subscribed to the relevant section of the Police Act. As a traffic patrol officer he will still have the powers of a police officer. I do not know what members are laughing about.

The Hon. D. K. Dans: Wait until you read it.

The Hon. N. E. BAXTER: Police traffic patrolmen will still have the same conditions. There is no reason why they should not transfer to the authority, and I do not believe a great number of the present police patrol officers will not transfer. I believe they are now in agreement with what has been inserted in the legislation and that they accept it willingly.

The Hon. R. Thompson: Not according to the latest police journal.

The Hon. N. E. BAXTER: I have not heard about that but a statement was published in the police journal some months ago.

The Hon. R. Thompson: I am speaking about the current issue.

The Hon. N. E. BAXTER: It depends whether the statement in the current journal was written with the knowledge and agreement of all police patrolmen or whether it was the opinion of a particular person.

The Hon. R. Thompson: They had a meeting.

The Hon. N. E. BAXTER: That matter was not mentioned in the debate.

Mr Dans also said we would not have the standard of efficiency that we now have in the Police Force. I do not know how he imagines these things.

The Hon. D. K. Dans: I got into the swing of the debate; everybody is imagining things.

The Hon. N. E. BAXTER: Everybody is getting on the bandwagon, but it was Mr Dans who started it. I do not intend to refer to the many newspaper cuttings from which he quoted, because they go back over several months and have no bearing at all on the present Bill.

The Hon. R. Thompson: They would be embarrassing, wouldn't they?

The Hon. N. E. BAXTER: No, not at all. Mr Thompson has had experience, as a member of Cabinet, of the development of a Bill and he would know Bills such as this are developed over a period of time. Firstly, there is the embryonic stage before the Bill is drafted, and then it is further considered before it is printed and eventually presented to Parliament, and along the way it is altered to comply with the requirements of those involved so that the measure presented to Parliament is reasonably acceptable to all concerned.

Perhaps this Bill, like many other measures, is not perfect by a long shot, and will need to be amended from time to time. If it were not for the fact that Acts need to be amended periodically we would have little work to do in these Chambers of Parliament. Like any other Bill the legislation before us has been gradually built up over a period of months in an endeavour to make the proposed authority work in the best possible manner.

Mr Dans also asked what would happen to traffic inspectors who as a result of age—or possibly because they have criminal convictions—cannot comply with the requirements of the Police Act and regulations. I believe this situation will be covered, because there will be other positions into which some of these people may be channeled. I think very few of the present traffic inspectors will miss out on a job along the line.

The honourable member also referred to the intake of persons for training, and asked what would happen to those who

are not suitable for work as traffic patrolmen. I have answered that question in the last few minutes. I think I have covered most of the points raised by Mr Dans.

Apart from supporting the remarks made by Mr Dans, Mr Dellar did not add much to the debate. However, he did refer to a statement in a newspaper. The statement was that the Local Government Association had been asked to prepare a panel of names from which members of the authority will be chosen, and this action was attributed to the Minister for Traffic. Mr Dellar said, as Mr Thompson said later in the evening, this was contempt of Parliament because the action was taken prior to the Bill being proclaimed.

The Hon. S. J. Dellar: Prior to it being introduced, not proclaimed.

The Hon. N. E. BAXTER: The fact that the Local Government Association has gone ahead with the preparation of a panel of names before the Bill is proclaimed is not contempt of Parliament.

The Hon. S. J. Dellar: I hate to think what would have happened had one of our Ministers done that.

The Hon. N. E. BAXTER: I do not think Mr Dellar understands what contempt of Parliament is. The action of the Minister for Traffic will not affect Parliament in any way. It is within the rights of any Minister to suggest to a body that it draw up a panel of names for presentation to him, pending action in Parliament.

The Hon. S. J. Dellar: You are presuming the Bill might pass.

The Hon. N. E. BAXTER: What difference would it make if the Minister received a panel of names six months before the legislation was proclaimed? The list would merely lie in his office until the time came to use it. Does that represent contempt of Parliament? Of course it does not. To suggest that is drawing too long a bow.

The Hon. S. J. Dellar: It is still contempt in my opinion.

The Hon. N. E. BAXTER: Mr Dellar is entitled to his opinion.

The Hon. S. J. Dellar: And I have an opinion, whether you like it or not.

The Hon. N. E. BAXTER: I have been a member of this Parliament for much longer than Mr Dellar has, and I have a fair knowledge of parliamentary procedure and the law in respect of what constitutes contempt of Parliament. I say the action of the Minister does not constitute contempt.

The Hon. S. J. Dellar: You are presuming we will pass the Bill.

The Hon. N. E. BAXTER: Miss Elliott made many comments about the past and referred to the Bill introduced by the

previous Government to give control of traffic to the police. She said that in order to be effective the authority must be staffed by policemen. In all, she made no greater contribution than the majority of members in that respect. Mr Claughton referred to the lack of detail in the Bill, but omitted to say what detail he wanted.

The Hon. R. F. Claughton: That is interesting.

The Hon. N. E. BAXTER: He simply said there is a lack of detail in the Bill.

The Hon. R. F. Claughton: You couldn't have listened very well because I specifically mentioned three areas.

The Hon. N. E. BAXTER: From memory the three areas mentioned concerned matters which would not be included in any Bill. The detail of a Bill is given in the Minister's second reading speech and during the Committee stage; it is not included in the Bill.

The Hon. R. F. Claughton: Members opposite did not seem to understand that in 1972.

The Hon. N. E. BAXTER: Often the detail is set out in regulations made under the legislation.

Mr Thompson stated the Bill had not been costed by the Government. Towards the end of my second reading speech I outlined to the House the estimated cost of running the proposed authority, compared with the cost of the police system. The comparative operating costs for 12 months were given. In my second reading speech I also said the cheapest system of single traffic control is the progressive enlargement of the Traffic Branch of the Police Department to achieve Statewide control or, alternatively, the proposal outlined in the Bill.

The Hon. R. Thompson: Don't take my words out of context. I said this was not costed prior to the election. I have my remarks here word for word.

The Hon. N. E. BAXTER: I may have taken Mr Thompson's remarks out of context, but I understood him to say the proposal had not been recently costed. In any case, the costing was outlined in my second reading speech. The honourable member said a single traffic authority will be too expensive. The comparative figures have been given, and if he thinks the cost is too great that is his prerogative; we do not think it is.

The Hon. R. Thompson: Why didn't you make provision for this in the Budget?

The Hon. N. E. BAXTER: The Budget contains an allocation of \$700 000 for this purpose. The total cost given in my second reading speech is not included in the Budget because this will be a gradual takeover.

The Hon. D. K. Dans: Over 18 months or two years?

The Hon. N. E. BAXTER: It would be physically impossible to complete the takeover of all country traffic authorities within a few months; there must be a gradual takeover with a transitional period. I think even the members of the Opposition would recognise that.

The Hon. R. Thompson: We were going to do that in 1972.

The Hon. N. E. BAXTER: Yes. The honourable member must realise that procedure will be followed. Probably it will be 12 or 18 months—or even two years—before all the traffic authorities are taken over.

The Hon. R. F. Claughton: Where in the Budget is the \$700 000 included?

The Hon. N. E. BAXTER: I have not the Budget in front of me. Mr Thompson said it was \$70 000 in his speech, but he should have said \$700 000.

The Hon. R. Thompson: I have corrected that. The allocation is for a radio network.

The Hon. N. E. BAXTER: The honourable member also referred to the fact that the previous Government commenced the construction of a new building for the Police Force. I do not know what that has to do with the Road Traffic Bill, because I am sure a new building for the police would save no more lives on the road than a new building for the Medical Department would save lives in hospitals.

The Hon. D. K. Dans: Or a new uniform or name.

The Hon. N. E. BAXTER: Mr Thompson asked whether any recruits are being trained at the Police Academy at the moment. The answer is that a course of approximately 70 recruits has just been completed—

The Hon. R. Thompson: I said that.

The Hon. N. E. BAXTER: —and authority has been given for a new school to commence shortly.

The Hon. R. Thompson: In January. There are no recruits there at the moment.

The Hon. N. E. BAXTER: January is less than two months away.

The Hon. R. Thompson: Police schools usually start the day after a passing-out parade.

The Hon. N. E. BAXTER: Mr Thompson also asked to whom traffic patrol officers will be responsible, as they will be sworn in as police officers. They will operate under the same conditions as policemen, do. He also asked for the names of persons in local government who are experienced in traffic control. I do not think the names matter; what matters is that where throughout our large State local authorities have combined to form traffic control committees, the people on the committees have gained a great deal of experience

over many years. Country people are not mugs as Mr Thompson appears to think they are; they are good businessmen.

The Hon. R. Thompson: I was not denigrating them. I said this is to be a professional authority, and I wanted you to name some of its members.

The Hon. N. E. BAXTER: Another question he asked was in regard to the retiring age of traffic patrolmen. The age will be 60 years, as it is in the Police Force.

The Hon. R. Thompson: What about a person who comes in to the traffic patrol after 20 years' service as a traffic inspector? Will he automatically become a sergeant under this system of rapid promotion?

The Hon. N. E. BAXTER: He will be placed under the conditions of the Police Act. Whether or not he will be called a sergeant is not important. If he is not called a sergeant he will have a status commensurate with that of a sergeant of police.

The Hon. R. Thompson: He will be promoted forthwith?

The Hon. N. E. BAXTER: Yes, according to his previous service. Mr Thompson said that men joining the Police Force swear an oath of allegiance to the force. They do not swear an oath; they subscribe to a statement that they will serve Her Majesty and the State. If the honourable member reads section 10 of the Police Act he will find that is so.

The Hon. R. Thompson: I know it backwards.

The Hon. N. E. BAXTER: He said people will be sworn in without training. However, those who are untrained certainly will be trained before they become traffic patrolmen.

The Hon. R. Thompson: Don't take my remarks out of context. I asked whether shire traffic inspectors who transferred to the traffic patrol will be required to attend the academy and be trained as policemen.

The Hon. N. E. BAXTER: I will not argue with the honourable member. He went a little further and asked whether these men would be sworn in without training.

The Hon. R. Thompson: I purposely mentioned it three times.

The Hon. N. E. BAXTER: It amounts to the same thing; if they attend the academy they must receive training. The honourable member is splitting straws.

The Hon. R. Thompson: I will draw you out on this in the Committee stage, but I would like you to find out. I want to know whether anyone inducted into the Police Force as a patrolman who has not been through the academy will go through the academy; or will the Government just swear him in and make him a patrolman?

The Hon. N. E. BAXTER: If a man is sworn in without any training he will certainly be given the necessary training. It would not be feasible to do otherwise.

The Hon. R. Thompson: During the tea suspension will the Minister find out what the true situation is?

The Hon. N. E. BAXTER: Yes, I will do that. The Leader of the Opposition also raised another query. He said that in my second reading speech reference was made to the fact that a traffic officer could be used in the event of a riot or something else. He went on to say that if a traffic patrolman was on duty and saw someone committing a breach of this legislation, but at the same time saw another person breaking and entering or committing an act of assault, he would take off after the person committing a breach of the regulations and ignore any other act that might be committed at the same time.

I pose this question to the Leader of the Opposition: would not a traffic patrolman under the Police Force use his discretion as to what action he would take in such circumstances? I believe that if he saw a flagrant breach of, say, the Criminal Code being committed by someone, as against a breach of this legislation, I think his duty would be to take action to apprehend a person who was committing, say, an offence of assault or breaking and entering and would be inclined to let a traffic offender go. I think this applies to a police officer in the same way as it will to a traffic patrolman.

The Hon. R. Thompson: I raised that point because of the wording of your second reading speech. The Minister made the statement that a road patrolman could be used in a riot or something of that nature, but that his day-to-day job would be the control of traffic.

The Hon. N. E. BAXTER: That is so. His day-to-day job would be the control of traffic, but if he saw someone committing a breach of say, the Criminal Code he would have concern in the same way as any policeman and would take action in the same way as any responsible police officer would do in similar circumstances. He would use his discretion in regard to the action that he took.

The Hon. R. Thompson: Would that have to be "a riot or something of that nature"?

The Hon. N. E. BAXTER: No, it would not necessarily have to be a riot or something of that nature. Those words were used in the context that, having been sworn in as a police officer, he could take action, in the absence of a policeman, in regard to any breach of the law that occurred. At the same time he could be called in to act in the case of a riot or something of that nature, especially if road

patrolmen, as a body, were called in to reinforce the Police Force. It stands to reason that this would be the logical course to take, and this is what is envisaged in this legislation.

The Hon. D. K. Dans: He would have to if he is sworn in as a policeman.

The Hon. N. E. BAXTER: That is quite correct; that is what is provided in this legislation. The policeman will do the work of a patrolman, and the patrolman will do the work of a policeman on the basis of the explanation I have already given.

The Leader of the Opposition also said that the implementation of this legislation would mean costly duplication of existing services. He then went on to refer to the transfer of superannuation benefits. Costly duplication of existing services is not envisaged, because today we have road traffic policemen, and traffic inspectors serving under local authorities with all the services that go with them. Under this legislation they will be integrated into one body to provide a single traffic authority to handle traffic problems. I cannot see how the Leader of the Opposition could imagine that there will be costly duplication of services. With reference to the transfer of superannuation benefits that will be dealt with in a proper manner because a patrolman will be sworn in under the same conditions that apply to a police officer who transfers to the road patrol. Therefore any traffic inspector will be covered in this respect.

The Hon. R. Thompson: I asked if a man had been employed by a local authority for a number of years and was entitled to superannuation benefits, would he lose any of those benefits?

The Hon. N. E. BAXTER: I understand now what the Leader of the Opposition means, and I quite agree with him on this point. In such a situation I think a traffic inspector would be covered for superannuation benefits. Any superannuation benefits he has under a local authority will be transferred with him when he is employed as a member of the traffic patrol. However, I will answer all such questions in the Committee stage. I have done my best to answer the queries that have been raised in regard to this Bill. A host of questions was asked and it is fairly difficult to answer all of them fully in the short time available. Therefore, in the circumstances, I think I have answered most questions satisfactorily, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clause 1: Short title—

The Hon. R. F. CLAUGHTON: The short title of this Bill is the Road Traffic Act, 1974. That is slightly different from the title of the Act that gave it birth—the Traffic Act, 1919-1974. If any honourable member has carefully read the long title of the Bill he would have found no reference in it in regard to providing a single road traffic authority which is the whole concept of this legislation. In some measure the Bill represents a re-writing of the existing Traffic Act. The bulk of its provisions are identical to those in the Traffic Act, and the provisions that will apply to the control of traffic by police are much the same as those contained in the proposals submitted by the Labor Government in 1972.

The Hon. H. W. GAYFER: I move an amendment—

Page 1, line 7—Insert after the word "the" the words "Highway Patrol and".

The short title would then read, "This Act may be cited as the Highway Patrol and Road Traffic Act, 1974." Following my second reading speech, I have moved this amendment in the hope, if it is carried at some future time of altering also the name of the road traffic authority under "Part II.—Administration" appearing on page 5. I would then also move to have the name of the road traffic authority altered in other clauses in the Bill.

My intention is to set up a force that will be respected when administering this legislation and which will be known, in accordance with the short title of the Bill, as the highway patrol. As I have already explained in my second reading speech, the amendment should be self-explanatory.

The Hon. N. E. BAXTER: I must oppose this amendment. This Bill seeks to establish a Road Traffic Act to distinguish it from the existing Traffic Act it will replace and also to bring about certain other necessary amendments to the existing Act. To insert the words "Highway Patrol" would be wrong because the proposed traffic authority will not be administering a highway patrol but a road patrol. If the body were known as the highway patrol it would mean that it would only patrol highways, but we have recognised major roads throughout the State which also must be patrolled. That is one of the reasons why the words "Highway Patrol" were not incorporated in this Bill. Under this Bill it will be known as a road patrol and the officers serving in it will be known as traffic patrolmen.

The Hon. H. W. GAYFER: I appreciate the comments made by the Minister and, as far as I am concerned, they do not make sense. First of all, there are bodies

referred to as highway patrols to be set up in Australia, so what is in a name? It has been said before that a highway patrol can be set up in this State to perform certain duties. I believe that such a patrol could be told exactly what its powers should be and where its field of administration would lie. For this purpose there is no reason why the title I have suggested could not be used in order to state specifically that this legislation is a "Highway Patrol and Road Traffic Act".

I am quite conscious of the fact that this amendment will not be passed by the Committee, but nevertheless I honestly believe that if I had been successful with my amendment to the short title the debate could have been adjourned and the Bill redrafted so that it would be applicable to an organisation known as the highway and road traffic patrol.

Amendment put and negatived.

Clause put and passed.

Clause 2: Commencement—

The Hon. R. F. CLAUGHTON: This clause sets out the divisions of the Act.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I draw the honourable member's attention to the fact that it does not set out the divisions of the Act; that is done in clause 3.

The Hon. R. F. CLAUGHTON: You are quite right, Mr Deputy Chairman, clause 2 deals with the commencement of the Act and states that the legislation can be implemented on different dates and at different stages. This is in line with what the Minister said. The legislation will not be implemented at once. In fact, it will be implemented in much the same way as the Labor Government sought to implement the control of traffic in 1972, and if that had been agreed to at that time we would have been that much further advanced with the control of traffic in this State.

Clause put and passed.

Clause 3: Arrangement—

The Hon. R. F. CLAUGHTON: If Mr Heitman particularly liked to compare this clause with the provisions in the Traffic Act he would find they are almost identical.

The Hon. J. Heitman: I would like you to compare it with the Bill introduced two years ago.

The Hon. R. F. CLAUGHTON: It is a pity Mr Heitman did not rise to his feet and talk, then I would have a better opportunity to hear him.

Clause 13 is the main one and provides for the establishment of the much vaunted traffic authority. I rise simply to point these facts out to members. This Bill is very little different from the present Traffic Act. Only one or two minor alterations are being made except for clause 13.

Clause put and passed.

Clause 4: Repeal—

The Hon. R. F. CLAUGHTON: This clause will repeal the existing Traffic Act.

The Hon. D. J. Wordsworth: Are you going to speak on every clause?

The Hon. R. F. CLAUGHTON: Mr Wordsworth and other members of his party should note that we are not repealing any other Acts, but merely the Traffic Act and that is to be done in stages.

The Hon. G. C. MacKinnon: Is that a naughty thing to do?

The Hon. R. F. CLAUGHTON: No, of course not.

The Hon. G. C. MacKinnon: Then why comment on it?

The Hon. R. F. CLAUGHTON: I think it is worthy of comment. We have had this marvellous idea of the Liberal Party—

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I remind the honourable member that he is speaking to clause 4 and I would be grateful to all members if, on a Bill of this length, they stuck to the subject matter of each clause.

The Hon. R. F. CLAUGHTON: I am quite happy to do that. It was only the Minister's interjection which prompted me to speak as I did.

The Hon. N. E. Baxter: I did not interject.

The Hon. R. F. CLAUGHTON: Mr MacKinnon is also a Minister.

The Hon. G. C. MacKinnon: The interjection was unseemly and disorderly, and should have been disregarded.

The Hon. R. F. CLAUGHTON: I have risen on this clause simply to point out again that we are dealing with the Traffic Act and nothing else. It is being updated and slightly changed. Some amendments have been made since the Traffic Act was last reprinted in 1971 and so a certain amount of consolidation will occur. But we are dealing only with the Traffic Act.

Clause put and passed.

Sitting suspended from 6.05 to 7.30 p.m.

Clause 5: Interpretation—

The Hon. R. THOMPSON: The Minister has said that policemen will not be patrolmen. However, the definition of "patrolman" is as follows—

"patrolman" means a member of the Police Force transferred for duties in the Traffic Patrol pursuant to section 13;

Of course, section 13 of the Act does not change his status. He will still be a patrolman working for the traffic patrol.

Mr Gayfer has been realistic enough to admit, in a forthright manner, that the present move is a police takeover. It will be police control of traffic.

The Hon. G. C. MacKinnon: So the Leader of the Opposition will vote for it; that is what you wanted.

The Hon. R. THOMPSON: We have never said we were opposed to a single authority. However, we want the authority to be under the control of the Commissioner of Police and for that reason we have placed an amendment on the notice paper. No-one from this side of the Chamber has indicated he will vote against the Bill because after clause 13 we would be voting against the Traffic Act; the rest of the Bill is a rewrite of the Traffic Act. I think the Minister should tell us his interpretation of a "patrolman". We have had eight legal opinions and strange, but true, they all agree. Who is right now?

The Hon. N. E. Baxter: The interpretation in the Bill is right.

The Hon. R. THOMPSON: The legal opinion is right. That opinion is that patrolmen will be policemen. If the Minister is able to dispute that legal opinion I would like to hear what he has to say. The patrolmen will be sworn in as policemen, and under the definition in the Bill they will be policemen. The Minister has said that the moment a man transfers from the Police Force he becomes a patrolman, and he will not be a policeman. The Minister should clear up the doubt which now exists in the minds of the policemen and in the minds of the public.

The Hon. N. E. BAXTER: Once a person transfers from the Police Force, or a traffic inspector is sworn in as a policeman and then transfers into the authority, he will become a patrolman under the control of the authority. He will not be a policeman but a patrolman with the powers to act given to him under the Police Act. I tried to explain during the second reading stage that the commissioner has powers over members of the Police Force, under the Police Act, but he will have no powers over the patrolmen under the control of the authority to be set up by this Bill. They will be patrolmen under the control of the authority with powers of policemen. They will not be members of the Police Force and, therefore, they will not be policemen.

The Hon. D. K. Dans: That is as clear as mud.

The Hon. R. THOMPSON: The Minister is confused. The legal opinion is undivided. They will be policemen irrespective of what the Minister may try to tell us.

The Hon. G. C. MacKinnon: The Leader of the Opposition convinced me of certain things during debate on the fuel and energy Bill, but they were only opinions.

The Hon. R. THOMPSON: Because we had received conflicting opinions. On this occasion they are unanimous. The Government should be honest and say the

patrolmen will be policemen. I am sure such a statement would remove the possibility of any problems in the Police Force. If they are to be patrolmen and not policemen, from which vote will they be paid?

The Hon. N. E. Baxter: They will be paid from the date they transfer to the authority.

The Hon. R. THOMPSON: No provision has been made in the current Budget to finance the traffic authority, other than a sum of \$700 000 for radio equipment.

The Hon. N. E. Baxter: That is right. We will not take over all the radio equipment, and the balance of that money can be spent on wages in the meantime.

The Hon. R. THOMPSON: Is the Minister saying that a dishonest Budget has been introduced?

The Hon. N. E. Baxter: I do not see it that way.

The Hon. R. THOMPSON: From which vote will the 400 people in the patrol section, and the administrative staff be paid? We are now talking about millions of dollars.

The Hon. V. J. Ferry: Not in this financial year.

The Hon. R. THOMPSON: There is reason to believe the authority will be implemented within a month, allowing for a gradual takeover. No money has been provided within the Budget to finance the salaries of those people. I would assume they would be paid from the police vote.

When the Bill was presented in another place clause 13 (1) read as follows—

13. (1) There shall be a body known as the Traffic Patrol to assist the Authority in the administration and enforcement of this Act and the provisions of any other Act which the Authority is required to administer, and the Authority is charged with the deployment and direction of the Traffic patrol.

However, the words "and direction" in the second last line of that subclause were removed in another place. So now the authority will be required to administer, and will be charged with the deployment—not the direction—of the traffic patrol. I think the Minister should take time off and consult with the Minister responsible for the Bill in order to remove the confusion which exists.

If we were told from which vote the members of the new authority will be paid I would be satisfied. If they are to be paid from a vote not yet provided, and they are not to be paid from the police vote, we can say they will be patrolmen. However, if they are paid from the police vote then, naturally, they will be policemen.

The Hon. N. E. BAXTER: The Leader of the Opposition has tried to work this matter around and make out that the patrolmen will be police officers. I have tried to explain the situation. A sum of \$700 000 has been included in the Estimates for the cost of radio equipment. What would the position be if we had included money in the Estimates for the payment of the officers? That would be a ridiculous position and the Opposition would have something on which to argue.

The Leader of the Opposition knows, as well as I do, that separate financial arrangements can be made. Money unexpended in one account can be used for other purposes. That procedure is often followed in Government finances. The money is shown in the Estimates for the purchase of radio equipment. That is a specific purpose, but a sum cannot be provided in the Estimates for something which does not exist. The money which has been made available can be used to pay the patrolmen.

With regard to the definition in clause 5 of the Bill, Parliament lays down the definitions, and if Parliament says a patrolman is a patrolman, he is a patrolman because the Act says so.

The Hon. D. K. DANS: I will give the Minister some advice. I think he is getting in deeper and deeper. What he is saying is being reported in *Hansard*. I cannot understand why the Minister has been forced to come here and answer questions without the assistance of a Parliamentary Draftsman. I understand that was the procedure in another place, and it expedited the passage of the Bill. I have had a little bit of experience with Bills. The definition on page 4 of the Bill states that a patrolman will be a member of the Police Force. I have no quarrel with this; that is what it means.

The Hon. N. E. Baxter: But you did not go on and finish it.

The Hon. D. K. DANS: And then it says, "transferred for duties in the Traffic Patrol pursuant to section 13." Now an ordinary constable could be transferred for duties with the CIB, but he would not be a member of the CIB, he would still be a member of the Police Force. We are looking for information; it is as simple as that. Some members raised the question last night about understanding "plain English"—whatever that may mean. "Patrolman" means a member of the Police Force, start and finish.

The Hon. N. E. Baxter: No, not finished at all.

The Hon. D. K. DANS: Transferred.

The Hon. N. E. Baxter: Transferred, but he is still a member of the Police Force.

The Hon. D. K. DANS: He is not sacked he is transferred.

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

The Hon. D. K. DANS: Nowhere does it say he ceases to be a member of the Police Force. There is no mention of this in the Bill or in the Minister's second reading speech. The Minister is trying to save face, as the honourable orientals do.

The Hon. N. E. Baxter: Not at all.

The Hon. D. K. DANS: What we want to know is the kind of security a member of the Police Force will have. He will be sworn in as a policeman, transferred over, and then at some later stage transferred back. I know the regulations are not prepared yet, so we will not worry about those. However, having been transferred to the traffic patrol, who is responsible for this officer? We can assume it is the unnamed chairman at this stage.

What kind of disciplinary powers will apply to this officer? It appears that these powers will be those of the Police Act and we will not go through all that again. Who will administer this legislation? Will it be the Commissioner of Police or a member of the committee? I do not see anything wrong with either of these propositions, but we are entitled to know.

At the moment it seems as though these officers will be transferred into limbo. From my early religious training I know that limbo is somewhere between heaven and somewhere else—it is nowhere. The Minister is making statements that contradict the information allegedly given to the Police Union.

The Hon. N. E. Baxter: What was that?

The Hon. D. K. DANS: Members of the Police Union believe they will still work under the control of the commissioner, and under all the rules and conditions that applied when they took the oath. Perhaps the Minister believes that different rules will apply to different people. He may feel that members of the Police Force transferred to the traffic patrol will operate under a set of conditions separate from those which govern men who come to the patrol from local authorities. Many competent officers are employed presently by the local authorities. Perhaps another set of provisions will apply to officers recruited at a later stage, and in the fullness of time the police element will be gradually phased out and another disciplinary code will take over.

The Hon. G. C. MacKinnon: It is rather like being transferred from the Army to the Air Force.

The Hon. D. K. DANS: The Minister must know that Army officers cannot be transferred. They may be transferred for duties with the Air Force, but they are still members of the Army.

The Hon. N. E. Baxter: They can be seconded for duties to either force.

The Hon. G. C. MacKinnon: Seconded for duties and discipline. You are subject to the discipline of the force to which you are attached.

The Hon. D. K. DANS: That is true enough, but we do not have a disciplinary code for the patrolman—the only discipline is contained in the Police Act.

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

The Hon. D. K. DANS: And the Minister says a patrolman means a member of the Police Force.

The Hon. N. E. Baxter: Transferred to.

The Hon. D. K. DANS: We are looking for genuine information about what this means. There is no need to be ashamed of this.

The Hon. N. E. Baxter: We are not ashamed of it.

The Hon. D. K. DANS: I feel some sympathy for the Minister who appears to be digging a hole for himself and throwing away the shovel.

The Hon. N. E. Baxter: I am not digging a hole.

The Hon. D. K. DANS: I am seeking information to which I am entitled.

The Hon. N. E. BAXTER: The honourable member wants to know of a parallel provision. I would like to refer to the definition of the word "Land" in the Interpretation Act.

The Hon. R. F. Claughton: I prefer to look at this Bill.

The Hon. N. E. BAXTER: The definition reads as follows—

"Land" includes messuages, tenements, and hereditaments, and houses and buildings, unless there are words to exclude houses and buildings.

The Hon. R. F. Claughton: We are talking about this Bill—not the Interpretation Act.

The Hon. N. E. BAXTER: The honourable member asked about the difference between a patrolman and a member of the Police Force. Surely even Mr Claughton can understand this. A similar provision appears in this Bill—

"patrolman" means a member of the Police Force transferred for duties in the Traffic Patrol pursuant to section 13;

Immediately a policeman is transferred he becomes a patrolman.

The Hon. R. F. CLAUGHTON: I am afraid the Minister just makes me cross referring to matters in the Interpretation Act.

The Hon. N. E. Baxter: You would not understand, that is the trouble.

The Hon. R. F. CLAUGHTON: Apparently the Minister does not understand. Perhaps if the Minister turns to page 7 of his speech notes he will understand what he said there. For heaven's sake let the public understand what the Bill means and let us have no more silly nonsense.

The Hon. N. E. Baxter: Who is putting forward the silly nonsense?

The Hon. R. F. CLAUGHTON: The Minister is. I will allow the Minister a moment to look at his words at the bottom of page 7.

The Hon. N. E. Baxter: What does it say at the bottom of page 7?

The Hon. R. F. CLAUGHTON: It reads—

The authority's administrative staff will be members of the Public Service, in all respects subject to the Public Service Act, 1904. In a similar manner as patrolmen will remain members of the Police Force.

In the words of the Minister these men remain members of the Police Force. Let us not have any more shuffling around. The Minister referred to the definition of the word "Land" in the Interpretation Act, but we are talking about the definition of the word "patrolman" in the Bill before us.

The Hon. W. R. Withers: Where did you get those speech notes?

The Hon. R. F. CLAUGHTON: Does not the honourable member know that they were handed to us the other day?

The Hon. S. J. Dellar: They were handed to us by your Minister in exchange for our co-operation.

The Hon. R. F. CLAUGHTON: I remember another debate when Mr Withers made interjections. I had to disregard them at that time. No matter what else is said, the definition says clearly that a patrolman is a member of the Police Force.

The Hon. N. E. Baxter: I can knock you over with one swift hit.

The Hon. R. F. CLAUGHTON: I challenge the Minister, and I challenged Mr Heitman during his speech—

The Hon. N. E. Baxter: You challenge me and see how you get on.

The Hon. R. F. CLAUGHTON: —to tell me who employs these patrolmen or policemen.

The Hon. N. E. Baxter: The traffic authority will employ them.

The Hon. R. F. CLAUGHTON: Perhaps the Minister can tell me where, amongst the powers and functions of the traffic authority, is the authority to employ these people. The authority may deploy or control them, but who employs them?

The Hon. N. E. Baxter: If they transfer to the authority, who else would employ them but the authority? Do not be ridiculous.

The Hon. R. F. CLAUGHTON: We are not up to that section yet, but I will point it out when we come to it.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): If we are not up to that clause. I cannot permit discussion on it.

The Hon. R. F. CLAUGHTON: That is quite right, but we will deal with this step by step as we go along. Let us have no more of this nonsense.

The Hon. N. E. Baxter: What about your sitting down. If you stop talking nonsense I will give you something straight from the shoulder.

The Hon. R. F. CLAUGHTON: We want a little clarification. Apparently it has been made clear to members of the Police Union just what the situation is. It is a discourtesy to us that it has not been made clear in this Chamber. Members of the Police Force have been told they will remain under the control of the relevant people. It is the Minister's duty to make that clear to the members of Parliament.

If we look at the commencement of clause 5 we see several changes in the definitions as compared with those in the present Traffic Act. Perhaps the Minister could explain the necessity for a definition of agricultural implements.

The Hon. N. E. Baxter: Before you proceed I would like to suggest that you cannot go back.

The Hon. S. J. Dellar: We have not finished this clause—what are you talking about?

The Hon. N. E. Baxter: You are discussing patrolmen, you cannot go back.

The Hon. R. F. CLAUGHTON: We have not passed anything in relation to clause 4 yet.

The DEPUTY CHAIRMAN: Well, I hope we have—this is clause 5 we are discussing.

The Hon. R. F. CLAUGHTON: I must express my apologies—I was referring to the Traffic Act and not the Bill before us. Can the Minister tell us why it was necessary to add this definition and how it affects other provisions in the Act?

It is perfectly clear that we must add a definition of the word "Authority". Other changes have been made in the definitions. I believe we should go through them one at a time, although I do not propose to do so.

The Hon. N. E. Baxter: What about dealing with one thing at a time? First you refer to a patrolman and now you are talking about agricultural implements. Be consistent.

The Hon. R. F. CLAUGHTON: I should like the Minister to clarify this matter because of the inconsistencies between what he said in the second reading speech and his replies to members on this side.

The Hon. N. E. Baxter: You are wrong, but you will not give me a chance to explain it.

The Hon. R. F. CLAUGHTON: I will give the Minister a chance, but I do not think any answer is required in respect of the definition of a patrolman. I think it is quite clearly set out in page 7 of

the Minister's second reading speech, where it is stated that patrolmen remain members of the Police Force.

The Hon. N. E. Baxter: I will not waste my time explaining it to you if that is your attitude.

The Hon. R. F. CLAUGHTON: Does the Minister say that his speech lies?

The Hon. N. E. Baxter: I will give the answer when I stand to reply.

The Hon. R. F. CLAUGHTON: I give the Minister that opportunity now.

The Hon. N. E. BAXTER: I have in my hand a copy of my speech notes; Mr Claughton will notice that the words he has quoted have been struck out. I approached Mr Thompson in regard to this matter and informed him that the words were to be struck out. Mr Claughton should have followed his copy of my notes when I was giving the speech; he would have seen that I did not use those words. That deals with that.

The Hon. R. F. Claughton: No, it does not.

The Hon. N. E. BAXTER: If I stood here for a month I could not convince members opposite that patrolmen are patrolmen of the authority, and not policemen. The honourable member referred to agricultural implements; he asked why this definition is to be placed in the Act. It merely clarifies the conditions under which agricultural implements may be towed on public roads.

The Hon. R. F. Claughton: It says it is to be a new section of the Act.

The Hon. N. E. BAXTER: No, it is contained in the old Traffic Act; however, the definition in the old Act was not clear and the new section will clarify the position.

The Hon. G. C. MacKINNON: I think it is a pity that we seem to be losing some of the traditions which previously applied in this place. When I first became a Minister, I was reading a speech and I said, "May I interpolate by saying . . .". The Hon. F. J. S. Wise told me in private that it was quite wrong for me to say that I was interpolating. On another occasion, somebody interrupted when I added comments which were not contained in my speech notes; someone from the other side drew the attention of the House to the fact that my remarks were not contained in my speech notes. Mr Wise was very quick to point out that speech notes were provided as a courtesy and were not to be used by other members. Ministers have the privilege of reading from speech notes when introducing a Bill; however, they may depart from those notes if they so wish.

The official record of this Chamber is *Hansard*. I am firmly convinced that the interpretation of Standing Orders relating

to newspapers dates back to the days when the Press used to publish virtually verbatim accounts of parliamentary proceedings; however, even they were not permitted to be referred to in this place. No notice whatever should be taken and, indeed, in proper form and order, can be taken of speech notes supplied to members as an act of courtesy. The only record of this House is *Hansard*.

The Hon. R. F. CLAUGHTON: It is good to hear Mr MacKinnon standing and talking about courtesy. I apologise to Mr Baxter for referring to words he did not use in his second reading speech; I quoted them in good faith because they had not been struck from my copy.

However, I remind the Minister that our legislation of 1972, which was similar, contained only two clauses. The debate was adjourned on the 9th August after the Minister's second reading speech, resumed on the 17th August and proceeded for the next five sitting days. We extended a considerable courtesy to the Opposition by allowing it adequate time to study the two clauses. Here we have a Bill containing 111 clauses plus several schedules; in fact, the situation is quite different.

As I have said, the definition of a patrolman is quite clear; he is to be a member of the Police Force.

The Hon. N. E. Baxter: If that is how you feel, we will leave it at that.

The Hon. R. F. CLAUGHTON: We will debate it as we continue, and the Minister will have a chance to enlighten me.

The Hon. N. E. Baxter: No chance at all.

The Hon. R. F. CLAUGHTON: I will give the Minister plenty of opportunity; this is only the second day of debate on a Bill containing 111 clauses. We can quite easily adjourn the debate and resume tomorrow. It is important legislation which contains not only a provision relating to patrolmen and a new traffic authority but also one which relates to the entire Traffic Act which, naturally, affects a considerable number of people.

The Hon. N. E. BAXTER: I point out to Mr Cloughton that I have not tried to rush the Bill through this place. I have not refused an adjournment. As things have developed, members have spoken. When an adjournment was moved last night, it was accepted. I have left it completely open to members to move for an adjournment if they so wish, and nobody has so moved except Mr Heitman, at a late hour last night.

The Hon. D. K. DANS: I should like to clear up one point. I am as anxious as anyone to conclude the debate; however, I was rather amazed to hear the comments of Mr MacKinnon. Members will recall of course that an arrangement was made between the two leaders whereby we would be provided with advance copies of the

Minister's speech notes to enable us to proceed immediately with the debate on the second reading of the Bill.

Under normal circumstances, it would have been impossible for me to obtain a pull from *Hansard* containing the Minister's speech. I knew the words had been struck out; I am not arguing with anyone; I do not think anyone is trying to put anything over. However, we have not quoted the speech notes chapter and verse and I think in all fairness it should be accepted as the Minister's speech. The Minister has already given us the alternative of adjourning the debate until such time as we obtain copies of *Hansard*. That would make it much easier.

I point out that this Bill was important enough for the other Chamber to have arranged for the Parliamentary Draftsman to be present during the debate. I do not mean this as any reflection on the Minister. However, I believe the presence of the Parliamentary Draftsman was helpful to members in another place. We do not expect the Minister to know every in and out of the legislation and I believe it would have been simple courtesy for the Government to provide such a facility in this Chamber. It is not an unusual step; we have all seen the heads of various departments in the Chamber when debates are taking place.

My query relates to the definition of "patrolman". The Minister's speech notes indicate that patrolmen will have exactly the same powers as "other" policemen. We all have policemen constituents. I know policemen in the Fremantle area are very interested in this legislation and I would like to be able to tell them exactly what it means. We are entitled to an explanation.

These matters have been widely reported in the Press; I have already referred to the confusion reigning in respect of this legislation. Most members probably have received telephone calls from members of the Police Force asking how the legislation is going. I know the Secretary of the Police Union has been present during much of the debate and has talked with many members. But I am still entitled to be able to tell members of the Police Force, some of whom are my friends and many of whom are long-time residents in the Fremantle area, just what stage we are at and what is happening with the legislation.

The Hon. R. Thompson: And what it means.

The Hon. D. K. DANS: Yes, and what it means. If the Government says that a patrolman is a policeman, we are 97 per cent of the way there because that is what the police want.

Clause 5, page 4, states—

"patrolman" means a member of the Police Force . . .

I can see this debate being a long drawn-out affair until we receive the benefit of expert advice so that any member, whether he be Mr Gayfer or anyone else, can go from this Chamber knowing exactly what the legislation is about. That does not apply only to members of the Australian Labor Party; it also applies to members opposite, whether they represent country or city areas. We are doing a fair amount of guessing at the moment. I do not intend to rise again on this clause because I believe we are just talking in circles.

The Hon. G. C. MacKINNON: Mr Dans referred to the use of a Minister's speech notes. It is not the first time speech notes have been used in this manner.

The Hon. D. K. Dans: I did not say it in any derogatory manner.

The Hon. G. C. MacKINNON: I would suggest that if speech notes are to be used, members should follow the spoken word of the Minister and strike out or add relevant words. That should overcome any problems in this regard.

The Hon. R. THOMPSON: Just before we sat the Minister approached me and told me about his intention to strike out certain words and insert other words in his second reading speech. It was not possible for me to tell every member of the Opposition what the Minister would be doing; and probably in that respect I was at fault. It was an unfortunate incident.

The Hon. G. C. MacKinnon: This has been a valuable exercise in that we have clarified the position.

The Hon. R. THOMPSON: Yes. The suggestion put forward by Mr Dans is a very good one. I would suggest to the Minister that he move for progress to be reported at this stage, so that he may obtain some assistance and we can be given the right answers. That would obviate lengthy debate.

The Hon. G. C. MacKinnon: If an officer came here he would have to sit in the Minister's seat. Would members opposite object?

The Hon. R. THOMPSON: I would have no objection.

The Hon. G. C. MacKinnon: I remember when you were placed in a difficult position in the handling of a particular Bill, you had the assistance of an adviser.

The Hon. R. THOMPSON: That suggestion would be of assistance to the Committee.

The DEPUTY CHAIRMAN (The Hon. R. J. L. Williams): The Standing Orders are suspended, and the proposed move would be in order.

The Hon. N. E. BAXTER: I am not averse to progress being reported if the Opposition wants more time to consider the Bill.

The Hon. R. Thompson: We do not want more time to consider it, but we want the right answers.

The Hon. N. E. BAXTER: The reason I do not have Parliamentary Counsel with me this evening is that that person's wife is ill, and I told him he need not attend. I hope that by tomorrow things will be different.

Progress

Progress reported and leave given to sit again, on motion by the Hon. N. E. Baxter (Minister for Health).

ACTS AMENDMENT (ROAD TRAFFIC) BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [8.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a complementary measure to the current Road Traffic Bill. It amends several Acts to recognise a change in the licensing authority brought about by the Road Traffic Bill, and has associated purposes.

The amendments to the Criminal Code are necessary to reflect the proposed enactment of the clause in the Road Traffic Bill dealing with dangerous driving causing death, injury, etc.

Similarly the amendments to the Coroners Act are intended to permit the coroner to report a finding that the evidence at an inquest is sufficient to put a person on his trial for an offence described in that clause.

The amendments to the Motor Vehicle Dealers Act are designed mainly to reflect the fact that the authority and not the Department of Motor Vehicles will be the vehicle licensing body. However, an amendment to section 27 of the Motor Vehicle Dealers Act is included to ensure that patrolmen and members of the Police Force will be able to enter and inspect vehicles and books at premises which are used for carrying on second-hand truck businesses. In so doing the Bill will correct an anomaly which has existed since the enactment of the Motor Vehicle Dealers Act, 1973.

The amendments to the Motor Vehicle Drivers Instructors Act and the Motor Vehicle (Third Party Insurance) Act are solely designed to recognise the administrative changes effected by the Road Traffic Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans.

MACHINERY SAFETY BILL

Second Reading

Debate resumed from the 19th November.

THE HON. D. W. COOLEY (North-East Metropolitan) [8.22 p.m.]: This Bill has had a very good airing in another place. It has been subjected to a good deal of discussion between the unions associated with the industry and the heads of departments. The Minister has adopted a very co-operative attitude towards the unions.

The measure replaces an Act which deals with the safety of machinery. It makes a number of changes in respect of procedures which have been tried and proven over a large number of years. I do not say that the changes which are to be effected are bad. In the process of presenting the Bill to the House a great deal of co-operation has existed between all interested parties.

People with far more experience than I have of machinery and its effect on industry have examined the Bill in great detail. It is generally accepted that this is reasonably good legislation and that it should be given a trial.

In the discussions I have had with people with the required experience I have been told there are some shortcomings in the Bill, but no doubt these will be tested with the effluxion of time. One factor which disturbs me, and no doubt disturbs other members on this side is the fact that the present board of examiners is to be abolished. It comprised the Chief Inspector of Machinery, representatives of the employers, and representatives of the unions. By abolishing this board we will be taking away the services of skilled persons.

The Bill gives the chief inspector the sole power of examination. This is not a good feature, but perhaps the test of time will indicate whether or not it is good. If it is proved to be undesirable then perhaps amendments will be made in the future.

It seems to me and to those associated with the industry that people with the required skill and experience will not be given the opportunity to act as examiners. We understand that in the electrical trade it would not be right to have a board of examiners without a qualified electrician on it; neither would it be right to have a board of examiners for plumbers without a qualified plumber on it. Similarly, in the legal field it would be wrong not to have on the Barristers' Board a member with knowledge of legal matters. In this case it does seem unusual that the board of examiners which has proved to be efficient over a long period of time is to be abolished.

Some concessions are provided in the Bill, but they do not go the full way in respect of examination of winder drivers on mines. At a Press conference between the Minister, union representatives, and several departmental heads I listened to a discussion on what was involved. It is generally recognised that when a person is being examined to qualify as a winder

driver, a qualified winder driver should be on the board of examiners. In his second reading speech the Minister said that the regulations would provide for a winder driver to be in attendance when examinations are conducted.

The Hon. G. C. MacKinnon: In attendance during the test.

The Hon. D. W. COOLEY: I do not know whether a qualified winder driver will have a voice in the examinations. The people with whom I have had discussions have indicated that it is essential to have on hand not only a winder driver with experience, but also someone with experience of underground working who knows the effect of the winder driver's actions. It has been said that a difference of one inch on the surface could lead to a difference of many feet at 3 000 feet below the surface. These people are responsible for the life and limb of workers. If there is any negligence or inefficiency on the part of a driver of a winch it can result in a great deal of danger to the workers who travel down the cage into the bowels of the earth and those working underground.

The question of appointing people with experience on the board of examiners should be considered again. I do not want to be branded a conservative, and say that what has been satisfactory in the past should apply in the future; but it has been a feature of this industry to have people with experience on the board of examiners.

According to the second reading speech of the Minister it is claimed that great inconvenience would be caused to have such people available. I understand from the provisions of the Bill that the chief inspector may delegate his powers. When examinations take place there are always on hand employers and employees who are qualified to sit on the board of examiners. It is not a question of transporting people over long distances to serve on boards in remote areas. In the main the people doing the examinations are on the job.

As a consequence of approaches by the unions, an amendment has been made to the Bill in another place, and a machinery safety advisory board is to be established. I appreciate the recognition of the unions' approach. Included in the advisory board will be a representative of the unions to be nominated by the Trades and Labor Council. I believe that in addition to the chairman a representative of the Employers Federation will also be on the board. That aspect of the legislation is appreciated. This indicates the type of co-operation that has existed between the Government and the parties concerned in the framing of the Bill. The prospects for the future look good if this type of attitude is followed by the Government when amendments to vital legislation affecting industrial matters are introduced.

There are a few general matters in the Bill to which I would like to draw the attention of the House. One pleasing feature of the measure is the control that is to be provided for hot water boilers and airconditioning systems which may be installed in high-rise buildings and hospitals. I think it is important that there should be some control in this respect, because only last night I read in the Press that the Consumer Affairs Bureau had said that in private homes one domestic hot water unit exploded every three weeks.

If this is possible with the smaller units then it is obvious that the larger units in high-rise buildings and hospitals present far greater problems. The bureau pointed out the degree of damage that could be done and the loss of life that could be incurred. So a degree of control appears to be very necessary so far as these units are concerned, and it is pleasing to see this provided for in the Bill.

A further pleasing aspect in the Bill is that it provides for an investigation and a report on accidents which are caused by machinery. Provision is made that when an accident occurs a full investigation must be carried out as to the cause of the accident and to ascertain whether the machinery is at fault.

This provision in the Bill clearly indicates that the Government is interested in accident prevention, because one of the bases of accident prevention is to discover the cause of the accident after which it is generally possible to apply the remedy. This is one of the beliefs we have on this side of the House, and I know it is shared by the Government in respect of industrial safety.

The Bill also provides for the maintenance by dealers of machinery that is installed, whether such machinery is sold, leased, or hired.

I would like to mention one final aspect of the Bill which causes us some concern, and that is the right it gives to unqualified people to issue certificates of competency in respect of the driving of machinery. We understand from the explanations given that there are remote areas in which it is difficult on occasion to find people to work certain types of machinery. I think there is a provision in the Bill which, for example, gives the mine manager a right to issue a certificate of competency. I do not know whether or not this is a good thing.

Experienced union officials have told me that there are certain types of machinery which do not at all times require an attendant to be present—because they are equipped with fail safe devices. Some of these machines, however have high powered supercharged motors and, when anything does go wrong, it is possible for them to explode. This

is one aspect that has caused some concern to union officials associated with machinery safety.

By and large the Bill is regarded by us on this side of the House as a reasonably good piece of legislation. The measure has been well examined—as indicated earlier—by everybody associated with the industry, and it has received a good going over in another place.

Accordingly we support the Bill.

THE HON. S. J. DELLAR (Lower North) [8.34 p.m.]: In conjunction with Mr Cooley I also support the Bill which is an attempt to modify the laws regarding the safe design, construction, installation and operation of machinery in this State. There are, however, certain aspects of the measure which, perhaps, we would not support 100 per cent; though, as I have said, I think these are worth supporting at this stage.

As Mr Cooley has pointed out there are certain areas in which we are trying something new. Some of the machinery referred to by Mr Cooley—and I refer to winders and the like—are used in the gold-mining industry and therefore affect my electorate and my own home town.

These machines are used not only in the goldmining areas but also further north where massive quantities of iron ore are produced. There has been a tremendous increase in the number and the types of machines that are being operated in this industry.

I do not want to delay the Bill, but I would like to make a few comments. I believe it is a genuine attempt to rationalise the laws relating to industrial safety. The only grey area that remains is that mentioned by Mr Cooley which concerns unqualified persons being in a position to issue certificates of competency thus enabling the person concerned to operate certain types of machinery.

The Hon. G. C. MacKinnon: You would agree that the mine manager would be a pretty responsible fellow.

The Hon. S. J. DELLAR: Yes I would accept that, but there would be times when he would naturally rely on his underground foreman to establish whether or not a certain person is capable of operating a particular machine.

The Hon. G. C. MacKinnon: That would only happen in very remote and difficult areas.

The Hon. S. J. DELLAR: It could also happen in other areas where the inspector may not be due for several weeks, and where it may be necessary to keep certain machines operating.

The Hon. G. C. MacKinnon: There could be trouble in Kalgoorlie where you have the hierarchy.

The Hon. S. J. DELLAR: There is not likely to be trouble there because the inspectors would be present most of the time. There could be some doubt that a man is sufficiently qualified to say that someone else is capable of driving a certain type of machine. As Ministers often act on the advice that is given them by their advisers, I believe on the advice I have received that people involved in the industry are prepared to accept the provisions laid down in the Bill. As Mr Cooley has said it constitutes an attempt to alleviate some of the problems that have occurred in the past. I believe this to be in the nature of an experiment, and a very important one, because in this highly mechanised age the inspection and operation of machinery is very important indeed.

We are prepared to give the Bill a go and see what happens in the future and, if necessary, we could amend the measure at a later date. This constitutes a complete rewriting of the principal Act and as such we hope it will overcome some of the problems which have beset the industry.

With those few remarks I support the Bill.

Debate adjourned, on motion by the Hon. V. J. Ferry.

House adjourned at 8.38 p.m.

Legislative Assembly

Wednesday, the 20th November, 1974

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

BILLS (2): INTRODUCTION AND FIRST READING

1. Loan Bill.

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

2. Wundowie Charcoal Iron Industry Sale Agreement Bill.

Bill introduced, on motion by Mr Mensaros (Minister for Industrial Development), and read a first time.

QUESTIONS (56): ON NOTICE

1. SCHOOL HOURS

Daylight Saving

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Is there a direction or approval in existence authorising schools in areas where parents claim that their children are disadvantaged by "daylight saving", to vary school hours?

- (2) If "Yes" have any schools had recourse to this facility, and if so, how many and what are the names of the schools?

Mr MENSAROS replied:

- (1) No direction has been given but an adjustment to school hours is provided for in Regulations 175 (4) and 174. Adjustments to school hours should be arranged by mutual agreement between parents and teachers and others concerned.
- (2) A number of schools in the country have agreed to adjust school hours during the period of daylight saving. Many schools vary hours for reasons other than "daylight saving" and it is not general practice to maintain a register.

2.

HIGH SCHOOLS

Admission of 11-year-olds: Cost

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Has the Government arrived at a firm cost estimate of implementing its declared policy of transferring a child from the primary to the secondary school a year earlier?
- (2) If "No" when can the information be expected to be made public?

Mr MENSAROS replied:

- (1) and (2) The Government has decided to concentrate on improvements at the primary education level before implementing its policy in respect to the age of transfer from primary to secondary education. For this reason detailed cost estimates involved in the transfer of students from primary to secondary schools a year earlier have not been made.

3.

MOTOR VEHICLE DEALERS REGISTRATION BOARD

Transcript of Appeals

Mr A. R. TONKIN, to the Minister representing the Minister for Justice: Will the Minister arrange for the tabling of the full transcript of proceedings of the appeals by Cec Gray Motors Pty. Ltd. and Mr Peter Ian Morrison against the decision by the Motor Vehicle Dealers' Registration Board not to grant licenses?

Mr O'NEIL replied:

The transcript and reasons for judgment are required to be available for search by the public at the Local Court in Stirling Street. For that reason it is undesirable